

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume II, 1938

(23rd February to 23rd March, 1938)

SEVENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1938



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LEGISLATIVE ASSEMBLY

Wednesday, 23rd February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

RESIDENCE OF PERSONS GETTING EXEMPTION FROM SECTION 272 OF THE GOVERNMENT OF INDIA ACT, 1935.

437. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) how many of those who get exemption from section 272 of the Government of India Act, 1935, reside in England;
- (b) the number of such persons outside India and England; and
- (c) the number of such persons in India but outside British India?

The Honourable Sir James Grigg: (a) and (b). The information is not available.

(c) Such persons are not exempted under that section.

Mr. T. S. Avinashilingam Chettiar: May I know whether they do not know as to where the pensions are paid?

The Honourable Sir James Grigg: I know individual cases, but to go through every individual case and examine it and work out the financial estimate would be an enormous task.

Mr. T. S. Avinashilingam Chettiar: I only want the number of people. I am not asking for the amount of money paid.

The Honourable Sir James Grigg: There are other people besides covered in that exemption. The information has not been compiled and is not available.

Mr. Ram Narayan Singh: Will the Honourable Member collect the information?

The Honourable Sir James Grigg: No, Sir.

Mr. Ram Narayan Singh: Why not, Sir?

(No answer.)

(1001)

EXEMPTIONS FROM INCOME-TAX.

438. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether exemptions from the Income-tax Act have been given under the Income-tax Act;
- (b) if so, to whom; and
- (c) what will be the probable loss of income-tax arising out of these exemptions?

Mr. A. H. Lloyd: (a) Yes.

(b) I would refer the Honourable Member to section 4 (3) of the Indian Income-tax Act, 1922, and to paragraphs 17 and 18 of Part III of the Income-tax Manual, Seventh Edition, a copy of which has been placed in the Library.

(c) It is not possible to make an estimate.

Mr. T. S. Avinashilingam Chettiar: Why is it not possible?

Mr. A. H. Lloyd: If the Honourable Member will take my advice and refer to the paragraphs in the Income-tax Manual, he will see pretty clearly, why not.

Mr. T. S. Avinashilingam Chettiar: On what basis are exemptions given?

Mr. A. H. Lloyd: If the Honourable Member will study the paragraphs in the Manual, which I referred to, he will find that out.

EXEMPTION OF SALARIES AND LEAVE ALLOWANCES PAID ABROAD FROM INCOME-TAX.

439. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) what is the basis on which salaries and leave allowances paid abroad are exempt from income-tax;
- (b) whether only Government servants come under this exemption, or servants of local bodies and private firms also come under this exemption; and
- (c) what will be the probable loss of income-tax to the Government of India arising from these exemptions?

The Honourable Sir James Grigg: (a) and (c). I would refer the Honourable Member to the reply given to starred question No. 924 on the 3rd March, 1936.

(b) Leave salaries or leave allowances, paid in the United Kingdom or in a colony, to officers of local authorities or to employees of companies, or of private employers on leave in the United Kingdom or in such colony, are also exempt from income-tax.

TAKING OVER OF CONTROL OF THE ADMINISTRATION OF SALT MANUFACTURE AND SALT DEPOTS FROM PROVINCIAL GOVERNMENTS.

440. ***Mr. Manu Subedar** (on behalf of Seth Govind Das): Will the Honourable the Finance Member please state:

- (a) whether Government are contemplating taking over control of the administration of salt manufacture and salt depots from Provincial Governments;
- (b) whether Government have invited opinion thereon from Provincial Governments; and
- (c) the reasons of Government for taking charge of the control?

Mr. A. H. Lloyd: (a) Not at present.

(b) Yes.

(c) Does not arise.

EXEMPTION FROM INCOME-TAX OF INCOMES OF RULING CHIEF ACCRUING IN BRITISH INDIA.

441. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) whether the incomes of Ruling Chiefs accruing in British India are exempt from income-tax;
- (b) what was the loss of income resulting from this exemption during the last financial year; and
- (c) whether there is any *quid pro quo* for this concession to the Ruling Chiefs?

The Honourable Sir James Grigg: (a) The Ruling Chiefs in their personal capacity are liable to income-tax under section 3 of the Indian Income-tax Act, 1922, but by a notification under section 60 of the Act, the interest on Government securities held by, or on behalf of, Ruling Chiefs and Princes of India as their private property has been exempted from income-tax.

(b) It is not possible to estimate the amount of loss.

(c) No.

Mr. T. S. Avinashilingam Chettiar: Why is this exemption given then?

The Honourable Sir James Grigg: I imagine that the exemption was given at a time when the Government of India were anxious to attract subscriptions to their loans?

Mr. M. S. Aney: Why is it not possible for the Government to answer part (b)?

The Honourable Sir James Grigg: It is not possible.

Mr. M. S. Aney: Do not the Government know how much interest is paid?

The Honourable Sir James Grigg: The Government of India do not know.

Mr. M. S. Aney: Do the Government not know the amount of interest paid?

The Honourable Sir James Grigg: The Government of India do not know the ownership of bearer bonds.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that money is available very cheap, will the Government buy up those securities?

The Honourable Sir James Grigg: That does not arise out of this question. The Honourable Member had better put down a question.

RECRUITMENT OF BENGALIS FOR MILITARY TRAINING.

442. ***Mr. Brojendra Narayan Chaudhury:** Will the Defence Secretary please state:

- (a) if the attention of Government has been drawn to the following resolution passed by the Bengal Council:
"That this Council is of opinion that the Government of India be moved by the Government of Bengal to admit Bengalees for military training so as to form a permanent unit of the Indian army";
- (b) if this resolution was strongly supported by European members of the Bengal Council;
- (c) why the 49th Bengali Regiment raised during the Great War was disbanded;
- (d) why a new Bengali Regiment was not raised to replace it on a permanent footing;
- (e) how the 49th Bengalees acquitted themselves as a fighting force;
- (f) if there were a large number of Bengali soldiers in the army of the East India Company in (i) mixed regiments, or (ii) as separate units; how these Bengalees acquitted themselves as soldiers;
- (g) how many Bengalees there are now in the Indian Defence Force, section by section, officers and privates;
- (h) the reasons and the circumstances under which the number of Bengalees dwindled in the army;
- (i) if there is any bar to entrance of the Bengalees in sections of the army open to other Indians;
- (j) if any recruiting propaganda has been made in Bengal since the close of the Great War; if not, why not;
- (k) if any survey has been made about the general condition of physique of the Bengalees and its suitability for army conditions;
- (l) if Government intends adopting additional measures of recruiting propaganda amongst Bengalees; and
- (m) if the numbers of applicants for and entrants into cadetships from Bengal in relation to those from other provinces show that the Bengalees are less willing or less fit to enter the army?

Mr. C. M. G. Ogilvie: (a) Government have seen the press report.

(b) Government have no information beyond what is contained in the press report.

(c) On the adverse report and the recommendation of the General Officer Commanding concerned to that effect.

(d) Because of the experience gained of the 49th Bengal.

(e) Unsatisfactorily.

(f) As far as can be ascertained from the available records, Bengalis were not generally enlisted in the army of the East India Company.

(g) Bengalis are not recruited in the combatant ranks of the Indian Army. They are, however, serving as officers, other ranks, and civilians in certain corps and departments, *e.g.*, Indian Medical Service, Military Engineer Services and Indian Army Corps of Clerks. Exact numbers are not readily available and their collection from various sources would involve time and labour which would not be justifiable.

(h) I refer the Honourable Member to my replies to parts (d) and (e) of this question.

(i) Bengalis are not one of the classes at present recruited to the Indian Army.

(j) No, because no recruiting propaganda has been carried out in any part of India since the close of the Great War.

(k) No.

(l) No.

(m) Yes. Out of the 191 cadets admitted to the Indian Military Academy since 1932, as a result of open competitive examinations, there is not a single Bengali.

DIVERSION OF TRADE THROUGH LAND FRONTIER AND FALL IN SEA CUSTOMS.

443. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) what is the estimate of the extent of the diversion of trade through the land frontier, which has made the establishment of land customs houses necessary;
- (b) whether there is any appreciable fall in sea customs owing to this diversion; and
- (c) what is the estimate of revenue that they expect to get out of these land customs?

Mr. A. H. Lloyd: (a) and (b). It is not possible to make any estimate that would have any pretence at accuracy.

(c) As the land customs line is primarily preventive in character, collections of customs duty on the land frontiers are not expected to be appreciable, while it will be impossible to determine to what extent, if any, collections at sea-ports will have improved as a result of its imposition.

WATER TAX CHARGED IN THE JUTOGH AND DAGSHAI CANTONMENTS.

444. *Mr. Sham Lal: Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that the rate of water tax charged in Jutogh and Dagshai Cantonments is more than the rate of water tax in the neighbouring municipality of Simla; and
- (b) whether it is also a fact that the principle of charging the same rate as in the neighbouring municipality was accepted by Government at the time of the Cantonments Amendment Act?

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

(b) No. Charges for water in cantonments are regulated by the proviso to sub-section (2) of section 234-A of the Cantonments Act.

Mr. Sham Lal: Is the Honourable Member aware that his predecessor gave assurance that in no case the water tax would be more than in the adjacent municipal area?

Mr. C. M. G. Ogilvie: I am not absolutely certain what my predecessor said, but I believe him to have said that the rates in the adjacent municipal area would be taken into consideration in assessing taxes in cantonments.

Mr. Sham Lal: Is the Honourable Member aware that some cantonments are far away from municipal areas, and, therefore, no statutory obligation was imposed, but a distinct understanding was given that in no case the water tax will be more than in the adjacent municipal area?

Mr. C. M. G. Ogilvie: I am not aware of that.

NON-DELEGATION OF EXECUTIVE POWERS BY OFFICIAL PRESIDENTS TO ELECTED VICE-PRESIDENTS IN CANTONMENT BOARDS.

445. *Mr. Sham Lal: Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that no executive powers have so far been delegated by official President to any elected Vice-President of any Cantonment Board in India;
- (b) whether the attention of Government has been drawn to a "Note on Powers of Vice-Presidents" submitted to Government by the All-India Cantonments Association in September, 1937, and published in the *Cantonment Gazette* of September, 1937, page 113; and
- (c) whether in view of the creation of statutory bazar committees for the administration of civilian areas, Government are considering the advisability of vesting executive powers in the elected Vice-President, who is the Statutory Chairman of those committees and leader of the elected block?

Mr. C. M. G. Ogilvie: (a) Government have no information.

(b) Government have seen the article in the *Cantonment Gazette* of September, 1937.

(c) Attention of the Honourable Member is invited to the answer given to parts (c) and (d) of his starred question No. 378 on the 18th February, 1938.

Mr. Sham Lal: Will the Honourable Member make enquiry whether any executive powers have been given?

Mr. C. M. G. Ogilvie: I think it is hardly worth while.

Mr. T. S. Avinashilingam Chettiar: In case of the absence of the President, to whom does he ordinarily delegate his powers?

Mr. C. M. G. Ogilvie: If the Honourable Member will refer to the question which I have just referred to, namely, starred question No. 378 of the 18th February, 1938, he will find it explained. The facts are that in the case of the President being temporarily absent on station leave, the Vice-President acts for him.

ASSISTANT SECRETARY OF THE POONA CANTONMENT BOARD.

446. *Mr. Sham Lal: Will the Defence Secretary be pleased to state:

- (a) whether the attention of Government has been drawn to an article appearing in the *Cantonment Gazette* for May, 1937, under the caption "Unwanted Burden on Tax-Payers in Poona Cantonment", containing a note by Mr. Castilino, Member, Cantonment Board;
- (b) whether it is a fact that the Cantonment Board, Poona, is maintaining an Assistant Secretary at a heavy cost of Rs. 7,000 per annum;
- (c) whether that post was created when the Executive Officer had also to perform magisterial duties; and
- (d) whether Government propose to give relief to tax-payers in this matter?

Mr. C. M. G. Ogilvie: (a) Government have seen the article.

(b) Yes, but the total cost is Rs. 6,720 per annum.

(c) Government have no information.

(d) The matter is entirely within the discretion of the local Cantonment Board.

ALLEGATIONS AGAINST THE EXECUTIVE OFFICER OF THE NOWSHERA CANTONMENT BOARD.

447. *Mr. Sham Lal: Will the Defence Secretary be pleased to state:

- (a) whether the attention of Government has been drawn to a letter published in the *Cantonment Gazette* for September, 1937, under the heading 'Grievance of Nowshera Cantonment', complaining about the rude and rough behaviour of the Executive Officer of that Cantonment towards the public;

- (b) whether it is a fact that he called the representatives of Merchants' Association, who interviewed him, as 'goondas' and 'pugriwalas'; and
- (c) what step Government propose to take to ensure courteous treatment of public at the hands of the Executive Officer, Nowshera?

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

(b) and (c). Government have no information and are not prepared to take action or to make enquiries on the unsupported testimony of the *Cantonment Gazette*.

Mr. Manu Subedar: With regard to part (b), is it the attitude of the Army Department towards the merchants that any officials of the military or any officials under military rule in the cantonment can insult merchants by using these names?

Mr. C. M. G. Ogilvie: Certainly not.

Mr. Sham Lal: Even without accepting the statement made in the *Cantonment Gazette*, can not Government make an inquiry into these allegations?

Mr. C. M. G. Ogilvie: Government do not feel inclined to act on the unsupported testimony of the *Cantonment Gazette* which frequently makes the most irresponsible statements.

ALLEGED CORRUPTION AMONG THE CANTONMENT BOARD SERVANTS.

448. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

- (a) whether Government are aware of the fact that the Executive Officers of Cantonment Boards use chaprasis, garden coolies and sweepers of the Board, for work at their residences;
- (b) whether the Inspecting Officers of Government ever go into these matters;
- (c) whether the Inspecting Officers of Cantonments in their inspection also inquire into the nature and extent of corruption among Board servants prevailing in a cantonment; and
- (d) if the answer to part (c) be in the negative, whether Government are prepared to take steps to make such inquiries through inspections?

Mr. C. M. G. Ogilvie: (a) One or two cases have been reported to the Government of India.

(b) Yes.

(c) Yes.

(d) Does not arise.

Mr. T. S. Avinashilingam Chettiar: With reference to part (a), what action have Government taken on the one or two cases reported to them?

Mr. C. M. G. Ogilvie: They have taken the necessary action.

Mr. T. S. Avinashilingam Chettiar: What exactly is the action that they have taken?

Mr. C. M. G. Ogilvie: The action taken depends upon the circumstances of each particular case. If the Honourable Member will mention the particular case I will give him an answer.

Mr. T. S. Avinashilingam Chettiar: What is the action that he has taken on one of the cases that he has mentioned?

Mr. C. M. G. Ogilvie: I shall require notice.

Mr. K. Santhanam: With reference to clauses (b) and (c), how many cases have the Inspecting Officers reported?

Mr. C. M. G. Ogilvie: I shall require notice of that question.

ASSESSMENT OF HIS HIGHNESS THE MAHARAJA OF BENARES TO INCOME-TAX.

449. ***Mr. Sri Prakasa:** Will the Honourable the Finance Member state:

- (a) if the attention of Government has been drawn to the judgment of the Allahabad High Court in connection with a reference made to them regarding the assessment of His Highness the Maharaja of Benares to income-tax;
- (b) if it is a fact that the High Court has declared that His Highness cannot be directly assessed for properties belonging to him in British territory;
- (c) what steps, if any, Government propose to take to realise their taxes now;
- (d) if it is a fact that no differentiation is possible between the properties belonging to the State and the Ruler; and
- (e) if the tax is levied at the rates applicable to individuals or to corporations?

Mr. A. H. Lloyd: (a) and (b). Yes.

(c) The matter is receiving consideration.

(d) No.

(e) The Ruler is liable to income-tax on his income at the rates applicable to individuals.

Mr. Sri Prakasa: With reference to the reply to part (e) of the question, may I know if in fixing the rate of the tax, Government take into consideration the whole of the income of particular Indian Princes throughout British India?

Mr. A. H. Lloyd: The whole of his private income in British India,—yes.

ASSESSMENT OF THE VICEROY'S HOUSE, THE SECRETARIAT BUILDINGS AND THE COUNCIL HOUSE TO INCOME-TAX.

450. ***Mr. Sri Prakasa:** Will the Honourable the Finance Member state:

- (a) if the Viceroy's House, the Secretariat Buildings and the Council House are assessable to income-tax;

(b) what is their valuation and what is the tax levied on each; and

(c) how are the taxes realised and who pays them?

Mr. A. H. Lloyd: (a) No.

(b) and (c). Do not arise.

Mr. Sri Prakasa: With reference to the Honourable Member's reply to part (a), is it not a fact that according to the Income-tax Manual only the residence of the Commander-in-Chief is exempt from income-tax and not the Viceroy's residence?

Mr. A. H. Lloyd: I cannot say off-hand what is in the Income-tax Manual on that point, but it is a fact that a notification has been published in the Gazette under section 60 of the Income-tax Act exempting His Excellency the Viceroy from income-tax on the annual value of the Viceroy's House.

ASSESSMENT OF PALACES OF RULING PRINCES, ETC., IN NEW DELHI TO INCOME-TAX.

451. ***Mr. Sri Prakasa:** Will the Honourable the Finance Member state:

- (a) if it is a fact that there are palaces in New Delhi belonging to the Ruling Princes and foreign powers;
- (b) if these are subject to income-tax;
- (c) how is the assessment made and to whom are notices sent;
- (d) if the taxes are levied at the rates applicable to individuals or to corporations; and
- (e) what is the total amount realised as income-tax from the palaces of Indian Princes and foreign powers in New Delhi?

Mr. A. H. Lloyd: (a) The palaces belong to the States and are not the private property of the Ruling Princes. As far as Government are aware, there are no palaces of foreign powers in New Delhi.

(b) No.

(c), (d) and (e). Do not arise.

Mr. Sri Prakasa: Am I to understand that the palaces of Indian States are exempt from income-tax? If so, under what section of the law?

Mr. A. H. Lloyd: Indian States, as opposed to the rulers in their personal capacity, are not liable to income-tax under the Income-tax Act. They are only liable to income-tax if the provisions of the Government Trading Taxation Act of 1926 are attracted.

Seth Govind Das: Is it a fact that in spite of their holding property in British India they are not liable to income-tax?

Mr. A. H. Lloyd: Yes, it is a fact.

Mr. Sri Prakasa: How are Government able to differentiate between the properties of Indian princes as such and properties belonging to their States? Are they required to make any statement to that effect?

Mr. A. H. Lloyd: The answer to that question depends entirely on the circumstances of each case. It is impossible to lay down any general rule, nor can I assert that there is no difficulty in making the distinction.

Mr. T. S. Avinashilingam Chettiar: What is the basis on which this exemption is given?

Mr. A. H. Lloyd: There is no basis on which exemption is given. The fact is that the Income-tax Act does not apply to the Indian States.

Mr. Sri Prakasa: With regard to the palaces in New Delhi, have they made sure that they belong to the States as such and not to the rulers? In other words, are the subjects of those States in a position to make use of those palaces?

Mr. A. H. Lloyd: I shall require notice of that question.

Prof. N. G. Ranga: Do the properties held by the Government of India in Indian States enjoy the same immunity from income-tax in those areas?

Mr. A. H. Lloyd: To the best of my belief they do.

POLITICAL STATUS OF AJMER-MERWARA.

452. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Home Member please state:

- (a) whether he recently visited Ajmer-Merwara, and if so, the object of his visit;
- (b) whether one of the objects of his visit was to ascertain the opinion of the people of Ajmer-Merwara regarding the future of the Province;
- (c) who were the people consulted, and whether they represented anybody in Ajmer-Merwara;
- (d) what are the conclusions he has reached regarding the future of Ajmer-Merwara;
- (e) whether it is a fact that he contemplates such arrangements as would not secure for the people concerned any effective voice in the administration;
- (f) whether he is aware that there is a considerable section of opinion in Ajmer-Merwara who desire amalgamation with progressive United Provinces; and
- (g) whether he proposes to devise some means of ascertaining the will of the people regarding their own future?

The Honourable Sir Henry Craik: (a) and (b). I visited Ajmer-Merwara to acquaint myself with such departments of the administration of the area as have recently come under the control of the Home Department.

(c) Though my visit was not made with the purpose of consulting people about the constitutional future of the Province, the subject naturally arose in the course of conversation with a number of persons.

(d) and (e). I have arrived at no conclusions.

(f) and (g). I would refer the Honourable Member to my replies to Mr. Badri Dutt Pande's question No. 200 on the 10th February, and to the supplementary questions.

Mr. M. S. Aney: With reference to clause (c), the question is who were the people consulted. The Honourable Member did not say who those people were and whom they represented.

The Honourable Sir Henry Craik: I did not say I consulted anybody. I said that the subject arose in conversations with a number of persons.

Mr. K. Santhanam: With reference to part (c), did the Honourable Member have conversations with the popular representatives also or only with officials?

The Honourable Sir Henry Craik: I had conversations with a number of people living in that area.

Mr. Badri Dutt Pande: Did any deputation wait on the Honourable Member on that subject?

The Honourable Sir Henry Craik: No, Sir.

REORGANISATION OF THE PUBLIC INFORMATION BUREAU.

453. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Home Member please state:

- (a) whether proposals are under consideration for the re-organisation of the Office of the Director of Public Information in the Government of India; and if so, what they are;
- (b) whether these include activities in the provinces; and if so, what they are, and whether Provincial Governments have been consulted about them;
- (c) what the cost of these proposals is;
- (d) the reasons for these proposals;
- (e) when it is proposed to put them into effect; and
- (f) whether it is proposed to transfer a part of the activities to the Governor General's Secretariat, and if so, the reasons for it?

The Honourable Sir Henry Craik: (a) to (f). Proposals are under consideration: Government have, however, reached no conclusions on the proposals, and until a conclusion is reached, I am unable to disclose the nature of the proposals.

Mr. C. N. Muthuranga Mudaliar: With reference to part (b), have they consulted the Provincial Governments?

The Honourable Sir Henry Craik: I have said that I am not able to disclose the nature of the proposals.

RECOMMENDATIONS OF THE WHEELER AND MAXWELL COMMITTEES.

454. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Home Member please state:

- (a) the number and names of Secretariat Departments contemplated as a result of the Wheeler and Maxwell Committee reports;

- (b) the number of Indian Civil Service Officers which it is expected will be required in addition to those in existence on the 1st April, 1937;
- (c) how it is proposed to recruit them, and what their tenure will be;
- (d) if recruitment of these officers is to be from the provinces, what are the provinces which will be considered for the purpose, and in what order;
- (e) what the effect of the recruitment of these officers is or will be on the prospects of the subordinate staff; and
- (f) whether Government propose to consider the desirability of suitably compensating the members of that staff for any loss of prospects that there might be, or whether Government will be prepared to consider appointment to higher Secretariat posts solely with reference to merit, irrespective of the service to which a person belongs?

The Honourable Sir Henry Craik: (a) and (b). The consideration of these points has not advanced far enough to enable me to give the Honourable Member reliable information.

(c) I would refer the Honourable Member to paragraphs 5 and 6 of the Press Note, dated the 17th November, 1937.

(d) Recruitment of Indian Civil Service officers for service in the Secretariat will be made from all the Provinces. It is not possible to observe a fixed rotation in making demands for officers from the Provinces, but it will be one of the duties of the Establishment Officer to see that as far as possible each Province supplies its proportionate share of officers.

(e) and (f). I would refer the Honourable Member to paragraph 8 of the Press Note of the 17th November, 1937.

Mr. M. Ananthasayanam Ayyangar: What is the number fixed for Madras?

The Honourable Sir Henry Craik: No number has been fixed for any province.

POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS.

455. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Home Member please state:

- (a) the number of political prisoners at present in the centrally administered areas;
- (b) to which provinces they belong;
- (c) whether the Provincial Governments concerned have expressed any desire in regard to them, and, if so, what;
- (d) whether any representations have been received from any of the prisoners for repatriation, and, if so, what action has been taken; and

- (e) how many of the prisoners have been convicted for violent and how many for non-violent offences, and whether Government are prepared to consider the desirability of releasing the latter, if there are any?

The Honourable Sir Henry Craik: (a) to (e). I am making inquiries and will lay the required information on the table of the House in due course.

PRISONERS IN THE ANDAMANS AND MAINTENANCE OF THE ANDAMANS PENAL SETTLEMENT.

456. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable the Home Member state how many prisoners are there still in the Andamans, and how many from each province?

(b) Are they kept there on the request of the several Provincial Governments or in spite of their wishes?

(c) Do any of the Provincial Governments contribute towards the expenses of the up-keep of the Andamans Penal Settlement? If so, what are the amounts, and if not, why not?

(d) What is the average cost per year to the Central Government for the maintenance of that penal settlement, and are the Government of India bound to maintain the same?

(e) Have not Government received representations to close down the penal settlement, and have they considered the desirability of abolishing that penal settlement?

The Honourable Sir Henry Craik: (a) There are about 6,000 volunteer convicts in the Andamans. I have no precise information as to the number belonging to each Province.

(b) They were sent to the Andamans, and are being kept there, with the consent of the Provincial Governments concerned.

(c) No contribution is levied from Provincial Governments as the volunteer convicts, after the first three months, either work in the settlement as paid labourers or support themselves by agriculture or other occupations.

(d) The net annual cost of the Convict Settlement is between 15 and 16 lakhs of rupees. For obvious reasons the Islands cannot be abandoned and the maintenance of the convict settlement is of great advantage to the administration of the Islands.

(e) I have received notice of a resolution on the subject. The policy of Government regarding the transfer of volunteer convicts to the Andamans was explained in the Home Department Resolution, dated the 27th February, 1926. Government have no intention of abolishing the Andamans convict settlement.

Mr. K. Santhanam: May I know if the Government of India consider the desirability of consulting the new Provincial Governments about the maintenance of this settlement?

The Honourable Sir Henry Craik: We have been in communication with some of the Provincial Governments on the matter.

Mr. K. Santhanam: May I know the reply of those Provincial Governments?

The Honourable Sir Henry Craik: They do not want the convicts sent back.

Prof. N. G. Ranga: What are those Provincial Governments?

The Honourable Sir Henry Craik: Two of them are certainly the United Provinces and Bombay; I think Madras also held the same view.

Prof. N. G. Ranga: Were other Provincial Governments also consulted?

The Honourable Sir Henry Craik: I do not think so.

Mr. Sri Prakasa: With reference to the Honourable Member's reply to part (c) of the question, may I know the principle on which the Central Government have to pay for the prisoners of Provincial Governments?

The Honourable Sir Henry Craik: That has always been the practice so far as I know since the Settlement started.

Mr. M. Ananthasayanam Ayyangar: May I take it, Sir, that the object of retaining the convict settlement is primarily to improve the Andaman Islands?

The Honourable Sir Henry Craik: May I refer the Honourable Member to the Home Department Resolution of 1926: there are other objects as well.

REVISED SCALES OF SALARIES FOR OFFICERS OF THE COVENANTED CIVIL SERVICE AND THE ALL-INDIA SERVICES.

457. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable the Home Member state whether the Secretary of State considered the Government of India's proposal to introduce revised scales of salaries for officers of the covenanted Civil Service and the All-India Services and if so, with what result? If not, why not?

(b) Are Government aware that lower scales, cutting down higher salaries even by thirty per cent., have been introduced by the Government of Madras regarding Provincial services with effect from the 1st April, 1937?

(c) Are Government prepared to adopt similar scales for both the subordinate and superior services?

The Honourable Sir Henry Craik: (a) Future recruitment to the All-India Services has ceased except in respect of the Indian Civil Service, the Indian Police and the Indian Medical Service. Revised rates of pay for the Indian Medical Service have been prescribed for new entrants.

As regards the Indian Civil Service and the Indian Police, I would refer the Honourable Member to the reply given by me on the 15th February, 1938, to part (a) of starred question No. 263 in this House.

(b) Yes.

(c) I would refer the Honourable Member to the reply given on the 12th March, 1936, to starred question No. 1141.

Mr. T. S. Avinashilingam Chettiar: It is now seven years since this matter was brought up for consideration, and it has been postponed eternally all these years. May I know why Government refuse to take action in the matter?

The Honourable Sir Henry Craik: I do not understand the Honourable Member's question. He asked why the Government refuse to take action in this matter. They have not refused to take any action.

Mr. T. S. Avinashilingam Chettiar: May I know if in his last answer he said that they had postponed action till the Federation came?

The Honourable Sir Henry Craik: The matter is one for the Secretary of State, not for the Government of India.

Mr. T. S. Avinashilingam Chettiar: Will the Government of India impress upon the Secretary of State to take action soon?

The Honourable Sir Henry Craik: There is no present intention of addressing the Secretary of State again.

Mr. T. S. Avinashilingam Chettiar: Why not?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on arguing.

Mr. M. Ananthasayanam Ayyangar: Is it or is it not a fact that the Madras Government have written to the Government of India that for the future the salaries of Indian Civil Servants ought to be reduced?

The Honourable Sir Henry Craik: I have seen no such communication.

Mr. M. Ananthasayanam Ayyangar: Has no communication been received from the Madras Government regarding reduction of salaries of all-India services other than Medical?

The Honourable Sir Henry Craik: As far as I am aware, no communication has been received from the Madras Government on the subject.

Mr. T. S. Avinashilingam Chettiar: Since there has been a reduction in the salaries of other services, are Government aware that there is a greater disparity in pay between the I.C.S. and other services?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows it.

Mr. T. S. Avinashilingam Chettiar: It is for them to know.

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

CREATION OF POSTS IN SUPERIOR SERVICE AND RETRENCHMENT IN THE GOVERNMENT OF INDIA.

458. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable the Home Member state how many new posts were created in the superior services of the Government of India carrying salaries over Rs. 500 a month since the inauguration of the Montague-Chelmsford Reforms? Will he please lay a list on the table?

(b) Are Government prepared to appoint a Committee to effect retrenchment of personnel, officers and salaries in the Government of India to reduce expenditure?

The Honourable Sir Henry Craik: (a) The collection of the information will involve labour out of proportion to the advantage likely to be gained, and Government regret that they cannot undertake to make the necessary inquiries.

(b) I have nothing to add to the reply which I gave to starred question No. 1141 in the Legislative Assembly on the 12th March, 1936.

Mr. M. Ananthasayanam Ayyangar: May I know the approximate estimate of the amount by which salaries have increased since the Montague-Chelmsford reforms—total amount? May I know since 1928 what the increase in the salaries has been?

The Honourable Sir Henry Craik: That does not arise out of this question: I cannot possibly answer it without notice.

Mr. M. Ananthasayanam Ayyangar: I want a list of officers who have been appointed on salaries over Rs. 500.

The Honourable Sir Henry Craik: I cannot undertake to collect the information.

Mr. M. Ananthasayanam Ayyangar: Cannot the Honourable Member give me an approximate idea of the total increase involved?

The Honourable Sir Henry Craik: The number of services involved is so large that I cannot possibly give any estimate.

Prof. N. G. Ranga: Are we to understand that the Government of India do not think of further retrenchment in central expenditure on staff and salaries?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise.

Prof. N. G. Ranga: He has referred us to his answer in 1936. Are they not contemplating retrenchment now? That arises out of (b).

The Honourable Sir Henry Craik: My answer was that I have nothing to add to my reply to starred question No. 1141 on the 12th March, 1936.

Prof. N. G. Ranga: It is as old as two years. Have Government since then not found it necessary to go into the matter of retrenching expenditure on salaries of people employed by them?

The Honourable Sir Henry Craik: No, not since 12th March, 1936.

Mr. Manu Subedar: Can the Honourable Member give us an idea of the cost involved in securing this information?

The Honourable Sir Henry Craik: I have said it will be out of proportion to the advantage likely to be gained: I can give no closer idea than that.

Sir Cowasji Jehangir: The Honourable Member says that he cannot give information nor give the cost: Will the Honourable the Home Member compare the trouble taken by other Departments in answering hundreds of questions?

The Honourable Sir Henry Craik: The amount of trouble and cost is always taken into consideration.

Sir Cowasji Jehangir: So it comes to this: it is the Honourable Member's opinion that the trouble that will be involved in answering this question will be much more than the trouble taken by other Departments in answering hundreds of questions.

The Honourable Sir Henry Craik: That is purely an argument, and a wholly fallacious argument.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable Member aware that the Government of Madras along with their Budget in each year gave a list of new appointments made in that year and also all the appointments made for the past ten years?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise.

IMPORT DUTY ON OLD IRON GIRDERS CHARGED FROM ONE MR. R. LAKSHMANAN.

459. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Finance Member please state if it is a fact that one Mr. R. Lakshmanan, a merchant of Kulasekharapatnam, Tinnevely district, recently imported old iron girders of British make from Colombo?

(b) Is it a fact that the Collector of Customs, Madras, assessed them at the normal rate of import duty instead of the preferential rate, on the ground that goods though of British manufacture, when they are imported from parts other than the United Kingdom ports were not eligible for the preferential tariff allowed by the Ottawa Trade Agreement?

(c) Is it a fact that the said Mr. Lakshmanan has sent in a memorial to the Central Board of Revenue? If so, what orders have been passed thereon?

Mr. A. H. Lloyd: The Central Board of Revenue have received a representation on the subject. Orders have been passed, rejecting the representation.

Mr. C. N. Muthuranga Mudaliar: Is it not a fact that these materials of British manufacture come under the Ottawa Agreement?

Mr. A. H. Lloyd: The girders were assessed to duty under one of the items in the tariff relating to protective rates of import duty and not under one relating to the preferential rates, and, therefore, the question of the Ottawa Trade Agreement does not arise.

DENIAL OF BENEFITS OF PENSION OR GRATUITY TO INDIAN CLERKS IN THE UNIVERSITY TRAINING CORPS AND AUXILIARY FORCE.

460. ***Mr. Lalchand Navalrai:** Will the Defence Secretary please state:

(a) the number of University Training Corps and Auxiliary Force Units in India and the authorised clerical strength for the University Training Corps and Auxiliary Force Units;

(b) the number of clerks, B. O. Rs., I. O. Rs., Indian civilians, in employment at present with their grades of pay;

(c) whether it is a fact that the Indian civilian clerks employed in the University Training Corps and Auxiliary Force Units can only draw Rs. 90 per mensem as a maximum salary;

(d) whether it is a fact that the clerks of similar status in other departments of the Defence Service can rise to a maximum of Rs. 375 per mensem by annual grades;

(e) whether it is a fact that recently the scale of pay for the Army Remount Department has been revised and fixed at Rs. 60 to Rs. 325 per mensem by annual increment;

(f) if the answers to parts (c), (d) and (e) be in the affirmative, do Government contemplate to raise the standard of the salaries in this department to correspond with that of the other departments of the Army; if not, why not;

(g) whether it is a fact that Government servants in all departments of Government entitle themselves either to pension or gratuity on completion of the stipulated period of service;

(h) whether it is a fact that the B. O. Rs. serving in the University Training Corps and Auxiliary Force Units are entitled to full pensions on their retirement;

(i) whether Government are aware that no provision of pension or gratuity is made for the Indian clerks serving in the University Training Corps and Auxiliary Force Units; and

- (j) if the answer to part (i) be in the affirmative, whether Government propose to make provision for pension or gratuity for Indian civilian clerks of the University Training Corps and Auxiliary Force on the *similar scale as for other Departments*; if not, why not?

Mr. C. M. G. Ogilvie: (a) Auxiliary Force units 44 and University Training Corps Units 10.

One Indian civilian clerk is allowed for each University Training Corps Unit, but for Auxiliary Force Units no establishment is laid down. The number that may be required in any particular case and the pay that is paid is a matter for local arrangement and varies from time to time and from place to place. Both categories are temporary and not permanent Government servants.

(b) and (c). British other ranks and Indian other ranks are not employed as clerks in these units. In University Training Corps Units the grade of pay of Indian civilian clerks varies from Rs. 50 to Rs. 90 per mensem.

(d) No. The status of the clerks employed in University Training Corps or Auxiliary Force India 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.

(e) Yes, except that the starting pay is Rs. 45 per mensem and not Rs. 50 per mensem.

(f) Does not arise.

(g) No.

(h) I refer the Honourable Member to the answer given in part (b) of this question.

(i) Yes.

(j) No, because the type of clerk required can be obtained on a temporary and non-pensionable basis. These clerks do, however, receive pay which is higher than they would normally obtain were they admitted to permanent Government service.

Mr. Lalchand Navalrai: With reference to clause (j), may I know whether there is any provision made for these men after they retire, if they have served for a long time?

Mr. C. M. G. Ogilvie: The only provision that can be said to have been made is that they are paid at a higher rate than their service would entitle them to were they made permanent, and, therefore, may be expected to save some money.

Mr. Lalchand Navalrai: Will there be any arrangement made to give them less pay with some provision after retirement?

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

EXTENSIONS GRANTED TO CIVILIAN SUBORDINATES SERVING IN CERTAIN CORPS OF THE ARMY.

461. ***Mr. Mohan Lal Saksena:** (a) Will the Defence Secretary lay on the table a statement showing the names of civilian subordinates serving in the various corps, *viz.*, R.I.A.S.C., I.A.O.C., Farms, etc., who have been or are being granted extension of service beyond the age of 55 years by their respective Heads of Departments during 1937-38 and 1938-39 and the reasons which necessitated such grants?

(b) Are Government aware of the fact that such extensions lead to extra expenditure and do not reduce the unemployment of educated Indians?

(c) Are Government aware that such a policy is against the recommendations of the Sapru Committee referred to in His Excellency the Governor General's last address to the Central Legislature?

(d) Are Government aware of the widespread discontent amongst the junior staff of the services concerned on account of blockade in their further promotion?

(e) Is it a fact that Government are considering the question of retiring their employees after 25 years' service?

(f) How do they justify such extensions even after 30 years service or 55 years of age?

(g) Are Government prepared to issue instructions to those Heads of Departments to cancel such extensions as have been granted and have not yet been given effect to and of those who are already on extension by retiring them immediately?

Mr. C. M. G. Ogilvie: (a) In the case of civilian subordinates of the various corps mentioned by the Honourable Member, the normal retiring age is 60. No person has been granted an extension beyond that age.

(b) Extensions of service do not reduce unemployment, but the continuation of persons in service so long as they are fit is generally economical.

(c) Government are aware that as a palliative to the unemployment problem, the Sapru Committee have recommended that "no extensions should be granted to any public servant after he has completed the fifty-fifth year of his age".

(d) No.

(e) Government of India have at present under consideration the question of reducing the superannuation age limit.

(f) As I have explained in reply to part (a) above, the question of extension of service does not arise on completing 55 years of age in the case of subordinates. I may, add, however, that when an extension is granted, it is given only on public grounds.

(g) No.

Lieut.-Colonel Sir Henry Gidney: With reference to part (e) of the question, will the Government of India kindly inform this House whether that consideration applies to all services or only to the two services under consideration in this question?

Mr. C. M. G. Ogilvie: I have no information.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member in charge give that information?

(No reply was given).

Mr. Mohan Lal Saksena: When are the Government likely to come to a decision in this matter?

Mr. C. M. G. Ogilvie: I am afraid I cannot say.

Mr. Mohan Lal Saksena: How long has this question been under consideration?

Mr. C. M. G. Ogilvie: At a guess, for a few months.

Mr. M. Ananthasayanam Ayyangar: Will the Government now consider the desirability of fixing 55 as the age of retirement instead of 60, with respect to civilian subordinates?

Mr. C. M. G. Ogilvie: I cannot add anything to my answer to part (e) of the question.

NON-CONSTITUTION OF A BAZAR COMMITTEE IN THE AGRA CANTONMENT.

462. ***Mr. Mohan Lal Saksena:** (a) Will the Defence Secretary be pleased to state if no Bazar Committee has been formed in Agra Cantonment uptill now as required under section 43A, Cantonment Act? If so, why?

(b) Is Tripolia Ward the most thickly populated and rich quarter in the Agra Cantonment? If so, why has it not been included in bazar area as required under section 43A, Cantonment Act?

(c) Is it a fact that the elected members have refused to form a Bazar Committee in Agra Cantonment owing to the Tripolia Ward not being included in the bazar area?

(d) Is it a fact that the Government of India does not want its inclusion in the bazar area because of its land revenue?

(e) What is the final decision of Government in this matter in view of the unanimous resolution of the Agra Cantonment Board?

(f) What action, if any, do Government propose to take, if no Bazar Committee is constituted, as is the case so far?

Mr. C. M. G. Ogilvie: (a) No, because the elected members refuse to serve on it.

(b) Yes, because it is situated in the Defence Zone and has not been under the management of the Board for the past ten years.

(c) Yes.

(d) No.

(e) An application from the Board asking for the area in question to be declared a bazar area is under consideration by the Government of India.

(f) None at present.

Mr. T. S. Avinashilingam Chettiar: What are the reasons for the refusal?

Mr. C. M. G. Ogilvie: I gave them in answer to part (b).

Mr. Mohan Lal Saksena: When are Government likely to come to a decision in this matter?

Mr. C. M. G. Ogilvie: I should say about the end of next month.

Mr. Lalchand Navalrai: May I know why they refused to serve on the Board?

Mr. C. M. G. Ogilvie: The reason is because of the facts stated in part (c) of the question.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member (Mr. T. S. Avinashilingam Chettiar) has exhausted his quota of five questions so the answer to the next question will be laid on the table.

GRANTS OR LOANS APPLIED FOR BY THE GOVERNMENT OF MADRAS FOR BUILDING HOUSES FOR INDUSTRIAL LABOURERS.

†463. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

(a) whether the Government of Madras have applied to the Government of India for grants or loans for the purpose of building houses for industrial labourers; and

(b) whether they have agreed to give any amount; if so, what amount, and when it is proposed to be given?

The Honourable Sir James Grigg: (a) No.

(b) Does not arise.

INCOME STATISTICS.

464. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable the Finance Member be pleased to state whether Government have statistics regarding the average annual income of an Indian in British India and if so, state the same?

(b) What is the average annual income of an Indian, taking into account only those Indians whose income does not exceed Rs. 1,000?

(c) What percentage of the Indians in British India have annual income up to Rs. 50, Rs. 100, Rs. 200, Rs. 300, Rs. 400 and Rs. 500?

The Honourable Sir James Grigg: As I stated in reply to Mr. Abdur Rasheed Choudhury's question No. 288 on 2nd September, 1937, Government have no official statistics on this subject.

Prof. N. G. Ranga: Have not Government taken any steps to collect this information after they have appointed their Economic Adviser?

The Honourable Sir James Grigg: He has been here only about a month, and he would have to get very busy if he was to collect all these statistics in a month.

† Answer to this question laid on the table, the questioner having exhausted his quota.

FOREIGNERS APPOINTED UNDER THE GOVERNMENT OF INDIA.

465. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Home Member be pleased to state how many foreigners have been appointed under the Government of India besides those recruited in the Indian Civil Service and Indian Police Service as experts and in other capacities during the last three years?

(b) Will he lay on the table a statement giving the names of such persons, their qualifications and emoluments and the reasons for such appointment?

(c) Are Government prepared to consider the desirability of issuing instructions that no person should be appointed from outside the country unless persons with suitable qualifications were not available in the country?

The Honourable Sir Henry Craik: (a) and (b). I am collecting the necessary information and will lay a statement on the table of the House.

(c) Instructions have already been issued to this effect.

UNSTARRED QUESTIONS AND ANSWERS.

BAN ON INDEPENDENCE PLEDGE IN THE LANSDOWNE BAZAR.

34. **Mr. Badri Dutt Pande:** Will the Defence Secretary be pleased to state the reasons when the independence pledge and the meeting thereof was banned in the Lansdowne Bazar when it was recited and celebrated all over India?

Mr. C. M. G. Ogilvie: I refer the Honourable Member to the answer given by me to Mr. Mohan Lal Saksena's starred question No. 258 of the 15th February, 1938.

DISCUSSION ON THE SALES TAX IN THE FINANCE MINISTERS' CONFERENCE.

35. **Mr. Manu Subedar:** Will the Honourable the Finance Member be pleased to state whether the question of the sales tax was discussed at the Finance Ministers' Conference recently held?

The Honourable Sir James Grigg: I have nothing to add to the reply which I gave to question No. 371 asked by the Honourable Member on the 18th instant.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 25, asked by Mr. Lalchand Navalrai on the 31st January, 1938.

SENIORITY OF STAFF PROMOTED AS GRADE V ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

Government are informed as follows:

(a) The seniority of staff, such as Assistant Station Masters, Guards, Enquiry Clerks, etc., promoted as Assistant Station Masters, Grade V, is reckoned on their substantive pay. In the case of Guards, however, their substantive pay for such promotions is fixed on their pay plus 75 per cent. of their mileage allowance.

(b) and (c). It is not practicable to have one system of reckoning seniority. The different methods stated by the Honourable Member in part (c) of the question are considered necessary to meet the different circumstances of each case.

(d) Yes, as explained in the reply to part (a) above.

(e) The method of reckoning seniority is as stated in my reply to part (a) above. It is regretted that the information given in the letter referred to by the Honourable Member was not complete in so far that it did not mention that a Guard on promotion to a stationary post is given credit for mileage allowance in fixing his pay.

(f) No final chart of promotions has yet been adopted, therefore, the points raised in this part of the question do not arise.

(g) No.

(h) Does not arise. The attention of the Honourable Member is, however, drawn to the information laid on the table of the House on the 15th February, 1938, in connection with parts (b) and (c) of his starred question No. 24 asked on the 31st January, 1938.

(i) In view of the replies to parts (a) to (h) above this does not arise.

Information promised in reply to starred question No. 304, asked by Mr. H. M. Abdullah on the 16th February 1938.

STATIONS ON THE NORTH WESTERN RAILWAY WITH PUBLIC AND RAILWAY POWER HOUSES.

"(a) and (f). Government are not in possession of this information and do not consider that its value is commensurate with the cost and labour involved in obtaining it.

(b) No, the Railway is not operating 'out-of-date' machinery at any electric generating station where local supply authorities are able to offer an economic and reliable supply of electric energy.

(c) Does not arise.

(d) and (e). The policy is to purchase electric energy from local supply companies where the supply is adequate, reliable and economic; each case, however, requires separate consideration as to its financial justification."

THE RAILWAY BUDGET—LIST OF DEMANDS—*contd.*DEMAND NO. 6-E—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT—*contd.**Economy—concl'd.*

Mr. President (The Honourable Sir Abdur Rahim): Discussion will now be resumed of the motion* moved by Mr. Muhammad Azhar Ali—No. 159 on the List.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I was rather surprised to see the cut to reduce the general traffic expenses of the Railways by 33 per cent. I always thought that the retrenchment which was started in 1931 had already gone too far in the Traffic Department, in fact it has already gone so far that it has now reached a somewhat dangerous point. Sir, in most

*"That the demand under the head 'Working Expenses—Expenses of Traffic Department' be reduced by 33 per cent."

[Dr. Sir Ziauddin Ahmad.]

of the small stations only two persons are working, and every one of them has to work for 12 hours. They get no relief whatever during the whole month, and they have to work 12 hours every day practically throughout the whole year. In these circumstances, I do not think that the expenses of the Traffic Department can be reduced by 33 per cent. How can we further reduce the expenses of the Traffic Department? Are we to ask these people to work for more than 12 hours? Should we reduce their salaries further which are already on an uneconomic basis, or on what lines can we think of reducing the expenditure in order to effect economy by 33 per cent.? Sir, there is a fallacy in the minds of some of my friends on this side of the House, because whenever they press the question of economy, they have always the question of the salaries of the higher officials in mind, but the salaries of the higher officers form a very small percentage of the salaries paid to the subordinate and menial staff. If economy is to be effected by 33 per cent., then I fear that the major portion of the reduction will fall mainly upon the subordinate and menial staff who are already very low paid. May I inform my friends that the Railway Board, I think under pressure from this House or for other reasons, have already effected economy to a dangerous point. They have reduced the scales to the absolute minimum of Rs. 25 and Rs. 30. They are not recruiting anybody in the upper subordinate grades in the interest of economy, and they have also reduced the staff to the absolute minimum at every railway station. I, therefore, fear that if the salaries of the staff are further reduced or the strength of the staff is diminished, the whole traffic, which has already reached a dangerous point, will become much more dangerous. Therefore, I should very much like some one to point out exactly in what direction economy can be effected and not merely to suggest as a general principle that the whole of the expenditure of the Traffic Department should be reduced by 33 per cent. By no stretch of imagination can I think of any means of further cutting down the expenditure of the Traffic Department. Sir, we are here to criticise the Government, but at the same time we ought to be reasonable in our criticism. When we say that we should reduce the expenditure, we should also tell them how the reduction can be made, and in this particular case, as I have already said, it will be impossible to effect a further reduction.

The second point I should like to press is that our working ratio is very small compared with the working ratio of other countries. There are two difficulties with which we are faced. We have to pay 29½ crores every year, and my friend does not suggest any particular reduction in this particular item, because this is a fixed liability. Then there are also the questions of Depreciation Fund, and our obligations to the general revenues, and nobody from this side can touch on it because it would mean taxation in other directions. Now, as I have repeatedly pointed out, there is room for retrenchment in regard to the question of depreciation, but there is no room whatever for any further reduction in the case of traffic. There may be minor expenditure here and there which may be reduced, but the economy will be insignificant. Sir, leaving out the fixed charges, our working ratio is perhaps the third in the whole world,—from bottom. It is not the lowest, because there are two other countries where the working expenses are lower than ours. Sir, two years ago I quoted figures to show that the working ratio at that time of German Railways was 104, of the British Railways was in the neighbourhood of cent. per cent. and the

working ratio at that time of our railways was below 60 per cent.,—it was 56 per cent. I am speaking from memory. Even at that time when our railways were hard pressed, our working ratio was very reasonable, and even today compared to the working ratio of other countries, it is really a very small one, and, therefore, a further reduction of the working ratio is not possible. If economy is to be achieved, it ought to be achieved by the re-organisation of our general finance, and it cannot be done by means of retrenchment of the lower paid staff, whose number has already been reduced, and whose salaries have also been cut down to a very dangerous point. If anything, I think a definite improvement is necessary to give the employees greater relief by giving them larger increments and by recruiting them to the upper subordinate grades which will tend to increase their efficiency and it will not diminish the expenditure by 33 per cent.

Sir, recently we have been hearing a good deal about these accidents. When we reach that question, we shall discuss it in greater detail, but I am convinced that one of the reasons for the large number of accidents is the retrenchment policy of the Railway Board. They have already reduced the staff to such an extent that the lives of the travelling public are exposed to grave danger while travelling by train. In the morning hours on cold and foggy days, people do not like to come out, they quietly sleep in their own stations, with the result that the underpaid and over worked staff at these small stations leave the trains to follow their own course, and accidents frequently happen. The employment of unintelligent and inefficient people on an unremunerative basis is also largely responsible for these accidents. How can you expect a railway servant, who has been recruited to service, who is fresh from a high school, and is employed on Rs. 30 a month, with only a few months' experience, to work at night without relief, when he has already been at work in the day? How can you expect such people to be vigilant at night? If we accept the motion of my friend, Mr. Azhar Ali, I think the number of accidents will increase. As I said before, the salaries of the higher paid staff is a very small proportion compared to the total salaries we have to pay to the subordinate and menial staff, and therefore if my friend can point out that a certain officer or a number of officers can be reduced, then we can consider the question, but to suggest as a general principle that there should be a reduction by 33 per cent. in the Traffic Department is not correct because as I said we have already cut down the expenditure to a very dangerous point, and any further reduction will certainly affect the efficiency of the railways.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I rise to oppose this motion, and I do so for the following reasons. The Mover of this motion,—I would call it an omnibus motion,—has not stated specifically in what special traffic departments economy can be effected. My friend, the last speaker, was perfectly right when he said that we should concentrate on the pay of the higher officers. It has just now been said that the pay of the higher paid officers forms a very small part of the total cost of the Traffic Department and so if economy is to be effected, it will have to be effected on the subordinate staff, but my friend, Dr. Sir Ziauddin Ahmad, has rightly pointed out, as I tried to point out yesterday in connection with another motion, that the staff on the railways is understaffed to such an extent that it has undermined the health of the staff, it has prevented them from getting leave and consequently endangers the safety of the travelling public. Now, Sir, no truer words were said in this

[Lieut.-Colonel Sir Henry Gidney.]

House than those which were just uttered by Dr. Ziauddin Ahmad. In my opinion to request the Government to reduce expenses in the Traffic Department by 33 per cent. is to ask for the impossible. Moreover, if accepted, it would add to the troubles and difficulties of the under-paid, under-fed and over-worked staff and render their existence a tragedy. Had he confined his motion to certain specific items, such as the Lee Commission or the reducing of the salaries of all officers coming to the railways from any part of the Empire, I should have supported him, but to ask for this 33 and $\frac{1}{3}$ reduction and not state where it is to be applied and how it is to be practised, is to ask for the moon. I, therefore, ask the House to reject this motion as being both impracticable and impossible.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): We have been speaking of economy for the best part of a century but economy on that side means expenditure. When we talk of economy, they speak of expenditure. In this one big Viceroy's village, what sort of economy they have. 24 crores have been spent on this one Viceroy's village, while seven lakhs of villages are starving.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the railways.

Mr. Badri Dutt Pande: Sir, I am referring to the railways but was only giving an instance of bad economy. My first grievance is about the economy they are practising in tours of officers. When a Viceroy or a Governor or a Commander-in-Chief or a big official goes on tour flower pots are laid, a red carpet is spread, then rose water is sprinkled and perfumes and essences are thrown. All these things mean money. I think, we could save 2 or 3 lakhs yearly from this item alone, which is an unnecessary expenditure.

Mr. President (The Honourable Sir Abdur Rahim): We are discussing the expenses of the Traffic Department. The Honourable Member must confine himself to that motion. Otherwise, he is irrelevant.

Mr. Badri Dutt Pande: Sir, I am showing how economy could be practised in the Traffic Department.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is referring to the Traffic Department, that is another matter. Otherwise he is not relevant.

Mr. Badri Dutt Pande: Sir, it is the Traffic Department that really squanders public money like this. Then there are the saloons in the Traffic Department. We had a list of the saloons. There are 804 saloons costing 2 crores of rupees. These saloons are travelling houses, complete with all luxuries. A villager cannot dream of travelling in them even in his seventh dream. I don't know how much extra is being spent on their maintenance and repairs. The third class passengers have not sufficient carriages even to carry them from one place to another and here they have got saloons. They drink, dance and make merry in these saloons and spend nights and days in shooting and *shikar* and all that sort of things. All this means expenditure of public money. Besides saloons, they have the motor cars—Rolls Royces, 1937 model and 1938 model,

fitted with all the luxuries and niceties of life. That is double expenditure. On one side the saloon is rotting and on the other side you have these motor cars. Why don't you travel in ordinary carriages just as the President of America or other Presidents like De Velera do. Why should special trains be run for one single officer. Why is all this money spent on one officer.

It is the third class passenger on whom every economy is practised. There is my railway, the R. K. Railway about which I have the greatest fury. There is also the B. and N. W. R. They don't have even latrines in the third class carriages. The report says that only 68 per cent. of the railway carriages are provided with latrines and 32 per cent. are not yet provided with latrines, I think the figures are wrong. It is only in the Lucknow-Bareilly section and from Bareilly to Kathgodam where the Governor and other officials travel that there are some amenities. On the other branch railways in the R. K. R. and B. and N. W. R. there are no amenities.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not explaining how retrenchment can be effected.

Mr. Badri Dutt Pande: I want that there should be economies in the case of the bigger officials. Their standard of living should be economised. All these saloons should be thrown open to the third class passengers. They should be fitted as third class compartments and the saloons that are rotting in the way-side stations should be re-fitted. Why do you want air-conditioned, water-conditioned, ice-conditioned and heaven-conditioned coaches for yourself? These things should be stopped and there should be economy all round.

"Ae Sahibe Khausai Jara Gurtuidher vi."

"You reserve all the sugar for yourself, may give us (the poor) some Gur even."

Now, Sir, I want to refer to conditions in Japan. What is the condition there:

"Japan pays the most moderate salaries to high officials; even the prime minister receives only about Rs. 1,000 a month and his whole luggage consisted of only one suit-case when he recently went to occupy his official residence."

Here the Railway Board Officials are getting Rs. 5,000 and they have got big bank balances. We are not providing for one generation only for these Treasury Benches but for 30 generations, while there is no provision even for one generation on this side of the House. This is our complaint. Huge sums are wasted. Let us see what is done in Japan:

"Huge sums are not wasted in raising half mile long platform as in India and by using steel telegraph poles. The forest wood is used for telegraph poles."

Now, why do you use these costly steel poles, while you say "our wood is good and cheap". We had nice pamphlets from the Dehra Dun Research Institute showing how strong our wood is. Why do you import these steel poles when you can use wood instead of them. Then the article says:

"Foreigners drawing fabulous salaries are not forced on Railways as it is done in India. Japanese run the whole show, though the first Japanese train was started fifty years later than India and yet the Japanese railways have the highest reputation for strictness of time to a second. All the railway trains and other requirements are manufactured in Japan as far as possible and billions are saved from going to foreign countries which is not the case in India."

[Mr. Badri Dutt Pande.]

This is the sort of economy we want; then, Sir:

"Service to the public is the motto of the Railway organisation. The third class passengers are not treated as sheep and goat. Third class compartments are furnished with velvet seats, pure drinking water, washing soap, paper towels, train scavengers, etc. These scavengers who are known as 'Boy' also help passengers in keeping in and removing out baggages."

There the third class passengers also enjoy the same amenities as the first class passengers. About food also, they do not practise the dirty economy that we see here. While they have nice and big restaurant

cars, the third class passengers' food has flies attaching to it, which even a dog refuses to eat. Then the parcels rates are ridiculously cheap compared with India. That is economy of the right type which they have in Japan and which we press on the Members on the Treasury Benches here. Then, over there, all classes of passengers dine in the same hall in the train, and the rates are four to five annas cheaper than in India, and the service is run by properly trained girls who distribute the menus four or five times a day. The officials are trained in the art of obliging passengers

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really not relevant at all. He must confine himself to the question of "how economy is to be effected".

Mr. Badri Dutt Pande: Sir, I am showing that

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really arguing for more expenditure, not economy.

Mr. Badri Dutt Pande: What I am pressing for is "reduce at the top"

Mr. President (The Honourable Sir Abdur Rahim): The question is—how reduction is to be made. That is the only question now.

Mr. Badri Dutt Pande: That is what I am showing. Sir, Lord Krishna said to Arjun:

"*Daridran Var Kaunteya*":

"Take from the bigger person and give it to the poor".

That is what I am pressing for. In the third class on the R. K. R. and the B. and N. W. R. the worst sort of economy is practised. There are no latrines, and the carriages are not lighted at night. That is bad economy. Those railways today are in the same stage when James Watt and Stephenson invented the railways. The licences of these railways ought to be forfeited and they should be punished because they are producing the worst sort of economy over third class passengers. Had they had to work under Mussolini or Hitler, their licences would have been forfeited by now. The R. K. Railway is the worst offender. The R. K. R. is called in Hindustani, *Kura Karkata Railway* and the B. and N. W. Railway, *Bebaqoof, Nahayatt, Wollu Railway*. What I want is that these superfluous luxuries in the case of the higher class should be reduced so as to make way for improvements in amenities in the case of the lower class. There should be only two classes, the first and the second. That is how we are going to distribute the wealth. Otherwise,

there is going to be a "crisis" everywhere, Sir, these are days of "crisis" everywhere. The railway crisis will also come, there will be a strike and there will be trouble. Of course, you travel first class and second class but I travel third class with those persons and it is only when I come here on duty that I travel first or second class, otherwise by the third class. So these saloons ought to be abolished and all should travel together. If they travel with us, they will know the difficulties of third class passengers, whom the Honourable the Railway Member described very nicely as "my best customer". Treat the third class passenger politely and considerately, treat him well by giving him proper amenities, after all, he is your best customer, and you will reap the benefit. With these few remarks, I support the cut of economy.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, it is very difficult for one exactly to support this cut motion, because my Honourable friend the Mover of the motion is definitely trying to come to a certain fixed percentage, thirty-three per cent. Economy is required, no doubt, but as I could not study the whole of the railway finance report, I am really unable to say that it should be reduced by 33 per cent, but I must support the proposition that some reduction is necessary. Sir, it must be reduced from the top and not from the bottom. Sir, in the matter of our Insurance Bill we had fixed up almost a particular percentage of ratio for expenses. Why should we not try to introduce here in this railway system a particular expense ratio to be fixed, beyond which for ordinary purposes no expenses should run? It might be possible, if a particular Committee could be set up to go into this matter of expenses, to fix up what percentage of reduction can be made in respect of the railways.

Sir, the railway system is extremely beneficial to the nation, and particularly a railway managed by the State. A nation can reap a good deal of benefit to its industry and commerce, by a proper management of the railways. If this management is found to have gone beyond a certain fixed limit of expenses, then it must be said that that management is bad. This cut motion implies that there is something wrong in the management of the railways and it must be mended. Sir, in all State railways, the nations concerned really reap the benefit, but here we do not.

Here those Indians who are serving on the railways at the bottom are not only hard-worked but are badly paid. I have heard complaints from innumerable persons who are working at the bottom, and without whose devoted and assiduous work the railways cannot work for a day. They are retired after twenty-five years on Rs. 60 per month. I mean the first-grade and the second-grade clerks in the railway staff suffer from a special grievance; and I hope the Honourable Member will take into consideration the point as to how their position both financially and with regard to their conditions of labour may be improved.

With regard to economy, of course it is a general complaint that the saloons and other amenities of the higher class passengers can be reduced a great deal while the amenities of the lower class passengers can be raised, so, I think, there is scope for a middle course between the two.

[Mr. Amarendra Nath Chattopadhyaya.]

Also, the system of the improvement and the expansion of railways can be controlled if those who are in authority can take into consideration the real usefulness of such improvements and control and see whether it is commensurate with the possibility of expansion of trade and commerce. Sir, traffic has increased no doubt and facilities have also been increased but we do not think that it is commensurate with the necessities and usefulness to our people. Because it is not commensurate with that, we are feeling all the more the usefulness and necessity of road traffic. The railway traffic howsoever much it might have increased cannot brush aside the fact that the road traffic has come to stay and if the railway authorities cannot find their way to come to terms or make a compromise with the road competition, I do not think any real economy can be effected.

With regard to the staff and the traffic expenses, we have been hearing of the duplication of functions, excessive salaries at the top and a great deal of waste of money in various amenities which are not necessary. I hope the Honourable Member will try to find out ways and means to bring this down and to bring it to a certain figure which will be really helpful to the economics of the railways.

Rates and fares are going up. I do not see any reason why the rates and fares should go up if there is any attempt to make these railways really useful to the nation. In all countries the State railways always provide facilities for the carriage of goods and communications at the most modest rate. The expense in our country for railway transport is much larger than in any other independent country. This aspect of the question should also receive the consideration of the Honourable Member, and we hope that in the next budget we shall be able to see that economy has been observed. It is very difficult without going into the details to say exactly what sort of economy we should like to have and what items of expenditure should be cut down. But in a country where people can hardly live from day to day with two meals a day and in a country where poverty has become almost chronic, any institution of public utility that we may have under the Government should always be conducive to the health and the betterment of the financial condition of the people. Sir, economics will have to play the largest part in the construction and the management of the railways and to this subject I hope the Honourable Member will give his greatest consideration when we hear him at the time of presenting his next budget.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I have always found that the Honourable the Mover of this cut has good feelings for the subordinate class of employees working on the railways and I was sorry to miss that feeling in him on this occasion. He is not well advised to have suggested a general cut for economy in the sense of curtailment and retrenchment of the salaries of all the employees of the railways. Sir, I think that I would not have done my duty if I did not speak on this motion, which is absolutely suicidal to the move that I made in this House, namely, that the subordinates who get a pay of Rs. 60 and retire upon that pay should not be touched at all. That would be also in consonance with the view of my Honourable friend on the Congress Benches when he said that you should take away from the rich and give it to the poor. Well, that can be justified in this case. If this motion, instead of being a general motion for the curtailment

of pay of all the officers and the subordinates, were restricted to a certain class of officers at the top, then it would have had my whole-hearted support. It would have effected economy and at the same time the poorly paid staff, which is so much overworked at present, would have had its due and contentment. There are officers whose pay ought to be reduced to the extent of, say, 33 per cent. If this cut is made applicable to those officers who are drawing Rs. 500 and more, I do not think it will cause any hardship. My Honourable friend, Dr. Ziauddin, said that in that case the economy will be a limited one because the number will be less. My reply to that is that the salaries of the officers are fat and even if a small economy is to be made by cutting their pay it should be made. You cannot say that because the pay of a peon is not going to be reduced, therefore the pay of the officers who are drawing Rs. 5,000 or Rs. 2,000 should not be reduced. That is not reasonable.

Dr. Sir Ziauddin Ahmad: May I just tell my Honourable friend that persons who are drawing salaries of Rs. 2,000 or more will come to only 2 per cent. and in that case how can you have an economy of 33 per cent.

Mr. Lalchand Navalrai: Sir, mathematics many a time misguide people. If my Honourable friend is advocating that there should be no economy in the sense of retrenchment or curtailment in the higher grades of appointments, then I think he will have to reflect over it and next time when he comes before the House he will find that by his own mathematics he will be able to save so much. I do not wish to detain the House any longer but I will stick to the point that you should not touch the lower class of people who draw small salaries and who work the hardest. Therefore, I submit that this cut is not well advised and I would advise my Honourable friend to withdraw it.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I should like to make a few general observations on the general question of economy which my Honourable friend, Mr. Azhar Ali, has in mind and which I also have in mind though our figures of economy cut do not tally. The idea of economy which Mr. Azhar Ali has in mind—as was insinuated by my Honourable friend, Mr. Lalchand Navalrai,—is not the cutting down of salaries of low paid staffs but to touch the salaries of higher paid staff in the Traffic Department. If we turn to page 43, Demand No. 6-E, the expenditure of the Traffic Department is given as nine crores and eighty nine lakhs odd. My Honourable friend wants to cut that down by 33 per cent. I have another motion which I do not want to move because I am not permitted to move it. I only wanted to reduce it by 3 per cent. According to my calculation, the Honourable Member has overbudgeted and I submit the expenditure can easily be cut down in the various departments, particularly under heads 6-B, 6-C, 6-D and 6-E.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): I rise to a point of order. Is the Honourable Member relevant?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is straying. This is not a general discussion. The Honourable Member had an opportunity during the general discussion. He must confine himself now strictly to the motion before the House, that is, to effect economy.

Mr. B. Das: Sir, I am confining myself to economy in the Traffic Department under the head 6-E. Apart from the expenditure on staff, there are expenditures on other heads. My Honourable friend, Mr. Lalchand Navalrai, ought to have seen why is it in the sub-head, General Administration, as given on page 47 there is such a heavy expenditure as one crore, 26 lakhs. Why should certain railways like E. I. R. and N. W. R. incur such heavy expenditure? There can be a certain amount of retrenchment, if only the Railway Board is imbued with the mind of economy. As regards the reduction of salaries of staff, this point was gone into in the Public Accounts Committee in 1937. Mr. P. R. Rau gave a list of salary cuts, if it was decided upon by Government to bring in wholesale cuts. I will quote Mr. Rau's statement:

"If we go on the figures supplied to the Retrenchment Committee in 1931-32, the wages of people getting 30 and under amounted to eight crores, people getting between Rs. 31 and Rs. 50, it amounted to six crores, between Rs. 51 and Rs. 100 it amounted to eight crores, between Rs. 101 and Rs. 500, it amounted to seven crores, between Rs. 501 and Rs. 1,000, it amounted to 1½ crores."

Well, Sir, nobody wants to cut down the salaries of Rs. 30 and below. As applied to higher grades, Mr. Rau gave figures that Government can save two crores per annum. I do say, that part of the economy cut which my Honourable friend, Mr. Azhar Ali, has suggested can be given effect to by the railways. It is for the Honourable the Railway Member to give effect to economies. It has been suggested that there should be retrenchment not only in the salary of staff but also in other sub-heads. But unfortunately this department has got very little extra expenditure except clothing and other expenditure which can be cut down a little.

Mr. M. S. Aney (Berar: Non-Muhammadan): How?

Mr. B. Das: My Honourable friend, Mr. Aney, knows that the railway expenditure has been going up in this Traffic Department. Clothing alone comes to 39 lakhs. I think it can be cut down. It is no use of people talking of more privileges to the railway staff and so on at the cost of the taxpayers. So, Sir, I submit that one should not think of economy light-heartedly as did my Honourable friend, Col. Gidney. He wants more and more increment in the salaries and more and more privileges to the railway employees. He does not understand who will foot the bill. We know that the taxpayer has to foot the bill which means again so much loss to the provinces. If there is economy in the railways, there will be more surplus available and instead of 283 lakhs as now, there will be five crores surplus available for distribution to the Provinces. So, Sir, though I cannot exactly support the idea of a three crore cut in this particular motion, I think there is ample ground of economy not only in this demand but in some other demands.

The Honourable Sir Thomas Stewart: In the first place, I should like to emphasize that the cut motion which has been moved by Mr. Azhar Ali is not a token cut. That is a fact which appears to have escaped the attention of certain Honourable Members who have spoken, in particular Mr. B. Das and Mr. Badri Dutt Pande. At the same time, I should like to congratulate Mr. Badri Dutt Pande on the very practical example of economy which he has given us this morning. He no doubt noticed that his friends on the Independent Benches proposed to move cut motions (a)

on economy and (b) on the grievances of third class passengers. Therefore he delivered a speech which would do equally well for both the motions. But, Sir, this is not a token cut. This is a business cut and in giving notice of the motion which stood in his name, Mr. Azhar Ali committed himself to the task of demonstrating to the House that a cut of 33 per cent. was possible, and that, I claim, he has entirely failed to do. There have been a few practical suggestions made, or what are intended to be practical suggestions, as to how economy could be attained. Mr. Azhar Ali, I think, under a misapprehension referred to the duplication of work in the railway administration, in particular to the existence of personnel officers. He thought that because there was a personnel officer at the Agent's headquarters and also a personnel officer at the Divisional headquarters, there must necessarily be duplication of work. That, of course, is entirely wrong. If there are personnel questions arising at the lower stage of the organisation, they must, at least to a certain degree, go on to the higher stage for ultimate disposal. Mr. Badri Dutt Pande had another practical suggestion, and that was to abolish saloons. I do not say that that would not be an economy, but the suggestion is entirely irrelevant to the present discussion which refers to Demand 6-E. The cost in relation to saloons is contained in an entirely different grant. The suggestion was also made that we might emulate the insurance business and fix an expense ratio. Now, I think the Honourable Member who made that suggestion was under the impression that there is any such thing as a fixed expense ratio in insurance business. It is certainly not a statutory obligation to work to a fixed ratio, and I feel, therefore, that so much of his argument as is based on that assumption must fall to the ground.

Let me come to what I think was the last of the practical proposals, and that was to cut down pay; and I do the Honourable Mover the credit of believing that it was not in his mind to suggest a cut in the pay of anybody but the more highly paid officers. But I think he himself will admit that the 33 per cent. cut which he proposes could not possibly be attained in that way. It will be remembered that in the course of the debates on the railway budget last year, my predecessor, on the basis of the figures that have been quoted today by Mr. Das, made an analysis of the employees of the railway systems by salary, and he found that of the 82 crores of our total pay bill, 29 crores was paid to railway servants earning Rs. 500 and under, and that 3 crores were payable to those earning more than Rs. 500 a month. That is to say, roughly 10 per cent. of the pay bill went to people earning Rs. 500 and over. Now, if I might ask Honourable Members to look to the terms of the actual demand which will be found on page 45, they will find that the two main items contributing towards working expenses are General Administration, 1 crore and 11 lakhs, and Staff, 7 crores and 18 lakhs. Now, General Administration is practically all staff. So you may take it that something over 8 crores out of 10 of the whole of this demand is for staff,—that is to say, roughly 80 per cent. of the demand. Now, if we abolished,—I do not say reduced, the pay of but abolished,—every officer who is getting more than Rs. 500 a month, what you will do is to reduce that demand by 10 per cent. Ten per cent. of 80 per cent. gives you 8 per cent. of your total demand as what is going to be achieved by abolishing all officers drawing Rs. 500 or more. I take it as agreed,—I do not even suggest that it should be considered,—that after the retrenchments of 1931 and the reduction in scales of pay proposed since then, nobody in this House is going to suggest that

[Sir Thomas Stewart.]

there should be retrenchments and economy in respect of the lower paid staff. So we have only a possible 8 per cent. on staff. The items that I have not so far mentioned, excluding staff, make up 20 per cent. of the demand. So if you abolish the rest of the activities of the Traffic Department and add up the whole saving, you get 28 per cent.; and my Honourable friend is still 5 per cent. short on his proposal!

Now, Sir, I do not pretend for a moment that economy is not desirable. I claim that we are doing our best, and I believe that the record we can show is in our favour. I would refer Honourable Members to the explanatory memorandum which accompanied the budget papers and I would refer them to the very first table that occurs in the book which gives a bird's-eye view, as it were, of the workings of the railways over a period of years. For those who like pictures there is a very illustrative graph that accompanies it; and if they will refer to Appendix IV their task in examining the figures will be lightened because there the effects of Burma have been eliminated. But let me quote just a few examples which support my proposition that we are not unmindful of the need for economy. In 1930-31,—I choose that year because our realisations in that year were practically on the same level as those last year,—in those days it cost us 52 crores to operate. In the interval we have reduced our operating expenses to 48. In those days our operating ratio was 70.9; our latest figure is 60.9. But I do not ask you to believe me or my figures alone. We have, I think, the evidence of an impartial judge. Whatever may be said of the composition of the Wedgwood Committee, I do not think anybody can deny that the particular individuals who composed it had some knowledge of railways and railway working. They undertook a review of our working expenses, of our comparative efficiency, and the results are set out in their report. I shall only refer to the table given on page 32, in which they show that in a period of some five years we had achieved economies to the extent of 9 per cent. in our Traffic Department.

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): In which part of the service was this economy effected?

The Honourable Sir Thomas Stewart: This is all over the traffic branch.

Mr. Sami Vencatachalam Chetty: I know that, but was it among the higher section or the lower services?

The Honourable Sir Thomas Stewart: It is an all-over figure. I am not in a position to give details as to where any particular economy was effected.

Mr. K. Santhanam (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Is it not a fact that there was no reduction in the higher offices at all?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member is in possession of the House.

The Honourable Sir Thomas Stewart: Sir, I was saying that we have that testimony to the economies that have been effected. As regards the future we also have this opinion recorded by that same Committee:

"We are unable to point to any economies of first-class magnitude at present realisable. Such economies as can be made following on steps already taken or recommended in this report will be small in amount and will only suffice to mitigate the increase in expenditure which inevitably follows on a substantial increase in the volume of business."

Our Traffic Department was subject to detailed examination as a result of which recommendations have been made and these recommendations, as the House knows, we are in process of following up. But there is one aspect of the case that I should like to bring to the notice of Honourable Members. Mere sterile economy by itself is going to avail us nothing. What we are looking for is an expansion of revenue; and in order to get that expansion of revenue, the truest economy may not be to cut down expenses but rather to undertake profitable expenditure. I hold, Sir, that the Honourable the Mover and those who have supported him have entirely failed to prove the case they set out to prove, and that unless this Honourable House is of the opinion that a 33 per cent. economy cut can be carried out without detriment to railways, the Honourable the Mover's motion should be rejected.

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

"That the demand under the head 'Working Expenses—Expenses of Traffic Department' be reduced by 33 per cent."

The motion was negatived.

DEMAND NO. 1—RAILWAY BOARD.

Non-issuing of fortnightly, monthly and 45-days Return Tickets on the Assam Bengal Railway.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

This is a very simple motion and does not require a long speech to explain it to the House. In the last September Session I put a number of questions regarding the non-issue of these return tickets on the Assam Bengal Railway. The then Railway Member assured me that he would forward my questions with his reply to the Railway Agent for his consideration. Sir, I waited these months anticipating that the Agent of the Assam Bengal Railway would take some steps to redress this grievance of the vast tract over which the Assam Bengal Railway passes. But as no steps were taken I was compelled to put this cut motion in order that the question might be discussed on the floor of the House and the grievance brought to the notice of the Railway Department. Sir, in bringing the cut motion I have no ulterior motive: I do not like so much to censure Government as to have the grievance removed.

If we look into the pages of the time table of the Assam Bengal Railway we find that there are only a few classes of return tickets on that railway as compared with other railways in this country. There are only one day return tickets, traders' tickets, week-end return tickets, but these are only for third class and inter-class passengers, and so far as these tickets are concerned we have no grievance. In comparison we find that the Eastern Bengal Railway gives better facilities for travel to the people of the area

[Maulvi Abdur Rasheed Chaudhury.]

over which it runs than the Assam Bengal Railway gives to the people of those parts over which it runs. In addition to the classes of return tickets mentioned by me there is an ordinary return ticket on the Eastern Bengal Railway: it is given from any station to any station irrespective of any class travelled, that is the ordinary return ticket system for first, second, inter and third class passengers. We have a grievance that on the Assam Bengal Railway we have not got this class of return tickets. Sir, week-end return tickets have got their utility, but it has a limited utility. It is issued on Friday and terminates on Monday. People who want to travel from one end of the railway to the other are not at all benefited by these weekly return tickets. I am sorry, Sir, I could not find any literature to show the basis on which the return ticket system has been introduced, but I think, as railways are a semi-business institution, it has not been introduced on an uneconomic basis. The return ticket system gives concession in fares which gives better facilities for railway travel than ordinary tickets: if that is so, I do not see any reason why Assam Bengal Railway should not issue these ordinary return tickets for the benefit of passengers on that railway.

If you look at the map you see what a vast country this railway traverses. The population of the tracts in Assam over which this railway passes is nine millions, and if Chittagong and Dacca Divisions through which also this railway passes are taken into consideration, the population of the area over which the Assam Bengal Railway runs will be something like 18 millions. Sir, the absence of ordinary return tickets on the Assam Bengal Railway is a real grievance for the people of this vast area. Several times it has been brought to the notice of the authorities, but with no effect. I do not see any reason why there should not be uniformity in all the railways so far as the return ticket system is concerned. If this ordinary ticket system is there in the E. B. R., I do not see why there should not be uniformity and why this should not be introduced in the A. B. R. as a large number of people are interested in it. In the E. B. R. there is a system called the fortnightly return tickets; this also is not issued on the A. B. R. As I have said, for the sake of uniformity, I insist that the A. B. R. should issue, in addition to the return tickets they are issuing now, these ordinary and fortnightly return tickets. Our grievances are not imaginary; certainly, the return ticket system gives an impetus to the railway travel and I do not see why the inhabitants peopling so vast a country should be debarred from the utilities of this return ticket system. I think the Honourable the Railway Member will make a note and see that these ordinary and fortnightly return tickets are introduced in the A. B. R. as soon as possible. If, as is usual in this House, he assures me that he would issue instructions to the Agent of the A. B. R. to introduce this return ticket system, I will, as is usual, ask the permission of the House to withdraw my motion.

Mr. President (The Honourable Sir Abdur Rahim): What does the Honourable Member want? Does he wish to withdraw his motion now after speaking on it for so long before it has been debated?

Maulvi Abdur Rasheed Chaudhury: Only if the Honourable Member assures me that he will accept my suggestion; not otherwise.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must remember that the Government Member has to reply, and he has to finish his reply by quarter past one.

Mr. Kuladhar Chaliha: Yes, Sir. The A. B. R. being situated away from the centre of politics in the eastern part of India enjoys a certain amount of immunity from criticism and that is why the needs and requirements of the people have never been brought properly before this House. We are grateful to Mr. Abdur Rasheed Chaudhury for bringing forward this little matter before the House of issuing return tickets. This is the only practical way of bringing our railway grievances to the notice of the other parts of the great country. In our part of the country, we have got return tickets for a day only for *melas* and for bazaars and for short distances; but if we have to travel longer distances, say from Jorhat to Gauhati or from Jorhat to Chittagong, we are not allowed to get any return tickets. In other railways we find that such tickets are issued for long distances; but here if we want a return ticket from a place in Assam to Chittagong, they will not issue probably they are afraid that terrorists may take advantage of these tickets; they will not allow us the ordinary concessions which are allowed on other railways. Perhaps it has some connection with the armoury raid cases—I do not know. The other day I wanted to go from Jorhat to Chittagong and I wanted an upper class return ticket. I could not get it. In addition they have raised the second class rates and lowered the rates for the higher class a great deal. The first class has been lowered from 36 pies to 18 pies whereas the second class has been abolished altogether. As I say, they not only do not issue return tickets but they are managing in such a way as to hit the middle classes most by raising the second class rates and favour the rich people by reducing the first class rates. This is very unfortunate. It is also unfortunate that the A. B. R. has not received the same amount of attention and criticism as they ought to have and as the other railways already have. Other defects also have to be brought to the notice of the Assembly; but at present I think the Railway Member will do well to advise them straightaway to offer facilities for long distance travel and to have return tickets: their traffic earnings will be enhanced. With these remarks I commend the motion for the acceptance of the House. I hope that the Honourable the Railway Member will see that instructions are issued to the Agent of the A. B. R. that return tickets are issued for long distances and not merely for short distances as they are doing now, and not only for third class passengers for very short distances but for all classes and for all distances. (Interruption.) I am glad to hear that the E. I. R. has been issuing return tickets for all classes. Maulvi Abdur Rasheed has demanded that the A. B. R. should also issue such return tickets and I ask the House to accept the motion and censure the Government for having continued this wrong which we want to get redressed.

Mr. F. D'Souza (Government of India: Nominated Official): Sir, a debate on return tickets is a recurring feature of most railway budget debates. But the one practical question that arises on the motion is whether the Assam Bengal Railway Administration recognise the advantages of issuing such tickets. If they do, the extent to which they should issue these tickets must be a matter for investigation, namely, to ascertain whether their issue will bring more revenue than they would otherwise

[Mr. F. D'Souza.]

get. From the Assam Bengal Railway time table, it would appear that return tickets are now being issued to a greater extent than on several other railways. Comparisons on this point may be somewhat invidious, as conditions vary considerably. What might be suitable or rather what the nature of the concession may be on one railway might prove entirely unsuitable on another. On the Assam Bengal Railway intermediate and third class return tickets are issued every month for one *mela* or another except during the month of August.

The charge for these tickets for the shorter distances is $1\frac{1}{2}$ fares, and for the longer distances works out to something like $1\frac{1}{3}$ rd fare. 1 P.M. The Assam Bengal Railway also issue bazar tickets, a point to which my Honourable friend, Mr. Rasheed Chaudhury, referred, in many cases at a single fare for the return journey. These tickets are a special feature of the Assam Bengal Railway, as they are issued for almost every important bazar held at stations on that line. In addition to the *mela* and bazar tickets, the Assam Bengal Railway issue day-return tickets to the more important stations, such as Chittagong, Mymensingh, Jorhat, Silchar, etc.

Mr. Kuladhar Chaliha: May I know the distances?

Mr. F. D'Souza: The distances vary. Tickets are issued to Chittagong from Feni and other stations. I can give the Honourable Member the names of other stations if he wants them, such as Ishwarganj to Mymensingh, Lalabazar to Silchar and several others. The distances may be anything from five to sixty miles. Apart from these tickets which are issued for what might be considered special conditions on the Assam Bengal Railway, there are also week-end return tickets at a fare and a half. My Honourable friend, Mr. Rasheed Chaudhury, suggested that the limitation in regard to the days on which these tickets are issued, viz., Fridays and Saturdays militated against their popularity, but I would suggest, Sir, that the term "week-end" is already liberally interpreted to include Friday, particularly as the period of availability does not end till three days later. As the issue of these tickets is intended to serve a specific purpose, that is the convenience of people availing themselves of the opportunity of getting out during a week-end, it would be going beyond the intention underlying the issue of these return tickets to extend either the period during which they are issued or the period up to which they are available.

Having explained the position in regard to intermediate and third class tickets, I might now refer to the upper class. First class return tickets are issued at a single fare in certain cases and at a fare and a half in others, but they are somewhat limited in their application to certain sections and stations on the system. Viewed broadly, the position is that such distinction as is made on the Assam Bengal Railway between one class and another, favours the intermediate and third classes, and not the upper class. I do not suggest that there is no scope for a further extension of the return ticket arrangement, but whether these should be a 45-day or quarterly returns is a matter on which opinions may vary. The experience of railways in regard to return tickets available for long periods has not been a happy one. Cases of such tickets being used for several journeys between intermediate points over the section of the line on which the tickets were available are not unknown; but in the nature of the case it is difficult to

prove such mis-use. But it is questionable whether there is justification for railways issuing return tickets for long periods, as it does not bring them any additional revenue. That is the test to be applied in considering whether or not return tickets should be issued . . .

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): The convenience of the public is nothing at all?

Mr. F. D'Souza: The public convenience is served by the issue of single journey tickets. There is no suggestion of tickets being refused. The point is whether a concession should be given, and the main justification for giving it would be that it would result in a larger number of people travelling and in bringing additional revenue to the Railways.

Having explained, Sir, the position as it exists on the Assam Bengal Railway, I suggest that it would meet the Honourable Member's point of view if he is given an assurance that his suggestions in today's debate will be forwarded to the Agent of the Assam Bengal Railway for consideration and discussion with his local Advisory Committee, a Committee which has been constituted, as the House knows, to keep the Agent in touch with current public opinion on these and other matters. Having thus accepted the Honourable Member's suggestion, I hope the Honourable Member will withdraw his motion.

Mr. Abdur Rasheed Chaudhury: Sir, I wanted the Honourable the Member in charge of the Railways to give me an assurance that this matter will be considered, but as no such assurance has been forthcoming, I do not like to withdraw my motion.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The Assembly divided:

AYES 55.

Abdul Ghani, Maulvi Muhammad.
Abdul Qayyum, Mr.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Datta, Mr. Akhil Chandra.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar, H.
Gadgil, Mr. N. V.
Ghansuddin, Mr. M.
Ghulam, Bhik Nairang, Syed.
Govind Das, Seth.
Gupta, Mr. K. S.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. R.

Lalchand Nayalrai, Mr.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala Visweswaraiah.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Shankar, Mr.
Shaukat Ali, Maulana.
Shoodass Daga, Seth.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Rama Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Satya Kumar.
Sri Prakasa, Mr.
Umar Ali, Mr.
Varma, Mr. B. B.
Zafar Ali Khan, Maulana.

NOES 38.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.

Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Chanda, Mr. A. K.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
D'Souza, Mr. F.
Fazl-i-Hahi, Khan Sahib Shaikh.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut.-Col. Sir Henry.
Grigg, The Honourable Sir James.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.

Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.

Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Sen, Rai Bahadur N. C.
Shahban, Mr. Ghulam Kadir.
Sher Muhammad Khan, Captain Sardar Sir.

Slade, Mr. M.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Thorne, Mr. J. A.
Tylden-Patterson, Mr. A. E.
Walker, Mr. G. D.

The motion was adopted.

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

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

Mr. Deputy President (Mr. Akhil Chandra Datta): The Democratic Party will now begin the motion No. 177.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, may I request you to allow us to move cut No. 5 on Demand No. 1, on the Supplementary List, which cut motion is exactly the same as we had under No. 57. I have spoken to the Honourable the Member in charge and I understand he will not have any objection if we are given this opportunity to discuss that motion also. I should be glad if you will allow us to do so; in that case this will be the same thing which stands in our name under No. 57, which had been passed over on the first day on account of our not having come to an agreement. A similar cut is further up which has not been disposed of, in Late List No. 1, standing in the name of Mr. Nauman,—to discuss railway accidents.

Mr. Deputy President (Mr. Akhil Chandra Datta): I want to know if the Honourable the Member in charge of Communications has any objection.

The Honourable Sir Thomas Stewart: I have no objection, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): The difficulty is that Mr. Nauman is not here.

Sir Muhammad Yamin Khan: Then I would ask that Sir Abdul Halim Ghuznavi may be allowed?

Mr. Deputy President (Mr. Akhil Chandra Datta): That cannot be done under the rules.

Sir Muhammad Yamin Khan: If it can be allowed, we may say we have got also the same thing signed together by Sir Abdul Halim Ghuznavi and others. If there is no objection, that may be taken to be in our name.

The Honourable Sir Thomas Stewart: Sir, with every wish in the world to accommodate the Leader of the Democratic Party, I do feel that to accept notice across the floor of the House in these circumstances would create a precedent that would be extremely embarrassing and which, if it were not followed, would be manifestly unfair to others who wish to adopt a similar course. With all the sympathy in the world, I do not think I can agree to that course, and I hope Honourable Members will understand the difficulty of my position.

Mr. Deputy President (Mr. Akhil Chandra Datta): This will certainly be creating a very bad precedent; in view of the objection taken, that cannot be allowed.

Sir Muhammad Yamin Khan: We will then have cut No. 177—to discuss catering arrangements under the control of Agents.

DEMAND No. 6-E—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

Catering Arrangements under the Control of Agents.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I beg to move:

"That the demand under the head 'Working Expenses—Expenses of Traffic Department' be reduced by Rs. 100."

There are several grievances, Mr. Deputy President, about these catering arrangements on the various railways. The first grievance which the public feels is that the contract is given to a particular individual, but he does not carry out the catering himself, and what he does is to give a sub-contract to another person, and the latter, in order not to lose money, does all he possibly can to give bad food and charge high prices. That system of sub-contracts must be abolished in this sense that the contractor must be told that no sub-contracts will be allowed.

Furthermore there is another difficulty which the public feels and that is this. Take, for instance, the East Indian Railway. Formerly the catering contracts for passengers used to be given to the local people. Mr. Deputy President, you are aware that Burdwan is famous for its sweetmeats and formerly those sweetmeat sellers used to get the catering for the Burdwan Division. Now the railway called for tenders and people other than the local tenderers got the contract and they thus deprived the local men of their legitimate business; and today we find that all those who used to be provided with these catering contracts are no longer on the railways now. The up-country men are catering for the East Indian Railway right up to the end of Asansol or even further up. Year before last my Honourable friend, Dr. Sir Ziauddin Ahmad, took up this question of catering and pointed out the difficulties that the travelling public experienced. He also pointed out why the sub-contract system makes it difficult for the sub-contractor to provide decent food for the price charged. The food supplied is not so good as it would have been in the absence of the sub-contract.

Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Cut motion moved.

"That the demand under the head 'Working Expenses—Expenses of Traffic Department' be reduced by Rs. 100."

Dr. Sir Ziauddin Ahmad: Sir, I would like to press this cut motion from several points of view. In the first place, I take it from the point of view of the amenities to third class passengers. It is not sufficient that we should provide good accommodation to the third class passengers but we should also provide for them good food at a reasonable cost and I think the provision of good food at a reasonable cost is really one of the most important points for the convenience of the third class passengers. Secondly, I press this question from the point of view of the road and rail competition. Now, if the railways desire to enter into a fair competition with the road, then they should provide the same facilities to the passengers which the road travel does. In the case of a third class passenger in a bus he goes to the market where the bus starts from and he gets his food very cheap. The cost of his food is not much. Now, when he travels by train, he will have to pay or rather be forced to pay a price which is much larger than the actual price of the article of food. Now, this compulsory and forcible extortion from the passenger leads him on to a third difficulty, namely, whether he cannot sue the railway under the Criminal Procedure Code. If you force a person to pay a price which is much higher than the market price and you do it by means of your rules and regulations, in that case, can he not sue the railway under the Criminal Procedure Code? I am not a lawyer but those who are lawyers will be able to say whether this form of extortion is or is not permissible under the existing laws. If it is permissible, I think that law should be repealed.

Now, Sir, I just mentioned one or two fundamental points. I maintain that the price of various food articles which the railway authorities demand or authorise their contractors to demand from the passengers is enormously high. Throughout my discussion I will leave out altogether the supply of food to Europeans or to those who want to live in that style, because those travellers can pay the price. My remarks will be confined only to those who are not anxious to have the European food. Now, in the first place, I will take the tray of tea. We are given two toasts, half an ounce of better, tea, sugar and milk for a price of 8 annas. This I consider to be enormously high. I myself gave a similar contract at Aligarh for the same kind of tea at 1½ annas. I tried to find out the actual price, which came to one anna and half a pice, and so I thought that a price of 1½ annas was sufficient. Now, I am paying 1½ annas for the same articles of food for which I am charged 8 annas by the railway authorities. Is it not civilised form of robbery and dacoity? Then, take aerated waters. On the East Indian Railway we have to pay 2 annas per bottle and we know it very well that the cost price of one bottle is less than a pice. If the cost price is one pice, then you ought to be able to get it anywhere for 2 pice, whereas the railway authorities charge 2 annas. Then, take the price of ice. We are compelled to pay as much as 2 annas for one seer of ice and on some railways are required to pay even 3 annas per seer. My Honourable friends on the other side will argue that so much ice is melted away and that we can be supplied ice at a cheap rate only at those places where there are factories. This is absolutely wrong. Even at those places where there are no factories, the price of ice is not more than 2 pice per seer. Here, again, I will give a personal

example. We have given a contract at Aligarh to sell ice during all the 24 hours at half an anna per seer and the ice is imported from Agra. So when we can sell at Aligarh ice at the rate of half an anna per seer, I see no reason why the railway authorities should extort from their passengers as much as 2 annas per seer. Even when you come to other articles of food, the position is equally hopeless. Now, they have prescribed that one plate of meat will cost so much, but they never say how much that plate will contain. I will give you my own experience. When I ordered a plate of meat, I was given about one tola of meat altogether.

Sir Cowasji Jehangir: Was not that enough for you?

Dr. Sir Ziauddin Ahmad: It may or may not be enough for me, but it is not enough for the money which I paid for it. I made a complaint about this to the D. S. and never got any reply. Although I am an M.L.A., he did not take any notice of my complaint. So, you can imagine what will happen to the complaint of the poor passengers who have got no access to these officers. Sir, these are matters which require serious consideration.

The other thing about which I wish to make a complaint is that the railway authorities give a contract to one person and he gives the sub-contract to other persons. When the railway authorities say that sub-contracts are not allowed, then they give a kind of commission to various sub-agents to sell things at any price they like. The contractor really deals with one officer of the railway and afterwards he gives sub-contracts. He then sits at home and makes large sums of money for the simple reason that he was fortunate enough to get the contract and to please one railway officer. I think it is very necessary that we should look into this matter. I drew the attention of the House in 1931 to this matter when I moved my Resolution about this contract system and I was given an assurance by the then Railway Member that he will attend to it. Now, seven solid years have elapsed and the position today is the same as it was in 1931. No change has been made. The matter was referred to several Advisory Committees but nothing was done. The reports are there, the literature is there and the speeches are there, but the work is not there. It is very desirable that some definite action should be taken in this matter. The suggestions that I wish to make are these. In the first place the contract should be given as far as possible to local vendors. It ought not to be given to a person who does not reside in the locality.

An Honourable Member: Do not the railway officials pay 50 per cent. less?

Dr. Sir Ziauddin Ahmad: Yes, I know that. Sometimes they pay nothing. They have got a certain rule that a person in the railway service gets a concession of 50 per cent. in the same manner as a police officer is allowed free into the cinema. The railway officials are allowed free in some restaurants and, in some others, they have to pay 50 per cent. less. I had an opportunity to talk with one of these contractors. He said, "I have to feed so many orphans". At first I could not understand what he meant by orphans. When I cross-examined him he said that he meant the railway officials whom he had to feed without charge. I, therefore, submit that the contracts should as far as possible be given to local men and these vendors should be strictly enjoined to sell the stuff at bazaar rates. If the railway authorities do not see their way to compel

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the contractors to sell at bazaar rates, then I am afraid the railway cannot attract passengers from roads who are now conveyed in buses. The point is this. If a passenger takes the bus, he could purchase his food-stuff in the bazaars on the way at cheaper rates than what he would have had to pay at the railway station restaurant stalls. I submit that besides giving contracts to local men, the railway should also insist that no sub-contracts should be given. The system of selling things on a sub-contract basis through servants should also be stopped.

The next point that I wish to put before the House is that this contract should not be considered a source of income to the railway authorities. In some places, the railway authorities actually auction tea stalls at fanciful prices. These contractors extract a large sum of money from the passengers and the railway wants to share in the loot. This is absolutely unfair. I submit that the railway authorities should regulate the vending of things by licensing fees and they should not consider this a source of income. (Interruption). I know the Advisory Committee proposed it but it has not been put into practice. I would urge once again that the licensing fees which the railway authorities levy should be only nominal fees justifiable for administrative purposes. For example, in places like Delhi or Kalka, they take into consideration the actual sales and on this basis they charge fees, just like income-tax. They do not consider the other side of the problem, that is, what has been the expenditure. They put a tax on the gross income and not on the net income.

The next point which I wish to bring to the notice of the Government is that the prices which the contractors fix should be the same as that prevalent in the market. Some persons say, it ought to be higher, while I say it ought to be lower, because we have got no credit system at the railway restaurant stalls. Everything is hard cash and money is realised immediately and, in a large number of cases, the passengers, because they are in great hurry to catch the train, do not get the required quantity of food for the money they pay.

Another point which I wish to stress is that there should be some supervision over the sale of aerated waters and ice, and the prices ought to be regulated not only by railway officials but by a small committee of officials and non-officials. It is also not advisable that you should give contract to the same individual over the whole line, say, from Bombay to Calcutta or from Delhi to Calcutta. You will find that if the same contractor has jurisdiction over a whole line, he often misuses the privileges.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has one minute more.

Dr. Sir Ziauddin Ahmad: Is there time limit also? I thought there was no time limit. I shall conclude soon.

The next point is that we should not give contracts of several restaurants to one and the same big contractor. No person should have contract of more than one stall. The contracts should be given as far as possible to local individuals. If you give contract of several restaurants to one and the same individual, then, I am afraid, the efficiency would suffer.

I am sorry that my time is up. With these few points, I support the motion.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to support this cut motion. Sir, the food that we get from these caterers is not good in quality and it is also very high priced. I have got certain instances to show that the prices charged are exorbitantly high. Here is a receipt which I possess which shows that for one Hindu meal it is 12 annas. I think this rate was fixed when Adam was born. For the last six years there has been no change in the tariff schedule. If you go just outside the railway compound you can have a good meal from anything commencing from six annas to eight annas. There is another receipt which I have in my possession of another caterer whose motto is "absolute satisfaction". I think anybody who has had something to do with the meal given by this contractor will say that this motto was not at all carried out one way or the other. Then, I have another receipt from Ballabdas who charged three rupees for 3 meals; whereas if one had simply stepped out of the railway compound, one could have had three meals for much less from 6 annas to eight annas. Then again there is Messrs. Spencers who charge 10 annas for a cup of coffee. My Honourable friend, Mr. Vencatachelam Chetty, who is very rich can afford to pay at that high rate, but my poor friend, Prof. Ranga, can't afford to pay at such high rate. I do not know if the remedies proposed by my Honourable friend, Dr. Ziauddin Ahmad, would remove these evils.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): What did we pay the other day for 11 people?

Mr. N. V. Gadgil: My friend reminds me of what took place day before yesterday. We ordered Hindu vegetarian meals at Surat for 11 people. We gave special instructions that it must be Hindu cooking. The caterer took us to be big M.L.A.'s and so he arranged vegetarian meals all the same in English fashion. Although only seven of us attended the dinner, he was good enough to charge for all the 11, a sum of Rs. 33. My Honourable friend, Mr. Ayyangar, the most orthodox member of our party, happened to be bracketted with my esteemed friend, Mr. Aney, and nobody had any satisfaction out of the meals served; and at midnight, we went into our compartments without any satisfaction. We had to pay for the food we did not take and for those who did not participate in the dinner also. If the Honourable Member in charge of the Department were to accompany us and see actually what is happening, he will find out the real cost of one meal for which such exorbitant charge is demanded. I am sure we are charged 50 per cent. more for each meal. The Honourable Member is aware that prices have gone down and it is time that he should revise the tariff schedule. It may be that some of these evils are due to sub-contracts. But that can be checked if the price schedule is fixed by the railway authorities.

I have got an instance of how the contract system works. It may not be very relevant so far as this cut motion is concerned but I seek your indulgence because it is a very instructive instance. At the Victoria Terminus station on the G. I. P. Railway the coolie contractor charges four annas from each coolie for simply allowing him to work there, and as there are more than 200 coolies, the contractor gets

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feel, Sir, that when the railway fixed the prices, they did not think of the number of people who are likely to use these restaurant cars and refreshment rooms in India. The number of people who can afford to spend Rs. 3 for a meal is extremely small—the rate for a dinner in the refreshment rooms and restaurant cars is Rs. 3. I, therefore, would like the Indian railway authorities to fix a menu and a rate for dinner, lunch and breakfast which can be paid by the average class of people who travel in first, second and other classes entitled to refreshment rooms and restaurant cars. The refreshment rooms are many times empty—they are not used even half for the simple reason that even people who travel first and second class are not willing to spend Rs. 3 for a meal: there are very few people—an extremely small number—who are willing to pay Rs. 3 for a meal. We would, therefore, like the railway authorities to consider whether the price for a meal—breakfast, lunch or dinner—cannot be reduced. Let them reduce the menu if they like: there are very few people who take at home five or six courses for dinner, lunch or breakfast. I made a complaint to the Chief Commissioner of Railways, and he told me that I could get *à la carte*: this *à la carte* price is very much high although you take only two courses for lunch. This is my first point.

My second point is as regards third class passengers. We provide for the first and second class passengers by providing a restaurant car: why should we not have a separate car for third class passengers. There is no explanation for it except that the Government of India want to please those people who travel first and second class. If they go into the financial aspect of providing refreshment rooms and restaurant cars for the first and second classes, they are sure to find that they lose money: it is true that they can avoid showing a loss, as my Honourable friend, Mr. Santhanam, has pointed out, by not charging the caterer the cost of running the restaurant car. As regards third class passengers, if the Government of India will run a restaurant car for them that car will pay itself, and passengers will get good food and more passengers will travel by third class. Similarly, Sir, we provide refreshment rooms for first and second class passengers, for say, one, two, three or at the most half a dozen passengers, but there are hundreds of third class passengers: we do not think of giving them a separate refreshment room. There are hardly six stations in the whole of India which have separate refreshment rooms for third class passengers. I would suggest to the Government of India that if third class passengers are to be looked after, even as we provide separate refreshment rooms for first and second class passengers, we should provide separate refreshment rooms for third class passengers. If third class passengers are cared for, your railway revenues will go up. We waste our time, attention, energy and money in looking after the convenience of first and second class passengers, but we refuse to give the same attention to the comforts of third class passengers as if we were not anxious to make our railways pay. I would like, Sir, the Government of India to change its policy. Take more care to make the third class passengers more comfortable by providing them with separate refreshment rooms at all the stations and not compel them to take their food in waiting halls.

Sir Cowasji Jehangir: Waiting halls?

Mr. N. M. Joshi: Waiting halls you may call them. They are not halls: Government of India calls any vacant place near the railway station a waiting hall. I am sure you have not seen a waiting hall.

Sir Cowasji Jehangir: Is that a technical term?

Mr. N. M. Joshi: Serious attention should be paid to this question: it is an important question from the point of view not only of the comfort of third class passengers, but from the point of view of the revenues of Indian railways.

Mr. M. S. Aney: This is a question relating to food, and being a Brahmin I think I ought not to allow this question of food go without speaking on it. Well, Sir, it is really a matter of regret that we have to discuss this question of catering arrangements after the railway system has been working in the country for 50 years and more. But, since the time the railways have begun to work in India, those who were responsible for working them were under the impression that in India they had to carry men who could live without food, men who had no natural calls to answer, men in fact who were devoid of any of those requirements which were expected to be provided for mankind elsewhere on the face of the earth. We had railway carriages without latrines for a number of years, and now they have come to realise that some such arrangement is necessary. It would take some ten, twelve years more before they will realise that a man requires food if he has to live, when he goes from one place to another. So far as the higher classes of passengers were concerned, they realised that they were men and provided for some kind of arrangement for them, although there are complaints even with regard to these arrangements. These were voiced by some of my friends here. As regards third class passengers it has never occurred to them that it is incumbent on them to make some arrangements of a really satisfactory nature for catering to their requirements. In India people have to undertake very long journeys for the sake of pilgrimages and for other reasons, and it is not a rare phenomenon to find persons journeying from Madras upto Benares, and yet not taking any food because they do not get what they can relish and consider food. They must either be satisfied to take whatever is served to them in the restaurant car for which they have got serious objection, or they must go without food: that is the difficulty.

Those who have been making crores of rupees as revenue from these persons have a moral obligation towards these passengers whom they carry, not because they are their customers, but because they are dealing with human beings and the minimum requirements of human comfort should be provided for them. There is no requirement which is more urgent than that of making some arrangement for them to get food whenever they want it and to get clean food which is also within their means. It is no use telling, "Here you are, here is the restaurant car where you can pay Rs. 3 and get a meal". Apart from other objections, as my Honourable friend, Mr. Joshi, pointed out, it is not within his means to spend Rs. 3 for a meal, and he does not and can not spend rupees three for food even for the period of a whole month;—that is his condition. The third class passenger is the largest customer from whom railways derive most of their revenues: therefore, they must know what is the minimum capacity of the man, and how he should get the most nutritive food he requires within the means available to him. That is the problem which the railways have to solve.

My friend, Mr. Santhanam, has rightly pointed out the magnitude of the whole question. If 50 crores of people travel and if it is taken at two

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annas each, it comes to six crores or more; but whether it is six crores or ten crores, at any rate it indicates the extent and magnitude of the problem which railways have to solve. Some of my friends were rather laughing when my friend, Mr. Santhanam, was working up these mathematical calculations. But, in the case of railways, I believe they have to consider that they have to deal with so many human beings: whenever there is a Kumbh mela or any such big show we think it necessary to make certain kinds of arrangements for the sake of those who go there. Now, the railways have to carry crores of passengers every day and they must help them in their human requirements. They are the only authorities who can make some kind of arrangement; otherwise the passengers are considerably inconvenienced. If the argument of my Honourable friend, Mr. Santhanam, is carried to its logical conclusion, as a result of these men not getting proper food, they fall sick and they have not only to pay the railway fare but also the doctor's bills later on. That is the extra charge he has to pay for the sake of having travelled on the railway: and he has no other means of travelling: he has to go by the railway. Therefore, I think that this question requires to be more carefully considered. I admit during the last ten or twelve years some attention is being given to this question. The stalls at the stations today are much better than they were before: I know the conditions before and I know how we were making some little effort at the meetings of the Railway Finance Committee and Railway Advisory Committees in order to improve these arrangements a little bit better. But, now the time has come when the question should be handled in a more business-like and scientific manner, and that is the only object, I believe, of the Honourable Member who has moved this motion. I am in entire sympathy with that object and I, therefore, strongly support the motion.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir*, I agree with Dr. Sir Ziauddin that the catering arrangement is very defective and sub-letting is allowed. I have personal knowledge that contracts of catering are given more often to one man to manage sometimes the whole railway and sometimes a division. Undoubtedly, it was very difficult for one contractor to make proper and suitable arrangements for hundreds of stations through hired or paid servants, and besides why a man will take unnecessary troubles if there is no gain. Although the Company-managed and other railways do not charge anything for the contracts, but no useful purpose is served by their not charging the contractor, as the travelling public has to pay unbearably high prices for food. These contractors sub-let shops at every station to different persons and realise enormous sums from sub-lessees who add something more as their profits to the sums they pay to the contractor. The prices of food are thus raised very high and go beyond paying capacity. I have ever seen these systems of sub-letting at several stations over the B. & N. W. Railway. It is the lower class passengers who are most hit. It is said by Government that they are their best customers. Most often these best customers prefer starving than to pay exorbitant prices of ordinary food. The total income of all railways from passenger traffic is Rs. 29,33,05,000 of which the third class passengers pay Rs. 26,09,90,000 which comes up to 80.9 per cent. of

*Translation supplied by the Honourable Member of his speech delivered in vernacular.

the total. If you will look to the amount paid by the third class passengers over the B. & N. W. Railway, about which I have just spoken, you will know that it is Rs. 1,35,00,000. The fares paid by the upper class passengers is Rs. 8,00,000 only. There is better arrangement for upper class passengers although they have to pay much higher rates. Sometimes these poor third class passengers are so much afraid of being dislodged by other fellow passengers when they come out of their seats for food. Overcrowding has most often been found by me as I am ever on tour. I have raised several times the question for the abolition of sub-letting system in the Bihar branch of the B. & N. W. Railway, but each time we are not believed. I assure you, Sir, that these Railway Advisory Committees are only toys. They are never consulted in matter of catering as in many other ones. I strongly support the Mover and urge that sub-letting should be stopped at all costs. I request the Honourable the Railway Member to make confidential enquiries about what I have said about the sub-letting over the B. & N. W. Railway and I am sure, he will surely support me. Over the B. & N. W. Railway Company ice is sold three annas a seer. Why so, when ice is manufactured at Patna, Muzaffarpur and Gorakhpur that is to say, in almost all the important headquarters of the B. & N. W. Railway? The contractor has not to pay anything to the Company. Aerated water is also sold at an exorbitantly high price. All these things should be put an end to. The poor third class passengers prefer to remain thirsty to paying such high price for the ice and aerated waters although it is they who require cold drink more than upper class passengers, as they get suffocation and become much thirsty owing to overcrowding in trains which I have already made a mention of.

There is one thing, Sir, and it is this that contractors of different communities are given catering contract for different communities, say, for instance, a man is Hindu and he is given contract for a Muhammadan refreshment and catering. It is highly resented by Muslims as they know that their Hindu contractor has seldom regard to the religious sentiments of Muslims. There are sections of Muslims who never touch things prepared by men of other communities as they are afraid that Hindus may give them *jhatka* and other meats which is strictly prohibited for Muslims. I have innumerable instances in which caterers are Hindus of all castes. The food is prepared by them but served to Muslims through Muslim attendants. Why so, because a Muslim will not purchase. Well, is it fair to deceive the Muslim passengers this way? I may narrate one or two more instances to bring to the notice of the authorities legitimate grievances of the Muslim travelling public. I have seen most often that a few Muslim caterers who are fortunate enough to get some shop either as sub-lessee or direct from company, are never allowed to supply betels and sweetmeats prepared by them to Muslim passengers. Why such *zulum* is perpetrated over the Muslim caterers and why the Muslim travelling public are thus forced to purchase betels, sweetmeats and often times food prepared by Hindus and Christians? I assure the House that Asia is a religious Continent of which India is a part. The religious sentiments of people of India have remained and will remain in future and it is not proper to discard such ideas. The authorities, therefore, should provide facilities for such religious and orthodox Muslims and Hindus.

With these words, I support the cut motion moved by my learned friend, Dr. Sir Ziauddin Ahmad.

Prof. N. G. Ranga (Guntur *cum* Nellore; Non-Muhammadan Rural): Sir, this is one of the things on which the third class passengers feel very strongly and sorely disappointed. We find that though there are several thousands of stations in this country, there are only 1,400 stalls which have been established or licensed by the railways. I do not know at how many stations, but I daresay there are very many stations at which there are more than two or three stalls. So if we take that into consideration, we find that for many thousands of stations there are no stalls at all. I would like to know, since that information is not vouchsafed to us, what is the total number of railway stations in this country, and at how many stations there is not even one stall to cater to the needs of the third class passengers. If we again take into consideration the question of restaurant cars, we find that this Government cares more for the comfort of Europeans or those who live in European style than for the comfort of those who live in Indian style. For all the stations we have in this country,—and there are thousands and thousands of them—we find that as many as 55 restaurant cars are run on European style and only 44 restaurant cars are run on Indian style. If this is not racialism, I would like to know what else can it be. I find there are very many railways on which there are no restaurant cars running at all. I was told just now by one of my friends that on the train that runs from Lahore to Karachi and back there is no restaurant car at all, and I do not know what Government expects the passengers to do as far their food is concerned.

An Honourable Member: Sind produces only dust and nothing more.

Mr. Lalchand Navalrai: It is very fertile now.

Prof. N. G. Ranga: Sir, I want the Government to take a lesson from the Indian National Congress held at Haripura. At Haripura we found hotels where they were charging only six annas for a 1st class meal, and there rich people were, supposed to take their food, whereas for poor people there were stalls which were charging only six pice for food. Why should not the Government take a lesson from the Congress experience, where they have tried to show some consideration for the poor man and to give him the food he is usually accustomed to. Why should not the Government introduce the same system and try to sell food in the railway station stalls in such a way that the poor man will get the food he is capable of paying for and the rich man is supplied with specialities at special rates if need be.

I am not at all satisfied with the suggestion made by my friend, Dr. Sir Ziauddin Ahmad, in regard to licensing. I do not want this licensing system at all. It must be abolished forthwith. I want in its place the railways themselves to undertake the work of catering. (*An Honourable Member:* "Soviet system.") Whether it is the soviet system or whether it is nationalisation, call it by whatever name you like, I want to tell the Honourable Member in charge that it is a very paying system. The M. & S. M. Railway and the S. I. Railway in the South have found it to be a very profitable proposition. They have given much more satisfaction there than all the caterers in the rest of India where the licensing system prevails. Therefore, Sir, I want that the Government themselves should undertake catering so that there can be more satisfaction. I can also

tell the Government that the M. & S. M. and S. I. Railways have found this system so profitable that they have found it possible to reduce the rates from six annas to four annas a meal. If it was possible for them to reduce the rates by 33 1/3 per cent., I do not know why such unconscionable rates should be allowed to prevail on the trains that run between Delhi and Bombay. I can also refer to the abominable rates which prevail on the Grand Trunk Express for so-called Hindu meals; and they charge as much as 12 annas for one meal.

Then, Sir, coming to the question of cleanliness, if you want an example to be set in for cleanliness for anybody, you had better go to the south, and especially it is so in the railway catering stalls and refreshment rooms. They are very clean, and yet they give you very good food for four annas. Why should not the Government try to introduce a speck of their cleanliness into their stalls in Northern India, especially the Kapoor Stalls where there is more dizziness than cleanliness.

Why do the Government want to make any profits at all out of this catering? Are they not satisfied with the profits they are making from the passenger rates and freight rates? Why should they try to cheat the passengers even in regard to this and try to make some more money from them? Why not give the passengers satisfaction

The Honourable Sir Thomas Stewart: On a point of information. Is the Honourable Member under the impression that Government sell food to third class passengers?

Prof. N. G. Ranga: It is under the authority of the Government that these licenses are issued, and it is because of these licenses the licencees obtain a monopoly and, therefore, they are able to practise *zuloom*. I have found it at very many stations. There are crowds and crowds of passengers begging for food with money in hand, but the man in charge of the stall was not prepared to take the money and serve the food, because he had only two hands and not more. Sir, this system has got to be improved. There must be more people to serve; there must be more caterers and more stalls, and I can assure you, as my friend, Mr. Santhanam, has put it, it will be a very profitable concern for the Government if they were to take up this question seriously into their head and follow it up as the M. & S. M. and S. I. Railways have done in the South, and get rid of the licensing system altogether.

At very many stations, Sir, I find two refreshment rooms, one for 1st class passengers and another for second class. Why do you want to have these two refreshment rooms? Just as you have got to abolish two separate classes, 1st and 2nd and amalgamate them into one class, call it first or second, similarly you have got to abolish the separate rooms and have only one room and set apart the other room for the third class passengers.

Then, I find that in many of these restaurant cars there are no kitchens, with the result that they take some food at some station and carry it for 300 or 200 miles and by the time the food is served it becomes stale and that is being doled out to the passengers at abominable rates. If Government were to be so affectionate towards these contractors at all, let them follow up some of the suggestions thrown out by my Honourable friend, Sir Ziauddin Ahmad. Let them abolish this sub-contractor system.

[Prof. N. G. Ranga.]

reduce the licensing fees and let them try to renew these licenses from time to time. Let them call for separate tenders on every occasion, so that it would be possible for Government not only to get a little more money from these people if they wish to, but also extract better terms as regards the prices to be charged. There is now too much favouritism. The same man is given the license for decades together and I want this system to go. There is much to be said in favour of giving the licenses to local people if the licensing system were to be preferred but I am absolutely in favour of the introduction or generalisation of the system that we have in Southern India where our passengers get very much better satisfaction than those in Northern India.

In Northern India, I find the stalls not only not clean but positively dirty. I do not know how it is possible to take any food there. We don't have any leaves or plates. The food is served out in dirty paper taken from anywhere and everywhere. We take the food simply because we are obliged to. This system must go and the sooner Government tries to appoint some special department in order to look into the whole affair and investigate the manner in which the catering is done the better. The sooner this mismanagement and misuse is put an end to, the better for the third class passenger and the railways.

Mr. Lalchand Navalrai: There are two complaints in regard to this matter. One is the bad and unclean food given by the stall keepers and the restaurant people and the second is the high price that they charge. How are these defects to be removed? This is an old complaint that has been going on for a very very long time and as a member of the Central Advisory Committee I know something of this matter. The causes lie in the policy of the railways to give contracts for these stalls to the highest bidder and the second is that there is no regular schedule for these stall people. Before 1936 no fees were charged to the license holders and the rent of the rooms given to them was also very very nominal. What happened was that these stall holders were under the influence of the officials and the stall holders were being charged some other fee which was not legal. The result was that the stall holders had to make both ends meet and they raised the prices and also they did not care whether they gave good food or bad food. This thing came to the notice of the Central Advisory Committee and on the 3rd and 8th October, 1936, the Central Advisory Committee considered certain suggestions. The suggestion was that this illegal way of pilfering the stall holders and making them give bad food should stop. After further consideration, the members of the Advisory Council were of opinion that the rents charged to these men should be very nominal and no illegal gratification should be taken. The second remedy that was suggested was that the licensing fee should be very reasonable. These were the two resolutions passed. Under the cloak of these two resolutions, the Railway Department thought of making profit. They said that they will charge them nominal rent and charge them reasonable fees for stall licences but they so manipulated that they make money out of this. Therefore, they introduced a system called the contract system by which the stalls will be sold by public auction and money realised from the sales.

The consequences of this system have been described several times in this House. As a typical instance, I will take the case of the Delhi station. Formerly there was only some small license fee. Some rent was

also being charged, but all of a sudden under the pretence of this resolution which never meant that there should be revenue made out of this, a change was introduced. This resolution never meant that these people should be charged so much that they may prove to be a scourge upon the third class and other passengers. They wanted to give out a contract, say, for Delhi, the local people would not come forward to have it on any exorbitant terms; what the railway did was to manage to send for some people from Bihar or some other place, who took the contract for four thousand rupees or so; the exact figure must be known to the railway officials. Now, is this fair? It was not only for the Delhi station but the Agents got orders to act similarly elsewhere. I received information the last time when the Central Advisory Council was meeting at Simla that at many other stations, stall keepers were charged a few thousand rupees. In fact, it varied from three hundred or four hundred rupees and onwards, even on stalls of small dimensions. I considered that was not right nor just at all, and that, that was not the intention of the Advisory Council. Therefore, I sent in my resolution. At that time Sir Sultan Ahmed was in charge of the railways. I pointed out that this question was exercising the minds of the people when a stall keeper had to pay a sum of something like Rs. 4,000, it necessarily followed that he had to make good that amount out of the passengers' pockets. Therefore, I asked that this question should be re-opened or some arrangements should be made in such a manner that this heavy charge should not be levied from these stall keepers so that they may not give us bad food for such high price. But what happened was that Sir Sultan Ahmed had not then any time to look into this matter as he had to attend the Assembly, and this matter was not on the agenda paper. He, however, very kindly said that on the next day he would meet in conference with some members of the Council, in which were included Dr. Sir Ziauddin Ahmad, myself and some Members of the Council of State. Sir Guthrie Russell also was present. Then we placed all these materials. Sir Sultan Ahmed gave out a good gesture and hoped that the matter would be decided very soon and something done in that direction. Sir Ziauddin Ahmad actually placed a memorandum of suggestions in his hands asking that "charge for rent should be nominal in fact", which should mean only a rupee or two; and not, Rs. 50 or Rs. 100. Then we also asked that there should be no racial discrimination in the matter of charging Indian and European restaurants. What the Council had utmost decided was that stall-holders should be charged a reasonable licensing fee. Now, is that a reasonable licensing fee, when Rs. 4,000 are realized from one station's catering? We said we could not give a blank cheque to the Agents on this question but that you should have a small committee and with the help of that committee and in consultation with the Agents and others, you should see what should the reasonable charge be. It will not be a reasonable licensing fee if you sell stalls by auction. Thereby you will be making a profit out of it and it is more or less a tax, something like an income-tax or worse than that. At that time we suggested that a small committee should be constituted. What happened? Up to this time nothing has been done as regards that; on the contrary the Agents have been doing it in their own way and auctioning away these stalls at high prices. There is no supervision over them also; and when we say that the local advisory committees should be allowed to have some supervision over that, the Agents restrict us to do it in our residential place only

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got two minutes more.

Mr. Lalchand Navalrai: Sir, the Advisory Committee asked that the members should be given certain passes sometimes to go and examine these things on different stations but that was also not done. On the B. N. R. the system of departmental working has again proved to be a very great hardship upon the Indian licensed holders. There, the upper class catering is in the hands of the company and the lower class catering on the stations is given away by license and a heavy license fee is charged. The result is—and I have reliable information—that while there is a loss of about a lakh of rupees in the case of the catering for the upper class people, the company makes up that loss of a lakh of rupees by illegal means, by very unjustly charging very exorbitant license fees from these stall holders. Is this fair? Is this just? Sir, the railway officials take no notice of this glaring injustice. I submit that these are things which operate very harshly upon the lower class passengers. Look at it from that point of view and not from the point of view of your revenue. Your revenue is coming to you from several other sources. Have your attention concentrated upon giving good food to the people and also not charging these stall holders so much that they be forced to raise their prices. With these words, Sir, I support the motion.

Several Honourable Members: I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

The Honourable Sir Thomas Stewart: Sir, the Government of India and the Railway Board are in the fullest sympathy with the motives which led to the moving of this motion. They agree with the proposition that the catering arrangements on Indian railways should be such as to provide the maximum convenience and benefit to passengers at a reasonable cost. This subject has been engaging their attention for some time and since the Resolution moved by Dr. Sir Ziauddin Ahmad was adopted in 1934—not in 1931—the railway authorities have been carrying out a very exhaustive examination of the systems in force on the various railways.

In pursuance of the assurance given by Sir Joseph Bhore there were issued to all railways requisitions that they should prepare memoranda as to the catering systems in force on their railways, that they should take steps to consult the local Advisory Committees and that they should report to the Railway Board the result of their investigations. As a result of that action, there was accumulated in the Railway Board office a very large mass of documentary evidence which was duly digested and a memorandum was placed before the Central Advisory Committee. The Central Advisory Committee deliberated on that memorandum and they came to certain conclusions,—rather more, I think, than were given us by Mr. Lalchand Navalrai. Their tentative conclusions were these: that stall holders should be charged reasonable licensing fees, and that the rental charge for the use of refreshment rooms should be on the same principle both in regard to first and second class refreshment rooms and to Indian refreshment rooms; secondly, that a contractor shopkeeper

or stall holder might be charged a reasonable sum to cover the actual cost of supplying electricity and water to him. Where there was a municipal or other charge payable on premises occupied by the contractor, he should be liable for this: that price lists of goods sold should be fixed in consultation with the civil authorities. Contracts for vending and refreshment rooms should be given only to those people who were *bona fide* traders, that is to say, who themselves were engaged in the catering profession. Contracts should, if possible, be given to local men though it might be necessary to give one contract covering a large area if it were impossible to get a man of sufficient substance to serve the smaller and less remunerative stations. Contracts in regard to ice and aerated waters should be for a limited period, one year at a time, though there was considerable volume of opinion to the effect that longer contracts should be given. It was recommended that the railway medical officers should make a point of inspecting foodstuffs on stalls and that the local public health authorities should be given access to the railway stations for purposes of inspection.

Dr. Sir Ziauddin Ahmad: What was the price fixed?

The Honourable Sir Thomas Stewart: The Committee were of opinion that the price for the sale of aerated waters and ice should be especially looked into and that there should be as little difference between the prices charged at stations and outside the stations as possible. In pursuance of the first of these recommendations, without taking any final decision as to the policy that was to be followed, the Railway Board suggested to the Administrations that as an experimental measure they should try the system of levying reasonable fees. I am quite prepared to admit that the interpretation of the word "reasonable" is a debatable matter. What might be a reasonable fee for one station may not be so for another. In any case, that question was taken up.

In the meantime, a few months ago, as Mr. Lalchand Navalrai has told us, a deputation of Members of both the Houses of the Legislature met my predecessor, Sir Sultan Ahmad, and they put forward certain representations to him. These representations, it will be recognised, do not quite agree with the recommendations of the Central Advisory Committee and they were as follows: That the prices for soda and aerated waters, ice and tea should be standardized for the whole of India at a low rate and the price of other articles should be fixed at the market rates of the town; that stalls and refreshment rooms should be supplied to contractors without rental charge or fee; that the person to whom the contract is given should supervise the stall or refreshment room himself and should not let out his contract to anybody else; that he should also be a resident in the town; no contractor should be given a contract for more than one refreshment room; that no one should have a contract for more than one group of allied articles; that any appeal against high prices or bad quality should be made to a Traffic Inspector; that the contracts should be given for periods not exceeding two years.

Honourable Members, I think, will realise that the recommendations of those Honourable Members who saw my predecessor do differ in some quite important respects from what was decided in the Central Advisory Committee, and it has now been necessary for the Railway Board to reconsider the position. That process of consideration is now going on. It is, therefore, perhaps appropriate that this discussion should have taken place at this time and I shall arrange that the speeches that have been

[Sir Thomas Stewart.]

delivered on the floor of this House today should also be before the Railway Board and myself before any decision is taken as to the ultimate policy to be followed.

Mr. Lalchand Navalrai: Will this question be taken up in the Central Advisory Committee that is to meet day after tomorrow for which I have sent a resolution on this point?

The Honourable Sir Thomas Stewart: No, Sir. That subject was not on the agenda for the Central Advisory Committee. We are already seized of the views of the Central Advisory Committee as a Committee.

Prof. N. G. Ranga: Will the Railway Board also consider the advisability of introducing the South Indian Railway catering system?

The Honourable Sir Thomas Stewart: I have given my assurance on that point. It was an issue that was raised by the Honourable Member and I have said that the speeches delivered today would be brought to the notice of the Railway Board when they are considering this matter further.

Sir Abdul Halim Ghuznavi: Sir, in view of the statement that has been made by the Honourable Member for Communications I ask the leave of the House to withdraw my motion.

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

DEMAND NO. 3—MISCELLANEOUS EXPENDITURE.

The Honourable Sir Thomas Stewart: Sir, I move:

"That a sum not exceeding Rs. 18.08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous Expenditure'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a sum not exceeding Rs. 18.08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous Expenditure'."

Conditions of Labour and the System of supplying Coolies.

Dr. Sir Ziauddin Ahmad: Sir, I beg to move:

"That the demand under the head 'Miscellaneous Expenditure' be reduced by Rs. 100."

Sir, the question of the supply of coolies at the different railway stations has been receiving the attention of this House for the last several years. A number of questions have been put and Resolutions have been tabled and the attention of the Government has been repeatedly drawn to this particular matter.

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

The present system is that one man is given the contract to supply coolies and he is called the cooly contractor. This contract is sometimes

given to a railway official, sometimes it is given to a firm, sometimes it is given to a retired railway officer, and sometimes to any person who is in the good books of the Divisional Superintendent. These cooly contractors charge a definite fee from each and every cooly. I have got a tabular statement before me in which it is mentioned that at one railway station alone every cooly has to pay Rs. 11-12-0. This is officially mentioned in this statement. This is not a private document. In this particular station there are 350 coolies. Therefore, this cooly contractor at this particular railway station gets an income which is equivalent to the income of a Member of the Railway Board. There is one difference. A Member of the Railway Board has to pay income-tax on his salary, whereas this cooly contractor has to pocket the entire money he gets from the coolies without paying a single pie in the shape of income-tax. This thing is usually done.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): The contractor gets no saloon.

Dr. Sir Ziauddin Ahmad: I know a number of stations on the E. I. R. line where similar arrangements exist and the cooly contractor gets his income from different sources. The first source is that he charges so much from each cooly for giving license and in this way he gets a fairly big amount. Then, the same cooly contractor is given the contract to load and unload at the stations and for this work he is paid by the railway administration, while he gets this loading and unloading done free by the coolies. No payment is made to the coolies and the contractor pockets the entire sum paid to him by the railway administration for this work. This is his second source of income. In bigger stations, this would come to a substantial amount. We do not mind if there is only a particular man receiving income in this manner, but unfortunately the whole thing falls upon the back of the poor passengers. It must be the sad experience of all of us on this side of the House that whenever we pay any cooly his licensed fee, he always argues, sometimes he uses the logic to such an extent that a nervous man breaks down. I have repeatedly seen that as soon as a cooly lodges the luggage into the compartment, he begins to argue and a nervous man always loses his balance of mind on account of the higgling of the cooly. I have sometimes asked these coolies as to why they were demanding more than the licensed fee. The invariable reply that they gave me was that what they got practically went to the contractors and whatever they were able to get over and above the licensed fees, that was really their income. This is the sort of logic which the coolies employ in order to get more amount than what is really their authorised fee for taking a load. This is becoming exceedingly troublesome to passengers. If the passengers give a tip to the porter or to the cooly, it is all right, but it is not a tip, it is not given voluntarily by the passengers, it is extracted by force, by arguments and sometimes by threats. If all these things are practised it is really very annoying to the passengers. I think it is very desirable that we should have some regular system by which the fee should be fixed and the entire amount ought to go to the poor cooly himself and the profit which the intermediate man, like the cooly contractor, might get must be avoided as far as possible. What is really the income of the cooly contractor? I gave an instance of a cooly contractor who gets Rs. 4,000 a month.

An Honourable Member: Does he pay anything to the Railway Board?

Dr. Sir Ziauddin Ahmad: Not only does he not pay anything to the Railway Board, but in addition he gets something from the railways for loading and unloading things.

The other point that I want to raise on this cut motion is the condition of labour at the railway stations. Their condition is also very pitiable because they have not got sufficient time and leisure for recreation and even for sleep. I drew attention to this particular problem when I was talking about railway accidents and I pointed out that one of the reasons for these accidents was that these labourers did not get sufficient time even for sleep, and when they were overworked, they were careless in their duties. I think it is desirable that there ought to be some definite rules regulating the hours of work. They should not be called upon to work for more than eight or ten hours a day. It is not fair to put them on duty for 12 hours and more, and I submit there ought to be some kind of regulation and I hope that the new department that the Government of India have now established under Labour would look into the problem and I trust they will enter into the question of labour conditions in the railways.

It is not only the question of menials that has to be considered but the question of subordinate staff also should be considered. At the present time the subordinate staff of the railways who get Rs. 30 or Rs. 40 a month get no better treatment than menials and I submit their case also should be considered. You should not put them to work continuously for more than eight hours at a time. Of course, in exceptional cases, you can call upon them to work for more hours. But here we find that they are regularly put on 12 hours duty and no leisure is allowed to them for recreation. They work for seven days in the week and for 30 days in the month and, even on days of festivals, they are obliged to be on duty for 12 hours. Not only this, but as was pointed out by my Honourable friend, Col. Gidney, the other day they do not even get leave which is due to them. In the first place their leave rules are very stringent and even the leave which is due to them is seldom granted by the higher officials on the plea that there is no one there to do their work and that there is no relieving staff. Therefore, it is very desirable that we ought to provide some kind of relieving staff in all these railways in order to relieve subordinate staff and allow them some leisure for recreation. I am perfectly certain that if you give them some leisure, the efficiency of their work will also increase. A person who is overworked and does not get sufficient leisure may do work all right, but his efficiency will suffer. Therefore, in the interest of efficiency and in order to avoid cruelty to human beings, I press this motion and I hope that the railway administration will look into this matter.

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

"That the demand under the head 'Miscellaneous Expenditure' be reduced by Rs. 100."

Prof. N. G. Ranga: Sir, the so-called menial servants of the railways are the worst exploited class of people in the employ of the State and also the railways. They form the largest number of the labour employed on the railways, as much as 80 per cent. and yet they are not given even

the benefit of a provident fund. Only the other day the motion of my Honourable friend, Mr. Joshi, could not be pressed because the Honourable Member in charge of Railways was not prepared to give a satisfactory answer and the sense of the House somehow obliged him to withdraw it. But it is a fact that these people are not given any kind of consideration by the railways. The Royal Commission on Labour had made a pertinent remark that these people deserved the best consideration of the Railway Board, and yet I do not know what steps have been taken since then to improve their lot. Their wages have not been raised and no benefit fund or any other fund has been created for their benefit, nor has there even been an increase in the number of uniforms with which they are supplied. Even the housing accommodation that they are given has not been increased and many of them are obliged to live in bad houses without any protection whatsoever either from sun or from rain.

Then, coming to the question of leisure, only the other day the Honourable Member in charge of the Railways admitted in reply to a question put by Mr. Lalchand Navalrai that it was a fact that the Railway Agents had it in their discretion to keep these people at work for more than 12 hours on several occasions merely because exigencies of work demanded such a thing. But he did not say whether they were being paid sufficient compensation or not. Even if they were paid sufficient compensation, to make the workers work for very much longer than what was considered good for them and in their own interest by the framers of the Factories Act is really unjust, to say the least.

The vexed question of giving these people some free passes to travel in third class on some occasions at least during the year is still hanging fire and nothing has been done; and in fact, if I am not wrong, in the recent past a number of passes that were granted to some of these people has even been brought down.

Then, Sir, coming to the subordinate staff, their position is only a little better if not just as bad. They do not enjoy a sufficient number of holidays and they have to work for very long hours for days together on several occasions. I do not think they are given any overtime pay at all, and I do not know what excuse the railways have for exploiting these people so much without paying them adequately. It is true that there is a cry in the country, and I think rightly, for more and more economy in the railways; but that does not mean that this economy should be effected by trying to shorten the number of holidays for these people or cutting down the privileges that had been granted to these people. Specially have they come to feel very bitterly about the reduction in the number of free passes that were being given to these people for enjoying some holiday from their place of work to their own villages or other places.

Then, Sir, coming to these coolies who are being engaged by contractors, I have only to remind my Honourable friend, Sir Thomas Stewart, of the European contractor at Calcutta who is making tons of money out of these poor coolies. I do not know why the railways are so very particular about the system of contractors at all. I do not know why the railways do not think of engaging these people directly by themselves. They may say it is all casual work. But there is casual work on the Docks too. Yet they keep what is known as a waiting list and they try to bring about decasualisation of labour. They certainly can keep a waiting list of people who desire to work as coolies on the railway and give permission

[Prof. N. G. Ranga.]

to a certain number of people for any particular day or for any particular week to work on the platforms as coolies and fix the rates which they have to charge either for the various kinds of luggages that are to be carried by them for passengers or any sort of luggage that has to be transported from place to place. If they were to follow this particular system they would be able to free these coolies from the exploitation of these contractors. Here is a long paper which has been placed before us. I cannot say I can vouch for the facts presented here, but I am sure my Honourable friend, Sir Thomas Stewart, will find it very useful and interesting reading, if only he would bestow a few minutes to it and see what he can possibly do.

The Honourable Sir Thomas Stewart: I have already read it.

Prof. N. G. Ranga: Then I hope he will see what a vicious system it is to allow these contractors to go on exploiting these coolies and also to go on exploiting the railways themselves and try to corrupt many of the railway officials themselves in order to increase their own profits. I want this system to be replaced by the one that obtains on the M. & S. M. Railway where in some stations the railways themselves employ these coolies directly. If railways were to employ these coolies directly it would be possible for them to give better satisfaction to passengers and also to provide better earnings for their own coolies. I want really that these coolies should be engaged not on daily wages but on monthly wages. It will not be impossible for the railways to do this; it will not be an unprofitable thing to do this, specially at big junctions, because they can always have a minimum number of people on monthly salary and a few people more on the reserve list, so that whenever there is a rush of passengers or traffic they can call upon these people to come and assist, as in England, and take payment according to the rates fixed by the railways themselves.

Then, Sir, even in regard to the schools and other social amenities that are provided by the railways, I find an invidious distinction made between the subordinates and others employed by the railways who are supposed to be educated people, and the coolies employed by them. The coolies somehow or other are not treated as human beings and therefore they are not expected to derive as much advantage from the schools and other social amenities provided by the railways as the others. This is a great grievance and I hope Government will take the necessary steps to redress this. But the most important grievance of these people is their very low salary. This salary has got to be increased, and if it is not increased it does neither credit to the railways nor does it bring any profits to them. After all it is on the work of these people that the safety of the whole railway depends. It is these gang workers who have to keep the railway lines absolutely safe. If anything goes wrong with gang workers, then it will not be possible for us to reach this place and play our useful part as representatives of the electorates of this country; and it is these people who are being neglected by the Railway Board. I want them to pay more attention to the needs of these people, especially in the way of increasing their wages.

Then, Sir, it is these people who are being very badly treated, ill-treated by the railway officials, sometimes they are even beaten, often

they are abused, and almost always they are obliged to work like slaves at the bidding of these railway officials from the gangmaster to the traffic inspector, not to speak of the D. T. S. who is a *barah sahib* for them. Now, there must be some system of inspection by which it would be possible for Government to ensure that these people are treated as human beings, that they are not overworked, and that they are made to work only for the requisite number of hours for which they are supposed to work either according to railway rules or according to the Factory Act. I do not know whether there is any Indian at all in charge of railway labour problems: it may be that on the Railway Board an Englishman is obliged to look into these labour problems. Well, if it is an Englishman I would like to remind him through the Railway Board and through my Honourable friend here representing Communications, that he should remember the much better and more humane conditions obtaining in his own country, that is, in England, for these so-called menial railway servants. I would expect him and the Government to try to provide for him better facilities, higher wages, and better treatment than obtaining at present. I hope Government will try to pay such attention to these people as they have paid to other sections of railway labour. Sir, I shall say in conclusion that till very recently very little attention has been paid to the welfare of these people, whereas more and more attention was bestowed to the needs of the highly paid and also subordinate officials both by Government and labour leaders in this country. It is time, I think, that labour leaders, trade unions, as well as the Honourable Members in charge of Communications and Labour pay sufficient attention to the needs of these people, and if necessary a special officer should be appointed to go into their needs and present to this House a report of what Government proposes to do and has done for their welfare and for the improvement of their conditions.

Mr. H. M. Abdullah (West Central Punjab: Muhammadan): Sir, I rise to support the cut motion moved by my Honourable friend, Dr. Sir Ziauddin Ahmad. I am glad that he has championed the cause of the poor coolies. I myself had tabled a cut motion (No. 108 on the main list) to ventilate the grievances of the coolies at the Lahore station, but unfortunately according to the arrangement made by the various Parties of the House, it will not now be possible for me to move it. I have, therefore, decide to speak on this cut motion which is more comprehensive than that of mine. I will confine my speech to cooly system prevailing at some of the big stations on the North Western Railway. First, I shall take up the case of the coolies employed at the Lahore station, the headquarters of the North Western Railway, and will presently show how under the very nose of the Agent, N. W. Railway, the poor coolies are being maltreated by the contractor and their grievances are not attended to by anybody. The contract for supplying coolies at this station has been given to one Mr. Mohammad Ismail alias Isa. He has enjoyed this monopoly for the last 18 years. On recruitment each cooly has to pay a security of Rs. 30 to be returned on discharge. Actually, when a cooly is discharged this security is not refunded to him, but is retained by the contractor *in toto*. In addition, every cooly has to pay Rs. 6-2-0 as the cost for uniform which consists of only a turban and a shirt whose worth hardly exceeds Rs. 2. When a cooly is dismissed this uniform is taken away from him, but its cost is not returned to him. Over and above all, the contractor charges a

[Mr. H. M. Abdullah.]

monthly levy of Rs. 11-10-0 in various forms from each cooly. In order to give a first-hand knowledge I will read out to you a copy of the memorial addressed to the Agent by the coolies on the 29th November, 1937, which is as follows:

"To

The Agent, North Western Railway, Lahore.

Respected Sir,

With due deference and great humility we beg to lay the following few lines and hope that it shall receive your Honour's due and sympathetic consideration.

That Mr. Mohamed Ismail *alias* Isa, Railway Cooly Contractor, Lahore, took from the undersigned, Rs. 30 each as security while giving us numbers, and he promised to return the said amount when the numbers are taken back from us. He told us that this amount was being taken from the undersigned as per railway rules and regulations and we therefore gave him Rs. 30 each, as security.

That when the numbers were delivered back by the undersigned to the said contractor and demanded Rs. 30 each, the contractor refused to remit us the said amount.

That in addition to the above amount he usually takes Rs. 6-2-0 for the uniform which contains one turban and a shirt, and it is general custom with the contractor that whenever he takes the number back, he also takes back the said uniform, *i.e.*, turban and shirt, but in compensation thereto never returns the amount of Rs. 6-2-0.

That we have been given to understand that all the said amounts realised by the said contractor had been illegally extracted from the undersigned, we intend to lodge a criminal case of fraud and misappropriation and have therefore submitted applications to the high railway officials and Police, but nothing has been done in this case but instead the said contractor has been informed of our having submitted the applications against him. On this the said contractor told us that Mr. C. J. Hamil, the Station Superintendent, Railway Station, Lahore, is on friendly terms with him, and moreover Mr. Isar, Additional District Magistrate, is also a friend of him and he will therefore get the undersigned punished through him.

That it will not be out of place to mention that Mr. Isar was seen going in company with the said Contractor towards the Rawalpindi side. In Hyderabad, Sind, the cooly contractor and others have been punished for doing such illegal acts and similar nuisance was noticed by the authorities in Hyderabad. The worthy Hon'ble Judge of the High Court then got the poor coolies relieved of this cruelty done to them. A case was started and the cooly contractor was convicted and punished according to law.

Your Honour is well-known throughout the Punjab for justice and equity and the undersigned therefore approach Your Honour, through the medium of this application, with prayers that after due investigation into the case, justice be done to us and we are ready to give solid proof of the allegations stated above.

For this act of kindness and mercy, the prayers of the undersigned and their young ones will wing their way to Heaven for Your Honour's long life and for the welfare and prosperity of the Railway Administration. We beg to remain, Sir, Your most obedient servants.

(Thumb impressions of the coolies (applicants) are enclosed herewith for your kind perusal.)"

Dated, 29th November, 1937.

Sir, the coolies have also printed a statement of their grievances, and circulated to Honourable Members of this House. I was approached

by the coolies at Lahore in December last and I, therefore, represented their case both to the Agent and to the Divisional Superintendent, Lahore Division. But it is really very sad that no action has so far been taken by the railway administration to remove the complaints of the poor coolies. The contractor is getting the backing of the Station Superintendent who has been there for the last 16 years. Sir, the other day during the general discussion of the Railway Budget, the Honourable the Railway Member invited Members of this House to quote concrete cases of corruption among the railway staff. If he will hold an impartial and independent inquiry in this matter he will be satisfied that the allegations are not baseless. I hope and trust that he will take immediate action and remove the contractor and transfer the Station Superintendent immediately.

I understand that similar conditions prevail at the Delhi station. The House will be surprised to know that the contractor in charge of 700 coolies at the Delhi station earns about Rs. 11,900 per mensem. Such a pernicious system deserves the condemnation of this august House. The proper course is that the recruitment of coolies on all railways should not be made by an outside agency, but should be entrusted to some railway officer in charge of labour. If this suggestion is acted upon, it will put an end to all the troubles. I will end my speech with a Persian verse whose moral I would ask the Government to note carefully. It runs as follows:

*"Batare az ahe mazluman keh hangame dua kardan,
Ijabat az dare haq behre istiqbal me ayad."*

Rendered into English it means:

"Beware of the cries of the oppressed because their prayers are sure to be granted by the Almighty."

With these words, Sir, I commend my suggestion for favourable consideration by the Government.

Lieut.-Colonel Sir Henry Gidney: Sir,

Mr. President (The Honourable Sir Abdur Rahim): I take it the Honourable Member will allow time for the Honourable the Government Member to reply after he has finished.

Lieut.-Colonel Sir Henry Gidney: I will, Sir. I join in this debate for one reason and one reason only. I have myself been approached by coolies at certain stations to bring this matter to the notice of the House, and I desire to associate myself with the principle underlying this motion. But I should like to inform the House that according to my knowledge these coolies are not under the control of railways. They are servants of the contractor and as such the railway administrative have no real power to jurisdiction over them

An Honourable Member: Abolish the contractual system.

Lieut.-Colonel Sir Henry Gidney: I am coming to that, if you will allow me to develop my argument. I intend to say something about that. My point is this. If what we have heard is true about the state of affairs at Lahore and the amount of money made by the contractor,

[Lieut.-Colonel Sir Henry Gidney.]

I marvel at the delay and hesitation on the part of the Financial Commissioner in Railway Board in not seizing this golden opportunity with both hands as it would give him some more money for his Budget. I would, therefore, advise the Railway Board seriously to consider what the last speaker has said as to the existence of this corruption and this profiteering. It certainly amounts to an act of actual dishonesty; a very severe form of trafficking on an ignorant class of employees. As far as I know, the practice that obtains in the railways today regarding coolies varies in different places. I believe in bigger stations special contractors are appointed to supply coolie labour. In smaller stations it is the railway subordinate in charge of the station who is in charge and it is called "handling charges". If this is true, it means that the handling of labour is in two hands—railway hands by private arrangement with the staff, and contractors. I have now heard—I hope it is not correct—that the labour contract in the Howrah station is to be given to a big firm in Calcutta. I only hope that this is not true. I think this House should voice a note of protest if that is so. I submit that the coolie problems is a serious matter and I know it will engage the attention of the Honourable the Communications Member. In my opinion this corruption, this *Zoolum*, is no fault of the railway administration: it is certainly the fault of the contractor extracting this money and it should, if possible, be checked. I would suggest to the Honourable Member the advisability of the railway administration taking over this coolie system at all stations or not to leave it so much in the hands of contractors who apparently bleed the coolies white. I think the Railway Department will be able to effect this and who will be the gainers? It will be the poor labourers who today are being bled white by a lot of profiteers, the contractors who are fattening on these poor people. I know the Delhi station affords an ideal opportunity to get rich quick, and if the Railway Board want to increase their surplus budget for the next year, I again suggest to the Financial Commissioner to accept this opportunity with both hands.

The Honourable Sir Thomas Stewart: Sir, to start with I should ask that the general question of coolie labour on the Indian railways should not be prejudiced by the petition which was read out by Mr. Hafiz Abdullah. It is an entirely *ex-parte* statement of the coolies case and taken by itself it might be held to dam the whole administration of coolie labour throughout India. But if one were to read with some attention, not this petition, but the later representation to which reference was made by Prof. Ranga, I think the general deduction from that later representation is that the coolies had no complaint at all against the railway administration, but that what was wrong was that a case having been filed the witnesses were suborned and the course of justice in the criminal Courts was somehow diverted.

Now, Sir, I think that probably some of the Honourable Member have been arguing from the particular to the general, and it may be of interest if I tell the House what are the various systems in regard to the employment of coolies throughout India. On the Assam Bengal Railway, the coolies pay no license fees, but are required to equip themselves with a brass armlet, a uniform jumper,—a short shirt—at an approximate cost of Rs. 2-6-0. That cannot be regarded as an iniquitous requirement. On

the Bengal Nagpur Railway, the administration charge no license fees; at the larger stations the contractor system is in force; at the smaller stations the station masters themselves arrange for the services of coolies. In mentioning this contractor system, I think it necessary to give some indication of what that system is. According to what I have heard this afternoon, it is apparently a case of the contractor producing a coolie, who for the privilege of working pays the contractor a certain sum. There has been no mention of the consideration for which that sum has been paid, but the contractor has got expenses to meet. He provides the labour force; he has got to provide for its discipline and organization,—(An Honourable Member: "Oh, oh!"), and he is also liable for the misdemeanours of his employees, the coolies. At smaller stations on the B., B. and C. I. Railway no charges are made from the coolies; at the larger stations there is what is called the Jamadar system. Honourable Members who have spoken this afternoon have not distinguished between the Jamadar system and the contractor system. It has been taken as certain that the contractor system is in operation at Lahore and Delhi. Well, the contractor system is not in operation there. It is the Jamadar system which is in operation, and the difference between the Jamadar and the contractor systems is that though the duties and function of the jamadar and the contractor are very much the same, the jamadar is chosen by the general body of the coolies themselves. On the Bengal and North Western Railway, coolies pay no license fees. They are asked to pay only for the cost of their badge. On the Eastern Bengal Railway, coolies are charged no license fees. On the E. I. Railway, coolies are charged no license fees, but they are asked to pay for their badge and uniform. At stations where there are contractors, their contribution to the contractor varies from 6 pies to 2½ annas a day. On the G. I. P. Railway, coolies are charged no license fee. At stations where contractors are employed, they pay the contractor 4 annas a day to cover, among other things, the cost of their uniform and their badge. On the M. & S. M. Railway the coolies pay no license fee, but they are required to pay for the cost of the badge supplied by the administration amounting to 10 annas. On the N. W. Railway, the coolies pay no license fee. At the larger stations where jamadars are employed, elected as I said, from amongst themselves, each coolie pays the jamadar Rs. 2 a month. On the R. & K. Railway coolies pay no license fee, but pay for the cost of their badge, approximately Re. 1. On the S. I. Railway they pay no license fee, but they have to pay for their badge

Dr. Sir Ziauddin Ahmad: We never introduced the question of license fee. They pay an unusually large amount of fee to the contractors.

The Honourable Sir Thomas Stewart: It is perfectly certain that the coolies do not pay to the railway administrations, but what I have endeavoured to show from reciting this list of the conditions at various places is that the contractor system is an exception and by no means the rule, and that the Railway Administrations as a whole cannot be condemned for the existence of a widespread and insidious contract system

Prof. N. G. Ranga: Why don't you abolish the jamadar system as well?

The Honourable Sir Thomas Stewart: What are the alternatives to the systems that I have suggested? Would the Honourable Member opposite suggest that the coolies should become wholetime servants of the railway administration, that they should be taken on our pay rolls? Then, Sir, I suggest that the third class passenger would have a very much more unhappy time than he has at present, if he had those coolies safely entrenched against him their price would immediately go up when it came to tackling the third class passenger. The same degree of corruption would undoubtedly come in if we adopted the alternative which has been suggested, viz., that the railways themselves while getting the coolies from outside and paying them nothing should maintain their own supervisory staff. Well, I can conceive of no happier job than being on that supervisory staff, and the imposition on the coolie would very soon be transferred to the third class passenger for whom we are all going to be so considerate tomorrow.

Mr. Sri Prakasa: The third class passenger carries his own luggage.

The Honourable Sir Thomas Stewart: I am prepared to admit that the system is far from perfect. It must inevitably have drawbacks, and at times serious drawbacks, but we are prepared to help, and the evidence of it is the recognition by those Lahore coolies of what the railway administration have done to assist them. If they have not received justice, the fault lies not with the railway, but outside.

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

"That the demand under the head 'Miscellaneous Expenditure' be reduced by Rs. 100."

The Assembly divided:

AYES 52.

Abdoola Haroon, Seth Haji Sir.
Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf, Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Datta, Mr. Akhil Chandra.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut.-Col. Sir Henry.
Govind Das, Seth.
Gupta, Mr. K. S.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.

Lalchand Navalrai, Mr.
Mangal Singh, Sardar.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

NOES 43.

Abdul Hamid, Khan Bahadur Sir.	Kushalpal Singh, Raja Bahadur.
Ahmad Nawaz Khan, Major Nawab Sir.	Lloyd, Mr. A. H.
Aikman, Mr. A.	Mackeown, Mr. J. A.
Ayyar, Mr. N. M.	Mani, Mr. R. S.
Bajpai, Sir Girja Shankar.	Menon, Mr. P. A.
Bewoor, Mr. G. V.	Metcalf, Sir Aubrey.
Boyle, Mr. J. D.	Miller, Mr. C. C.
Buss, Mr. L. C.	Ogilvie, Mr. C. M. G.
Chanda, Mr. A. K.	Rahman, Lieut.-Col. M. A.
Chapman-Mortimer, Mr. T.	Sen, Rai Bahadur N. C.
Clow, Mr. A. G.	Shahban, Mr. Ghulam Kadir Muhammad.
Craik, The Honourable Sir Henry.	Sher Muhammad Khan, Captain Sardar Sir.
Dalal, Dr. R. D.	Sircar, The Honourable Sir Nripendra.
Dalpat Singh, Sardar Bahadur Captain.	Slade, Mr. M.
Dow, Mr. H.	Smith, Lieut.-Colonel H. C.
D'Souza, Mr. F.	Spence, Mr. G. H.
Fazl-i-Ilahi, Khan Sahib Shaikh.	Staig, Mr. B. M.
Grigg, The Honourable Sir James.	Stewart, The Honourable Sir Thomas.
James, Mr. F. E.	Sundaram, Mr. V. S.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Thorne, Mr. J. A.
Kamaluddin Ahmad, Government of Bihar Ulema.	Tylden-Pattenson, Mr. A. E.
The motion was adopted.	Walker, Mr. G. D.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th February, 1938.

LEGISLATIVE ASSEMBLY.

Thursday, 24th February, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REDUCTION OF POSTAGE RATE BETWEEN BURMA AND INDIA.

466. *Mr. T. S. Avinashlingam Chettiar: Will the Honourable Member for Communications state:

- (a) whether Government have received any reply from the Government of Burma to their representation to reduce the postal rates between India and Burma; and
- (b) if so, what is the nature of their reply?

The Honourable Sir Thomas Stewart: (a) No.
(b) Does not arise.

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

467. *Mr. T. S. Avinashlingam Chettiar: Will the Honourable Member for Communications state:

- (a) on how many railways air-conditioned carriages are running;
- (b) whether that carriage has been found by experience to be convenient and healthy; and
- (c) whether Government propose to extend its use to the lower class passengers also and, if so, when?

The Honourable Sir Thomas Stewart: (a) On the Great Indian Peninsula, East Indian and Bombay, Baroda and Central India Railways.

(b) Government have every reason to believe that the comfort which air-conditioned coaches afford has been generally appreciated. They have received no complaints from the point of view of the health of the passengers.

(c) As indicated last year by my predecessor in his speech during the general debate on the Budget, an essential criterion in the extension of the scope of this experiment to lower class passengers is its commercial success. We are examining the possibilities, but before arriving at any decision it is obviously prudent to await further data in regard to the experiment we are now making than its brief period of operation hitherto has been able to afford.

Mr. T. S. Avinashilingam Chettiar: Has it been a commercial success from the experience gained till now?

The Honourable Sir Thomas Stewart: Sir, the experience is too short to justify any final conclusion as to success or failure.

Mr. Manu Subedar: With regard to (b), are Government aware that the corridor in these air-conditioned trains is so small that a man like my friend, Maulana Shaukat Ali, or my friend, Mr. K. Ahmed, if he wished to get in, could not physically get in?

The Honourable Sir Thomas Stewart: I await a complaint from the gentlemen mentioned.

Mr. T. S. Avinashilingam Chettiar: Have Government in mind any programme for extending it to other Railways in the higher classes?

The Honourable Sir Thomas Stewart: I have no doubt that if this experiment proves a success, it will be extended to other railways.

Mr. K. Santhanam: With reference to the answer to part (b), may I know the percentage of utilisation of the seats,—this is to say, whether all the seats are being utilised, all the time?

The Honourable Sir Thomas Stewart: I should require notice of that question.

AMALGAMATION OF RAILWAYS AND ABOLITION OF ADVERTISING OFFICE IN NEW YORK.

468. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- (a) whether Government have considered the matter of amalgamations of Railways;
- (b) whether Government have considered the matter of the abolition of their advertising office in New York; and
- (c) if so, what steps they have taken in the matter?

The Honourable Sir Thomas Stewart: (a) The attention of the Honourable Member is invited to paragraph 11 of the Report and paragraph 27 of the Proceedings of the Public Accounts Committee which met in July and August last and also to Appendix VIII of the Committee's printed report Vol. I, Part II—Railways. The question is under further examination.

(b) and (c). It has been decided to close down the New York Publicity Office.

Mr. T. S. Avinashilingam Chettiar: When do they expect to come to a conclusion on the matter referred to in part (a)?

The Honourable Sir Thomas Stewart: If the Honourable Member would read the reference I have made in part (a) he will see what considerations are which govern this question.

Mr. Manu Subedar: Do Government propose to use some of the staff which will be made available in this manner by the abolition of the New York Bureau?

The Honourable Sir Thomas Stewart: That, Sir, is a hypothetical question.

Mr. Manu Subedar: I am asking whether the staff which was working hitherto in New York and which will be released by the abolition of the Bureau is proposed to be used for the Trade Commissioner's office which is being established in New York, instead of men being called from London?

The Honourable Sir Thomas Stewart: I am informed that it is not proposed to utilise that staff for the office of the High Commissioner.

Mr. Manu Subedar: What will happen to that staff?

The Honourable Sir Thomas Stewart: I must ask for notice of that question.

DEATH OF ONE AMIR CHAND IN THE KARACHI RAILWAY HOSPITAL.

469. ***Sardar Sant Singh:** (a) Has the attention of the Honourable Member for Railways been drawn to an article appearing in the *Railway Herald*, Karachi, dated the 24th September, 1936, regarding one Amir Chand who died in Karachi Railway Hospital due to neglect and wrong treatment by one of the doctors in September, 1936?

(b) Is it a fact that the widow of this Railway employee has appealed repeatedly for enquiries in the matter without any success?

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply questions Nos. 469 and 470 together.

Government have seen the articles referred to by the Honourable Member. These are matters within the competence of the Agent, North Western Railway, to whom I am sending a copy of the questions for such action as he may consider necessary.

Maulana Zafar Ali Khan: What steps are being taken to provide for the widow of the man who died?

The Honourable Sir Thomas Stewart: I have said that I am directing the attention of the Agent of the Railway to this matter, and he, no doubt, will take what action is considered proper.

Mr. T. S. Avinashilingam Chettiar: Will the reply of the Agent in this matter be placed on the table of the House?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Mohanlal Saksena: Will you also inquire whether any action is proposed to be taken about the doctor concerned?

The Honourable Sir Thomas Stewart: I have already explained what our attitude is in regard to matters in which I draw the attention of the Agents of the Railways to matters which are within their own competence.

CHARGE MADE FOR VISION EXAMINATION FROM ONE SHER ALI BY A DOCTOR OF THE KARACHI RAILWAY HOSPITAL.

†470. ***Sardar Sant Singh:** (a) Has the attention of the Honourable Member for Railways been drawn to an article in the *Railway Herald*, Karachi, dated the 24th September, 1936, about a Railway employee, Sher Ali by name, who on his vision examination was charged Rs. 40 by one of the Railway doctors of the Karachi Railway Hospital to be passed on to the District Medical Officer?

(b) Was any action taken in the matter to stop recurrence of such acts?

RECRUITMENTS FOR THE BROADCASTING DEPARTMENT.

471. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Communications please state:

- (a) the number and names of posts in the Broadcasting Department which are at present included in the list of posts to which recruitment is made by the Public Service Commission,
- (b) the posts to which recruitment is made by the Controller of Broadcasting himself;
- (c) the number of posts to which recruitment is made or it is proposed to make in consultation with Selection Committees;
- (d) how these Selection Committees are constituted;
- (e) whether Governments in provinces where radio stations are situated or will be situated are consulted or will be consulted regarding the Selection Committees which are intended to recruit candidates for those stations; and
- (f) whether Government propose to consider the desirability of so constituting the Selection Committees as to ensure that a majority of the members are non-officials?

The Honourable Sir Thomas Stewart: (a), (b) and (c). A statement giving the required information is laid on the table of the House.

(d) The selection committees are constituted by the Government of India. The Controller of Broadcasting is Chairman, and they include two Station Directors, or the Chief Engineer and one Station Engineer when technical staff have to be selected, and two or more non-officials.

(e) This is done whenever practicable.

(f) I can give no such undertaking.

Statement.

(a) Number and names of posts to which recruitment is made through the Federal Public Service Commission.

Office of the Controller of Broadcasting—

6 Assistants.

5 Clerks II Division.

15 Clerks III Division.

† For answer to this question, see answer to question No. 469.

Central News Organisation—

1 Editor.

1 Sub-Editor.

Indian Listener—

1 Editor.

Broadcasting Stations, etc.

* 9 Station Directors.

* 3 Assistant Station Directors.

* 9 Station Engineers.

8 Directors of Programmes.

17 Assistant Station Engineers.

* Recruitment to these is at present made by promotion after consultation with the Federal Public Service Commission.

(b) Posts to which recruitment is made by the Controller of Broadcasting himself.

Draftsmen.

Stenographers.

Announcers.

Mechanics.

Telephone Attendants.

Clerks at different stations of All-India Radio.

(c) Posts to which recruitment is made through Selection Committees.

Broadcasting Stations, etc.—

32 Programme Assistants.

47 Technical Assistants.

20 Probationers.

Mr. Mohan Lal Saksena: Has any committee been constituted for Lucknow?

The Honourable Sir Thomas Stewart: So far as I am aware, no selections have been made and no selection committee has been utilised for Lucknow.

Prof. N. G. Ranga: Are these selection committees appointed for any particular period or for certain occasions?

The Honourable Sir Thomas Stewart: In Delhi I believe there is something in the nature of a standing committee and in the case of Madras where selections were recently made or are now being made, the selection of the committee was *ad hoc*.

Mr. Mohan Lal Saksena: Will any professors of the universities of Allahabad and Lucknow be nominated to the Selection Board?

The Honourable Sir Thomas Stewart: When the question arises, we shall consider what should be the composition of the Lucknow Committee.

Mr. Mohan Lal Saksena: Will the Honourable Member take that into consideration?

The Honourable Sir Thomas Stewart: Most certainly, Sir.

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

472. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Railways please state:

- (a) which are the areas in India in which air-conditioned coaches are in use;
- (b) whether it is proposed to introduce them in other areas, and if so where;
- (c) what are the conditions which should be satisfied before the introduction of these coaches in any one area can be considered;
- (d) whether these coaches are available for second class passengers; and
- (e) what is the cost of a coach which is now in use?

The Honourable Sir Thomas Stewart: (a) and (b). Five air-conditioned coaches are in use on the Bombay-Calcutta Mail Service and one on the Bombay, Baroda and Central India Railway Frontier Mail between Bombay and Delhi. A scheme has been formulated for a modest extension of the latter service from Delhi to Kalka.

(c) The Honourable Member's attention is invited to my reply today to part (c) of starred question No. 467.

(d) No.

(e) The cost of each of the coaches in use on the Bombay-Calcutta service is Rs. 95,000. On the Bombay, Baroda and Central India Railway, however, the air-conditioning equipment was installed in one of their existing coaches. The cost of the equipment was approximately Rs. 9,000.

Prof. N. G. Ranga: Has the demand for first class reservation gone up since the introduction of these air-conditioned coaches?

The Honourable Sir Thomas Stewart: When the experiment has reached a further stage, I shall be able to give an answer to the Honourable Member.

Mr. Mohan Lal Saksena: What is the percentage of the first class passengers using these air-conditioned coaches?

The Honourable Sir Thomas Stewart: I shall require notice of that.

Mr. N. V. Gadgil: Is there any proposal to extend this to third class passengers also?

Mr. President (The Honourable Sir Abdur Rahim): That has already been dealt with. Next question.

OFFICERS IN THE RAILWAY BOARD.

473. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Railways please state:

- (a) what was the total number of officers in the Railway Board in April, 1936, and in April, 1937;

(b) what was the effect of retrenchment in 1932 on the number; and

(c) whether the number has since increased, and if so, by how many and why?

The Honourable Sir Thomas Stewart: (a) sixteen and eighteen respectively.

(b) The number was reduced from nineteen to fourteen.

(c) Yes by four found to be necessary in order to handle the volume of work to be done.

Mr. K. Santhanam: Has the total number of men other than officers decreased during this period?

The Honourable Sir Thomas Stewart: I am not able to say with any certainty. My impression is that it has not, but if the Honourable Member will give notice, I will give him fuller and more correct information.

ABOLITION OF THE FIRST CLASS CARRIAGES ON STATE RAILWAYS.

474. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Railways be pleased to state:

(a) whether the Wedgwood Committee has recommended the abolition of the first class carriages in State Railways as a measure of economy;

(b) what action Government propose to take on that recommendation; and

(c) whether Government are prepared to abandon further air-conditioning of railway coaches?

The Honourable Sir Thomas Stewart: (a) and (b). The Honourable Member's attention is invited to paragraphs 71 and 72 of the Wedgwood Committee's Report and page 5 of the "Statement showing the action taken by the Railway Board on the paragraphs in Chapters III to XI of the Committee's Report", a copy of which is already in his possession.

(c) The air-conditioning of Railway coaches is still in the experimental stage. Present indications are that their provision is likely to prove remunerative on certain services.

Prof. N. G. Ranga: How soon do Government expect to give effect to the recommendation in regard to the abolition of the first class and having only second class?

The Honourable Sir Thomas Stewart: That, Sir, is a question that does not arise out of the answer I have given.

Prof. N. G. Ranga: I submit that it does because the Wedgwood Committee has suggested the abolition of the first class coaches on State Railways as a matter of economy, and I wish to know how soon Government expect to give effect to this recommendation of the Wedgwood Committee?

The Honourable Sir Thomas Stewart: I refer the Honourable Member to my reply to parts (a) and (b) of the question.

Prof. N. G. Ranga: In that portion of the report that they have submitted they have not stated anything at all in regard to part (c). I want to know when Government expect to give effect to this recommendation?

The Honourable Sir Thomas Stewart: The problem involves reference to the various Railway Administrations and I can give no reply until we have had the views of the Administrations concerned.

Seth Govind Das: Have the Government asked the different Railways about their views in this matter?

The Honourable Sir Thomas Stewart: Certainly.

Seth Govind Das: When do they expect to come to a conclusion?

The Honourable Sir Thomas Stewart: I cannot say until I get the replies from the various Railway Administrations.

Prof. N. G. Ranga: Why is it that the Government of India have not consulted the Railway Conference Association at its last meeting which took place after the Wedgwood Committee had made this recommendation?

The Honourable Sir Thomas Stewart: Because this is not necessarily a problem that is common to all Administrations. The problems of the Administrations vary in this respect according to the circumstances of the Railways that they administer.

Mr. C. N. Muthuranga Mudaliar: In view of the recommendation of the Wedgwood Committee, will the Government stop building further air-conditioned coaches?

The Honourable Sir Thomas Stewart: There is no definite policy of air-conditioning. What is going on at the present moment is an experiment. The results of the experiment may dictate that the whole policy be dropped.

Mr. Bhulabhai J. Desai: Has any estimate been made of the economy in terms of money by the abolition of first class, large parts of it really go empty?

The Honourable Sir Thomas Stewart: No, Sir. The estimate can only be formed when we have the necessary information from the Railways who have been consulted.

Mr. Bhulabhai J. Desai: Have the Government definitely taken this matter into consideration as to what economy would result from the entire abolition of first class travelling?

The Honourable Sir Thomas Stewart: I should say that that question was inherent in any reference to the Railways regarding the abolition of the first class coaches. The justification would be the economy that would result.

Mr. Bhulabhai J. Desai: Would not the justification also be the isolation of some individuals from the rest?

The Honourable Sir Thomas Stewart: No, Sir. That is not a commercial consideration.

Mr. Bhulabhai J. Desai: Is not the method of dealing with humanity one of the considerations of railway economy?

The Honourable Sir Thomas Stewart: Yes, Sir, consistent with our other commitments.

Mr. M. S. Aney: When was the attention of the Railway Administrations drawn first to this matter in order to elicit their opinions?

The Honourable Sir Thomas Stewart: I cannot tell you the precise date.

Mr. K. Santhanam: Pending the formation of conclusions on this matter, will the Railway Board stop building first class coaches for next year?

The Honourable Sir Thomas Stewart: I must have notice of that question.

FALL IN RAILWAY EARNINGS.

475. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable the Railway Member please state whether the Railway earnings for State Railways are going down as compared with the income of the corresponding period last year? If so, from which time and why?

(b) Is it a fact that the income of the South Indian Railways has not gone down correspondingly? What is the difference due to?

(c) Is it a fact that the ratio of working expenses in State Railways to income is higher than in the South Indian Company-managed Railways?

(d) Are the rates and fares in the South Indian Railway lower than in the State-owned ones?

(e) What steps do Government propose to check the fall in the income of the State Railways?

The Honourable Sir Thomas Stewart: (a) The approximate gross earnings of State-owned Railways during the current financial year have declined from the month of December, 1937, as compared with the actual

earnings of the previous year. This is due to a fall in the movements of certain commodities, principally cotton and oilseeds.

(b) Yes. The increase on the South Indian Railway is due principally to additional revenue accruing from coaching traffic.

(c) I would refer the Honourable Member to statement No. 5 on pages 43 and 44 of the Railway Board's Report on Indian Railways for 1936-37, Volume II, from which it will be seen that the ratio of working expenses to gross earnings on the South Indian Railway is not lower than it is on three, viz., the East Indian, Great Indian Peninsula and North Western Railways, out of the four State-managed lines.

(d) This is a matter of opinion, but I have no reason to believe that the position on the South Indian Railway is on the whole substantially different from that on other railways.

(e) 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.

Mr. K. Santhanam: With reference to the answer to part (c), is it not a fact that the average pay of the officers of the South Indian Railway is much lower than that of any other Railway?

The Honourable Sir Thomas Stewart: That may be so, but that has no effect on the earnings of the Railway.

DIPLOMATIC AND TRADE REPRESENTATIVES OF THE NEPAL GOVERNMENT.

476. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for External Affairs please state, if there is a British Resident in Nepal?

(b) Is there a representative of the Nepal Government at the seat of the Government of India, or at the seat of the British Government?

(c) Does the representative of the Nepal Government in India enjoy the same privileges and rights as the representatives of European countries, like France, or Germany, or Italy, in India?

(d) Is there a British Trade Agent at the capital of Nepal?

(e) If the answer to part (d) be in the affirmative, what are his duties?

(f) Is there any Trade Agent for the Government of India in Nepal?

(g) Are there any restrictions to the entry into Nepal of Indians of all classes and if so, what are they?

Sir Aubrey Metcalfe: (a) No. There is a British Minister at the Court of Nepal.

(b) Yes. There is a Nepalese Consul General at Delhi and a Minister in London.

(c) Yes.

(d) No.

(e) Does not arise.

(f) No.

(g) The Government of India are not aware of any such restrictions.

Mr. Badri Dutt Pande: Is it a fact that no Indian is allowed to enter Nepal except at the time of the Pasupati Mela without the permission of the Nepal Government?

Sir Aubrey Metcalfe: I have no information of any such restrictions as I have already stated.

Mr. C. N. Muthuranga Mudaliar: Will the Government make inquiries on this subject?

Sir Aubrey Metcalfe: I have already made inquiries, and, so far as I have discovered, there are no restrictions on the entry of Indians into Nepal, by which I mean that they do not require passports with Nepalese visa.

Mr. Badri Dutt Pande: Is it a fact that heavy duties are charged on Indian goods when they enter Nepal and there are no corresponding duties on Nepalese goods on this side of British India?

Sir Aubrey Metcalfe: That question, I submit, does not arise out of anything in the question on the paper.

Mr. B. Das: May I ask who pays the expenses of the British Minister at Nepal, India or Great Britain?

Sir Aubrey Metcalfe: That question also does not arise and I should require notice of it.

Mr. Bhulabhai J. Desai: Apart from local restrictions in fact, are Indians free to go into Nepal as the Nepalese are free to come to India?

Sir Aubrey Metcalfe: So far as I know, the answer to that question is definitely in the affirmative.

STAFF IN THE BROADCASTING DEPARTMENT.

477. ***Mr. D. K. Lahiri Chaudhury:** (a) Will the Honourable Member for Communications be pleased to state the name, qualifications, date of appointment, initial salary and any rise in salary, of all employees in connection with broadcasting in India, getting more than Rs. 100 a month?

(b) Have Government removed from office during the last four months any high salaried employees from this department?

(c) What were the reasons for their removal?

The Honourable Sir Thomas Stewart: (a) A statement giving the required information is laid on the table of the House.

(b) No.

(c) Does not arise.

Statement showing the names, qualifications, salary, etc. of the staff employed in headquarters and All India Radio.

Name.	Qualifications.	Date of appointment in the Department.	Initial appointment pay.	Present appointment pay.	Remarks.
Headquarters.					
Mr. Lionel Fielden	..	30-8-1935	2,000	2,100	Controller of Broadcasting.
Mr. A. S. Bokhari	B.A. (Cantab.), M.A. (Punjab), P.E.S.	10-3-1935	880	1,000	Deputy Controller of Broadcasting.
Mr. C. W. Goyder	B.Sc., A.C.G.I.	19-8-1936	1,650	1,700	Chief Engineer.
Mr. Nawab Ali	M.A.	1-9-1935	400	440	Superintendent.
Mr. S. N. Sen	B.Sc.	1-3-1935	180	210	Assistant-in-Charge Special pay.
Mr. Ata Ullah Khan	B.A.	8-5-1936	140	150	Assistant.
Mr. Bashir Ahmad Khan	Intermediate	1-11-1935	120	150	Assistant.
Mr. K. A. Narayanan	B.A.	23-5-1936	100	140	Assistant.
Mr. B. N. Chaudhuri	B.A.	21-9-1936	100	140	Assistant.
Mr. R. R. Bhatnagar	Matriculate	10-7-1937	245	245	Assistant.
Mr. Masudul Hassan	B.A.	14-6-1937	108	108	Clerk II Division.
Mr. K. R. Chandru	S.L.C.	23-4-1935	125	135	Stenographer.
Mr. G. Natarsajan	Intermediate	1-10-1936	125	130	Stenographer.
Miss F. Blessington	Senior Cambridge	22-11-1937	125	125	Stenographer.
Programme Establishment.					
1. Mr. J. R. Stapleton	..	1-4-1930	1,000	1,000	Station Director.
2. Mr. C. B. Setina	..	1-4-1930	600	800	Station Director. Under suspension.
3. Mr. Z. A. Bokhari	F.A., H.P. (Punjab) Training at British Broadcasting Corporation.	26-11-1935	308	775	Director of Programmes.
4. Mr. A. A. Advani	B.A. (London)	11-8-1936	300	500	Assistant Station Director.
5. Mr. S. S. Niasi	B.A. (Hons.)	25-10-1935	100	350	Programme Assistant.
6. Mr. N. A. S. Lakshmanan	M.A. (Oxon.)	2-8-1936	300	100	Assistant Station Director.
7. Mr. Rashid Ahmed	M.A.	13-10-1936	250	750	Director of Programmes.
8. Mr. Victor Paranjoti	M.A. (Hons.) F. I.G. C. M. (England); Training at British Broadcasting Corporation.	8-10-1936	250	500	Director of Programmes.
9. Mr. A. K. Sen	B.A. Training at British Broadcasting Corporation.	25-10-1935	100	500	Programme Assistant.
10. Mr. Jugal Kishore	B.A.	1-4-1937	150	350	Sub-Editor, Awaz.
11. Mr. K. S. Madhick	M.A.	21-1-1937	150	350	Sub-Editor Awaz.
12. Mr. N. N. Masumdar	Matriculate	1-4-1930	250	400	Director of Programmes.
13. Mr. Uma Shankar	M.A.	3-2-1937	50	250	Programme Probationer.
14. Mr. Somnath Chub	B.A. (Cantab.), M.A. (Punjab).	12-2-1938	250	250	Officiating Director of Programmes.
15. Mr. B. S. Mardhekar	B.A.	1-2-1938	250	250	Officiating Director of Programmes.
16. Mr. P. V. Acharya	M.A. Training at British Broadcasting Corporation.	12-8-1936	100	250	Publicity Assistant.
17. Mr. A. K. Nimkar	High School Standard	1-4-1930	100	150	Announcer and Translator.
18. Mr. R. N. Sen	B.A.	1-4-1930	65	120	Translator.
19. Mr. B. K. Badra	B.A.	1-6-1930	75	150	Assistant Director of Programmes.
20. Mr. R. W. Theorey	B.Sc. (Manchester)	16-11-1934	60	150	Announcer.
21. Mr. A. S. Dholekar	..	16-12-1934	200	210	Sub-Director of Programmes.

Statement showing the names, qualifications, salary, etc., of the staff employed in All India Radio—contd.

Name.	Qualifications.	Date of appointment in the Department.	Initial appointment.	Initial pay.	Present appointment.	Present pay.	Remarks.
Programme Establishment—contd.							
				Rs.		Rs.	
22. Mr. Iftikhar Ullah	Matriculate	25-10-1935	Programme Assistant	100	Programme Assistant-ant.	150	
23. Mr. Mohd. Iqbal	M.A.	21-3-1936	Programme Assistant	100	Programme Assistant-ant.	150	
24. Mr. A. Dinkar Rao	Intermediate	4-4-1936	Programme Assistant	100	Programme Assistant-ant.	150	
25. Mr. D. S. Barq	Intermediate	2-12-1936	Programme Probationer.	50	Programme Assistant-ant.	150	
26. Mr. Malik Hasib Ahmed.	B.A.	9-2-1937	Programme Assistant	100	Programme Assistant-ant.	150	
27. Mr. M. B. Nagarkar	B.A.	1-4-1937	Programme Assistant	100	Programme Assistant-ant.	150	
28. Mr. A. Qutb	M.Sc.	1-5-1937	Programme Probationer.	50	Programme Assistant-ant.	150	
29. Mr. Ghulam Ali	B.A. (Hons.)	17-6-1937	Programme Probationer.	50	Officiating Programme Assistant.	150	
30. Mr. S. C. Chakravartty.	B.A., B.L.	1-7-1937	Programme Assistant	150	Programme Assistant-ant.	150	
31. Mr. B. K. Nundee	B.Sc.	1-7-1937	Programme Assistant	150	Programme Assistant-ant.	150	
32. Mr. N. R. Bhatta-charya.	Matric	8-7-1937	Programme Probationer.	50	Officiating Programme Assistant-ant.	150	
33. Mr. S. Arif	..	1-10-1937	Programme Assistant	150	Programme Assistant-ant.	150	
34. Mr. Hafeez Javed	B.A.	6-11-1937	Programme Probationer.	50	Officiating Programme Assistant-ant.	150	
Editorial Establishment.							
35. Mr. P. K. Matherjee	B.Sc.	8-11-1937	Programme Probationer.	50	Officiating Programme Assistant-ant.	150	
36. Mr. Ghulam Farid	B.Sc., LL.B.	9-11-1937	Programme Probationer.	50	Officiating Programme Assistant-ant.	150	
37. Mr. Hans Raj Luthra	M.Sc.	20-11-1937	Programme Assistant (Officiating).	150	Officiating Programme Assistant-ant.	150	
38. Mr. M. A. Rashid Akhtar.	B.A., LL.B.	21-1-1938	Programme Assistant (Officiating).	150	Officiating Programme Assistant-ant.	150	
39. Mr. R. Parthasarathi	B.A., B.L.	25-1-1938	Programme Probationer.	50	Programme Assistant-ant.	150	
40. Mr. S. Ranganathan	B.A.	26-1-1938	Programme Probationer.	50	Programme Assistant-ant.	150	
41. Mr. N. S. Ramchandran.	M.A. (Hons.)	16-2-1938	Programme Assistant.	150	Programme Assistant-ant.	150	
42. Mr. B. Walke	Senior Cambridge (Hons.)	24-9-1937	Announcer	150	Announcer	150	
43. Mrs. A. Pallot	Junior Cambridge	1-11-1937	Announcer	150	Announcer	150	
Editorial Establishment.							
44. Mr. C. J. Barnes	..	9-9-1937	News Editor + Overseas Pay	1,000 } £30	News Editor + Overseas Pay	1,000 } £30	
45. Mr. A. N. Bhanot	B.A. (Hons.)	17-12-1937	Sub-Editor (News)	300	Sub-Editor (News)	300	
46. Mr. F. M. de Mello	B.A., B.Sc.	3-1-1938	Editor "Indian Listener"	500	Editor "Indian Listener"	500	
47. Mr. C. J. Curien	B.A.	2-3-1938	Sub-Editor "Indian Listener"	100	Sub-Editor "Indian Listener"	100	
48. Mr. N. K. Sarkar	..	1-4-1932	Sub-Editor "Betar Jagat"	40	Sub-Editor "Betar Jagat"	160	
49. Mr. Ghulam Abbas	..	9-8-1937	Translator	150	Sub-Editor "Awaz"	150	
50. Mr. Mukand Kishore	M.A.	4-8-1937	Translator	150	Translator	150	
51. Mr. Sardar Ali Alvi	Intermediate	8-12-1937	Clerk	40	Translator	150	

Statement showing the names, qualifications, salary, etc., of the staff employed in All India Radio—contd.

Name.	Qualifications.	Date of appointment in the Department.	Initial pay.	Present appointment.	Present pay.	Remarks.
<i>Engineering Establishment.</i>						
Mr. S. Gopalan	Graduate I.E.E.	1-5-1936	400	Research Engineer	420	
Mr. S. C. Roy	M.Sc., B.L.	1-4-1930	350	Station Engineer	420	
Mr. T. K. Garudachar	M.A., Post Graduate Certificate in Electrical Technology of the Indian Institute of Science, Bangalore; Supplementary Certificate in Electrical Communication Engineering of the Indian Institute of Science, Bangalore.	12-9-1932	350	Ditto	400	
Mr. B. C. Sil	M.Sc. with special study and Research in Wireless.	10-4-1933	200	Ditto	300	
Mr. B. J. Gulati	M.Sc., A.M.I.E.E. Graduate-ship Examination.	27-11-1935	100	Officiating Station Engineer.	250	
Mr. A. C. Ramchandani	B.Sc. Eng. (London)	23-10-1932	150	Ditto	250	
Mr. Chaman Lal	M.Sc.	1-4-1937	200	Station Engineer	200	
Mr. B. V. Baliga	B.A., A.M.I.R.E. Certificate of Electrical Technology and Certificate of Communication Engineering of the Indian Institute of Science, Bangalore.	4-11-1935	180	Installation Engineer.	600	
Mr. T. D. Chatterji	B.Sc. Certificate of Electrical Technology and Certificate of Communication Engineering of the Indian Institute of Science, Bangalore.	26-10-1935	180	Deputy Installation Engineer.	300	
Mr. R. L. Suri	B.A., A.M.I.E.T. (London); Member Acoustical Society of America.	20-11-1936	100	Ditto	300	
Mr. W. D. Coysh	Certificate of Proficiency in Radio Telegraphy, Magnetism and Electricity, Machine and Drawing.	1-4-1930	250	Assistant Engineer	300	
Mr. D. S. Major	Matriculate. Postmaster General's 1st Class Certificate of Competency as Wireless Operator (1927 Convention).	1-9-1932	150	Ditto	200	
Mr. N. N. Dutt	I.Sc., Certificate of Competency as Wireless Operator.	1-4-1930	50	Ditto	200	
Mr. M. M. Khan	M.Sc. Diploma in Communication Engineering, Northampton Polytechnic Institute, London.	18-12-1935	60	Ditto	200	
Mr. P. B. Sen	Matriculate. Qualified Wireless Telegraphist.	1-4-1931	50	Ditto	200	
Mr. M. D. Medhetkar	Intermediate, P.M.G.'s First Class Certificate of Competency (1912 Convention).	1-4-1930	150	Officiating Assistant Engineer.	200	
Mr. N. B. Mukherjee	M.Sc.	1-6-1935	60	Ditto	200	
Mr. K. P. Banerjee	B.Sc. (Eng.)	1-11-1935	60	Ditto	200	
Mr. P. R. Khanna	B.Sc. (Eng.)	8-11-1935	60	Ditto	200	
Mr. B. R. Kapur	A.M.I.E.E. London, Diploma of Engineering from MacLagan College.	25-4-1936	100	Ditto	200	
Mr. M. L. Sastri	B.A., B.Sc. (Eng.) City and Guilds Final Examination in Electrical Engineering, City and Guilds Final Radio Engineering.	11-11-1935	60	Ditto	200	
Mr. M. D. Chaturvedi	B.Sc. (Eng.)	26-11-1935	60	Ditto	200	
Mr. A. K. Bose	Matriculate; had three years Secondary Electrical Engineering Course.	15-8-1930	60	Ditto	200	

Statement showing the names, qualifications, salary, etc., of the staff employed in Headquarters and All India Radio—contd.

Name.	Qualifications.	Date of appointment in the Department.	Initial appointment.	Initial pay.	Present appointment.	Present pay.	Remarks.
Engineering Establishment—contd.							
Mr. P. P. Mugaseth	Electrical Wireman's Certificate VJT and Government Certificate of Competency in Wiring, Class II.	1-4-1930	Technical Assistant	100	Technical Assistant	125	
Mr. J. D. Lima	High School Standard	1-4-1930	Ditto	100	Ditto	125	
Mr. B. B. Banerji	B.Sc.	1-4-1930	Assistant Engineer, Control	85	Ditto	110	
Mr. J. S. Rodricks	M.Sc.	1-4-1930	Technical Assistant	100	Ditto	130	
Mr. K. L. Chopra	B.Sc. (Eng.) London	23-4-1936	Ditto	100	Ditto	110	
Mr. K. S. Rangaswami	B.Sc. (Eng.) London	10-5-1936	Ditto	100	Ditto	110	
Mr. Jaya Chandra	M.Sc.	10-6-1936	Ditto	100	Ditto	110	
Mr. Ajaz Mohd.	M.Sc.	11-7-1936	Ditto	100	Ditto	110	
Mr. S. S. Kohli	M.Sc. Radio Communication City and Guilds Examination.	18-7-1936	Ditto	100	Ditto	110	
Ministerial Establishment.							
Mr. R. Pereira	Matriculate	22-5-1930	Accountant	250	Accountant	250	
Mr. S. Venkatesan	B.A., G.D.A.	1-8-1931	Accountant	100	Accountant	148	
Mr. Riaz Ahmad	Matriculate	16-7-1936	Clerk	95	Accountant	130	
Mr. M. P. Sinha	Intermediate	14-9-1937	Divisional Accountant.	204	Divisional Accountant	204	
Mr. J. N. Raina	Matriculate	8-11-1937	Accountant	135	Accountant	135	
Mr. S. C. Bhowmick	Matriculate	1-4-1930	Clerk	45	Clerk	104	
Mr. F. R. Maleo	Matriculate	1-9-1932	Clerk	50	Clerk	108	
Mr. S. K. Rao	S.S.L.C.	1-4-1930	Stenographer	140	Stenographer	130	
Mr. K. N. S. Ram	S.S.L.C.	1-10-1937	Stenographer	125	Stenographer	125	
Miss. E. Mayhew	Senior Cambridge	1-10-1937	Stenographer	125	Stenographer	125	

CONSTRUCTION OF QUARTERS FOR THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

478. *Prof. N. G. Ranga: (a) Will the Honourable Member for Railways please state whether it is a fact that in February 1929, Government stated that land for constructing quarters for the staff of the Railway Clearing Accounts Office, Delhi, was owned by Government and that the work in its connection would commence by October or November of that year?

(b) Is it a fact that Sir George Rainy in September 1929 promised to give his personal attention to the question of early construction of these quarters and also stated that the question of constructing the quarters depended on getting a suitable site and not on money?

(c) Is it a fact that since the above statements were made, Government have postponed the construction of the above mentioned quarters for different alleged reasons, viz., declaration as medically unfit of the site owned by Government, non-availability of another suitable site at reasonable cost, want of funds for the work, etc., etc.

(d) Is it a fact that the District Medical Officer, North Western Railway, Delhi, had once reported that the clerks in Railway Clearing Accounts Office often consulted him for tuberculosis of lungs, or some such like diseases, and this among other reasons being due to overcrowding of office building, Government hoped to construct a new one in the near future, and that that has not yet been done?

(e) Is it a fact that the construction of quarters and an office building is linked up with the question of the permanency of location of the Railway Clearing Accounts Office in Delhi, and if so, when will Government arrive at a final decision in this case? If not, will the Honourable Member please make a statement in this connection?

The Honourable Sir Thomas Stewart: (a) Mr. (now Sir Alan) Parsons, the then Financial Commissioner of Railways, stated in this House in February, 1929, that the site on which it was then intended to build quarters for the staff in question was already owned by Government and he expressed a hope that the quarters would be completed by October or November in that year, though he was not quite sure.

(b) Yes.

(c) and (e). With your permission, Sir, I shall explain briefly the causes that have led to the delay in the construction of these quarters. The site referred to in 1929 was eventually considered unsuitable by the medical authorities of the Railway Department, and thereafter the suitability of several other sites was examined. Before any decision could be reached, however, the financial situation deteriorated, and it was not possible for some years to proceed with the project. The question was again taken up in 1935 with a view to building quarters for the staff at Karol Bagh if practicable. Early in 1936, however, the Agents of certain railways suggested the desirability of closing the Railway Clearing Accounts Office and reverting to the arrangements that had previously obtained. After consideration of this suggestion, and also in connection with possible economies, certain changes have recently been introduced experimentally in the methods of work in the Railway Clearing Accounts Office. Some time must, however, elapse before the success or failure of these changes is

demonstrated, and in view of the opinion of the Agents alluded to above, it would be imprudent to embark on further capital expenditure on quarters in the interval. The Budget for 1938-39 does, however, contain provision for a small number of railway quarters which will be permanently necessary in Delhi, and on the completion of these the staff of the Railway Clearing Accounts Office will, along with certain others, be eligible to occupy them.

(d) It is true that on one occasion the District Medical Officer, North Western Railway, Delhi, reported to the Director, Railway Clearing Accounts Office, that clerks of his office seemed to suffer from tuberculosis of the lungs, and that in his view the over-crowded state of the office building was one of the causes of the disease. Subsequent investigation of this matter however raised very substantial doubts as to whether in the few cases that had actually come to notice the disease could be attributed to this cause.

Prof. N. G. Ranga: How long do they take to continue to examine this matter?

The Honourable Sir Thomas Stewart: If you have an office experiment in progress, I should say that at least a year would be necessary to determine whether it should be made permanent or not.

NON-STOPPAGE OF THE DOON EXPRESSES AT DHAMPUR.

479. ***Mr. Badri Dutt Pande:** (a) Will the Honourable Member in charge of Railways be pleased to state if the people of Dhampur have represented to the Railway authorities that Dhampur is an important station on the East Indian Railway between Najibabad and Moradabad and that Nos. 9 and 10 Up and Down Doon Expresses be stopped at Dhampur for, say, three minutes or so?

(b) If so, what action have Government taken, or propose to take in the matter?

The Honourable Sir Thomas Stewart: (a) and (b). The Agent, East Indian Railway, states that no representation is traceable either in his office or that of the Divisional Superintendent, Moradabad, within whose jurisdiction Dhampur station is situated, and that connections and suitable arrival and departure from important points do not permit of No. 10-Down being booked to stop at Dhampur station. No. 9-Up is already booked to stop there.

Mr. Badri Dutt Pande: Is it a fact that formerly this train used to stop at Dhampur station?

The Honourable Sir Thomas Stewart: I am unable to give the Honourable Member the information.

Mr. Badri Dutt Pande: Will the Honourable Member kindly forward this suggestion to the Railway Agent?

The Honourable Sir Thomas Stewart: The Agent has already been consulted in the matter, and he is perfectly well seized of the facts.

INDEBTEDNESS OF POWINDAHS OF AFGHANISTAN TO THE TRADERS OF DERA ISMAIL KHAN.

480. **Mr. Abdul Qaiyum:** Will the Foreign Secretary please state:

- (a) whether it is a fact that the Powindahs of Afghanistan owe something like 25 lakhs to the traders of Dera Ismail Khan in the North-West Frontier Province;
- (b) whether by far the greater portion of the above debt forms the subject matter of decrees under section 8 of the Frontier Crimes Regulation;
- (c) whether these indebted Powindahs have given up coming to India since 1933 and in consequence their creditors are unable to realise their debts;
- (d) whether the Afghan authorities have consistently refused to grant visas to these creditors, who intended to visit Afghanistan to realise their debts;
- (e) whether Government have taken any steps so far to help these traders; and
- (f) whether Government propose to make representations to Afghanistan in the interests of these traders; if not, why not?

Sir Aubrey Metcalfe: (a) Yes; in March, 1936, the Powindahs owed about Rs. 21 lakhs.

(b) Yes.

(c) There is no evidence to show that the Powindahs have given up coming to India, and some of them are definitely known to have entered India.

(d) Yes.

(e) Government have made frequent representations to the Afghan Government through His Majesty's Legation.

(f) No. Government have come to the conclusion that there is little or no prospect of recovering the debts through the Afghan Government, and that the best course is to take action against the debtors when they come down to India as most of them are believed to do.

Mr. Abdul Qaiyum: With reference to part (c), is it a fact that the Deputy Commissioner, Dera Ismail Khan, has informed these traders admitting that the Powindahs have ceased to come to India?

Sir Aubrey Metcalfe: I cannot answer that without notice.

Prof. N. G. Ranga: In view of the fact that the Afghan money-lenders lend large sums of money to the poor cultivators and others of this country and indulge in very bad practices leading to violence also in many cases, will Government try to prevent their entry into India as a retaliatory measure against the Powindahs?

Sir Aubrey Metcalfe: That appears to be an entirely separate question from that on the paper.

Mr. Bhulabhai J. Desai: What is the reason for the amount being non-recoverable? Is there no court of justice in Afghanistan?

Sir Aubrey Metcalfe: One of the main reasons, I think, is this, that the debtors belong to nomad tribes who are extremely difficult to get hold of in order to make them appear before a court of justice in Afghanistan.

Mr. Bhulabhai J. Desai: Is it that they do not now want to come to India because of the Association or by whatever names it may be called, by which the Afghan Government have now taken in hand the export trade of dried fruits into India?

Sir Aubrey Metcalfe: There is no connection whatever, as far as I am aware between the Afghan Government's policy of trade monopolies and the Powindah migration.

Mr. Bhulabhai J. Desai: In what articles do the Powindah tribes trade?

Sir Aubrey Metcalfe: They bring down a variety of things, carpets and other things but I cannot answer that question without making further enquiries.

Mr. Bhulabhai J. Desai: It was stated that the Afghan monopoly was confined to different articles, and I should like to know what are the articles covered by the Afghan monopoly trade and what are the articles generally dealt in by Powindahs?

Sir Aubrey Metcalfe: If the Honourable Member will put down a question, I should be very glad to give him the information. I have already given the information as to the articles in which the Afghan monopoly deals. I could not tell all of them from memory. Both the questions I would be quite prepared to answer if the Honourable Member would give notice.

Mr. Abdul Qaiyum: What is the reply of the Afghan authorities to the representation of this Government?

Sir Aubrey Metcalfe: So far our representations have been mainly unsuccessful. That is all I can say.

Mr. Abdul Qaiyum: Is it a fact that the Powindahs discontinuing their visits to India coincided with the setting up of monopoly in trade by the Afghan Government?

Sir Aubrey Metcalfe: I do not think there is any connection between the two, nor do I admit that the Powindahs have ceased to come.

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

Babu Baijnath Bajoria: Is it not a fact that the Pathans who lend money have more faith in their sticks to recover their dues than in Courts of Justice?

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

CASES CONSIDERED BY THE RAILWAY RATES ADVISORY COMMITTEE.

481. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Railways state how many cases were considered by the Railway Rates Advisory Committee during each of the three years, 1935-36, 1936-37 and 1937-38 (up to the end of December), respectively?

(b) What was the cost incurred in connection with the working of the Railway Rates Advisory Committee?

(c) Have Government under consideration any scheme to make any saving in this outlay?

The Honourable Sir Thomas Stewart: (a) 1935-36—Four. 1936-37—One. 1937-38—Three.

(b) 1935-36—Rs. 74,146. 1936-37—Rs. 78,317. 1937-38—Rs. 47,287 up to November, 1937.

(c) No.

Mr. Manu Subedar: Do the Government consider the outlay on this committee properly spent?

The Honourable Sir Thomas Stewart: The Honourable Member is asking for an expression of opinion.

INADEQUATE RADIO PROGRAMMES OF INDIAN MUSIC, ETC., AFTER NINE O'CLOCK.

482. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Communications state whether Government are aware that Indian licensees of radio are not receiving Indian music on most days of the week after 9 o'clock at night?

(b) Are Government aware that very great discontent prevails amongst the licensees on account of the programmes, in which Indian music does not find an adequate and proper place?

(c) Are the majority of the licenseholders, from whom revenue is derived, Indians?

(d) Are Government prepared to take steps to make an enquiry whether this complaint of not giving adequate Indian programmes after 9 o'clock at night cannot be remedied?

The Honourable Sir Thomas Stewart: (a) No, Sir. Indian music is generally included in programmes broadcast from all stations except Calcutta after 9 P.M.

(b) No.

(c) The attention of the Honourable Member is invited to the reply given by me on the 3rd February, 1938, to part (b) of his starred question No. 121.

(d) I shall be glad to make an enquiry if the Honourable Member will inform me of his specific complaint.

Mr. Manu Subedar: Is it a fact that Indian music stops at 9 P.M. and English music begins thereafter?

The Honourable Sir Thomas Stewart: I am afraid I cannot answer a question when it is couched in such general terms. It seems that the Honourable Member is ignoring the fact that there are several broadcasting stations. If he will give me his specific complaint relating to any particular station, I may be in a position to answer him.

Mr. Manu Subedar: Bombay, Delhi and Calcutta are the stations I am referring to.

The Honourable Sir Thomas Stewart: I have already admitted that as far as Calcutta is concerned there is no Indian music after 9 o'clock.

Mr. Manu Subedar: Why not?

The Honourable Sir Thomas Stewart: Because I take it that those responsible for issuing the programmes are

Mr. Manu Subedar: Englishmen?

The Honourable Sir Thomas Stewart (continuing) are aware of the nature of the programme demand in Calcutta.

Seth Govind Das: Are Government aware that in Bengal particularly the people are very much fond of Indian music and it is a very great hardship for them not to allow Indian music after 9 o'clock?

(No reply was given.)

Mr. D. K. Lahiri Chaudhury: Is it a fact that the majority of the listeners are Indians? If so, why should the music stop at 9 P.M.?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

Mr. Manu Subedar: Is it true that English music costs three times as much as Indian music of the all-India Radio?

The Honourable Sir Thomas Stewart: I shall require notice of a question relating to individual costs.

Mr. Manu Subedar: Surely the Honourable Member knows all about it?

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member knew he would have given an answer.

Mr. K. Santhanam: May I know if Bengalees go to sleep at 9 P.M.?

The Honourable Sir Thomas Stewart: I refer the Honourable Member to my Honourable colleague, the Leader of the House.

Mr. Manu Subedar: It is true that in the Standing Finance Committee this ratio of the cost of Indian music and English music was given, namely, that English music is three or four times costlier?

The Honourable Sir Thomas Stewart: The Honourable Member is making a statement and not asking a question.

Mr. Manu Subedar: I am asking whether the Honourable Member is aware of it.

The Honourable Sir Thomas Stewart: No, Sir.

PROGRAMMES AND RADIOS FOR RURAL AREAS.

483. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Communications please state whether Government received a request at any time, that a programme should be given for agriculturists at about 7 o'clock in the evening?

(b) Are Government aware that it is at 7 o'clock that most of the listeners want to have an adequate advance programme of music?

(c) How many radios have been installed in rural areas that take advantage of this rural programme?

(d) Have Government enquired whether such programmes could not be arranged at some other time?

The Honourable Sir Thomas Stewart: (a) and (d). No, but there is a demand for rural programmes. The time for broadcasting them, which varies according to the seasons of the year, is selected with reference to the maximum convenience of villagers for whom they are intended.

(b) No.

(c) No precise information is available. The total number installed by Provincial Governments is 91 at present, but the number is on the increase. The Madras and the United Provinces Governments have, for example, asked the All-India Radio to assist with the installation of 150 and 10 sets respectively, and the Government of India have sanctioned the installation of 120 sets in Delhi Province in the near future. There are, besides, sets installed by private individuals for rural listeners.

Mr. Manu Subedar: With regard to part (a), from whom is such demand as is mentioned in the answer received?

The Honourable Sir Thomas Stewart: From the Provincial Governments among others.

Prof. N. G. Ranga: Do the Government of India pay any subsidy for the installation of these rural community sets?

The Honourable Sir Thomas Stewart: We ourselves are providing 120 sets for the Delhi station.

Mr. Manu Subedar: How many rural sets are controlled or are within the area of the Delhi station, out of the 91?

The Honourable Sir Thomas Stewart: At a guess, I should say about 20 to 30 at the present time.

Mr. Manu Subedar: Are Government aware that about 20,000 lovers of Indian music tune in at 7 o'clock in the Delhi station?

The Honourable Sir Thomas Stewart: I am prepared to take the Honourable Member's word for it.

Mr. Manu Subedar: In view of the unsatisfactory programmes between 6-30 and 7-30, will Government consider the desirability of changing the time for the rural people?

The Honourable Sir Thomas Stewart: The Honourable Member's question, Sir, is based on an assumption that I do not admit.

QUALIFICATIONS, ETC., OF MR. BOKHARI, DIRECTOR OF THE BROADCASTING STATION, BOMBAY.

484. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Communications state the age, educational or other qualifications of one Mr. Bokhari, who has been sent to Bombay as Station Director?

(b) Why was he sent away from Delhi?

(c) What was his salary when he joined the Department first, when he was working in Delhi, and now when he is sent to Bombay, respectively?

The Honourable Sir Thomas Stewart: (a) Mr. Z. A. Bokhari is 33 years of age. He is an undergraduate of the Punjab University and has passed the Honours Examination in Persian. He was a Civilian Translator in the General Staff Branch of Army Headquarters, and since joining All-India Radio has received training with the British Broadcasting Corporation.

(b) The transfer was made on administrative grounds.

(c) He joined the Department as Director of Programmes on a salary of Rs. 310 per mensem. When transferred to Bombay, he was drawing Rs. 775 per mensem as Station Director, Delhi. His pay remains the same in Bombay.

Mr. Manu Subedar: What was his salary when he was Civilian Translator?

The Honourable Sir Thomas Stewart: I shall require notice of that question. I am not responsible for that Department.

Mr. Manu Subedar: Was it Rs. 45?

The Honourable Sir Thomas Stewart: I have not the slightest idea.

COMPLAINTS AGAINST THE BROADCASTING DEPARTMENT.

485. ***Mr. Manu Subedar:** Will the Honourable Member for Communications state:

(a) whether Government have heard of any complaints that the honoraria payable to Indian music artists are not received by them in full;

(b) whether Government have heard of any other complaints in connection with the arrangement of programmes, the selection of administrative staff, the selection of artists or any other type of misdirection in connection with broadcasting;

(c) whether Government are considering the appointment of a committee in order to look into the whole matter and advise on these matters; and

(d) if the reply to part (c) be in the negative, whether Government will give reasons for their decision?

The Honourable Sir Thomas Stewart: (a) No.

(b) Criticisms, both adverse and appreciative, of the programmes, artists and staff which have from time to time appeared in the press have come to my notice, and criticism has also been voiced in questions in this House.

(c) and (d). No. None of the complaints that I have heard justifies the appointment of a Committee to investigate them.

Mr. Manu Subedar: Are Government regularly receiving papers, vernacular and others, which are making comments on the working of this Section of the Department?

The Honourable Sir Thomas Stewart: Yes, Sir.

Mr. Manu Subedar: Have they investigated into the nature of the complaints which are also indicated in this question?

The Honourable Sir Thomas Stewart: Yes, Sir.

LOSS OF INDIAN LIFE AND PROPERTY IN SHANGHAI DUE TO SINO-JAPANESE WAR.

486. ***Mr. T. S. Avinashilingam Chettiar:** Will the Foreign Secretary state:

(a) what has been the extent of the loss of Indian life and property in Shanghai because of the Sino-Japanese war;

(b) whether there was loss of Indian life and property in other theatres of war; if so, where and to what extent; and

(c) whether any compensation was claimed for these losses and with what result?

Sir Aubrey Metcalfe: (a) I would refer the Honourable Member to the reply which I gave on the 31st January, 1938, to Mr. Bhai Butti Pande's starred question No. 20 in so far as loss of Indian life is concerned. The only reported loss of Indian property is the destruction of a silk shop at Nanking.

(b) No damage to life and property of Indian subjects has been reported in other theatres of war in China.

(c) No claims for compensation have yet been made, but His Majesty's Government propose to make claims from the appropriate Government.

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+ This question was withdrawn by the questioner.

RESTRICTION FOR THIRD CLASS PASSENGERS TO TRAVEL BY MAILS ON THE EAST INDIAN RAILWAY.

488. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that till recently third class passengers holding tickets for distances exceeding 100 miles, were allowed to travel by Nos. 1 and 2, East Indian Railway mail trains? If so, has there been any change in this rule?

(b) Are Government aware of the difficulties experienced by the travelling public? If so, are Government prepared to consider the advisability of restoring the old rule?

The Honourable Sir Thomas Stewart: (a) The reply to the first part is in the affirmative. As regards the second part, the Agent, East Indian Railway, states that, with effect from the 15th December, 1937, only those third class passengers, (excluding servants of first and second class passengers), are allowed to travel by 1-Up and 2-Down Mails who hold tickets between Howrah and via, and stations above Moghal Sarai and via.

(b) I understand that the change in the rule was due to the curtailment of third class accommodation, in order to provide more accommodation for upper class passengers, as first and second class carriages were running regularly crowded. As a set off against this restriction, 13-Up and 14-Down Express trains were accelerated and run close to the mail trains' timings. In these circumstances, it seems unlikely that the East Indian Railway Administration could consider re-introducing the rule previously in force.

Mr. Sri Prakasa: With reference to part (b) of the question, may I know what constitutes over-crowding in the first and second class, on account of which facilities of third class passengers have been curtailed?

The Honourable Sir Thomas Stewart: My interpretation of the phrase is that there were more passengers wishing to travel than there were seats to accommodate them.

Mr. Sri Prakasa: By "seats" does the Honourable Member mean berths; or the number of persons allotted for each compartment?

The Honourable Sir Thomas Stewart: I mean the number of passengers allotted for each compartment.

Mr. Sri Prakasa: Does the Honourable Member seriously mean that every second class compartment contained more than twelve passengers and every first class had more than six?

The Honourable Sir Thomas Stewart: That, Sir, is what I assume was the experience of the Administration who made the alteration.

Mr. Sri Prakasa: Will the Honourable Member make sure of the facts on this basis because usually when a first class passenger finds anyone besides himself in his compartment, he thinks it is overcrowded?

(No reply was given.)

Mr. Mohan Lal Saksena: May I know whether any complaints were made in this connection?

The Honourable Sir Thomas Stewart: No, Sir, I cannot give that information.

NEW RULES FOR ISSUE OF PASSES TO RAILWAY EMPLOYEES.

489. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Railways be pleased to state whether Government have come to any decision on representations submitted by the Railway employees protesting against the new pass rules?

(b) Was the question discussed at the last Conference between the representatives of the Railway Federation and the Railway Board or at any other time?

(c) What are the final conclusions of Government in the matter?

The Honourable Sir Thomas Stewart: (a) to (c). I would refer the Honourable Member to the reply I gave to Mr. Lalchand Navalrai's question No. 326 on the 16th February, 1938.

Prof. N. G. Ranga: In view of the decision of this House on the cut motion last night, will Government please reconsider their position and improve the pass privileges of these railway employees?

The Honourable Sir Thomas Stewart: I see no relation between the successful cut motion of yesterday evening and the pass rules.

Mr. Mohan Lal Saksena: Is it a fact that the predecessor of the Honourable Member made some recommendations in this connection?

The Honourable Sir Thomas Stewart: If my predecessor had made any recommendations they were of a confidential nature, and I should certainly not in any case admit that they had been made.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that his predecessor stated before the House in Simla Session that very shortly decisions would be taken in the matter?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the question which I quoted and to the supplementaries arising thereout, he will get all the information he requires.

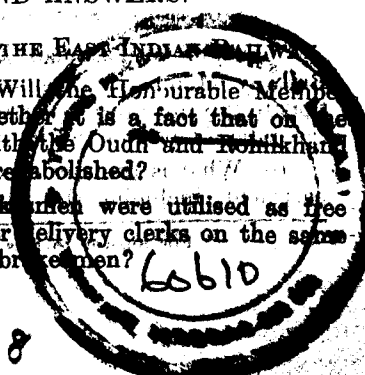
UNSTARRED QUESTIONS AND ANSWERS.

GRIEVANCES OF THE EX-BRAKESMEN ON THE EAST INDIAN RAILWAY.

86. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member in charge of Railways be pleased to state whether it is a fact that on the amalgamation of the East Indian Railway with the Oudh and Rohilkhand Railway in 1925 the posts of brakemen were abolished?

(b) Is it a fact that some of the old brakemen were utilised as free service clerks and later on designated as letter delivery clerks on the same pay and allowances which they enjoyed as brakemen?

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(c) Is it a fact that letter delivery clerks employed before the 1st January, 1925, were in the scale of Rs. 26—2—40 *plus* Rs. 5 fixed allowance paid under Resolution No. 1260 of 1903?

(d) When were the posts of brakemen abolished in 1925, and why were those men not given the pay of letter delivery clerks in which category they were utilised, *viz.*, Rs. 26—2—40 *plus* Rs. 5?

(e) Is it a fact that the pay of letter delivery clerks was again revised and the following scale sanctioned Rs. 24—2—36 *plus* daily allowance?

(f) Why were the ex-brakemen again not fitted into this scale (Rs. 24—2—36)?

(g) Is it a fact that the scales of this class were again revised to Rs. 18—1—27 and it was now only that the ex-brakemen were fitted into these new scales?

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply to questions Nos. 36, 37, 38, 39, 40 and 41 together.

I am obtaining information and will lay a reply on the table of the House in due course.

GRIEVANCES OF THE EX-BRAKESMEN ON THE EAST INDIAN RAILWAY.

†37. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state why, when the posts of brakemen were abolished on the amalgamation of East Indian and the Oudh and Rohilkhand Railways in 1925 they were not fitted into some other branch earlier than 1935?

(b) From which date to which date were the following designations in force on the East Indian Railway, what were their duties, and what were the scales of pay and allowances of each category?

Brakemen,
Free Service Clerks,
Letter Delivery Clerks,
Train Despatch Clerks, and
Sorters.

(c) What was the administrative necessity of changing the designations so often?

(d) What is the difference in the duties of a sorter and a letter delivery clerk?

PAY OF SORTERS ON STATE RAILWAYS AND IN POSTAL DEPARTMENT.

†38. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state whether Government consider the proportionate pay in other departments of Government employment before fixing the rates of pay on State Railways?

(b) What is the pay of sorters on State Railways and in the Postal Department, including the Railway Mail Service?

† For answer to this question, see answer to question No. 36.

EXCLUSION OF EX-BRAKESMEN ON THE EAST INDIAN RAILWAY FROM THE MEMBERSHIP OF PROVIDENT FUND.

†39. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state how many ex-brakemen (now called sorters) there are in the Moradabad Division of the East Indian Railway and what is the length of their service and for how long a period they were members of Provident Fund and since when they have been excluded from this membership to Provident Fund?

(b) Have they been refunded the Provident Fund Account? If not, why not?

(c) Under which rule have they been excluded from the membership to Provident Fund after having been members of this Fund for many years past?

CLASSIFICATION OF EMPLOYEES PERFORMING CLERICAL WORK AS MENIAL SERVANTS ON STATE RAILWAYS.

†40. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state whether there is any rule under which employees performing clerical work can be classed as menial servants on the State Railways?

(b) Is it a fact that staff employed for receiving and delivering Railway letters, ticket bundles, ticket bags, etc., and preparing guidance thereof, like guards, were held to be clerical staff and are now classed as menial staff and excluded from membership to Provident Fund?

RESTORATION OF OLD SCALES OF PAY AND ALLOWANCES TO EX-BRAKESMEN ON THE EAST INDIAN RAILWAY.

†41. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state whether it is a fact that the Agent, East Indian Railway, sanctioned the replacement of three brakemen in the grade Rs. 16—2—28 each by three letter delivery clerks in the grade Rs. 26—2—40 in 1934?

(b) Is it a fact that the remaining brakemen were ordered by the Agent to continue on their old pay and allowance till they vacated the post?

(c) Is it a fact that the Agent further ordered that when vacancies occurred, letter delivery clerks in the new grade of Rs. 24—2—36 should be engaged?

(d) Why were the brakemen fitted in the new scale in 1935 (Rs. 18—1—27) if they continued performing the same old functions of letter delivery clerks under the designation of sorters?

(e) Is the Honourable Member prepared to look into the matter and order the restoration of the old rates of pay and allowances to ex-brakemen, now called sorters, or order them to be placed in any of the following old scales:

Rs. 26—2—40 *plus* Rs. 5, or

Rs. 24—2—36 *plus* daily allowance?

† For answer to this question, see answer to question No. 36.

SIGNIFICANCE OF THE TERM "BONA FIDE" IN RULE 16 (3) OF STATE RAILWAY PROVIDENT FUND RULES.

42. **Qazi Muhammad Ahmad Kazmi:** Will the Honourable the Railway Member be pleased to state the significance of the term "*bona fide*" used in Rule 16 (3) of State Railway Provident Fund Rules?

The Honourable Sir Thomas Stewart: The term carries its commonly accepted significance.

MOTION FOR ADJOURNMENT.

MOLESTATION OF AN INDIAN GIRL AND FIRING ON RESCUERS BY EUROPEAN SOLDIERS IN MUTTRA DISTRICT.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for the adjournment of the House from Maulvi Syed Murtuza Sahib Bahadur to this effect:

"To discuss a definite matter of urgent public importance relating to the molestation of an Indian girl by three European soldiers and opening fire on the rescuers of the villages of Bati and Arhara which has resulted in the death of a poor villager named Bhim Singh."

When did this take place?

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Mubammadan): It appeared in today's paper. There is a telegram from Muttra to the effect that a Hindu girl was molested by three European soldiers, and when they began to take her away forcibly, they were pursued

Mr. President (The Honourable Sir Abdur Rahim): I simply wanted to know how the Honourable Member came to know of it. Is there any objection?

Mr. C. M. G. Ogilvie (Defence Secretary): I have no more knowledge of the incident than what has appeared in the press this morning.

Mr. President (The Honourable Sir Abdur Rahim): I do not want a discussion now. What I wanted to know was whether it was of recent occurrence, and if there is any objection to this motion.

Mr. C. M. G. Ogilvie: My own objection is that according to the account it is likely to be *sub judice* by now.

Mr. President (The Honourable Sir Abdur Rahim): The motion will be taken up tomorrow at 4 o'clock, as today in the afternoon the demands for grants have to be disposed of, unless they are disposed of by 4 o'clock of which I do not see there is any chance.

THE RAILWAY BUDGET—LIST OF DEMANDS—concl'd.

DEMAND NO. 1—RAILWAY BOARD.

Failure to completely Indianise the Railway Services and the Railway Board.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Sir, it has become a regular feature on the part of the Members on this side of the House to urge upon the unsympathetic authorities the question of Indianisation of the services, and in spite of the fact that whenever such motions are brought, they are carried and Government sustain defeats, yet we find that, year after year, there is very little improvement, i.e., satisfactory or substantial improvement in the matter of Indianisation. It seems that, because of the frequency of such motions, the authorities concerned imagine that the matter is not so serious. I submit, Sir, that this is a matter of first rate importance, and it is high time that the authorities gave their earnest attention to this matter and completely Indianised the services. We are told all sorts of things by the other side of the House, but I submit there is absolutely no moral justification for the retention of any foreign element in the railway services: the only justification that can be found, if one were to think out a justification, is that the British have conquered India, and that they have a right to have a lion's share of the services as a result of their conquest. Besides this, there is absolutely no moral justification, and the time has arrived when those in charge of the Railway Department seriously realised that they should completely Indianise the railway services by stopping once for all the recruitment of Europeans into any branch of the service. There is no other method by which these services can be completely Indianised.

Now, what is the position, Sir? If the House will bear with me I will quote some figures which I have taken from the Government report. We find on page 84 that gazetted officers on State-managed railways and officers of the corresponding rank on Company-managed, class I, railways (excluding H. E. H. the Nizam's and Jodhpur Railways) were as follows: On 1st April, 1925, there were: Europeans, 1,485; and Indians, 468. On 31st March, 1937, we find, in spite of the talk of sympathy with the question of Indianisation, that there were: Europeans, 1,026; and Indians, 826. In 1925, Europeans formed 71.98 per cent. on State-managed railways, and 82.26 on Company-managed railways: in 1937, we find that, in the gazetted services of the Railway Department, Europeans are 52.56 in the State-managed railways, and 59.33 in the Company-managed railways.

Now, there has been some progress in Indianisation, but I contend that the progress is very slow, and that the rate at which Indianisation is taking place is far from satisfactory. Indianisation, to be effective, must begin at the top, and unless and until you completely stop further recruitment of Europeans to the superior railway services, and unless and until you decide that you will have no other persons as gazetted officers except Indians or people domiciled in India, this problem will not be solved. Now, coming to the subordinate services, here also you find that the European element is considerable. Now, I am talking of subordinate services on scales of pay of Rs. 250 per mensem and more on class I railways, excluding H. E. H. Nizam's and Jodhpur Railways. On the 1st April, 1925, there were 2,412 Europeans and 5,410 Indians: the percentage of the Europeans was 30.84. In 1937, we find that even in the subordinate services drawing a salary of Rs. 250 and above, the number of Europeans was 1,261 while the number of Indians was 6,880; or a percentage of roughly 15.59. In the matter of direct recruitment and promotions we find that the Indians have not had a square deal in

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spite of this talk of Indianisation. The condition as far as the recruitment and promotion is concerned, from the Indian point of view, is absolutely unsatisfactory. On the State-managed railways there were 18 appointments to the superior services in 1936-37; and in spite of the fact that the European element is very considerable there, the railway authorities recruited three Europeans by direct recruitment. As far as the lower gazetted service in the State Railways is concerned, there were 32 promotions and of these 15 went to Europeans in 1936-37; and out of the remaining 17 five were promotions which fell to the share of the Anglo-Indians and Domiciled Europeans; this means that out of 32 promotions more than half fell to the share of the Europeans in that service.

If we take the case of the Company-managed railways in the matter of direct recruitment to the superior establishment, class I, seven Europeans were recruited as against 16 Indians—giving a percentage of 30.4, which is a very high percentage. Taking the vacancies filled up by promotion in those railways in 1936-37, eight Europeans were promoted as against 10 Indians; and it is a very significant fact that the 10 Indians include Domiciled Europeans and Anglo-Indians. On page 83 of the Report we find that the language, where the Company-managed railways are discussed, is very apologetic and an attempt is made on the part of the Railway Board to whitewash this act of the Company-managed railways in which they have deliberately set at naught the policy of rapid Indianisation of the superior railway services.

I was discussing the case of officers on State-managed railways and officers of corresponding rank in the Company-managed railways, and I said that on the 1st April, 1925, there were 1,485 Europeans as against 463 Indians. On the 31st March, 1937, the situation had not changed much from the Indian point of view; there were still 1,026 Europeans as against 826 Indians. In 1925, the percentage of Europeans in the higher gazetted services was 76.23 and at present, in 1937, it is 55.40. There is another significant fact which appears from this report and it is this; that while on the 31st March, 1936, the percentage of Europeans in the higher services was 15.15, on the 31st March, 1937, this percentage had risen to 15.59.

This is the position as far as the railway services are concerned and it is obvious that the really important posts, the posts which mean power, the posts which really enable people to make decisions on questions of policy, which direct the policy of all these railways in India, are still held by Europeans and they sit there safely entrenched. In spite of all this talk of Indianisation the progress has been very very slow indeed.

I now turn to the Railway Board. I find from this very report—perhaps the position has become worse since then—that the Indian Member in charge of Communications has disappeared making room for the Honourable Member now in charge of that Department. This is also a step in the direction of Indianisation! In the Railway Board itself we find that out of 19, 8 were Europeans—*vide* Appendix H, Vol. I of the Report of the Railway Board on Indian Railways for 1936-37; of the attached officers, four out of five are Europeans. In the Central Standards Office, we find there is only one Indian out of

eight officers. In the Central Publicity Bureau both are Europeans: in the Overseas Bureau, one is Indian out of two. The only part of this department where we have some Indianisation is the office of the Controller of Railway Accounts where all the three incumbents are Indians.

Now, Sir, this position which I have analysed is far from satisfactory. The tendency, with the approach of Federation, is to use the Centre as a sort of haven of refuge for all European officers, and all these new posts which have been created on one pretext or another are being handed over to the Europeans: all the important posts are going to the Europeans. I believe that if the railway authorities would say honestly and frankly that for a certain superior post they cannot possibly find any Indian with the requisite qualifications, if they can make that statement with their hands on their hearts, then there will be no objection to their going abroad in search of some experts; but here we find that in this country where there is such a large number of unemployed educated persons who are in search of employment, we find that in spite of the fact that Indians with the requisite qualifications are present and are quite capable of filling these posts, there is a mad search for recruits from abroad who are being dumped into this country, snatching away all the jobs which should rightly go to Indians. And they are entrenched in positions of power there, from which it is very difficult to dislodge them.

There is absolutely no necessity to advance any reasons in favour of Indianisation. I contend that Indianisation is the right and the necessary thing and that no reasons are required in support of this plea for Indianisation. It is our right to enjoy and occupy all these services in the railways in this country and the time has arrived when the Railway Authority should make a declaration that henceforth they will not recruit a single person from abroad and that they will make it a point to employ Indians and Indians only. Unless and until this is done, all this talk of Indianisation is absolutely of no use. It is not sincere, it is not going to bring about any real and effective change in the position of the various races in the service. The Government of India must come out with a clear and definite declaration in favour of Indianisation and make a solemn promise that in future they will not recruit even a single person from abroad—because if this is done it will be a glaring injustice to the people of this country.

It is not merely a question of arguments being advanced in favour of Indianisation, but it is a matter of sentiment as well, and I think sentiment counts for much more than figures. Sir, it is really a matter of shame and humiliation that in India all these positions of power, all these important gazetted posts, the key positions as it were, should be occupied by people who come from a different country. It really hurts our national pride, it hurts our self-respect, and we feel mortified to see that while unimportant jobs which really do not matter are given to Indians, the positions which really matter are kept in the hands of Britishers, and Indians, in spite of their education, in spite of their efficiency, in spite of the fact that they can more than hold their ground against the best people from England, are relegated to subordinate position and treated as hewers of wood and drawers of water in their own country. This is really a very deplorable state of affairs. There

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is absolutely no justification for the attitude which the Government have taken up in persistently refusing to carry into effect their oft repeated promises in regard to Indianisation.

Sir, it is customary in these cuts for the Mover to move his cut and then for certain other Members to stand up either to speak in favour of the motion or against it. The Treasury Benches generally observe silence till the very last moment, and then they come up with their facts and figures, and avoid answering certain points raised, while they introduce some new points knowing full well that there is absolutely no opportunity for the other side to reply to those points. I suggest, Sir, it would be a very proper thing if some Member other than the Member in charge of Communications gets up and puts forward the case for the Government so that opportunity may be afforded to a Member on the Opposition Benches to refute the points made by the Government.

Sir, I have tried in this very short speech to show that in the matter of direct recruitment as also in the matter of promotions, a grave injustice is done to Indians, and when we come to Company-managed railways, we find they are the worst offenders

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only two minutes more.

Mr. Abdul Qaiyum: Very well, Sir, I shall finish within two minutes.

There is one very strong reason why these Company-managed railways should be brought under State control, and it is this. In the Company-managed railways, we find there is less readiness to adopt the principle of Indianisation, and in spite of the promises of the Government to Indianise the services, the Company-managed railways still recruit Europeans by direct recruitment and by promotion to the extent of 50 per cent. I have quoted figures in support of it. There is absolutely no reason why the Government should not make a declaration that henceforth they will not recruit a single person from abroad, and that they will completely Indianise all the services.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, I shall take only a few minutes. I entirely agree with all the observations made by my friend, Mr. Abdul Qaiyum, but I must point out that there is no getting away from the fact that the Railway Department is a reserved department, and as long as it is a reserved department, it will continue to be a happy hunting ground for Europeans; and if they frankly admit that they have conquered India by the sword and they shall keep it by the sword, it will be very nice indeed, but they will not do it. They want to pose as the guardians of India. They say that India is unfit to manage her own affairs, and that if they were not in India, there would have been bloodshed and revolution and what not. So, when we talk of Indianisation, what do we mean? We make speeches, very fine speeches indeed, but as long as these speeches have not an effective sanction behind them, I mean the sanction of the sword, the

sanction of the right arm, the speeches are of very little use. There is no getting away from the fact that there are 60,000 British soldiers and bayonets in India, and as long as they are in this country, we have no right to talk of depriving the Britishers of the lion's share of the loaf. They have a "right" to have a larger share in the superior services than their population basis would justify. We talk of Federation, we talk of a free India. When a free India comes into existence, then and then alone we will have the right to Indianise all the services in the administration, but as long as we are slaves, our position may be likened to that of the bird in the cage which has been described by the poet in these two lines:

"misal yeh meri koshish ki hai keh murghe asir

kare qafas men faraham khas ashiyan ke liye."

Rendered into English, it means this:

"I may be likened to the bird in the cage which flutters and collects a few twigs to build its nest in the cage."

So, Sir, our speeches have their limitations, and they may be likened to the efforts of the bird in the cage. Free India first, and then we can talk of Indianisation and other things. There are provinces which now enjoy Provincial Autonomy. Use what little power that has been given to you in the provinces to the best of your ability, fight the Viceroy, just as Pandit Pant has fought, just as the Bihar Minister has fought, and then only the Britisher will bow down to you, knowing full well that what little they have given you in the provinces is welcome to you, but directly you get into the higher sphere, then they say, "Well, go down". So, this is the Railway Department; it is a reserved department, as I have said already, and, therefore, do not talk of your rights in that department. Then, there is also the Military Department; do not talk of your rights in that department. There is moreover the Department dealing with external affairs, and you have no right to talk of Indianising the services in that department either. These are things reserved for the Britishers, and as long as they hold the sword in their right hand, we dare not ask for anything. You can make speeches, very fine speeches, you can put forward your logic; our friend, Mr. Bhulabhai Desai, will be cheered as soon as he comes in or when he makes a fine speech, but what can our speeches do to compel the railway authorities or the Foreign Department to listen to you? That is all I have to say in support of this cut; but for God's sake you must make up your differences, the differences between Hindus and Mussalmans. The bone of contention is there.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address himself to the subject before the House.

Maulana Zafar Ali Khan: I say that Mr. Jinnah is the man who can deliver the goods. You must have a heart to heart talk with him.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the motion before the House.

Maulana Zafar Ali Khan: All right, Sir. That is all I have got to say.

Pandit Shambhu Dayal Misra (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I do not wish to be misunderstood as opposing this motion. In my opinion the motion and several such of its kind are based more or less on a misapprehension of the basic principles underlying the railway policy of the British in India as a whole. The result is that not only do we waste our time in echoing our grievances but also give opportunities to the communalists to spoil the atmosphere of the Assembly.

The position in my opinion is this and I would like to give to the House a historical perspective of the policy of what our friends on this side of the House call Indianisation and what the Treasury Benches call Europeanisation of the railway services. Sir, it is not necessary to remind the Assembly that out of a total sum of Rs. 1,200 crores, Rs. 750 crores is the debt due from railways. In other words, though practically the whole of the debt due for other services has been wiped off or secured, the one due from railways has been retained and that with a purpose. It is necessary to tell the House a short history as introductory to the subject in hand. In the year 1922, at the Gaya session of the Congress, the Congress repudiated the public debt of India unless it was scrutinised by an independent tribunal. Next year in 1923, the Congress entered the Legislature. It, therefore, became necessary for the Government to take away the railways from the control of the Assembly. The major portion of the British capital was sunk there and it formed the bulk of the public debt of India incurred for the Imperialistic domination of India. In the year 1924, in the March Session of the Assembly a Resolution was moved for the separation of railway finance from general finance under the pretext that it was a more convenient form of administration and to save the General Budget from what they called the violent fluctuations of the railway finance. The Assembly as constituted was not agreeable to the proposal and the proposal was adjourned to the Simla Session. In the Simla Session, there was very great opposition to the proposition of separation and ultimately there was a compromise by which an agreed formula was drawn up, which contained besides provision for depreciation fund and interest on capital, also a condition of Indianisation.

From that day till 1929, that is, up to the time the Swarajists were in the Assembly, the Government complied with the agreement arrived at and even agreed to the appointment of an Indian to the Railway Board in the person of Mr. Hayman. But as soon as the Swarajists left the Assembly and took to direct action outside, the Government began to consolidate its power and tighten its hold on the people by not only not contributing towards the depreciation fund and interest but also by Europeanisation of the services. From 1930-34, this state of things went on till links were forged to tighten the hold of British Imperialism on India by taking away the control of the railways from the people of India and the provision was made in the Government of India Act, section 187, to that effect. In spite of the Assembly then being a tame one, it could not agree to the legislation for the establishment of a Federal Railway Authority on the lines proposed and after the enactment of the Government of India Act the Government resorted to other means of effectuating their sinister purpose.

On the 16th January, 1936, Sir Otto Neimeyer arrived in India and the Government was able to persuade him to append a note. This was in April, 1936. On the 5th September, during the course of the proceedings

of the Public Accounts Committee, Mr. Satyamurti, as he himself says, was caught napping by the Honourable the Finance Member and he agreed to the appointment of an expert to survey the financial position of the railways and to find out ways and means for funding the provinces in the manner indicated in the Niemeyer Award. Instead of one expert, three experts were called and they were more or less Imperial arbitrators to settle the dispute between the Government of India and the British financiers to find out the best manner of securing the debt of the British financiers due from the Government of India and which was being repudiated by the Congress and, as I said, most of it is confined to the railways. That was the reason why no Indian was taken in the Committee; because by the very nature of things, it was a confidential affair. They produced a report in which four principles were laid down: (1) that there was no mismanagement; (2) that the management should go to the companies, that is, the British financiers and thus be taken away from political interference; (3) that the railways should be relieved of the obligation of the arrears of debt due to the depreciation fund and interest on capital; and (4) there should be Europeanisation of the services and the key positions in the services should be in the hands of the Europeans. In other words, this document is a counter repudiation of the separation convention, a counterblast to the Congress repudiation of the public debt. In the Simla Session of the Assembly we had a debate on the Wedgwood Committee Report and I was surprised again that it was abruptly by an agreement adjourned *sine die* under a promise, entered subsequently on 7th October, 1937, by the Resolution on moratorium, to give some contribution to the provinces.

You will thus see, Sir, that we have practically mortgaged our future to the British financiers and the Army being already under the control of the Crown Representative we have unwittingly and to our shame made over the control of the means of communication of the Army to the hands of the Britishers, under a shady promise of help to the provinces out of the income-tax receipts, with the newly created post of a British Member of Communications as the managing director of the corporation of British financiers.

Under the circumstances, unless we muster strongly under one banner and fight this British Imperialistic domination I see no use whatsoever of talking of Indianisation and such other useless matters.

It may not be of interest to the Assembly to know that I have returned back to it after a lapse of full 12 years, but I find that it has become a fashion now to talk all and sundry to maintain one's contact with the constituency, and naturally in this state of politics, unless one wants a final exit from the Legislature he has to speak.

I, therefore, sincerely apologise to you, Sir, for the little oddity that may have crept in during the course of my speech as I am not addicted to talking loudly. It was necessary for me to speak on this subject inasmuch as I was a party to the separation convention at Simla in 1924, and it would be of interest to mention that we had very nearly staked the presidentship of one of your predecessors on the insistence of this condition as to Indianisation. We are sorry that we have unwittingly lost our case as to agreeing to matters in advance which have throttled our future. I do not know in what manner it will be possible to ensure Indianisation when

[Pandit Shambhu Dayal Misra.]

the only matter left out is the settlement of liability of the railways to the Government of India and the placing of the control of railways in the hands of British Imperialists.

Mr. M. S. Azey (Berar: Non-Muhammadian): Sir, I support the motion moved by my friend, Mr. Abdul Qaiyum. We have listened to speeches from Honourable Members who have approached this question from different points of view and who yet came to the same conclusion. My friend, Maulana Zafar Ali Khan, as well as my friend, Pandit Shambhu Dayal Misra, are agreed on one point, *viz.*, that it is useless for us to move any cut for the sake of Indianization, although the grounds on which both of them justify their conclusion are like the two poles asunder. Sir, the question of the Indianization of the railways or for that matter of any of those services which control the destinies of the people of this country cannot be satisfactorily solved unless we are masters in our own house, and in view of the tardiness with which this question is approached and tried to be solved, there is bound to be some feeling of despair and despondency on this side of the House.

Sir, Government has never conceded one point whenever they had any occasion to consider this question. Whenever the question of Indianization of the services was approached by the Government either in connection with the appointment of a Commission or holding any other kind of enquiry, they never wanted to make a secret of one point, *viz.*, that they always regarded that there is some necessity, or some indispensability, of maintaining a certain European element in every service. On that point they are very strong. They have always contended that a certain minimum strength of Europeans must be maintained and without that they do not regard that the services can ever come up to what they consider to be the proper degree of efficiency. Sir, my Honourable friend, Mr. Abdul Qaiyum, has tabled today a motion which is a sort of protest against that standpoint. And I want the Government to note that there is some difference between the way in which this demand has been urged on the floor of this House several times before and the manner and the spirit in which it is being tabled today. My friend, Mr. Abdul Qaiyum, distinctly wants the Government to commit itself to this principle that the services have to be completely Indianized, and no fraction of the services is to be retained for the sake of providing for any number of Europeans at all. That is the point of view which my friend has placed before this House, but I am sure that a demand like that will be resisted tooth and nail by the Members opposite. Sir, there is no question of a compromise between this side and that side. Those who stand for complete Indianization also stand for complete independence of this country, and those who stand for a gradual process of Indianization, leaving always a fraction for exploitation by the foreigners and Europeans, stand for a qualified kind of independence or a qualified kind of emancipation. The two points of view are absolutely different. But the point of view which my friend, Mr. Abdul Qaiyum, wants to press is this that the time has now come for the Government to recognize clearly that no important service can hereafter be allowed to be under the control and management of Europeans in any form. Sir, what are the grounds, what can be the justification for the Government to adopt any other view? Take the Reports of the Public

Service Commission, the Lee Commission and other kinds of reports that dealt with this subject, and we shall always find that there is some reservation and that reservation is to this effect that some minimum proportion of the services must be preserved in the interests of Europeans. But the standpoint of the people of this country is this that we have outgrown that stage of tutelage, we have outgrown that stage of being cared for by somebody else, and the Government must know that they have to deal with a set of people entirely different from those with whom they have been dealing previously,—whatever justification for that stage of tutelage for us there might have been previously, which, of course, I do not admit. Sir, for a long time the educated classes have been content with the position that this Government has to grant to us gradually certain rights and it is their duty to train people in the art of administration and for them to remain here as teachers for some time to come. That stage, however, I say, has now gone. The Indian National Congress, as also all the other public bodies have declared their goal to be that of complete independence, complete emancipation of this country from foreign domination. When that goal is declared, then the Government either has to accept that as the correct goal, or has to oppose that. There is no half-way house between the two, in my opinion. If they accept that as the goal, they have to change the entire angle of vision from which they approached this question previously. I, therefore, want the Honourable Member in charge of Railways not to throw at us hereafter extracts from the Public Service Commission or other Commissions showing what the rate of Indianization should be. The demand today is that the entire Indian administration has got to be Indianized, and the European element must be dispensed with.

If the Government of India work up to that policy, they have then to consider what is the period of time they have got before they can fully work up to that solution. If the answer is that they mean to carry out that policy, then they have only to fix the period within which that must be worked up to. It is no use telling people now that we will gradually work up to that. That kind of vagueness cannot satisfy anybody. I therefore want, in the first place, to bring to the notice of the Honourable Member in charge of Railways that he should appreciate correctly the spirit and the motive which lie behind the amendment moved by my friend, Mr. Abdul Qaiyum. Sir, is it not a matter of disgracefulness that in India we should be discussing the question of "Indianisation"? Does any country ever discuss that? Is it possible for us to imagine that in England there can be any question of discussion of Anglicization of the services there? The British people have now ruled over us for 150 years and more, and still the question has to be discussed on the floor of this House that the services should be Indianized,—and they patronisingly reply, "Government thoroughly appreciate this point of view; Government are at one with the people on this point; every attempt is strenuously being made in order to see that the policy of Indianization is being gradually carried out!" Sir, that sort of reply we have listened to for long, but how long are we going to put up with that state of affairs? I, therefore, think in connection with the motion which my Honourable friend, Mr. Abdul Qaiyum, has moved with a view to the complete Indianization of the railway services, that Government should take pains to understand, from the big movement that is being carried on, what they want, and what are the forces that are working in this country during the last ten or fifteen years.

[Mr. M. S. Aney.]

And what is the object for which all these sacrifices are being made in this country? If the Government has really understood the real significance of all these forces up to this time, I believe they should be prepared by this time to consider at least the question of the Indianisation from a different point of view altogether. In order that they should consider the question from that point of view, it becomes necessary for us to bring in this motion every year. We know as much as my Honourable friend, Maulana Zafar Ali Khan, knows that, unless there is a sanction behind it, it is not likely that our demand will be carried out. But a promise is now being held out and the matter can be decided even by negotiation. We are giving you an opportunity for the solution of this question by moving these motions here. My friend, Maulana Zafar Ali Khan, is there and my friend, Mr. Bhulabhai Desai, is there and the solution of the problem of sanction can be found in a moment if both of them realise that the negotiations are to end in disaster and something serious will have to be done later on. Our efforts for bringing about the necessary sanction by establishing the unity between different kinds of people can be simultaneously carried out along with the placing of a demand before this House. There is nothing inconsistent in it. My friend need not be afraid of recording his vote on this motion and his colleagues also may not be afraid of recording their votes on this motion because we have not yet come to any understanding. If there is a genuine desire that we should work together, we must begin to work together without any understanding and the very fact that we can work together like that will bring about an understanding that is so much desired. If we work simultaneously together, it will create a spirit of real understanding in a much better way than if we go on talking of understanding and understanding every day. If you talk of understanding every day, the talk will remain and the understanding will never come at all. But, if you brush aside the consideration of understanding and come together and work together, you will find that an understanding will be created and it is bound to come into existence. I am sure my Honourable friends on the right will approach each other and understand each other in that way. If they do so, we will bring about a sure unity amongst ourselves if not today then tomorrow. We can then insist upon the Government to listen to our demand and tell them even in the form of an ultimatum as it were—accept this or be prepared. Sir, with these words, I support the cut motion.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I whole-heartedly support the views which have been put by Mr. Abdul Qaiyum so far as the policy which ought to be followed by the Government in respect of the Indianisation of the services is concerned. I wholly share his sentiments and his feelings as an Indian and I do not think that there will be anybody in India who can call himself an Indian who will not agree with the sentiments which have been expressed by Mr. Abdul Qaiyum. My difficulty in supporting his motion is that I do not agree with the wording of it. I have been a member of the Standing Finance Committee for Railways for several years which is really a Committee of the House. The policy which we have tried to impress upon the Railway Department has been that whenever we have granted our sanction for any new post, we have insisted that it must go to an Indian if a suitable Indian can be found, and we have always tried to find out at the next

meeting of the Committee whether our policy has been really followed or not. This policy had been going on for many years in the past. Now, as I said, I do not agree with the words of the cut motion. The words are:

"To discuss the failure of the authorities to completely Indianise the railway services and the Railway Board."

I do not know what the Honourable Member means by completely Indianising the railway services and the Railway Board. In what period does he want the railway services to be Indianised? If he insists on the fact why the Railway Board has not been manned by Indians during the last two or three years, then I do not agree with him because his proposition is not really practical. If he had laid down that in future the policy of Indianisation should be pursued, then I would have whole-heartedly supported him. The fact of the matter is that in spite of our efforts to press the Government year after year that the Railway Board should be Indianised, the fact remains that the Railway Board consists of some specialists who must be on the Railway Board to give their advice. After all, the question of the Indianisation was started not very long ago and we know that our junior Indian officers under different railway administrations are finding their places all right according to their status and grades. In course of time, when they become senior enough, they will be able to take up the Membership of the Railway Board, if in the meantime the Railway Board is not replaced by the Federal Railway Authority. My experience during the last 17 years during which period I have been a Member of this Assembly has been that there has been a great deal of change in the personnel of the officers in the Railway Board's office and it is not right and proper to say that there has been no change. There has been a definite policy to take at least one Indian as a Member of the Railway Board out of four.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): There is none now.

Sir Muhammad Yamin Khan: I agree that there is none now and I wish to press on the Honourable Member in charge of Communications that the Indians do really feel that there is no Indian on the Railway Board at present, although, when we sanctioned another post for the Railway Board in 1931, a clear understanding was given to this House that that post will always go to an Indian. Then, later on we found that the Financial Commissioner was an Indian. Now, we find that there is not one single Indian on the Railway Board. This feeling must be in the minds of all Indians in the country as to why the old policy which was laid down in 1931, has been changed and why no Indian has found a place on the Railway Board.

I find there are several senior officers in the Railway department, but no Indian has been appointed as an Agent till now. I suppose one Indian was appointed some time ago as Agent of a railway, but he, too, retired. I submit there are many capable senior officers who could be appointed as Agents in charge of railways. I think the policy ought to be that senior members of the staff should be given some kind of training and they should be given a chance to hold the responsible post of Agents. I do not for one moment suggest that senior members should be superseded by junior members, I do not suggest that an Indian, because he is an Indian, should

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supersede senior European officers who have been long enough in the service. I think it is the general policy that in the matter of selection grade jobs, they do not generally go by seniority but by merit. I submit that if an effort is made, it will not be difficult to find a suitable Indian to occupy a high job. I do not want that any hardship should be caused to European members. At the same time the Government should guard themselves against the accusation according to an Indian proverb:

"*Andha bāntē rewrī aur apne apne ko de.*"

"When a blind man distributes sweets, he gives only to the nearer relations."

This should not be the policy of the Government in their administration and in the distribution of their patronage. If the jobs in the selection grade happen to be monopolised only by Europeans, and if no Indian holds such high posts, then it certainly causes a good deal of excitement in the country. I agree with my Honourable friend, Mr. Aney, who laid great emphasis on the point that the future policy should be that all posts should be occupied by Indians. That should be the ultimate goal. Complete Indianisation should be aimed at within the shortest period of time. If Indians could be found in suitable numbers with the required qualifications to fill a certain kind of post, then recruitment to such posts from the ranks of Europeans should be stopped. But I must not be understood to say that the present people who are in the services should be turned out in order to make room for Indians. I do not agree with my Honourable friend, Mr. Abdul Qaiyum, when he says that because there is so much unemployment in the country that you should turn out all men who are faithfully serving already in the departments and replace them by Indians. If he means that all the Europeans who are senior should be replaced by Indians, I do not agree with him. If he means that young people with the requisite qualifications should in future be recruited to the bottom of the service, I whole-heartedly agree with him. Indian railways ought to be reserved for Indians and in exceptional cases only should Europeans be recruited. I submit that is the policy which I always advocated in the past. I hope the Honourable Member in charge of the Department will not disagree with me on this point. With these remarks, I submit that although I am sorry I cannot support the wording of the cut motion, and thus censure the Government, yet I support the spirit which underlies the cut motion.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Mr. President, I do not agree with my Leader.

Sir Muhammad Yamin Khan: May I just explain, Sir, that the views which I expressed are my personal views.

Sir Abdul Halim Ghuznavi: We are not here to quarrel about the wording. My Honourable friend, Mr. Abdul Qaiyum, belongs to the Congress Party and naturally he wants the whole of the railways and the Railway Board to be Indianised. I want Indianisation gradually. That is the difference. But, Sir, what is the position today? Is the Railway Board being gradually Indianised? Far from it. The Government are not doing that. That is the trouble. When Sir George Rainy came before

this House for the sanction of an additional Member's post on the Railway Board, he gave us distinctly to understand that this additional Member of the Railway Board would be an Indian. It was only on that undertaking that we sanctioned the post of an additional Member. What do we find today? Instead of Indianisation, it is Britishisation. That is the policy that the Government are pursuing. Not a single Agent is an Indian throughout the entire railway system in India. There was one formerly. But he retired long ago. When an Indian is about to retire on pension, when there are just a few months more for his retirement, such an Indian is appointed as Agent. This is merely to demonstrate the incompetency of the Indian because he cannot possibly justify his appointment. cannot be expected either to lay down any policy or do something striking within such a short period as a few months. Sir, during the discussion on the Railway Budget in 1936-37 in the Council of State, the Honourable Member in charge of Railways made the following statement which appears on page 99 of the Council of State Debates, Vol. I, dated 20th February, 1936: Referring to the question put by a Member as to why there was no Indian Agent on any State railway, he stated:

"The Honourable Member is no doubt aware that one Indian Agent has only lately retired."

I may say that was Mr. Singh of the E. B. Railway. The Honourable the Railway Member went on to add:

"Another Indian Agent would no doubt be appointed as soon as a vacancy occurs, for which the most suitable selection would be that of an Indian officer."

I want the Honourable Member for Railways and Communications to take note of this statement made by his predecessor in the Council of State. Let him now appoint an Indian as Agent. There are three vacancies shortly coming in. Sir, I understand that the Agent of the Eastern Bengal Railway is retiring in January, 1939; I also understand that the Agent of the East Indian Railway is going on long leave. I am also told that Sir Guthrie Russell is going on long leave and the Agent of the G. I. P. Railway will officiate for him. Therefore, I say that three vacancies are shortly falling vacant, and the Communications Member has to implement the undertaking given by his predecessor in the Council of State. We are told, Sir, that efficient Indian officers are not available and therefore there is difficulty in giving these appointments to Indians. When efficient Indian officers are available, the answer is that there can be no supersession, although day in and day out we find supersessions to be the order of the day. I will not give specific instances of which there is plenty where there has been supersession. They say that efficiency is the first test and therefore an efficient officer always supersedes somebody else. But in the case of Indian officers the plea is always brought forward that there can be no supersession. Not so in the case of Europeans; they supersede and I can quote definite instance where supersession has been going on from year's end to year's end. I can quote chapter and verse to show that even in the Railway Board there is supersession. Therefore, Sir, I welcome this motion which has given me an opportunity of bringing forward before the House this point of view that there is no Indian Agent now and there are these three vacancies in front of us. We hope and trust that the Communications Member will take note of this and will appoint, if not three Indians in the three vacancies, at any rate as many as he can.

Several Honourable Members: The question may now be put.

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

"That the question may now be put."

The motion was adopted.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, as all Honourable Members are aware because of the fact that this question has been debated so often on the floor of this House, the policy of the Government of India in respect of Indianisation was that which was adopted in 1925-26. That policy was that recruitment for the future should be as regards 75 per cent. Indian and as regards 25 per cent. non-Indian. I do not know whether any one cares to dispute that so far as that policy is concerned it has been faithfully followed. (*Several Honourable Members:* "No.") You can study the statistics that are given in our report and if you want more figures you can have them. In 1924-25, there were 320 superior Indian officers; in 1936-37, this was increased to 510,—an increase of 190. Simultaneously, there had been a decrease of 257 European officers. During the seven years ending the 31st March, 1937, recruitment to the superior services was 157 officers of whom 88 were Europeans and 119 Indians, the percentage of Europeans and Indians being 24·2 and 75·8 respectively. I could go on quoting figures quite a long while but I do realise that there is nothing to be gained by it, because after all the Mover of this motion, though he himself quoted figures, relied to a much greater extent on sentiment, and figures are of little avail against that. But he urged that recruitment should be as to 100 per cent. Indians. Now, in view of the fact that the annual recruitment of Europeans is something like three per year to the superior service, I do not think that he would be content with these extra three posts. It was quite evident from what he said that he was not interested in recruitment at all unless he believed that direct recruitment was being made to the higher posts of the service which, of course, it is not. So really what he was after was an immediate demotion of so many European officers who are at the head of the service and their replacement immediately by Indian officers.

Mr. M. S. Aney: No, that was not the position.

The Honourable Sir Thomas Stewart: That was my deduction from what the Honourable the Mover said. Now, Sir, it is, if you like, an accident of the history of railways in India that there are at the top at the present moment a preponderance of European officers. The fact is that in the early days and until comparatively recently European officers were the only officers who were then qualified for railway work, but that situation is changing and changing rapidly. We all very readily admit it and we welcome it. But at the same time it must be realised that this position results from the history of the railway services in India. That being the case, is it seriously proposed that there should be undertaken some process that will involve the repudiation of the explicit or the implicit terms of the contracts of those officers who are now serving in the higher posts in the Indian railways? I should be very reluctant to believe that any serious proposition is put forward from any part of the House which would be equivalent to the expropriation of the rights of those officers. I am entirely

in agreement with Sir Muhammad Yamin Khan in his view that when appointments have to be made, the claims of any Indian officers with the requisite qualifications should be considered; and indeed that is the practice and has been the practice in the Railway Department for many years. He has asked that the Indian officers who are rising in the service and who are potential incumbents of the higher posts should be given opportunities for training in the higher branches of administration. That, I claim, is being done; at the present time half of our administrative officers in the Railway Board are Indians.

As regards the claim of Indians to become Agents of railways I am going to make no such admission, as Sir Abdul Halim Ghuznavi has claimed, was made in the past by my predecessor, Sir Muhammad Zafrullah Khan. I do not place the same interpretation on Sir Muhammad Zafrullah Khan's words as the Honourable Member has done. But I say nevertheless, that, in making any appointment of Agent or any other higher administrative post, should there be an Indian who has the necessary qualifications, then his claims will be considered equally with those of any other, but I do not agree to any policy which will mean that non-Indian officers are automatically to be excluded from consideration for any posts in future: that is a position to which I shall never agree.

Sir Muhammad Yamin Khan: If there are two officers, one Indian and one non-Indian, preference should be given to the Indian.

The Honourable Sir Thomas Stewart: I mean nothing of the sort: I mean, Sir, that a judgment will be taken as to who is the better suited for the job. I cannot conceive of a situation arising in which the claims of two officers will be so evenly balanced, and to make any such statement would only create embarrassment for the Honourable Member and for myself in future. But my position is perfectly clear: there is no discrimination, there has been no discrimination in the past (*Interruption*), and there will be no discrimination in the future either against Indians or against Europeans.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): May I ask the Honourable Member how he can justify fresh recruitment of even the 25 per cent. from outside at the expense of Indians? What necessity is there to get men from outside, absolutely raw, and train them—who after a time would go back to their own country and leave India absolutely bankrupt? I should like to hear from the Honourable Member the justification for raw recruitment from outside.

The Honourable Sir Thomas Stewart: That was a deliberately taken decision of the Government of India in 1925 as a result of the investigations into the structure of the services by the Lee Commission. It was after an examination of the recommendations of that Committee that this decision was taken.

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

"That the demand under the head 'Railway Board' be reduced by Rs. 100."

The motion was adopted.

DEMAND NO. 12—OPEN LINE WORKS.

The Honourable Sir Thomas Stewart: Sir, I move:

"That a sum not exceeding Rs. 8,83,70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Open Line Works'."

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

"That a sum not exceeding Rs. 8,83,70,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Open Line Works'."

Manufacture of Locomotives in India.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I beg to move:

"That the demand under the head 'Open Line Works' be reduced by Rs. 100."

I am making this motion to discuss the question of the manufacture of locomotives in India. I am fully aware that this question has been repeatedly discussed in this Assembly. It was also discussed last year under a cut motion. I hope, Sir, that I shall not repeat the arguments already advanced. I also hope to take a new line and throw fresh light on the situation, and, if the Benches opposite are open to conviction, to convince them that the time has come when this question ought to be seriously tackled. If you take the proceedings of the meetings of the Standing Finance Committee for Railways on the 20th and 21st December, 1937, you find:

"The increase of about 17 per cent. in the total amount already approved by the Committee in this respect owing to the increase in market price was viewed by some of the members with grave concern, and they raised the question whether, in view of the present market position, it did not become imperative for Government to reconsider the feasibility of the recommendation made by the Legislative Assembly in their last Delhi Session regarding the manufacture of locomotives in India."

The reason for this recommendation is to be found on page 10. You will find that when the proposals were first presented to the Standing Finance Committee, 10 XD engines for the Madras and Southern Mahratta Railway were said to cost about Rs. 13 lakhs, but when the proposal came again in December last, the cost became Rs. 17 lakhs. Similarly for 16 Tank engines for the Southern India Railway the cost rose from Rs. 8 to Rs. 13 lakhs. Similarly, for other locomotives. That is to say there was 50 per cent increase in the cost of the locomotives, and the Financial Commissioner told us that the orders would not even be properly executed. We find confirmation of this on page 67 of the Railway Board's Report. Locomotives ordered out were 33 broad-gauge and 47 metre-gauge: but the numbers of locomotives actually placed on the line were only 16 and 21 respectively. Therefore, some of the members of the Standing Finance Committee have put on record that the question of the manufacture of locomotives must be immediately considered. Before I come to establish that locomotives can be manufactured and ought to be manufactured in India, I shall take the arguments of Government for opposing this proposition last year. I shall not take the time of the House by quoting extensively, but in short their argument is contained on page 1035 of the last year's Legislative Assembly Debates, Volume II. The Member then in charge of Railways, Sir Muhammad Zafrullah Khan said:

"The matter has been very thoroughly gone into. I gave details in my speech in 1935. I shall not weary the House with these details again, but the result was

that unless there was a demand on the average of at least 200 locomotives every year, a completely equipped factory could not be put up, and Government would continue to lose heavily on it if the minimum demand could not be guaranteed. An experiment could be started on the basis of a demand of, from 50 to 60, locomotives a year, the scope of which could subsequently be expanded if the demand increased, but even that limited demand could not be guaranteed by the railways."

The argument shortly was that for a fully equipped locomotive factory 200 locomotives are necessary, and there is no such demand from Indian railways, and such a demand is not likely to arise in future, and therefore the locomotive factory could not be set up. I shall subsequently show you from extracts from British railways that this demand for 200 locomotives is excessive. Many of the British companies which are having locomotive workshops are not producing 200 locomotives: only the biggest locomotive workshop in Great Britain is producing this 200. But assuming that 200 locomotives are necessary for the efficient running of a workshop, what are the needs of Indian railways? I am giving you facts from the published Report for 1936-37. The number of engines on line at the end of 1936-37 is as follows:

For class I Railways—

Broad-gauge	5,331
Metro-gauge	2,654
Other gauges and other classes of Railways	878

8,863 engines.

The life of a locomotive is said to be from 30/40 years, and the Indian railways have taken it for granted that the age of a locomotive is 35 years. It is a simple arithmetical calculation. We have a total of 8,863 locomotives. The average life of a locomotive is 35 years and therefore what is the normal need in a year? It is, I think—Dr. Sir Ziauddin Ahmad may check this calculation if he is present—253 locomotives a year, if the railways are to be normally replenished. I shall come to the extraordinary circumstances under which our actual orders for the last two or three years have been much less than this number. I say that if our railways are worked normally we should require 253 locomotives a year. There is one other factor which is even more important, of which I am afraid Sir Muhammad Zafrullah was not aware or forgot to consider, and that is that though each locomotive has a life of 35 years, its boiler has to be replaced within between 15 to 20 years that is to say, in addition to 253 locomotives, you want at least 250 boilers also in order to enable the locomotives to run. So, 253 locomotives and 253 additional boilers are the normal annual requirements of Indian railways. You may ask why for the present year the orders are much less. The reason is to be found at page 67 of the Report where it says:

"On the broad gauge 107 locomotives were scrapped during the year, of which 16 were replaced so that the number of locomotives on 31st March, 1937, was 91 less than at the beginning of the year."

Between 1925 and 1931 they purchased too many locomotives because they had plenty of money; they wasted their money in purchasing too many locomotives and when the depression came they found they had to retrench; they found that the locomotives were not properly utilised and that there were too many locomotives remaining idle in the sheds: that the trains could be speeded up and so many other things. The Railway Board took up all these questions and they reduced the number of

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locomotives; they utilised the engines better, they reduced the number waiting at the workshop; and, therefore, for the last four or five years they have been working under abnormal conditions, so much so that they have been scrapping more locomotives than substituting them. As a consequence they have had to place orders only for 40 or 50 locomotives. But these things can last only for a short time—they are temporary conditions. You will find that though only 57 locomotives have been ordered for 1938-39, 162 boilers have had to be replaced, because though you may retrench in the number of locomotives, you cannot get on without replacing the boilers of the locomotives, and, therefore, there can be no reduction in the number of boilers required. After five or six years when this process of retrenchment has gone on you will have to buy the necessary normal quota. By the process of not replacing the locomotives scrapped the average age of the engines is being increased. All who are acquainted with the railways will know what this means. If you postpone purchases today, you will have to buy more than the average number afterwards. If you buy 50 now, instead of 253, you have to buy 300 or more later on; and, therefore, even if you start a locomotive manufacturing workshop today, it will take five or six years or even ten years to become complete and to enable it to make 150 or 200 locomotives. By the time the workshop is ready, you will be requiring much more than the 200 locomotives which Sir Muhammad Zafrullah said would be necessary for starting locomotive manufacture. Not only this, but 200 boilers also at least will be required per year. (Interruption.) My friend says "What about new lines?" I am talking only of the existing lines and not of any new additions that may be made.

Now, I shall tell you what is happening in the British Railways . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech after lunch.

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

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

Mr. K. Santhanam: Sir, in my speech this morning I made out that the normal requirement of the Indian railways is in the neighbourhood of 250 locomotives and an additional 250 boilers per year. Even allowing for certain improvements in speed, size, etc., of the engines, I am sure that it cannot be disputed that the normal requirements are well above 200 locomotives and also additionally 200 boilers per year. If you will look at the Railway Board's Report for 1936-37, you will find on page 69 a graphic representation of what I have said. In the year 1928-29, for instance, they have bought in the neighbourhood of 130 broad gauge engines and 110 metre gauge engines. They went on buying many more in 1929-30, and afterwards they reduced and finally stopped purchasing the engines for 3 years. As I have already said they have been getting very few now, and they have also actually been scrapping their engines.

This improvement might go on for the next three or four years, but they will again have to go in for more engines in a few years. Some of the engines are beginning to get over-aged, and the position is rapidly deteriorating, and therefore, we shall soon be coming to the stage of normal requirements requiring more than 200 locomotives and 200 boilers per year. They will have to buy more in a short time, because they cannot escape it, and, therefore, we should get ready for that eventuality.

Then, Sir, I want to make out that the requirement of 200 locomotives is an extravagant requirement, which does not happen in other parts of the world. I have taken an extract from a book which deals with the railways of the world,—it is written by Ernest Protheroe,—and it says this:

"All the principal companies (British), and not a few of the smaller, ones, construct their own locomotives, carriages and wagons, and most of the remainder at least effect repairs and renewals, in their own workshops."

Then I take the biggest railway workshop in Great Britain, and this is what it says:

"The London and North Western Railway Locomotive Works at Crewe are the largest in the Kingdom. The ground upon which the Works stand is about 1½ miles long and its area is 137 acres, of which 45 are covered in. In this huge industrial hive employment is given to about 10,000 men, to whom may be added over 700 drivers, firemen and others at the steam sheds at Crewe Station, which is the most important junction on the London and North Western system."

This workshop is turning out about 200 locomotives a year.

Now, I shall give the House the size of the London and North Western Railway:

"The total length of line owned by the company is 1,737 miles, to which must be added lines partly owned, leased or rented, or worked, making a total of 1,966 miles."

Now, Sir, if you will please look at our Report, you will find that all the railway lines, except the A. B. Railway, have got more than this mileage, and still this railway has got the biggest workshop. If you build a workshop as big as the workshop of the London and North Western Railway, it will give us just half of our requirements, and therefore we shall require two workshops of that size to answer our requirements. In fact, there is room for a first class workshop for the broad gauge and a first class workshop for the metre gauge railways and therefore there is no point in saying that there are not enough orders even to keep one workshop going.

Again, I shall take the other point,—can we manufacture these locomotives in our workshops? Is there sufficient technical knowledge or ability in this country? As a matter of fact, there is a locomotive workshop in Ajmer. The B., B. and C. I. Railway own a workshop in Ajmer, but curiously enough no detailed report is given in this volume about the work done there. This year actually a proposal was put forward to manufacture 12 tank engines in that workshop, and then the question arose why were not all metre gauge locomotives manufactured in that workshop? We were told that there is an Act of Parliament which prevents the Ajmer workshop from manufacturing M. G. engines, and when the iniquity of this Act was pointed out, the Chairman of the Railway Standing Finance Committee, Mr. Staig, kindly undertook to see that this Act was repealed. I do not know at what stage that attempt to

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repeal his Act is in process, but as a matter of fact we have a workshop, and we have also all the equipment necessary to manufacture metre gauge locomotive engines, but the Company is prevented from supplying metre gauge locomotives to other M. G. railways like the S. I. R. in the South. This workshop at Ajmer can undertake the work of M. G. locomotives, and the Railway Board can certainly make a beginning. They will have to build only a broad gauge workshop, and there is enough scope for such a workshop also.

Then, Sir, a locomotive workshop means a vast scope for improving our technical knowledge and equipment. It is stated in this book:

"The building of a locomotive involves a great number of highly interesting operations calling for the use of wonderful labour-saving machines"

—and in this one workshop at least 10,000 people are employed. That means, if you build a workshop of almost the same size as that of the London and North Western Railway, you will be finding employment for 10,000 people, and some of them will be able to master the highly complicated machines. Is it not necessary that our people should be equipped with all this knowledge and technical skill? I daresay the Railway Board will say it is necessary, but why are they not building a workshop of that kind in this country? As I have shown, considerations of economy need not stand in the way. It is bound to prove an economical proposition if 200 locomotives are to be manufactured in India. Even if the Government have to grant a subsidy if there is a small deficit, still it would be worth paying for the technical skill and knowledge we shall be acquiring. Again, for Indian defence a locomotive factory will be of very great assistance. If tomorrow communications are cut off in the Mediterranean, there are no locomotive factories in the East unless you go to Japan. The working of all the railways in India will be dislocated, as also those in Ceylon, Burma Dutch Indies, etc. Therefore at least in the interest of Imperial considerations it is highly necessary that we should establish suitable railway workshops in this country . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got only two minutes more.

Mr. K. Santhanam: Very well, Sir, I shall finish within these two minutes. I hope I have made my point. In fact, I had prepared my case for a longer speech but I have to cut short my remarks for want of time. As I have proved, there can be no foundation for the argument that there will not be enough scope for these workshops. I suggest that there is considerable scope for two workshops of the size of the London and North Western Railway workshops, for, as my friends have worked out the figures, I find that the number of locomotives purchased from 1926 up to date is in the neighbourhood of 120 on the average, though, as I have shown, for the last few years owing to exceptional reasons the orders have been scanty. Therefore, I hope I have conclusively established a case for the manufacture of locomotives in India, and I appeal to the Government Benches that on this occasion they should not resist public opinion but meet our request.

Mr. Deputy President (Mr. Akhil Chandra Datta): Cut motion moved:

"That the demand under the head 'Open Line Works' be reduced by Rs. 100."

Mr. J. D. Boyle (Bombay: European): Sir, I realise that I am intervening in a debate which has been in progress intermittently for a number of years and which has been characterised in the past by a certain acidity of expression. Now, Sir, in my humble opinion, there is no reason either for the length or the acidity. It is surely a perfectly straight commercial question—is it possible to manufacture on a paying basis locomotives in this country or not? If it is, then by all means let us open the question and examine it again immediately. If not, then I say that no question of prestige or desire for national self-sufficiency should allow us to be drawn into an industry which can only involve us in a loss. I realise that my friends on my right are bound by the terms of the cut motion to confine themselves to the actual question of locomotives but I would suggest that behind their request lies the desire to censure Government not only over this question of locomotives but on the general question of industrial development and expansion in the country.

Mr. K. Santhanam: I have not touched that point.

Mr. J. D. Boyle: Now, Sir, on this question of industrial development and expansion in this country there is this cry which has been raised for some considerable time that nothing is being done. I ask Honourable Members to read the editorial which appeared in the last issue but one of *Indian Finance*, in which it was made clear that in all the major industries that have been undertaken in India today, the position is extremely good. I need not press this point further but I would give a few figures to illustrate my point. India produces 80 to 85 per cent. of her cloth requirements. From a position in which she was 80 per cent. dependent on foreign sugar, she is now threatened with over-production. She produces 90 per cent. of her paper requirements and, even if you leave aside new developments, you find that in the matter of steel, Tatas are covering 90 per cent. of her requirements. Now, this argument may be going somewhat off the actual question of locomotives but I do not think it is. I could mention some others.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muham-madan Rural): Cement, for instance. Thanks to the acidity.

Mr. J. D. Boyle: But that does not alter my argument in any way. The fact is that in my opinion a great part of this demand lies in the question of prestige. It is not a strictly commercial issue, on the basis of which this question is being examined. As far as the actual manufacture of locomotives is concerned, the railway administration have gone into the question of the manufacture of locomotives in railway workshops and I think there are no grounds for doubting the fact that the railway workshops as they exist today are incapable of manufacturing them. That may be the fault of the past but we are speaking of the present. That will require new workshops. (Interruption.) Let me develop my argument. You will have your chance in a moment. As to private ownership or private enterprise to build locomotives, there is no doubt that despite the figures given by my friend, Mr. Santhanam, the demand for locomotives in this country is not only small but, what is far more dangerous from a private enterprise point of view, fluctuating. He quoted the mileage of the London and North Western Railway as opposed to the mileage of railways in this country but that is not the point. The point is the amount of traffic that is carried over those lines. You may have a thousand miles of line but

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if only one train passes over it, it does not require the same number of locomotives as a 500 miles line over which 50 trains pass every day. I think that argument does not carry much weight.

There is no doubt at all that if private enterprise was to undertake the manufacture of locomotives it would require heavy protection or some form of subsidy and the Indian Tariff Commission of 1924 definitely found themselves unable to recommend the grant of any such protection. In fact, it would have been impossible for them to do so and still keep within the main principles of the Indian Fiscal Commission report on which we are all agreed. Even in the case of the manufacture of individual parts of a locomotive, namely, the boiler, it has been suggested several times that if we could not manufacture whole locomotives in India at any rate boilers might be made.

Now, boilers are made of a special kind of steel, as any engineer will tell you, and it is impossible for that steel to be produced in India at this moment. Even Messrs. Tatas, with all the improvements that they have made and the expansion that they have made, would be unable to produce that material. To the extent of something like 90 per cent. of the material that will be used in the manufacture of boilers, the material would have to be imported from abroad. That would, therefore, completely knock out the argument of self-sufficiency in India and the workshops would be in the nature of an assembling shop and not a manufacturing plant. I think I have dealt with the individual point raised but I would urge before I sit down that Honourable Members when they make this demand should confine themselves to the commercial issue only. If there is a commercial case, that is one thing. If there is no commercial case, then I do not think there is a case for pressing the matter further. Every country in Europe and indeed in the world is showing on its face the pains of economic nationalism. Those pains are not clear on the face of India and it is up to us to see that they do not appear.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I listened very attentively to the speech on the motion that has been moved by my friend, Mr. Santhanam, and also to the speech that has been just delivered by Mr. Boyle. This subject has been before the House on many previous occasions and each time I took part in the debate, firstly, because I whole-heartedly support it and secondly, because I think the time has come, indeed has long past, when India should be allowed to develop her own resources and be in a position to be self-sufficient and self-supporting in all her industries. When that wonderful day comes, when India will have dominion status, we want to be in a position to supply all our needs, particularly the needs of our vast system of railway administration, of the value of about 800 crores.

When this subject was discussed on the floor of the House last year, the Honourable the Railway Member replied it was an uneconomic problem for India to develop her own locomotives and he persuaded me he was right. But as I listened to my friend, Mr. Santhanam, and the telling figures he gave to the House, he has converted me to his beliefs and demands. His figures appear very convincing that India can manufacture her own locomotives—at least—should be given a chance to do so. My friend, Mr. Boyle, has just referred to the business and practical aspects of manufacturing locomotives in this country, and detailed the difficulty, indeed

the impossibility, owing to inferior steel, of making boilers in this country. We are here discussing locomotives as a whole, not boilers as a part. We have no desire to emulate what has been done in the past and is being done today at Ajmer where they assemble parts of metre gauge engines and place them out on the rail. That is only piece-meal construction or rather assemblage of parts.

Today we want this House, in no uncertain terms, to resolve that the time has come when India must be allowed to make her own locomotives. Sir, we have read a lot about an excess of locomotives in recent reports—the Pope Report, the report on job analysis, the report on standardization of parts, and last, but not least, the Wedgewood Report: which admits that as far as locomotives are concerned railways have, in the past, been run on lines of extreme extravagance. The G. I. P. Administration boasts of the fact that it has reduced its locomotives by nearly four hundred and says that it has economised tremendously in consequence,—forgetting, which the Wedgewood Report also did, that paucity of engines on the East Indian Railway was, in a measure, responsible for that terrible tragedy, the Bihta accident. What are the facts? The Jha Jha locomotive workshop was deficient in engines by thirty-three and a third per cent. and an XB—16—engine had to be sent to work the wrong train,—and the House knows the fate of that train. Of course, I know that this matter is *sub-judice* which precludes me from saying anything more. The practical question is, will our railways need annually a sufficient number of locomotives,—which will entitle this House to vote in favour of this cut motion?

Sir, the Mover of this motion has proved that the statement made by the Railway Member last year that two hundred locomotives are needed annually to render it an economical undertaking is a myth and that possibly fifty to sixty would be the minimum required to make such an institution economical. I would ask the Honourable the Communications Member to consider, when he recasts his estimates and his annual requirements of the number of locomotives, whether India can supply them or not, if given an opportunity to do so. We have for years made this demand and it has for years been put aside on the excuse of it being very expensive and uneconomical. The last Railway Member said that the cost would be about eighty lakhs. Now what is that sum to India, when we have crores of rupees at the disposal of the Railway Board? What is eighty lakhs to initiate an industry for which India has for years been crying, and which India should have and must have? (Hear, hear.) Should India continue in the future as in the past and present to be the milch-cow of industrialists and engine-makers abroad? I readily admit that in the past the import of locomotives from England was a vital necessity because we had no proper materials and we had not the proper skilled labour and factories in this country. But is it to prevent the Railway Board from bringing skilled labour out to India to teach us how to make suitable steel and our own locomotives? To my mind there is nothing except a continuance of foreign industrial monopolisation.

Sir, I say a beginning should be made at once whatever it costs, of course, within a reasonable limit. This House must be prepared to foot the bill if India is to be given the chance now to manufacture its own locomotives and other mechanical needs. (Hear, hear.) In the past,

[Lieut.-Colonel Sir Henry Gidney.]
 what has been the practice? The Railway Board calls for tenders and various firms in England respond. I regret to say that even retired Members of the Railway Board have become representatives of locomotive manufacturers in England and Europe and have come out to this country to secure orders. I do not refer to this with any feelings of hostility; I admit it was necessary in the past. I say it was necessary, in the conditions then prevailing, and India had to be the milch-cow of industrialists abroad so far as locomotives were concerned. But should it any longer continue to be that? Certainly not. Times have changed. Just a few years ago hundreds of thousands of pound worth of locomotives were imported from foreign countries, Germany, etc., and today we are told, every time this motion is presented to this House, that it is uneconomic, it is too expensive, and so on. I ask, is it not expensive to import locomotives from abroad? If so, why cannot that money be spent in this country? Why should we spend our money to afford employment to other countries when India's unemployed need it much more. It is no use saying it is uneconomical, that it cannot be done: it can be done, and it should. I say, be done and done at once—no further delays should be tolerated. (Hear, hear.) The excuses of the past have been played out. I consider the time has come when India should be self-supporting. It is no use saying, "we cannot do it". We can do it. Send your skilled men and trainers to us from abroad to teach us how to do it; we are willing to learn; I am sure this House is willing to pay for it. (Hear, hear.) But do make a start, and do not deprive us of the means of becoming self-supporting and do not put off that day any longer. It is no use your pinning your entire faith in what the Pope Committee or what the Wedgewood Committee have said. I know, at least I believe I am correct in saying, the Railway Board has not accepted the Wedgewood Report in its entirety. Sir, what the Wedgewood Report told us is really of very little value today. Government brought out railway experts from other countries but they were ignorant of the needs and aspirations of this country. I for one, with certain reservations, condemn most of that report. I am not an engineer, nor am I skilled in locomotives, but I have mixed with railway people for many years and I understand some aspects of railway locomotives, above all else I am a true son and citizen of India and I want to see her advance industrially and come into her own. I have no hesitation in saying that the Wedgewood Committee's conclusion regarding locomotives are not borne out by practical experience. If you want to know the truth don't ask the Railway Board, go to the horse's mouth, the engine driver, who will tell you if locomotives can and should be made in this country. He knows and will tell you the grave dangers attached to reducing the numbers of locomotives and pooling system now in vogue. The Communications Member, I know has the greatest sympathy with the aspirations of this House and of India and I am sure he will not refuse to offer some support to this resolution. I do not expect it to be done in a day or in a year, but what I do ask the Honourable Member is to give us evidence of his intention to make a beginning,—and not to put off for tomorrow what should be done today, believing, as I do in an effort of my own:

"Only the new days are our own,
 Today is ours—today alone,
 Tomorrow we may never see,
 And yesterday has gone."

Sir, I support the motion. (Hear, hear.)

Mr. Bhulabhai J. Desai: Sir, on the issue involved in the cut motion which has just been moved I am glad that a member of the European Group has put forward the views—I presume of that Party—which he has put forward and I am really amazed at the attitude that they have taken to up except on what might appear to be a very uncharitable consideration to which I shall come later on. Sir, ever since I joined this Assembly I have attempted to bring up this proposition before this House in various ways: and merely because it is being brought up every year, the argument appears to be "some day you will get tired and give it up". Well, I may inform my Honourable friends opposite that that is a state of mind which is going to cost them more than what they think it will. It is a state of mind, it is not a mere matter of censure; we sit here as the tax-payer's representatives, so that it is not enough that we go through with this as a mere debate. Let them take account of that. They have done it for some time; they might do it again, but next time it may be too late. When we tell them what we want, we know what we want and it is no use telling us every day that it is up to them to decide. If you continue to adopt that attitude, you will soon find yourself in another place. That is the position which I wish to make quite clear because very often these cut motions are treated as if they did not matter, as if it was a mere matter of vote without view. Whether we have that vote or not, remember that the expression of the views of this House demands their fulfilment and not merely their recording, because, so far as I can see, that has hitherto been the policy of those who sit on the other side. It is with that feeling and with a certain amount of emotional feeling, if you must feel it that way, that I begin to realise that you are moving so slow in responding to the opinions of this House that you ought to begin to consider yourselves and your own position. I remember last time when this question came up, Sir Muhammad Zafrullah Khan got up and said that the Federal Railway Authority is coming up. I believe that Sir Muhammad Zafrullah Khan will not be here when the Federal Railway Authority does come but that was the only excuse he made for not making a beginning.

But, now let me give you a few facts since, at all events, 1934. The first time that we brought this matter in this House was in March 1935 in the shape of questions and I will read out to you what Mr. P. R. Rau, who was allowed to speak in the name of Government, said. The questions were about locomotives, where they are manufactured, and the percentage of requirements and so on. These questions and answers will show the state of mind of the Government and the manner in which they make promises which are never carried out. I am reading from the Assembly Debates of 1935, Volume II, page 1879:

"Mr. M. S. Aney: Was not such an investigation made with regard to the possibility of having a locomotive workshop in India some years ago?"

Mr. P. R. Rau: I am not aware that any complete investigation was made some years ago, but this investigation started only recently."

Then, I asked the next questions:

"Mr. Bhulabhai J. Desai: Are there any physical difficulties in the way of such a factory or workshop being set up in India?"

Mr. P. R. Rau: No, Sir.

Mr. Bhulabhai J. Desai: Are there any economic difficulties?

Mr. P. R. Rau: Yes; and that is what the Government are trying to find out, whether it is likely to be remunerative.

[Mr. Bhulabhai J. Desai.]

Mr. Bhulabhai J. Desai : Is that all?

Mr. P. R. Rau : Yes, Sir.

Mr. Bhulabhai J. Desai : And what had they hitherto been of opinion?

Mr. P. R. Rau : That point has not been considered yet.

Mr. Bhulabhai J. Desai : It was never considered in the past?

Mr. P. R. Rau : Not that I am aware of."

And yet I will point out to you that since the year 1921 several times it began with a communique of Government pointing out the possibility, almost the necessity, of setting up a workshop for this purpose followed by the report of the Tariff Board of which only half is quoted by the Honourable Mr. Boyle. The report started by saying that it is one of the essential industries which must be set up in this country. If you, therefore, accept that report, remember the first part and do not merely quote the second part.

Mr. J. D. Boyle : I quoted the result.

Mr. Bhulabhai J. Desai : That is not the result. The result is what my Honourable friend pointed out as if he or his country did us a favour that during the last 15 years we have been able to manufacture 90 per cent. of our steel requirements, that we are practically producing all the cement that we want, that we are producing the textile which is a sore point with my friends, so far as sugar is concerned, as he said, even produce to the point of an over-production. But we owe no thanks to you for all that has been done. I only want to point out that in 15 years' time by reason of the pressure of the public opinion in this country and the policy of the discriminating protection we have been able to make this much progress. I would have liked Sir James Grigg to be here as he also butted in on the last occasion when the question of the locomotives workshop came up. I have read his speech with great interest and I am going to refer to it in a moment. It was only after the policy of discrimination was in our favour once in a way that India was able to make these strides of progress in that industry. May I ask why in this small matter of locomotives you must stand where you do stand?

To continue the questions which I asked and what the people on the other side had to say in the year 1935. I want to find out whether during these three years that have elapsed their minds have moved at all or whether as soon as they go out of this House they say: "It does not matter: the vote was cast but the laugh will soon be on the other side." The following more questions were asked:

"Mr. M. S. Aney : Is it not a fact that the workshop which was a locomotive workshop was taken charge of and then turned into a wagon factory?

Mr. P. R. Rau : To the best of my recollection, I think no locomotives were ever built in the Peninsular Locomotive Workshop. It was originally started for that purpose, but they were not built.

Mr. T. S. Avinashilingam Chettiar : May I know, Sir, if the manufacture of metre gauge locomotives has been profitable?

Mr. P. R. Rau : The Bombay, Baroda and Central India Railway think that on the whole they have been able to manufacture the locomotives as cheap if not cheaper than by importation from abroad.

Mr. T. S. Avinashilingam Chettiar : Then, will not the manufacture of broad gauge locomotives be as profitable if they are manufactured in India?

Mr. P. R. Rau : The whole point is that we are not conducting an investigation....."

That is what happened soon after I joined this Assembly. I am amazed to find that, although since then a Resolution was carried and a cut motion was also carried last year in this House, nothing has been done in this direction. If this is the way in which, notwithstanding the limited time that we have at our disposal and notwithstanding the fact that we are careful to select only those items for which we think our Executive are responsible, if I may so venture to call this irresponsible Executive because they have the spending of our money, they are going to respect our opinions, then I think the day of reckoning is not very far off. The way in which Sir Muhammad Zafrullah Khan dealt with this question was somewhat on the same lines as those taken by Mr. Boyle, who said, "it is not a commercial proposition".

I think Mr. Boyle is young enough not to know that the railways were not built for purposes essentially commercial; they were built for military and political purposes. The largest number of railways were built in this country soon after the Mutiny and at a cost three times what they would have ordinarily cost but for the fact that they had the desire to complete their railway system within a limited amount of time so that their troops could move freely in this country. So, do not talk of any more methods of investigation to us: we know it better. We know how this 800 crores debt has been piled up on the shoulders of this country. But the fact still remains that there is another and a larger consideration which even from the economic point of view they can take up if they so choose. Sir Muhammad Zafrullah Khan had the temerity to get up before the House and say: "Oh, it will cost about 80 lakhs of rupees to set up a workshop" and he gave an illustration. He said that a boiler is quoted by the foreigner at Rs. 20,000 whereas it will be manufactured in this country, according to the estimates given to him, at a cost of Rs. 23,000. And then he comes out and says: "Oh, this is 16 per cent. more," the usual method that is followed in telling us about the progress of the Indianization of the army, a wretched word that I do not like. He says, there were five last year, we have made 10 now and so this is a progress of 100 per cent. I say, please treat us with a little more seriousness when you bring forward arguments of this nature. The fact remains that if you add a crore of capital to the 800 crores of debt which we already owe, it is nothing. Is that the method of telling me that this particular bit is unremunerative? Do my Honourable friends go home every day and say, "I am now taking tea, this is a little bit unremunerative and so I will put in a spoon less of tea"? Does my Honourable friend count at the end of the day or at the end of the year his bill on food? I think the manner in which this House has been treated has gone beyond a joke. Supposing it was a question of a crore, I will assume that against myself, though most of these estimates are exaggerated, the fact remains that even then at the end of a year's time, it will be a loss. Even if it was a loss of four lakhs by way of interest, out of some 290 lakhs, what would it be on 4.2 per cent. dividend which my Honourable friends were talking of in this great report? I read this report of speeches delivered in this House or in the other House with great interest though it was stated in my absence. I should like to point out from that very report one or two things. You are very anxious to congratulate us and the country on the self-sufficiency it is acquiring—after all it is forced down your throat and you cannot help it, and it is high time that you began to recognise that a little bit in advance. This is what the Honourable the Railway Member

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says in page 4 of his Budget speech :

"Honourable Members will, I am sure, be glad to know that the structure has been built of Indian steel, fabricated in India to standards of accuracy comparable with those in any other part of the world."

I am very happy to know it; only I knew it many many years ago. The fact is you would not learn it earlier. This is not the way governments are run. You keep quiet until people wake up to their rights and protest against the manner in which their money is being spent.

I also read with great interest about something which was recited in another place by Sir Guthrie Russell. This is what he says on page 10 of his Budget speech :

"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."

I hope we shall soon be self-supporting in the matter of our Government itself. That seems to be the only cure for the manner in which we are being treated every day and the manner in which our money is being spent every day.

Now, Sir, I will read to you something much more telling and much more informative. On the occasion on which this matter was brought up, the Honourable Sir James Grigg said: "I want to butt in though this is not my subject". I will tell you why he butted in. Indeed, he says: "There are two grounds on which we will support any industry in this country in the matter of protection". Well, I said: "This is very kind of you". Then he proceeded to lay down the principles in the usual airy manner in which it is partly abuse, partly argument and partly wrong statement. The statement that he made was this: firstly, it must be essential for the country and secondly, that we can economically afford it. I do not think he threw very much light on this very important issue. What actually happened, I should like to show from one or two quotations.

In answer to a question put by my Honourable friend, Sir Henry Gidney, in 1934 when we were comfortably otherwise lodged, this is what he was told in this House :

"We cannot control our railways unless we have the manufacture and building of all the wagons, carriages and industry in this country. Today we have to spend hundreds of thousands of pounds in indenting from foreign countries including Germany for the supply of locomotives."

Sir Leslie Hudson, whose absence I very much regret now said this in reference to the same matter :

"We are looking forward to the time,"—*I hope you will not look forward too far,*—"when India will be able to manufacture these things for herself."

If I may draw a lesson from the very same facts given by Mr. Boyle, I draw the contrary lesson exactly. He wants to congratulate us on having done so much now. On the contrary, I say we ought to have done this much at least fifty years ago. It is time that we did it tomorrow and in the language of my Honourable friend, Sir Henry Gidney, do it today. That is the only way in which the matter could be tackled and must be

tackled. This is what Sir Leslie Hudson said on that occasion :

"We are looking forward to the time when India will be able to manufacture most of these things for herself. There seems to be no very strong reasons why skilled mechanics should not be brought out from England to teach our artisans how to construct locomotives in this country."

He said that in 1935. We are now in 1938. I am quite sure that if Japan which has none of the minerals necessary for this purpose is able to manufacture everything she wants and indeed sell it to England, if Japan could do that, then surely India, with her vast resources, with her large amount of potential skill and wealth should be able to do that with greater ease. Remember that in future manual labour and manual skill is going to be the basis of national education and we cannot have it told us that we must depend on other countries for our locomotives and that we must continue to incur this great loss that Sir Muhammad Zafrullah Khan in a spacious argument put forward. If you spend all that money here and employ our own men, it means a great deal more than mere employment for the labourers, it means a saving of four lakhs by way of interest and it means certainly a great deal more in raising the morale of the country and in training skilled workers for the industries of the country so as to make it better. We have been kept down long enough. Allow me to tell you, Sir, that this motion we have selected not as a matter of entertainment, not as a matter of debate, not even as a matter of oratory but as a matter of being attended to, we have had enough of it during the past fifteen years when we brought these things up. We have been in this House—I mean the Congress Party—since 1935. I have taken the trouble to investigate this matter, whether the estimate of 80 lakhs is exaggerated or not. If the figures are correct, the cost of 20 thousand quoted for a boiler by some, of 23 thousand quoted by some others may surprisingly turn out to be only 19 thousand when manufactured on our own part. When you do not want to manufacture a thing here, you can prepare an estimate suited to you and quote it against us.

Let me say this in conclusion that we have very little time in these debates relatively speaking even to consider these demands—indeed they are demands on our purse. They are not demands which must necessarily be met for all time. When a demand is made, we are in a position to make similar counter demands and when that demand is made, what we ask is this. During the last three or four days, there are a few subjects on which we called your respectful attention as to what sanctions will be forged in order to make India self-supporting. This is a matter on which it is quite unnecessary to dilate. But when it is stated times without number *ad nauseum*, "Oh! you will be self-supporting in course of time", *why not now is the question*. I have the materials, both of men and raw materials in the shape of minerals and also raw materials in the shape of agricultural products. Why have I not become self-sufficient already is the only issue before the House. We are not here to cater for others. We have catered for them long enough. If steel could be manufactured up to a particular standard which is the subject of praise in the two speeches I have quoted, I dare say we can advance a little more and be able to make steel that is required of that quality and that standard for higher and better and more subtle and more skilled forms of industry for which steel is required. We, therefore, do press upon the attention of the Honourable Member in charge of the Department that it is no longer time now merely to say, "Well, I don't call for a vote of the House, it seems to me that the

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House is against me". That is not the issue. It is much more than this. It is a thing which you can do, it is a thing, I hope, the House will say, you must do.

Babu Baijnath Bajoria (Marwari Association Indian Commerce): Sir, I rise to support this motion. I think even the Honourable the Communications Member will not object to the principle and the object underlying this motion. The only thing which probably stands in the way of his accepting the motion is the prohibitive cost. The beginning is of course always difficult. When carriages and wagons were first manufactured here the same argument was brought forward. Wagons were formerly imported but now we find that as regards wagons we are self-supporting. We have an Indian company which is able to supply over two thousand wagons per year which is the total requirement of the Indian railways. The same thing obtains as regards carriages; and I am sure that if a start is made as regards the manufacture of locomotives in India, sooner rather than later we will also be self-supporting as regards our locomotives. Mr. Boyle of course knows more about boilers than I do, but even the figures which he gave show that we have been practically making 90 per cent. of our requirements of paper, about all our requirements of sugar and cement, and 90 per cent. of our cloth; and he says that we should cry halt. On the contrary, I think that the figures which he has given us should stimulate us; and if we start with locomotives we will probably in 10 or 15 years' time be able to manufacture the same percentage,—about 80 or 90 per cent.—of locomotives in India. The figures which my Honourable friend, Mr. Santhanam, gave were very convincing and I think it must have convinced every section of this House as to the need for starting the manufacture of locomotives now. It was said that we must have an annual consumption of about 200 locomotives. That is no doubt a big figure but even if we begin to manufacture half of this quantity at present we will be able later on to make all our requirements. I remember,—I speak subject to correction,—that some locomotives of a very heavy nature were imported from abroad and they could not be used in this country on account of their heaviness and the track here would not be able to bear the load. What I propose is that there should be standardisation of locomotives. I am not an engineer and I may be mistaken, but what I suggest as a layman is that there should be standardisation of locomotives,—one standard for broad gauge, one standard for metre gauge and one for narrow gauge,—as standardisation will reduce the cost of the manufacture of locomotives. If we manufacture locomotives we will give employment to several thousands of persons. We will also be giving a great impetus to the development of industries in this country and we will also be doing a great service by starting a key industry in this country. We have also to bear in mind the international situation. If there is any international complication, we do not know where we shall stand as regards the cost of our locomotives. We will have to pay very high prices, and if we begin now to manufacture these locomotives they will be of great help to us in times of war or other crisis. Sir, in the beginning the cost may be a little high but in the end we shall be great gainers. When protective duties were imposed on sugar the price at which foreign sugar was sold here was about 18 or 20 rupees per maund, but by this prohibitive protection the manufacturers here have not taken any great advantage of it and the consumers are now getting

sugar at the rate of Rs. 6 or 7 a maund. The same thing has happened as regards paper, cement and other things. So in my opinion it is now high time that we should begin with the manufacture of locomotives so that we may be self-sufficient in this important respect. Sir, I heartily support this motion.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Sir, I should like to say a few words, first, on the constitutional aspect of this matter before us. My Honourable friend, the Leader of the Opposition, has alluded to it and I have had occasion to speak on that aspect on more than one occasion before. But, it cannot be repeated too often in this House, so long as we work under the present Constitution. Mr. Desai alluded to the effect of our vote, and he rightly complained, that at least in the opinion of this side of the House that vote was not taken as seriously as it should be by Government. I am not maintaining that that vote is always the correct aspect that people should take; I am not maintaining that this side of the House is infallible. We make mistakes and so do Government; but it is a question of what is the opinion of this side of the House and what weight that opinion should carry with Government under the present Constitution. Now, Sir, on another occasion I had the privilege of pointing out to Government that if they attached no importance to the views of this side of the House there was no object in having this House at all. What was the object of our coming here? What was the object of our expressing our opinions? You might as well not have this Assembly at all; and surely those wise men in England, who brought the present Constitution,—the Montagu-Chelmsford Constitution,—into existence had some object in creating such a House as this. The object was that in all matters in which the peace and tranquillity of the country was not concerned, in all matters in which the financial position of the country was not jeopardised, the opinion of this side of the House should be accepted by Government. The final power was undoubtedly left to Government, but that power should be used only when things really came to a crisis. That, I maintain, was the intention of those who inaugurated this Constitution. Has that ever been carried out by the other side of the House? No. On the most trivial matters, on matters in which the financial position of the country is not concerned, on matters in which law and order is not concerned, Government have refused to carry out the opinion of this side of the House expressed by a majority. Now, Sir, here is one of those questions, that arises again and again, and on which, on merits of course, there may be some argument. The Finance Member, on the last occasion, as my Honourable friend, the Leader of the Opposition, said, butted in.

Mr. Bhulabhai J. Desai: He said it himself.

Sir Cowasji Jehangir: He butts in very often, and very often on matters that do not concern him. Well, when he butts in, on occasions which really do not concern him, this side of the House takes no notice of his butting in, as the other side of the House takes no notice of the voting. But since, he happens to be fortunately or unfortunately the Finance Member of this country, we have sometimes to weigh what he has to say. My Honourable friend, the Leader of the Opposition, weighed up what he had to say. On matters which are absolutely essential to the interests of the country, it does not matter how much you lose on a

[Sir Cowasji Jehangir.]

commercial undertaking; that is to say, for the Army and manufacture of Aeroplanes and such other requirements for Defence, it does not matter what you spend. Secondly, you may go in for Industrialisation, if it pays, or if it has a prospect of paying. These are the two principles he laid down, very sound principles indeed. But, how far have these principles been acted upon by other countries in the world today. Look at Germany, look at Italy. I will not take England. Do they initiate anything merely because it pays them to do so? Does Germany go in for Industrialisation simply because it is a paying concern? Hitler's Government, Fascist Government as it is, encourages Industry even at the cost of the tax-payer. I have seen in Germany, manufacture of articles at dead loss. It may be for the sake of unemployment; it may be to claim that Germany is equal to any other country in the world in respect of manufacture. I have seen, Mr. Deputy President, roads made, the finest that can be produced, at dead loss to the country and to the tax-payer to relieve unemployment. These are things not heard of in this country. If there was a dead loss to relieve unemployment, oh! the budget cannot stand it, and then we are asked to follow sound principles of finance, in these times when we see other countries going ahead.

Now, my Honourable friend, the Leader of the Opposition, has referred to the manufacture of steel, and he has quoted bits of speeches made quite lately by Members of Government taking credit for the bridges or the bridge that has been made of Indian steel. May I tell the Honourable Member in charge of these financial proposals, that we are discussing, that there was a time in the manufacture of that very steel from which that bridge was made, when the loss was so great, that the Board actually had a proposal before them to shut down the Steel Works. I was then a member of the Board. But what did the Board do? They faced the situation and continued the works, which has enabled my Honourable friend and Sir Guthrie Russell to claim that bridges are made of Indian steel.

The Honourable Sir Nripendra Sircar (Law Member): It was all due to you, and not to anybody else.

Sir Cowasji Jehangir: Not due to me nor certainly due to you: it was due to the patriotism and enterprise of Indians.

The Honourable Sir Thomas Stewart: Has the Honourable Member forgotten the existence of protective duties on steel?

Sir Cowasji Jehangir: I have not, and I am most grateful to the Government of the day that levied these protective duties.

Mr. Bhulabhai J. Desai: You should be grateful to us: we paid for it.

Sir Cowasji Jehangir: I am grateful to this side of the House who forced these duties down the throat of Government. In those days, I was not a Member of the House, but I have been connected with the Steel Works ever since their foundation, and I know this—I am talking of the days before these protective duties were thought of—that the steel works might have been closed down, had it not been for the patriotism—not of

myself, I do not claim any credit, nor can the Honourable the Law Member claim any credit of all persons in the world—and the risk, that the shareholders ran to see that steel continued to be manufactured in this country to enable Members of Government to claim that bridges are made of Indian steel. What are we asking? We are asking Government to take some risk and face some loss, so that twenty years hence their successors may be able to stand up in this House and say that locomotives are made in India.

Now, we are not looking at this point from the financial point of view. This side of the House is not looking at it entirely from the financial point of view. We are looking at it from the point of view of the progress of Industry in India. Who are the largest consumers of railway engines? Government themselves; and therefore we consider, or at least I consider, that it is the duty of Government to encourage this Industry, the production of which, they are the entire consumers. There are private railways too. Is it too much to ask that Government, notwithstanding their conviction, their *bona fide* conviction, that this Industry should not be helped by them, should bow to the opinion of this side of the House and incur a loss, whatever that loss may be, and throw the responsibility for that loss on this side of the House? That is the spirit of the Constitution under which we work, as I understand it: that is the spirit; it is not the letter; you can stand on the letter of the Constitution. It may be a loss of a crore, or of many crores, if the enterprise fails; it may be that there may be continued loss. All right. Let this side of the House take the responsibility, and you make the attempt. We have been for a number of years appealing to Government to make the attempt. Do not let us have figures quoted to us of boilers; they may be bought at Rs. 20,000 from Germany, and cost us Rs. 28,000 to manufacture in this country. Why, if you take the figures today, you may find them totally different. A boiler in 1935 would have cost Rs. 28,000; made today, it would cost Rs. 46,000,—it possibly does: I am certain it has gone up by more than 50 per cent. And from your greater knowledge you may be able to tell us that if an attempt was made to manufacture boilers today in India, it would cost us Rs. 50,000: that may be so, but considering the position in which

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has got one minute more.

Sir Cowasji Jehangir: The only question to consider is, whether Government shall bear this loss, take this risk on the authority and responsibility of this side of the House and follow the example of several countries in Europe whose Governments have taken the risk, who have borne the loss and in many cases who have faced complete and absolute failure without a murmur. (*An Honourable Member*: "Only to succeed later on.") As my Honourable friend says, only to succeed later on. But it may be even to face complete and absolute failure; but if you have the authority, as you have to make this experiment, I can see no reason, constitutional or otherwise, for your refusing to do so. If my time is up, Sir, I have nothing further to say than that my Party will support this motion.

Mr. M. S. Aney: Sir, the question as regards the opening of an Indian locomotive factory is one of the old questions that have been debated on

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the floor of the House very often. There was a time when Government itself was thinking of starting a factory like that, but somehow or other the idea was abandoned and the locomotive factory that was to be was turned into a carriage and wagon factory, and subsequently the question was altogether shelved and now we find the sad necessity of bringing in a motion at the end of every year during the budget discussion and invite the attention of the Government to the necessity of starting a factory like that. One thing always strikes me as very peculiar and it is this: trains have been running in this country for so many years now, but they are propelled by foreign engines. These foreign engines propelling Indian trains and carrying Indian passengers is typical of the entire situation that exists in this country; and, therefore, I feel that this can go away only when this whole picture will be torn up or changed. I feel sometimes like that. They cannot do it unless they stultify themselves: that is how they feel whenever a question like this is put to them

Lieut.-Colonel Sir Henry Gidney: Indianise the engines!

Mr. M. S. Aney: Never mind. As soon as you Indianise these engines every other engine will be Indianised and they shall have nothing to do here. The position is like this. However, the objections that have been seriously urged against this question have been very ably met by my friend, Mr. Santhanam, this evening when he moved his motion: he has made a careful study of the requirements of the Indian railways today, and the very serious objection that is being raised against the idea of starting a locomotive factory is clearly shown by him to be not of a very serious nature at all. He has shown that our average requirement ought not to be less than 200 engines per year; and if that is so, I believe there is substantially no ground even on an economic basis left for the Government to withhold their consent to the proposal for starting a locomotive factory in India.

Secondly, the other point to which my Honourable friend, Sir Cowasji Jehangir, drew attention was this: it is not merely a question to be judged simply by a financial test, but it has got a more national object to subserve. Considering the industrial progress of the country which has to be achieved, the establishment of a locomotive factory is an essential thing; and being an industry of such an important nature, in the starting of it mere financial considerations ought not to enter; but the broader questions of making the country industrially self-sufficient ought to weigh with the Government and, therefore, the initial losses which they may have to suffer in undertaking an enterprise of this kind will be legitimate; and when they have got the support of those who are likely to blame them for incurring any losses, then their position in taking up an undertaking of that nature is more than doubly fortified. My Honourable friend, Sir Cowasji Jehangir, said: "Assuming our calculations are wrong and your calculations about the possible losses are the only accurate calculations, assuming even that position, what is your difficulty? There will be some losses incurred: that is all what you have to say; and who are going to blame you for the loss? And who is ultimately going to bear the burden of the losses also? Those on whom the burden of loss will fall are here through their representatives, calling upon you to undertake this enterprise". Is it not, therefore, proper for the Government to say "All right: we have tried to give you sufficient warning about the possible losses, but in spite of that, if you want us to do it, we are ready to

start and incur the risk"? Even in that spirit the Government can approach this question; and may I say that whenever the Government themselves think of any enterprise like this and come to a decision, do they seriously take the question of profit and loss into consideration? How many of these schemes which they have held out before us and discussed with us in the financial and other committees have really turned out to be as profitable as they were held out to be? I can say from whatever experience I had as a member of the Railway Finance Committee for a number of years, almost every new line that we sanctioned in those days was sanctioned on the basis that it would at least pay not less than 7 per cent. interest ultimately on the capital sunk. I want to know from the Honourable Member which of those lines which we sanctioned between the years 1925 and 1929—after that this new construction programme was practically stopped—are really giving us any interest like 7 per cent. or even 4 per cent. or 3 per cent. So, there is a limit beyond which even the estimates of the Government experts cannot be accepted as correct. Whenever they want to go through with a project they are able to bring us estimates of how much it will cost and how much interest it will pay and so on; but if they do not want it, they can put up an exaggerated estimate before us and say "this is going to be a dead loss". Let them not oppose a thing like this, but let them appoint a committee of non-official experts who can make a serious investigation and find out the possibility of starting a locomotive factory on an economic basis in India. That is all. If the Government is not prepared to accept the proposition that is put before it, they should at least show their earnestness by appointing a committee of non-official experts, men like Sir M. Visveswarayya and others, whose authority in the country will be accepted as of unimpeachable character to see whether it is not possible for the Government to make a good start on an economic basis in the matter of starting a locomotive factory in this country. No such attempt is made. The only thing that is done is to place before us certain calculations made by those whose authority we have to take for granted, and on the basis of those figures, the demand that is being made on the floor of this House from year to year is being rejected.

There was one question which casually was raised when my friend, Sir Cowasji Jehangir, was speaking. When my friend was seriously arguing and telling this House that the steel industry which has received the certificate at the hands of the Government today had to go through a serious crisis, and it has come up to its present position owing to the patriotism of the people, my friend over there got up from his seat and put a question—"Does not the Honourable Member know that the protective duties were imposed after we had sanctioned them"? Yes, they were, and it is known to everybody. But who sanctioned those duties? It is the Members on this side of the House. I was a Member of the House at the time when the Steel Protection Bill was passed by the House, and if we had chosen to oppose that measure, it would not have been passed at all. Now, you can say that Government had brought in a Bill and so on but even that, after how many years? Sir, economists in this country have been crying hoarse to grant protection for a number of years. Since the early days when I was a student, I remember the late Mr. Justice Ranade has been writing and preaching the gospel of protection when the doctrine of free trade was rampant, and even now the free-trader who is sitting here is condemning the limit of the discriminate protection given,

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although that protection was granted in a grudging spirit. The Government of India did not want to come out with the protective duties, but certain recommendations were made by the Tariff Board, and, therefore, the Government had to come out with a protection scheme for the sake of the steel industry, which is one of the key industries in this country. We thank our friend for small mercies, even though that protection was granted to us in a grudging spirit, but I do not want that the Government should deny the credit that is due to public opinion in this country on account of which a great impetus has been given to the steel industry by means of protection. The part played by public opinion is as important, if not more important, than the part played by the Government, and, therefore, Government should not grudge the credit that is due to public opinion on that account.

Now, Sir, what does history show? The history of the steel industry should, in my opinion, serve as an eye opener to Government. There are many other industries of this nature which had to be closed in their initial stages through financial losses, and if the steel industry teaches us anything, it is this, that there is justification for the Government to start a locomotive workshop today even assuming that financially it may prove in the initial stages a failure. But that does not mean that a day will not come when India will be self-sufficient in the matter of the locomotive industry also, and thereby there will no longer be any necessity of running Indian trains with foreign engines and even the Indian administration with foreign experts. Sir, with these words, I support the motion.

Several Honourable Members: The question be now put.

Mr. Deputy President (Mr. Akhil Chandra Datta): If the Honourable Sir Thomas Stewart wants to reply he may do so.

The Honourable Sir Thomas Stewart: Mr. Deputy President, notwithstanding the turn that the debate has taken in the last hour, I give the Honourable the Mover of this cut the credit of believing that he was in earnest when he endeavoured to demonstrate that the manufacture of locomotives in India was a commercial proposition. He at least recognised that we in the Railway Department have commercial obligations; we have to live up to these obligations that have been laid on us, not by ourselves, but by this Legislature. He said that it was probably useless to go back over the history of the debates that had taken place on this subject, and he refrained from going over the arguments for and against that had been used in the past. I am in agreement with him in that matter. I do not think that any particularly good purpose would be served by having a re-hash of the old debates. He came forward and said that notwithstanding what has happened in the past he could make out a perfectly good case why we should go on with the manufacture of locomotives on a commercial basis, and I propose in the first place to meet him on his own ground. He referred to what the Standing Finance Committee for Railways regarded as an alarming increase in world prices, and he said, "here is our chance to jump in, this gives us an advantage over the outside competitor". But in reality if we buy our raw material,—steel,—in India, are we going to get it so very much below the general level of steel prices in the world? The Honourable Member will find that the Indian Steel Industry is perfectly alive to its own interests, and that

when there is a rise in steel prices externally, there is a sympathetic rise in India. That I think would be found to be the case. Then again, so far as the manufacture of engines is concerned, we are by no means self-sufficing in respect of raw material. As regards the boiler alone, at least 95 per cent. of the material, in value, has to be imported. So I think that the first argument is not a very strong one, and we would not really save on the raw material head

Mr. M. Asaf Ali (Delhi: General): We will keep the money in our own country.

The Honourable Sir Thomas Stewart: The Honourable Member then proceeded to an arithmetical calculation and, as arithmetic, I have got nothing to find fault with it. He reckoned that there would be,—I think it was something like 250 locomotives,—to be built each year and 250 boilers in addition. Now, the average purchase of engines for the past 9 years has been 27 B. G. and 33 M. G. engines

An Honourable Member: From 1926-27 it has . . .

The Honourable Sir Thomas Stewart: If the Honourable Member would only wait a little he will hear what I have to say. I am prepared to agree that there have been signs of traffic improvement that may call for further rolling stock. At the same time, there has been going on for some time, and the process will be continued, the process of the more economical utilisation of our locomotives. As has been said before, there is also a tendency to replace the ordinary locomotive by other types of locomotive, and at the present time I venture to think that the locomotive situation is quite obscure and that it is impossible to say at the present time that we will require anything like 250 locomotives per year. The probable figure will be certainly much less than half of that

Mr. K. Santhanam: Do you contend that it will be so after 15 years?

The Honourable Sir Thomas Stewart: I have done a certain amount of looking forward, and looking forward as far as 1955, our estimates of boilers in those years are 22 broad gauge and 29 metre gauge. It is a very risky thing making estimates as far a head as that but with long lived machinery like engines one can make a pretty fair estimate of what is going to happen a considerable time ahead and there you have the estimates of the engineers who are concerned with the construction and utilisation of boilers. Their estimate is 22 broad gauge and 29 meter gauge. That is the engineer's estimate.

Mr. K. Santhanam: Does it include replacements? We had this year 162 boilers?

The Honourable Sir Thomas Stewart: These are the estimates of the absolute requirements some 15 to 20 years hence. I put it to the House that on the one hand you have the engineer's estimate of 51 as against the Honourable Member's estimate of 250. However impeccable his arithmetic may have been, I myself would come down on the side of the engineer. The Honourable Member supported his case by referring to the London and North Western Railway. It might interest the House to

[Sir Thomas Stewart.]

know that last year the London and North Western Railway bought practically all their requirements of railway engines from outside, namely, some 800 engines. So, as an example, that is not a very good one. It was, however, just at the end of his speech that the Honourable Member suggested that he was not quite sure of his own case, because in concluding he mentioned the word "subsidy" and there I think we have the crux of the whole matter. This is not a straight demand that we should manufacture our locomotives because it would be in the interests of the railways concerned. This, it seems to me, is an introduction by a side door of a new fiscal theory, a new fiscal policy for the Government of India. Well, I leave it to the Honourable Members to consider whether it is an appropriate way of introducing a new fiscal policy, whether in the course of a cut motion when most Members are restricted to 15 minutes there could be adequate discussion of a new fiscal policy for India.

But what is wrong with the existing one? The Honourable the Leader of the Opposition and the Deputy Leader of the Independent Party have both acknowledged the benefit that has accrued to India from the policy of discriminating protection and before going any further I should like to make it quite clear that I in my Budget speech and Sir Guthrie Russell in his were making no vainglorious claims in regard to Indian steel and Indian bridge work. We had thought that the Members of this House would be as proud as we are

Mr. M. S. Aney: We are.

The Honourable Sir Thomas Stewart: I am glad to hear that. I just wanted to make it clear that I was making no claim. I realise as well as anybody does what has been achieved by the foresight of Indian industrialists so far as steel is concerned, and when I interrupted Sir Cowasji Jehangir, I did so because he had made a statement that Government had in no way assisted in the prosperity of that industry. The Honourable Member quickly corrected himself and admitted the co-operation of Government in granting protective duties. Without the co-operation of Government there would have been no protective duties. The Honourable Member did admit it and there the matter stands.

Sir Cowasji Jehangir: May I make a personal explanation? I want to draw attention to the fact that the Steel Industry went through very bad times indeed, faced very big losses before Government thought of assistance. The Steel Industry continued to face losses in the interests of the country. The protective duty came much later. I readily admitted that there was protection but that came at a much later stage. The point I was making was that if private individuals could face the loss in the interests of the country, Government could very well do so too.

The Honourable Sir Thomas Stewart: Very well then. If discriminating protection has done this for the steel industry and for others, is there any reason why it should not do it for any other promising industry. (*An Honourable Member:* "You are the consumers.") Yes. We are the consumers of 90 per cent. of the rails that are made in Jamshedpur. Do you want us to take over the rolling mills also? (*An Honourable Member:* "Do.") If there is so much public spirit on the other side of

the House, why should that public spirit not be exhibited in building up another great industry. Apparently as far as I can make out, from what has been said, there are great hopes for it and they have got this policy of discriminating protection to rely on, a policy which has proved efficacious in putting on their feet several of our industries. There has however been no suggestion that any interests would take this one up. (*An Honourable Member:* "Will you guarantee orders?") If you can produce the goods at an economic price, we will see about the orders. What has been the case put forward for the change in our fiscal policy? The only argument that has been put forward is that other countries are doing this sort of thing. Well, those other countries have not been doing it for very long and the end is not yet in sight. You may quote to me the economic structure and organisation of the totalitarian States but if there is anything more unstable and more uncertain in the world today than that economic structure and organisation, then I should like to be informed what it is. If you put that forward as an argument in favour of India, the condition of which is at least reasonably stable, if you put that forward as an argument as to why we should embark on any harebrained scheme, not knowing where we are going, then I must differ and we differ now for perhaps the third or the fourth time.

That Sir, brings us to the constitutional position. We must take the Constitution as it is; and as the Constitution stands, it is within the power of the Executive Government to refuse to act upon any recommendation from the other side of the House. Be that a good Constitution or a bad one, we have that power; and so long as, judging each question on its merits, we consider that it will not be for the good of India to act on any such recommendation, then, Sir, we are entirely justified in refusing so to do.

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

"That the demand under the head 'Open Line Works' be reduced by Rs. 100."

The motion was adopted.

DEMAND NO. 6-F—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I move:

"That a sum not exceeding Rs. 3,87,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Expenses of General Departments'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a sum not exceeding Rs. 3,87,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Expenses of General Departments'."

Stores Department.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, I move:

"That the demand under the head 'Working Expenses—Expenses of General Departments' be reduced by Rs. 100."

[Mr. Manu Subedar.]

I do so in order to draw attention to the unwise policy of the Government of India in the Railway Department in the working of the Stores Department and the policy, constitution and activities thereof. Sir, the importance of the subject which I am placing before this House may be judged from the fact that neither the Honourable the Member for Communications nor the Honourable the Chief Commissioner of Railways have made any reference to this subject in their respective sweet speeches in the two Houses, as they should have properly done. Sir, the point which I wish to make is something which would be quite intelligible if I were to speak as from one business man to another, but that is what I cannot do. The Railway Board unfortunately does not consist of business men but of glorified railway services, assisted by *subjantawala* I. C. S. men; I do not say that they have not individual merits or that they are not good men; all I say is that they are not business men. I wish it were possible to speak to them on this subject as from one partner to another but it is not. Our position is what the late Mr. Gokhale said,—that we have got to rub our noses on the glass outside, occasionally making suggestions to you, but, Sir, the time has come when we shall break that glass and we shall enter that arena which you have kept to yourself.

Now, I do not want to keep this House too long at this end of the day with the history of this question. I would briefly recall that there was an Industrial Commission sitting in 1916 which adumbrated various policies including one which said that the purchase of stores by public Departments in India including Railways was one of the most important aspects and one of the most important means of encouraging the growth of industry in this country. As a result of those recommendations there was a Stores Purchase Committee appointed in 1919 and as the result of the recommendations of that Committee, the Indian Stores Department was brought into existence. Sir, in 1924, as the result of public opinion in this country including commercial bodies both European and Indian, a Resolution was moved in this House urging upon Government to secure the inviting of tenders for all purchases of Government in rupees in India. This Resolution was moved by no less a person than the Honourable Mr. Mahomed Ali Jinnah, the Leader of the Independent Party. Many of us had a share in the shaping and suggesting of that policy which it took Government many years to adopt. Sir, though the Resolution was passed by the House in 1924 and though it was accepted, Government took five years to formulate their policy in 1929, and then they said in 1929 that the rules would come into operation in 1931. Since 1931 those rules have been in operation, and while I do not deny that a certain amount of progress has been made, I must state that the progress has been most unsatisfactory. Sir, I accuse the other side in the name of the business community of having been unbusinesslike. Before I made this accusation I was hesitating but after hearing the reply of the Honourable Member for Communications which I consider to be a most unbusinesslike reply, I am convinced that the accusation is absolutely correct. Sir, I gave six years of my life to that trade and I know what I am talking about, and I can dispose of every statement made by the Honourable Member. However, I will do so to the satisfaction of the House some other time.

Now, since that time when the rules have been passed, every other Department of Government has been falling into line with the stores purchase policy, except the Military Department—which I call the untouchable Department—and unfortunately for the Honourable Member for Communications, except the Railway Department. (*The Honourable Sir Thomas Stewart*: “Why unfortunately?”) My Leader will reply to that. I want to put a few facts before the House with regard to the volume of the purchases that have been going on. Sir, no less than thirty crores rupees worth of stuff is paid for by the Railway Department every year, and out of this the Railway Board themselves decide on a certain amount—about 30 per cent.—and the rest is left to the agents, who purchase through their storekeepers, and about 26 per cent., according to the 1936-37 Report, was purchased through the Indian Stores Department. While the State Railways have been increasing their purchases through the Indian Stores Department, it is unfortunate that the Company-managed Railways omitted to do so for many years until they were probably awakened up at the instance of this House by the Railway Member at that time. Sir, the Indian Company-managed railways have been the greatest sinners in the matter. They still continue to import from the United Kingdom. Now, the point which I wish to lay particularly before this House is that every warning on this subject has been ignored by the Communications Department. They come here, they hear what we have to say, and the reply is either evasive or equivocal. I see a shaking of the head but I feel that that is the fact. Now, I want to quote to the House from a Committee which had been appointed by this House to go into railway retrenchment in 1931, a committee of which the Honourable Sir Ziauddin Ahmad was amongst others a member. That Committee said:

“Both the Chief Commissioner and the Financial Commissioner of Railways agree that when, with regard to any class of stores, they were convinced that it would be advantageous to the States as a whole to purchase through the Indian Stores Department, they would consider handing over the purchase to them and not look to the interests of railways alone.”

They further went on to say:

“We observed a flaw in the present procedure for considering price preferences to indigenous material since powers have not been delegated to Agents of railways by the Government of India.”

They recommended:

“The railways should report periodically to the Railway Board all cases where the Agent has without a reference to them decided to place orders for foreign material, because in his opinion the disparity in price was too high. We also recommend, that with a view to facilitate the active compliance by Agents with the policy of the Government in this regard, powers may be delegated to Agents authorising them to give price preferences to a limited extent, etc.”

Now, Sir, these two recommendations were made and I want the Honourable Member for Communications to assure this House that these recommendations have been carried out. My information is that these recommendations have not been carried out. Sir, the fact that these recommendations have not been carried is unfortunately borne out by the same Wedgwood Committee report behind which the Railway Members

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take shelter when it suits them, a report which they also repudiate when it does not suit them. I am reading from the Wedgwood Committee Report, page 54, where it is said:

"The purchase of other stores is divided on no very clear principle between the Indian Stores Department and the individual railway administrations."

They go on to say further:

"We see no good reason for perpetuating a duplicate system of purchase for the major stores, which should be bought in the cheapest market with a reasonable leaning in favour of the indigenous commodity."

The specific recommendation which they made is contained in these words:

"The purchase of railway stores through the department should be gradually extended; at the same time the function of the Stores Superintendent on the individual administrations should cease by degrees to be that of a purchaser of stores and should be approximated gradually to that of a storekeeper."

Now, Sir, these are clear recommendations that the purchase by individual administrations should cease. There were specific promises made to this effect but these recommendations have not been carried out. In the paper which has been circulated to us with regard to the action taken by the Government on the recommendations of the Wedgwood Committee I find no reference whatsoever to these recommendations. Paragraph 87, in which the first part of what I read is contained, is omitted altogether. With regard to paragraph 88 on which the railways have something to show, it is merely mentioned that a few more items have been added to the list to be purchased by the Stores Department and to be taken away from the list which was purchased by the Stores Superintendent of individual railways. Now, Sir, the point which I wish the Honourable Members of this House to bear in mind is that in what is technically called as stores, which is not a figure covering the whole of the purchases of the railways, no less than five crores of rupees worth of material is still imported from abroad. This figure has varied from year to year but this is a huge figure. The purchasing power to the extent of five crores of rupees is something which, if it were wisely used, could result in the establishment of many industries. It could result in the establishment of industries which would give freight to the railways and which would give livelihood to the people, including my Muslim friends. I say that the Railway Department has failed signally to encourage the industries for those things which they have been purchasing in the past. The Stores Department cannot do so because they are the Stores Department. I have great personal regard for the Chief Controller of Stores who is working at present. But I know that it is the railways that have been evading co-operation with the Stores Department year in and year out. The Stores Department was established in 1923 and still we have the deplorable story of a large percentage of the total volume of imported material being imported directly. We have behind this the mystery that the Government of India will not abolish the Stores Branch of the High Commissioner's Office. This House has asked for it again and again. We were told that the Chief Controller of Stores was examining the question. He took up the examination more than five years ago. He has not yet completed the examination because probably he was preoccupied with several things, or is it that you suppressed his report? I want to know. Then, Sir, there

is still the purchase made by the individual Superintendent of individual railways which amounts to 44 per cent. of the total. I say this is contrary to the recommendations of the Wedgwood Committee Report which you yourself have quoted when it has suited you. This is one of the things which you have omitted to mention in that fat book in which you are giving a long account of what you propose to do with regard to the Wedgwood Committee report. I say this is a specific recommendation whose mention was omitted. You have omitted all mention of the stores in your speeches and generally it seems to us that you are carrying on this matter in the most unsatisfactory and unbusiness-like manner. I fear that the people opposite will never acquire efficiency in this particular line. I know what I am talking about as I have been purchasing stores for my industries all my life. I know something of what I am talking about so far as the Railway Department is concerned as I had the misfortune in the locomotive industry to wait on them and to worm out everything that was inside there, and I say it is rotten to the core. You will never be efficient so long as you are not responsible to this side.

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

Now, with regard to the Company railways there is one more point before I conclude. For a long time we were told that the contracts with the Companies did not permit the Government to ask the Company-managed railways to buy in India through the Indian Stores Department or to give a price preference. The question of price preference is one which is real with us. It was real with the Stores Department in 1924 and since then throughout this period in the working of the Indian Stores Department it is real matter with us. We say that where there is a struggling industry which is producing a suitable article which can be of use and which they cannot sell at the same price at which an imported article can be sold, you must give it help for a little while. But it is this specific thing which you have evaded. You have evaded this in spite of the fact that what was meant to be a Retrenchment Committee of this House in 1931 specifically made a recommendation to you that the question of price preference should be attended to, that powers should be delegated to the Agents, that the Agents should be encouraged to give price preference and that a report should be called whenever the Agents have failed to give price preference. I ask again—has that been done?

In the speech of the Honourable Sir Guthrie Russel, I find mention made that the standardisation office—which they have set up at very great cost to the taxpayer—has resulted in industrial advancement to this country. Sir, in the year of grace, 1938, this claim is being made by the railway when they have treated solemn pledges as scraps of paper, when they have broken all promises made, when they have broken assurances over and over again. This matter, that the material required by the railway should be manufactured in this country was gone through in the Railway Finance Committee and in the Railway Industries Committee in 1919 and 1922 respectively. What they have done on the question of locomotives is a glaring example of broken promises. Now, the Chief Commissioner, Railways comes along and thinks that the popular side will be won over by the mere mention of any advance in industry, anyhow and

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anywhere. He says that standardisation is good because it leads to advancement. I am sure that we shall all accept standardisation as a good thing, if it does actually lead to that advancement in industry which is alleged by the Chief Commissioner. But let us see whether there is real advancement. On the part of the railways there is unfortunately too much talk about advancement in industry. We have demonstrated over and over again and we shall continue to do so, that they have been the greatest block to the advancement of industry in this country. I say once again that Government have not heeded to most of our requests, they have broken all promises, they have frustrated most of our desires. I accuse the Government in the name of the business community in not having done the right thing by the country. The Honourable Member for Railways made a claim at the end of his speech for "solid advancement". Whatever other advances there may be, I say that in the direction of stores purchase and in the policy thereof in the personnel of this department and generally in the administration, the Government have signally failed.

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

"That the demand under the head 'Working Expenses—Expenses of General Departments' be reduced by Rs. 100."

Babu Baijnath Bajoria: Sir, I rise to support this motion. Sir, from the Report of the Railway Board on the Indian Railways for 1936-37, we find that the Company-managed railways have treated the Indian merchants and Indian industries in a much worse way than the State-managed railways. I will just give a few figures. I will not bother the House very long. I am giving the figures from Vol. I of this Report on Railways by Railway Board, page 17. The State-managed railways imported direct stores of the value of only five lakhs in 1936-37, whereas the Company-managed railways imported direct goods of the value of 118 lakhs. This is surely detrimental to the business interests of India. When the State-managed railways are purchasing even foreign manufactured goods in India through the Indian business houses, I do not see any reason why Company-managed railways, if they had the will to do so, could not have done likewise. In my opinion, they are definitely doing this to serve the British interests in England.

Another point is about the purchase of goods of Indian manufacture. Here also what we find is that in 1936-37, the State-managed railways bought Indian goods about 67 per cent. of their total requirements, whereas the Company-managed railways bought goods only 58 per cent. and there also they were about 20 per cent. of 67 per cent. below the State-managed railways. There also they have given undue preference to foreign goods.

The third thing which is also very important is about the stores purchase policy which the Company-managed railways particularly follow. They are not using the agency of the Indian Stores Department at all practically. From 1931-32 to 1935-36, they were barely purchasing one per cent. only of their total requirements through the Indian Stores Department. They were neglecting the very existence of that Department, whereas the State-managed railways were doing much better and they were increasing their purchases from 12 per cent. in 1931-32 to 29 per

cent. in 1935-36. In 1936-37, of course there is some improvement noticeable in purchases through the Indian Stores Department. The Company-managed railways have purchased 5 per cent. whereas the State-managed railways have done 41 per cent. Sir, I think it is high time that the Government of India should force the Company-managed railways to buy all their requirements through the Indian Stores Department. It is a fact acknowledged by the Indian merchants and traders that it is more economical to purchase through the Indian Stores Department, and if the Railways buy through this agency, the Indian Stores Department also will develop the industries of this country, because they give good advice to the traders and thus we are able to manufacture goods to the requirements of the railways in the country.

Now, Sir, with these facts vividly before us when we compare the State-managed railways with Company-managed railways, we find that the State-managed railways are treating the Indian interests as regards their stores purchase much better than Company-managed railways. It has often been said in this House that when the time comes, all the Company-managed railways will be purchased by Government and they will run the railways under State management. I am sorry that though the Government made frequent promises yet they have not fulfilled those promises. When the period of contract for the M. & S. M. railway expired, nothing was done. More recently an opportunity offered itself for taking over the Hardwar-Dehra Dun Railway, South Bihar Railway and some other railway whose name I forget now, but nothing was done. We, on this side of the House, feel that if the railways are run by the State, we have got greater voice in it, we can have greater facilities, we can force the Railway Board to attend to our wants. I, therefore, think that the Government should take these Company-managed railways under their own management as and when their contracts come to an end. I do not know what the policy of the Government is at the present moment, whether they have changed their policy. I should like to have some answer on this point.

As regards stores purchase, I would also request that the railways, both State and Company-managed should use the agency of the Indian Stores Department as much as possible, rather to a very considerable extent; and they should go beyond the Indian Stores Department, only when that department is unable to comply with their requirements. They should also give every preference in purchasing Indian goods through Indian business houses. Sir, with these words, I heartily support the motion of my Honourable friend, Mr. Manu Subedar.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I have no time today and I shall not go into general statements on the subject. Standardisation has been referred to and every one knows that standardisation in itself may be good for any other country, but for India it has got practically another name and that is "scandalisation". In the Imperial Conference proceedings our Honourable friends may find that it was conceived and contemplated for British purchases in India and in Colonies as well; and as to the policy of purchase the Imperial Conference from 1923 up to today will give enough material to judge the matter, and I need not go into that. I will go into some details. Let us take Appendix A in the second volume of the Railway Administration Report, 1936-37.

[Pandit Nilakantha Das.]

Take rails. Tata's make all the rails. I know there was a seven years' contract and whether that contract stands now I do not know. But rails amounting to Rs. 1,34,000 come from abroad; and why? I asked such a question last year. There was practically no purchase of rail from abroad in 1929-30, but it is again being imported. Last year they said that the foreign purchases of rails were 'sorbetic' rails only but later on it was found out on inquiry what this new make-believe "sorbetic" was; and that Tata's could well make those rails. Then steel sleepers. Is there any room for 123 thousand coming from abroad. Why does it come? Some name like 'sorbetic' may of course be invented to justify it, but I know that as the sun rises in the East so all steel sleepers of all kinds can be made by Tata's and other firms like Henry Williams in India. Then comes cast iron sleepers. There is absolutely no reason why they should come from abroad; and even under wooden sleepers you find Rs. 2,000 foreign purchases. Then there was formerly the next item 'chairs and fastenings'. They can be made in India. Now the item is perhaps included in 'P. W. materials',—we cannot now say what these materials exactly are. But a very enormous amount, under this head, about 1/3rd or more than that is from abroad. Then other items, *e.g.*, textile fibre, leather, articles used for finishing railway carriages, interior roofing, floor and sewing materials. In these article too an enormous amount is bought from abroad. Then smaller building material, water mains, sewerage system and track and yard enclosing material and all other parts and fittings,—here again an enormous amount comes from foreign countries. Then the item: all leather, canvas, India rubber in bulk and articles made from them which are not included under other heads,—it is practically all from abroad. Apart from all this there is an item of consolidated foreign purchases called "General Purpose Stores". I showed on the debate on Wedgwood Committee that it includes articles like pottery cuttlery, lavatory fittings, etc. I have no time to go into the details of all that and I shall take some other occasion. But the House wants an explanation as to why these things are in a lump granted year after year—for these common articles to be purchased from England; and the amount is not only enormous, but growing every year. This year we have allotted for these purchases an amount of Rs. 135 lakhs. With this money and all these articles to be made with it many provincial industries might have not only been helped but could be started in this country. This policy of purchase should be overhauled, and there should be some non-official committee or something like that to help in the standardisation of materials and their purchase. They should be associated with the Indian Stores purchase of the Railway Board and even the Indian Stores Department to see that Indian industry is not only given an opportunity to thrive but is given regular impetus to make new attempts. Sir, I support the motion.

The Honourable Sir Thomas Stewart: Sir, I do not know how far the Honourable the Mover's complaint against the stores purchase policy of the railways arises from his not knowing exactly what that stores purchase is. I shall, therefore, endeavour to tell him, but before doing so, I should like to remind him in answer to his query regarding the fate of the India Store Department in England and that I am not responsible for the Indian Stores Department though I accept, of course, all responsibility for the relations of the Railway Department with the Indian Stores Department

here. The Railway Board in regard to stores purchase follow precisely the policy that was laid down by the Government of India and which was incorporated in the stores rules of 1931. We do realise what the policy of Government is in this connection and that it is up to us to encourage the development of industries by making purchases wherever possibly we can, consistent always with the quality and efficiency of what we buy. As examples of what we are doing let me state the following in regard to certain railway material. Purchases of rails and fishplates, sleepers, locomotives, coaching underframes, goods stock and coal for the State-managed railways are controlled by the Railway Board. Company-managed railways have voluntarily agreed to come into the combined arrangements for purchase of rails and fishplates. So that, so far as the company lines are concerned, we have got them to agree to come in with us on the purchase of these very important standard materials.

Then, the power of giving price preference in favour of indigenous products in order to encourage existing and new industries in India has been retained by the Railway Board and has been used freely. A complaint has been made that we are not very frank about this question of price preference. I think the reason for that is obvious. Once we reveal what we are giving or are prepared to give by way of price preference, then we may be certain that price preference will always be demanded and tenders will be framed accordingly.

As regards other classes of stores manufactured in India, railways are required to submit to the Railway Board quarterly reports detailing with full reasons for their action all cases where they have placed orders for materials of foreign manufacture when tenders were received for the same materials of Indian manufacture. I think that disposes of one question that was put to me by the Honourable the Mover.

The Railway Board is increasing the types and quantity of stores purchased through the Indian Stores Department on behalf of the State-managed railways. The Board meets the Chief Controller, Indian Stores Department, half-yearly to discuss and settle with him new items of railway stores, the purchase of which by State-managed railways through the agency of the Indian Stores Department should be made obligatory. The number of items bought through the Indian Stores Department is increasing year after year. To start off, the Indian Stores Department was not organised to take over the whole of the railway purchases. The Indian Stores Department itself feels that the process of taking over must be a gradual one. But the figures, which are published in the report, do show that there has been a very remarkable increase in the past six or seven years. Whereas in 1931-32 only 12½ per cent. of railway purchases were made through the agency of the Indian Stores Department, the figure has now risen to 41, and the process is going on. In the present year, 1937-38, copies of all Company-managed railways' home indents are being submitted to the Railway Board, and, with the assistance of the Indian Stores Department, are scrutinised, and the railways concerned asked to give Indian manufacturers an opportunity to quote in future for such items in their indents as are manufactured in India. In order to bring more work to Indian firms, Company-managed railways have been given an inducement to buy in India through a system of indemnification. If they pay more for

[Sir Thomas Stewart.]

the Indian article than they would have to do for the imported one, the Railway Board makes good the difference. There are, of course, limits to the amount of indemnification.

May I give the House, Sir, one or two examples in which the Railway Board have contributed towards the welfare of Indian industries. All orders for major bridge work, large bridges, such as the Ava, Willingdon, Broach, Sambhal, Sindh and later the Meghna Bridge, have been placed in India for construction by Indian firms. In 1936-37 we placed with Indian wagon building firms a three year programme of construction. Under the impetus given by standardisation we are now getting practically all our vacuum brake apparatus manufactured in India. There are one or two elements of the apparatus which are not capable of being manufactured in India, but I understand that a factory is being put up in Calcutta to remedy this defect. Permanent way fittings, tract, tools, etc., are now made in India and re-rolling industries have all been fostered by the policy of the Railway Board of making their purchases in India. It is true, Sir, that the Company-managed railways have not responded yet to the same extent as we had hoped they would, but there are signs that their response is growing, and the Railway Board may be relied upon to do everything in their power to induce the Company-managed railways to increase their purchases in India and through the Indian Stores Department.

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

"That the demand under the head 'Working Expenses—Expenses of General Departments' be reduced by Rs. 100."

The motion was adopted.

DEMAND No. 6-B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

Disregard of certain Recommendations of the Pope Committee.

Mr. B. Das (Orissa Division: Non-Muhammadan): I beg to move:

"That the demand under the head 'Working Expenses—Maintenance and Supply of Locomotive Power' be reduced by Rs. 50,00,000."

My reason for bringing forward this motion is that the Pope Committee's recommendations regarding the intensive use of locomotives, shutting down loco. sheds that are not much in use, have not been taken advantage of. I pointed out the other day that the high price of coal is due to raising more coal out of the railway collieries, and that if Government care to buy their coal from the market there would be good deal of saving. The Pope Committee condemned the use of heavy tractive force locomotives similar to XB engines on E. I. Railway but they are still being used. At the Public Accounts Committee the Chief Commissioner assured that more and more use would be made of light engines: although there would be less speed, there would be greater saving in cost of fuel apart from less wear and tear of the tracts and will result in further economy. When in the Budget I found this aspect had been ignored and the expenditure under the head had been kept at almost the same level as it was last year and

the year previous, it was most surprising. The Honourable Member for Communications is new to the Department and did not spot the assurances that were given by Sir Guthrie Russell in the Public Accounts Committee, and probably not having read the Pope Committee's report he did not know the recommendations made by that report for more intensive use of locomotives. There has been extravagance in use of coal, and extravagance in maintaining large number of locomotive sheds

Mr. President (The Honourable Sir Abdur Rahim): Which cut motion is the Honourable Member moving?

Mr. B. Das: No. 142 on the List, Sir; under Demand No. 6-B.

Mr. President (The Honourable Sir Abdur Rahim): But that Demand has not yet been moved by the Honourable the Railway Member. Order, order.

(It being Five of the Clock.)

DEMAND No. 1—RAILWAY BOARD.

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

"That a reduced sum not exceeding Rs. 8,99,800, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Railway Board'."

The motion was adopted.

DEMAND No. 2—AUDIT.

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

"That a sum not exceeding Rs. 14,37,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 3—MISCELLANEOUS EXPENDITURE.

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

"That a reduced sum not exceeding Rs. 18,07,900, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous Expenditure'."

The motion was adopted.

DEMAND No. 5—PAYMENTS TO INDIAN STATES AND COMPANIES.

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

"That a sum not exceeding Rs. 3,31,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

DEMAND NO. 6-A—WORKING EXPENSES—MAINTENANCE OF STRUCTURAL WORKS.

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

"That a sum not exceeding Rs. 7,26,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Maintenance of Structural Works'."

The motion was adopted.

DEMAND NO. 6-B—WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

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

"That a sum not exceeding Rs. 16,86,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

DEMAND NO. 6-C—WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

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

"That a sum not exceeding Rs. 5,74,35,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

DEMAND NO. 6-D—WORKING EXPENSES—MAINTENANCE OF FERRY STEAMERS AND HARBOURS.

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

"That a sum not exceeding Rs. 26,33,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Maintenance of Ferry Steamers and Harbours'."

The motion was adopted.

DEMAND NO. 6-E—WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

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

"That a sum not exceeding Rs. 9,89,85,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

DEMAND NO. 6-F—WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

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

"That a reduced sum not exceeding Rs. 3,86,99,900, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Expenses of General Departments'."

The motion was adopted.

DEMAND NO. 6-G—WORKING EXPENSES—MISCELLANEOUS EXPENSES.

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

"That a sum not exceeding Rs. 4,10,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

DEMAND NO. 6-H—WORKING EXPENSES—ELECTRIC SERVICE DEPARTMENT.

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

"That a sum not exceeding Rs. 3,53,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Electric Service Department'."

The motion was adopted.

DEMAND NO. 7—WORKING EXPENSES—APPROPRIATION TO DEPRECIATION FUND.

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

"That a sum not exceeding Rs. 12,57,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Working Expenses—Appropriation to Depreciation Fund'."

The motion was adopted.

DEMAND NO. 8—INTEREST CHARGES.

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

"That a sum not exceeding Rs. 2,63,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Interest Charges'."

The motion was adopted.

DEMAND No. 11—NEW CONSTRUCTION.

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

"That a sum not exceeding Rs. 54,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'New Construction'."

The motion was adopted.

DEMAND No. 12—OPEN LINE WORKS.

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

"That a reduced sum not exceeding Rs. 8,83,68,900, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Open Line Works'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 25th February, 1938.

LEGISLATIVE ASSEMBLY.

Friday, 25th February, 1938.

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

MEMBERS SWORN.

Mr. Leonard Burges Gilbert, M.L.A. (Government of India: Nominated Official.)

Mr. Harry Anderson Clifford Gill, M.L.A. (Government of India: Nominated Official.)

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

CORRESPONDENCE ABOUT DISPOSAL OF QUESTIONS OF JURISDICTION OF LEGISLATURES BY SPEAKERS OF FEDERAL LEGISLATURES.

490. ***Seth Govind Das**: Will the Honourable the Leader of the House be pleased to state:

- (a) whether Government have sent letters to the Governments of Canada, Australia and New Zealand, etc., enquiring as to how questions relating to the jurisdiction of the Federal and Provincial Legislatures are disposed of by the Speakers of the Federal Legislatures, especially when the Constitution Act does not specify any precise demarcation;
- (b) whether Government received replies thereto; and
- (c) whether Government will make these papers available to this House?

The Honourable Sir Nripendra Sircar: Government have had no correspondence with the Dominions on the subject. They have, however, obtained through the proper channels a statement of the position prevailing in Canada and Australia and a copy thereof is laid on the table

Statement.

The following two questions were put to the United Kingdom High Commissioners in Australia and Canada. It was explained, in putting the questions that they arose

out of the coming into force of the Government of India Act of 1935 with its provision for the statutory demarcation of powers between the Central and Provincial Legislatures.

(1) Is there any machinery which can be utilised for declaring *ultra vires* at the earliest stage Bills, particularly those of Private Members, which are either plainly, or alleged to be, outside the competency of the Legislature in which it is desired to introduce them: for instance, has the Speaker or Committee on Standing Orders any special powers in this connexion?

(2) If the practice is to deal with such questions on the floor of the House as questions of order, does the initiative rest with any Member or only with the Speaker or Members of the Government?

So far as the Commonwealth House of Representatives is concerned the reply received from Australia is as follows:

"No Standing Orders or other machinery exist in either the Commonwealth or the State Parliaments which can be utilised for declaring *ultra vires* at the earliest stage Bills which are outside the competency of the Legislature, because the Standing Orders have been adopted on the assumption that no legislation beyond the limits of the Constitution would be attempted.

It would, however, be in accordance with the principles of Parliamentary practice for the Speaker to take action, either when the motion for leave to introduce a Bill was made, or at first reading stage when the contents of the Bill are known, to rule the motion or measure out of order on the grounds that the Bill would initiate legislation outside of competency of the Parliament.

The initiative in raising the question of order could be taken by the Speaker, a Minister or any Member of the House.

It would, of course, be competent for the House to dissent from the Speaker's ruling."

So far as the Commonwealth Senate is concerned, the answer to question No. 1 is said to be in the negative. The reply given to question No. 2 was that the practice of the Senate would be for the matter to be dealt with as a question of order. The initiation in such a case would rest either with the presiding officer or with any Senator. The question would be determined in the first place by a ruling given by the presiding officer; but, as it is open to a majority of the Senate to dissent from any ruling, the ultimate decision might be that of the Senate itself.

The foregoing replies come from the Clerks of the House of Representative and of the Senate respectively, who stated that, to the best of their knowledge, the position would be the same in the case of the Parliaments of the several States of Australia.

Under the Standing Orders and rules of the House of Commons of Canada a public Bill is required to be read a second time before it is committed to one of the Standing Committees; and it would be open to any member on motion for the introduction of the Bill or second or third reading to raise a question as to the legislative competence of the Parliament of Canada to enact it. If objections to the Bill on constitutional grounds whether urged on motion for its introduction or second or third reading carried judgment of House the Bill would not of course be introduced or received second or third reading. A Public Bill, particularly a Government measure, may be passed even in the face of vigorous opposition based on constitutional objections. Questions of legislative competence often raise issues of nicety in the interpretation of the text of the British North America Act and of the decisions upon which lawyers well versed in constitutional law, not to speak of laymen, may, and frequently do, entertain different opinions. Hence, where Bills, though opposed on constitutional grounds, are nevertheless passed, the validity of the legislation becomes a matter for determination by the Courts in Proceedings in which the issue of legislative competence is raised.

The practice in Canadian Provincial Legislative Assemblies appears to be similar: that is to say the Standing Orders and rules and forms of proceedings of these bodies

do not provide any special procedure for determination of a question as to the legislative competence of the Provincial legislature to enact provisions of a Bill not objections to a Bill on the ground of constitutional incapacity to enact it can be raised and if raised the question whether they are to prevail would be settled in the last resort by a vote of the House.

The answer given from Canada to the second question is that the initiative of raising a question of order as to the competence of the Legislature to pass a proposed Bill would lie with any member of the House.

The result appears to be that practice and procedure in Canada and Australia—the two Dominions whose Constitution in this respect is most closely analogous to that of India—would appear to afford no warrant for any attempt to establish by Standing Orders or otherwise a position in India which would enable the presiding Officer of a Chamber of the Indian Legislative himself to rule out of order any Bill on grounds of it being *ultra vires*, but that there is ample precedent in both Dominions for raising such a question either as a point of Order or as a ground of objection to Bill and when such a question is raised the decision upon it is in the last resort that of the Chamber itself.

RELEASE FROM GOVERNMENT CONTROL OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

491. *Seth Govind Das: Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that the Imperial Council of Agricultural Research will in the immediate future free itself from the direct control of Government and function as a non-official body.
- (b) the average total annual cost of the Council, and for all its activities;
- (c) the amount contributed towards maintenance by the provinces as apart from that of Central Government's contribution;
- (d) since when the institution will be released from the control of the Central Government; and
- (e) what will be the exact position after being released from the control of the Central Government?

Sir Girja Shankar Bajpai: (a), (d) and (e). I would refer the Honourable Member to the answer to Mr. Muthuranga Mudaliar's question No. 354 answered on the 17th February, 1938.

(b) A statement showing the cost of the Imperial Council of Agricultural Research on its administrative side, and the grants made to it for research work from 1929-30 to 1936-37 is laid on the table of the House.

(c) Provincial Governments do not contribute to the funds of the Imperial Council of Agricultural Research. They do, however, contribute to individual schemes.

	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
(A) I. C. A. R. Department (Administration Side).	1,33,901	2,38,275	2,25,891	1,96,139	2,21,414	2,26,802	2,92,934	3,11,352
(B) (i) Grants for Agriculture and Animal Husbandry Research.	15,00,000 (First instal- ment of lump sum grant of 25 lakhs.)	5,00,000	5,00,000	5,00,000	5,00,000	5,00,000	5,00,000	23,56,400*
(ii) Grants for Sugar Re- search.	..	10,00,000	..	..	1,50,000	2,50,000 33,000†	2,50,000	1,75,000 2,80,000†

* Rs. 5,00,000 Annual recurring grant.

Rs. 10,00,000 Balance of lump sum grant of Rs. 25 lakhs.

Rs. 8,56,400 Special grant.

† For repairs to Mushari sugar research station.

‡ Special grant.

IMPOSITION OF QUOTA SYSTEM ON CERTAIN IMPORT TRADE INTO MALAYA.

492. *Seth Govind Das: Will the Commerce Secretary please state:

- (a) whether it is a fact that His Majesty's Government have imposed the quota system on certain import trade into Malaya with effect from the 1st January, 1938; and
- (b) the extent to which Indian trade with Malaya is likely to be affected as a result of the restricted quota system?

Mr. H. Dow: (a) Yes.

(b) Indian trade with Malaya will not be adversely affected by the quotas in question which do not apply to India.

LOSS TO INDIAN MERCHANTS DUE TO RENGOKAI DECISIONS OF THE JAPAN COTTON SPINNERS' ASSOCIATION.

493. *Mr. T. S. Avinashilingam Chettiar: Will the Commerce Secretary state:

- (a) whether Government have received representations from the Indian Merchants' Chamber drawing their attention to the Rengokai decisions of the Japan Cotton Spinners' Association;
- (b) what is the probable loss to the Indian merchants on account of these decisions; and
- (c) whether Government have taken any action in the matter?

Mr. H. Dow: The Honourable Member's attention is invited to starred question No. 345 by Mr. Manu Subedar and the answer given to it by me on the 17th February, 1938.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, if Government are satisfied that, according to the communiqué they have issued, that for cotton to be shipped under the 1937 contracts, the exchange permit will issue at current market rates?

Mr. H. Dow: Government are not aware of any orders to the contrary. The difficulties that have arisen have been merely due to the provision of exchange, and there has been no suggestion of repudiation of these contracts.

Mr. T. S. Avinashilingam Chettiar: Have Government received any representation from commercial bodies pointing out that permits are not issued according to 1937 contracts?

Mr. H. Dow: No, Sir.

Mr. Manu Subedar: Can the Honourable Member give us any further information since he gave a reply to my question.

Mr. H. Dow: No, Sir, I have no further information since replying to the Honourable Member's question a few days ago.

PRIVILEGES OF THE CENTRAL LEGISLATIVE ASSEMBLY.

494. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Law Member state:

- (a) whether the motion regarding the privileges of the House, passed by this House was considered by Government; and
- (b) if so, what action Government have taken in the matter?

The Honourable Sir Nripendra Sircar: (a) and (b). The Honourable Member is presumably referring to the adoption by this House of Sardar Sant Singh's amendment to the Resolution moved by me on the 23rd August, 1937. On this assumption he is referred to the reply given on the 29th September, 1937, to Mr. Satyamurti's starred question No. 878.

Mr. T. S. Avinashilingam Chettiar: Have they considered this matter?

The Honourable Sir Nripendra Sircar: Whether we have considered it or not is in the answer which I have given to Mr. Satyamurti.

REORGANISATION OF THE DEPARTMENT OF COMMERCIAL INTELLIGENCE AND STATISTICS.

495. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) whether there are any proposals to reorganise the Department of Commercial Intelligence and Statistics to make it more efficient and up-to-date; and
- (b) whether any steps have been taken in this direction?

Mr. H. Dow: (a) I would invite the Honourable Member's attention to pages 124—126 of the Proceedings of the meeting of the Standing Finance Committee held on the 11th February, 1937 which give the required information. A copy of these Proceedings is in the Library.

(b) An Economic Adviser to the Government of India has recently been appointed.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, apart from the appointment of an Economic Adviser, whether any actual steps have been taken in this direction?

Mr. H. Dow: No, Sir, no further steps have been taken yet.

Mr. Manu Subedar: Have Government decided to put the Department of Commercial Intelligence and Statistics under the Economic Adviser?

Mr. H. Dow: It is part of the department, of which the Economic Adviser will be the head.

RAISING OF THE PRICE OF COTTON.

496. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) whether any of the Provincial Governments have made any representations to the Government of India to take steps to raise the price of cotton;

- (b) whether they have made any recommendations in this matter other than imposition of import duties, if so, what are the recommendations; and
- (c) whether Government have come to any conclusion in the matter?

Mr. H. Dow: (a) Yes, Sir.

(b) and (c). No, Sir.

Mr. T. S. Avinashilingam Chettiar: Am I to understand, Sir, that the Provincial Governments have not given any other suggestions than the imposition of an import duty?

Mr. H. Dow: That is the answer I have given to part (b) of the question.

Prof. N. G. Ranga: What is the decision of the Government of India,—to accept the recommendations of the Provincial Governments?

Mr. H. Dow: The answer to part (c) of the question is "No, Sir".

Mr. T. S. Avinashilingam Chettiar: May I know whether Government expect to come to a conclusion before this Session of the Assembly is over?

Mr. H. Dow: On that I can give no information I am afraid.

Prof. N. G. Ranga: Have Government studied the Report submitted by the Sub-Committee appointed by the Indian National Congress on this particular subject?

Mr. H. Dow: That is a question, I think, which has already been answered in this House.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the marketing season will soon be coming, will Government consider the advisability of coming to a conclusion early?

Mr. H. Dow: Government will naturally come to a conclusion as soon as possible.

CREATION OF AN ALL-INDIA SUGAR CONTROL BOARD.

497. ***Mr. Manu Subedar:** Will the Secretary for Education, Health and Lands state:

- (a) whether there is a proposal to create an all-India Sugar Control Board on the lines of the Indian Central Cotton Committee;
- (b) what the personnel of such a Board will be;
- (c) what its functions will be; and
- (d) whether the Provincial Governments concerned have been consulted over it and whether they have agreed to the constitution and the functions of such a Board?

Sir Girja Shankar Bajpai: (a) to (c). I would invite the Honourable Member's attention to the answer given on the 1st of this month to Professor Ranga's unstarred question No. 6.

(d) Provincial Governments have been consulted but replies are not yet complete.

Prof. N. G. Ranga: In the meanwhile what has happened to the five lakhs of rupees set apart last year?

Sir Girja Shankar Bajpai: The disposal of that money will be considered in the light of the replies received.

Prof. N. G. Ranga: Is it the intention of the Government to set apart another five lakhs this year also, because last year during the Budget Session I remember the Honourable Member saying that this was to be an annual grant for a period of five years.

Sir Girja Shankar Bajpai: I think, Sir, for that my friend had better wait until tomorrow evening.

RELEASE FROM GOVERNMENT CONTROL OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

498. ***Mr. Manu Subedar:** (a) Will the Secretary for Education, Health and Lands state if there is any proposal before Government to abolish the Imperial Agricultural Research Council as a Department of the Government of India and to turn it into a semi-official body maintained by a grant from the Central Revenues?

(b) Do Government propose to consult the House before taking any decision on any such proposal?

Sir Girja Shankar Bajpai: (a) and (b). Attention of the Honourable Member is invited to my reply to starred question No. 354 asked by Mr. C. N. Muthuranga Mudaliar.

APPOINTMENT OF MR. SALT AS THE ENTOMOLOGIST TO THE GOVERNMENT OF INDIA.

499. ***Mr. Manu Subedar:** (a) Will the Secretary for Education, Health and Lands state if it is a fact that one Mr. Salt is going to be appointed for the post of entomologist under the proposed Sugar Control Board?

(b) If so, what are the terms and conditions under which he has to work, and what will be his functions?

(c) Is this the same Mr. Salt, whose appointment was turned down by the Imperial Agricultural Research Council at their last meeting?

(d) What were the reasons given for turning down his appointment, and how has it come about that a man, who was not found suitable for the same purpose, has now been chosen for the same kind of job?

Sir Girja Shankar Bajpai: (a) By the proposed Sugar Control Board, the Honourable Member presumably means the proposed Central Sugar Committee. There is no proposal to appoint Mr. Salt to any post under that Committee.

(b), (c) and (d). Do not arise.

Mr. Mohan Lal Saksena: Is there any other post to which Mr. Salt is going to be appointed?

Sir Girja Shankar Bajpai: I know only of proposals relating to my department and certainly there is no proposal to appoint Mr. Salt to any post so far as my department is concerned.

TRANSFER OF THE ADMINISTRATION OF CERTAIN VILLAGES TO THE JODHPUR AND UDAIPUR DARBARS.

500. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Law Member be pleased to state whether the attention of Government has been drawn to the public agitation in Merwara against the transference of the villages proposed to be transferred to the Darbars of Jodhpur and Udaipur?

(b) Has the attention of Government been drawn to the statement of Pandit Jawahar Lal Nehru on the subject, published in the *Hindustan Times* of the 4th February?

(c) Is it not a fact that a resolution was passed in the Provincial Political Conference held in January opposing the transference?

(d) What steps have Government taken to safeguard the political rights enjoyed by the people of these villages?

(e) Are Government prepared to reconsider their decision in view of the opposition of the people and not to transfer the administration of the villages to the two Darbars?

(f) What is the total amount of revenue derived from these villages and how much expenditure in administration will be reduced by the transference of these villages?

(g) What is the total number of villages and the population of the villages?

The Honourable Sir Nripendra Sircar: (a) to (d). I would refer the Honourable Member to the Press Communiqué which was issued to the Press for publication on the 3rd February, 1938, copies of which are available in the Library of the House.

(e) No, Sir.

(f) Rs. 77,000 and Rs. 1,000 (approximately) per annum respectively.

(g) 118 and 53,386 respectively.

Mr. Mohan Lal Saksena: May I know what steps Government took to consult non-official opinion on this question?

The Honourable Sir Nripendra Sircar: I submit it does not arise from this question. If my friend gives me notice, then I can inquire and give more details.

Mr. Mohan Lal Saksena: It arises from (c).

The Honourable Sir Nripendra Sircar: (c) asks whether a Resolution was passed in the Provincial Political Conference. That does not enable me to answer his question as to what steps have been taken by Government to consult public opinion.

Seth Govind Das: Are Government aware that public opinion was and is against this transfer?

The Honourable Sir Nripendra Sircar: That is my friend's opinion, I know.

Seth Govind Das: Does the Honourable Member know that public opinion is against this transfer?

The Honourable Sir Nripendra Sircar: I do not admit it, simply because my friend says so.

Mr. K. Santhanam: May I know if there is any proposal to transfer further villages?

The Honourable Sir Nripendra Sircar: I must ask for notice.

Mr. Mohan Lal Saxena: With reference to part (a) of the question, there is no reference in the communiqué about this—whether the Government have taken any steps to consult public opinion?

The Honourable Sir Nripendra Sircar: The answer is 'Yes'.

EXCISE DUTY ON SUGAR.

501. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Commerce Secretary state the total amount of excise duty collected on sugar since the duty was imposed?

(b) Have any, and if so which, of the sugar factories been closed during the year 1937-38?

(c) In view of the agreement not to export sugar, do Government propose to consider the abolition of the duty?

(d) Is any portion of the duty earmarked for research in sugar-cane production and subsidy to cane-growers associations?

(e) What is the amount, if any, granted to the Madras Presidency during the year 1937-38 for cane research and to help cane-growers there, and how was it spent?

Mr. H. Dow: The question should have been addressed to the Honourable the Finance Member.

GRANT TO THE MADRAS PRESIDENCY FOR HELPING THE HANDLOOM INDUSTRY.

502. ***Mr. M. Ananthasayanam Ayyangar:** Will the Commerce Secretary state the amount which was granted to the Madras Presidency during 1937-38 to help to handloom industry, and how was it spent by the Government of that Province?

Mr. H. Dow: Rs. 68,800.

Government have no information as to how the money is being spent as reports for the current year 1937-38 will not be available till next year.

Mr. M. Ananthasayanam Ayyangar: May I know whether any directions have been given by the Central Government as to how this money ought to be spent by the Provincial Governments?

Mr. H. Dow: Yes, Sir.

Prof. N. G. Ranga: Is there any proposal to increase this grant?

Mr. H. Dow: I am not aware of any such proposals.

Maulvi Abdur Rasheed Chaudhury: May I know if any grant has been given to Assam?

Mr. H. Dow: I shall require notice of that. I think there has been a grant to Assam but I cannot tell the amount off-hand.

Prof. N. G. Ranga: May I know whether at the last Conference of Provincial Representatives they wanted an increase of this grant for the handloom industry?

Mr. H. Dow: I cannot remember, but I should think it very likely. My experience of these conferences is that provincial representatives always want more.

NEGOTIATIONS REGARDING THE TUNGABHADRA PROJECT.

503. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Labour Secretary state at what stage are the negotiations regarding the Tungabhadra irrigation project in the Madras Presidency?

(b) Have any agreements been reached between Hyderabad and Mysore States and the Bombay and Madras Governments? If so, what are the terms? If not, what are the points of difference?

(c) What may be the cost of the project, and do the States contribute any portion of the cost?

Mr. A. G. Clow: (a) and (b). The Honourable Member is referred to the reply which I gave on the 14th February to parts (a) to (d) of Prof. N. G. Ranga's question No. 242.

(c) The cost of the headworks is estimated at nearly 8½ crores to be shared equally between the Governments of Madras and Hyderabad. The cost of the canals in British India, estimated at about 8½ crores, is to be borne by the Government of Madras.

Prof. N. G. Ranga: In view of the fact that the area covered by this project has had to suffer from famine for very many years, will the Government of India consider the advisability of themselves taking up the initiative in bringing about an agreement between these contending Governments?

Mr. A. G. Clow: In answer to the Honourable Member's previous question, I pointed out that negotiations between Madras and Hyderabad are in progress and will be continued during the summer and the Government of India see no need to take any further action.

Mr. M. Ananthasayanam Ayyangar: May I know how long the negotiations have been going on.

Mr. A. G. Clow: They were certainly in progress last year.

Mr. M. Ananthasayanam Ayyangar: When does the Honourable Member expect the negotiations to conclude?

Mr. A. G. Clow: I am not in a position to say.

Mr. M. Ananthasayanam Ayyangar: Will it conclude before the end of the year?

Mr. A. G. Clow: I am unable to say.

Mr. M. Ananthasayanam Ayyangar: Will the Government consider the advisability of referring the matter to the Governor General for settlement if no agreement is arrived at between Madras and Hyderabad?

Mr. A. G. Clow: That is a hypothetical question.

ASSIGNMENT OF SITES IN NEW DELHI BY PUBLIC AUCTION.

504. ***Mr. K. Santhanam:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether any sites in New Delhi have been assigned during the last two years by any method except public auction; and

(b) whether there is any proposal to assign such sites without public auction?

Sir Girja Shankar Bajpai: (a) and (b). Information has been asked for and will be furnished to the House when available.

Mr. Lalchand Navalrai: May I know if any minimum price is fixed for the sale of these sites?

Sir Girja Shankar Bajpai: These matters are regulated by the Land Development Officer under the direction of the Chief Commissioner, so far as I know there is no minimum price fixed.

Mr. K. Santhanam: Is it the general rule to allot sites by public auction?

Sir Girja Shankar Bajpai: Yes.

Mr. K. Santhanam: Have there been any exceptions to this rule?

Sir Girja Shankar Bajpai: If there have been, they have been in accordance with the declared policy of Government.

Mr. Manu Subedar: Have there been any complaints of favouritism in the allotment of plots in New Delhi.

Sir Girja Shankar Bajpai: Complaints of favouritism would only arise if there had been any deviation from Government policy.

Seth Govind Das: May I know if any plots have been sold without auction?

Sir Girja Shankar Bajpai: I am getting information as to whether any plots have been sold in that way.

COMPETITION BETWEEN BRITISH AND INDIAN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

505. ***Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

(a) whether his attention has been drawn to a leading article in the *Hindustan Times*, dated the 3rd February, 1938, under the heading "Indian shipping in Haj Traffic;

(b) whether it is a fact that when the Scindia steamers, the *El Medina* and the *Englestan*, were taking pilgrims from Karachi, the "Mogal line"—a British concern—reduced the return fare from Karachi to Jedda from Rs. 172 to Rs. 20;

(c) whether it is a fact that the fares were raised soon after the Scindia steamers had left; and

(d) what steps Government have taken to stop this ruinous and uneconomic rate cutting?

Sir Girja Shankar Bajpai: (a) Yes.

(b) to (d). The attention of the Honourable Member is invited to the reply given by me to parts (a) and (b) of starred question No. 350 on the 17th February, 1938, and to the supplementaries arising out of that question.

Mr. Abdul Qaiyum: Is it a fact that the fares were raised as soon as these steamers left? I think this question has not been answered.

Sir Girja Shankar Bajpai: What I said was that Government had seen press reports to the effect that there had been changes in the fares but that they did not get any formal representation from the interests concerned.

Mr. Abdul Qaiyum: After seeing the press reports, did Government inquire whether the allegations were correct.

Sir Girja Shankar Bajpai: My answer to this question is covered by what I said in answer to a supplementary by Mr. Chaudhury, namely, that it is for the interests concerned to make representations to the Government first.

Mr. Abdul Qaiyum: With reference to (b), do Government propose to take any action at all.

Sir Girja Shankar Bajpai: Government will not move in the matter unless they have formal representations from the interests concerned.

Prof. N. G. Ranga: Why not?

Mr. F. E. James: Is it not a fact that this ruinous and uneconomic rate cutting was actually started by the Scindia Company?

Sir Girja Shankar Bajpai: That, I think, is asking for an expression of opinion.

Mr. F. E. James: It is a fact.

RESOLUTIONS PASSED BY PROVINCIAL LEGISLATURES AGAINST THE ESTABLISHMENT OF FEDERATION.

506. ***Sardar Mangal Singh:** Will the Honourable the Law Member please state:

(a) which Provincial Governments have informed the Government of India that their Legislatures have passed resolutions against the establishment of Federation as envisaged in the Government of India Act, 1935;

(b) whether the Government of India have forwarded such representations to His Majesty's Government in the United Kingdom; and

(c) whether they have given any remarks while forwarding those resolutions and if so, what their nature is?

The Honourable Sir Nripendra Sircar: (a) The Government of Madras.

(b) and (c). The Provincial Government requested the Government of India to forward copies of the Resolutions adopted by the Legislative Assembly and the Legislative Council to the Secretary of State, and this has been done.

Mr. Badri Dutt Pande: Have the Government of India made any recommendation?

The Honourable Sir Nripendra Sircar: I am not prepared to disclose whether any recommendation has been made but I am not aware that any recommendation has been made.

Sardar Mangal Singh: Have the Government of India, while forwarding the Resolutions, mentioned the fact that the Indian National Congress, the Moslem League and the Mahasabha are all against Federation?

The Honourable Sir Nripendra Sircar: We have said nothing about the Indian National Congress or the Mahasabha or any other bodies.

Mr. Mohan Lal Saksena: Have Government received any representation from the U. P. Government?

The Honourable Sir Nripendra Sircar: I have answered that question.

Mr. K. Santhanam: May I know whether any of the Provincial Governments have requested the Government of India to support its attitude towards Federation?

The Honourable Sir Nripendra Sircar: That is covered by my answer.

Mr. Mohan Lal Saksena: Has any Provincial Legislature supported the Federation?

The Honourable Sir Nripendra Sircar: I want notice.

Mr. Mohan Lal Saksena: What about Bengal?

(No reply.)

ELECTIONS TO THE FEDERAL COUNCIL OF STATE.

507. ***Sardar Mangal Singh:** Will the Honourable the Law Member please state:

(a) whether Government have issued, or propose to issue, instructions to the Provincial Governments regarding the preparation of the electoral rolls of the Federal Council of State; and

(b) whether the general elections of the Federal Council of State will be held this year; if not, whether they will be held next year?

The Honourable Sir Nripendra Sircar: No instructions have been issued to the Provincial Governments for the preparation of the electoral rolls of the Federal Council of State; but I am not in a position to make any statement on the other points raised by the Honourable Member.

Mr. Lalchand Navalrai: May I know if any instructions have been given for the preparation of rolls for the Central Legislative Assembly?

The Honourable Sir Nripendra Sircar: That is not in the question.

Mr. Lalchand Navalrai: It arises out of the question. Is it "yes" or "no"?

The Honourable Sir Nripendra Sircar: It does not arise out of the question. I can neither say "no" nor "yes"; my submission is that the question was directed to the subject of the Council of State, and I have given all the information possible.

AMALGAMATION OR TRANSFERENCE OF BUSINESS BY LIFE INSURANCE COMPANIES.

508. ***Sardar Mangal Singh:** Will the Commerce Secretary please state:

- (a) the number of life Insurance Companies which had amalgamated or had transferred their businesses during the last ten years;
- (b) the number of life Insurance Companies which have notified to the Government of India their intention to amalgamate or transfer their business since 27th January, 1937;
- (c) whether it is a fact that the common cause of such amalgamation or transference of business had been the fact of their being defaulters in the matter of payment of deposits;
- (d) whether it is a fact that the directors of those life insurance companies which have notified their intention to Government but have not yet been able to go through all the legal formalities are being threatened with prosecution for being defaulters in the matter of payment of their deposits; and
- (e) whether the Companies under amalgamation are required to complete their separate deposits; if so, whether Government have considered that in that case almost all such Insurance Companies would be forced to go into liquidation?

Mr. H. Dow: On the assumption that the Honourable Member is referring only to insurance companies incorporated in British India, the answers so far as Government are aware, are as follows:

- (a) None.
- (b) Five.
- (c) Yes.

- (d) Default in respect of deposits and consequently Government's warning of legal action against the Directors, etc., usually occur before, and not after, the announcement of the Company's intention to amalgamate.
- (e) The answer to the first part of the question is in the affirmative. The second part of the question is a matter on which Government have no desire to express an opinion.

Mr. M. Ananthasayanam Ayyangar: Will Government consider the desirability of postponing the demand for deposits until the new Act comes into force?

Mr. H. Dow: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Have not Government received a representation from the various companies that they are unable to comply with this demand for deposits to such a large extent, that they are likely in many cases to amalgamate with other companies, and that they want time to pay this deposit until the amalgamation is made?

Mr. H. Dow: Under the new Act, a deposit is also required.

Mr. M. Ananthasayanam Ayyangar: Are Government aware that under the new Act the deposit instead of thirty-three and one-third per cent. has to be paid in instalments of particular, definite amounts?

Mr. H. Dow: I am afraid that does not absolve Government from the duty of enforcing the existing Act until the new Act comes into force.

Mr. M. Ananthasayanam Ayyangar: Are not Government aware that by their insistence on making immediate deposits they will force some of the smaller companies to go into liquidation?

Mr. H. Dow: No, Sir, Government are not aware of that.

COMING INTO FORCE OF THE INSURANCE ACT, 1938.

509. ***Sardar Mangal Singh:** Will the Commerce Secretary please state:

- (a) when the Insurance Act, 1938, will come into force; and
(b) when the rules made thereunder will be laid before both the Chambers of the Central Legislature?

Mr. H. Dow: (a) and (b). No decision has yet been taken on these matters.

Seth Govind Das: When is it expected to be done—before the conclusion of this Session?

Mr. H. Dow: I am afraid I can give no opinion on that matter.

APPOINTMENT OF MR. SARGENT AS THE EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

510. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that Mr. Sargent, Director of Education in the Essex County Council, has been appointed as Educational Commissioner, in succession to Mr. Parkinson? If so, on what terms?

(b) What are the duties of the Educational Commissioner, and what are the emoluments of the post?

(c) Was the post either advertised in India or England? If so, were any applications received, and were they considered by the Public Services Commission?

(d) Has Mr. Sargent been given a much higher salary than Mr. Parkinson? If so, how much?

Sir Girja Shankar Bajpai: (a), (c) and (d). Government are not yet in a position to make any statement regarding the appointment of a successor to the present Educational Commissioner.

(b) To advise and assist the Government of India in educational matters.

Mr. Lalchand Navalrai: May I know if the question whether an Indian should be appointed is also under consideration?

Sir Girja Shankar Bajpai: Every relevant consideration is under examination.

Mr. Mohan Lal Saksena: Is no correspondence going on between Mr. Sargent and the Government of India?

Sir Girja Shankar Bajpai: I have already said that I can make no statement in the matter because, as my Honourable friend is aware, while the selection for this appointment is in the consideration stage, it is confidential, and it is contrary to the public interest to make any statement.

Mr. Abdul Qaiyum: Are Government prepared to state that no Englishman will be appointed to this post?

Sir Girja Shankar Bajpai: I can add nothing to the statement I have made.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that sometime ago the Honourable the Home Member, in reply to a question of mine, stated that instructions had been issued to all the Departments that unless no Indian of the requisite qualifications was available, no European would be appointed?

Sir Girja Shankar Bajpai: The Honourable Member may rest assured that the declaration of policy referred to by the Honourable Member will be borne in mind by Government.

Prof. N. G. Ranga: Will Government advertise for this post?

Sir Girja Shankar Bajpai: This post has never been advertised in the past and is not likely to be advertised in the future.

Mr. M. Asaf Ali: Why not?

Sir Girja Shankar Bajpai: Because an officer with administrative experience is required.

Mr. Mohan Lal Saksena: Are Government aware that in the *Amrita Bazaar Patrike* a news has appeared that the Government are corresponding with one Mr. Sargent?

Sir Girja Shankar Bajpai: I am not responsible for statements which appear in the press, Sir.

Mr. T. S. Avinashilingam Chettiar: Are Government in a position to deny that?

Sir Girja Shankar Bajpai: I would refer the Honourable Member to the answer I have already given on this subject.

Dr. Sir Ziauddin Ahmad: May I know how many changes have been made in this office during the last five years?

Sir Girja Shankar Bajpai: Two, I believe.

Mr. Abdul Qaiyum: What steps are being taken with a view to preventing the appointment of a foreigner?

Mr. K. Santhanam: Do the Government of India think that it is essential to continue this post?

Sir Girja Shankar Bajpai: Yes, Sir.

Mr. Mohan Lal Saksena: When is the appointment likely to be made?

Sir Girja Shankar Bajpai: The vacancy does not occur till November.

Prof. N. G. Ranga: Will the Central Advisory Board of Education be consulted in making this appointment?

Sir Girja Shankar Bajpai: That Board does not meet until December next.

Mr. Abdul Qaiyum: Is the Honourable Member not aware that Indians now refuse to be educated by foreigners any more?

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

PRODUCTION OF PETROL IN INDIA.

511. ***Mr. Lalchand Navalrai:** (a) Will the Commerce Secretary be pleased to state if there are possibilities of production of petrol in India?

(b) Have Government made any research to find out places in India where petrol could be dug out? If so, which are those places?

(c) What is the production of petrol in India itself and Burma, respectively, in comparison to its importation from outside India?

Mr. A. G. Olow: (a) Yes. Petrol is produced in considerable quantities in India.

(b) Petrol is not a natural product and is extracted from petroleum (crude mineral oil) and from natural gas. It is produced from wells in the Attock district of the Punjab and in the Lakhimpur district of Assam. The Geological Survey have made a study of the oil-fields of India and the results are given in the Memoirs of the Geological Survey of India, Volume XL, parts 2 and 3.

(c) The production of petrol, including benzine and other dangerous spirit, during the year 1936, amounted to 16,731,000 gallons in India and 77,797,000 gallons in Burma. The imports of dangerous petroleum, that is petroleum flashing below 76°F., including petrol, benzine and benzol, amounted to 1,959,000 gallons, the quantity imported into Burma being negligible.

Mr. Lalchand Navalrai: May I ask the Honourable Member if he can tell me which are those places in view now for the research? Have these places been spotted, at which work is to be done?

Mr. A. G. Olow: I am afraid I cannot follow the Honourable Member's question.

Mr. Lalchand Navalrai: The Honourable Member said that there are some places in the Punjab where this petrol comes from. I am asking—in India, are there any other places also in view which may be investigated into?

Mr. A. G. Olow: The interests concerned are always on the lookout for fresh sources of supply either in fresh areas or by going to town horizons.

Mr. Lalchand Navalrai: Is the Honourable Member in a position to tell me those places which are in view?

Mr. A. G. Olow: The Honourable Member will have to apply to the enterprises concerned.

Mr. Manu Subedar: In view of the military importance of petrol and the possible termination of arrangements with Burma in future, may I ask what steps the Government are taking to have the production of petrol in India increased? Are Government taking any active steps in the matter?

Mr. A. G. Olow: The amount of petrol production naturally depends on the state of the markets and on exploration.

Mr. M. Ananthasayanam Ayyangar: Are Government trying to take up the production of petrol departmentally?

Mr. A. G. Olow: No, Sir.

APPOINTMENT OF A COMMISSION TO ENQUIRE INTO THE QUESTION OF MARRIAGE BETWEEN EUROPEANS AND ASIATICS IN SOUTH AFRICA.

512. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is the Education Secretary aware that the Government of the Union of South Africa have appointed a Commission to enquire into the question of marriage between Europeans and Asiatics?

(b) Is it a fact that during the last three years the total number of marriages between the Europeans and the Asiatics was only 14 or thereabout, and that this figure shows a decrease of three when compared with that of the previous three years?

(c) Is it a fact that out of two million Europeans in South Africa only five persons a year contracted mixed marriages?

(d) Have Government instructed the Agent General to take up a strong attitude in the matter?

(e) If not, do Government propose to do so now?

Sir Girja Shankar Bajpai: (a) I lay on the table a copy of the terms of reference to the Mixed Marriages Commission which has been appointed by the Government of the Union of South Africa.

(b) and (c). The South African Indian Congress stated in evidence before a Select Committee of the Union House of Assembly in March, 1937 that they knew of only 14 marriages between Europeans and Asiatics in the Transvaal of which five were contracted after 1930.

(d) and (e). Both the Government of India and the Agent General have informed the Union Government that in their view there was no necessity for the appointment of such a Commission.

Terms of reference to the Mixed Marriages Commission appointed by the Government of the Union of South Africa.

That a Commission be appointed to investigate and report upon the question of marriages in the Union between Europeans and non-Europeans and to determine whether :

- (1) such marriages are on the increase or are likely to increase; and
 - (2) are sufficiently numerous to be seriously detrimental to the welfare of the Union and the future composition of the population;
- and to recommend whether it is necessary that any further steps should be taken to discourage such marriages.

Maulana Zafar Ali Khan: May I know whether there is a tendency on the part of the Union Government of South Africa to prevent mixed marriages between Europeans and Asiatics, not on the plea of religion, but on the plea of the bar of colour?

Sir Girja Shankar Bajpai: I have no doubt, Sir, that the prejudice against mixed marriages in South Africa is racial.

Seth Govind Das: Are Government aware that Mr. Kaji, Secretary of the South African Indian Congress, had given assurances to the Union Government that the European girls in the service of Indians there would be dismissed, and asked that this Commission which was going to be appointed should not be appointed, and that on that assurance the Union Government had agreed not to appoint a commission, and in spite of it they have appointed this Commission?

Sir Girja Shankar Bajpai: Sir, this Commission relates to mixed marriages and not to the employment of Europeans by Asiatics.

Seth Govind Das: Is the Honourable Member not aware that the reason why this Commission was to be appointed was that the Europeans were in the service of Indians and the Government were afraid that the European girls would get married by Indians, and on the assurance of Mr. Kaji it was decided, at that time, that no Commission on the question of mixed marriages would be appointed and the Union Government has gone back upon that assurance?

Sir Girja Shankar Bajpai: I recognise that my Honourable friend, after his recent visit to South Africa, has acquired a great deal of knowledge about local circumstances, but he will permit me to say that in this particular case he is rather mixing up two matters.

Seth Govind Das: I shall again ask the Honourable Member whether it is not a fact that the Union Government had given an undertaking to Mr. Kaji and it was on account of that assurance that no Commission on the question of mixed marriages was appointed?

Sir Girja Shankar Bajpai: If my Honourable friend will take the trouble to refresh his memory on what happened last year in South Africa, he will realise that there were two Select Committee appointed by the Union Houses of Parliament, one to deal with the question of mixed marriages and the other to deal with the question of employment of Europeans by Asiatics. The two matters are entirely distinct.

Seth Govind Das: And after that assurance it was decided that this Commission will not be appointed: is the Honourable Member aware of that fact?

Sir Girja Shankar Bajpai: I am not aware of that fact.

Seth Govind Das: Will the Honourable Member write to the Union Government to ascertain whether it is a fact or not?

Sir Girja Shankar Bajpai: If my Honourable friend will furnish me evidence in support of the statement that the Union Government had made such a promise, I will take up the matter with the Union Government.

Mr. T. S. Avinashilingam Chettiar: Have the Government received any replies to the representation?

Sir Girja Shankar Bajpai: The fact that the representation that there should be no Commission has not been accepted is evident from the fact that the Commission has been appointed.

Mr. Abdul Qaiyum: What is the attitude of the Government of India towards these marriages?

Sir Girja Shankar Bajpai: That does not arise out of this question.

DIRECTORSHIP OF THE INDIAN INSTITUTE OF SCIENCE.

513. ***Mr. C. N. Muthuranga Mudaliar:** Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that the offer of Directorship of the Indian Institute of Science was made to Rao Bahadur Venkatesachar long before the Council decided to remove Mr. C. V. Raman from the Directorship;
- (b) whether it is a fact that he was, in the alternative, offered the Professorship of Physics and Dr. Fowler the Directorship;
- (c) whether these two gentlemen voted for the removal of Mr. C. V. Raman; and
- (d) whether it is a fact that Mr. Venkatesachar has not got even a Doctorate in research?

Sir Girja Shankar Bajpai: (a) and (b). Government have no information. (c) The Council of the Institute unanimously decided that Mr. C. V. Raman should not remain as Director of the Institute.

(d) Yes. Rao Bahadur Venkatesachar has, however, been appointed Officiating Director as a purely temporary measure, pending the appointment of a permanent Director.

Mr. C. N. Muthuranga Mudaliar: What is the answer to part (d)?

Sir Girja Shankar Bajpai: I have said that he has been appointed as a temporary measure only pending the appointment of a permanent Director.

Mr. K. Santhanam: Has that gentleman got a Doctorate in Research?

Sir Girja Shankar Bajpai: He may not have a Doctorate in Research. If he had the Doctorate in Research, possibly he would have been appointed permanently and not temporarily.

Mr. K. Santhanam: Has he got any qualification for carrying out even temporary research?

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow such personal questions to be put. The qualifications of individual persons cannot be discussed in this manner on the floor of the House.

PHYSICS LABORATORY IN THE INDIAN INSTITUTE OF SCIENCE.

514. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state where the Physics laboratory is situated at present in the Indian Institute of Science?

(b) Is it proposed or is it under contemplation to remove it to the workshop? If so, what are the reasons? Who is in charge of the Physics Department at present, and is he being consulted about the removal?

(c) Is there any University or place of research in India where the Physics laboratory is situated in a workshop?

Sir Girja Shankar Bajpai: Government have no information, except that Sir C. V. Raman is in charge of the Physics Department.

Mr. C. N. Muthuranga Mudaliar: Is it not a fact that the Physics Laboratory is going to be removed from its present site to a different place?

Sir Girja Shankar Bajpai: I should like to submit, Sir, for the consideration of the House the fact that this is an Institute which is only in receipt of a grant-in-aid from the Government of India and that Government ought not and cannot make themselves responsible for its day to day administration. I am not prepared to make the inquiry.

Mr. C. N. Muthuranga Mudaliar: If the authorities are not carrying on the administration of the Institute properly, is it not the duty of the Government to stop the grant that is given to it?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument. I cannot allow this matter to be discussed now.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Physics Department was opened in the Institute after the appointment of Professor Raman?

Sir Girja Shankar Bajpai: That is so.

(Some Honourable Members wanted to put more questions about Sir C. V. Raman.)

Mr. President (The Honourable Sir Abdur Rahim): I must point out that further discussion of this nature now is undesirable.

Mr. M. Ananthasayanam Ayyangar: Sir, we feel strongly in the matter and an adjournment motion is also going to be moved on this very subject.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can move an adjournment motion if he likes, but I cannot allow a discussion of this kind during question hour.

CRITICISMS OF THE IRVINE COMMITTEE REPORT.

515. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that Sir C. V. Raman submitted a criticism of the Irvine Committee Report? Will Government please lay a copy of it on the table of the House? If not, will they kindly state their reasons?

(b) Is it not a fact that the Government of Mysore held that the Irvine Committee drew a picture darker than the circumstances warranted?

Sir Girja Shankar Bajpai: (a) Sir C. V. Raman's comments on the Irvine Committee Report are regarded as confidential and Government are not prepared to lay a copy thereof on the table of the House.

(b) The views of the Mysore Government also are regarded as confidential.

Mr. K. Santhanam: When the Government of India have considered it advisable to publish the Irvine Committee Report, why should they not also publish Sir C. V. Raman's comments on it?

Sir Girja Shankar Bajpai: I do not think that the Government of India can be accused of having been guilty of any unfairness in publishing only those documents which they thought would serve the object of securing a more peaceful atmosphere at the Institute.

REDISTRIBUTION OF UNIVERSITIES FOR REPRESENTATION ON THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE.

516. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the Sewell and Irvine Committees recommended a more equitable distribution of Universities than exists at present for purposes of representation on the Council of the Indian Institute of Science, Bangalore?

(b) Is it not a fact that at present the Northern group consists of three Universities, the Central seven, the Eastern two and Southern five? When was this distribution made, and do Government propose to consider the desirability of redistributing in accordance with the changed conditions?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The grouping of Universities for representation on the Council of the Indian Institute of Science, Bangalore, has recently been changed. According to the new arrangement, the North Western and North Eastern groups include three Universities each and the Central and Southern groups six Universities each.

STRIKES AND LOCK-OUTS IN MILLS OF DELHI.

517. ***Mr. Sri Prakasa:** Will the Labour Secretary state:

- (a) if it is a fact that there have been for some time past strikes or lock-outs or both in some of the mills at Delhi;
- (b) if any official or non-official agencies have maintained any censorship on the press so that news regarding these may not be published;
- (c) what the exact situation at the present moment is and what the causes have been that have led to these troubles;
- (d) what action, if any, Government have taken to bring about an amicable understanding in the interest of all concerned; and
- (e) what assistance, if any, Government have given by supplying policemen and other official agencies in this connection, and in whose interest this has been done?

Mr. A. G. Clow: (a) A dispute has been in progress in the Birla Mills.

(b) There has been no official censorship and I have no information of any non-official agency exercising a censorship, but the Honourable Member is possibly in a better position than I am to ascertain the facts.

(c) The mill is working with more than half its strength. The immediate cause of the strike was intensive agitation on the part of certain persons but a series of twelve demands were formulated shortly before the strike: the bulk of these related to questions affecting remuneration.

(d) This is a matter for the Chief Commissioner who has kept in close touch with both parties through the Superintendent of Industries.

(e) The Chief Commissioner has afforded police protection since 14th February to those who wished to work.

Prof. N. G. Ranga: Is it not a fact that in spite of the fact that the strike has been going on for the last one month, both the United Press and the Associated Press have been gagged and prevented from publishing the news of the strike or the sufferings of these people whenever any reports were made to them?

Mr. A. G. Clow: Not by the Government of India. I can only suggest, as I suggested to my Honourable friend, Mr. Sri Prakasa, that the Honourable Member is in a better position to ascertain the facts.

Prof. N. G. Ranga: Then, why is it that the Government have not so far used their good offices to bring about a settlement between these two contending parties in the strike although the strike has been going on for the last one month?

Mr. A. G. Clow: I would refer the Honourable Member to the answer I gave to part (d) of the question.

Mr. Mohan Lal Saxena: Has the attention of the Honourable Member been drawn to the recommendations of the Bombay Textile Committee regarding the wages?

Mr. A. G. Clow: I fail to see the connection between that and the present question.

Mr. N. M. Joshi: May I ask whether the Government of India will make inquiries as regards the prevailing rates of wages in Delhi?

Mr. A. G. Clow: No, Sir, I see no need for it: besides, that question hardly arises out of this.

Bhai Parma Nand: Is it not a fact that most of the workers have gone back to the Mills except a few people who are bent on mischief?

Mr. A. G. Clow: I said in reply to part (c) that the mill, I understand, is working with more than half the strength.

Mr. T. S. Avinashilingam Chettiar: Has any of the parties concerned made representation to the Government of India to take action under the Trades Disputes Act?

Mr. A. G. Clow: No formal application was received. A suggestion was, I think, received but the matter is not one for the Governor General in Council.

Dr. Sir Ziauddin Ahmad: In connection with the supplementary question asked by Prof. Ranga in which he said that the local papers only published the view point of the employers and not that of the labourers, will the Government take steps to see that the labourers' view point is properly published?

Mr. A. G. Clow: I am not aware that the local papers have published the view points of either party.

Mr. K. Santhanam: May I know whether in view of the fact that the news agency is subsidised by the Government of India, they are not bound to supply information about such public matters to the Government of India?

Mr. A. G. Clow: Obviously news agencies must exercise discretion as to what matters are likely to interest their readers.

Mr. K. Santhanam: Have they been supplying any information on this point?

Mr. A. G. Clow: The news agencies supply to the newspapers and not to me.

Mr. K. Santhanam: Do not the Government of India get copies of the news supplied to newspapers?

Mr. A. G. Clow: I do not see the news agencies' reports.

Mr. N. V. Gadgil: In the interest of industrial peace in this country will the Government take steps to bring about a settlement between the parties concerned?

Mr. A. G. Clow: I would refer the Honourable Member to the reply I gave to part (d).

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

Mr. Sri Prakasa: Is it a fact that there have been *lathi* charges?

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

UNSTARRED QUESTION AND ANSWER.

ACQUISITION OF LAND AND PROPERTY IN CONNECTION WITH THE OLD DELHI CITY IMPROVEMENT.

43. **Khan Sahib Nawab Siddique Ali Khan:** Will the Education Secretary please state whether it is a fact that under the Land Acquisition Act Government can acquire only such land or property as is necessary for a public purpose? If so, do Government propose to allay the fears of the public regarding the wholesale acquisition of land and property in connection with the Old Delhi City Improvement?

Sir Girja Shankar Bajpai: Enquiries have been made, and a reply will be furnished to the House in due course.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 820, asked by Mr. Mohan Lal Saksena on the 27th September, 1937.

GOVERNMENT ADVERTISEMENTS GIVEN TO NEWSPAPERS.

- (a) Rs. 53,889/12/-.
- (b) The names of the newspapers are given in the annexure to this reply.
- (c) The circulation of most newspapers in India is known only to their proprietors. It is believed that about 30 of the newspapers named have a circulation of over 5,000.
- (d) In default of accurate information it is not possible to say which newspaper has the lowest circulation. Three newspapers named are believed to have a circulation of about 500 and the payment of these newspapers amounted to Rs. 942/12/-, Rs. 24/- and Rs. 30/-.

ANNEXURE.

The Hindustan Times, Delhi
 The Hitavada, Nagpur.
 The Eastern Times, Lahore.
 The Civil and Military Gazette, Lahore.
 The Leader, Allahabad.
 The Khyber Mail, Peshawar.
 The Hindu, Madras.
 The Statesman, Calcutta.
 The Star of India, Calcutta.
 The Pioneer, Lucknow.
 The Times of India, Bombay.
 The Madras Mail, Madras.
 The Indian Nation, Patna.
 The Bombay Chronicle, Bombay.
 The Daily Gazette, Karachi.
 The Amrita Bazaar Patrika, Calcutta.
 The Rangoon Gazette, Rangoon.
 The Indian Medical Record, Calcutta.
 The Tribune, Lahore.
 The Indian Medical Gazette, Calcutta.
 The Journal of the Indian Medical Association, Calcutta.
 The National Call, Delhi.
 The Sunday Standard, Bombay.
 The Times of Assam, Dibrugarh.
 The Statesman, New Delhi.
 The Daily News, Nagpur.
 The Justice, Madras.
 The Sind Observer, Karachi.
 The Rangoon Times, Rangoon.
 The Indian Social Reformer, Bombay.
 Sree Venkateswar Samachar, Bombay.
 Dhyani Prakash, Poona.
 Bombay Samachar, Bombay.
 Sumyukta Karnatak, Belgaum.
 Vividha Vritta, Bombay.
 The Swadesh Mitram, Madras.
 The Andhra Patrika, Madras.
 The Manorama, Calicut.
 Kanteerava, Mangalore.
 Musalman, Calcutta.
 The Whip, Calcutta.
 Ananda Bazar Patrika, Calcutta.
 Basumati, Calcutta.
 Viswamitra, Calcutta.
 Asrejadid, Calcutta.
 Indian Finance, Calcutta.
 Indian Monthly Magazine, Calcutta.
 The Advance, Calcutta.

Lakmanya, Calcutta.
 Janasakti, Sylhet town.
 Jugaberi, Sylhet town.
 The Searchlight, Patna.
 Hitaishi, Arrah.
 The Nabasakti, Patna.
 The Ittihad, Patna.
 Bharat, Allahabad.
 Pratap, Cawnpore.
 Aj, Benares.
 Sarfaraz, Lucknow.
 Hamdan, Lucknow.
 Abhyudaya, Allahabad.
 United India and Indian States, Delhi.
 The Arjun, Delhi.
 The Tej, Delhi.
 The Watan, Delhi.
 Swarajja, Khandwa (C. P.).
 Hindustan, Delhi.
 The Navyug, Delhi.
 The Millat, Delhi.
 The Pilot, Amritsar.
 The Khalsa Review, Lahore.
 Biswabandhu, Lahore.
 The Inqilab, Lahore.
 The Milap, Lahore.
 Pratap, Lahore.
 Virbharat, Lahore.
 Khalsa Sewak, Amritsar.
 Sarhad, Peshawar City.
 The Frontier Advocate, Peshawar City (Weekly).
 The Hindu, Karachi.

Information promised in reply to part (b) of starred question No. 64, asked by Sardar Mangal Singh on the 1st February, 1938.

INDIAN SUGAR EXPORTED TO BURMA.

The quantity of Indian sugar exported to Burma during the last quarter of 1937 was 6,189 tons.

Information promised in reply to unstarred question No. 15, asked by Prof. N. G. Ranga on the 3rd February, 1938.

WITHDRAWAL OF RECOGNITION OF THE GREAT INDIAN PENINSULA RAILWAY WORKERS' UNION.

- (a) On the 3rd October, 1932.
 (b) A number of times.

(c) Government understand that the Agent, Great Indian Peninsula Railway, decided last on the 4th March, 1937, not to restore recognition to the Union on the grounds that the Union had not complied with certain conditions set out by him for its recognition.

(d) Yes.

(e) The Honourable Member is referred to the reply given to starred question No. 978, asked by Mr. S. Satyamurti, in this House on the 6th March, 1936.

Information promised in reply to unstarred question No. 24, asked by Mr. Brojendra Narayan Chaudhury on the 9th February, 1938.

EXPORT QUOTAS OF TEA ALLOTTED TO INDIA.

A statement giving the information promised in reply to unstarred question No. 24 by Mr. Brojendra Narayan Chaudhury on the 9th February, 1938, in so far as it is available, is laid on the table.

Statement.

Season.	Total allotment of Indian overseas export quota (under International Tea Agreement.)	Total allotment of export quota to estates which did not produce any tea.	Percentage Column 3 bears to Column 2.	Total allotment of export quota to estates which did not produce tea to full extent of export quota granted.	Percentage of export quota by which they fall short in relation to Column 2.
1	2	3	4	5	6
1936-37	lbs. 308,930,902	lbs. 3,796,615*	1.22	lbs. 11,923,374*	1.18
1937-38	328,526,133	†	†	†	†

* Export Quota and production figures in respect of small growers are not included in the above statement as the latter are not available.

† It is not possible to furnish this information, as the production of estates is not yet known and will not be known for sometime.

ELECTION OF A MEMBER TO THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a member to represent this House on the Council of the Indian Institute of Science, Bangalore, for the period 1938-40 (both years inclusive) in pursuance of the provisions of Clause 11 (Secondly) of the Scheme for the Administration and Management of the Properties and Funds of the Institute, which was published in the Gazette of India with the Notification of the Department of Education, Health and Lands, No. F. 53-1/37, dated the 2nd December, 1937."

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a member to represent this House on the Council of the Indian Institute of Science, Bangalore, for the period 1938-40 (both years inclusive) in pursuance of the provisions of Clause 11 (Secondly) of the Scheme for the Administration and Management of the Properties and Funds of the Institute, which was published in the Gazette of India with the Notification of the Department of Education, Health and Lands, No. F. 53-1/37, dated the 2nd December, 1937."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I rise to oppose this motion. All is not well with this Department of the Government of India. The one man, who has really contributed to the growth of that Institute and who has laboured hard to put India on scientific map of the world, is sought to be removed not only from Bangalore but from the shores of India itself. All kinds of restrictions are being placed and the Government of India are looking on silently, as if helplessly. Far from trying to discourage these persons who are trying to keep this eminent scientist out without allowing him to get on with his business, the Government of India are keeping silent. Any number of restrictions and impediments are being placed in the way of Sir C. V. Raman. I am sorry to say that the Government of India instead of discouraging such tactics are encouraging them. Sir, with respect to the appointment of Rao Bahadur Venkatesachar we tabled a number of questions and even this day a question was put regarding his qualifications. The Honourable Secretary to the Department of Education, Health and Lands dexterously avoided answering the question with regard to his qualifications. The Honourable Member ought to have stated to the House plainly whether this Rao Bahadur Venkatesachar possesses any Doctorate degree. The Honourable Member has burked that issue and complacently says that the period of directorship of this Venkatesachar is only temporary. I submit the Honourable Member must have given a straightforward answer to that question. As the House is aware, there is no dearth of qualified Doctors in this country, and surely men much better qualified than this Venkatesachar could be found to fill the post of Director of the Institute though temporarily. This gentleman is making things very bad for Sir C. V. Raman to get on in the Institute. It is said that at one of the meetings of the Council of the Institute this gentleman, Rao Bahadur Venkatesachar, was induced to vote against Sir C. V. Raman's continuance as Director and the price for his vote was that he should be appointed in the temporary vacancy. This allegation has not been denied on the part of the Government.

Sir, another question has been put this morning by my Honourable friend, Mr. Mudaliar, to which there has been no square answer. The Government evade the issue by simply saying that it is not the duty of the Government to get into the details of the working of the administration because it is not directly a department of the Government of India. The serious charge that is levelled against that Committee is that they are seeking to remove the Physics Laboratory, which has been built up by the able energies of Sir C. V. Raman, from its present site and it is sought to be shifted to the workshop or near the cattle shed. Is it not necessary that Sir C. V. Raman should be allowed to continue as Physics Professor and that he should be given proper facilities for conducting his research work. The Government of India are contributing a large sum of money

to this Institute. Is it not the duty of the Government to give a proper and square answer to questions put on the floor of the House regarding the working of the Institute. Has the Honourable Member in charge of this Department taken care to write to the Committee at Bangalore to find out if the allegations are true. It is not right for the Honourable Member to take shelter under the plea that it is an absolutely administrative matter in which the Government could not interfere. Is it the intention of Government to allow Sir C. V. Raman to remain in the Institute and if so, should he not be given proper facilities to carry on his research work in proper surroundings? I charge the Government with gross neglect of duty in not looking into the affairs of the Institute and in not warning the Committee to behave better.

The next point that I wish to raise is about the Irvine report. The report no doubt has been published. What is the action which the Government have taken? What are the recommendations which the Government have approved and what they have not approved? The Honourable Members of the Assembly are kept absolutely in the dark as to the recommendations which have been approved by the Government and those which have been disapproved. Sir, the few instances that I have given to the House are enough to show that the Government of India have not been dealing squarely and properly with this Committee. Therefore, I feel that any further representation from this Assembly on that Committee as contemplated in this Resolution will be an utter waste, and the Member who is elected to that Committee will be merely a figure head and the money that is contributed to that Committee will be a sheer waste. I, therefore, wholeheartedly oppose this Resolution.

Mr. C. N. Muthuranga Mudaliar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, in supporting my friend, Mr. Ayyangar, I have no wish to oppose the election of a Member of this Assembly to the Bangalore Institute. The Institute at Bangalore is primarily meant to advance scientific research in this country. The one man that is of any importance in the scientific world is Sir C. V. Raman; the other so-called Professors are not fit to be called Professors. Many of them who are in the Institute do not know what research is. Those men are fit to be called only lecturers or tutors and these people are raised to the eminence of Professorship. The Government of India are voting away every year 1½ lakhs to this Institute and yet the Honourable Member in charge of the Department of Education, Health and Lands says that it is none of our concern to look into the affairs of this Institute. No doubt this Institute is being administered by a Council. Let us see how this Council functions. The object of this Council primarily was to get rid of Sir C. V. Raman altogether from the Institute, and as my Honourable friend, Mr. Ayyangar, has said, from the shores of India altogether. I have been taking some interest in this Institute. Last year, I tabled a number of questions and I was given the same kind of answers that were given today on the floor of the House. The Council of the Institute, perhaps on the intervention of this Government and of the Government of Mysore, prevailed upon Sir C. V. Raman to remain as a Professor at the Institute, though he was asked to resign the post of Directorship. Here I am not concerned with the personnel. I am not here to support Sir C. V. Raman or deprecate the other professors remaining there. My concern is to place

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the Institute on a sound footing and on a footing equal to that of the other Research Institutes in the scientific world. The Council is now interested in getting rid of Sir C. V. Raman altogether from the Institute. They are now asking him to remove his Physics Laboratory to the workshop, a most insignificant place where no research could be carried on. The removal of the Physics Laboratory to a different place would mean a cost of Rs. 6,000 to the tax-payer and yet the Council of the Institute proposes to remove the Laboratory simply to drive Sir C. V. Raman away from the scene of his activities. That is the position.

Now, a word about the Chemistry department. This department is in charge of one Mr. Subramaniam. He has till now been a lecturer and he is now sought to be raised to the position of a Professor. The Council of the Institute has referred his papers to two eminent Scientific Professors in the West, one of them being Sir John Russell under whom Mr. Subramaniam worked as a student. Even Sir John Russell has not had a good word to say of this man. The other Professor Sir Gowland Hopkins, Professor of Biochemistry in the Cambridge University and Nobel Prize winner to whom his papers were sent for scrutiny declared his work crude, trivial and diffuse, not Biochemical and that it was regrettable that the Professor did not represent Biochemistry. He also recommended that he should not be made a Professor. This is the opinion of two eminent scientists about this Chemistry Professor. Yet the Council of the Institute has appointed him on probation for four years, two of which have to be spent in a foreign country; while Dr. Fowler a member of the governing council is appointed to act in his absence. This gentleman has already spent a number of years in a foreign country and he has been doing service in the Institute for the past eight years; and if he is still not fit to be a professor, I do not know how his sojourn in a foreign country for two more years will make him fit for a professorship. That is how matters have been going on there; and there are other professors whose papers have not even been referred to any expert or referee, and yet they are confirmed in their position. That is the state of things in the Bangalore Institute now, an Institute which was started with the best of intentions, with the view that India should be in line with other countries in the matter of scientific researches. For the last three years this Assembly has been sending Dr. Deshmukh as our representative, and now he tells me that he is fed up with that Institute, that there is nothing doing there and that he is not going there again. In these circumstances which Member on this side of the House will agree to go there and sit there as a dummy? The Government of India must take more interest and they must place the Institute on a firm foundation as a first class research institute. Then alone will any committee be of any use; otherwise, the Government of India must refuse to make any grant to the Institute. It is not a small sum that is given; it is an enormous amount that is being voted away every year. I have been taking great interest in this Institute and have been asking questions, but I have not had any satisfactory answers so far, and many questions that I asked were not answered because it was said that they were not of public interest, and many a question tabled by me has been disallowed on the score that it was not a matter of public concern. Sir, I oppose this motion.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, it is neither desirable nor is it fair to discuss

on the floor of the House the qualifications of individual professors in this Institute. We require an expert knowledge to do that and I think very few of us can profess to have that expert knowledge in any of those branches represented by the Indian Institute of Science. The point before us simply is that as the Government of India contribute a substantial amount to this Institute, whether we should also be authorised to have some representation on the Institute. My Honourable friend's proposal simply is that the managing committee of that Institute should have a representative of this House in order to watch over the interests of the Indian tax-payer. That is the substance of this Resolution. I have served on previous occasions on this committee, and I know from my own personal experience that the Education Secretary of the Government of India supported Sir C. V. Raman to an extent which I thought was rather unfair. I know they do support him and there cannot be any excuse for being in any way unfair to the administration of the Bangalore Institute. Sir, I support the motion.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I do not wish to take much time of the House but I should like to add two or three things to what has been already said by other speakers. As Dr. Ziauddin has pointed out, it may not be quite fair to discuss individual merits; but it is necessary for this House to be assured that the atmosphere of the Institute is favourable for research work being done. Otherwise, there is no meaning in our being represented there and there is no meaning in this House making any grants. At present there is no such atmosphere there. For instance, the students have been actively encouraged for the last so many years to take part in these factions among the professors. They have been carrying tales from one professor to another; they take sides, some with one professor and some with another. I am not concerned as to which party was at fault; but as a matter of fact the students have been encouraged to desert their proper sphere of work to take part in this faction-mongering. Again, all sorts of obstructions are set up in the way of this research work. I hear that in the recruitment of assistants many difficulties are being placed in the way of Sir C. V. Raman, even in this own Physics Department. It may be due to his fault or to somebody else's fault. But the point I want to bring out is that today the atmosphere is not favourable for research work, and until the Government of India can give us an assurance that some active steps will be taken to restore the proper atmosphere for research work, I suggest that we ought not to send up any representative there.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I most reluctantly take part in this debate, knowing both sides of the question as I do. To begin with, I will frankly admit that so far as the Bangalore Institute is concerned, it is not in a good state. Ever since I was sent there by this House I have found that affairs there are not as they should be. (An Honourable Member: "Rotten.") I did not like to use that word, but I have no hesitation in agreeing that they are rotten to the core. I also think that the Honourable Member in charge of the Department of Education, Health and Lands might have answered the questions which were put to him by this side of the House, for this reason: that it is not a personal question. It is a question of public importance. After all, the representative whom you send from here is not sent by one Party or the other, although he may be put up by a certain Party, but the

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whole House sends that representative. Secondly, the grant which is given to this Bangalore Institute is from the public revenues, and as such this House representing the public of this country has a right to know how the affairs of that Institute are being conducted. Therefore, I entirely agree with my colleagues here when they strongly resent the answers which were given by the Department of Education, Health and Lands and their not giving the proper reports on the plea that they were confidential or that they could not be placed before the House. I think no harm will be done by having as full a publicity as is possible. I go a step further and say that if full publicity had been given to the affairs of this Institute right from the beginning we would not have found ourselves in the position in which we find ourselves today.

Now, what is the position? The motion moved by the Honourable Member is to send a representative. I am strongly of the opinion that a representative should be sent. I do not think my Honourable friend, Mr. Ayyangar, and the other friends who have spoken on this subject can honestly and sincerely believe that no representative should be sent. I take it that it was an expression of resentment that they felt at the attempt that was being made to hide everything and carry on behind the *purdah*. What would have been lost by publishing the Irvine Committee's report? I have seen that report and although I do not entirely agree with every suggestion made in it, I still think that the suggestions made were very valuable. I am not going into the details. . . .

Sir Girja Shankar Bajpai: Sir, I may just point out to the Honourable Member that the Irvine Committee's report was published in November, 1936.

Dr. G. V. Deshmukh: Granting that it was published there was no reason for the Honourable Member to tell this House that Sir C. V. Raman's views were confidential. After all if it was a public report, as the Honourable Member maintains now, then surely the views which were given on that report by the Director of this Institute might as well have been published, unless there was some technical ground that he was actually a servant of the Institute or a Director of the Institute. But I say, this Institute being a public institution and of very great national importance, there is no reason why everything that is connected with that Institute should not be made public. Now, Sir I take it that the Irvine Committee's report went thoroughly into the administration of the Institute and certainly suggested some main reforms which were absolutely necessary for its welfare. Sir, in spite of the greatness of Sir C. V. Raman—I am second to none in my admiration of him—from the experience I gained of the working of the Institute, I could easily say that the combination of administrative and research duties which were devolved on Sir C. V. Raman—which was possibly on account of his own attempts or which was possibly due to circumstances—were too great for any human being. As your representative I had occasion to represent to Sir C. V. Raman and the Committee itself: I suggested to Sir C. V. Raman,—I could not understand how research mentality and administrative mentality could go together,—that the administrative duties should be separated from research work, so that he, as a distinguished research

scientist, would be able to give his whole heart and time to research and not allow his time to be wasted on petty administrative duties. Well, Sir, unfortunately due to circumstances, Sir C. V. Raman was not agreeable to it and preferred administration.

I feel I should be failing in my duty if I do not tell the House the exact state of affairs. To my very great regret Sir C. V. Raman's tendency was to stick more to the administrative duties and neglect research duties. I cannot understand how both the duties can be fulfilled. Another thing was Sir C. V. Raman is a very distinguished person in his own line, I may call him an expert, and experts, whether they are Government of India experts or experts anywhere else, have a tendency to appropriate everything to themselves, thinking that nobody else in the world knows anything. The experience of this House is well known with regard to experts: when we on this side of the House bring forward anything which is good, practical and according to good common sense we usually find the so-called official experts turn it down and Government take their strength on the report of experts. Well, Sir, Sir C. V. Raman is no exception to this theory of experts. He has the same mentality of all experts, and thought that whatever suggestions were made by the Governing Body were not as they should be; and it is this expert mentality that is responsible for the mess in which the Institute finds itself today. A good deal has been made about the physics laboratory being turned out from its present position. Again, like experts, Sir C. V. Raman, when he went to this Institute, thought that the whole of research was concentrated on the physics side, and, therefore, whether it was money, or whether it was apparatus, or whether it was building, it was given only to physics and physics alone, and many other departments of the Institute were absolutely neglected—neglected to the extent of depriving them of even their apparatus. If at the present time when the two departments have been separated, the other people are trying to put the physics department in its proper position—by proper position I mean that the Institute of Science should not consist of physics only and other subsidiary branches, but that all the branches should be of equal importance—I do not see how we can grumble. For instance, a subject like organic chemistry was entirely neglected.

After all it cannot be denied that this Institute is being run at the expense of the nation. Tatas gave a princely donation, and Government are giving a handsome contribution every year. It cannot be thought that this Institute should not have national importance. I know that many commercial bodies and many practical scientists made applications to this Institute in the régime of Sir C. V. Raman asking for some kind of help for industry or in the carrying on of research which could be made applicable to the practical problems of the country. The scientist took up a very exalted attitude and answered that it was entirely for pure science and that they could not be bothered with little things. Now an attitude such as that was very unreasonable, and I hope that in future this attitude will be safeguarded against. All said and done, the benefits of pure science would not have been made available today had it not been made applicable to the problems of every day, and therefore, whenever in future this Institute is called upon to help in the solution of the problems of the nation—industrial or commercial—it should be the duty of the Institute to help in their solution. In that régime the physics

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branch occupied a central position, and if it is put back in its proper position, I do not see why we should have any cause to complain. The workshop was brought from a building outside right in the central position, and even the main building was utilised for physics. An important subject like organic chemistry was entirely neglected, and neglected to the extent that we did not even have a professor of organic chemistry for the last three or four years, and education in organic chemistry was left to assistants. Now, surely everybody knows that organic chemistry forms a very important part of research work, especially if you look at it from the point of view of national problems, and to my mind it was amazing that an important subject like organic chemistry and even inorganic chemistry had been neglected.

An Honourable Member: Was it there before Sir C. V. Raman?

Dr. G. V. Deshmukh: I am not blaming only Sir C. V. Raman. I found that the whole research work in that Institute was being carried on on very wrong lines. I saw one of the professors engaged in carrying on research work with a monoplane: he was all the while trying to rise up in the air in a small aeroplane: he was also very highly paid.

An Honourable Member: Is he still alive?

Dr. G. V. Deshmukh: I think he is still at the same place. I could not see public money being wasted on researches like this. Many of the professors and Sir C. V. Raman were not getting on on good terms with one another: there was absolutely no co-operation, I may go still further and say there was no co-ordination, there was quarrel and wrangle, each went his own way, and it seems they waste their own time and waste the money of the public. At the same time when persons like Sir M. Visweswaraya and others ask for certain problems to be solved, the answer that is given is—this is for pure science, and for nothing else. We had an electric department in that Institute. I hope the House will not mind my going into details because, Sir, my intention is not to condemn the Institute. It is in that spirit that I want to put all the matters before this House. Otherwise, I would not have taken part in these deliberations. I say that in spite of these princely donations of Tatas and in spite of the money that is spent on this institution, this institution has not produced anything worth the while in all the years that it has been in existence in this country. To begin with I am not going into the details as I have nothing to say against Sir C. V. Raman: we had European directors, three or four of them before Sir C. V. Raman and they did not do anything worth the name. All that they did was to be there for a certain number of years, draw their pay—and I make this statement deliberately here—and no research worth the name was conducted in this institution; and it is from that point of view that I want to draw the attention of this House and tell them "Please do not allow this kind of thing to continue in future. You must keep a more vigilant eye on this institution, not only to see that the institution serves its purpose but will be of great importance to India at large and it is capable of doing it."

To give the House a very small instance, there was opened an electrical department in this institution, and this department was of very great use: it might have been of very great use from the abstract point of view of science, but from the practical point of view it was of very great use and it

was training men who were brilliant men in the electrical line and they were finding employment all over the country. Yet in the last three or four years this department was narrowed and it almost came to disappearing point. This is the kind of thing which I think this House should not allow and, therefore, we must keep a more vigilant eye so as to see that this Institution is doing something worth its name, and that it carries out the project of the first donor who gave his money and also the project for which we are spending such large amounts of money. I pointed out to the professors who were there "This is all very well for you to talk about pure and abstract science, but you will not be working merely for pure and abstract science unless you get your pay every month. This Institution is for helping towards nation-building and increasing the resources of the nation and the wealth of the nation, as well as increasing research work and science. Otherwise this is merely a decoration to the country and it is certainly not serving any useful purpose". If you have one or two men coming from this Institution and they have certain opportunities and make an international reputation, in my opinion it does not satisfy the main or important intention of national institution like this, because that man or men would produce these researches anywhere. In my opinion research work is not necessarily conducted in highly equipped laboratories and in places on the hill tops. Research work when it comes, comes as an inspiration from within: it will often-times come in a small laboratory; and all this idea of having research places at Kasauli and Dehra Dun in cold climates and hill tops is, I think from the research point of view, all nonsense. If you were to look at the research that has been done in this world, whether it is by Lister, whether it is by Pasteur and other research men, you will find that they worked in small and crowded places, in dirty and dingy atmosphere, and that is where the real research work was done.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is somewhat going away from the subject matter of the motion.

Dr. G. V. Deshmukh: It has a bearing on this point for this reason that I want to urge that this House should not concentrate on the so-called research work but that this institution should be utilised in future for the practical needs of the country. That is the relevance of the point and, therefore, what I say is this: do not have an eye only on the so-called abstract research work, but see to it that this institution also fulfils its promise of helping the nation, and I think from that point of view this motion of Sir Girja Shankar Bajpai of appointing a member from this House should not be opposed. If anything, let our vigilance be greater and now that my friend, Mr. Ananthasayanam Ayyangar, knows the exact position I hope that he will not persist in opposing this motion in appointing a member from this House.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, the peculiar turn which the debate has taken in the speeches made by my two esteemed friends on the Congress Benches at the beginning has compelled me to make a few observations. Nobody in this country could be more proud of the achievements of an eminent scientist like Sir C. V. Raman than my humble self. If there are any two scientists in India who have done anything to secure an honoured place for India in the world of science,

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they are the late Sir J. C. Bose and Sir C. V. Raman, and therefore anything said about them on the floor of this House must be said with great caution and with a due sense of responsibility; and, therefore, I am sorry to see that there should have been a debate in which the name of Sir C. V. Raman should have been dragged at all in connection particularly with the present motion. What were the facts which compelled Sir C. V. Raman to sever his connection with the directorate are matters still not sufficiently known to us, and anyhow I do not think it will be profitable to carry on any discussion on that point on the floor of this House. Whatever may be the reasons our respect for that great man will remain unshaken and undiminished; but it is a pity that circumstances should have been of such a nature that it was impossible for him to maintain his connection with the directorate of an institution of that nature.

Having said so much, I was unable to understand the attitude taken up by some of my honourable friends on the Congress Benches with regard to the Resolution itself. Supposing that there was something wrong done by the committee itself in its attitude towards Sir C. V. Raman, how does it justify that we should have no committee at all or that we should not send our representative on that committee from this House? If anything, as my Honourable friend, Dr. Deshmukh, has put it, there is greater need of vigilance on the part of this House and that vigilance can be exercised only by sending our proper representative to work on that committee. If the Honourable Member had stated that instead of the one member we are now sending, we should send two it would be understandable; but to say that we do not wish to send any one is to take an attitude of peevishness which will lead us nowhere. I, therefore, think that so far as this resolution is concerned there should be no reason for the Members of this House to vote it down, but they should proceed to elect one member to represent this House on the Committee. We are sanctioning a lot of money every year and it is our duty to our constituencies and to the Indian taxpayer to see how that money is being spent and further whether the objects with which that institute has been started and the objects with which this House has agreed to make substantial contributions every year are being carried out or not; and the only manner in which we can discharge that duty is by sending our representative from this House to see that that is done. I, therefore, think that instead of carrying on any further discussion on the undesirable question about the part of Sir C. V. Raman or the attitude of the committee towards Sir C. V. Raman, let us look at the question from the business point of view and allow this motion to be passed by the House.

Mr. Bulabhai J. Desai (Bombay Northern Division: Non-Muhammadian Rural): Sir, I would not have intervened in this matter but for the fact that certain questions of a personal nature have been introduced into the debate. However, I am able to say this much, standing detached from the points which have been discussed, that eminence in science and administrative ability may easily differ. It may not coincide in the same individual, and if we reconcile ourselves to this that, while we wish to maintain the scientists in their proper position for the purpose of adding to our knowledge and incidentally to that of the world, we must not also in our zeal for good administrators entirely keep down the progress, even theoretical progress, of science, and I hope the Government of India will reconcile these two matters by keeping this House better informed, by

taking it into better confidence, so that on the one hand the object which Dr. Deshmukh has in view and with which I associate myself may be achieved, and the personal element to a certain extent for which there is a certain amount of sensitive regard may also be respected in a manner without violating the necessity and the value of managing the Institute. I hope the House will carry this Resolution. Sometimes it does happen that there is a stronger reaction to one point of view rather than to another, but that need not take us away from the main issue, namely, that if we are paying a part of our revenues, we should have a representative who would, according to the opinions expressed in this House, carry out the duties to the best of his abilities.

Sir Girja Shankar Bajpai: Sir, even though the debate started with an expression of resentment,—and I hope to show that it was somewhat unjustified,—at what I said in reply to certain questions asked this morning, I venture to suggest that it has served a very useful purpose, because it has enabled the representative of this House on the Council of the Institute for the last three years to explain the inner workings of the Institute personally and otherwise in a manner which, from the very restraint of responsibility, I should not have been able to do.

I shall deal first with the suggestion that the Government of India wishes in any way, in any particular, to withhold from this House information on questions of importance. If you will remember, Sir, in the course of the last year, I think I am not exaggerating, if I have answered one of the questions I have answered forty questions relating to the affairs of the Institute of Science at Bangalore. And this morning, Sir, when questions were asked regarding the acting Principal, I gave the answer that he was only acting, and, therefore, it was not necessary to insist in his case on his having the same high scientific qualifications as would be expected in the case of the permanent incumbent of the post. When the question was asked as to what was happening to the Physics Laboratory in relation to the workshop, I ventured to say that this was a matter of detail which really ought to be put to the administrators of the Institute, namely, the Council of the Institute, because the House itself has invariably been very jealous of the autonomy of the other bodies which are in receipt of grants-in-aid from the Government of India. For instance, the University of Benares and the University of Aligarh are in receipt of substantial grants-in-aid from this House. But the House has never suggested that we should discuss here the position of a particular laboratory either in Aligarh or in Benares. I was really concerned to safeguard more the autonomy of a body on which this House has been represented and is going to be represented hereafter.—I was, Sir, much more concerned to safeguard that autonomy than to withhold from the House any information to which they are entitled. If I caused any resentment on account of what Honourable Members considered to be an attitude of undue secrecy on my part, I can give them the assurance that, with regard to all questions which are legitimately the concern of the Central Government and the House, any question that may be asked here will be answered with the fullness that the dignity of this House and its responsibility merit.

Now, Sir, I go on to the next question. My friend, Dr. Deshmukh, said that the Government of India has been keeping the recommendations of the Irvine Committee and the documents connected with that Committee's Report in purdah. As I intervened to point out to him, the

[Sir Girja Shankar Bajpai.]

Government of India published the report of the Irvine Committee, together with the resolution of the Council, passed at a meeting which my friend, Dr. Deshmukh, attended, as long ago as November, 1937. My friend asked; why was it that the report of the Government of Mysore, and even more, the observations of the Director of the Institute, Sir C. Venkataraman, were not published at the time. I have answered that question before in reply to interpellations in this House, but in order to clarify the position I shall do so again. My friend, Dr. Deshmukh, himself provided the reply. He said what has prevailed at the Institute is a spirit of quarrel and wrangle. I do not think I am giving away any secret when I say that in the main document which the Government of India have withheld from the press what prevailed and what pervaded was a spirit of quarrel and wrangle. The Government of India were anxious in the Persian phrase—to say:

Guzashtā rā salwāt, ayendā rā ihtiyāt.

That was what we were after, to obliterate what has happened in the past, to forget the memory of the past, and to work for peace and for the efficiency of the Institute in the future. If for that purpose the Government of India withheld the controversial documents from publicity, I do not think that they did anything for which they ought to be condemned. And, if I may say so, the decisions of the Government of India had the approval of the Council, which is the governing body of the Institute. My friend, Dr. Deshmukh, I hope, will go back to the Council of the Institute, but if he does not, and some other Member of the House goes there, and the Council of the Institute, in their wisdom, decide that these controversial documents should be released, the Government of India will have no objection to publish these documents at all. Only I think it would be fair to the House to give them this warning that, if documents, controversial in their content and tone, are published a year and half after the re-organization recommended by the Irvine Committee was undertaken, they are not likely to conduce to the restoration to that Institute of the atmosphere of peace and the atmosphere of research which every section of this House desires.

Then, Sir, we were told that the Government of India were in league with the Council to get rid of Sir Venkataraman. Well, Sir, I deny that charge absolutely. As a matter of fact, it is not necessary for me to be very emphatic or elaborate in my refutation of the charge, because it was stated, I think, by one of the Members speaking from the other side that it was the Government of India who stepped in to ensure the retention of Sir Venkataraman at the Institute. Everybody knows it, and if they do not know it, they can very well refer to the communique issued by the Council last July. There was an acute controversy between Sir Venkataraman and the Council, and the Council were first disposed to pay a sum of a lakh of rupees to Sir Venkataraman and let him go. It was the Government of India who intervened and said,—here is a scientist of international eminence, there is none to equal him in this country so far as physical research is concerned, and it is desirable for the Institute that Sir Venkataraman should be given an opportunity of staying on in the Institute. Having played that part in so far as the retention of Sir Venkataraman is concerned, I do not think it is right for the Government of India to sit under the suggestion that they have been in conspiracy with

anybody in getting rid of Sir Venkataraman. My friend, Dr. Deshmukh, has been frank, and I think this is an occasion when the Government of India also ought to be frank. Scientists have very remarkable qualities, but they have also certain qualities which make them unfit when dealing with their fellow beings; in other words, they have certain temperamental defects, and I think that if Sir Venkataraman had shown the forbearance to others which he himself expected from them, things, would have shaped differently. I do not think that it is necessary for me to pursue this question further.

I should, before I conclude, like to refer to an observation which fell from the Honourable the Leader of the Opposition. What he said was that the Government of India should endeavour to maintain the balance between applied research and pure research. Sir, the modification made in the statement of the purpose of the Institute makes that perfectly clear and it is the intention of the Government of India, to the extent that they have any control over the affairs of the Institute to ensure that every research worker in that Institute has a fair field. And if Sir Venkataraman, whose eminence I think I have already recognised, would only decide to work in peace and harmony with his colleagues at the Institute, I have no doubt that he would not only retain the distinguished laurels that he has won before but bring fresh fame and credit to himself and to the Institute to which he belongs. Sir, I have nothing more to say.

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a member to represent this House on the Council of the Indian Institute of Science, Bangalore, for the period 1938—40 (both years inclusive) in pursuance of the provisions of Clause 11 (Secondly) of the Scheme for the Administration and Management of the Properties and Funds of the Institute, which was published in the Gazette of India with the Notification of the Department of Education, Health and Lands, No. F. 53-1/37, dated the 2nd December, 1937."

The motion was adopted.

ELECTION OF MEMBERS TO THE COURT OF THE DELHI UNIVERSITY.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move:

"That the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own members to be members of the Court of the University of Delhi in pursuance of sub-clause (5) of Statute 2 of the First Statutes of the University set out in the Schedule to the Delhi University Act, 1922 (VIII of 1922)."

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

"That the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own members to be members of the Court of the University of Delhi in pursuance of sub-clause (5) of Statute 2 of the First Statutes of the University set out in the Schedule to the Delhi University Act, 1922 (VIII of 1922)."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE FOR ROADS.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to the election, in such manner as the Honourable the President may direct, of six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1938-39."

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

"That this Assembly do proceed to the election, in such manner as the Honourable the President may direct, of six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1938-39."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of Members to the Council of the Indian Institute of Science, Bangalore, the Court of the Delhi University and the Standing Committee for Roads the Notice Office will be open to receive nominations upto 12 noon on Tuesday, the 1st March, 1938, and that the elections, if necessary, for the Council of the Indian Institute of Science, Bangalore, and the Court of the Delhi University will be held on Thursday, the 3rd March, while the election for the Standing Committee for Roads will take place on Friday, the 4th March, 1938. The elections, which will be held between the hours of 10-30 A.M. and 1 P.M. on each day appointed for the purpose in the Assistant Secretary's Room in the Council House, New Delhi, will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN TEA CONTROL BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative business. Consideration 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, as reported by the Select Committee. Clause 3.

Mr. Pande, Amendment No. 5.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, I move:

"That after part (vi) of sub-clause (1) (a) of clause 3 of the Bill the following be added:

'(vii) one Indian member to be nominated by Central Government to represent labour in the Tea Estates'."

This is the third time that I represent the cause of the Northern Indian tea planters. I have already said that there are some 5132 tea planters in Kangra Valley and the area is ten thousand acres. Sir, I move:

(1198)

Mr. H. Dow (Commerce Secretary): The amendment has none whatever to do with the Kangra Valley.

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

"That after part (vi) of sub-clause (1) (a) of clause 3 of the Bill the following be added:

'(vii) one Indian member to be nominated by Central Government to represent labour in the Tea Estates'."

Professor Ranga: If the Honourable Member goes on shifting his seat, it becomes embarrassing.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadian Rural): Mr. President, I rise to support this amendment, and in doing so I wish to state that there are more than two lakhs of people who are employed by the tea planters in this country.

Mr. N. M. Joshi (Nominated Non-Official): Ten lakhs.

Prof. N. G. Ranga: I hope the Honourable Member in charge of this Bill will give us the total number of people employed by this industry; anyhow it lies, I think, between four and eight lakhs of people. They are very much more anyhow than the total number of planters themselves in this country and it is the vast number of people employed by this industry who are responsible for the prosperity of this industry. Sir, if this Bill is intended to continue the present prosperity of this industry, then it must be due in a very large measure to the co-operation that the planters receive from the labouring population employed on these plantations. It is a well-known fact that the labour employed on Indian tea plantations is the worst exploited in this country. I know for a fact and I hope my friends coming from Assam will bear me out that the Indian Labour employed in the Assam tea plantations do not get their fair deal, especially those employed on the European plantations. They are supposed to be represented in the local Legislature there; but most unfortunately, owing to the peculiar coercive and repressive policy pursued privately by these planters in that area, it has become impossible for outsiders to get into touch with the labour employed on the tea plantations there. Therefore, their opinion and feeling are muzzled by the employers, and the persons elected on behalf of the labour cannot at all be expected to represent their interests truly and faithfully; and I am told that these representatives happen to be Europeans and one can only imagine how their interests can really come to be truly represented on their behalf in the local Legislature if they are not able to elect their representatives without any let or hindrance by the employers themselves. It is these labourers whom I want to be represented on this Tea Control Board. It may be said that it is absolutely irrelevant to try and get these people represented on this Board but this is not so, when one comes to examine the question a little more carefully. After all, this Board is intended to work for the welfare of the whole of this tea industry.

Mr. H. Dow: The Honourable Member is referring to a Tea Control Board; there is nothing about any such Board in this Bill, and I do not know of any such body.

Prof. N. G. Ranga: They call it a Tea Licensing Committee,—a committee which is expected to work for the continued prosperity of this industry. If it is to prosper well and to help to provide profits for the tea planters themselves, then the tea planters must not only provide continued employment for the labourers but also better wages and other conditions for these people. Therefore, it is absolutely in the interest of labour and in the interest of this country that there should be perfect co-operation between the two sections of people employed in this industry if the industry is really to make a peaceful and progressive career.

An Honourable Member: What about Friday prayers?

Mr. President (The Honourable Sir Abdur Rahim): The Chair is perfectly well aware of that. Today being Friday, the House will adjourn till a quarter past two.

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

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

Prof. N. G. Ranga: Sir, before the House rose for Lunch I was saying that it is only reasonable that Indian labour employed on these tea plantations should be taken in co-operation and partnership by the planters in bringing about the prosperity of this Indian tea industry. Sir, they want to control the area under tea in different provinces and over the whole of India for the simple purpose of ensuring the prosperity of this industry. It is not only because they have come to some sort of international agreement with some other countries interested in tea that they want to control the area under tea, but also because they want to satisfy themselves that by suitable restriction whenever it is needed and by an adequate expansion whenever it is possible of the area under tea it would be possible for the tea growers in this country to make adequate profits for themselves. But, Sir, when they make these profits, they will have to consider the interests of labour also. Profits can be made in three ways: one, by exploiting the consumer or serving him properly; the other, by expanding the area under tea and thus providing more labour and more employment for workers and at the same time making profits; and, third, by restricting the area under tea to such an extent that they can have not only a complete monopoly of the market for Indian tea in India as well as elsewhere, but also they can raise the prices to whatever limits they may choose, because, having the control over the area under tea, they can certainly fix whatever prices they may like to fix. It was just this point that my Honourable friend, Mr. Joshi, was making the other day when he raised the point of view of the consumer. I am looking at it from the viewpoint of labour also. Supposing they take it into their head to make their profits by restricting further the already restricted area under tea and thus bring down the total production of tea and then place only that small quantity of tea in the market and fix for it whatever price they may like, then they will have not only the consumers at their mercy but also will deprive a large number of workers of their employment because of this restriction of

area under tea. Just imagine what happens when suddenly they decide upon restricting the area under tea by about a lakh or 50,000 or even 20,000 acres? All those workers who are employed on that land will become unemployed. Even if the area is only 1,000 acres, it comes to the same thing. Now, all these workers and their employment is left entirely to the mercy of these people merely because they want to make profits for themselves. They can certainly make profits if they are to organise the marketing side of the Indian tea well and efficiently, in which case it would be possible for them to expand the area under tea. To expand the area under tea is profitable and in the interests of both the consumers and the labourers, but to restrict the area under tea is really detrimental to both these interests, but it may be profitable to the producer. Therefore if you provide one seat for the Indian labour on this Indian Tea Licensing Committee, it would be possible for the Indian labour to assure itself that its case will not go by default and its voice will be heard and its interests will also be taken into consideration before any decision is taken by this Committee in regard to any further restriction of area under tea. Whenever they think of any further restriction, it will be necessary for the other members of this Committee to satisfy the representative of labour that it is being done in the interests not only of capitalists, not only of profiteers, not only of these planters but also in the ultimate interests of labour itself; because, after all, if they can convince the labour representative that it is in the interests of the great majority of labourers themselves that a particular restriction should be made so that it will be possible for the industry as a whole to make marginal profits or decent profits, then I am sure the representative of labour will be quite convinced and will be satisfied and will be quite prepared to satisfy his constituency and also the labourers at large employed in that industry to co-operate with the planters wholeheartedly. Therefore, I maintain that it is in the interests of the industry as a whole that this much representation should be given to Indian labour employed on the plantations.

But there is the objection that is raised usually by the other side, namely, that the connection, after all, between this Indian Tea Licensing Committee and its functions and the labour employed on the Indian tea plantations is rather a very remote one and, therefore, why should we go out of our way to provide representation for these people? Are the Indian tea planters so foolish as to cut their own throats and thereby cause trouble for Indian labourers themselves? No, Sir, I am quite well aware of the fact that the Indian tea planters know their own business very well, at least for the time being. But a time may come when the Indian tea planters may follow a suicidal policy also. They may continue in this present policy of restricting the area under tea to such a degree that they may force the consumers to find substitutes for tea and the consumers may come to like these substitutes so well and so permanently that the demand for tea may permanently go down, in which case, ultimately, the Indian tea planters themselves will come to suffer. But for the present the Indian tea planters may not realise that. If they have a representative on behalf of labour also, it will be in the interests of that particular representative to see that such a policy is not pursued. Well, they may say that one representative on behalf of labour may not be able to give these people sufficient warning. If these people who are interested in making profits themselves do not know their own interests, it is just as well that the Indian labour representative also may forget the interests

[Prof. N. G. Ranga.]

of the whole industry and also of labour. It may be, but at the same time there is another additional element introduced and to that extent the risk is insured against and is minimised and so the industry cannot be expected to prosper without running this particular risk.

Secondly, Sir, the planters are anxious to make only their profits. They do not care whether their workers get their legitimate share or not. They have given sufficient evidence for this in their own past. The tea plantation labour was treated so badly in the old days that the Imperial Government of those days was obliged to pass special legislation to prevent these people from being recruited. The labourers were recruited from Assam, Orissa, Bihar and other parts of India according to the system of indentured labour that was then prevalent. So, it is quite possible for these planters to persecute the labourers and exploit them without paying due consideration to their welfare or progress or their advancement. I, therefore, want that the workers should be protected against this kind of tendency on the part of the employers. That can be done partially, I do not mean it can be done adequately in this manner, if representation was to be given to Indian labour on this Indian Tea Licensing Committee. I have, therefore, great pleasure in supporting the amendment of my Honourable friend, Mr. Badri Dutt Pande, and I hope the House will support us and see that Indian labour is given at least this much of representation on this Committee.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I have repeatedly pressed the case of labour on the floor of the House and I pressed, that labour had got every right to share the profit earned by any concern. But at the same time I am not like my Honourable friends here to press the case of labour in season and out of season at places where they deserve and also at places where it is not necessary for them to be represented. In this particular case, I think, the argument advanced by Prof. Ranga does not convince me. He said that there might be an occasion when substitute might be found for tea and in that case, the tea plantations will substantially diminish and labour would suffer. I think there is absolutely no fear of that. No person interested in tea and who has a liking for tea would be able to find a substitute for it. In fact it is really the tea planters who have got greater interest in this particular thing than labourers. There are certain points in which the interests of employers and employees differ. I mean that the employer sometimes wants that the whole profit should be pocketed by him and in such a case you have really to see that labour gets its due share. But in this particular case, looking into the preamble of the Bill, I say there is absolutely no difference between the interests of labour and the interests of the tea planters. I will just read a sentence from the preamble of the Bill:

"Whereas it is expedient for the purpose of implementing the agreement which the Central Government has entered into with the Governments of Ceylon and the Netherlands Indies to give effect to the provisions of the International Agreement made between associations representing the tea growers of India, Ceylon and the Netherlands Indies, 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."

Now, Sir, it is the interest of the tea cultivators to see that the sale increases in the country. It is their interest to see that they should get greater quota for the plantations and it is their interest to see that the

whole market is expanded both in India and outside India. Therefore, as far as this particular Bill is concerned, I see absolutely no difference in the interests of the tea planters and the labourers. Their interests are identical and therefore, when the interests of both the parties are identical I do not see any reason why we should have a representative of labour, because in this case, the interests are common and there is no divergence of interest between labour and the tea planters. There may be occasions when it may be necessary to provide for representation of labour, but in this particular case, I see that there is no such necessity. Whatever subjects interest the tea planters will also interest the labourers. Both of them would like to have extensive sale, extensive plantation and extensive prosperity. In this case, to my mind it seems that labour representation is unnecessary because whenever you introduce the question of labour representation, the question will immediately crop up as to who that representative should be. Should he be from the province of Assam or from the Province of Bengal or from Bihar or Orissa. I understand that most of the labourers are recruited from Bihar and Orissa. I submit that all these complicated questions will arise, if you introduce labour representation and I, therefore, see no necessity for labour representation in this particular committee.

Mr. P. J. Griffiths (Assam European): Sir, I do not propose to canvass in detail the allegations made by my Honourable friend, Prof. Ranga, regarding the conditions of a labour in the tea estates, for most of his remarks appeared, if I may say so with due respect, not to have very much bearing upon the Bill at present before the House. I will content myself with replying to him in the words used by one of his former colleagues, Mr. V. V. Giri, at the conclusion of his tour at the South Indian Tea Estates some little time ago, when Mr. Giri said, "I pray that the conditions of labour in the industries of India may soon be as good as they are in the tea estates". The tea industry as a whole has nothing to fear whatsoever from the light of day with regard to its labour conditions and our reasons for opposing this amendment are not based on any such fear, but merely on a consideration of the narrow scope of the present Bill. The Tea Licensing Committee is not a body intended to regulate the conditions of industry. It is a body which has two functions to perform. In the first place it regulates the allotment of export quota to the different estates concerned and secondly, it deals with the question of extensions of cultivation. As regards its first function, the allotment of export quota, it makes no difference whatsoever to the conditions of labour or to the amount of labour employed whether export quota is allotted to this estate or to that estate. Those estates which export tea purchase considerable quantities of export quota. If they get an extra two or three thousands of lbs. of export quota, it does not mean that they grow more tea or employ more labour—it merely means that they spend less money in buying export quota from other estates which do not export. The addition to or the subtraction from the export quota of a particular estate has no direct bearing upon the question as to the amount of labour employed by that estate.

Prof. N. G. Ranga: Ultimately it does.

Mr. P. J. Griffiths: As regards the second function of the Committee, the function of dealing with extension of cultivations, my Honourable

[Mr. P. J. Griffiths.]

friend, Prof. Ranga, appeared to be under a complete misapprehension. He spoke of the possibility that this Committee might put a restriction on the cultivation of tea to the extent of one lakh of acres. I can only suppose that my Honourable friend has not read the Bill carefully. If my Honourable friend will read the Bill, he will find that the sole functions of the Committee with regard to extensions of cultivations consist in distributing, 4,000 acres—and no more—between one estate and another. That distribution will be made as it is now made on a consideration of whether the particular estates which apply for permission to extend are in fact economically imperilled or not.

Prof. N. G. Ranga: Will this prevent any restriction?

Mr. P. J. Griffiths: The Bill, irrespective of the Committee, prevents extensions except to the extent of 4,000 acres. The Committee has no power to grant extensions of more than 4,000 acres and it is extremely unlikely that the Committee will grant less than 4,000 acres. The Committee merely decides whether estate "A" or estate "B" or estate "C" should get its particular share out of those 4,000 acres. The suggestion of my Honourable friend that the Committee can in some mysterious way cut down the cultivation by one lakh of acres is quite chimerical and for my own part, I can see no way in which a labour representative on this Committee could forward in any way at all the interests of labour. The functions of this Committee are purely technical; they allot export quota, and they allot rights to extend and the presence or absence on that Committee of any one to represent labour cannot either directly or indirectly affect the conditions under which people in tea estates work. For these reasons, I oppose this amendment.

Mr. N. M. Joshi: Sir, I rise to support this amendment. Indian labour will always remain grateful to my Honourable friend, Sr Ziauddin, for whatever support he may have given to the cause of labour in the Legislative Assembly. But the learned Doctor cannot expect Indian labour to be grateful to him for the Vice-Chancellor of the Aligarh University failing to understand the simple relation between labour representation and tea control. Sir, my Honourable friend, Mr. Griffiths, quoted Mr. Giri as saying that conditions in tea estates were better than those in many other industries. That may be what he said, but I know Mr. Giri very well and I know what he meant. I have no doubt myself that in certain respects conditions on tea estates are better than the conditions in other industries. For instance, if a man works on a tea estate he gets free and pure air, he gets light and he works in the open. I would myself like to have conditions like those to work under. Therefore, in certain respects conditions on tea estates are certainly better than conditions in other industries. I am sure my friend, Mr. Giri, never meant that wages on tea estates are higher than wages in the Bombay mills, for instance. I am sure he never meant that, Mr. Giri knows labour conditions in India too well to say that wages on tea plantations are higher than wages in other industries.

Sir, I shall be very brief in placing before you and the House the claims of labour. I fully understand that the Licensing Committee will have the function of determining which garden will have a particular amount or quantity of tea to be exported and which gardens shall have

extension of the planting ground. But, Sir, in this it is not only the interests of the tea planters which are affected but the interests of labour are also affected. There are gardens which treat their workers better than others, and the labour representative who will be on this committee will use his voice and influence to give larger quota to those capitalists who treat their workers better than others. Similarly, the labour representative on the committee in giving extended land for tea cultivation will approve of giving extension of tea cultivation to those employers who treat their employees better. I cannot understand why some people should feel that labour has no interest. Labour has every interest in seeing that the quota is distributed to those people who treat their workers well, and a quota is not given or a less quota is given to those people who treat their workers badly. Then, Sir, this committee is likely to be consulted beyond its statutory duties in several matters. As regards the regulation and control of the tea industry, there is no other body which will be consulted as regards general questions regarding tea control and tea regulation. In these matters too the labour representative must have a voice. I, therefore, feel that the case for labour representation on this committee is absolutely clear and I hope the House will agree to it.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I wish to support the amendment moved by Mr. Pande. The object of the Bill, as will be evident from the statement of objects and reasons, is to regulate the export and the control of the extension of tea cultivation. If this Bill means anything, it means that the State has undertaken to help the industry not only in the matter of distribution but in the matter of production also. If once this principle is conceded that the State has a duty for the benefit of the industry that it must interfere both in the matter of production and distribution, it is only fair to say that the State must look not merely to the capitalist, not merely to the planters in this case, not merely to the consumers, but the workers and labourers on the plantation estates as well.

Now, I was surprised at the line of argument followed by Mr. Griffiths who started by saying that no labour questions are involved. He has been sufficiently answered by Mr. Joshi. But, Sir, if you were just to take into consideration to what extent labour is involved in the consideration of this Bill, you will find that the amendment has been very properly moved. Sir, in 1934, the number of labourers employed on tea plantations was nearly 8,02,438 in addition to outside labourers, permanent and temporary, which came to about one lakh. The number increased in the year 1935. But after this committee was constituted, what has happened? Have the wages increased? No, Sir. You will find, Sir, that the average wages from the year 1929 to 1933 were as follows: For a male, Rs. 9-9-7; for a female, Rs. 7-4-9; for a child, Rs. 5-7-1. In the year 1933-34 it decreased. In the case of a male it was Rs. 6-13-6; in the case of a woman, Rs. 5-2-7; in the case of a child, Rs. 3-10-4. In the year 1934-35 it decreased further; in the case of males, Rs. 6-11-9; females, Rs. 4-13-9; child, Rs. 2-10-10. If you compare this variation with the variation in prices obtained for the corresponding period you will find that the variation in the former case is greater. If this constitution of the committee has not affected the wages of the labourers, there was no justification for claiming representation for the labourers on this committee; but as a matter of fact we find from the statistics, and they are all from the Indian Tea Statistics for the years 1934-35, that the Indian

[Mr. N. V. Gadgil.]

labourers are affected, and if the State is asked to interfere for the benefit of the industry I fail to see why the State should not secure fair labour conditions and fair wages for the labourers concerned. And inasmuch as there are no organised trade unions in Assam, which is the principal tea plantation area, it was only just that a nominated person to represent tea garden labourers should be on the committee. With these words, Sir, I support the amendment and, I am sure, that the fair-minded Commerce Secretary will accept it.

Mr. H. Dow: Sir, I believe it is, or used to be, considered one of the duties of a good judge to extend his jurisdiction; and I think I must attribute the support of this motion by my Honourable friends, Prof. Ranga and Mr. Joshi, largely to belief in that principle. Neither of them showed any knowledge of conditions of labour on any of the tea gardens.

An Honourable Member: They do know about them.

Mr. H. Dow: Well, I only say that no knowledge was shown in their speeches: it seems to me that, if they had such knowledge, they might very well have brought it forward on this occasion.

Now, Sir, when I was considering whether support ought to be given to this amendment, I put before myself two simple hypotheses. First of all, I supposed that, instead of having one labour representative on this committee, we had twelve labour representatives, and no other interests represented at all. I ask you to imagine Government nominating twelve Mr. Joshis—I cannot imagine twelve Professor Rangas—imagination cannot go as far as that—but I am quite prepared to consider that Government might nominate him as the inimitable chairman of the committee. I then asked myself, having got this committee, and assuming that their only object in carrying out the purpose of the Act is to do what they can to improve the conditions of labour, what can they do? I came to the conclusion that they could do nothing at all. I then put before myself another hypothesis. Let us suppose that we put no representative of labour on this committee, but fill the committee entirely with people whose object is to do what they can against the interests of labour. I cannot suggest Members from this House for such a committee because no such person could be found here; but supposing such a committee to be constituted, I asked myself what harm can such a committee do within the four corners of the Act to the cause of labour. I came to the conclusion that they could do no harm at all. Now, Sir, looking at the question from both these extreme points of view and arriving at such a conclusion, it seems to me that there can be no possible case for a separate representative of labour on this committee.

Mr. Joshi made one point: he said that if he were on this committee, he would insist on giving a larger quota to those people who gave extra food to their labourers and otherwise bettered the conditions of their labour. I should like to point out that the principles on which the quotas are to be given, are laid down in section 14 of this Act, and this is certainly not one of the principles, so Mr. Joshi could do nothing to help labour. I do not think he could help at all, but even taking him at his own valuation, he must admit that he could only do anything to help by abandoning the principles laid down in the Act. I think I have fairly successfully shown that there is no reason for the appointment of a representative separately to represent the interests of labour under this Act. I therefore oppose the amendment.

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

"That after part (vi) of sub-clause (1) (a) of clause 3 of the Bill the following be added:

'(vii) one Indian member to be nominated by Central Government to represent labour in the 'Tea Estates'."

The Assembly divided:

AYES 46.

Abdul Qaiyum, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Sheodass Daga, Seth.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu
Varma, Mr. B. B.

NOES 55.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Avvar, Mr. N. M.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Bainath.
Bainai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Russ, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gilbert, Mr. L. B.
Gill, Mr. H. A. C.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
The motion was negatived.

James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Mehr, Shah, Nawab Sahibzada Sir Sayad Muhammad.
Menon, Mr. A. P.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rajah, Raja Sir Vasudeva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Thorne, Mr. J. A.
Umar Aly Shah, Mr.
Walkar, Mr. G. D.
Ziauddin Ahmad, Dr. Sir.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That in part (b) of sub-clause (1) of clause 3 of the Bill after the word 'by' occurring in the second line the words 'and from among' be inserted."

The object is this. In the composition of the Licensing Committee two members have to be elected by tea planters owning tea estates, and under sub-clause (c) one member is to be elected in the prescribed manner by Indian owners of tea estates in Southern India. I object to giving representation to two members by election to the tea planters in Northern

India and one to the tea planters of Southern India. As the clause reads, at present it is not incumbent upon an Indian being elected to represent these interests, and so I want to make it clear by saying that Indian tea planters shall have the power to elect two members from among themselves, and not from outsiders. In Southern India, Sir, there are a small number of tea planters, about two thousand. Any outsiders who are not Indians might persuade them to elect them, non-Indians, to represent their interests. I am trying by this Bill to make the intentions of the framers of the Bill more clear. Unfortunately, the words "from among themselves" were left out in the Select Committee, and by this amendment I want to make the position more clear. I have another amendment in No. 9 to clause 3 for the same purpose. I, therefore, hope that the House will accept this amendment.

Mr. H. Dow: Sir, on behalf of the Government, I should like to say that we have no objection to this amendment.

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

"That in part (b) of sub-clause (1) of clause 3 of the Bill after the word 'by' occurring in the second line the words 'and from among' be inserted."

The motion was adopted.

Mr. F. E. James (Madras: European): Sir, I have an amendment after the eighth amendment. It has been circulated and, I understand, is an agreed amendment. The amendment is:

"That in part (c) of sub-clause (1) of clause 3 of the Bill, for the word 'two' the word 'three' be substituted."

There is subsequently an amendment to secure representation on the Licensing Committee for the owners of tea gardens in the Kangra Valley and other districts in the north. This I should have been obliged to oppose, as the acceptance of that would have upset the balance of the Committee as between the interests in the north and the interests in the South. But I understand that my friends are prepared to accept the amendment which I have now moved, and therefore I am prepared to support the amendment which stands later, I believe, in the name of Mr. Pande. I, therefore, hope that this amendment will be agreed to by the House.

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

"That in part (c) of sub-clause (1) of clause 3 of the Bill, for the word 'two' the word 'three' be substituted."

Mr. M. Ananthasayanam Ayyangar: Sir, after I received notice of this amendment an hour ago, I have tabled another amendment. I agree with my friend, Mr. James, that there should be weightage for Southern India, but the question is whether it should be by the representation of European interests or Indian interests, or there should be a separate representation for the small holders of tea estates as suggested by a later amendment. Mr. James wants support for his amendment so as to give representation to Kangra Valley tea planters whose number, as he says, is two thousand, and who have small holdings and, therefore, they must have separate representation, and therefore, by his amendment, he wants to plead for weightage for Southern India tea planters. But Mr. James has said that the other representation will be given to the United Planters Association of Southern India. My amendment is instead of giving this to that association, it should be given to the small holders of tea estates in Southern India, just as one member has been sought to be added for the Kangra Valley holders in Northern India: there are 2,000 and more Badaga planters in Southern India to whom special representation should be given. If my Honourable friend, Mr. James, agrees with me, we can have an amendment to his amendment. My amendment seeks merely to carry out his object of giving weightage to Southern India, and I am carrying out the intention of the framers of the amendment who wanted to give special representation to the Kangra Valley holders. I intend to give a like representation to the Badaga small holders in Southern India. If he chooses to accept this amendment I have no objection to put these two amendments together, to give more representation to Southern India.

Mr. F. E. James: May I answer that, Sir?

Mr. President (The Honourable Sir Abdur Rahim): Since a suggestion has been made, I think, the Honourable Member can indicate his attitude.

Mr. F. E. James: I am in some difficulty because I have not seen the particular amendment. I would ask my Honourable friend, Mr. Ayyangar, not to press his point, because we had come to an agreement this morning with other Members in the House and with the various Parties, and I am not able to alter that agreement without further consultation with them and also with Government. I would also point out to my Honourable friend, Mr. Ayyangar, that as far as the interests of the small holders in South India are concerned, they are already represented in two ways: first of all there is a member elected in the prescribed manner by Indian owners representing tea estate of South India excluding Travancore

Mr. President (The Honourable Sir Abdur Rahim): I do not think the Honourable Member can make a second speech. He is only to say whether he is unable to accept the suggestion.

Mr. F. E. James: I am afraid I am unable to accept the suggestion, I hope my Honourable friend will withdraw his amendment.

Mr. M. Ananthasayanam Ayyangar: I will not take up the time of the House, Sir. Because I had notice of Mr. James' amendment only

[Mr. M. Ananthasayanam Ayyangar.]

recently, I have tabled my amendment which has now been circulated to the House; and I would suggest that in the interests of the small grower this matter may stand over and we can reach an agreed solution. If that is put off we can do as we like later.

Mr. H. Dow: Sir, I would just like to make the position of Government clear in this matter. In the course of my speech moving for consideration, I laid some stress on the necessity of securing a certain balance of interests in the committee, and I pointed out how, in three different ways from which the representation of minority interests might be considered, Government had gone as far as they felt they could in giving weightage to these interests. There has been considerable pressure to add to the committee another member, particularly representing small growers in the Kangra Valley and other districts in the North. That amendment Government would have felt bound to oppose on this very ground that it would upset the balance of the committee; but they were prepared to be party to a compromise by which the smaller and the Northern growers would be given an additional member, provided that could be balanced by securing additional representation to the South and to the larger estates. Now, the smaller estates in the south are already provided for on the committee, and therefore Government would not be prepared to lend their weight to the compromise if the amendment moved by my friend, Mr. Ayyangar, is substituted for that which has just been moved by Mr. James.

Prof. N. G. Ranga: Sir, I wish to say only this. Mr. Dow was just now saying that one member is already given to the small growers in Southern India, but the Bill only says this: "one member to represent tea estates in British India". That does not mean that he will be elected specially by the small growers alone. He will be nominated by the United Planters Association . . .

Mr. H. Dow: The Indian estates are the smaller estates in Southern India.

Prof. N. G. Ranga: It says here:

"Two members to be nominated by the United Planters Association of Southern India, one to represent tea estates in British India, and one to represent tea estates in Indian States."

Even in sub-clause (e), it does not mean that all owners of Indian tea estates are small. There are big owners and small owners, and that is the distinction I am making. In regard to the Kangra Valley the principle has now come to be accepted that because they are small people and they have some special interests as contrasted with the interests of the big tea growers they ought to be given some special representation and, therefore, Government have rightly, I think, agreed with the suggestion made by my Honourable friend, Pandit Badri Dutt Pande, that they should be given one member on the committee. On the same principle I want one member at least to be set apart for the small tea growers in Southern India. If there are 5,000 in the Kangra Valley, there are nearly as many in the Nilgiris coming from the ranks of the Badagas. The Kangra Valley people have been at least able to send their representative to this place: they have organised themselves in

some way or other, but the Badagas have not been able to organise themselves and they are not able to send any representatives here and that is why, I am afraid, their case is likely to go by default; and many of them are poor people. It is these people who need some special representation. I should have thought that when the Government had agreed to give one member to the Kangra Valley tea planters, and that rightly, they would be willing to give . . .

Mr. M. S. Aney (Berar: Non-Muhammadan): What was the agreement? With whom did Mr. James reach an agreement?

Prof. N. G. Ranga: I do not know. But even then my contention is this: it is quite possible when this agreement was being reached that the idea of the existence of the small Badaga tea planters was not borne in mind, and it is quite possible when they agreed that one member was to be given to the Kangra Valley planters, let us give one more to Southern India. But I am now presenting this particular fact to the House that here are the small people: their interests are special as contrasted with the interests of the big tea planters, and, therefore, they ought to be given some special representation; and since one additional member is to be given to Southern India I want that member to be confined to these small tea planters instead of simply saying that one member is being given anyhow to the Indian planters in Southern India. Therefore, coming again to the question of balance between these two interests which are interested in this, I can only say this. Let him remember the quota of representation that his community has been able to gain as a result of this communal award in Bengal, in proportion to the total numbers of Europeans in that province. Having got such over-representation in Bengal and other provinces, I do not see any reason why he should complain when we come here and ask in the name of Indian nationhood and also in the name of our Imperial economic status for one more membership for these small helpless Badagas.

Mr. James was telling me a few minutes ago that after all the Badagas are properly represented and properly looked after. He told me that he knew more about the Badagas than I do. That may be so. I can only state that I was sent specially by the Madras Government in 1928-29 to inquire into the economic condition of these Badagas. I submitted a report to the Madras Government and they generally agreed with my recommendations and one of my recommendations was that the Madras Government should take special steps to encourage these people in growing tea, because I considered that it was one of the most paying subsidiary employments for them and the Madras Government decided to give whatever encouragement they could to implement that recommendation, and started co-operative credit societies and it is these people who have suffered a lot owing to the activities of the Tea Licensing Committee and the controlling of the area under tea during the last five years. That is the reason why I want these people to be specially protected. What are the reasons why Mr. Dow has come here with this Bill? I hope he will be a dove of peace and give us the representation. He said that it is because so many complaints have reached the Government of India in regard to the claims of these small growers that he found it necessary to come here and ask for the appointment of an Indian Chairman for this Committee. I would like him to remember

[Prof. N. G. Ranga.]

that and agree to give us the representation we want. After the passing of this Bill, it will not be possible for these Badagas to increase their individual acreages under tea or for more of them to grow this tea. To that extent it is really a hardship. That is why I ask Mr. Dow and Mr. James to agree to provide for this one additional membership in sub-clause (c) of clause 3 (1) for the small growers of Southern India. All you have got to do is to say in sub-clause (c) one member to be elected in the prescribed manner by Indian owners of tea estates to represent tea estates in Southern India excluding Travancore owned by Indians and one member to be elected in the prescribed manner by the Badaga planters of Nilgris. That will be quite enough and I hope that Government will see their way to accept the amendment.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): As I understand the position, it is this. There was some difference of opinion amongst ourselves, as to whether the Kangra growers should have representation on this Committee and I heard different opinions expressed on this point. There were some who thought that the Kangra growers did not produce that quantity of tea which justified their having representation but in order to meet the wishes of many of our Honourable friends, who represent that part of India in this House, it was argued that we should give in on this point and allow the Kangra growers to have representation of this Committee. Then arose the point as to the proportions between the north and south of India, and to solve the problem, Mr. James came forward with a suggestion that in 3(c) one membership should be added, whereby the proportion between the north and the south would be maintained. I understand that he consulted different Parties, and since there was some difference of opinion, it appeared a good solution and I said, that if Kangra could get representation by this method, we would agree. Now, my Honourable friend, Professor Ranga, has brought forward the claim of Badagas. May I ask how much tea they produce?

Prof. N. G. Ranga: We do not have accurate figures now. More than 10,000 acres. The European Group know it if they care to tell us.

Sir Cowasji Jehangir: I have just made inquiries and I have been informed that they produce about half a million pounds against Kangra producing 2 million pounds. When we thought that two millions was not an amount sufficient to justify inclusion on the Committee, I think we must come to the conclusion that half a million does not justify inclusion. Now, what is the representation that Prof. Ranga wants.

Prof. N. G. Ranga: It is two millions and more.

Sir Cowasji Jehangir: May I ask him to read (c). It says:

"one member to be elected in the prescribed manner by Indian owners of tea estates to represent tea estates in Southern India excluding Travancore owned by Indians."

I understand that this includes Badagas.

Prof. N. G. Ranga: There are bigger fellows.

Sir Cowasji Jehangir: Is it correct to state that Badagas are in (c)?

Some Honourable Members: Yes.

Sir Cowasji Jehangir: My friend has already got what he wants.

Prof. N. G. Ranga: There are non-Badaga Indians who own big estates there. Badagas can be out-voted.

Sir Cowasji Jehangir: (c) was inserted in the Bill in order to give representation to Badagas. I was drawing the attention of my friend to (c). He would not read it. He went on reading (c). I am told on reliable authority that Badagas come under (c).

Now, that is a very different proposition to what my Honourable friend really asked for. Professor Ranga completely confuses the issues. What my Honourable friend, who intends to move an amendment which has not yet been circulated, wants is, that they should not have one but two. That is the point.

Prof. N. G. Ranga: No, no. One for Badagas and one for non-Badagas.

Sir Cowasji Jehangir: If my Honourable friend will consult his own friends, he will understand what my Honourable friend, who has tabled some amendment which has not yet been circulated, wants, *viz.*, that they should get two and not one.

Mr. M. Ananthasayanam Ayyangar: The South India tea planters want to have two representatives.

Sir Cowasji Jehangir: One has already been given. My Honourable friend, Professor Ranga, asked for one, but one had been given already in the Bill,—he has been granted that long before his attention was drawn to the Bill. Now the point really for consideration is—is there a justification for having two instead of one? That is the main point and if the Badagas have only half a million pounds of tea as against Kangra producing two million pounds, which gets one member, I do think that no case has been made out for that increase. What Professor Ranga has been demanding in this House, in a speech of twenty minutes, is already there in the Bill, and what my Honourable friend, who intends to give notice of an amendment, wants, is twice that representation, which is not justifiable.

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

"That in part (c) of sub-clause (1) of clause 3 of the Bill for the word 'two' the word 'three' be substituted."

The motion was adopted.

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

"That in part (c) of sub-clause (1) of clause 3 of the Bill after the word 'by' occurring in the second line the words 'and from among' be inserted."

Sir, I need not elaborate this matter in any detail. The arguments advanced regarding amendment No. 7 hold good in regard to this amendment also; that is, the representative being an Indian, merely elected by

[Mr. M. Ananthasayanam Ayyangar.]

Indian tea owners, the question is whether he should be an Indian or not. That is the object of the amendment.

Mr. H. Dow (Commerce Secretary): Sir, I accept the amendment on behalf of the Government.

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

"That in part (e) of sub-clause (1) of clause 3 of the Bill after the word 'by' occurring in the second line the words 'and from among' be inserted."

The motion was adopted.

Mr. Badri Dutt Pande: Sir, I beg to move:

"That after part (e) of sub-clause (1) of clause 3 of the Bill the following be inserted:

'(f) one member to be elected by owners of tea gardens of Kangra, Dehra Dun, Kumaon, Bihar and other unrepresented Tea Estates'."

Sir, I will not make any speech as I think this is an agreed amendment. So, I move.

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

"That after part (e) of sub-clause (1) of clause 3 of the Bill the following be inserted:

'(f) one member to be elected by owners of tea gardens of Kangra, Dehra Dun, Kumaon, Bihar and other unrepresented Tea Estates'."

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I beg to move:

"That part (f) of sub-clause (1) of clause 3 of the Bill be omitted."

The idea behind this amendment is that there should be no official Chairman of the Licensing Committee. Sir, in the original Bill introduced in this House this clause did not appear; it was only in the Select Committee that this clause was inserted. It was inserted on the initiative of the Government Member and many of us disagreed, but, Sir, I should say that one of our Party got tempted when he heard that the official Chairman would be an Indian. So he went over to the side of the Government and by his vote this was carried. Immediately afterwards he found out the mistake and to the Select Committee's Report he gave a minute of dissent. That is the history of how this clause was inserted. By inserting this, the Government Member indicated that there should be one Indian Civil Service man and preferably an Indian as Chairman of the Licensing Committee. That was the idea of the Government Member. Sir, at that time on our side we made it clear that we did not want an official Chairman of the Licensing Committee. Anyone with any experience of business will, I think, admit that in business matters the less of interference by the Government, the better for all concerned. Whenever Government deal with business matters, they always make a mess of the things without any comparative advantage to the business concerned.

Now, in Assam we have got one factory inspector and one boiler inspector. Well, this factory inspector will come and will always make this

suggestion and that suggestion, and will say, "do this" and "do that", without caring whether the doing of that thing would be to the advantage of the industry at all. Now, I must make myself clear. The inspector of factories would come and say, "you must prepare a lavatory after this pattern". Sir, when he gives the instructions, there is no other alternative but to carry out his orders. But after we spend thousands of rupees and prepare a lavatory on the pattern suggested by the inspector, we find that our coolies do not use it. They have got their old habits of the jungle and they won't use these lavatories. Similarly, in the case of the boiler inspectors also, we have seen that whenever they come on inspection, they do not make any improvement in any matter for the industry. So, Sir, we are convinced that the less of interference there is by Government with business, the better for the Government and the better for the tea industry. This is one of the reasons why we are opposed to having an official Chairman of the Licensing Committee. Then, Sir, so far as the work of the Chairman is concerned

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Government is going to accept this amendment, so please do not make a long speech.

Maulvi Abdur Rasheed Chaudhury: Sir, I am getting the assurance that it will be accepted by the Government and, therefore, I do not want to continue my speech. I move.

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

"That part (f) of sub-clause (1) of clause 3 of the Bill be omitted."

Mr. H. Dow: Sir, I should like to make clear the position of Government with regard to this amendment. The proposal to appoint an official Chairman is one that, when introducing the Bill, I said would probably be brought forward in the Select Committee, and the Select Committee have inserted the proposal. Later on there is amendment dealing with a proposal to establish an Appeal Tribunal. Government are opposed to that mainly on the ground of expense, and my main object in suggesting this clause was to provide a somewhat cheaper remedy. I should like to make it clear that in any case Government would not support both proposals, and I am prepared to believe that neither is really necessary. It was intended to assist as far as possible the small growers in appeal cases, and the object of Government in suggesting an official Chairman was that if the proposal for the Appeal Board was not carried, an Indian officer of Government might be put in this post. Now, there are not a very large number of these appeals. The number last year was only four, and it has been very small in other years. I am quite prepared to admit that if this Chairman were to have as his principal duty the dealing with these appeals, he would not be a very overworked officer. I am, therefore, prepared to withdraw this proposal, but I should like to make it clear at the same time that Government will oppose the proposal to set up a Tribunal.

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

"That part (f) of sub-clause (1) of clause 3 of the Bill be omitted."

The motion was adopted.

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

"That in sub-clause (2) of clause 3 of the Bill for the words 'As soon as may be' the words 'Within three months' be substituted."

This is practically a consequential amendment due to the amendment made in clause 4 by the Select Committee. Unfortunately, they were not able to carry this amendment because the early portion had already been disposed of and then they made an amendment in clause 4. The words of sub-clause (2) of clause 3 are as follows:

"(2) As soon as may be after the commencement of this Act, the Central Government shall publish in the official Gazette the names of all members of the Committee."

Then, in clause 4, sub-clause (1) it is said:

"If any authority or body fails to make within two months any nomination or election which it is entitled to make"

In the original Bill it was said:

"If any of these authorities fail to make a nomination within a reasonable time, the Central Government may itself make nomination."

In the Select Committee in place of "reasonable time" a period of two months was introduced. When that period was limited, then it is necessary that the period within which the Committee as a whole is constituted ought also to be limited to a period of three months. I have given one more month to the Central Government to fix up the names of all these persons and issue a Gazette notification constituting the Committee. Therefore, with a view to carry out the amendment that was carried out later on, I have given notice of this amendment which is a consequential one.

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

"That in sub-clause (2) of clause 3 of the Bill for the words 'As soon as may be' the words 'Within three months' be substituted."

Mr. H. Dow: Sir, I am prepared to accept this amendment on behalf of Government.

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

"That in sub-clause (2) of clause 3 of the Bill for the words 'As soon as may be' the words 'Within three months' be substituted."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

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

"That clause 5 stand part of the Bill."

Mr. Brojendar Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, I move:

"That in clause 5 of the Bill after the words 'The Committee' the words 'shall elect a Chairman from amongst its members, and' be inserted."

Honourable Members: This amendment will be accepted by Government, so please do not make a speech.

Mr. Brojendra Narayan Chaudhury: In that case I simply move it without a speech.

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

"That in clause 5 of the Bill after the words 'The Committee' the words 'shall elect a Chairman from amongst its members, and' be inserted."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I wish to make just one observation. We have accepted the deletion of clause 3 (f) though we had a chance of an Indian official being appointed. Now, I would like the European Members here to make a generous gesture and say that they would co-operate in electing an Indian for the chairmanship of this Committee. They may be in a majority membership, but they would be demonstrating their solidarity with Indians by supporting the election of an Indian non-official chairman. I would like to have an assurance on this behalf and then we shall be a happy family.

Dr. P. N. Banerjee: May I make another suggestion, that there should be a convention to the effect that Indians and non-Indians would be elected alternately?

Dr. Sir Ziauddin Ahmad: May I just say one word? The members of the Committee have not yet been selected and I do not know how we in this House can bind the future members of this Committee.

Mr. H. Dow: Sir, I should like to point out that this amendment simply restores the position as it stood in the original Bill before clause (f) which has just been deleted was inserted. It is, therefore, simply a consequential amendment, and Government are prepared to accept it.

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

"That in clause 5 of the Bill after the words 'The Committee' the words 'shall elect a Chairman from amongst its members, and' be inserted."

The motion was adopted.

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

"That clause 5 of the Bill, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 6.

Prof. N. G. Ranga: Sir, I move:

"That after sub-clause (2) of clause 6 of the Bill the following be added:

(3) All such by-laws shall be placed on the table of both Houses of the Central Legislature and may be amended or annulled by resolutions passed by the Central Legislature."

Sir, I need not say much in support of this amendment. The object of this is quite evident. We want to see that this House and the other House will have an opportunity of scrutinising these by-laws which may

[Prof. N. G. Ranga.]

be framed according to this Act by the Tea Licensing Committee that is to come into existence. I hope the Government will see their way to accept this amendment.

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

"That after sub-clause (2) of clause 6 of the Bill the following be added:

'(3) All such by-laws shall be placed on the table of both Houses of the Central Legislature and may be amended or annulled by resolutions passed by the Central Legislature.'"

Mr. H. Dow: Sir, I oppose this amendment. Sir, it seems to me to be quite unsuitable that by-laws which deal with matters of routine should be treated in this manner. We have a Committee, and if the Committee, which we have just constituted with so much care, is not going to be allowed to deal with questions of its own procedure and minor appointments and functions, then it seems to me that it would be a very poor committee indeed. To suggest that the valuable time of this Legislature should be wasted in scrutinising by-laws which deal with such minor matters is, I suggest, entirely improper. Government, therefore, oppose this amendment.

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

"That after sub-clause (2) of clause 6 of the Bill the following be added:

'(3) All such by-laws shall be placed on the table of both Houses of the Central Legislature and may be amended or annulled by resolutions passed by the Central Legislature.'"

The motion was negatived.

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

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 7.

Mr. Brojendra Narayan Chaudhury: Sir, I beg to move:

"That for sub-clause (2) of clause 7 of the Bill the following be substituted:

'(2) (a) The Central Government shall constitute a Tribunal of Appeal which shall consist of three members one of whom shall be retired judge of a High Court and one shall be a barrister-at-law or an advocate.

(b) It shall be the duty of the Tribunal of Appeal to hear and determine appeals of any persons aggrieved by orders of the Licensing Committee under section 14 of this Act.

(c) The Central Government shall prescribe by rules—

(i) the time within which and the manner in which appeal shall be preferred;

(ii) the forms to be used and the fees to be paid in preferring appeals;

(iii) the procedure to be observed at the hearing of appeals;

(iv) the remuneration to be paid to members of the Tribunal of Appeal; and

(v) generally for all matters connected with or incidental to the matters specifically enumerated in this sub-section or to the hearing and disposal of appeals.

(d) The decision of the Tribunal of Appeal on any matter of question brought before it by way of appeal shall be final and conclusive for the purpose of this Act."

Sir, in the Bill before us the power of revision from the decision of the Licensing Committee has been reserved to the Governor General in Council. That the Governor General in Council has not been able to give satisfaction to all the planters and particularly to the Indian planters—the small planters—is admitted by the Honourable Member of the Government also. As I said the other day, it is common ground amongst us, between the Government Members on the other side of the House, the big European planters in front of me and the non-officials on this side of the House, that there are many grievances of planters which have stood unremedied for the last four or five years. I am not going to weary the House by narrating these grievances and discuss whether they are real or not. I am thankful to the Honourable Mr. Dow for admitting that the feeling of these grievances exists and that they should be remedied. The House has just now heard from the Honourable Mr. Dow what his remedy is for the removal of some of the evils. His pet scheme of the official Chairman has been given up by the House. If we want to remove all the grievances, we cannot but vote now for the setting up of a tribunal like the one suggested in my amendment. I am glad that the Honourable the Government Member has confined the discussion of the merits of my proposal to a very small compass. He said only a few minutes ago that the main objection to a Tribunal of Appeal is on the ground of excessive cost. He had suggested the proposal of an I. C. S. chairman which he thinks would be less costly. Sir, we have heard that if an I. C. S. chairman is to be appointed, we have to get a senior man in the service and his salary would come to about Rs. 30,000. Together with his travelling allowances, I am sure that the cost of the official Chairman would not come up to less than half a lakh per annum. I admit that these figures are rough figures, mere estimates. Let me now try to show what the tribunal proposed by me in my amendment would cost. We claim no originality for this proposal. Such a Tribunal of Appeal has been worked in Ceylon, which is also under the tea export control scheme by the International Agreement, for the last five years and it is being worked very satisfactorily at a very small cost. This proposal for some such board of tribunal was strongly recommended by the London Sub-committee and that is the committee which represents the tea growers in India in entering into the International Agreement. That Committee strongly recommended a Board of Appeal. I will tax the patience of the House for a few minutes by reading the recommendations of that Committee:

"The Joint Sub-Committee consider that, in the event of claimants being dissatisfied with the ruling of the Licensing Committee in respect of their claims they should have a right of appeal therefrom. It is the opinion of the Joint Sub-Committee that this right to state a case, either in person or by Counsel, will facilitate and help to create a better atmosphere than exists at present owing to the feeling that there is, in practice, no actual right of appeal against the decision of the Licensing Committee."

So in the opinion of this expert body, about the so-called right of appeal which is reserved under this Bill to the Government of India, there is really no right of appeal. I may inform this House that the Government of India are not very much inclined to hear appeals. Generally an appeal comes up to Simla or Delhi by post. The Secretary or the Under-Secretary calls for the papers and an explanation from the Licensing Committee at Calcutta; and after going through these papers they pass their order. And the order is generally very brief and is to the effect that the Governor General in Council having gone through the papers sees no reason to differ from the decision of the Licensing Committee. The

[Mr. Brojendra Narayan Chaudhury.]
appellants are not allowed to be heard by Counsel. Sir, it is ridiculous to call this procedure an appeal when the complainant is not allowed to appear either himself or, in case he feels diffident, by a lawyer to put forward his case. If it is to be an appeal in actual fact the complainant must be heard in person or through Counsel. Then let me proceed with this quotation:

"In Ceylon appeals from the orders of the Licensing Committee are preferred to a Board of Appeal of three members, an ex-Judge of the High Court, a Barrister-at-Law and a Commercial Member. The Joint Sub-Committee are of opinion that a Statutory Board of Appeal of a similar nature should be set up, to which claimants could appeal from orders of the Licensing Committee, and before whom they could appear either in person or by Counsel."

Sir, I do not know for what reasons the big tea planting associations in India, particularly the Indian Tea Association Calcutta are now against this recommendation.

I shall now go into the matter of cost of the cases in Ceylon. I shall read from the Administration Report of the Tea Export Controller of Ceylon for the year 1935-36. In the accounts I find that fees to members of the Board of Appeal amounted to Rs. 3,625 only. That is the only item of cost that I find regarding the Board of Appeal in the abstract accounts. And then as regards the number of cases the report says that the Board met thirty-one times during the year and disposed of 108 appeals relating to estates, of which seventeen were successful, and 4 P.M. 568 appeals relating to small holdings, of which 194 were successful.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. There is an adjournment motion to be taken up at 4 o'clock.

MOTION FOR ADJOURNMENT.

MOLESTATION OF AN INDIAN GIRL AND FIRING ON RESCUERS BY EUROPEAN SOLDIERS IN MUTTRA DISTRICT.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, before the motion is taken up I want to inform the House what I informed the Chair at 3 o'clock, as soon as I got the information, that a charge-sheet was put up before the Magistrate and he has taken cognisance of the case. The matter is now *sub-judice*.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, yesterday when I wanted to move this motion the case was not *sub-judice* and I was not allowed to move it because there were the Railway Budget demands to be disposed of. You fixed 4 o'clock today for this motion, and even now I will not discuss the merits of the case but will put before the House the lack of discipline on the part of the military.

Mr. President (The Honourable Sir Abdur Rahim): It cannot be moved under the circumstances now disclosed. Yesterday I admitted the motion and directed that it should be taken up today as the demands for grants of the Railway Budget had to be passed. Today we are informed by the Honourable the Leader of the House that as a matter

of fact the subject matter of the motion is now *sub-judice* as a charge sheet has been put up before the Magistrate in connection with the case.

Mr. M. Asaf Ali (Delhi: General): Sir, on a point of order, I am not quite certain what exactly the Leader of the House means by saying that a charge-sheet has been placed before the Court.

The Honourable Sir Nripendra Sircar: I said that a charge-sheet has been placed before the Court and the Magistrate has taken cognisance of the case.

Mr. M. Asaf Ali: Under section 190?

The Honourable Sir Nripendra Sircar: Yes, under section 190.

Mr. President (The Honourable Sir Abdur Rahim): The Leader of the House has made it clear that a charge-sheet has been filed and the Magistrate has taken cognisance of the case under section 190 of the Criminal Procedure Code. Therefore, the matter is *sub-judice* and cannot be discussed in the House.

Mr. Brojendra Narayan Chaudhury will now proceed with his speech.

THE INDIAN TEA CONTROL BILL—contd.

Mr. Brojendra Narayan Chaudhury: Sir, when we were about to adjourn, I was talking about the cases in Ceylon. The Board there disposed of 108 appeals relating to big estates and 568 appeals relating to small holdings; and the fees to members of the Board amounted to only Rs. 3,625. We have been told that here in one year the number of appeals was four or five, but I say in the year preceding it was 34. Whatever the exact number may be it is a fact that the number of appeals in India at present under the control scheme is much smaller than in Ceylon, although I believe that when a Board of Appeal is set up the number of appeals will increase. But in any case I am sure that the number of appeals will not exceed the number that they had in Ceylon in the year 1935. The rate at which the judges of this tribunal are paid in Ceylon, as I find from this report, is about Rs. 50 a day. We have to pay double the amount to our judges here. A wholetime body which will sit from day to day is not required, because the nature of the duties will be such that all the appeals will be concentrated within a month or so and can be disposed of within two months. At the beginning of the year the Licensing Committee will issue the quotas. It is after the Licensing Committee will have issued the final quotas that appeals will be moved. The appeals will have to be heard within a month or two, or at any rate before the month of October, in regard to the additions to be given to the quotas for the quotas to be utilised for export. The only point at issue regarding the amendment before the House is the question of cost. I will leave it to the House to judge what the cost should be. Could we not be assured from the actual experience of Ceylon what the cost will be: it is about Rs. 4,000, and our cost cannot be more than double of the cost in Ceylon. So, whichever way you look at it the cost of the Tribunal cannot be high. It will be much less than the cost of an official Chairman. As you have rejected the proposal for an I. C. S. chairman, I should like

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to tell the House there is no other alternative open to us than to support the Appeal Board if we are really determined on redressing grievances. The Government, European interests and ourselves are already pledged-bound to remove them. With these words, I move the amendment.

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

"That for sub-clause (2) of clause 7 of the Bill the following be substituted:

- (2) (a) The Central Government shall constitute a Tribunal of Appeal which shall consist of three members one of whom shall be retired judge of a High Court and one shall be a barrister-at-law or an advocate.
- (b) It shall be the duty of the Tribunal of Appeal to hear and determine appeals of any persons aggrieved by orders of the Licensing Committee under section 14 of this Act.
- (c) The Central Government shall prescribe by rules—
- (i) the time within which and the manner in which appeal shall be preferred;
 - (ii) the forms to be used and the fees to be paid in preferring appeals;
 - (iii) the procedure to be observed at the hearing of appeals;
 - (iv) the remuneration to be paid to members of the Tribunal of Appeal; and
 - (v) generally for all matters connected with or incidental to the matters specifically enumerated in this sub-section or to the hearing and disposal of appeals.
- (d) The decision of the Tribunal of Appeal on any matter of question brought before it by way of appeal shall be final and conclusive for the purpose of this Act."

The Honourable Sir Nripendra Sircar (Law Member): Sir, I hope the House will not accept this amendment. I think the House will have an idea of the reality of the situation if I am allowed to state that during the last five years there were only 29 appeals. The acreage covered by these 29 appeals was only 750 acres. On the crop basis the sale value, if I may say so, of the subject matter of these appeals would be about Rs. 16,000. It is merely a drop in the ocean. Sir, it is the experience of everybody, I believe, that by having recourse to law Courts and tribunals, whether they are presided over by High Court judges or by others, the man with a longer purse has a pull over his poorer rival. I have personal experience of that. Having regard to the very few cases and extremely petty cases, the House can realise who are the persons who are likely to have recourse to appeals. Will the House be really helping by enacting that for these extremely petty cases, occurring at rare intervals, they should take the trouble of engaging lawyers to appear before a tribunal. Apart from any question of delay which is necessarily involved in going before a judicial tribunal

An Honourable Member: Why do you grudge lawyers their fees?

The Honourable Sir Nripendra Sircar: I do not know. Even if he is paid more than Rs. 20 a day, it is not worth while for my friend to shift from here for a case of this kind. Sir, it is really in the interests of the litigants: I think I made clear to the House that there are very few cases and very petty cases and this heavy machinery is not worth while installing for this purpose. After all this House has taken great care in improving the constitution of the committee, this House has also just now provided that the chairman will be an elected chairman, and having taken

all these precautions about it, and having regard to the facts which I have disclosed before the House, I hope no part of the House will agree to instal a tribunal of this kind for hearing appeals in cases of this nature.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The Honourable the Leader of the House has just now said that in an appeal a man with a long purse has always got an advantage over a man with a lean purse. May I invite his attention to this aspect of the question, namely, that here is an appeal in which there are not two parties: it is not a case of A *versus* B: there is only one party, and that is the party who feels aggrieved by the orders passed by the Licensing Committee under section 14.

The Honourable Sir Nripendra Sircar: May I explain? The Honourable Member has misunderstood me. I am not suggesting there will be two parties, a plaintiff and a defendant, but the process of litigation, engaging counsel, preparing briefs and other costs, all that may not hurt a man with a long purse, but the poor man will fail.

Mr. Akhil Chandra Datta: I am glad of the explanation, but merely because there will be an appeal, it does not necessarily follow that a counsel will have to be engaged. The appellant can put his case before the Tribunal, and if a man with a heavy purse will engage a lawyer, why grudge the lawyer his fee? Let him earn some fee by doing some good to his client.

The Honourable Sir Nripendra Sircar: If there was a prospect of a big fee I would have supported it.

Mr. Akhil Chandra Datta: Yes, all the lawyers in this country are not so fortunate as Sir Nripendra Sircar with regard to the amount of fees. There is one thing about these appeals. In ordinary appeals we have judicial orders passed after taking evidence, but here we have *ex parte* orders. What are these orders? They involve very considerable interests. A particular order may involve interests of thousands of rupees.

The Honourable Sir Nripendra Sircar: No.

Mr. Akhil Chandra Datta: With regard to this question of quota and other methods, if he will excuse a personal allusion, shall I tell the Leader of the House that only the other day, some people from Assam approached me in Calcutta and wanted to place an appeal before the Central Government? Well, I asked for a certain fee which I shall not mention, but they offered Rs. 1,000. If it had been acceptable to me I should not have come here. If a man offers Rs. 1,000 there must be some reason, the interests at stake must be more than Rs. 1,000. Those who are concerned in this matter and those who have got anything to do with these tea estates and export quotas know that very substantial interests are involved in these cases; otherwise the Government idea was this: the appeal should be heard by the permanent official chairman. That proposal having been dropped what is the alternative? We had to make our choice between these two authorities—a revising authority there must be—and the whole question is now whether it should be the Central Government as proposed in clause 7 (2), or a board of appeal as proposed in this amendment. The Joint Sub-committee in London gave reasons at

[Mr. Akhil Chandra Datta.]

length as to why it is very inconvenient to have an order revised by the Central Government. I shall not repeat those arguments. I should think that this proposal which has come after very mature deliberation from the Joint Sub-committee in London representing the tea interests of the north and of the south, in fact of the whole of India, is one which is certainly entitled to some weight and consideration. I support the motion.

Dr. Sir Ziauddin Ahmad: Sir, we have been talking on the floor of the House about two white elephants. One white elephant is called the Railway Rates Advisory Committee, but this House was not responsible for it—it was established by the executive action of the Government. The second white elephant is what is called the Federal Court. That Court is sitting and I do not know they have got any case. But this Federal Court has to be there on account of the Government of India Act for which this House is not responsible. We are now making an attempt to establish a third white elephant by a motion of this House, and that is the Tribunal now proposed under this amendment. This amendment proposes a tribunal consisting of a High Court Judge as the President and a barrister or advocate. The salaries of these officers will come to Rs. 15,000 a month or Rs. 2 lakhs a year. For what purpose are they going to incur this expenditure of 2 lakhs? We have been told by the Honourable the Leader of the House that during the last five years there were only 29 cases, which works out to about six cases per annum. I think many of us who are lawyers here would not mind supporting this amendment if they can become members of this Tribunal, because it really means a good income, a sure salary and little or no work. What is the amount involved? We were told that the total amount involved is about Rs. 15,000. Is it justifiable to incur an expenditure of Rs. 2 lakhs a year in order to decide cases amounting to about Rs. 15,000 per annum

Dr. P. N. Banerjee: They may be remunerated by fees: they need not be a permanent body.

The Honourable Sir Nripendra Sircar: May I make one correction? It is not Rs. 15,000 per annum. This Rs. 16,000 is the value of all the 29 cases for five years, so that for one year it is only Rs. 3,000.

Dr. Sir Ziauddin Ahmad: Thank you for improving my argument. We are asked to spend in five years 10 lakhs in order to decide cases worth Rs. 15,000. That is the true position. My friend says that the income will come from the fees to be paid by the tea planters. May I remind him that the entire amount comes from the pocket of the consumers ultimately? It matters little how it comes, but it comes from the same class of persons. We have been condemning on the floor of the House the Rates Advisory Committee: we have not been in favour of establishing a Federal Court without cases; and here we are asked to establish a tribunal costing 2 lakhs a year to try cases worth Rs. 3,000. It is not worth while to establish it for this small amount. A good deal has been talked about justice. In a matter of this kind we require more of common sense and an expeditious decision. The proposed amendment will, to my mind, have several disadvantages: firstly, it will be very expensive—quite an unnecessarily expensive burden on the cultivators; secondly, it will involve enormous delay in deciding these cases; and

thirdly, it is doubtful whether the decision will always be in favour of the aggrieved person. With these words, I oppose the amendment.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, there are many elephants, I agree, both white and black; but the question now really is only whether we should not provide some means by which injustice, so far as the aggrieved person is concerned, may be mitigated or relieved against; and while I recognise the force of what the Honourable Leader of the House said, the simpler way is not to create any more elephant but to go to the actual High Courts of the provinces, to whom an appeal may lie; because as far as I see the inclusion of a retired judge may not be very desirable; he may be too old for the purpose; let us have an actual judge doing his work: so far as I know the qualifications of a judge, he has to be either an advocate or a barrister of a certain standing. I believe the purpose of the Mover will be met if instead of this elaborate procedure to which objection can be easily appreciated, something simpler is done. I quite agree that maintaining a tribunal like this for the class of cases which my Honourable friend pointed out, may be quite an unnecessary institution, being too costly; but we have, for instance, in the case of land acquisition tribunals an appeal or power of revision to the High Court: it has been now further amended and appeals are allowed even to the Privy Council. I am not suggesting that in these cases you should make any such provision; but there is no reason why a Judge of the High Court of the province in which the dispute arises should not be the authority to whom an appeal would lie from any of these decisions at the instance of the aggrieved person, or to the High Court of the province. I hope that the additional expense will not be incurred. As I said it will be like an elephant, and we have already instances of people sitting down, constituting tribunals doing nothing. I know it. It exists even in this very city itself, but that is a different matter altogether, so that I would not suggest an addition. But what I would suggest,—and it is a fair solution which will meet what my friend, Sir Nripendra Sircar, said,—is that we need not have a tribunal which will cost a great deal without having enough work to do, because if these figures point to anything, they merely point to this, that there is not big enough interests in them or a large enough amount at stake to employ him or me or even the Honourable Mr. Akhil Chandra Datta. I appreciate that, but I also know that in the High Courts advocates of a fair amount of standing can be found for a very reasonable fee to plead the cause of their clients. So, there need not be any difficulty as regards the lawyers nor about constituting a white or black elephant. I would, therefore, suggest to the Honourable Member in charge of this Bill that it is really in consonance with the idea of some relief from injustice, if it exists, that he should agree to a very simple measure, namely, that an appeal shall lie to the High Court of the province in which the case has arisen at the instance of the person aggrieved. That is all you want. You don't want elaborate rules of procedure. After all, there are Bills and Bills, and in Bills of this nature, supposing the machinery that has been suggested is found to be a little too elaborate, and to which objection can reasonably be taken, it is never too late in a matter of this kind for the Honourable Member in charge of this Bill to accept the amendment, and it can be moved as an agreed amendment.

Mr. President: (The Honourable Sir Akhbar Bahadur: Has such an amendment been agreed upon? Has it been drafted?)

Some Honourable Members: It can be drafted.

Mr. H. Dow: Sir, it will not take me very long to deal with the points which have been made by the gentlemen opposite in support of this proposal. I will first deal with the suggestion made by Mr. Brojendra Narayan Chaudhury that these appeals, which at present lie with the Government, are dealt with in a perfunctory manner. I think it was his suggestion that the Under Secretary simply sent for the papers from the Licensing Committee and passed orders rejecting the appeal. Now, Sir, I would like to tell the House that during the time I have been in charge of the Department,—and for some time indeed before I was Secretary of the Department,—I have dealt with every one of these appeals personally. I have spent most of my time neither in Secretariat nor in Legislative Assemblies, but as a District Officer, and if I am unable to put my case as eloquently as some of the gentlemen opposite, they may remember that most of my time has been spent in places where forensic eloquence was of very little use. But I have had a great deal to do with the small cultivator, in whose interest I understand this proposal has been made. As I mentioned before, it seems to me a matter of very great importance that the small cultivator should not only have his case understood, but should feel that his case is being understood, and it was on that ground that I originally put forward the suggestion, which has not found favour with the House, that these appeals should be dealt with by an Indian District Officer of experience. I cannot see that any benefit is going to result to the small cultivator of tea, either from this Tribunal, or from the suggested appeal to a High Court which has been put forward in its place by the Honourable the Leader of the Opposition. Leaving aside the small cultivator for the moment, I should like to point out that as regards the rest of the industry,—and after all the owners of big estates are also interested in the distribution of quotas,—80 per cent. of the industry are definitely opposed to the setting up of any such tribunal. The Honourable the Deputy Leader stated that the London Joint Sub-committee was in favour of this proposal and had themselves brought it forward. It is perfectly true that, at a preliminary stage, they brought forward a suggestion that some tribunal of this character might be set up, but when they investigated the matter further, they withdrew the suggestion, and the London Sub-committee are now entirely opposed to it.

It has been estimated that the cost of this Tribunal will be somewhere between 2 and 2½ lakhs of rupees. The Honourable the Leader of the House has already given you the figures for the last five years of the estates which have actually appealed. It works out at an average of 350 acres a year. The cost to the litigant would, therefore, be somewhere in the neighbourhood of Rs. 700 an acre, which is a great deal more than the value of any difference in the export rights which he could possibly hope to obtain; no estate could stand expenditure on that scale. Nor do I think that the matter would be materially improved, if we looked at it from the point of view of the small cultivator, by allowing an appeal to a High Court. The small cultivator is very distant from these places, and he could hardly hope to have his case put forward properly without a great deal of expense, from which he is saved at present. References have been made to Ceylon, and it has been pointed out that there are a large number of appeals in Ceylon and the system works well. It is very largely because the circumstances in Ceylon are entirely different. If it

were a question here of dealing with a very large number of appeals concentrated in a small area, that would be an entirely different case, but I cannot see why because Ceylon has an institution something of this nature, we should set up such a Committee in entirely different circumstances. For these reasons, Sir, Government oppose the motion.

Mr. Akhil Chandra Datta: Sir, may I point out there is every prospect of an agreed solution, and so can we finish the Bill today?

The Honourable Sir Nripendra Sircar: I think Mr. Dow made it perfectly clear that there are no chances of an agreed solution. He made it clear in his speech that there are no chances of the Government agreeing to the suggestion which fell from the Honourable the Leader of the Opposition.

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

"That for sub-clause (2) of clause 7 of the Bill the following be substituted:

- (2) (a) The Central Government shall constitute a Tribunal of Appeal which shall consist of three members one of whom shall be retired judge of a High Court and one shall be a barrister-at-law or an advocate.
- (b) It shall be the duty of the Tribunal of Appeal to hear and determine appeals of any persons aggrieved by orders of the Licensing Committee under section 14 of this Act.
- (c) The Central Government shall prescribe by rules—
- (i) the time within which and the manner in which appeal shall be preferred;
 - (ii) the forms to be used and the fees to be paid in preferring appeals;
 - (iii) the procedure to be observed at the hearing of appeals;
 - (iv) the remuneration to be paid to members of the Tribunal of Appeal; and
 - (v) generally for all matters connected with or incidental to the matters specifically enumerated in this sub-section or to the hearing and disposal of appeals.
- (d) The decision of the Tribunal of Appeal on any matter of question brought before it by way of appeal shall be final and conclusive for the purpose of this Act."

The Assembly divided:

AYES 46.

Abdul Qaiyum, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachalam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Dessai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.

Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Paliwal, Pandit Sri Krishna Datta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Stryya Kumar.
Sri Prakash, Mr.
Subedar, Mr. Mann.
Varma, Mr. B. B.

NOES 56.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Ahmad Nawaz Khan, Major Nawab Sir.

Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.

Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.

Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.

Dalpat Singh, Sardar Bahadur Captain.

Dow, Mr. H.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.

Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghiasuddin, Mr. M.

Gilbert, Mr. L. B.
Gill, Mr. H. A. C.

Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.

James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Jehangir, Sir Cowasji.
Kamaluddin Ahmed, Shamsul-Ulema.
Kishalpal Singh, Raja Bahadur.

Lloyd, Mr. A. H.
Mackeown, Mr. J. A.

Mami, Mr. R. S.
Menon, Mr. A. P.

Metcalfe, Sir Aubrey.
Miller, Mr. C. C.

Mody, Sir H. P.
Murtuza Sahib Bahadur, Maulvi Syed.

Ogilvie, Mr. C. M. G.
Scott, Mr. J. Ramsay.

Sen, Rai Bahadur N. C.

Sher Muhammad Khan, Captain

Sardar Sir.

Siddique Ali Khan, Khan Sahib Nawab.

Sircar, The Honourable Sir Nripendra.

Slade, Mr. M.

Smith, Lieut.-Colonel H. C.

Spence, Mr. G. H.

Staig, Mr. B. M.

Stewart, The Honourable Sir Thomas.

Sundaram, Mr. V. S.

Thorne, Mr. J. A.

Umar Aly Shah, Mr.

Walkar, Mr. G. D.

Yamin Khan, Sir Muhammad.

Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, I move:

"That after sub-clause (2) of clause 7 of the Bill the following new sub-clause be inserted:

"(3) If any party is aggrieved by any order of the Licensing Committee under sections 14, 23, 29, 30 he shall have the right to refer the case in the prescribed manner to a Board of Arbitrators consisting of three members one of whom at least shall be an Indian formed in the following manner:

(i) one member to be nominated by the Licensing Committee;

(ii) one member to be nominated by the Government of Assam;

(iii) one member to be nominated by the Government of Bengal;

and the decision of the Board shall be binding on the Licensing Committee."

I thought that this House would accept the kind of tribunal which Mr. Chaudhury suggested in his amendment. Having failed in that, I think we now fall back upon this. My submission is this that the Indian Tea Licensing Committee working in Calcutta, since 1934, has not been functioning properly and they have absolutely failed to do justice to the Indian tea-growers of Assam, Kangra and South India. My Honourable friend, Sir Nripendra Sircar, told us that there were something like 29 appeals only but I can inform the House that many people did not come before the Central Government on account of the extra expense, trouble and labour they would have had to incur for this purpose. I have a list here from which I find that about 28 estates could not get a quota from the Licensing Committee and it was not possible for these estates to come up and prefer an appeal in Simla or Delhi. There was the Chow-

dang estate with 17 acres. It was at first thought that some quota should be allotted to it but that was subsequently refused. I shall read out a list of these. Baganibari—not allowed an export quota. Simlitola, a very small estate, not allowed. Chowdang, an estate of 17 acres, not allowed. Duliabari, an estate of four acres, no export quota allowed. Maheshbari, an estate of seven acres, no export quota allowed. Amrajjan estate of 31 acres, no export quota allowed. Baruagon estate of two acres, no export quota allowed. There are about twenty-nine of these, and on account of the difficulty of the committee not being accessible to them, they could not get any export quota. I have already got a list of twenty-nine but there are so many that it will be rather impossible to tell the whole story about their difficulties. Here we have heard from Mr. Badri Dutt Pande that in Kangra alone there were so many owners of estates who could not move at all from their places to come to the Licensing Committee in order to get their export quota. It is really difficult if not impossible for the small tea-grower to come before the Central Government. In fact, the Committee which is functioning in Calcutta has very often done injustice to the Indian growers. My friend, Mr. Dow, has given us information that 80 per cent. of the growers did not want an appellate board, but he has forgotten to tell us how many of them were Indians and how many Europeans. Eighty-five per cent. are European and only fifteen per cent. are Indians and, as such it is just possible that the Europeans did not want it but he did not mention that other percentage which supported an appellate board. It is said in the arguments advanced that an appellate board would be a very costly one. Now the Ceylon appellate board in 1933-34 was costing only seven thousand rupees, and the statement giving us a figure of two lakhs was rather surprising. I should say rather fictitious. If a proper appellate board were constituted, much less than seven thousand rupees would be necessary. You will find in the case of the Ceylon Board of Appeal that there was a disposal by the Board of appeals in 1935-36 of a lot of work. Fifty-eight sittings were held during the year 1934-35. I shall quote from the report itself:

"The Board held 58 meetings during the year of assessment 1934-35, and disposed of 267 appeals relating to estates, of which 33 were successful, and 500 relating to small holdings, of which 114 were successful."

So, we find that in disposing of 767 appeals, that cost only Rs. 7,000, and as such, the argument put forward against the Board of Appeal is most untenable; and, I think with regard to the proposition of a Board of Arbitrators the same argument will be put forward. My submission to this House is that without a Board of Arbitrators the small tea-growers will be left at the mercy of the Licensing Committee, who, being elected from amongst the bigger tea-growers, would naturally have no sympathy whatever with the smaller tea-growers. If a board of arbitrators is created, then we know that it will be a sort of check on the Licensing Committee, and, as soon as they know that there is some body to revise their orders, the Licensing Committee will be very very careful in doing injustice: and, as such, I ask this House that the proposition of a board of arbitrators should be supported. Under the circumstances and under the conditions prevailing at the present moment, I think the House should not in any way object to the creation of a board of arbitrators. Sir, it is a very very modest proposition and I do not think the Government Member, if the Government have the good of the small tea planters at

[Mr. Kuladhar Chaliha.]

heart, should object to it at all. The only ground why the big tea-growers should object is, it seems, that they have a sort of malicious greed and do not wish well of the small Indian tea planters. They want, it seems, to drive the small Indian tea planters to penury and ruin. They seem to adopt this attitude,—why should the small tea-growers exist at all? Sir, in Assam there are many people who cultivate their own land and after some time grow ten, fifteen or twenty acres and they grow a decent tea garden. Now, should you ruin them, or should you not give them protection? And what is the protection you are giving? If the Licensing Committee rejects their quota, the only alternative for them is to come to Simla before the high gods, and that is an impossibility for them. It is easy enough for the bigger folk to come up to the Commerce Member or the Commerce Secretary. But if the smaller folk were to try to come up and see these high gods, probably they will be kept out by the chaprassis. What then is our remedy? The European tea-planter comes up and says, “well, Mr. Dow, can I come in and have a talk with you? I have some trouble”, and Mr. Dow tells him, “what can I do for you?” Will he say the same thing to the smaller Indian tea-grower coming from the interior of Assam, South India or Kangra? Sir, my submission is it is impossible for such people to come up to Simla and talk to Mr. Dow. In fact I have not yet been able to have a talk with him in order to ventilate our grievances because, I have not been introduced to him, and what about the small tea-grower owning an estate of two or three acres? I asked Mr. Griffiths to introduce me to Mr. Dow, and no doubt I shall get my chance but what about the small man owning two or three acres? Sir, if you want to be just and proper, you must concede my proposition. You have rejected a very fine proposition made by my Leader, Mr. Desai and by my friend, Mr. Chaudhury and the alternative is, if you wish to be just and kind and good to our people, for you to accept this proposition, which I ask you to do in all earnestness, so that you may do a little justice to the poor people far away in South India, far away in Kangra district and far away in the wilds of Assam.

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

“That after sub-clause (2) of clause 7 of the Bill the following new sub-clause be inserted:

“(3) If any party is aggrieved by any order of the Licensing Committee under sections 14, 28, 29, 30 he shall have the right to refer the case in the prescribed manner to a Board of Arbitrators consisting of three members one of whom at least shall be an Indian formed in the following manner:

- (i) one member to be nominated by the Licensing Committee;
- (ii) one member to be nominated by the Government of Assam;
- (iii) one member to be nominated by the Government of Bengal;

and the decision of the Board shall be binding on the Licensing Committee.”

Mr. Badri Dutt Pande: Sir, there is a proverb which says: It is a long long way to Tipperary and I say it is a long long way to Delhi and Simla. My Honourable friend, Mr. Dow, just said that 12 Joshis are not wanted and 12 Rangas are not wanted meaning thereby that only one Dow and one Clow and one Griffiths are sufficient. They may manage or mis-manage our affairs and they may represent or misrepresent our views, but they are sufficient. They are self-sufficient, self-appointed and self-composed

representatives of the Indians. Sir, a man from Kangra, which is 500 miles off, cannot be expected to come to Delhi or Simla. Similarly, a man from Assam will find it difficult to come to Delhi or Simla. They should have some justice near at hand.

Mr. H. Dow: Can he go to Calcutta to appear before this Tribunal?

Mr. Badri Dutt Pande: Assam people have relatives in Calcutta but they have no relatives in Delhi or Simla. The roads of New Delhi are very misleading: even I am misguided and am lost in the wilderness when I go alone. I find myself a stranger in this Viceroy's New Delhi, so what to say of the poor villager who does not know where to go and appeal. Here, the Members opposite do not even talk to us politely and how can you expect them to talk to the small cultivators. Ceylon is a small island and yet it has got a Tribunal, but the bigger India—the wider India—the greater India, as was said by the late Mr. Ramsay Macdonald, when drawing the Princes into the Federation, is denied the benefits of this Tribunal. I, for myself, am unable to understand this logic.

5 P.M. In fact, there is no logic at all. The proposal of an appeal to the High Court that was made by our talented Leader was to meet the problem half way, but even his solution was not found to be acceptable by the Government. They want to have everything to themselves. It is the Bengal Chamber of Commerce which wants to dominate over all this tea business. We do not want to ruin this tea industry in any way but we must tell them that it is our own industry. We do not want to ruin anybody in this industry; we do not want to be a sort of obstacle on the path of anybody, but we do want that the interests of the small tea grower, the interests of the labourer and also the interests of the foreign trade should be protected. We want all that. We have not received protection at the hands of the tea planter. A tea planter and an Afghan money-lender with his *danda* are the same to our labourers. They are just like kith and kin in their dealings with our people. They are very rough.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech on the next day for this Bill.

The Assembly then adjourned till Five of the Clock, on Saturday, the 26th February, 1938.

LEGISLATIVE ASSEMBLY.

Saturday, 26th February, 1938.

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

THE BUDGET FOR 1938-39.

The Honourable Sir James Grigg (Finance Member) : India is a disappointing country for prophets. A very distinguished predecessor of mine described it to me as a land of unfulfilled prophecies. I don't know how far his experiences as Finance Member were responsible for this disillusioned judgment, but I can certainly say in my own case that my record in what I once called that minimum of prophecy inseparable from budget making would certainly not justify my setting up as a seer in other spheres. In extenuation I plead that in India we have to present our budget a month before the year to which it relates even begins, that the supply of statistical information follows a considerable time after the events to which it refers, that the budget of an agricultural country which is in fact a continent and which relies for its revenue so largely on indirect taxation is particularly sensitive to economic fluctuations, that the world at large on which India depends for its export markets is in constant change and disturbance and last but not least that in India we have just introduced the first stage of a new Constitution which has involved innumerable financial and economic adjustments.

With this preliminary warning or apology if you prefer to call it so, I turn to my task and I deal first with the year which ended on the 31st March last.

FINANCIAL YEAR 1936-37.

2. In our revised estimates for 1936-37 we anticipated a deficit of Rs. 1,92 lakhs. The actual deficit has turned out to be Rs. 1,79 lakhs but the net improvement of Rs. 13 lakhs is a complex of many more substantial pluses and minuses. Customs and central excise duties as a whole produced Rs. 22 lakhs more than expected. There were increases of Rs. 29 lakhs from the excise duty on sugar, Rs. 18 lakhs (net) from the export duty on jute and Rs. 18 lakhs from the duties on motor spirit. On the other hand there was a large shortfall of Rs. 35 lakhs under "Cotton fabrics not of British manufacture" and a deficit of Rs. 12 lakhs under "Silver". Currency and Mint receipts showed an improvement of Rs. 21 lakhs, but this was balanced by a decrease of a similar amount under Interest receipts owing to the fact that the interest earned by the securities held in our Silver Redemption Reserve was not sufficient to cover the depreciation in their capital value. Minor variations under other heads resulted in a net deterioration of Rs. 9 lakhs. As Honourable Members have already been informed in the Communications Member's speech introducing the Railway Budget the net revenues of the railways increased by no less than Rs. 1,02 lakhs, but under the arrangements which were then in force the whole of this increase was credited to the Depreciation Reserve Fund in partial repayment of the amounts withdrawn to meet the deficits of previous years, and general revenues were therefore not affected. It is interesting to note the main tendencies of the closing months of 1936-37 and to follow them into the succeeding year. In

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summary these are a rapid improvement in railway traffic and customs receipts the latter improvement concealing a rapid decline in the duties on the imports of silver and of cotton piecegoods. The import trade had clearly already begun to respond to the strong stimulus provided by the marked expansion of our exports, and to take that upward turn which was to continue throughout the rest of the calendar year 1937.

FINANCIAL YEAR 1937-38.

3. Our revised estimates show a total improvement of Rs. 3.90 lakhs in revenue, but as there is an increase of Rs. 3.22 lakhs in expenditure the net improvement is only Rs. 68 lakhs. The budget estimates provided for a nominal surplus of Rs. 7 lakhs after the utilisation of the whole of the Revenue Reserve Fund of Rs. 1.84 lakhs. According to the revised estimates we shall require only Rs. 1.09 lakhs from the Fund and shall be able to carry forward the remaining Rs. 75 lakhs to the year 1938-39.

4. Before referring to the main causes of these variations I should like to remind the House of the additional liabilities which we have had to undertake this year in connection with the separation of Burma and the inauguration of Provincial Autonomy. I said last year that the net loss on account of the separation of Burma was expected to be Rs. 2.33 lakhs. In arriving at this figure we allowed for a receipt of Rs. 3.23 lakhs in respect of the first of the annual payments to be made by Burma under the Amery Award. I mentioned, however, that this was only a provisional figure. The actual amount payable is now expected to be approximately Rs. 3.05 lakhs. Thus we are about Rs. 18 lakhs worse off as a result of separation than we calculated last year.

As regards the Provinces we anticipated debits amounting to Rs. 1.97 lakhs, partially offset by a small credit of Rs. 12 lakhs—a net deficit of Rs. 1.85 lakhs. The debits consisted of the following three items:

- (1) Additional payments to Provinces from the proceeds of the export duty on jute—Rs. 51 lakhs;
- (2) Additional grants-in-aid to deficit Provinces—Rs. 56 lakhs; and
- (3) reduction in interest receipts—Rs. 90 lakhs.

The amount of the grants-in-aid are fixed under the Niemeyer award, but the additional 12½ per cent. payable out of the jute duty will cost 54 lakhs, and the loss on account of interest has proved to be about a crore instead of Rs. 90 lakhs. This is due to the fact that the balances made over to the Provincial Governments at the end of March 1937 were in some cases larger than we had expected, and they were therefore entitled to have a larger amount of debt set off under the debt settlement scheme. As a result of these increases we now estimate the extra liabilities incurred by the Central Government at Rs. 2.51 lakhs in the case of Burma and Rs. 1.98 lakhs in the case of the Provinces or Rs. 4.49 lakhs in all.

5. There is one other adjustment which I can conveniently mention at this stage. I said last year that the capital element in the instalments payable by the Provinces would be taken straight to the reduction of debt outside the budget. But in this first year owing to a change of the dates of payment made to suit the convenience of Provinces the equated instalments contain a larger element of capital and a smaller element of interest. I propose to adjust this in the accounts by making a reduction of Rs. 48 lakhs in the current year's provision for Reduction and Avoidance of Debt. I should like to assure

Honourable Members that this is in effect an accounting change only and it does not at all represent a diminution of the actual amount allocated to debt redemption nor a conversion on my part to the imaginative school of finance.

6. Apart from the financial benefits which the Provinces received before and upon the introduction of Provincial Autonomy, the improvement in railway revenues makes it possible to begin the distribution of income-tax receipts under the Niemeyer award in the current financial year. As Honourable Members have already learnt, the net surplus of the Railways for the current year is now expected to be Rs. 2.83 lakhs. In order to arrive at the amount payable to the Provinces it is necessary to deduct from our total receipts in respect of Taxes on Income other than Corporation Tax the amounts attributable to (1) taxes collected in central areas, (2) taxes on salaries paid from central revenues, and (3) cost of collection. It is anticipated that the balance remaining after these deductions will be Rs. 11.55 lakhs. To this figure is added the amount of the railway surplus and the combined total less 13 crores is the amount distributable to the Provinces. In effect then we are entitled to retain Rs. 1.45 lakhs out of the railway surplus, and the amount of income tax distributable to the Provinces is consequently estimated at Rs. 1.38 lakhs. I am well aware that the returns of railway revenue for the early months of the year had given rise to hopes that the amount available for distribution might be considerably larger. They have also given rise to some highly coloured calculations in the Press. Naturally I am as disappointed as anyone else that these roseate dreams have not proved to be solid fact. But on the other hand a year ago nobody expected a distribution at all and moreover when the Niemeyer Award was announced there were gloomy forebodings—I think officially expressed by some of the Provinces—that the provision for conditional payments during the first five years was likely to prove a dead letter. The actual distribution will take place towards the end of March on the basis of the best revised forecast then possible and adjustments will be made on the basis of audited accounts in the following year.

7. Perhaps I may pause here and remind Honourable Members of the new charges which have been imposed on the Central Budget in recent years in the interests of the Provinces. I leave out of account the abandonment of the 9 or 10 crores of contributions under the Meston settlement. There are the Rs. 1.98 lakhs I have just given as the cost of the Niemeyer settlement *plus* Rs. 1.38 lakhs of income tax to be devolved. There are the grants of the previous year to Sind and Orissa amounting to Rs. 1.58 lakhs *plus* the original 50 per cent. of the jute duty now reckoned at Rs. 2.19 lakhs. There are the Road Fund grants of Rs. 1.41 lakhs and smaller recurring grants adding up to Rs. 16 lakhs a year all told—altogether a grand total of nearly 9 crores leaving out of account the 2½ crores for Burma. And I ask those who sometimes condemn the attitude of the Government of India towards Provincial aspirations to reflect that more than 20 crores of revenue have been relinquished to Provinces since the war and that under the Niemeyer Order-in-Council we are under an obligation to release a further 5 or 6 crores.

Revenue.

8. I now come to the revised estimates of revenue for 1937-38 and I remind Honourable Members of the summary which I gave of the trends which manifested themselves in the last quarter of the previous year, *viz.*, a rapid improvement in railway traffic and customs receipts generally the latter concealing a rapid decline in the duties on the imports of silver and of cotton piecegoods. The increase in railway returns continued until the autumn and was then replaced by a steep decline from the figures of a year before. The

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decline is too serious for us to hope that it will shortly be reversed but we can at any rate hope that it will become less steep and this is the basis of the estimate of a total railway contribution of Rs. 2,83 lakhs. Customs and central excise receipts continued to advance until the end of the calendar year but in December the percentage of improvement was lower than in the preceding months, and the returns of January of this year confirm the flattening of the curve. Our revised estimates are therefore less satisfactory than at one time seemed probable. Let me deal with these estimates in a little more detail.

9. *Customs and Central Excise Duties.*—I have already mentioned that the decline in the revenue from imports of silver and cotton piecegoods which was noticeable in the closing months of 1936-37 has continued into the current year. The actual decreases in our revised estimates for these items as compared with our budget estimates are as follows :

Silver	1,28 lakhs.
Cotton fabrics of British manufacture	59 lakhs.
Cotton fabrics not of British manufacture	70 lakhs.

As regards silver I can only say that this is an item for which accurate budgeting is exceptionally difficult, and that an increase in imports of other commodities seems frequently to coincide with a decrease in imports of silver. The decrease under "Cotton fabrics not of British manufacture" is of course due to the war between Japan and China, but it is noticeable that British piecegoods have not participated in the resultant advantage to Japan's competitors in the Indian market. That advantage has accrued entirely to the domestic producer, whose steadily increasing out-turn has been accompanied by a steady decline in our total imports from abroad and in the revenues which we have derived from them.

In spite of these large decreases our revised estimates for customs and central excise duties combined show a total net improvement of Rs. 1,91 lakhs. The improvement is spread over a wide range of articles included in the non-protective part of the tariff, and is largely accounted for by the increased imports of durable and semi-durable goods. Thus machinery is responsible for an additional Rs. 42 lakhs and motor vehicles for an additional Rs. 41 lakhs. There is also an increase of Rs. 45 lakhs from motor spirit.

10. *Taxes on Income.*—Our total revised estimate, including corporation tax and the other elements which are wholly central, is Rs. 15 crores as compared with the budget estimate of Rs. 14,30 lakhs, an improvement of Rs. 70 lakhs. This indicates that the progress of recovery in the country as a whole was not seriously interrupted during the previous year in spite of the temporary decline in imports which was reflected in our receipts from customs duties. The figure of Rs. 15 crores will in our accounts be reduced to Rs. 13,62 lakhs on account of the assignment of Rs. 1,38 lakhs to the Provinces, the gross railway contribution of Rs. 2,83 lakhs being, of course, taken to revenue in full.

11. *Other revenue heads.*—We expect an improvement of Rs. 10 lakhs under Salt and an improvement of Rs. 17 lakhs under Mint, which is due to an increase in the absorption of small coin. On the other hand there are two decreases which I must briefly explain :

(1) The first is a decrease of Rs. 9 lakhs under "Payments from Indian States". This is due to the decision that in cases where the tribute paid by an Indian State exceeds 5 per cent. of the total revenue of the State the excess over that percentage should be remitted. The Indian States Enquiry

Committee of 1932 strongly recommended that such remissions should be granted as a first step towards redressing inequalities, irrespective of any arrangements which might be made in connection with the accession of the States to the Federation. We acknowledged the justice of that recommendation but found ourselves unable to implement it at that time. However now that a distribution of income-tax to the Provinces is being made it is unjustifiable to postpone further the removal of this grievance.

(2) The second item is a decrease of Rs. 39 lakhs under Currency. This arises from a reduction in the surplus profits of the Reserve Bank. Under section 33 of the Reserve Bank of India Act the sterling securities held in the Issue Department of the Bank must be "Government securities of the United Kingdom maturing within five years". There is, however, a proviso which allowed the Bank to hold longer-dated securities during the first two years of its existence. Consequently the full effect of the restriction has only been felt during the current financial year, and owing to the very low rates of interest which have been obtainable on short-dated sterling securities the effect has been more marked than we had anticipated. It is obviously desirable that the resources of a Central Bank should be held in as liquid a form as possible, and the restriction was deliberately inserted for this purpose. The reduction in the surplus must therefore be regarded as a part of the price which we have to pay for the strength of the Bank's present position.

12. *Posts and Telegraphs.*—The budget and revised estimates for the Posts and Telegraphs Department are as follows :

	Budget, 1937-38.	Revised, 1937-38.
	(in lakhs)	
Gross receipts	11,16	11,46
Working expenses and interest charges	11,12	11,03

Thus on the basis of the present accounting system the net receipts of the department are expected to amount to Rs. 43 lakhs against our budget estimate of Rs. 4 lakhs. The decrease in expenditure is mainly due to the postponement of the Empire Air Mail Scheme, and the improvement in revenue is due to increased receipts from telephones and from the sale of stamps. This improvement must be attributed to the general increase in trade activity which is reflected also in our customs estimates, but I might add that in the Posts and Telegraphs Department also the receipts began to show a decline at the beginning of the present calendar year. I propose to defer further comments on the financial position of the department until I come to next year's estimates.

Expenditure.

13. *Defence Services.*—I said that we now expect a total increase of Rs. 3,22 lakhs in expenditure. Out of this total Defence Services account for Rs. 2,60 lakhs. The most important single item is of course the cost of the military operations in Waziristan, which is now estimated at Rs. 1,76 lakhs. Another considerable item is the abandonment of the Lahore abattoir and the associated scheme for the establishment of cold storage facilities in northern India. It was originally anticipated that this might cost the taxpayer as much as Rs. 50 lakhs, but our latest estimate is only Rs. 26 lakhs. Here I might perhaps be allowed to digress for a moment to pay a tribute on the one hand to the very reasonable attitude adopted by the majority of the firms and contractors in their claims against Government, and on the other to the skill of those entrusted with the negotiations on the Government side. In particular, I should like to acknowledge the very great value of the work done by Sir James Pitkeathly, the Chief Controller of Stores, who has taken a leading part in the negotiations

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The balance is made up of a variety of smaller items, the most important of which are :

- | | |
|--|---------------|
| (1) Additional expenditure on the reconstruction of Quetta | Rs. 10 lakhs. |
| (2) Rise in prices | Rs. 10 lakhs. |
| (3) Initial expenditure on the reorganisation of the British Cavalry and Infantry | Rs. 8 lakhs. |
| (4) Increased cost of British troops occasioned by the grant by His Majesty's Government of various improvements in the conditions of service in an attempt to arrest the growing shortage of recruits | Rs. 16 lakhs. |

I shall refer to the last two items again when I deal with the estimates for 1938-39, but I should say now that the last is a net figure after allowing for a certain shortage of British troops.

14. *Interest.*—Apart from the special adjustment as between Capital and Interest which I have already mentioned we now expect an increase of Rs. 72 lakhs under Interest. This is almost entirely due to Post Office Cash Certificates. During the last two years our disbursements on this account have been exceptionally high owing to very large maturities of certificates issued at a high rate of interest. We have met a part of this liability from a special fund which was built up during years when our actual disbursements were much lower, but unfortunately the fund was only started a considerable time after the inception of the Certificates and sooner or later a shortage in it was bound to occur. The actual figure for the interest disbursed in 1936-37 proved to be Rs. 36 lakhs above even the revised estimate owing to an increase in the rate of encashments. Consequently the balance remaining in the fund for the current year was only Rs. 1.16 lakhs instead of Rs. 1.52 lakhs. It now appears that our budget estimate for this year will also be exceeded by about Rs. 35 lakhs. The combined effect of these two excesses is an increase of Rs. 71 lakhs in the total amount to be met from revenue during the current financial year. Fortunately we have now passed the peak, since the certificates maturing next year bear a lower rate of interest and the amount payable will be correspondingly less. On the other hand it must be remembered that there is no longer anything left in the fund.

15. *Other expenditure heads.*—The only other item which I need mention at this stage is an increase of Rs. 25 lakhs under Tribal Areas. This is accounted for by the construction of roads in connection with the Waziristan operations. The figure would have been Rs. 49 lakhs but for the fact that we have utilised the balance of the fund set aside for roads in Tribal Areas to meet part of the cost of the Waziristan roads. Altogether it will be observed that of the total increase in expenditure of Rs. 3.22 lakhs the Waziristan operations and Interest together are responsible for no less than Rs. 2.73 lakhs.

WAYS AND MEANS.

16. At this stage it will be convenient to interpose the usual digression regarding ways and means.

New Loans.—No Government of India loans matured during 1937-38. This enabled us to leave the field clear for the Provinces during the first year of Provincial Autonomy. Loans were raised by five Provincial Governments and on the advice of the Reserve Bank they took the form of a simultaneous

issue of 3 per cent. stock at an issue price of 99 and redeemable in 1952. Next year we shall have the option of redeeming the Government of India 5½ per cent loan 1938-40. The amount outstanding in respect of this loan is a little over Rs. 19 crores. The time and manner of the redemption of the loan will of course depend on market conditions and on our ways and means position.

17. *Cancellation of sterling debt.*—During the current year the average market prices of our sterling securities have been appreciably lower than those of the corresponding rupee securities. As the Reserve Bank was in a position to provide the necessary exchange without difficulty we decided to take the opportunity of effecting some repatriation of our sterling debt. The Bank was therefore authorised to purchase our sterling securities in the open market as amounts became available and to transfer the securities so purchased to us for cancellation. The total nominal value of the securities cancelled in this way in the course of the year is about Rs. 4 crores. Out of this total approximately Rs. 2.87 lakhs consist of terminable securities. In their case the cost of cancellation has been met from our ordinary resources in India, and on the basis of our present borrowing rates they represent a profitable investment. The balance of slightly over one crore consists of non-terminable securities. In connection with these purchases we created additional rupee paper of the 3½ and 3 per cent non-terminable loans up to the same nominal value and this has been issued gradually by the Reserve Bank in accordance with the requirements of the market. Since the average sale price has been some four points higher than the average purchase price of the sterling stock, we have made a saving of over Rs. 4 lakhs on the transfer. We are not taking any credit to revenue in respect of this saving, but it will constitute a small additional contribution towards the redemption of debt. I should like to acknowledge the value of the advice and co-operation which we have received from the Reserve Bank in connection with these operations.

18. *Other sterling liabilities.*—Sterling railway debentures amounting to about £1½ millions have been repaid during 1937-38 and a further £4 millions will probably be redeemed next year. In addition to this we expect by the end of the current year to have transferred about £4 millions to the Commissioners for Family Pension Funds, leaving a balance of about £6 millions to be transferred next year. It would of course be inconvenient both from our point of view and from that of the Commissioners to transfer so large a sum in one instalment, but we hope that the transaction will be completed before the end of 1938-39 in order that we may obtain the benefit of the resulting reduction in interest charges. Incidentally I may mention that this transfer represents a definite diminution of our external obligations.

19. *Treasury Bills.*—Last April the Reserve Bank returned 5 crores of rupees under section 36 (1) of the Reserve Bank of India Act, and payment was made in the form of treasury bills. An additional 5 crores will almost certainly be returned next year. In spite of these transactions and the special sterling disbursements which I have already mentioned we estimate that we should be able to meet all our requirements, including the additional capital expenditure of the railways and other departments, by a total increase in treasury bills of about 11 crores during the two years. With this increase the amount outstanding at the end of 1938-39 would be between 39 and 40 crores. This of course includes both the bills held by the general public and the bills issued to the Reserve Bank. At the beginning of the current month the Bank's share was roughly 45 per cent. of the total.

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In connection with these estimates I should perhaps explain the arrangements which we have made to facilitate the investment of provincial balances. It was originally proposed that if the Provinces wished to invest their surplus balances in treasury bills they would have to compete for the bills which are sold each week by public tender. On reconsideration we felt that this procedure might cause some inconvenience both to the Provinces and to the market. In the absence of previous experience the Provincial Governments would have had difficulty in estimating the rates at which they should tender, and if in certain weeks they succeeded in obtaining a large proportion of the total amount offered there would be undesirable fluctuations in the amount available for the market. It was therefore decided that during the initial period the Reserve Bank should try to meet the requirements of the Provinces from its own holding of treasury bills. About Rs. 4½ crores of the total amount at present outstanding represents bills transferred in this way to the Provincial Governments. The arrangement has so far worked satisfactorily and the Bank has agreed to continue it for the present, but the question may have to be reconsidered in the light of further experience.

20. *Post Office Cash Certificates and Savings Bank Deposits.*—Our revised ways and means estimate allows for a net repayment of Rs. 4 crores in respect of cash certificates as compared with the budget estimate of Rs. 1½ crores, and we are assuming a further net repayment of Rs. 3½ crores next year. If these estimates prove to be correct our total liabilities in respect of cash certificates will still amount to the substantial figure of Rs. 56.9 crores and at the moment I see no reason to regret that the total is not being further increased. The reduction in the rate of interest has naturally made the certificates less attractive to the wealthier classes; but at the present level of 2½ per cent. they still offer to the small investor—and it was for his benefit that they were intended—a better return than he can obtain from any other investment of comparable security and liquidity.

Savings Bank deposits continue to increase, although not quite so rapidly as we had anticipated. In the budget estimates we assumed a net increase during the year of Rs. 6½ crores excluding interest. The actual increase during the first seven months was Rs. 3.82 lakhs, but during November and December the seasonal decline in net deposits was somewhat greater than usual and indeed in these months deposits did no more than balance the withdrawals. This was probably due in the main to the delay in the movement of the cotton crop. In January deposits have again increased and since the rate of interest is appreciably more attractive than that offered by the bank in respect of similar accounts I see no reason to anticipate that the increase will not continue in later months. Our latest estimates provide for an increase of Rs. 4½ crores in the current year and Rs. 5 crores next year.

21. *Provincial requirements.*—Last year I said that in addition to the two crores payable to Burma we expected to transfer to the Provinces on the 1st of April, 1937, a total sum of Rs. 8.60 lakhs on account of certain balances which the Central Government had previously held on their behalf. These balances proved to be higher than we had anticipated and the actual amount transferred is approximately Rs. 10.70 lakhs.

22. *Remittance.*—During the current year there has been a considerable decline in our favourable balance of trade, and this seems to have coincided with an increase in private remittance for purposes of investment. These two factors have naturally resulted in a decrease in the amount of sterling offered to the Reserve Bank. In the first nine months of the year the Bank's purchase

amounted to only £11½ millions as compared with £26½ millions in the corresponding period of the previous year, but in recent weeks large tenders have again been received. In view of the Bank's strong sterling position the delay has caused no serious inconvenience and exchange has remained steady throughout the year.

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23. Honourable Members will remember that on the basis of our revised estimates for the current year we expect to require Rs. 1.09 lakhs out of the Revenue Reserve Fund in order to balance the budget, thus leaving Rs. 75 lakhs available for next year. Apart from this Rs. 75 lakhs our estimates for ordinary revenue amount to Rs. 85.17 lakhs as compared with Rs. 85.54 lakhs in the revised estimates, a decrease of Rs. 37 lakhs.

Revenue.

24. *Customs and Central Excise Duties.*—I must first try to explain the basis of our estimates for customs and excise revenue. Such estimates are necessarily subject to a considerable margin of error but we are bound to take note of the arrest which has shown itself in January of the previous upward tendency and in view of this we should certainly not be justified in expecting the maintenance of the current year's figures. This check may be attributed to the setback which has manifested itself primarily in the United States of America but which has also spread eastward. The Indian cotton grower has already been affected, and there are other economic indices which point in the same general direction. There has been a decline in our favourable balance of trade. I need not quote the figures of that balance which related to India and Burma combined, but for India alone the favourable balance during the first nine months of 1936-37 was Rs. 44.20 lakhs, while during the first nine months of the current year it is Rs. 27.56 lakhs. The difference is therefore over Rs. 16½ crores. The large increase in imports and consequently in customs revenue during the first nine months of the current year must be attributed to a considerable extent to the favourable balance of last year, and the decline in the balance is bound to have some effect on our imports next year—indeed it is already having its effect. It should also be remembered that since most of our customs duties are on an *ad valorem* basis an increase in prices automatically involves an increase in customs revenue. There was a marked increase in the general level of prices in the later months of 1936-37 and the early months of the current year, but recently the tendency has been in the opposite direction. There are of course certain items in our customs schedule which are likely to increase irrespective of general trade conditions. Motor spirit, for example, is almost certain to be an increasing source of revenue in view of the steady growth in the number of motor vehicles in use in India. But it seems probable that such items will be more than balanced by decreases in other imports. Taking all these factors into consideration we have assumed a net reduction of Rs. 60 lakhs as compared with the revised estimates for the current year.

25. As I have said the real reduction under Customs and Central Excise Duties is Rs. 60 lakhs, but the budget statements show a reduction of only Rs. 10 lakhs. This apparent discrepancy is explained by two changes in accounting procedure:

(1) The first change relates to our revenue from the excise duty on matches. We have hitherto treated the share which is payable to the Indian States as a deduction from revenue, but it has now been decided that such

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disbursements would be more correctly classified as expenditure. This accounts for an increase of Rs. 32 lakhs, which will of course be balanced by a corresponding increase on the expenditure side.

(2) The other Rs. 18 lakhs represent the duty on petrol and kerosene supplied for the Defence Services. The duty on such supplies has previously been remitted, but we have now decided to bring the procedure into line with that which is adopted in connection with other goods imported for the use of Government Departments. In this case also there will be a corresponding increase in expenditure.

26. *Taxes on Income.*—As Honourable Members are aware I hope shortly to be in a position to introduce an Income-tax (Amendment) Bill. The first effect of this Bill should be a considerable increase in revenue but none of this can accrue before 1939-40 and even so for that year and two years thereafter practically the whole benefit will go to the Provinces. After that one-half of the benefit will revert to the Centre. So far as the next year is concerned I feel justified in budgeting for an improvement of Rs. 25 lakhs in view of trade activity during the major part of the current year and in view of the efforts which we are making to tighten up the administration. Unless railway revenues should fall far below our expectations the greater part of this increase also will of course benefit the Provinces and not the Central Government. If our estimates for taxes on income are realised we calculate that on the basis of the railway estimates presented by the Communications Member for next year the amount of income-tax available for distribution to the Provinces should be Rs. 1.28 lakhs, which is equivalent to our retaining about one-half of the estimated railway surplus.

27. *Other revenue heads.*—We are allowing for a decrease of Rs. 20 lakhs in mint receipts as compared with our revised estimate for 1937-38. The absorption of small coin during the current year has been exceptionally high, and we cannot expect this to continue on the same scale. There will also be a reduction of Rs. 5 lakhs in the portion of the Burma payment which relates to pensions, and we shall have to pay to Burma a share of the amounts which we shall receive during the current year on account of coinage profits and the surplus of the Reserve Bank. This payment is expected to amount to about Rs. 6½ lakhs. On the other hand we expect small increases in our interest receipts and in our receipts from certain minor sources of revenue. The net result of all these variations is an improvement of Rs. 8 lakhs.

28. *Posts and Telegraphs.*—Before I deal with the ordinary revenue and expenditure estimates of the Posts and Telegraphs Department I should perhaps mention a small change of procedure in connection with the provision of capital for telephone projects. To enable such projects to be undertaken with the minimum of delay we propose to create a special Telephone Capital Fund, the balance of which will not lapse at the end of the year, and we are providing for a capital grant to the fund of 2½ crores to cover expenditure for the next 5 years. We expect to spend Rs. 40 lakhs in 1938-39. Each project will continue to be scrutinised as carefully as in the past, but we hope to be able by means of the fund to dispense with some of the formalities which at present impede the department from going ahead as fast as they should with this remunerative branch of their activities.

29. As regards the ordinary revenue and expenditure of the department I mentioned in connection with this year's revised estimates that the increase in the surplus was partly due to the postponement of the Empire Air Mail

Scheme. Next year the scheme will be in operation, and the net cost to the Posts and Telegraphs Department is expected to be about Rs. 11 lakhs. The surplus will be further reduced below the figure of 1937-38 as a result of two decisions which have recently been reached :

(1) The first of these relates to the provision for the payment of the commuted value of pensions. In their report on the accounts for 1935-36 the Public Accounts Committee recommended that these charges should in future be met from current revenues instead of being charged to capital in the first instance. This recommendation is particularly important in the case of the Railways and the Posts and Telegraphs Department, since if a commercial department is to be worthy of the name it should obviously meet its own current liabilities. We have therefore decided to introduce the change, so far as these two Departments are concerned, from the next financial year. This decision will increase the expenditure of the Posts and Telegraphs Department next year by about Rs. 18½ lakhs.

(2) The second decision is that regular arrangements should now be made for the repayment of the accumulated losses on account of press telegrams. These losses have been treated as a separate liability and have not been taken into account for the purpose of calculating the surplus or deficit on the ordinary working of the department. The amount now outstanding is Rs. 2.04 lakhs. One-half of this amount will be repaid immediately out of the balance in the Renewals Reserve Fund. The remaining Rs. 1.02 lakhs will be repaid partly from the portion of the current year's surplus which is not allocated for the cancellation of other past deficits and partly by means of equated annual instalments. The first of these instalments, plus the loss of interest on the Renewals Reserve Fund, will involve a further reduction of about Rs. 13½ lakhs in the net surplus. The lump sum repayment of Rs. 1.02 lakhs will be treated as a capital receipt, but since the losses were financed partly from current revenues the annual instalments will be credited to revenue, and the loss of interest also involves a corresponding credit in the civil budget.

30. After these adjustments have been made the net revenue of the department is expected to be just sufficient to balance the expenditure. It should be clear from what I have said that this result represents the financial position of the department much more accurately than the anticipated surplus of the current year. Before a commercial department can be regarded as paying its way it must be in a position to meet all the charges which are correctly attributable to its activities. Hitherto the Posts and Telegraphs Department has not satisfied this condition.

Expenditure.

31. *Defence Services.*—The total provision for the Defence Services is Rs. 45.18 lakhs. This is Rs. 2.04 lakhs less than the revised estimate for the current year but Rs. 56 lakhs more than the budget estimate. As I have already mentioned, Rs. 18 lakhs of this increase is due to a change in accounting procedure in connection with the duty on petrol and kerosene, so that the real increase is Rs. 38 lakhs.

32. Before I explain how this increase is arrived at it will be convenient to mention two agreements which have been concluded in recent months with His Majesty's Government on the subject of defence expenditure in India. The first relates to His Majesty's Government's contribution of Rs. 80 lakhs towards the capital cost of mechanising the British Cavalry and Infantry ; the agreement is fresh in the minds of Honourable Members, and I

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do not, therefore, propose to say any more about it except to remind the House that the contribution is payable in three instalments of which the first instalment of 27 lakhs is to be paid in 1938-39.

33. Being an incurable optimist, I hope that the second agreement will escape the barrage of criticism which greeted the first. The agreement relates to Naval expenditure. The Government of India in conjunction with the Admiralty have recently had under examination the question of India's Naval Defence. Under long standing arrangements India pays a direct contribution of £100,000 a year to His Majesty's Government in the United Kingdom towards the Naval Defence of India and the protection of trade in alien waters, and also defrays various miscellaneous charges amounting to 2 or 3 lakhs a year on behalf of vessels of the Royal Navy. The conversion of the Royal Indian Navy into a combatant service capable of assisting in the work of the Royal Navy in war and the steps which are being taken by the Government of India to build up their local naval defence rendered it desirable to review existing arrangements. Accordingly in order that the necessary measures for the development of the Royal Indian Navy might be accelerated, the Government of India requested His Majesty's Government to forgo the annual payments hitherto made. This has been agreed to by His Majesty's Government on condition that the Government of India 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 fulfil their responsibility for local naval defence of Indian ports. The Government of India have accepted these conditions, and their contribution will cease as from April 1st, 1938.

34. As I have said the real increase in the provision for the Defence Services as compared with the current year's budget is Rs. 38 lakhs. But in order to arrive at the total amount available for additional items of expenditure we must add to this figure the contribution of Rs. 27 lakhs from His Majesty's Government and also a sum of Rs. 90 lakhs which represents the net saving resulting from the temporary shortage of British troops in India after allowance has been made for the extra cost of the improved conditions of service to which I have already referred. The total to be accounted for, apart from the remission of the contribution to the Admiralty, is therefore Rs. 1,55 lakhs. Of this, Rs. 70 lakhs are absorbed by an increase in the normal standing charges of the Army, the more important items contributing to this increase being Rs. 21 lakhs under Ordnance Services, and the restoration of cuts amounting to about Rs. 24 lakhs made last year in the sums required for the equalisation of expenditure on the Royal Indian Navy and mechanical transport. The balance of 85 lakhs will be expended on the mechanisation of the British Infantry and Cavalry.

35. I have now accounted for the sums which are to be provided from revenue next year for defence purposes. But this does not exhaust the defence programme in 1938-39. We propose to supplement the budget grant by the remaining "free" balance in the Defence Reserve Fund, amounting to Rs. 35 lakhs and by drawing on balances in military expenditure equalisation funds which are not immediately required. The amount so drawn will be Rs. 45 lakhs. Among measures which will be financed, or for which we are earmarking funds in this way, are improvements in our coast defences, the erection of a factory to make India self-sufficient in the matter of high explosives and the mechanisation of certain Indian units, a scheme for which is now under consideration.

36. Last year I warned the House that the net figure for defence expenditure had only been achieved by the help of a curtailment of services which were bound to be provided for sooner or later, and that His Excellency the Commander-in-Chief considered the provision to be seriously inadequate for the real needs of defence. In view of the present world situation and the large increase in defence expenditure of almost all other countries, I do not think Honourable Members will be surprised that some increase has also been found necessary in India. Indeed we shall have cause to congratulate ourselves if it proves possible to keep down the increase to such modest proportions.

37. *Interest.*—As I mentioned in connection with the revised estimates for 1937-38, there will be a reduction next year in the amount payable on account of Post Office Cash Certificates. We are actually budgeting for a decrease of Rs. 1,51 lakhs but as we are, during the current year, meeting Rs. 1,16 lakhs of the disbursements from the balance remaining in the Cash Certificates Bonus Fund, the decrease in the amount to be provided from revenue is Rs. 35 lakhs only. This saving, and the saving due to the transfer of the Family Pension Funds to Commissioners, are partially counterbalanced by increases under other heads, notably interest on Post Office Savings Bank Deposits and interest on the Railway Depreciation Fund. The result of all these variations is a net decrease of Rs. 22 lakhs.

38. *Other items.*—Apart from the provision made for the Defence Services and for Interest, our expenditure estimates show a net increase of Rs. 1,46 lakhs as compared with the current year's revised estimates. As I have already explained, however, Rs. 32 lakhs of this increase is due to a change in the accounting arrangements in connection with the proceeds of the excise duty on matches; and there are three other items which are directly connected with specific increases in revenue:

(1) The first of these is an increase of Rs. 16 lakhs in the provision for the payments made to the States of Cochin and Travancore under the Cochin Port Agreement. This is due to the increase in the customs revenue collected at the port during the current year.

(2) The second item is an increase of Rs. 29 lakhs in the allocation to the Road Fund. This is of course based on the anticipated revenue from the customs and excise duties on motor spirit.

(3) The third item is an increase of Rs. 10 lakhs in the provision for expenditure on sugar research partly due to the expectation that we shall have to pay out more in grants to the Provinces from that portion of our sugar excise revenue which has been set aside for this purpose since the imposition of the tax.

39. After these items have been deducted there remains a net increase of Rs. 59 lakhs. This is the result of variations under a large number of different heads. Increased expenditure on the reconstruction of civil buildings at Quetta accounts for Rs. 15 lakhs, and there is an increase of Rs. 12 lakhs in the provision for the Stationery and Printing Department. This is necessary partly owing to a rise in prices and partly in order to replenish stocks which have become seriously depleted through efforts to keep within the budget allotments of previous years. Other increases are due to the needs of expanding departments such as Civil Aviation and Broadcasting, to our efforts to improve the administration of the revenue producing departments, and to unavoidable new items of expenditure such as the Federal Court.

40. *Summary.*—I can now summarise the position. As I have said, the provision for the Defence Services is Rs. 2,04 lakhs less than the revised estimate for the current year and there is a decrease of Rs. 22 lakhs in interest.

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charges, but other expenditure is expected to increase by Rs. 1.46 lakhs. The net decrease is therefore Rs. 80 lakhs, as compared with a decrease of Rs. 37 lakhs in revenue apart from the Revenue Reserve Fund. If we include the balance of Rs. 75 lakhs remaining in the fund the total figures are as follows :

	(lakhs).
Revenue	85.92
Expenditure	85.83
Surplus	9

41. After the flamboyant forecasts of some of our more imaginative journalists this result will appear somewhat disappointing. Certainly I myself am deeply disappointed. For one thing we are still, apart from the carry forward in the Revenue Reserve Fund, more than half a crore short of true equilibrium. Secondly it is clear that the greatest care will be necessary in conserving the central revenues if the fulfilment of the Niemeyer programme is to be reasonably assured and finally there can be no immediate expectation of a devolution to the Provinces out of our present central resources beyond that provided for in that programme. During the current year there can clearly be no large central grants for social expenditure, but in any case with the inception of Provincial Autonomy I personally should be inclined to rank this objective after that of the provision of free money for the Provinces. But there is an objective even more important than that, namely, to ensure so far as is humanly possible the stability of our central finances. Without this Provincial advance or even stability is impossible and the fortunes of the Provinces are in the end so inextricably mixed with ours that they cannot prosper without a willingness on both our parts to co-operate to common ends.

42. I think I may claim that, while I have been in India, I have kept two main tasks in view : the financing of the new Constitution and the provision of money for rural development. The first involves an anxious regard to the health of our own finances. It also involves preparations for meeting smoothly the successive obligations which the new Constitution entails. We have found with no net increase, indeed with a net decrease of taxation, all the money required to start the Provinces on their autonomous way. During this year we have begun on the task of releasing to them seven crores of income tax. At one time I hoped that it was going to be possible to speed up the performance of this task, but it now looks as if there will have to be a pause for the consolidation of our own position. Of course it might be argued that we should increase some of our staple taxes in order to make more money available for the Provinces. I do not however propose to do this, though in the case of income tax I hope to introduce an Amending Bill this session to carry out a number of the recommendations of the recent Expert Enquiry. In present circumstances almost the whole of the increased yield resulting from these changes will accrue to the Provinces and I hope that I may on this account reckon on more support than might otherwise be the case. I offer this as an earnest of the sincerity of my desire to help the Provinces. As regards rural development I must now recognise that the main responsibility for this has been entrusted to the Provinces and central grants for the purpose must in large measure be postponed in favour of ensuring the due delegation of revenues. However much I may regret this I recognise the needs of the Provinces as a prior obligation.

43. I suppose that a budget which merely preserves the *status quo* will be characterised as a dull one. But it will be something to have achieved dullness in a world which is full of intense excitements—many of them of an extremely undesirable character. And if next year we are able to produce another dull budget providing for no spectacular increases in defence expenditure, no catastrophic falling off in revenue and for the maintenance or even increase of our assistance to the Provinces, I shall be only too thankful.

THE INDIAN FINANCE BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I move for leave to introduce the Indian Finance Bill, 1938.

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

“That leave be granted to introduce the Indian Finance Bill, 1938.”

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 1st March, 1938.

LEGISLATIVE ASSEMBLY.

Tuesday, 1st March, 1938.

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

MEMBER SWORN:

Mr. Eric Conran-Smith, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

EXEMPTION FROM TAXATION OF PENSIONS PAID ABROAD.

518. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- (a) what is the basis on which distinction is made of pensioners residing in India and abroad in section 272 of the Government of India Act, 1935;
- (b) whether there is a similar law in any other country in the world where pensions paid to those residing abroad is immune from taxation by the country which pays it; and
- (c) what amount will accrue to the Government of India if this exemption is disallowed?

The Honourable Sir James Grigg: (a) This section merely confirmed the existing practice.

(b) The information is not available.

(c) I would refer the Honourable Member to the reply given to part (a) of question No. 354 on the 7th September, 1937, and the supplementary questions thereto.

Mr. T. S. Avinashilingam Chettiar: May I know what is the basis for the practice?

The Honourable Sir James Grigg: The Honourable Member had better put that down.

Mr. T. S. Avinashilingam Chettiar: I submit to you, Sir, that I am putting the very same question as here and I have given the Honourable Member sufficient notice of that?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has answered that question.

The Honourable Sir James Grigg: I said that the basis is the existing practice, but the Honourable Member asks me to do a little historical research into the existing practice.

Mr. T. S. Avinashilingam Chettiar: May I know the reasons for this differentiation in the existing practice?

The Honourable Sir James Grigg: I could, if I were allowed time, give the reasons, but I could not do so in reply to questions.

Mr. T. S. Avinashilingam Chettiar: Is the Honourable Member aware of any other country in this world where such differentiation is made?

The Honourable Sir James Grigg: I have answered that.

OFFICERS GETTING EXEMPTION FROM INCOME-TAX ON PENSIONS PAID ABROAD.

519. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) what is the number and total pay of officers coming under the operation of section 272 of the Government of India Act, 1935, thus getting exemption from income-tax;
- (b) which posts are considered to be reserved under sub-section (iii) (b) of the above section; and
- (c) who is the authority that classified them as reserved under this section?

The Honourable Sir James Grigg: (a) The required information is not available and cannot be furnished without involving labour incommensurate with any advantage to be gained.

(b) Posts reserved under section 246 (1) or under section 248 (1) read with section 250 (2) of the Government of India Act, 1935.

(c) The authority which classifies reserved posts is the Secretary of State.

Mr. T. S. Avinashilingam Chettiar: May I know whether these reservations are made once for all or from time to time?

The Honourable Sir James Grigg: That is a legal question on which I am not qualified to speak without notice.

Mr. C. N. Muthuranga Mudaliar: May I know whether a number of new appointments commencing from the Marketing Officer to the latest Educational Commissioner that have been made also come under this category?

The Honourable Sir James Grigg: I think the Honourable Member had better put that down.

PROHIBITION FOR TAKING UMBRELLAS IN A PART OF THE ALLAHABAD FORT.

520. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Defence please state:

- (a) if there is any rule or order prohibiting the taking of umbrellas but not of shoes into the part of the Allahabad Fort which contains the images of the Hindu gods;
- (b) if so, what inconvenience will be caused if umbrellas are allowed in;
- (c) if there is any arrangement for custody of umbrellas so left at the small gate which leads to the river;
- (d) if the reply to part (a) be in the negative, whether Government propose to inquire if umbrellas are disallowed as a matter of fact; and
- (e) whether Government propose to consider the desirability of posting aged Indian officers at the above gate instead of young, new British recruits?

Mr. C. M. G. Ogilvie: (a) Yes. The taking of umbrellas, sticks or bundles into the temple area is prohibited at the instance of the Head Priest of the temple who is opposed to the relaxation of the order.

(b) The carrying of umbrellas, sticks, etc., is undesirable as the precincts of the temple are very cramped and unintentional damage might be done to the images.

(c) During the *Mela*, umbrellas, sticks, etc., are placed in a special enclosure in charge of Civil Police and Boy Scouts appointed by the *Mela* Committee. At other times, they are stacked just inside the Pilgrims' gate under the charge of one of the Pilgrim Guides appointed by the Head Priest.

(d) Does not arise.

(e) During the *Mela* small parties of British troops are on duty at the gates and at points along the barricades. These are necessary to control the great crowds which pass through the Fort to the temple and to prevent the possibility of the barricades being carried away and the Fort being overrun. At other times there is only one British soldier on duty at the Pilgrims' gate from 7 A.M. to 5 P.M. hours daily, assisted by a Pilgrim Guide. Another Guide is on duty at the temple entrance.

All arrangements for the control and convenience of pilgrims during the annual *Mela* are made in close consultation with the *Mela* Committee, which details Boy Scouts to assist the troops and to work in conjunction with them.

The *Mela* Committee has always expressed itself as entirely satisfied with the arrangements made and with the conduct of the troops, and Government see no valid reason for altering the present arrangements.

Mr. Brojendra Narayan Chaudhury: I am asking about the ordinary days. Does not the Honourable Member consider that it is undesirable to post young, raw British soldiers at the gate from 7 A.M.?

Mr. C. M. G. Ogilvie: I should say it is a matter of argument. Personally I do not think so.

Mr. Manu Subedar: What is the objection to the carrying of umbrellas in the hot sun there?

Mr. C. M. G. Ogilvie: I have given an answer.

Mr. Manu Subedar: Does the temple belong to the public, or does it belong to the Priest?

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

Mr. Brojendra Narayan Chaudhury: Is the Honourable Member aware that young, raw British soldiers stare at ladies?

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

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member kindly make enquiries if it is a fact that they stare; if I produce evidence of gazetted officers.

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

PARTIAL STOPPAGE OF THE SIMLA EXODUS.

521. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member state:

- (a) whether it has been decided to reduce the number of persons and offices which move to Simla?
- (b) if so, what is the extent of reduction; and
- (c) what is the amount saved by this?

The Honourable Sir Henry Craik: (a), (b) and (c). I would refer the Honourable Member to the Press Communiqué, dated the 19th January 1938, and to the reply given on the 15th February to Seth Govind Das' question No. 250.

Mr. T. S. Avinashilingam Chettiar: My recollection is that the Honourable Member replied that it is under calculation. Is that so?

The Honourable Sir Henry Craik: Calculation of the cost?

Mr. T. S. Avinashilingam Chettiar: Yes.

The Honourable Sir Henry Craik: I said I was having calculations made and would lay a statement on the table. It is not ready yet.

Mr. T. S. Avinashilingam Chettiar: Does he expect to lay it before the end of the Session?

The Honourable Sir Henry Craik: I cannot say definitely but I hope so.

Mr. M. Ananthasayanam Ayyangar: Is there any progressive scale whereby the exodus of officers will be completely stopped gradually or in the course of a period of years?

The Honourable Sir Henry Craik: I would refer my Honourable friend to the final paragraph of the press communiqué.

SLOW PROMOTIONS OF MILITARY SUB-ASSISTANT SURGEONS.

522. ***Sardar Sant Singh:** (a) Will the Defence Secretary be pleased to state if the Defence Department has been receiving representations about the slow promotion of I. M. D. (S. A. S.) Branch? If so, do Government propose to take any steps to remove the grievances of the cadre in this respect?

(b) Is it a fact that the Jamadar I. M. D. has to wait for over twenty-two years to reach the rank of Subadar? If so, does the same condition prevail in any other unit?

Mr. C. M. G. Ogilvie: (a) No representation has been received in recent years and Government do not admit that any reasonable grounds for grievance exist.

(b) Under the rules, an I.M.D. Jemadar, after passing the departmental examination, crosses the efficiency bar on ten years' total service, and, thereafter, promotion to the rank of Subadar is by selection on occurrence of vacancies. It is, therefore, incorrect to infer that an I.M.D. Jemadar must wait 22 years before promotion to Subadar. All that can be said is that they may be promoted any time after ten years but that the less efficient must wait longer than the more efficient. Elsewhere in the Indian Army the rank of Subadar is reached at an average of 21 years service.

COMPOSITION AND STRENGTH OF SUBORDINATE RAILWAY AUDIT SERVICE OF THE INDIAN AUDIT DEPARTMENT.

523. ***Sardar Sant Singh:** (a) Will the Honourable the Finance Member be pleased to state the total present strength of Subordinate Railway Audit Service of the Indian Audit Department—(i) Senior Auditors and (ii) Junior Auditors?

(b) Will the Honourable the Finance Member be pleased to state the percentage composition of each class by Hindus, Muhammadans, Sikhs, Christians and other communities?

The Honourable Sir James Grigg: A statement is laid on the table.

Statement showing the strength of Subordinate Railway Audit Service of the Indian Audit Department.

(a)		Total strength.			
Senior Auditors		47			
Junior Auditors		59			
(b)		Domiciled Europeans and Anglo-Indians.			
		Hindus.	Muhammadans.	Sikhs.	
	Per cent.	Per cent.	Per cent.	Per cent.	
Senior Auditors	91.5	2.1	2.1	4.2	
Junior Auditors	88.1	5.1		6.8	

†Answer to this question laid on the table, the questioner being absent.

ADVERSE EFFECTS OF LOCALISATION SCHEME IN THE SUBORDINATE RAILWAY AUDIT SERVICE.

†524. *Sardar Sant Singh: (a) Will the Honourable the Finance Member please state if it is a fact that a localisation scheme in the Subordinate Railway Audit Service was made necessary in 1935 on account of the economy campaign in order to cut down the travelling allowance expenses on transfers to a minimum?

(b) Are Government aware that this scheme actually prejudiced the rights of several hands in the Department? If so, are Government prepared now to review the situation and take steps to remedy the adverse effects on the prospects of those who suffered therefrom, and to scrap the localisation scheme? If not, why not? Is it a fact that the transfers of the staff from one Railway to another as governed under Supplementary Rule 119A (as amended by correction slip No. 181) involve no travelling expenses?

The Honourable Sir James Grigg: (a) The change was made more in the interests of efficiency than economy.

(b) I shall deal with the first part of the question in my reply to the Honourable Member's question No. 526. As regards the second part, the answer is substantially in the affirmative.

AUDITORS IN CERTAIN CIRCLES.

†525. *Sardar Sant Singh: Will the Honourable the Finance Member be pleased to state the number of permanent and temporary posts of Senior and Junior Auditors of:

- (a) the Bengal Circle,
- (b) the Southern Circle, and
- (c) the Punjab Circle?

The Honourable Sir James Grigg: A statement is laid on the table.

Statement showing the Number of Permanent and Temporary Posts of Senior and Junior Auditors in the Circles enumerated below.

Name of Circle.	Senior Auditors.		Junior Auditors.	
	Permanent.	Temporary.	Permanent.	Temporary.
Bengal Circle	18	..	21	3
Southern Circle	16	..	19	..
Punjab Circle	12	..	16	..

ADVERSE EFFECTS OF LOCALISATION SCHEME IN THE SUBORDINATE RAILWAY SERVICE.

†526. *Sardar Sant Singh: (a) Will the Honourable the Finance Member be pleased to state the strength of the clerks qualified for promotion to the rank of Senior Auditors and Auditors in each Circle at the time of localisation of the Subordinate Railway Audit Service?

†Answer to this question laid on the table, the questioner being absent.

(b) Is it not a fact that the prospects of the qualified clerks of the Punjab Circle were much more bright on the All-India List of the Subordinate Railway Audit Service than the prospects now in the localised circle?

(c) Is it a fact that due to the localisation of the service, all qualified clerks and even unqualified clerks of the Bengal Circle were promoted in the officiating capacity to the rank of Junior Auditors just after the localisation in 1935, while senior qualified clerks in the Punjab Circle upto now and even for years to come, have no chance of promotion to the rank of Junior Auditor?

(d) Will Government please state the names of the qualified clerks and the number of years by which their promotions, when comparing with all India promotions, have been advanced or set back due to the localisation of the service?

(e) Do Government propose to take such steps which would undo the wrongs done to the Punjab Circle?

(f) Will Government please state if qualified clerks in the Punjab Circle were willing to be localised in other Circles according to their chances of promotion to the Auditor's rank on the basis of the All-India List?

(g) If the answer to part (e) be in the affirmative, will Government please state the reasons for not so localising the Punjabee qualified clerks?

(h) Will Government please state if they were requested to distribute all qualified clerks in different circles proportionately to the number of posts of Junior and Senior Auditors of each Circle?

The Honourable Sir James Grigg: (a) The number of clerks qualified for promotion to the rank of Senior Auditor and Auditor in each circle at the time of localisation was as follows:

Punjab Circle	16
Bengal Circle	11
Southern Circle	14

(b), (c), (d), (e), (f), (g) and (h). It is true that the localisation scheme, which was introduced in the interests of efficiency and economy, did retard in some few instances and to a very small extent the prospects of promotion of the establishments affected. In other instances prospects were improved. In the great majority of cases, however, prospects were unaffected to any appreciable extent and Government are satisfied that no general injustice has resulted from the scheme. They are not prepared in consequence to jettison this valuable administrative reform.

ABSENCE OF CIVIC AMENITIES FOR CIVILIAN INHABITANTS AT CAMPBELLPORE.

527. *Mr. Sham Lal: Will the Defence Secretary be pleased to state:

(a) whether it is a fact that the Cantonment Authority of Campbellpore levies nearly 20 per cent. of taxes on the basis of property, and that it does not provide any civic amenities like school, hospital or dispensary, pipe water or well, lighting arrangements, etc.;

(b) whether it is also a fact that a major portion of its income is spent on the pay of staff and general administration;

- (c) if the answer to part (a) be in the affirmative, what steps Government propose to take to supply at least the minimum civic amenities to civilian inhabitants of Campbellpore?

Mr. C. M. G. Ogilvie: (a) The cantonment of Campbellpore is State-aided. It provides civic amenities so far as the funds at its disposal permit. During 1936-37 the income from local resources was only Rs. 9,412 while it spent over Rs. 10,000 on civic amenities such as drainage, roads, public safety and convenience (which includes 'lighting'), medical services and schools.

(b) No.

(c) Does not arise.

Mr. Sham Lal: Are any educational facilities provided there?

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

NEPOTISM IN THE AGRA CANTONMENT BOARD.

528. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

(a) whether the Agra Cantonment Board has employed many servants who are related to a member of the Board;

(b) whether this practice is against the Rules and Orders now in force; and

(c) if the answer to part (b) be in the affirmative, what action Government propose to take in the matter?

Mr. C. M. G. Ogilvie: (a) Government have seen an article to that effect in the *Agra Punch*.

(b) No. Sub-section (4) of section 36 of Cantonments Act, 1924, regulates such appointments.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government have inquired into the matter?

Mr. C. M. G. Ogilvie: Which matter?

Mr. T. S. Avinashilingam Chettiar: The matter referred to in clause (a).

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

Mr. T. S. Avinashilingam Chettiar: What has been the result of the inquiry?

Mr. C. M. G. Ogilvie: I have not got the information with me.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member place it on the table of the House when he receives it?

Mr. C. M. G. Ogilvie: If necessary, yes.

Mr. K. Santhanam: Is there any rule by which applicants should state their relationship to the members of the Board?

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

INCREASE IN WATER TAX IN THE RAWALPINDI CANTONMENT.

529. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

(a) whether it is a fact that the water supply for civilian bazar areas is in the hands of the Military Engineer Services in Rawalpindi Cantonment;

(b) whether it is a fact that recently this Department has demanded much larger value of water from the Cantonment Board than hitherto;

(c) whether it is also a fact that in consequence of this demand the Board has been forced to levy water tax on unconnected shops and godowns in addition to unconnected houses as heretofore;

(d) whether it is a fact that in the neighbouring municipality of Rawalpindi City, there is neither water tax on unconnected houses nor shops and godowns; and

(e) whether Government propose to save the public from this increase in water tax?

Mr. C. M. G. Ogilvie: (a) Yes. The arrangements for giving a bulk supply to the Board under section 234-A of the Cantonments Act are not yet complete.

(b) and (c). A proposal was made to increase the water tax to cover the rate at which water is now supplied but this has been dropped.

(d) Yes.

(e) Does not arise.

CONSTRUCTION OF A NEW HOSPITAL BY THE RAWALPINDI CANTONMENT BOARD.

530. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

(a) whether it is a fact that the Rawalpindi Cantonment Board wishes to demolish the building of its present hospital and construct a new one with the same number of beds, at a cost of more than two or three lakhs of rupees;

(b) whether it is a fact that the Board has no money to pay to the contractor for this proposed construction and the Board intends to pay in three or four years in instalments, thereby incurring interest charges of the contractor;

(c) whether it is also a fact that no detailed estimates of the proposed hospital have been placed on the table of the Cantonment Board for consideration; and

(d) whether Government have communicated their sanction of the proposed project and considered its financial effect?

Mr. C. M. G. Ogilvie: (a), (b) and (c). Yes.

(d) The answer to the first part of the question is in the negative. The financial effect will be considered on receipt of the detailed proposal.

DIFFERENCE IN THE SYSTEM FOR SUBMISSION OF INCOME-TAX RETURNS BY OFFICIALS AND NON-OFFICIALS IN THE UNITED PROVINCES.

531. **Mr. Sri Prakasa:** Will the Honourable the Finance Member state:

- (a) if it is a fact that Government servants, including income-tax officers, in the United Provinces have the privilege of being assessed to income-tax by a special officer;
- (b) if they have not to undergo the same formalities regarding the presentation of pass books, etc., as the ordinary non-official has to; and
- (c) if Government propose to take steps to abolish the distinction between officials and non-officials in the matter of submission of income-tax returns and make the system uniform in the cases of both?

The Honourable Sir James Grigg: (a), (b) and (c). I would refer the Honourable Member to the reply given to his question No. 1457 on the 7th April, 1936, and also to the replies given to supplementary questions asked by him in connection with that question.

Mr. Sri Prakasa: May I know what exactly is the point in maintaining this difference between officials and non-officials in the matter of giving returns of their income-tax?

The Honourable Sir James Grigg: In the answer to the question to which I have referred I denied that there was any difference but I may say, in order to make the matter perfectly clear, that definite instructions have been given, making it clear that in no circumstances is any income-tax officer to be allowed to assess his own income.

Mr. Sri Prakasa: What I want to know is whether it is not a fact that officials of Government in the United Provinces have to submit their income-tax returns to a special officer posted in Allahabad?

The Honourable Sir James Grigg: This question was already answered in the negative in April, 1936.

Mr. Sri Prakasa: Will the Honourable Member kindly make inquiries whether it is a fact that there is a special officer to whom officials of Government have to send their income-tax returns?

The Honourable Sir James Grigg: There is a salary circle in the United Provinces as in every other province but the assessment in the circle is not confined to officials. It deals also with the salaries of all other people.

Mr. Sri Prakasa: I am referring to salaried officials?

The Honourable Sir James Grigg: I am referring not only to salaried officials but all salaried persons.

Mr. Sri Prakasa: The Honourable Member says

Mr. President: The Honourable Sir Abdur Rahim: The Honourable Member has the information.

Mr. Sri Prakasa: Yes, Sir, but I want this Government to change its ways?

Mr. President (The Honourable Sir Abdur Rahim): That is not the object of the question hour.

HUNGER-STRIKE BY MR. DHANWANTRI CONVICTED IN THE DELHI CONSPIRACY CASE AND RELEASE OF POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS.

532. ***Mr. Sri Prakasa** (on behalf of Mr. Mohan Lal Saksena): (a) Will the Honourable the Home Member be pleased to state if it is a fact that Mr. Dhanwantri, convicted in the Delhi Conspiracy case, is on hunger-strike? If so, for how long?

(b) What are the reasons for the strike?

(c) What is the total number of political prisoners convicted in the centrally administered areas, and how many of them have been repatriated from the Andamans?

(d) Have Government considered the question of releasing political prisoners since October last? If so, to what decision have they reached?

(e) Do Government propose to consider the advisability of releasing forthwith Mr. B. K. Dutt and Mr. Dhanwantri who have already served the major part of their sentence?

The Honourable Sir Henry Craik: (a) The prisoner Dhanwantri went on hunger-strike in the Lahore Central Jail, along with some others, on the 10th January last. All of them abandoned the hunger-strike on the 26th February.

(b) The prisoners stated that they went on hunger-strike and would continue it, to enforce the demand for "the release of all political prisoners, state prisoners, detenus and internees; the lifting of the ban on exiles; and the repeal of all repressive laws".

(c) I am making enquiries and shall lay a statement on the table of the House in due course.

(d) No.

(e) Government have no intention at present of releasing these prisoners.

Mr. Sham Lal: Is it a fact that Dhanwantri was sentenced to seven years and has undergone five years. If remission is granted he can be released at once?

The Honourable Sir Henry Craik: He was sentenced on the 28th April, 1938, to seven years rigorous imprisonment under section 807 and three years rigorous imprisonment under section 19 of the Arms Act, the sentences to run concurrently.

Mr. Sham Lal: Why is his remission being delayed?

The Honourable Sir Henry Craik: I must have notice of that.

Mr. M. Ananthasayanam Ayyangar: May I know why even in cases where these prisoners are not guilty of any violent acts the Central Government does not consider the desirability of releasing such political prisoners?

The Honourable Sir Henry Craik: The Honourable Member asks whether these prisoners were guilty of violent acts? The answer is 'Yes'.

Mr. T. S. Avinashilingam Chettiar: May I know whether these prisoners are given the remissions which are usually allowed to persons sentenced to rigorous imprisonment?

The Honourable Sir Henry Craik: As far as I know, they enjoy the usual remissions.

Mr. M. Ananthasayanam Ayyangar: May I know if the Government have ascertained whether they have given up their creed of violence?

The Honourable Sir Henry Craik: I must have notice.

Mr. Sri Prakasa: Are their cases examined along the principles followed by the Governments of Bihar and the United Provinces?

The Honourable Sir Henry Craik: I cannot say. I have not seen the principles laid down by those Governments.

PARTIAL STOPPAGE OF THE SIMLA EXODUS.

533. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Home Member please lay on the table a statement showing the list of offices which are proposed to be retained permanently in New Delhi during the ensuing summer season?

(b) What are the reasons for not completely stopping the exodus to Simla of all the Government of India offices?

(c) When do Government expect to keep down all the offices in New Delhi?

(d) Are Government prepared to consider the advisability of holding the autumn Session of the Legislature in New Delhi in September-October next instead of in Simla? If not, why not?

The Honourable Sir Henry Craik: (a) I would refer the Honourable Member to the Press Communiqué, dated the 19th January, 1938, a copy of which is in the Library of the House.

(b) and (c). There are various reasons, both of convenience and of administrative efficiency against the complete abandonment of Simla by the Government of India during the hot weather: and I am unable to give any forecast as to when (if ever) that step may be found necessary.

(d) The times and places for holding the Sessions of the Chambers of the Indian Legislature are appointed by the Governor General, not by Government. I may, however, inform the Honourable Member that suggestions similar to his own have been made on earlier occasions and have been found to be open to substantial objection on a number of grounds.

Mr. Manu Subedar: May I know whether Government are aware of the fact that many business and professional men and highly capable Government officials are working in the plains?

Mr. President (The Honourable Sir Abdur Rahim): That is arguing. Everybody knows that. I don't think anybody wants that sort of information. I won't allow the time of the House to be wasted by such questions.

Mr. C. N. Muthuranga Mudaliar: With reference to (b) may I ask whether Government will take the opinion of this House in the course of this Session whether they would prefer to meet here or in Simla?

The Honourable Sir Henry Craik: I have already explained this is a matter for the Governor General and not for Government. The question has been raised on previous occasions and opinion is by no means unanimous in favour of meeting in Delhi.

Mr. Manu Subedar: May I know if Government have considered whether the efficiency which would be lost by stopping the exodus is equivalent to the amount spent on the exodus?

The Honourable Sir Henry Craik: The cost of holding a Session in Delhi will be considerably more than if it was held in Simla.

Mr. M. Ananthasayanam Ayyangar: What will be the saving by this partial stoppage of offices?

The Honourable Sir Henry Craik: I cannot answer that off-hand. That is a question for the Finance Member.

APPRENTICES ENGAGED FOR TRAINING IN PRINTING IN THE SECURITY PRINTING, INDIA, AND THE CURRENCY PRESS.

534. ***Mr. K. Santhanam:** Will the Honourable the Finance Member please state:

- (a) the number of apprentices engaged from the commencement of the Security Printing India and the Currency Press for technical training in printing;
- (b) how many of these were (i) Europeans, (ii) Anglo-Indians and (iii) Indians; and
- (c) how many of each category of apprentices were discharged as inefficient and how many have been taken into permanent employment?

The Honourable Sir James Grigg: A statement is laid on the table.

Statement showing the Number of Apprentices engaged in the Security Press for Technical Training in Printing.

(a) 40.	
(b) (i) 6.	
(ii) 13.	
(iii) 21.	
(c) Discharged as inefficient.	
(i) Nil.	
(ii) Nil.	
(iii) 3.	
	Taken into permanent employ.
	1
	6
	5

CERTAIN POSTS UNDER THE MASTER, SECURITY PRINTING, INDIA.

535. ***Mr. K. Santhanam**: Will the Honourable the Finance Member please state:

- (a) the number of posts under the Master, Security Printing, India, which carry a starting salary of Rs. 500 per month and above;
- (b) how many of these are gazetted and how many are non-gazetted;
- (c) the reason why such highly paid posts are non-gazetted; and
- (d) who fills up these posts?

The Honourable Sir James Grigg: (a) Four.

(b) Two gazetted and two non-gazetted.

(c) Status and responsibility determine whether a post should be gazetted or not. Pay is not the sole criterion.

(d) The gazetted posts are filled by the Governor General in Council, and the non-gazetted by the Master, Security Printing, India.

Mr. K. Santhanam: May I know if the two posts are kept non-gazetted in order to give the Master, Security Printing, India, a free hand in regard to them?

The Honourable Sir James Grigg: That is imputing a motive and I am not sure whether that is admissible, but I think I can answer that in the negative,—quite certainly.

Mr. K. Santhanam: I do not say it is a bad motive; it may be a good motive to give a man a free hand; I am simply asking for information.

The Honourable Sir James Grigg: Status and responsibility determine whether a post should be gazetted or not. So I assume that those are the criteria; the question of the personal desire or patronage of the Master of the Press does not come in.

Mr. K. Santhanam: May I know what are the status and responsibilities of those persons who are non-gazetted and yet receive more than Rs. 500?

The Honourable Sir James Grigg: The non-gazetted posts are the Chief Inspectors.

Mr. K. Santhanam: Is it the opinion of the Government that the responsibility of a Chief Inspector is less than that of an ordinary gazetted officer?

Mr. President (The Honourable Sir Abdur Rahim): That is asking for an opinion.

Mr. M. Ananthasayanam Ayyangar: How does Government recruit the other officers—directly, or through the Public Service Commission?

The Honourable Sir James Grigg: The Honourable Member had better put that down.

Mr. C. N. Muthuranga Mudaliar: Does any of these officers get any overseas allowance?

Mr. President (The Honourable Sir Abdur Rahim): That has nothing to do with this question.

SUSPENSIONS AND DISMISSALS BY THE MASTER, SECURITY PRINTING, INDIA.

536. ***Mr. K. Santhanam**: Will the Honourable the Finance Member be pleased to state:

- (a) the number and names of subordinates suspended by the present Master, Security Printing, India, Major Fitzmaurice and those dismissed by him since 1934 and the reasons for suspension in each case;
- (b) whether these subordinates have a right of appeal, and to whom; and
- (c) the special rules, if any, concerning the appointment and dismissal of subordinates in the Security Printing, India, Currency Note Press and Central Stamp Stores?

The Honourable Sir James Grigg: (a) Government do not consider that it is desirable in the public interest to give this information beyond saying that in the period mentioned two persons have been dismissed and 14 suspended.

(b) Yes, to the Secretary to the Government of India in the Finance Department.

(c) There are no special rules.

Mr. K. Santhanam: May I know how many of these people dismissed are Indians, how many Anglo-Indians and how many Europeans?

The Honourable Sir James Grigg: No, I am not prepared to give that information.

Mr. K. Santhanam: May I know what were the circumstances leading to their dismissal?

The Honourable Sir James Grigg: I am not prepared to give that.

Mr. K. Santhanam: May I know if the majority of those dismissed are Indians?

The Honourable Sir James Grigg: The majority of the people in the Press are Indians, and the majority of the people dismissed must be Indians.

Mr. M. Ananthasayanam Ayyangar: May I know how many of these have preferred appeals and how many of these appeals have been allowed?

The Honourable Sir James Grigg: I must have notice of that.

EXCLUSION OF INDIAN PHILOSOPHY FROM THE SYLLABUS OF THE INDIAN CIVIL SERVICE EXAMINATION.

537. ***Mr. K. Santhanam:** Will the Honourable the Home Member be pleased to state:

- (a) whether the attention of Government has been drawn to the resolution passed by the Indian Philosophical Congress at Nagpur on the 11th December, 1937 relating to the exclusion of Indian Philosophy from the syllabus of the Indian Civil Service examination;
- (b) whether Government have received any further representation in the matter; and
- (c) whether they propose to reconsider their attitude and restore Indian Philosophy to its old place among the optional subjects in the syllabus of the Indian Civil Service examination?

The Honourable Sir Henry Craik: (a) Yes.

(b) No.

(c) I would refer the Honourable Member to the replies given by me to starred questions Nos. 802 and 803 on the 31st March, 1937, and to the supplementaries thereon. I have nothing to add to them.

Mr. K. Santhanam: I wish to point out that this question refers to the position as it stands after the answers to those questions, referred to by the Honourable Member, were given: I am asking whether they have considered this matter in the light of this further resolution of the Indian Philosophical Congress at Nagpur?

The Honourable Sir Henry Craik: When we received the resolution referred to, the matter was reconsidered but it was decided to adhere to the previous decision.

FEDERAL COURT OF INDIA.

538. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable the Home Member state whether the Federal Court has done or has been doing any original or appellate work since its establishment? If so, what work has been done?

(b) Are any fees charged in respect of suits or appeals by way of court fees or otherwise to the Government and if so, what sum has been received so far?

(c) Is it intended to be an itinerant court, and what is the purpose of making it so?

(d) Is it a fact that the court will have a four months' vacation from June this year? Is this vacation to be exclusive of other holidays and Sundays or inclusive? What is the need for such a long vacation and who fixed the same, the court or the Government? What will then be the total number of working days for the court?

(e) Is it a fact that the court will sit only from October to April at Delhi and thereafter for two months at some hill station?

(f) What is the amount spent on the Federal Court till now, and what is the estimated cost thereof per year?

The Honourable Sir Henry Craik: (a) and (b). No cases have yet come before the Federal Court and, therefore, no fees have been charged. The fees prescribed will be found set out in Schedule III to the Federal Court Rules. I understand that the Court has been occupied since its establishment in framing its Rules and meets regularly at present to dispose of administrative matters.

(c) and (e). The main sittings of the Court are in Delhi and no arrangements have yet been made for sittings in any other place.

(d) I understand that the Court proposes for the present to sit from the beginning of October to the early part of June in each year. The commencement of the term is fixed under the Federal Court Rules, which were made by the Court and approved by the Governor General; the commencement of the vacation is to be fixed by the Chief Justice in each year. The number of working days for the Court will depend in part upon the number of public holidays falling in term-time in each year, and for the current year will amount to approximately 150. This figure is rather less than that for the nearest comparable High Court and rather more than that for the Judicial Committee of the Privy Council.

(f) The amount spent up to 31st January, 1938, is roughly Rs. 1,05,000, and the estimated cost per year is about Rs. 2,67,000. Certain fees have been received from persons who have enrolled themselves as Advocates in the Court.

Mr. C. N. Muthuranga Mudaliar: May I know how many cases have been disposed of since it started?

Mr. President (The Honourable Sir Abdur Rahim): That has been answered.

Mr. Lalchand Navalrai: Is it a fact that references are being made to the Federal Court for consultation on important and doubtful points, and are they bound to answer these references or not?

The Honourable Sir Henry Craik: Does the Honourable Member ask whether references can be made or are being made?

Mr. Lalchand Navalrai: My present question is concerned with the point whether these references are being made.

The Honourable Sir Henry Craik: I am not sure.

Mr. Lalchand Navalrai: Then I ask—can they be made, in this sense, namely, if there is any statutory question on statutory law, which is doubtful, can the public ask for consultation and opinion of the Federal Court?

The Honourable Sir Henry Craik: That is entirely a matter arising out of the construction of the statute; the Honourable Member had better read the Act.

Maulvi Abdur Rasheed Chaudhury: Are the Federal Court Judges getting their pay without doing any work?

The Honourable Sir Henry Craik: No.

Mr. M. Ananthasayanam Ayyangar: Has the Governor General made any reference to this Federal Court for any opinion on any important matter?

The Honourable Sir Henry Craik: That does not arise out of this; the Honourable Member had better put down a question if he wishes.

Mr. K. Santhanam: May I know if it is the Government or the Chief Justice who fixes the number of holidays for the Federal Court.

The Honourable Sir Henry Craik: That is a matter for the Court.

Mr. Lalchand Navarai: Presuming that the Honourable Member has read the rules which they have framed are they in a position to tell me whether consultation can be made with them about doubtful points of statute?

The Honourable Sir Henry Craik: I am not prepared to express a legal opinion; I am not a lawyer.

Mr. Lalchand Navarai: Do the rules provide for it?

Mr. President (The Honourable Sir Abdur Rahim): I think the rules have been published and the Honourable Member can read them.

Mr. K. Santhanam: May I know if it is permissible for the court to fix three hundred and sixty-five days as holidays? Have the Government of India no voice in fixing the number of holidays for the Court?

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

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

539. ***Mr. Abdul Qaiyum:** (a) Will the Defence Secretary please state whether it is a fact that the military authorities are entitled to take 1/16th of the available supply in the Bara River for irrigating the Peshawar Cantonment?

(b) Is it a fact that they are now taking a fixed supply which is more than the 1/16th to which they are entitled?

(c) Is it a fact that the grant of a fixed supply to the Cantonment interferes with the equitable distribution of irrigation water to the whole Khalil Tappa?

(d) Will the Defence Secretary please state whether, for drinking purposes, the military and the Cantonment authorities take about 1/25th of the whole supply in the Bara River without either right or title?

Mr. C. M. G. Ogilvie: With your permission, Sir, I will answer questions Nos. 539—542 together.

I am collecting the information and will lay it on the table in due course.

Mr. Abdul Qaiyum: May I ask if it is not possible for the Honourable Member to answer each question separately?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said that he is collecting the information, and since the information is not available the Honourable Member cannot give a separate answer to any part of the question.

Mr. K. Santhanam: How long will it take Government to collect the information and place it on the table of the House?

Mr. C. M. G. Ogilvie: I cannot say; inquiries have to be made from the N.-W. F. P.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

†540. ***Mr. Abdul Qaiyum:** (a) Will the Defence Secretary please state whether any agreement was entered into by the military authorities in connection with the Bara River water in 1864?

(b) If so, what are the terms of that agreement?

(c) Did the headquarters, Peshawar District, Peshawar, write to the Headquarters, Northern Command, in April 1932, admitting that the military were entitled to eight cusecs, but that they take 14 and require 18 cusecs?

(d) Was it suggested in the letter referred to in part (c) that the military should reduce their demand from Bara by cutting off the supply of irrigation water, i.e., eight cusecs from that source entirely?

(e) Was it also suggested in the above letter that the military should draw water from the Kabul River canal for irrigation, that irrigation system could be rapidly installed from this new source and that even a scheme was in existence?

(f) Was it admitted in that letter that the military authorities are misappropriating water which rightly belongs to the cultivators of the Mohmand and Khalil areas?

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

†541. ***Mr. Abdul Qaiyum:** (a) Will the Defence Secretary please state whether a conference regarding water for military was held on the 13th October, 1930, which was attended among others by the Executive Officers, Peshawar Cantonment?

(b) Were any proposals made and decisions taken at this conference? If so, what are those decisions?

(c) Was any scheme submitted to the Government of India by the Local Government on the 31st July, 1931?

†For answer to this question, see answer to question No. 539.

(d) Was it suggested therein that water for irrigating the Cantonment be drawn from the Kabul River Canal?

(e) Were the supplies in the Bara River diminishing while the demands of the military were increasing?

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

†542. ***Mr. Abdul Qaiyum:** (a) Will the Defence Secretary please state whether it is a fact that the Local Government of the North-West Frontier Province and the local military authorities agree that the Bara water should be restored to the Bara cultivators?

(b) Have the above authorities suggested that ten cusecs of water be pumped from the Kabul River Canal?

(c) What steps have the Government of India taken to do justice to the Bara cultivators?

(d) Do Government contemplate doing anything in the matter?

STRENGTH AND DISPOSITION OF THE INTERNAL SECURITY BRITISH TROOPS.

†543. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

(a) whether any Provincial Government has requisitioned the services of British troops for dealing with communal riots since the 1st April, 1937, and if so, which and how often;

(b) whether Government have reconsidered the disposition of the internal security British troops; and

(c) whether Government have sent any despatch to the British Government regarding the strength and disposition of the internal security British troops?

Mr. C. M. G. Ogilvie: (a) The civil power is not entitled to lay down the composition of the force employed. British troops were, however, once called out on a request by the Punjab Government. British troops were also kept in readiness at Poona, Madras and Jubbulpore on requests for military assistance by the Provincial Governments concerned to deal with anticipated communal riots.

(b) and (c). No.

TROOPS SENT TO AND RETURNED FROM CHINA.

†544. ***Sardar Mangal Singh:** Will the Defence Secretary please state.

(a) whether any troops have been sent to China or to any other country since 1st September, 1937;

(b) if so, to which countries, and how many; and

(c) whether any troops have returned from China since the Sino-Japanese war began?

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

(b) Does not arise.

(c) No.

†For answer to this question, see answer to question No. 539.

†Answer to this question laid on the table, the questioner being absent.

PRISONERS IN THE ANDAMANS AND ITS ABANDONMENT AS PENAL SETTLEMENT.

†545. ***Sardar Mangal Singh:** Will the Honourable the Home Member please state:

(a) the number of prisoners who are now being detained in the Andaman Island; and

(b) whether it is contemplated to abandon the Island as a penal settlement for Indian prisoners?

The Honourable Sir Henry Craik: (a) and (b). I refer the Honourable Member to the reply which I gave on the 23rd February to parts (a), (d) and (e) of Mr. M. Ananthasayanam Ayyangar's starred question No. 456.

PROGRAMME OF MECHANISATION OF THE INDIAN ARMY.

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

(a) whether the details of programme of mechanisation have been worked;

(b) what will be the main arms that will have to be purchased; and

(c) of these how much it will be necessary to be purchased in England and how much in India?

Mr. C. M. G. Ogilvie: (a), (b) and (c). I refer the Honourable Member to my speech of the 31st January last on his adjournment motion and the replies I have since given to the several questions on the same subject.

Mr. T. S. Avinashilingam Chettiar: The answer to the previous question was that it has not been ascertained till now. May I ask if the Honourable Member has ascertained it now after the lapse of so many days?

Mr. C. M. G. Ogilvie: I can give the Honourable Member no further information that I have already given.

Mr. T. S. Avinashilingam Chettiar: May I ask when the Government expect to ascertain that information?

Mr. C. M. G. Ogilvie: It is not in the public interest at present to give the exact details of the armaments to be supplied to British troops.

PROPOSAL FOR BRINGING FORWARD A BANKING BILL.

†547. ***Sardar Mangal Singh:** Will the Honourable the Finance Member please state:

(a) whether it is contemplated to bring forward a banking Bill this year; and

(b) if so, whether it will be introduced this Session?

The Honourable Sir James Grigg: (a) and (b). Certain provisions relating to banking have been included in the Indian Companies Act and

†Answer to this question laid on the table, the questioner being absent.

an Amending Bill dealing with these provisions has recently been passed by the Legislature. No further legislation on this subject is at present contemplated.

POLITICAL PRISONERS ON HUNGER STRIKE IN THE AJMER JAIL.

548. ***Mr. Mohan Lal Saksena:** Will the Honourable the Home Member be pleased to state:

- whether it is a fact that certain political prisoners have gone on hunger strike as a protest against the treatment in Ajmer Jail;
- what are the names of the persons on hunger strike and what are the reasons for their hunger strike; and
- in which class the prisoners have been classified?

The Honourable Sir Henry Craik: (a), (b) and (c). Two prisoners named Ram Singh and Girdhari Lal went on hunger strike in the Ajmer Central Jail in order to obtain increased amenities.

Ram Singh went on hunger strike on the 1st February and abandoned it on the 10th February. Girdhari Lal went on hunger strike on the 27th January and abandoned it on the 11th February. Ram Singh is classified as a 'B' class prisoner. Girdhari Lal as 'C' class.

PROVINCIALISATION OF CERTAIN ALL-INDIA SERVICES.

549. ***Mr. Badri Dutt Pande:** (a) Will the Honourable the Home Member be pleased to state if the Central Government have received from the United Provinces Government a representation, or copy of a resolution and the debate thereon passed by the United Provinces Assembly recently, requesting the Central Government to move the Secretary of State to provincialize at an early date the Indian Civil, Police and Medical Services and that all control over these services be given to the Provincial Governments?

(b) If so, what action have Central Government taken in the matter?

The Honourable Sir Henry Craik: (a) No.

(b) Does not arise.

DISCRIMINATION ABOUT WARM UNIFORMS TO BE WORN BY INDIAN MILITARY OFFICERS.

550. ***Mr. Badri Dutt Pande:** Will the Defence Secretary be pleased to state if it is a fact that Indian officers and ranks are not allowed to wear warm serge uniform, which only British officers and ranks are allowed to wear and that they can wear only khaki drill uniform, irrespective of the climate? Is it a fact that even when it is heavy cold, Indians are not allowed to wear overcoats, which can be worn only when off duty?

Mr. C. M. G. Ogilvie: The answer to the whole of the question is "No."

JUTE DUTY, EXCISE DUTY ON PETROL AND KEROSENE AND CUSTOMS DUTY.

551. ***Mr. Kuladhar Chaliha:** Will the Honourable the Finance Member please state:

- the amount of jute duty realised from the Provinces of Bengal, Assam and Orissa during 1934-35, 1935-36 and 1936-37;
- the amount of excise duty realised from petrol and kerosene (i) from Assam during 1934-35, 1935-36, 1936-37, 1937-38 (if available), and (ii) from other Provinces in India during 1934-35, 1935-36 and 1936-37 (if any); and
- the amount of customs duty realised from the ports of Calcutta, Madras, Bombay and Karachi during 1934-35, 1935-36 and 1936-37?

Mr. A. H. Lloyd: (a), (b) and (c). Three statements are laid on the table of the House.

Statements.

(a)

Gross Customs duty realised from exports of Jute in Bengal, Assam and Orissa:

	Bengal	Assam	Orissa.
	in 000 Rs.	in 000 Rs.	in 000 Rs.
1934-35	3,58.66	Nil.	Nil.
1935-36	3,77.38	Nil.	Nil.
1936-37	4,31.25	Nil.	Nil.

(b)

Statement showing the amount of excise duty (net receipts) realised from Petrol and Kerosene in Assam and other Provinces.

Province.		Petrol.		
		(Motor Spirit).	Kerosene.	Total.
		Rs.	Rs.	Rs.
Assam	1934-35	1,02,32,787	53,99,218	1,56,32,005
	1935-36	1,00,47,925	55,76,001	1,56,23,926
	1936-37	96,31,728	60,32,934	1,56,64,662
	(a) 1937-38			
Punjab	1934-35	5,52,756	80,389	6,33,125
	1935-36	3,87,392	62,990	4,50,382
	1936-37	6,43,582	1,28,239	7,71,821
	1937-38	8,596		2,596
Bihar and Orissa	1934-35	2,414		2,414
	1935-36	2,414		2,414
	1936-37*	2,560		2,560
	1937-38		1,221	1,221
C. P. and Berar	1934-35			
	1935-36			
	1936-37			
	1937-38			
India General	1934-35	96,220	9,367	1,05,587
	1935-36	38,110	4,305	42,415
	1936-37	82,116	5,880	87,996
	1937-38			

(a) Figures not available.

*1936-37 figures relate to Bihar only.

(c)

Total net receipts from Customs duty in Bengal, Madras, Bombay and Sind during the year 1934-35 to 1936-37.

Province.	1934-35.	1935-36.	1936-37.
	In 000 Rs.	In 000 Rs.	In 000 Rs.
Bengal.	13,54.48	14,00.90	14,18.59
Madras	5,10.20	4,73.89	3,99.55
*Bombay including Sind	20,16.56	19,69.44	..
Bombay	..	..	14,58.65
Sind	..	..	3,92.33

*Separate figures for Bombay and Sind are available only for 1936-37.

NOTE.—Figures for specified ports in the Provinces are not readily available.

FOREIGN EXPERTS INVITED BY THE GOVERNMENT OF INDIA.

552. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state:

- the number and names of foreign experts British and others separately, invited since 1st April, 1937, or whom it is proposed to invite now, by the several departments of the Government of India, and their subordinate offices;
- whether efforts were made, and if so, what they were, to find out what India could supply in each case;
- in which cases no efforts were made to find out whether Indians were available and why;
- the period for which each foreign expert has been appointed, or is proposed to be appointed, and the terms sanctioned;
- the cases where motions of adjournment of the House were made; whether any effect was given to the wishes of the House as expressed on these motions, and if not, the reasons for it;
- cases where experts had been invited but orders cancelling the invitation were later issued, and the reasons in each case for those orders; and
- the cases where the Standing Finance Committee was consulted and its decision on each case?

The Honourable Sir Henry Craik: I am collecting the necessary information and will lay a statement on the table of the House in due course.

Mr. M. Ananthasayanam Ayyangar: With reference to part (a) of the question, may I ask if it is in the contemplation of the Government to get any fresh officers?

The Honourable Sir Henry Craik: I am not aware of any such intention.

SUMPTUARY ALLOWANCE OF HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

553. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Finance Member please state:

- the sumptuary allowance at present enjoyed by His Excellency the Viceroy and Governor General;
- whether there is a similar allowance in any of the Dominions of the British Empire, and if so, how much; and
- the total amount of the allowances enjoyed by the Viceroy during the year 1930 and during 1937 (financial)?

The Honourable Sir James Grigg: (a) Rs. 40,000.

(b) Government have no information.

(c) A statement is laid on the table.

Statement.	1930-31.	1937-38 (probable).
	Rs.	Rs.
Sumptuary allowance	40,000	40,000
Contract allowance	1,62,700	1,58,300
State conveyances and motors	35,000	52,000
Presents and charities	10,000	15,000
Customs duty on imported stores	9,000	5,000
Purchase of glass, crockery and linen	16,000	21,000
Tour expenses	3,04,000	5,55,000

Mr. T. S. Avinashilingam Chettiar: May I ask whether this amount has been recently increased or decreased?

The Honourable Sir James Grigg: The Honourable Member had better give me notice of that. The figures I was asked to supply give a comparison between 1930 and 1937. These figures are given.

CREATION OF OFFICERS' POSTS IN THE MASTER GENERAL OF ORDNANCE BRANCH.

554. *Mr. K. S. Gupta: (a) Will the Defence Secretary be pleased to state whether it is a fact that in the Master General of Ordnance Branch, Army Headquarters, a number of officer's posts are being created?

(b) Is it a fact that 21 clerical posts are being abolished in order to make provision for the contemplated officers' posts?

Mr. C. M. G. Ogilvie: (a) and (b). A scheme for the re-organisation of the Master General of the Ordnance Branch of Army Headquarters is under consideration. It does not entail the retrenchment of the civilian ministerial establishments mentioned.

INCOME-TAX ON DIVIDENDS PAID BY THE RESERVE BANK AND DESIRABILITY OF ITS PAYMENT BY MONEY ORDER.

555. *Mr. Sri Prakasa: Will the Honourable the Finance Member please state:

- if it is a fact that the small amount of dividend paid by the Reserve Bank to shareholders, is considerably reduced by the levy of income-tax at the highest rate and commission necessary to cash the dividend warrants;

- (b) if Government are considering the desirability of enacting some rule or law by which such shareholders of the Reserve Bank, as do not otherwise pay income-tax, could be exempted at the source; and
- (c) if Government propose to consider the desirability of recommending to the Reserve Bank to send the dividends by money-order instead of by dividend warrants, to such shareholders as may so desire?

The Honourable Sir James Grigg: (a) and (b). As I explained in my reply to starred question No. 409 on 16th February, 1937, a shareholder whose total income is less than the taxable minimum can avoid the taxation of his dividends at source by obtaining an exemption certificate under the proviso to sub-section (3) of section 18 of the Indian Income-tax Act. As regards commission, this is not deducted at source but the collecting bank makes the usual remittance charges when the dividend warrant is presented for collection through an outstation bank.

(c) I understand that at the request of shareholders dividends are sent by money order to places where there is no bank, treasury or sub-treasury. The matter is entirely one for the Reserve Bank, and I am not prepared to take any steps in regard to it.

PERMISSION TO THE SCHEDULE BANKS TO CASH THE DIVIDEND WARRANT OF THE RESERVE BANK FREE OF COST.

556. ***Mr. Sri Prakasa:** Will the Honourable the Finance Member state:

- (a) if the Reserve Bank keeps large amounts of money of scheduled banks without interest; and
- (b) if Government propose to recommend to the Reserve Bank the desirability of allowing the scheduled banks to cash the dividend warrants of the Reserve Bank free of cost to their constituents, debiting the same to the Reserve Bank itself?

The Honourable Sir James Grigg: (a) I would invite the attention of the Honourable Member to the provisions of section 42 of the Reserve Bank of India Act, 1934.

(b) No. This is entirely a matter for the Reserve Bank and the scheduled banks.

UNSTARRED QUESTIONS AND ANSWERS.

IMPORT DUTY ON MOTOR SPIRITS FROM BURMA.

44. **Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Finance Member please state:

- (a) the quantity of motor spirits imported into India from Burma in the years 1936-37 and 1937-38 (period for which figures are available);

- (b) if excise and import duties were levied on Burma motor spirits in the years 1936-37 and 1937-38; and
- (c) if so, the income therefrom?

Mr. A. H. Lloyd: I lay on the table two statements containing the information asked for.

Statement showing Imports of Dangerous Petroleum flashing below 76°F., Petrol, Benzine and benzol from Burma in 1936-37 and 1937-38.

Year.	Quantity in 000 gallons.
1936-37	66,124
1937-38 (nine months-April to December)	49,635

NOTE.—It is probably safe to assume that all, or almost all, these imports consisted of motor spirit.

Statement showing Duty collected on Motor Spirit imported into India from Burma in 1936-37 and 1937-38.

Year.	Gross figures of duty in 000 rupees.
1936-37, Excise duty	4,16,444
1937-38 (ten months-April to January)—	
Excise duty	43,53
Import duty	2,29,57

SINDHIS IN THE CUSTOMS HOUSE SERVICES.

45. **Mr. Lalchand Navalrai:** (a) Will the Honourable the Finance Member be pleased to state the maximum period for which a Collector of Customs can remain at one place?

(b) Will he please state how many Collectors have been in charge of the Customs Office at Karachi, and how long each has been there during the past three years?

(c) Will he please state the number of Madrasis taken in or transferred to the customs service in Karachi during the last ten years?

(d) Will he please state why Sindhis were not taken in the places of Madrasis?

(e) Will he please state if any Sindhis have been taken in the Customs House Service at Madras?

(f) Is there any standing order of the Government of India that the residents of Sind and of the Punjab and the North-West Frontier are eligible for customs service in Karachi? If so, why are others permitted to be crowded there?

Mr. A. H. Lloyd: (a) None has been prescribed.

(b) The following officers worked as Collectors of Customs, Karachi during the past three years:

1. Mr. F. Buckney, up to 8th April 1936.

2. Mr N. R. Pillai, I.C.S., from 4th April 1936 to 6th October 1936.
3. Mr. D. F. Keegan from 7th October 1936 to 3rd November 1936.
4. Mr. F. J. Karaka from 4th November 1936 to 14th February 1937.
5. Mr. S. C. Satyawadi from 15th February 1937 to 2nd August 1937.
6. Mr. P. N. Chandavarkar from 3rd August 1937 to 15th December 1937.
7. Mr. S. N. Gupta, I.C.S., from 16th December 1937 onwards.

(c) The information available with the Government of India goes back to June 1935, since which time no Madrasis have been appointed to service in the Karachi Custom House. This being so, the Government of India do not consider that any advantage is likely to be gained by examining the facts relating to earlier appointments. The answer just given does not relate to officers of the Imperial Customs Service, who are liable to serve in any part in India and whose postings are arranged solely with regard to administrative convenience.

(d) Does not arise.

(e) To the best of the Government's knowledge and belief, one.

(f) For purposes of recruitment the provinces allotted to the Karachi Custom House are Sind, Delhi, Punjab, North-West Frontier, Ajmer-Merwara and British Baluchistan. The implication contained in the latter part of the question is not admitted.

MOTION FOR ADJOURNMENT.

EXPULSION OF THE SON OF HAJI AKBAR ALI KHAN, M.L.A., FROM NORTH WAZIRISTAN AGENCY.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion for adjourning the business of the House from Mr. Abdul Qaiyum. He wishes to discuss a definite matter of urgent public importance of recent occurrence, namely, "the arbitrary expulsion of the son of Haji Akbar Ali Khan, M.L.A., Frontier Province, from North Waziristan Agency for alleged political activities". I do not know whether the Honourable Member is aware that he has got to obtain the consent of the Governor General under Rule 12B read with Rule 28B. Has he done it?

Mr. Abdul Qaiyum (North-West Frontier Province: General): Under those rules it is not necessary to obtain the consent of the Governor General

Mr. President (The Honourable Sir Abdur Rahim): That is your opinion. It is perfectly clear that the Honourable Member cannot move this motion of adjournment without the previous consent of the Governor General because it relates to a tribal area.

Mr. Abdul Qaiyum: But the Governor General may overrule it.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member will read the rules, he will find that the motion can be moved only with the consent of the Governor General.

Mr. Abdul Qaiyum: Sir, the rules are becoming more and more complicated every day and it is becoming very difficult for us to follow the intricacies of various rules.

Mr. President (The Honourable Sir Abdur Rahim): I am sorry if the Honourable Member finds the rules to be complicated but I have got to work them. If the consent of the Governor General has not been obtained to the moving of this motion, it has to be disallowed. It is disallowed.

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that the following Members have been elected to the Committee on Public Accounts, namely:

1. Mr. Umar Aly Shah.
2. Mr. B. Das.
3. Sirdar Jogendra Singh.
4. Prof. N. G. Ranga.
5. Mr. S. Satyamurti.
6. Bhai Parma Nand.
7. Captain Sardar Sir Sher Muhammad Khan.
8. Mr. J. Ramsay Scott.

ELECTION OF THE STANDING COMMITTEE FOR THE LABOUR DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have also to inform the Assembly that upto 12 noon on Friday, the 25th February, 1938, the time fixed for receiving nominations for the Standing Committee for the Labour Department only three nominations were received. As the number of candidates is equal to the number of vacancies, I declare Mr. T. Chapman-Mortimer, Pandit Krishna Kant Malaviya and Mr. N. M. Joshi to be duly elected.

THE SIND SALT LAW AMENDMENT BILL.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I move for leave to introduce a Bill to amend the law relating to salt as at present in force in Sind.

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

"That leave be granted to introduce a Bill to amend the law relating to salt as at present in force in Sind."

The motion was adopted.

Mr. A. H. Lloyd: Sir, I introduce the Bill.

THE INDIAN TEA CONTROL BILL.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration 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, as reported by the Select Committee.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the other day we were discussing the amendment* of my Honourable friend, Mr. Kuladhar Chaliha. That amendment seeks to provide for a Board of Arbitrators who should hear appeals from the decisions of the Licensing Committee. One of the points raised was about expenditure and the other point was about the little work which the Board will have to do. Another point was raised by the Leader of the House who ought to be well versed with facts and figures about Bengal. I am sorry to say that he opposed the amendment so ably moved by my Honourable friends from Bengal, Mr. Akhil Chandra Datta, Mr. Brojendra Narayan Chaudhury and Mr. Kuladhar Chaliha. If I remember aright, the Honourable the Leader of the House said that it was only the long purse which will be able to get justice in Courts. That was the impression left on my mind. Now, my Honourable friend is no doubt a very able lawyer, a great statesman and a skilful debater. But he will go down in history as a great snake charmer and a lion tamer. When we ask him questions about Federation . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not go on like this. He must confine himself to the amendment.

Mr. Badri Dutt Pande: About this tribunal, he said that parties must have bags of money to be able to appeal to this tribunal. When we ask for justice, he says that the small tea planters have small purses and they will not be able to defend themselves. Neither they will be able to give fees to the lawyers. This is like the saying: "

*"Hamne chaha tha ke Hakim se karenge phariyad.
Woh bhi kambakht tera chahne-wala nikla."*

Its translation is:

"I thought I would appeal to the sense of justice of the great man, but he turns out to be a supporter of those judges."

That is the underlying meaning. Of course, we know for a fact and we need not be reminded that the power, prestige, personality and purse are the monopolies of those Benches that go to make political power. But we, on these Benches, are imbued with Gandhian principles and our motto is

*That after sub-clause (2) of clause 7 of the Bill the following new sub-clause be inserted:

(3) If any party is aggrieved by any order of the Licensing Committee under sections 14, 28, 29, 30 he shall have the right to refer the case in the prescribed manner to a Board of Arbitrators consisting of three members one of whom at least shall be an Indian formed in the following manner:

- (i) one member to be nominated by the Licensing Committee;
- (ii) one member to be nominated by the Government of Assam;
- (iii) one member to be nominated by the Government of Bengal;

and the decision of the Board shall be binding on the Licensing Committee."

not "honour and dollar", but service to the country and that every man must get justice, whether he is rich or poor. That is our ideal. We have no faith in the doings of the Executive and things settled at tea parties or cocktail parties that are abundantly being given these days. We have no faith in them and as regards the shaking of our faith there is an article which says why we should not go to Delhi for justice, not written by Indians but by Richard Freund on "The Sham Majesty of New Delhi" published by the Spectator of London.

Mr. President (The Honourable Sir Abdur Rahim): Does that article speak of the tea planters?

Mr. Badri Dutt Pande: No, about justice in Delhi.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine himself to the amendment.

Mr. Badri Dutt Pande: We say we have no faith in these arbitrators. I am referring to these judges in the light of the article written by Mr. Richard Freund.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must speak to the amendment which refers to arbitrators.

Mr. Badri Dutt Pande: We are now discussing Board of Arbitration and I say that the bureaucracy should not be on the Board of Arbitration. We should have an independent tribunal. He says:

"Going from office to office, one is struck with the appalling lack of ordinary human feeling. In the higher regions of the Central Government, all the virtues which Englishmen and Englishwomen possess at home seem to turn like milk. They become narrow-minded stuck up, and stiff with formality. It used to be said that the civilian makes up in efficiency what he lacks in grace."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must use his own arguments.

Mr. Badri Dutt Pande: The Honourable Secretary in charge of this Bill says that appeals are made to the Governor General. I am saying that such appeals are no good.

Mr. President (The Honourable Sir Abdur Rahim): But the Honourable Member must not go on reading other people's arguments. He must use his own arguments.

Mr. Badri Dutt Pande: When their mind is prejudiced against us, we do not want such arbitrators. That is my line of argument. I am referring casually why we should not want the arbitration orders of these officials and secretaries, who really decide tea appeals.

Now, Sir, I shall refer to the report of the sub-committee in London dealing with the right of appeal, that sub-committee's report says:

"Any estate which is dissatisfied with the decision of the Licensing Committee under either of the two preceding clauses may appeal, within two months of the date of

[Mr. Badri Dutt Pande.]

such decision, to the Appeal Board from whose decision an appeal will lie to the Governor General in Council. The fee to be lodged with the Licensing Committee by an estate desirous of appealing against the decision of the Licensing Committee shall be Rs. 240 which shall be non-returnable.

An estate which is dissatisfied with the decision of the Licensing Committee in respect of the assessment of its young areas may appeal within two months of the date of such decision to the Appeal Board on the same conditions as those above mentioned."

Now, Sir, the remarks of the sub-committee could well have been written by one of the Congress Members. Regarding right of appeal the sub-committee says:

"The Joint sub-committee consider that, in the event of claimants being dissatisfied with the ruling of the Licensing Committee in respect of their claims they should have a right of appeal therefrom. It is the opinion of the Joint sub-committee that this right to state a case either in person or by Counsel will facilitate and help to create a better atmosphere than exists at present owing to the feeling that there is, in practice, no actual right of appeal against the decisions of the Licensing Committee. Under the Indian Tea Control Act, 1933, no such right of appeal is provided for. Section 7 of the Act gives the Governor General in Council a power of control over all acts of the Licensing Committee and the Joint sub-committee understand that it is under this power that today it has been customary for a special department of the Government of India to deal with appeals from the orders of the Licensing Committee."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is quite irrelevant. If he has not got anything more relevant to say, he must give other Honourable Members a chance to discuss the matter.

Mr. Badri Dutt Pande: I want to make the point. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is talking on all sorts of things. The Honourable Member should not go on wandering aimlessly and quoting at length from other documents. These quotations have no bearing on the point at issue.

Mr. Badri Dutt Pande: As regards the costs this is what the Joint sub-committee says:

"The Joint sub-committee wish to point out that apart from the fee of Rs. 240 any costs incurred by an appellant in attending or being represented before the Appeal Board will require to be borne by the appellant."

So the appellants themselves will have to bear the cost and not the Government, as the House may think.

Now, as regards the number of appeals to be heard. I think the information given is not complete or up to the mark. I am told that about one hundred appeals from the Kangra Valley are still pending, and they have not received any reply. I have received another letter from the Rambagh tea estate in Dehra Dun in which the writer says:

"I am being denied export rights from the Licensing Committee for the last four years although I have been applying every year. The garden has been manufacturing tea for the last 40 years including the basic years 1929-32. I have been keeping regular accounts and crop figures but the Licensing Committee does not hear all this and is rejecting my appeal simply because I cannot produce accounts for those basic years. Now I request you to take up the case of this garden also when the Tea Control Bill comes into the Assembly. For the small gardens there is no one to represent us and our difficulties are great."

That is what they write, and I think about one hundred appeals are still to be heard here. So there is enough work for the Court and the

expenses will be borne by them and they cannot go to Delhi or to Calcutta or to other places for it is very expensive. So my suggestion is that there will be one session of about two or three months. One session should be held in Calcutta, another in Madras and another in Kangra. For these three sessions for about three months only an arbitration court may be required and I think there are other suggestions also. At least there should be a reference to the High Court or there should be an arbitration board or they should be free to appeal to the Governor General if they like or to the High Court or to any other Court in whom they have confidence. Sir, I support the motion.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, I beg leave to withdraw the motion.

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

Mr. K. Santhanam (Tanjore cum Trichinopoly: Non-Muhammadan Rural): Sir, I beg to move:

"That in sub-clause (2) of clause 7 of the Bill before the words 'the Central Government' the word 'either' and after the said words the words 'or the High Court of the Province within which the tea estate is situated' be inserted."

I understand this is acceptable to all sections of the House. Sir, I move.

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

"That in sub-clause (2) of clause 7 of the Bill before the words 'the Central Government' the word 'either' and after the said words the words 'or the High Court of the Province within which the tea estate is situated' be inserted."

Mr. H. Dow (Commerce Secretary): Sir, I am prepared to accept that on behalf of Government.

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

"That in sub-clause (2) of clause 7 of the Bill before the words 'the Central Government' the word 'either' and after the said words the words 'or the High Court of the Province within which the tea estate is situated' be inserted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That to sub-clause (2) of clause 7 of the Bill the following proviso be added:

'Provided that an appeal preferred to the Central Government or the High Court shall debar an appeal against the same order to the other'."

This is to make it clear that an aggrieved party shall not have two appeals against the same order, one to the Central Government and the other to the High Court.

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

"That to sub-clause (2) of clause 7 of the Bill the following proviso be added:

'Provided that an appeal preferred to the Central Government or the High Court shall debar an appeal against the same order to the other'."

Mr. H. Dow: Sir, I am prepared to accept the substance of that but I propose an alteration in wording, so that the proviso will read:

"Provided that an appeal shall not lie against the same order both to the Central Government and a High Court."

Mr. M. Ananthasayanam Ayyangar: Sir, I have no objection.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, I think the form of the original proviso is the better one. What it says is that an appeal once preferred to one or other of the authorities bars an appeals to the other.

Mr. H. Dow: I thought the last three words went rather awkwardly. It was to avoid that that I made the suggestion.

Mr. M. Ananthasayanam Ayyangar: I took it from the Criminal Procedure Code where an appeal to the Collector. . . .

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member got the language of the Criminal Procedure Code?

Mr. Bhulabhai J. Desai: There is no difficulty here. It simply says that an appeal to one shall bar an appeal against the same order to the other.

Mr. H. Dow: Sir, on a matter of this kind I am not prepared to back my opinion against that of the Leader of the Opposition, supported by the Criminal Procedure Code.

Mr. M. Ananthasayanam Ayyangar: For the word "debar" in the original amendment the word "bar" may be substituted.

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

"That to sub-clause (2) of clause 7 of the Bill the following proviso be added: 'Provided that an appeal preferred to the Central Government or the High Court shall bar an appeal against the same order to the other'."

The motion was adopted.

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

"That after sub-clause (3) of clause 7 of the Bill the following new sub-clause be added:

'(4) Every registered owner of a tea estate shall be entitled to inspect the records of the Committee and on payment of the prescribed fee shall also be entitled to obtain copies of any proceedings or orders of the Committee'."

Many estates during past years had made applications to the Committee for registration or for being allowed quota, but many of the smaller estates were denied any quota. No doubt in the amended Bill as it has emerged from the Select Committee it has been prescribed that every tea estate shall be entitled to a quota provided the application is made to the Governor General in Council within one year, and it is forwarded by the Governor General in Council to the Committee, except in cases where those tea estates had already obtained or had been allowed a quota. To that extent no doubt the difficulty is obviated; but there are many matters which an ordinary tea estate owner would like to see from the records of the Committee, as for instance, whether the quotas have been allotted properly, whether the allocation has been properly done or not, whether he is entitled to something more—these will be available only in the records

of the Committee. He is one of the contributories to the Committee and he is the person who is directly interested in seeing that the Committee, which has been organised and brought into existence by the collective representation of all these members, maintains records properly and that its proceedings are done with impartiality. I need only quote the analogy of the shareholders of a company who have a right under the Indian Companies Act to look into the proceedings for the purpose of an inspection. Of course, when it comes to the question of getting copies, it should not be done merely for the asking, because it involves expenditure; for copies they must pay; and rules may be framed under the rule-making power vested in the Governor General; so also in this Bill rules may be framed prescribing particular fees at so much for so many words—six or four annas for 360 words or so. On the analogy I have mentioned, every tea estate owner who is primarily interested in obtaining his quota is interested in the Committee's proceedings and must be entitled to look into the records of the Committee. Sir, I move.

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

"That after sub-clause (3) of clause 7 of the Bill the following new sub-clause be added:

'(4) Every registered owner of a tea estate shall be entitled to inspect the records of the Committee and on payment of the prescribed fee shall also be entitled to obtain copies of any proceedings or orders of the Committee'."

Mr. P. J. Griffiths (Assam: European): Sir, I fully agree that any registered owner ought to be entitled to see those portions of the Committee's records which are of direct interest to him, but I cannot agree that one registered owner should be entitled to see to an unlimited extent the records relating to some other owner. Suppose, for example, I am an owner and I have a quota of 5,000 lbs. Up to the middle of the year I may have used up 2,000 lbs. of the quota and have 3,000 lbs. still in hand. I do not feel myself that anybody else ought to be entitled to come along and find out exactly how much of the quota I have still in hand unused; that is purely a matter between me and the Committee. I would, therefore, suggest to the Honourable the Mover that he should withdraw his amendment and, instead, that he might request the Government to issue executive instructions to the Licensing Committee to the effect that every person should be allowed to see those portions of the record which concern his own particular case. I would suggest to him that he should rather consider that course of action instead of pressing his amendment.

Mr. M. Ananthasayanam Ayyangar: What about copies?

Mr. P. J. Griffiths: I have no objection to copies at all.

Mr. K. Santhanam: Sir, I am unable to accept the argument of the Honourable Member that a registered holder has got a right to inspect only his own records, because the whole plan is a co-operative plan. What is done by one member affects every other member. If one member is given a larger quota, it affects the quotas of other members and every member becomes responsible for the better administration of the entire

[Mr. K. Santhanam.]

quota system; and, therefore, I do not see why this Licensing Committee which is asked to act under definite rules and instructions should object to anybody inspecting the records. I say even a member of the public should be entitled, because it is the public which is giving these powers under the law. Just as the records of a sub-registrar's office, or of any Court, are open, this Committee also must be prepared for public inspection: I do not see why anybody should waste his time in going and inspecting these records: it is only if there is fraud that anyone need be afraid of inspection. I suggest that this amendment should be accepted without any difficulty whatsoever and I do not see how it will interfere with the work of the Committee.

Mr. H. Dow: Sir, the last speaker spoke in favour of the general public being allowed to inspect the records.

Mr. K. Santhanam: I did not support it, but I only used it as an argument for saying that there should be inspection.

Mr. H. Dow: But if he will look at the wording of the amendment, he will find it is limited to registered owners. The main objection Government have to accepting an amendment of this kind is on account of its generality, which has been pointed out by Mr. Griffiths. There is also a minor objection, that it speaks of a "registered owner"; and although I understand the term, and it is used by the Committee and is understood by them, there is no reference to a "registered owner" anywhere in this Act. It would entail other consequential alterations. I am quite ready, if it will suit the Honourable Member and if he will withdraw this amendment, to give an undertaking that Government will issue, under section 23 of the Act, instructions to the Committee that any registered owner is to be allowed to see such parts of the records as concerns him. This undertaking will not be construed in any narrow sense, as only meaning matters relating to his own quota, but it will naturally include any matters of a general kind which affect him. There are, as I think the Honourable Member will realise, a certain number of matters dealt with by the Committee which do not interest, or should not legitimately interest every individual owner. But with reference to such things as do concern him, I have no objection to let him see the records and to provide him copies of the records on the prescribed payment. If that assurance will content the Honourable Member I would suggest that he might withdraw his amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, may I suggest to the Honourable Member in charge of the Bill if he will consider the amendment in the following form:—

"(4) Subject to rules framed under this Act, every owner of a tea estate to whom a quota is allotted shall be entitled to inspect the records" etc., (as in the printed amendment).

Mr. H. Dow: Sir, I should have no objection to accept the amendment with that alteration.

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

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

"That after sub-clause (3) of clause 7 of the Bill the following new sub-clause be added:

"(4) Subject to rules framed under this Act, every owner of a tea estate to whom a quota is allotted shall be entitled to inspect the records of the Committee and on payment of the prescribed fee shall also be entitled to obtain copies of any proceedings or orders of the Committee."

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I just say a few words? We are not a Select Committee and the rules do not provide that the whole House may be resolved into Select Committee as it is done in Parliament. We have got a definite amendment before us.

Mr. President (The Honourable Sir Abdur Rahim): That is a point of order; and I hold that an amendment like this is perfectly in order.

Dr. Sir Ziauddin Ahmad: Sir, we have already got an amendment—a definite amendment before us on the paper.

Mr. President (The Honourable Sir Abdur Rahim): I have given my ruling. It is a point of order, I take it, that the Honourable Member is raising. On an amendment like this, the words proposed are perfectly in order.

Dr. Sir Ziauddin Ahmad: But, Sir, it has been replaced by a new amendment, and that cannot be allowed.

Mr. President (The Honourable Sir Abdur Rahim): I have already given my ruling. It takes the place of No. 28. The Honourable Member can speak either for or against it.

The question is:

"That after sub-clause (3) of clause 7 of the Bill the following new sub-clause be added:

"(4) Subject to rules framed under this Act, every owner of a tea estate to whom a quota is allotted shall be entitled to inspect the records of the Committee and on payment of the prescribed fee shall also be entitled to obtain copies of any proceedings or orders of the Committee."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. Brojendra Narayan Chaudhury (Surma Valley cum Shillong: Non-Muhammadan): Sir, I move:

"That to sub-clause (1) of clause 8 of the Bill the words 'and shall also publish a summary of the accounts along with the annual report' be added at the end."

[Mr. Brojendra Narayan Chaudhury.]

Sir, in the Select Committee we have in this clause provided for publication of the Annual Report, and the object of this amendment is to give utility to the report by publishing a summary of the accounts, and I feel that if this amendment is accepted the Report will be more illuminating. I hope the Government will accept it.

Mr. H. Dow: I accept the amendment, Sir.

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

"That to sub-clause (1) of clause 8 of the Bill the words 'and shall also publish a summary of the accounts along with the annual report' be added at the end."

The motion was adopted.

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

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 was added to the Bill.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I move:

"That sub-clause (b) of clause 10 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

I hope the Government will accept this amendment as it is only consequential.

Mr. H. Dow: This is a consequential amendment, Sir, and I accept it.

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

"That sub-clause (b) of clause 10 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

The motion was adopted.

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

"That to sub-clause (c) of clause 10 of the Bill the following be added at the end: 'and fixing scales of pay for its establishment'."

Rules can be framed by the Central Government providing for establishment and maintenance, and by this amendment I want that they should also fix a schedule of grades of salaries for its establishment.

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

"That to sub-clause (c) of clause 10 of the Bill the following be added at the end: 'and fixing scales of pay for its establishment'."

Mr. H. Dow: I would like to point out, first of all, that sub-clause (f) of clause 6 of the Bill, which we have already passed, provides for the regulation of the grant of pay to officers of the Committee. Secondly, as

regards the fixing of the scales of pay, I am not prepared to accept it. I imagine the Committee would not find that a scale of pay was in all cases necessary. There may be many officers remunerated by fixed salaries. This amendment would seem to imply that every officer employed under the Committee must be given a scale of pay, and I don't think that the amendment ought to be passed.

Mr. M. Ananthasayanam Ayyangar: Sir, if really this is covered by sub-clause (f) of clause 6 which we have already passed, this is redundant, but as sub-clause (f) reads I thought that it referred to conditions of service and not to salaries. If that is also covered, then this amendment is not necessary.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making another speech.

Mr. M. Ananthasayanam Ayyangar: No, Sir.

Mr. K. Santhanam: Sir, I support the amendment moved by my friend, Mr. Ayyangar. The Central Government shall have the right to fix the pay of establishment of the Licensing Committee. If no provision is made here, it will mean that the Committee itself will be free to fix such salaries as it pleases. What we want is that the Central Government itself should fix the scales, so that this House might be aware of them.

Mr. H. Dow: As the Honourable Member should be aware, under subsection (2) of section 6 even the bye-laws require the previous sanction of the Central Government, and therefore, the point he is now making hardly arises.

Mr. K. Santhanam: Yes, I agree.

Mr. M. Ananthasayanam Ayyangar: I beg leave of the House to withdraw my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment?

Several Honourable Members: Yes.

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

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

"That clause 10, as amended, stand part of the Bill."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Maulvi Abdur Rasheed Chaudhury: I move, Sir:

"That sub-clause (b) of clause 11 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

[Maulvi Abdur Rasheed Chaudhury.]

The object of this amendment is to secure uniformity of practice. The Joint Sub-Committee said:

"Such teas when exported from India are, at present, outside the scope of the scheme. In the case of Ceylon ships' stores and teas exported by parcel post are required to be licensed and are debited to the quota. In the Netherlands East Indies exports by parcel post have to be licensed but not ships' stores.

The Joint Sub-Committee recommend that an attempt should be made to secure uniformity of practice in the matter and they suggest that teas exported as ships' stores and teas exported by parcel post should require to be licensed in all cases."

I think it is not a controversial point and I hope the Government will accept it.

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

"That sub-clause (b) of clause 11 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

Mr. H. Dow: This is an amendment which Government must oppose, mainly on grounds of administrative inconvenience. The effect of leaving the clause in is a certain slight increase in the quota which is allotted to India, and if the amendment moved by my Honourable friend is carried, it would mean a slight additional amount of restriction; but it is on the ground of administrative inconvenience that Government oppose this. It would mean that every ounce of tea, carried by a ship going on the shortest journey in the coastal trade, would have to be taken account of. This would involve a tremendous amount of detailed work thrown on customs officers with very little practical result. In so far as there was any practical result, it would mean decreasing the quota which India obtains under this Agreement. I, therefore, oppose the amendment.

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

"That sub-clause (b) of clause 11 of the Bill be omitted and the subsequent sub-clauses be re-lettered accordingly."

The motion was negatived.

Clause 11 was added to the Bill.

Clauses 12 to 22, both inclusive, were added to the Bill.

Mr. Brojendra Narayan Chaudhury: I beg to move:

"That after clause 22 of the Bill the following new clause be inserted:

"22A. (1) The four members of the international Committee allotted to the Tea Growers of India under the international agreement shall be nominated in the following manner:

- (a) two members shall be nominated by the Indian Tea Association, Calcutta;
- (b) one member shall be nominated by the United Planters' Association of Southern India; and
- (c) one member shall be nominated by the representatives of the Indian Tea Growers on the Licensing Committee, acting together.

(2) If any authority or body fails to make the nomination mentioned in this section within a reasonable time or if a member of the international Committee representing the Tea Growers of India dies, resigns or becomes incapable of acting, the provisions of sub-sections (1) and (2) of section 4 of this Act, so far as may be, shall apply."

Mr. F. E. James (Madras: European): I am afraid I must rise to a point of order at this stage. I want to suggest to you that this amendment is entirely outside the scope of the Bill. The amendment seeks to alter the constitution of the International Committee. The International Committee is not a Committee which is set up by the Government of India, nor is it one which is set up by the Government of India with other Governments. It is a Committee set up in pursuance of an international agreement which has been arrived at between the producers or the tea growers of the various countries concerned, and the only body that can alter the constitution of the International Committee is, I submit, the International Committee itself. It is not within the power of this Legislature to alter the composition of the International Committee. If I might draw your attention to the Preamble to this Bill, you will see that it reads:

"Whereas it is expedient, for the purpose of implementing the agreement which the Central Government has entered into with the Governments of Ceylon and the Netherlands Indies to give effect to the provisions of the International Agreement made between associations representing the tea growers of India, Ceylon and the Netherlands Indies, to provide for, etc., etc."

That Agreement is an agreement which was arrived at and which is now being implemented, but part of the terms of that Agreement, or rather part of the annexure to the agreement provides for the composition of the International Committee.

Mr. President (The Honourable Sir Abdur Rahim): Have I got that among the papers here?

Mr. F. E. James: I have got a copy of the International Agreement, which is between the producers concerned, and in it there is a definition of the Committee as "the International Committee". In the Annexure to that Agreement there is a description of the composition of the International Committee itself. I submit that it is not possible for us in this House to alter the composition of such a Committee.

Mr. President (The Honourable Sir Abdur Rahim): Does it lay down how the Committee is to be constituted?

Mr. F. E. James: It is laid down in the Annexure to this Agreement how the Committee is to be constituted. The constitution of this Committee finally rests with the associations which represent the tea growing interests in the countries concerned. I submit, therefore, that not only is this particular amendment outside the scope of this Bill, but that it is not within the competence of this Legislature to alter the composition of a Committee which has been arrived at internationally in this manner.

Mr. President (The Honourable Sir Abdur Rahim): What is the reference that the Honourable Member gave?

Mr. F. E. James: I think you will find it on page 6 of the document which you hold in your hand. Annexure A contains a description of the composition of the International Committee.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Who are to appoint the members. It does not affect the composition.

Mr. F. E. James: May I draw your attention to one more point. If you will look in Annexe A, on page 9, the last section, section 15 refers to the alterations in the composition.

Mr. President (The Honourable Sir Abdur Rahim): Would you mind reading it?

Mr. F. E. James: It reads:

"None of the foregoing provisions of this Annexe shall be revoked or amended except with the unanimous vote of the Committee and with the approval of the Governments of the producing countries."

My point is this, that no one can alter the composition of this Committee except the Committee itself, subject ultimately to the approval of the Governments concerned.

Mr. Brojendra Narayan Chaudhury: I rely on the same document as that relied on by Mr. James. I draw your attention to the Preamble. This Bill is for the purpose of implementing the Agreement. The Agreement here, though it is a formal agreement between the three Governments, is really identical with the agreement entered into by the trade; and in the annexure to that agreement in article 1(a) we find that four members are to represent India on the International Committee. This agreement does not say how the four members shall be divided between different Indian interests, European and Indian, Northern India and Southern India, and my amendment seeks to allot four members between the different groups.

Mr. H. Dow: Sir, I can perhaps help the House to see the facts more clearly. The difficulty, I think, has arisen from the fact that there are two agreements both of which are being loosely referred to as the International Agreement. This document is an agreement between the tea interests of various countries. It is not the work of a Committee which is set up by or under the International Agreement of Governments under which we are legislating now.

Mr. President (The Honourable Sir Abdur Rahim): You are referring to the agreement of the 18th November, 1933?

Mr. H. Dow: Yes, Sir. This legislation is being undertaken as the result of an International Agreement between the three Governments to implement certain things in this agreement: but this agreement itself is simply an agreement between private interests, in which Governments are not represented. It seems clear to me that one Government cannot legislate to alter the constitution of this particular committee.

Mr. Akhil Chandra Datta: Does it alter the constitution?

Mr. H. Dow: Clause 15 in Annexe A makes it clear that the constitution of this committee can be altered only by the committee itself.

Mr. President (The Honourable Sir Abdur Rahim): Do you mean how the members are to be appointed to the committee?

Mr. H. Dow: It is not an agreement in which the Government is at all concerned?

Mr. President (The Honourable Sir Abdur Rahim): This agreement provides for a certain number of members of the committee representing different growers of a particular country, that is, India, Ceylon and the Netherlands. Clause 15 in Annexe A says: None of the foregoing provisions of this Annexe shall be revoked or amended except by the unanimous vote of the committee and with the approval of the Governments of the producing countries, but I understand the argument on the other side is that amendment No. 36 does not purport to add to the members of the committee but it only wants to lay down the procedure as to how that committee is to be constituted. I do not see that it is necessarily in conflict.

Mr. H. Dow: I would point out that clause (c) of the amendment says: one member shall be nominated by the representatives of the Indian Tea Growers on the Licensing Committee. This has nothing to do with any of the parties to the agreement. In this agreement, there are only two associations concerned with India; one of them is the Indian Tea Association, and the other is the United Planters' Association. The agreement is simply an agreement between these various private associations, and I do not see how we can provide for the insertion in an agreement between private associations of a representative of another association which has nothing to do with this agreement.

Mr. Brojendra Narayan Chaudhury: Mr. Dow has admitted before in this House that this is an agreement between the trade and that every word of it has been accepted by the three Governments by means of correspondence. I challenge the Honourable Member to produce the agreement between the three countries.

Mr. President (The Honourable Sir Abdur Rahim): Which are the different associations which have entered into an agreement?

Mr. F. E. James: May I be allowed to point out, Sir, that if you look at the first page of the Agreement, you will find that the agreement is between the India Tea Association, London, and the South Indian Tea Association in London, etc. So far as the Indian producers are concerned, the agreement is between the Indian Tea Association, London, and the South Indian Tea Association in London, and as far as the producers of Ceylon are concerned, it is the Ceylon Association, and so on. . . .

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot: Non-Muhammadan Rural): Those people represented thereon these particular Associations, but the tea growers of India are those who were represented.

the sort.

Mr. President (The Honourable Sir): Then he answered it. I am afraid this amendment must be ruled out as being out of order. I best you now to refer to the Provincial rules for the constitution of the committee under Rule No. 7, items 20 and 21.

[Mr. President.]

agreement between certain Associations representing the Indian Tea Growers, the Ceylon Tea Growers and the Tea Growers of the Netherlands East Indies. What is urged in support of the amendment is that it is perfectly open to this House to provide for the manner in which the four Members to act on the Committee are to be nominated. But, as pointed out on behalf of the Government, sub-clause (c) of the amendment provides for one member being nominated by the representatives of the Indian Tea Growers on the Licensing Committee, acting together. Now, as regards "the Indian Tea Growers", the first question is if they have an Association. Even if they have one that again is not an Association which is a party to this agreement, and I must, therefore, hold that, since the Bill is for the purpose of implementing the agreement which has been arrived at between the parties mentioned therein, the amendment is not in order.

Mr. M. Ananthasayanam Ayyangar: On a point of order, Sir, I submit that the Bill itself is out of order.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can argue that afterwards.

Mr. M. Ananthasayanam Ayyangar: If you will allow me to point out, Sir, the point is that the Federal Legislature can pass laws only to implement international agreements entered into by the Federal Government; it is not as if with respect to any agreement entered into by a trade or industry, we are here competent to pass legislation to implement that. The agreement must be entered into by the Government of this country.

Mr. President (The Honourable Sir Abdur Rahim): Do you mean to say that this Legislature is not competent to pass such a law to regulate the export of tea? This is for the purpose of regulating the export of tea.

Mr. M. Ananthasayanam Ayyangar: The Central Government, I submit, has got the right only if there is an international agreement. This is an agreement only entered into by the trade on one part, and the Preamble of the Bill is to implement the agreement which the Central Government has entered into with certain parties, and which has fixed so much quota for us. Therefore, unless there is an agreement entered into by the Government of this country, this cannot be done. I am referring to section 104 of the Act.

Mr. H. Dow: Sir, I submit that the Honourable Member is trying to raise a point of order on which you have already given your ruling.

Voices: No, no.

Mr. President (The Honourable Sir Abdur Rahim): It ought to have been raised at the consideration stage.

Mr. M. Ananthasayanam Ayyangar: The Honourable Member in charge of the *Madras Datta* Bill that this was an agreement entered into by the Gov. my friend, Mr. Santhanam, put a short

Mr. H. Dow: Clause 15 in Annexment was entered into by the Government of this committee can be altered on.

Mr. President (The Honourable Sir Abdur Rahim): The Chair wants to know how the Bill is out of order.

Mr. M. Ananthasayanam Ayyangar: For this reason, so far as the fixing of quota, and the distribution of areas in the provinces in which tea can be planted are concerned, that is agriculture and land, which are absolutely provincial subjects.

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

Mr. M. Ananthasayanam Ayyangar: Chapters III and IV of the Bill. I am also referring to section 106 of the Act, which says:

"The Federal Legislature shall not by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries have power to make any law for any Province except with the previous consent of the Governor, or for a Federated State except with the previous consent of the Ruler thereof."

Then referring to section 103,—

"If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating the matter accordingly . . ."

Now, the matter which I refer to is the subject-matter of Chapter III—control over the extension of tea cultivation in areas in the provinces

Mr. President (The Honourable Sir Abdur Rahim): You say that the consent required has not been obtained?

Mr. M. Ananthasayanam Ayyangar: Resolutions have not been passed in the Provincial Legislatures: each Provincial Legislature must move for a resolution so as to have uniform legislation. I am referring to section 103.

Mr. President (The Honourable Sir Abdur Rahim): That is a different matter.

Mr. F. E. James: I understand, Sir, that this point was raised on a previous occasion and there must be some reference to it in the Debates.

The Honourable Sir Nripendra Sircar (Law Member): There is a ruling already.

Mr. M. Ananthasayanam Ayyangar: No, Sir. It was only on the express statement on behalf of the Government that this was an agreement entered into by the Government itself, and it is only then that this Legislature has got the jurisdiction. Now, my friend says that it is an agreement entered into between the interests . . .

Mr. H. Dow: I did not say anything of the sort.

Mr. M. Ananthasayanam Ayyangar: Then he answered it by means of a short notice question. I request you now to refer to the Provincial List wherein you will find Schedule No. 7, items 20 and 21.

Mr. H. Dow: The Honourable Member has not yet grasped the facts. There are two agreements. There is an agreement between the Governments concerned, which is referred to in the Preamble to this Bill, and there is also an agreement, which we have been discussing, which is an agreement between various private bodies representing tea interests.

Mr. M. Ananthasayanam Ayyangar: Is it different from this agreement?

Mr. H. Dow: We are implementing the Government agreement.

Mr. M. Ananthasayanam Ayyangar: Sir, if it is an agreement which is entered into between different interests, we have no jurisdiction. On the other hand, if it has been complemented or ratified by the Government, then it gets merged into the main agreement on behalf of Government.

Mr. President (The Honourable Sir Abdur Rahim): I should like to know from the Leader of the House what happened before.

The Honourable Sir Nripendra Sircar: Sir, this exact point was taken up before when you were not in the Chair. Sir Cowasji Jehangir was then in the Chair and he gave a ruling and the matter is now closed. Whether that ruling is right or is wrong, it has been decided. My own view is that that ruling was quite right.

Mr. President (The Honourable Sir Abdur Rahim): A point of order has been raised at this stage involving the question whether this Legislature is competent to entertain this proposal for legislation. I understand that this very question was raised when Sir Cowasji Jehangir was in the Chair and he ruled that it was competent for this Legislature to entertain the Bill. I understand that the Bill was consented to by the Governors concerned and therefore no objection under section 103 can possibly be valid because it says that if it is one of the matters dealt with in the Provincial List, the Federal Legislature will have no power to make any law for the province except with the previous consent of the Governor. Then, section 103 of the Government of India Act is also referred to. But this Bill is based on an international agreement arrived at not only between certain tea growing Associations of India, Ceylon and the Netherland Indies but also, I understand between certain Governments. It is perfectly open to the Legislature to refuse to pass a Bill like this but I do not see how can there be any valid objection to a legislation of this character under section 103. Further, no objection, at any rate, was ever taken and, I understand, no Provincial Government has taken any objection. I understand that there is an endorsement on the Bill which shows that the consent of the Provincial Governments was obtained.

Mr. M. Asaf Ali (Delhi: General): It is not a question of consent: it is a question of a Resolution being passed by the Provincial Legislature under section 103.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Members can get the House to reject the Bill later on or have the Act

declared invalid by the Federal Court if it is passed. I hold that the Legislation proposed is rightly entertained by this Legislature.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): I raise another point of order to show that this Bill is out of order.

Mr. President (The Honourable Sir Abdur Rahim): I have held that the Bill is in order.

Prof. N. G. Ranga: Sir, this Bill is out of order because under section 103 of the Government of India Act the consent of the Provincial Legislatures should be expressed by Resolutions

Mr. President (The Honourable Sir Abdur Rahim): I have already referred to section 103 and I have held that it does not apply.

Now, we must go on with the amendments. The question is:

"That clause 23 stand part of the Bill."

The motion was adopted.

Clause 23 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 24.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I move:

"That to clause 24 of the Bill the following be added at the end:

'except the High Court under the provisions of sub-section (2) of section 7 of this Act'."

This is a consequential amendment and I hope it will be accepted.

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

"That to clause 24 of the Bill the following be added at the end:

'except the High Court under the provisions of sub-section (2) of section 7 of this Act'."

Mr. H. Dow: I accept the amendment.

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

"That to clause 24 of the Bill the following be added at the end:

'except the High Court under the provisions of sub-section (2) of section 7 of this Act'."

The motion was adopted.

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

"That clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Clause 25 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 26.

Mr. N. M. Joshi (Nominated Non-Official): May I ask for your ruling? I want to oppose the whole of this clause 26, I have got an amendment. But I first want to get rid of this clause by opposing it. If I succeed in my object, then the amendment will not be moved at all.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can speak against the clause later on. I will first dispose of the amendments.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I beg to move:

"That in the proviso to clause 26 of the Bill after the words 'Provided that this section shall' the following be inserted:

'not apply to any area planted with tea for experimental purposes by or with the permission of any Provincial Government; but it shall'."

Sir, this is a simple question. First of all it is not understood ordinarily by outsiders why plantation has been stopped practically for Indian consumption of tea. If tea is now grown in two or three provinces in India, there are other provinces where there may be lands suitable for planting tea. Provincial Governments in their attempt to develop agriculture and industry might try to make experiments in their own provinces for the growth of tea. I think it is right and proper that their experimental attempts should not be prevented by this Legislation. I know that specially in Orissa and the North-West Frontier Province, there may be lands fit for growing tea. In Orissa there is the Koraput range and in the North-West Frontier Province there are the hill sides which are fit for cultivation of tea. At least the Government of those two Provinces ought to be allowed to make an experiment within the period of this Act. I move.

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

"That in the proviso to clause 26 of the Bill after the words 'Provided that this section shall' the following be inserted:

'not apply to any area planted with tea for experimental purposes by or with the permission of any Provincial Government; but it shall'."

Mr. H. Dow: Sir, I oppose this amendment. The Honourable Member is perhaps forgetting that this, after all, is a Tea Restriction scheme. Possibly he has been misled by the fact that there is a body called the Indian Tea Market Expansion Board. If the object of this Bill were to expand the tea industry in India, there would be a great deal to be said for his amendment. As it is, the total amount by which the area under tea can be expanded during the whole of the five years of this Agreement is limited to 4,000 acres. If a considerable quantity of these 4,000 acres is going to be allowed to one province such as Orissa, and I would ask you to observe that under this amendment it would be open to a Local Government to use up the whole 4,000 acres in one province by simply declaring that this was for experimental purpose, then there would be no possibility of any expansion of the area elsewhere.

Again, the Honourable Member's amendment is brought under the wrong clause. Clause 26 does not deal with the manner in which the

permissible amount of expansion of tea can be distributed between the various provinces. The proper clause for moving such an amendment would have been clause 27. But, as I have pointed out, Government must oppose this amendment because it would only lead to considerable injustice being inflicted on other provinces.

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

"That in the proviso to clause 26 of the Bill after the words 'Provided that this section shall' the following be inserted:

'not apply to any area planted with tea for experimental purposes by or with the permission of any Provincial Government; but it shall'."

The motion was negatived.

Mr. Kuladhar Chaliha: Sir, I beg to move:

"That in the proviso to clause 26 of the Bill for the figures '1938' wherever they occur the figures '1933' be substituted."

Sir, the object of this amendment is this. Many an Indian tea estate was allowed to uproot their tea plants in 1933 and to replant them afterwards, yet owing to financial difficulties and other reasons, they did not find it convenient to replant the uprooted areas, because, they could not find the necessary funds. By this clause, if we restrict the areas planted with tea on the 31st March, 1938, and no further, and if they are not allowed to replant the uprooted areas without the permission of the Licensing Committee, it will cause real hardship to Indian growers. If an Indian tea grower goes to the Licensing Committee it would be very difficult for him to get the necessary permission and probably he will have to go through the usual rigmarole processes and in ninety-nine cases out of hundred, his application will be rejected. As such it would be very unfair to the small planters if the figures '1938' are allowed to stand in the clause. The whole object of this Bill is not to extend the area of cultivation of tea beyond what was planted in 1933. As the House is aware many tea planters uprooted the tea plants with the object of replanting sometime afterwards when better finances were forthcoming, but their hopes were not fulfilled. Should you on that account restrict the replanting and add to the discomfort, inconvenience and injury of the Indian tea growers? If the figures '1938' are retained real hardship will be caused to them. I hope the Government will support the amendment.

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

"That in the proviso to clause 26 of the Bill for the figures '1938' wherever they occur the figures '1933' be substituted."

Mr. P. J. Griffiths: Sir, I must oppose this amendment, not because I regard it as of any practical consequence, but merely because it cuts across what has been laid down in that agreement between the international sections of the industry which we are trying to implement in this House. According to the international agreement between the Associations concerned, everything is based upon the position in 1938. I do not propose to discuss at the moment whether there is much difference

[Mr. P. J. Griffiths.]

between the position in 1938 and the position in 1933. If there is, in fact, no substantial difference between the position in 1933 and the position in 1938, I can see no possible object in the amendment now moved by my Honourable friend. If on the other hand, there is some substantial difference between the areas planted in 1933 and those planted now, then by accepting his amendment we shall be getting a share for ourselves greater than we are entitled to in the terms of this agreement between the different sections of the industry and should clearly be infringing the spirit of that agreement. On these grounds I must oppose the motion.

Mr. Kuladhar Chaliha: Sir, on a point of information, may I ask the Honourable Member whether we are having greater or less area than in 1933?

Mr. P. J. Griffiths: It is greater, but it is governed by the provisions of the 1938 agreement and not the 1933 agreement.

Mr. Kuladhar Chaliha: Then what will happen to those areas which were uprooted?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

Maulvi Abdur Rasheed Chaudhury: Sir, I support this motion. In section 35 of the first Control Act there is a provision that so long as that Act will remain in force, no one shall claim tea in any land which was not planted beyond the 31st day of March, 1933. That is the basis on which we are proceeding. There are many estates which uprooted the trees in 1933 but for want of finances could not plant those areas. Now, if those areas are to be left out of the garden, the garden will suffer in many ways. First of all, the total area as reported in 1933 will have to be changed and the garden crop basis will diminish. So I think the basis on which the last Tea Control Bill started should stand and they should be allowed to replant the trees which were uprooted in 1933 and they should not suffer in point of area. That is the reason why I support the motion. It will be a great injustice if those small estates which uprooted their portion in 1933 on the strength of legislation are now debarred from planting those areas. I support the motion.

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

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

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

"That in the proviso to clause 26 of the Bill for the figures '1938' wherever they occur the figures '1933' be substituted."

The Assembly divided:

AYES—39.

Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chunder, Mr. N. C.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Ghulam Bhik Nairang, Syed.
Gupta, Mr. K. S.
Jedhe, Mr. K. M.

Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Santhanam, Mr. K.
Sham Lal, Mr.
Siddique Ali Khan, Khan Sahib Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Som, Mr. Surya Kumar.
Subedar, Mr. Manu.
Varma, Mr. B. B.

NOES—38.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur, Captain.
Dow, Mr. H.
Fazl-Ilahi, Khan Sahib Shaikh.
Gilbert, Mr. L. B.
Gill, Mr. H. A. C.
Griffiths, Mr. P. J.

Grigg, The Honourable Sir James.
James, Mr. F. E.
Kamaluddin Ahmed, Shamsul-Ulema.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Menon, Mr. P. A.
Metcalfe, Sir Aubrey.
Miller, Mr. C. C.
Mody, Sir H. P.
Rahman, Lieut.-Col. M. A.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sircar, The Honourable Sir Nripendra.
Slade, Mr. M.
Smith, Lieut.-Col. H. C.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury: Sir, I move:

"That in part (b) of the proviso to clause 26 of the Bill for the figures '1936' the figures '1931' be substituted and all the words occurring after the word 'uprooted' be omitted."

This is merely a consequential amendment on account of the previous amendment having been adopted.

Mr. H. Dow: Sir, I am prepared to accept this amendment. It is a consequential amendment on the amendment which has just been carried.

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

"That in part (b) of the proviso to clause 26 of the Bill for the figures '1936' the figures '1931' be substituted and all the words occurring after the word 'uprooted' be omitted."

The motion was adopted.

Mr. N. M. Joshi: I am not moving this amendment,* Sir, but I am going to oppose the whole clause after the amendments are put.

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

"That clause 26, as amended, stand part of the Bill."

Mr. N. M. Joshi: Sir, I rise to oppose the passing of clause 26. This clause prohibits the planting of tea on fresh lands, and I am not in favour of the Government of India passing legislation prohibiting cultivators in this country from cultivating tea or any other thing which they like to cultivate. I can understand the Government of India passing legislation for controlling the export of tea, because when we export our tea it comes into competition with the tea of other countries. If other countries do not require more tea than can be supplied profitably, I have no objection to the Government of India placing a control on tea which is exported. But, Sir, I am opposed to the control and prohibition of the production of tea in this country. We are not producing enough tea even for the people of this country. At present the tea which is available for consumption in this country is about one quarter of a pound per individual. Nobody can say that that one quarter of a pound is over-consumption of tea. Sir, people in this country require more tea to be produced. It is true that the people who have invested their money in the industry say that they cannot sell any more tea in this country, and the reason why they cannot sell any more tea in this country is quite obvious to my mind. Tea is sold at such high rates that the poor people of this country cannot drink tea at those high prices. It is also necessary, if the production of tea is to be controlled, to prove that the production of tea cannot be increased without the tea industry being made unprofitable. The Government of India have made no inquiry at all into this question. There are, of course, figures supplied by the planters. It is to their interest to show that they cannot make profits, but the Government of India must, in the interests of the consumers of this country, make an inquiry. Whenever an industry has gone to the Government of India for protection, they have always insisted upon an inquiry being made to ascertain the actual financial condition of the industry, and whether the industry is making a profit or not. In the case of the tea industry you cannot say that it is not making a profit. The average rate of profit in this industry is about 18 per cent. Who can say that it is not making a profit?

Then, Sir, the industry has to make out a case that the production is carried on on efficient lines. Nobody has shown that the industry is being conducted on efficient lines. . . .

Mr. F. E. James: Nobody has shown that it is not.

Mr. N. M. Joshi: It is not the business of the Legislature to show that the industry is conducted on efficient lines; it is the business of the people who come to the Legislature to show that they are conducting

*That to clause 26 of the Bill the following further proviso be added: "Provided further that nothing in this clause or in the other clauses in this Chapter shall apply to the planting of tea intended for consumption in India."

the industry on efficient lines. The Government of India have insisted upon this, that whenever an industry asked for protection, it must make out a case before a body of expert people. The industry has not made out any such case. The real position in this country is, the middlemen are making the largest amount of profit. It is said that planters generally get four to five annas a pound, but if you go to the market you cannot get ordinary tea for anything less than eight annas a pound. Certainly, the distribution should not cost so much from the producers to the retailers. If ordinarily the middlemen have been making a reasonable profit tea could be sold in the Indian market for five annas a pound or even less. The fact is that the middlemen are allowed to make very large profits. It is not to the interest of the big organized planters to control the profits of the middlemen because some of the producers are themselves middlemen. But, Sir, it is the business of the Legislature to see that the middlemen can only make reasonable profits. So long as the investors, the planters and their organisations can make profits they do not care to produce more tea. Their business is to make profits, not to supply tea to this country. If they can make profits by reducing and restricting the production of tea, they would prefer it, so much less trouble for them. If they make a profit of, say, a crore of rupees by producing only 500 million pounds of tea, why should they take the trouble of producing 700 million pounds of tea and make the same profit? It is not to their interests at all. The investors, planters and their organisations are put to make profit in whatever way they can. Their main interest is not to supply tea to the country. They, therefore, come to the Legislature and ask for restriction on the production of tea so that they can easily make profits, but it is for the Legislature to see whether the restriction is necessary or not, because the restriction of tea hits many interests in this country which are more important to the country than the interests of the planters themselves. The number of planters, the number of people who invest their money in this industry is a very small one compared to the number of people who drink tea, even compared to the number of people who work on the plantations. Why should the Legislature sacrifice the interests of the people who drink tea and of the people who work on the tea plantations, in order that the planters may make easy profits? I am not against their making profits; by all means let them make a reasonable profit. Let them make a reasonable profit in such a way that the interests of the consumers will not suffer, that the interests of the people who work on the plantations will not suffer.

Mr. M. Ghiasuddin (Punjab: Landholders): What is your idea of a reasonable profit?

Mr. N. M. Joshi: By reasonable profit, I mean, let the investors not make more than one or two per cent. beyond what they can get from Government securities; we can decide that point by investigation.

But, Sir, I think this control has been against the interests of the workers also. My Honourable friend, Mr. Gadgil, the other day gave figures showing that on account of this control, since 1933, the wages of workers on the tea plantations have gone down. In some cases they lose two annas, and in some cases they lose more than one anna. This control clearly is not in the interests of the workers. They have suffered on account of this control; the consumers have suffered on account of this control, because they could have got tea more cheaply if there had been no control. Then why should we agree to this control?

[Mr. N. M. Joshi.]

and agree to it without any investigation? Let the planters make out a case before an expert body that they cannot produce tea more cheaply than they are doing, that the profits made by the middlemen are reasonable, then they can come to the Legislature and the Legislature may agree. It may be said that they have got some body which makes propaganda for more sale of tea. Unfortunately, I do not know what that body is doing. My own feeling is that, so long as they can make profits quite easily on account of the control, that Committee which practically consists of the same people will not make serious effort for the sale of tea. Those who make propaganda are the same people who produce tea; those who are middlemen are practically the same people as produce tea. They have made a combine and that combine is working against the interests of the people who drink tea and also against those who work on the plantations. I, therefore, hope that the Assembly will not accept this clause.

Mr. K. Santhanam: I want to oppose this clause on two grounds. One is that both the Government Benches and the European Group who are the sponsors of this measure are never tired of lecturing to us on free trade. They say that so far as Indian interests are concerned there must be *laissez faire*, but when their vested interests are concerned, they come down to us and say, "No *laissez faire*, no free trade; we should have crop planning; we should have limitation; we should have control." I want the Government to give us an assurance that the same principle will be adopted in the case of cotton, in the case of sugar and other agricultural commodities in this country. Where our poor peasants are concerned, they do not want any crop planning, they are willing to let things go to the dogs and ask us to compete with the world. But when it comes to tea they say, "We have invested hundreds of millions, let us limit the area, and let us have good profits. Let the consumer pay in order that the investor may have good profits".

The second point I want to urge is that on the 1st April, 1937, the new Provincial Governments have come into existence. Agriculture and crop planning are essentially provincial subjects. Today the Central Government is usurping the powers of the Provincial Governments in these subjects. I am not taking any point of order, or legitimacy or any other constitutional point, but I am dealing with a substantial matter. This Legislature, which is hardly representative, which is out of date, is called upon to interfere with the powers of the Provincial Governments. If this matter had been left to the free will of the Provincial Governments, they might have adopted this control subject to limitations. They may say, "There are lots of poor growers, there are lots of small cultivators. We are going to give them scope to expand, or right of unlimited expansion, that every man who has five acres will be allowed to expand to ten acres and so on. But we do not want to encourage planters with 1,000 or 2,000 or 5,000 acres. We want our small cultivators to prosper". We are taking away the powers of the popular ministries of the responsible Governments to do that. It is laid down that for five years altogether no tea cultivation shall be expanded or it shall be expanded by only half a per cent., and even that half per cent. shall be expanded only at the sweet will of the Licensing Committee which is preponderatingly a committee of big planters. I have no quarrel with the tea industry. I admit that it is one of the

big industries. At the same time, both those who are in charge of that industry and the Government of India should see that it is progressively nationalised. It may be that the Europeans have got 88 per cent. today and Indians only 12 per cent. But unless an arrangement is come to by which from 12 per cent. we can go up to 50 or 60 per cent. in the next ten or 15 years, every help given to the tea industry would, in the long run, amount to the bolstering up of foreign vested interests, would amount to a campaign against the freedom of this country. On these two grounds I oppose this clause.

I doubt very much whether the consent of the Governors which is alluded to in the Statement of Objects and Reasons was given after the Congress Ministries came into power. I should like to have an assurance on that subject; probably this consent was obtained when the interim Ministries were in being. I do not know, and I would like to have an assurance from my Honourable friend, Mr. Dow. According to my calculation there was not sufficient time for the Congress Ministries to consider it. I wrote to one of the Ministers of the Madras Government who said that it was not in his jurisdiction. So, I have not been able to get certain information. If the consent has not been obtained from the Congress Ministries, I would suggest to the Government that they should again seek their consent; otherwise, I give a reasonable warning they might go in for trouble. The Congress Ministries might contest the legitimacy of this whole proceeding and if they take it to the Federal Court the whole Bill will go to pieces. As my Honourable friend, Mr. Sri Prakasa, points out, some new clauses have been interpolated in this Bill and they would not have got the consent of the Provincial Governments for these new clauses. I shall leave such matters to be decided between the Provincial Governments, the Central Government and the Federal Court, but my objection is more substantial. Unless the Government of India are willing to say, "We have given up this policy of *laissez faire* for Indian interests also. We shall not say that they should face the world of free competition",—unless they are willing to adopt the same principles for other Indian commodities, namely, crop planning, regulation of export, and so on, which more vitally affect our poor peasants, and unless the European planters hand over their estates in an increasing measure to the Indian planters,—I am afraid, I cannot support this clause. It is in that way that they can get stability in this country. If they want to tighten the hold on the tea estates, I am afraid, they are going in for trouble. With these few words, I oppose this clause.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadian Rural): This section 26 introduces a most dangerous and vicious principle. By quite opposite argument Government have up to this time refused to take any action in regard to the cultivation of jute in Bengal. For the last 20 years Bengal peasants were producing jute and got a price which did not even pay for the cost of production and for the last few years in Bengal, we have been trying to induce the Government to enact a law to regulate the production and to fix the lowest price but Government has come always with high commercial philosophy that it is interfering with free trade, commerce and all such things, but here we find the position is quite the reverse. Here the cultivator is the European and the producers of jute in Bengal are poor peasants. Therefore, you come to the help of the European and a different philosophy has been developed. I would ask my European

[Mr. Suryya Kumar Som.] friends if they have ever thought of the Bengal peasants. You stand against the control and production of jute and this year the Bengal Ministry is tottering on that very question of restriction of production and the fixing of price. Yet, the whole European group and the Governor compel the Ministry not to proceed in that way and here in this Assembly where all the provinces are represented, I find a fine principle has been enunciated in this section 26 that no more tea should be grown in India. What has happened here is that Indian planters have been told that unless they accepted this principle which is a proposal of the International Agreement the whole agreement will be given up and the Bill will not be proceeded with. So, they were compelled to accept the principle on the point of bayonet and not to oppose it.

I am very glad that my friend, Mr. Joshi, has tabled an amendment which seeks to protect the small cultivators from the clutches of this law. In Comilla, Assam and in the Kangra Valley there are petty cultivators who are like the jute growers in Bengal. They cultivate two, three or six bighas of land, which enables them to earn some extra money by which they can manage their rents, purchase of cloth and other necessities. So they use it as a kind of cottage industry. These teas are not prepared in the scientific way and it does not compete with the tea produced in the gardens. These are most ordinary teas sold in the village market for the use of the villagers. It is just like the salt which is produced in the sea side. There is a large class of poor cultivators who dry the tea in the sun and take it to the market. They sell it to the poor people. Often times the gardens also purchase from them and they apply their scientific processes and improve the quality of tea. Those are the persons who will be saved if this amendment of Mr. Joshi is carried.

Mr. H. Dow: On a point of order. The Honourable Member seems to be addressing the House on an amendment which has not been moved. Mr. Joshi's amendment has not been moved.

Mr. Suryya Kumar Som: That may be so, but I oppose the whole clause 26. It involves a dangerous principle. If we accept this principle, I don't know how far its tentacles will spread. I appeal to the House to throw out the whole section.

Mr. P. J. Griffiths: I can quite sympathise with the very natural dislike of my Honourable friends of the placing of restrictions upon cultivation of any kind in this country, but I can only suggest that that dislike has not been based upon any careful study of the figures of production and export as they exist in this country today. My Honourable friends have shown great anxiety for the right to inspect the records of the Indian Tea Licencing Committee. I can commend to them a most thorough inspection of those records from which they will discover that the production of tea in India today is somewhere about 520 million pounds. A further inspection of those records will show them a still more startling fact as to the exports of tea from India. The export today amounts to about 340 million pounds. You have thus a margin of 180 million pounds between what India can produce and what India can export. As against a margin of 180 million pounds your figures of consumption of tea in this country at present amount to slightly less than 90 million pounds. Your available tea for sale in this country is already about twice the total possible consumption and

that in spite of the fact that tea is being sold in this country today at a price somewhat less than the actual cost of production to the tea estate. Thanks to your present restriction scheme, the whole burden of restriction is thrown upon the foreigner and in this country we have the advantage of buying tea from tea gardens at 4 to 5 annas a pound, although it costs six annas a pound to produce it. That is the state of affairs even where there is as much tea for sale available in this country as can possibly be sold. (An Honourable Member: "What about jute?") We are not talking about jute now. We are talking about tea.

Under these circumstances what possible gain could there be in throwing open to cultivation wide new areas and increasing your figure of 180 million pounds perhaps to three hundred million pounds?

But there is a very much more serious aspect of the matter than that. We are today trying to carry out an agreement which has been arrived at by the industries of India, Java and Ceylon and with regard to which we in this country are alive to our full sense of good luck. If we abandoned this and Java had found itself willing to enter into this particular agreement—possibly, (An Honourable Member: "Oh!")—my Honourable friend says "oh",—instead of saying "oh", if my Honourable friend would spend a little time in studying the figures as to the cost of production in the countries concerned, his "oh" might change to a note of lamentation. He might find that at this day the cost of production of tea in Java is considerably less than the cost of production in India. If you abandon your control scheme, Java will very easily under-sell us in the world's markets for the simple reason that its cost of production is less than ours.

Now, the International Agreement which we are trying to implement lays down two things. It lays down that the quantity of tea exported from the signatory countries shall be rationed and it also lays down that the extensions of cultivation in those countries shall similarly be rationed. If you give up one part of the agreement, you give up both. Do not let Honourable Members live under a delusion. Do not let them think that Java and Ceylon are so simple that they will sign an agreement with us and will then allow us to tear up a half of that agreement, and do you expect them to be bound by the other half? If today you take out this clause from this Bill, you destroy the International Agreement and there is not the least doubt that Java will regard that agreement as not binding on it,—they will proceed to sell their tea at a rate cheaper than we can hope to sell our tea and they will have no hesitation whatsoever in under-cutting us. Who in India is likely to be benefited by stimulating Java to embark on a process of doing us down by selling tea more cheaply than we can? If the Honourable Member's amendment means that there should be no agreement at all, if that is the thing they desire, I have nothing further to say. But if they feel that, to protect ourselves against competition from Java and from Ceylon, some kind of agreement is necessary, they must accept the logical consequence of that and they must stand by the main points of the agreement. I appeal to Honourable Members not to try, for the sake of securing a point in this House, to tear up an agreement upon which the prosperity, nay, the employment of eight hundred thousand labourers in this country at this day depends.

Prof. N. G. Ranga: Sir, I am rather surprised at the eloquent but misplaced advocacy of my Honourable friend, Mr. Griffiths, in support of this clause 26. Sir, if he seems to think that people in Java and Ceylon are

[Prof. N. G. Ranga.]

as foolish as those in India, I am afraid, he is mistaken. If really it is to the interest of Java and Ceylon planters to under-sell Indian tea, I do not know why they have been so foolish and stupid as to embark on this International Agreement and cut down their own production of tea and accommodate these Indian planters. If they can produce it at a very much cheaper cost and if they can dump their tea upon the world's market by their cheaper production of tea, I do not know what on earth has prevented them from adopting that course. If it is because of their fear of any sort of competition with Indian planters, then what has prevented them? Is it the British Government? Well, they have not got that much control over them as over this country. Then it must be some other cause and that is their own fear that they will not be able to under-sell Indian tea. Secondly, my Honourable friend wants us to believe that India will not be able, or India is not able to consume all the 180 million pounds of tea available in India. But he seems to have made some mistake in certain figures. He has not given us the actual production of tea; he has only given us figures for the potential production. . . .

Mr. P. J. Griffiths: The figures relate to the amount of tea produced in India between 1929 and 1932—before the restriction came in.

Prof. N. G. Ranga: Was it 520 million after restriction? I do not know what the Honourable Member was referring to. What is India producing? If he has got later information, I do not know what it is. Anyhow, it is only the potential productive capacity. The full production of tea is not being carried out. If that is not being produced, I want that to be produced, but I find that this particular clause is going against that. It prevents any further production of tea in any area other than the one where it has been grown all this time. He seems to think that India is not capable of consuming the ninety million pounds of tea that we produce. I should certainly say, however, that India would be quite in a position to consume all that if only genuine efforts are made in this country to popularize the consumption of tea. Who is opposing the consumption of tea except my Honourable friends, Sir Zafrullah Khan and others? Most of the people are in favour of the expansion of the consumption of tea because it provides a very cheap and healthy beverage for the ordinary people. But it is not made sufficiently cheap and that is my contention. He says we are selling this tea at a very much lower price than the price we charge to the rest of the world. I do not know how far he is correct. I wish to be convinced, but I cannot be convinced by any juggling with figures such as my Honourable friend has indulged in. I can tell him this that in India today millions of pounds of foreign tea are being consumed. Tea is being exported from this country to other countries, but this is again being imported into this country in a refined form in nicely packed tins,—for instance, china tea, and so forth. Rowntrees, and so many other people producing tea which tea is being imported here

Mr. F. E. James: My Honourable friend is making a slight confusion between chocolates and tea.

Prof. N. G. Ranga: I only wish that chocolates also could be sold just as freely here as tea is being sold, but tea in a refined form and packed in nice tins is being today imported into this country and being consumed here

Mr. P. J. Griffiths: From which country?

Prof. N. G. Ranga: From England and from other countries. Well, Sir, it may be that my Honourable friends have got so much interest even in these firms that are importing tea into this country that they are taking up this attitude. Anyhow this imported tea is being consumed in this country, and to that extent I make a present of it to my Honourable friends, viz., the idea that they should prohibit the importation of such refined tea packed in nice tins.

Secondly, he says—who will be benefited in India if this clause were to be defeated and the expansion of the area under tea were to be thrown open? Well, all those people who are today prevented from raising it,—all those provinces in which it is impossible for anybody to raise it. Why is it that they should be prevented from raising it? You should not object if they are able to make as good profits by their own crops, as you are able to make through your cultivation of tea. You should be able to convince them that even if they are debarred from growing this tea in any province, they are enabled to maintain themselves on as good a standard of living as my Honourable friends and their relatives are able to maintain themselves. They are not able to show that. On the other hand, it is not only these highly paid people like my Honourable friend, Mr. Griffiths, but also several others in England who are being paid very remunerative salaries. All these people are able to draw these salaries and all these profits out of agriculture. Has anyone come across any ordinary Indian peasant who is able to draw as much as Rs. 2,000 per mensem as his income, not even as his income but as his salary? Not one. And here are these tea planters who are able to make huge profits. I find that there are some friends on my own side who are so much obsessed with their own small plantations as to go and join hands with these wonderful people who have got 88½ per cent. interest in the whole industry and then they ask us: Do support this industry. That is the most unfortunate part of the whole thing. One Indian gets a job and he wants us to support the whole of this industry. One man gets only 1 per cent. out of this industry and he wants us to support the whole of this industry irrespective of the fact whether that industry is really benefiting India or any other country but India. (Interruption by Mr. P. J. Griffiths.) I am glad my Honourable friend, Mr. Griffiths, has remembered at least that there are 800,000 Indian labourers employed in this tea industry. I have a charge to make against this industry. If it is able to pay as much as 13 per cent. of profits every year, it is because it has thrived on the blood and bones of the Indian workers.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a third reading speech.

Prof. N. G. Ranga: For ages and ages these Indian labourers have slaved for these people, and what is it they have done for them? What is it they are doing even today? Are they paying at least half as much wages as it is possible for them to get at other places?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should confine his remarks to clause 26.

Prof. N. G. Ranga: I maintain that these people cannot really claim that for the sake of labour we should agree with them in passing this particular clause. On the other hand, if we were to protect the workers, we should certainly tell these people that we are not going to pass this clause because we want these labourers to remain in their small holdings and make their profits.

Then, I come to another point. When the Government of India Bill was on the anvil, much was made out of Indian Legislature's anxiety to discriminate against the foreign capital and foreign capitalists and that is why so many commercial safeguards are to be found in the Government of India Act. Then they were so much anxious that we should not interfere with them and I fail to see why they should now come to us and ask us for special protection. Why are they reposing so much trust in us now? It is because they have got this Government on their side. Why should they not wait till the Federation comes and then come to this House? Then, they have given a very good proof of what India thinks of these vested interests. But they say it is only for five years. It may be for five years but there are the peasants in the Bombay Presidency who are suffering because the prices of their cotton have gone down. What has this Government done to them? Has it proposed any . . .

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member had better leave the cotton alone. This Bill has nothing to do with cotton.

Prof. N. G. Ranga: I want the Honourable Member in charge of this Bill to give us an assurance that he is prepared—and the same thing was asked by my Honourable friend, Mr. Santhanam,—to bestow the same amount of care towards the welfare of those people who grow their crops as he thought it his duty to give so much of his time and the time of the House over this particular Bill. Then, Sir, why have they come to this decision that no other peasant should be allowed to raise any more tea? Who has authorised them to do so? Has there been any sort of a Committee to go into this whole affair? Has anybody made any sort of impartial and scientific investigation and shown to the satisfaction of the Government that there is a need for the protection of this industry because this industry is not able to make sufficient profits? Somebody has asked: What do you mean by "sufficient profits"? I agree with my Honourable friend, Mr. Joshi, when he said that it need be at best 2 per cent. and at worst 1 per cent. more than what the Government is prepared to pay in the open market for raising its own loans. In that case, the profit can only be 5 per cent. But this industry is making as much profit as 15 per cent. and I do not see any reason why other peasants should be prevented from raising their own tea. Sir, most of our peasants are not able to make their both ends meet and yet they are not given this opportunity of raising their own tea. On the other hand, we are asked to go out of our way and tell these people: Although there is this industry by pursuing which you will be able to make good profits, yet you shan't do this because our Government is on the side of these European planters and a few Indian planters. Therefore, for the sake of their profits, you must be prevented from earning your livelihood. Is that right, is that correct, is that just, I ask?

Then, Sir, usually whenever a large claim is made it is only fair for the Government to try to order an impartial inquiry. Have they appointed any Committee in the present case? Have they made any official inquiry to satisfy themselves that this industry is really badly in need of this legislation and whether by doing this they will not be creating an invidious distinction against any other industry? If they have done so, where is that report? I do not know who has prepared that report. It may have been prepared by a man of the type of Mr. Griffiths who has the interests of this industry very much at heart. Sir, the great need of this country is planned economy and planned crop cultivation. We have been asking for it for a long time. There was a crop planning Conference in 1934 but this thing was not then properly discussed. There was no decision arrived at at that Conference at that time. Has there been any other Conference since then? If the Indian cultivators are to be asked to agree to a clause like this, then they should be satisfied and assured that every possible opportunity is given to them to examine the reasonableness of a claim like this and it is only fair to the Indian tea planters that they should be given this particular right as against all others. Have they been given such an opportunity? No attempt has been made to show that this particular proposal is made because of the conviction of the Government of India that a proper crop economy has been developed and as a result of which this much right should be given to the crop planters. Has any such attempt been made? Therefore, I say that it is unreasonable on the part of this Government to come here and ask the House to agree to this clause.

Then, Sir, there is the other point. What attempts have these people made to expand the market for tea grown in this country? They ask me to look at this Tea Expansion Board. They get mostly English and partly Indian officers. They always say: "We are trying to do what we can to push up the sale of tea in this country." But is that enough? Remember the prohibition is coming in in as many as seven provinces in a short period of three or at the most five years when millions and millions of people will want more and more tea. You have that market before you and along with it the rosy prospects for this industry. What is it that these people want to do now? They do not want to extend the cultivation at all. But they want to be able to produce another 90 million lbs. of tea and sell it at the present rate, if not higher rate and pocket the profits for themselves. They do not want anybody else to share in the profits. (Interruption.) Yes, I know in Russia there is crop control. I only wish that my Honourable friend would go and convince his own Premier, Sir Sikandar Hayat Khan, to bring about crop control for his own crops and thus benefit the cultivators there. He will not do that. He comes here and tells us: do you agree to monopoly by these Europeans and the exploitation of India by Europeans? I am not at all afraid of these Europeans. As long as these people are able to carry on their monopolistic interest in this country and they do not even follow the advice given by the External Capital Committee, in which it was stated that all those concerns which are thriving on foreign capital should try and take in as many Indian directors, as many Indian shareholders and as many partners as possible, they cannot get any quarter whatsoever from this part of the House. When prohibition is being introduced.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already harped on that point.

Prof. N. G. Ranga: When the market for tea is being expanded, it is only fair that Indian cultivators should expect to get their proper share of the benefits that would accrue as a result of increased demand of tea. They are being denied that particular share because of this particular clause.

Here is an amendment moved by my Honourable friend, Pandit Nilakantha Das. I do not question the wisdom of the decision arrived at by the House a short while ago. By the decision which the House arrived at, it has prevented effectively any Provincial Government, like Orissa and North-West Frontier Province, from even making an attempt to cultivate tea and see whether the cultivation of tea will be profitable in that particular province and whether it can be spread at all in that province. Even if this particular industry and the planters interested in it were to be able to thrive only by preventing even experiments being made by responsible Provincial Governments in the country, then, Sir, I say that this industry has absolutely no claim for obtaining the assistance and the co-operation and the protection from this House. Therefore, I oppose the clause.

Mr. H. Dow: Sir, the Honourable Member who spoke last can always be relied on to produce an amusing interlude, and I am rather unhappy to feel that it is my duty on this occasion to bring the House back to a very serious issue that now faces it. If this clause is rejected, it certainly means the end of the International Agreement. Under the International Agreement, Ceylon and Java have agreed not only to restrict their exports, but to restrict their cultivation. It is not reasonable to suppose that they would still hold to that agreement if this country rejects one of the principal parts of it. My Honourable friend, Mr. Griffiths, has already given you the figures of production; he has told you that the potential production of tea in this country is 520 millions of lbs. My Honourable friend, Prof. Ranga, referred to the word "potential", and seemed to think that the word indicated that although the potential production of tea was 520 million lbs., the real production might be something very much less. Earlier in these debates, we heard a good deal about the small tea producer, and the necessity for treating him more generously. But on what is the case of the small tea producer almost invariably based? It is that the crop bases, which were fixed with reference to the figures of 1929 to 1932, are too low, and that nowadays he is producing not less, but more, tea. Taking, however, the figure at only 520 million lbs., the export allotment is 340 million lbs., leaving available for consumption in India 180 million lbs. The highest figure of consumption so far reached is only 90 million lbs., and the House is aware, and everybody in the tea trade or connected with it is aware, that the price at which this tea is being sold in India is under the cost of production.

It has been suggested that even if you tear up this agreement, you will not get over-production in the other countries, or tea coming into India. If you will look at past figures of the trade, you will realise that it is not long ago since large quantities of foreign tea were imported into India. So, I do want Honourable Members, on both sides of this House, to realise that they are up against a serious issue. If they are going to reject this clause altogether, they are taking the risk of plunging the industry back to where it was in 1932, when, with the unanimous consent almost of this House,

it was realised that a restriction scheme had to be introduced in order to save not only the capitalist in the industry, but those 800,000 labourers whose interests Prof. Ranga has so much at heart.

There is one minor point I wish to answer. My Honourable friend, Mr. Santhanam, asked whether consultation with the Provincial Governments took place after, or before, the present Congress Governments came in. It took place before: it also took place after; and on both occasions, we have received the permission of the Governments to undertake this piece of legislation, Chapter III of which more concerns, as the House is aware, the Provincial Governments than the Central Government.

I hope, therefore, this House will realise that they are now facing a very serious issue, in spite of the humorous speech which we have had from Prof. Ranga.

Dr. P. N. Banerjee: Is the Honourable Member entitled to cast any reflection on a Member of the House by referring to his speech in the way he does.

Mr. H. Dow: God forbid that in this House the attribution of a sense of humour should be considered a reflection.

Mr. President (The Honourable Sir Abdur Rahim): That is no reflection.

The question is:

"That clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

Mr. Akhil Chandra Datta: Sir, I beg to move:

"That to sub-clause (2) of clause 27 of the Bill the following be added at the end:

'provided that the Indian State of Tripura may be deemed to be part of the province of Bengal for the purposes of this section by the Committee with the approval of the Governments of the State and the Province'."

The intention of this amendment is this. Clause 27 is under Chapter III which regulates control over the extension of tea cultivation. Clause 26 lays down that there can be no new extension of tea cultivation without written permission granted by or on behalf of the Committee. That written permission is provided for in clause 27 which lays down the maximum permissible extension in sub-clause (1), namely, one-half of one per cent. of the total area of the whole of India. Then sub-clause (2) provides that one-half of one per cent. shall be distributed between the different provinces. My amendment aims at this that so far as the Tripura State is concerned, it may be deemed to be part of Bengal under this clause 27. This does not touch the other provinces at all. The question may be raised that it may affect the province of Bengal. To that question my answer is this. The total allotment to Bengal out of this half per cent. during the last regulation period was 900 acres. It appears that in Bengal out of these 900 acres applications were made by several estates. Although the applications were allowed in full, still only 140 acres could be allotted, because these allotments are made on certain principles, with the result that out of 900 acres allotted to the province of Bengal as many as 841

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acres were held in reserve and could not be disposed of. My amendment only proposes that the Tripura State, where almost all the gardens are new and undeveloped, may be deemed to be a part of Bengal so that the undisposed of portion of the allotment or some portion of it may go to the Tripura State. It does not touch anybody; it does not touch other provinces and it does not in any way affect Bengal.

Sir, I move.

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

"That to sub-clause (2) of clause 27 of the Bill the following be added at the end:

'provided that the Indian State of Tripura may be deemed to be part of the province of Bengal for the purposes of this section by the Committee with the approval of the Governments of the State and the Province'."

Mr. P. J. Griffiths: Sir, as far as the Indian Tea Licensing Committee or the Indian Tea Association are concerned, we have no hesitation whatever in accepting the principle contained in this amendment.

Mr. K. Santhanam: Sir, can we legislate for Indian States even conditionally? I think it is out of order.

Mr. H. Dow: Sir, on behalf of Government I should like to say that they have no objection whatever to the principle which is embodied in this amendment; but I do think that it is objectionable to incorporate into legislation of this kind a matter which depends on an agreement between the Government of a province and the Government of one of the Indian States. I would suggest to the Honourable Member that if he is satisfied with the assurance, which I am prepared to give, that Government will raise no objection to an arrangement of this nature if the Provincial Government and the State of Tripura are able to agree, then perhaps he will see his way to withdraw this amendment.

Mr. Akhil Chandra Datta: Sir, in view of the assurances given by Mr. Griffiths on behalf of the Licensing Committee and by Mr. Dow on behalf of Government, I ask for leave of the House to withdraw the amendment.

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

Mr. Akhil Chandra Datta: Sir, I beg to move:

"That after sub-clause (3) of clause 27 of the Bill the following new sub-clause be added:

(4) The Committee shall grant permission for replanting new areas to the tea estates in accordance with rules to be prescribed upto a total area in each province as may be determined under sub-clause (3) provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company or 150 acres where it is owned by any individual proprietor or proprietors."

In moving this amendment I shall only say this that I am not introducing any new principle. It is based on an old principle which has been acted upon all these five years,—the first part of the regulation.

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

"That after sub-clause (3) of clause 27 of the Bill the following new sub-clause be added:

(4) The Committee shall grant permission for replanting new areas to the tea estates in accordance with rules to be prescribed upto a total area in each province as may be determined under sub-clause (3) provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company or 150 acres where it is owned by any individual proprietor or proprietors."

Mr. P. J. Griffiths: Sir, I am quite prepared to support this amendment; for, it in fact embodies a principle which is already being carried out under the current scheme. The Tea Licensing Committee is already granting extensions to estates of companies with less than 300 acres or of private proprietors with less than 150 acres. We have no hesitation in supporting this amendment, but I should like to suggest one small change in the shape of a further proviso at the end of the proposed sub-clause, namely:—

"Provided further that the Committee shall also be empowered to grant extensions for the Tocklai and Nellakotta experimental stations."

These are stations where research work is already being carried on in regard to the production of tea, and it may so happen that small extensions will be needed there. I understand that this is likely to be accepted by the Honourable the Mover.

Mr. Akhil Chandra Datta: Sir, I am prepared to accept this.

Maulvi Abdur Rasheed Chaudhury: Sir, I am opposing the original amendment as well as the amendment proposed to it. My point is that in the existing Tea Control Bill no such provision appears, and in the instruction given by the London Sub-Committee they have simply mentioned that permission for extension should be given to imperilled estates only. The Honourable the Mover of the original amendment wants to confine such estates only to those which have been mentioned by him, that is by "imperilled" he wants in the case of a company, an estate with 300 acres and in the case of an individual tea garden, an estate of 150 acres. I do not like that that should meet with the wishes of the House. In the existing Act, which estate is imperilled and which is not, was left to the Committee to decide, and in the last five years the Committee managed their affairs in such a way that nobody had any complaints to make about their working. So, the Mover of the amendment has not made out a case for inserting this new clause. I would leave it as before to the Committee to decide which estate is imperilled and which is not. I am supported in my view because the London Sub-Committee also left it to the Committee. I do not like to bind the hands of the Licensing Committee by limiting them to the two kinds of estates mentioned by the Mover. I want to leave it to the discretion of the Licensing Committee to find out which estate is imperilled and which is not, and I would not put any control over their discretion. So, I oppose this amendment.

Mr. Kuladhar Obaidulla: Sir, this amendment does nothing more than embody the rule which the Indian Licensing Committee has had under the

[Mr. Kuladhar Chaliha.]

previous Act. I shall read from the rule itself, which defines what is an "imperilled estate". If Mr. Abdur Rasheed Chaudhury had read it there would have been no trouble at all.

"Under Clause 6 of the International Agreement between India, Ceylon and the Dutch East Indies existing tea areas must not be extended during the said period of five years except in special cases where the existence of an estate would otherwise be imperilled. An economic unit (which means the area planted with tea which it is possible to work without loss) shall be considered to be 150 acres in the case of an estate owned by a proprietor or proprietors, or 300 acres in the case of an estate or estates—which shall be reckoned as one unit—owned by a limited liability company. No permission to plant tea can be given to a proprietor or proprietors of an estate or to a limited liability company owning an estate or estates where the existing area planted with tea exceeds the said economic unit figures respectively."

So, the Indian Licensing Committee followed exactly the procedure which we are trying to provide here and we are not doing anything further. I do not think, therefore, that Mr. Rasheed Chaudhury is right in opposing this amendment. In the fitness of things and for the consideration of the small tea growers I think we should allow this rule to go into the Statute-book, so that automatically small tea growers can cultivate up to the limit of 150 acres. Probably this will meet with the objection of Mr. Rasheed Chaudhury. The small tea growers will be glad to hear of this provision and they can extend up to 150 acres if they like. I trust Mr. Rasheed Chaudhury will not oppose and that the House will accept this as it needs no further discussion.

Mr. H. Dow: Sir, Government are prepared to accept this amendment, with the addition made by Mr. Griffiths.

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

"That after sub-clause (3) of clause 27 of the Bill the following new sub-clause be added:

(4) The Committee shall grant permission for replanting new areas to the tea estates in accordance with rules to be prescribed upto a total area in each province as may be determined under sub-clause (3) provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company or 150 acres where it is owned by any individual proprietor or proprietors:

Provided further that the Committee shall also be empowered to grant extensions for the Tooklai and Nellakotta experimental stations."

The motion was adopted.

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

"That clause 27, as amended, stand part of the Bill."

The motion was adopted.

Clause 27, as amended, was added to the Bill.

Clause 28 was added to the Bill.

Clause 29 was added to the Bill.

Maulvi Abdur Rasheed Chaudhury: Sir, I move:

"That in sub-clause (1) of clause 30 of the Bill the words 'with the previous permission of the Committee' be omitted."

I understand that this amendment will be accepted by the Government and so I do not like to make any speech. Sir, I move.

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

"That in sub-clause (1) of clause 30 of the Bill the words 'with the previous permission of the Committee' be omitted."

Mr. H. Dow: Sir, Government are prepared to accept the amendment.

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

"That in sub-clause (1) of clause 30 of the Bill the words 'with the previous permission of the Committee' be omitted."

The motion was adopted.

Mr. H. Dow: Sir, before you put the clause, I would like to draw attention to a printing error in the first line of sub-clause (4) of this clause: sub-section (2) should be sub-section (3): it is a mere printing error.

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

"That clause 30, as amended, stand part of the Bill."

The motion was adopted.

Clause 30, as amended, was added to the Bill.

Clauses 31, 32, 33, 34 and 35 were added to the Bill.

Mr. Kuladhar Chaliha: Sir, I move:

"That in sub-clause (2) of clause 36 of the Bill the words 'for nurseries or causes any land to be so used, without the previous permission of the Committee' be omitted."

This is a consequential amendment to the amendment which we have already passed.

Mr. H. Dow: Sir, Government accept it. It is merely a consequential amendment.

Mr. K. Santhanam: Sir, You should also insert the word "or" after the last word "Committee".

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

"That in sub-clause (2) of clause 36 of the Bill the words 'for nurseries or causes any land to be so used, without the previous permission of the Committee or' be omitted."

The motion was adopted.

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

"That clause 36, as amended, stand part of the Bill."

The motion was adopted.

Clause 36, as amended, was added to the Bill.

Clauses 37, 38 and 39 were added to the Bill.

Mr. Akhil Chandra Datta: Sir, I move:

"That at the end of the Schedule to the Bill the following be added:

'(4) allowances for small units as may be determined in the prescribed manner'."

Sir, special allowances have been provided for young areas in sub-clause (2) of the Schedule and also for low producing areas in sub-clause (3). I submit that on the same principle allowances should be made for small units in the rules framed in this behalf by the Act. After all, we cannot have the same law for the big and small estates. A unit after all must be an economic unit. If it is a very small unit, it cannot be an economic unit at all, and, therefore, I propose this amendment.

Mr. P. J. Griffiths: Sir, I want to appeal to my Honourable friend, Mr. Akhil Chandra Datta, to withdraw this amendment merely on the ground that it is based on a principle which is not in consonance with the general principles underlying the Tea Control Scheme. Various kinds of allowances have been framed under the existing scheme and are in fact contemplated under the new scheme, and all those allowances are based on one principle. They are based on the principle that where the tea restriction scheme involves any particular hardship to a particular estate, some attempt should be made to remedy and to remove that hardship. The test is not whether an estate is a small unit, but whether an estate is in fact undergoing some particular hardship by reason of the tea restriction scheme. Some months ago I had the advantage of touring through a certain part of the country in which there are a great many estates cultivated by small owners. Their average area was somewhere about an acre. Most of those estates never grew tea for export; they have never had a factory near at hand to which they could sell out tea for export. Many of them have gone even further and have stopped growing tea altogether. What they do is, instead of growing tea,—and it is a perfectly good thing,—they live by selling their export quotas. The average estate in the area which I have in mind is making about Rs. 90 an acre by the sale of export quotas. It is quite right and proper that these estates should make Rs. 90 an acre by the sale of export quotas, and as far as we are concerned, we are glad that the scheme has done something for the small man. But at the same time when you have people, who could never export tea, making Rs. 90 an acre merely because of this restriction scheme, it cannot be argued that those particular people are suffering hardship as a result of this scheme.

Then, my friend says let us have a different law for the big and the small estates. I quite agree. We already have a different law for the big and the small estates. Most of these small estates, merely because they cannot spend much money for improving cultivation, come within the category of low producing areas, and do get allowances in accordance with the provision put in by my friend in the Schedule. I want to urge upon my friend to consider that the test should be not how much tea an estate is producing altogether, but how much per acre it will produce and how its production, therefore, compares with its overhead charges. I am certain that he will recognise that this is the whole principle of the scheme; to do away not with hardships existing by reason of the nature of an estate but hardships introduced by the Tea Control Scheme. On these grounds, I appeal to my friend not to press this amendment which cuts at the very root of the principles from which the scheme has grown up.

Mr. Brojendra Narayan Chaudhury: Sir, I beg to support the amendment just moved by my friend, Mr. Datta. It is a fact that the activities of the Board will affect the profits of the producers of tea estates, big or small or tiny, as compared to the profits made before the Licensing Committee came into existence. But it is also a fact that big and small estates will be making some profits or bigger profits in place of the losses or small profits they had in the years preceding the control scheme. Therefore, our duty should be to devise the law in such a way that the amount of profits of big, small and tiny producers may increase in the same proportion. This principle has already been accepted in the Schedule. We have provided for allowances to low producing areas under part (a) of the Schedule. The big Darjeeling gardens will get extra allowances under this. They get the extra to equalise their profits with gardens in other districts. I am not quite sure of the justice of claims of Darjeeling gardens. Theirs is quality tea and lower prices for Darjeeling tea is not due to restriction of world market but to the fact that rich people who drink high priced Darjeeling tea have less to spend on tea now. As regards small producers, our principle should be this: that the unit is so small that the working expenses must be in a bigger proportion than in the case of gardens with bigger areas. Hence the normal profits should be proportionately less. It has been said that these small producers were not exporting tea before the scheme and therefore they should not be given any benefit under the scheme. By saying that, my Honourable friend, Mr. Griffiths, has made the strongest case for this amendment on behalf of the small producers. It is a fact that most, if not all, of the big gardens had, before restriction scheme, left undisturbed the Indian market to the small producers, the big concerns exporting all their teas. But when you restrict the export quota to about 60 per cent., the big gardens are now encroaching heavily on the Indian market by throwing the balance of 40 per cent. tea. Are you not doing harm to the small producer who is being ousted? So, I hope that my Honourable friend, Mr. Griffiths, would see the fallacy of his argument and see that he is really supporting our case. Therefore, he should support this amendment.

Dr. Sir Ziauddin Ahmad: In view of part (3) of the Schedule where it is provided:

"Allowances for low producing areas as may be determined in the prescribed manner."

I think that that includes also the object of the proposed amendment.

Mr. Akhil Chandra Datta: No. That is quite different.

Dr. Sir Ziauddin Ahmad: They also produce small quantities of tea. Therefore, by making provision under part (3) of the Schedule, we have provided also for those areas which are small in magnitude. We are all in favour of supporting small areas, but in this particular case it appears to me that this amendment is not necessary because it is already covered otherwise.

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

"That at the end of the Schedule to the Bill the following be added:

'(4) allowances for small units as may be determined in the prescribed manner'."

The motion was negatived.

The Schedule was added to the Bill.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 1.

Mr. N. M. Joshi: Sir, I beg to move:

"That in sub-clause (j) of clause 1 of the Bill for the figures '1943' the figures '1939' be substituted."

Mr. Akhil Chandra Datta: On a point of order, Sir. I submit that this amendment is out of order. The whole scheme of the Bill is a five years plan and the period is from 1938 to 1943.

Mr. President (The Honourable Sir Abdur Rahim): Is that in the Preamble or in any clause that has been accepted? Or is it in the agreement itself that it should be five years?

Mr. H. Dow: The proviso to sub-clause (f) of clause 30, which we have passed, provides "that the total area utilised for nurseries in British India shall not upon the 31st day of March, 1943, exceed the area, etc."

Mr. Akhil Chandra Datta: There is sub-clause (4) of clause 1.

Mr. President (The Honourable Sir Abdur Rahim): That is what is sought to be amended.

Mr. Akhil Chandra Datta: May I refer you to Decision No. 116 at page 91 of Volume I of the Decisions from the Chair?

Mr. President (The Honourable Sir Abdur Rahim): What is proposed in this amendment is to reduce the period from five to one year. You cannot say that it is a point of order.

Mr. Akhil Chandra Datta: May I refer you to another Decision on page 24, No. 121?

Mr. President (The Honourable Sir Abdur Rahim): I do not think that the amendment sought to be moved by Mr. Joshi is out of order. Mr. Joshi will move his amendment.

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (j) of clause 1 of the Bill for the figures '1943' the figures '1939' be substituted."

The object of this amendment is to give one year's lease of life to this Bill. If during that period, the Government of India and the Legislature make inquiries and show to the satisfaction of the House that the Bill has worked properly and in the interest of the consumers of tea in this country and of the workers who are working on the plantations, the House can give permission to the Government to continue this Bill thereafter. The agreement on which this Bill is based was made in a very wrong manner. The production of tea and even the export of tea are necessary not only in the interests of the people who invest their money in the industry but of the whole population interested in the tea industry. I know that the Honourable the Finance Member who has honoured us by his presence on this occasion has told us several times that planned economy is a very dangerous thing. Therefore, when we introduce into a

Bill planned economy we ought to take his warning and make inquiries into the conditions of that industry. The warning must be taken to our heart. I, therefore, propose that this Bill should have a life of one year. This will give the Government time to make an inquiry into the condition of this industry.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Does the Honourable Member realise that this Bill has been in force for the last five years?

Mr. N. M. Joshi: If there had been no Bill, the Act will expire very soon. We failed to make an inquiry three or four years ago, but that is no reason why we should not make an inquiry today. Since then the Honourable the Finance Member has come to India and has taught us the proper principles of economics. My object is that Government should have time to make an inquiry and see how the different interests have been adversely affected. Labour interests have been adversely affected. Wages have gone down since 1933. The number of people working in the plantations has gone down. No protection to any industry should be given blindfolded. Then there is another thing. We all know that the Provincial Governments have given consent to this measure, but generally speaking when the Government of India introduces and passes measures which are within the sphere of the Provincial Government the Provincial Legislature should also be consulted. I quite admit that this Bill is being based upon an international agreement and that it is not necessary to consult the Provincial Legislatures. That is a legal matter. That is a technical aspect, but from the point of view of substantial interests involved it is necessary that the Provincial Legislatures should be consulted. When we give the Government of India one year, they will certainly have sufficient time to consult the Provincial Legislatures. Let them say if this control on the industry is in the interests of all sections of the population. My amendment enables the Government of India to keep this Bill in existence for one year. During the course of the year we insist that the Government of India should produce a report and place it before the Assembly and show us that the interests of all sections are not adversely affected.

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

"That in sub-clause (j) of clause 1 of the Bill for the figures '1943' the figures '1939' be substituted."

There is another amendment* of a somewhat similar nature in the name of Mr. Ayyangar. I do not know whether he wishes to move it. If he wants to do so, he can move it and the discussion can proceed on both the amendments.

Mr. M. Ananthasayanam Ayyangar: I do not propose to move it.

Mr. M. S. Aney (Berar: Non-Muhammadan): I would have certainly supported my friend's amendment but I find some difficulty in doing so, because his amendment will not serve the purpose he has got in mind.

*"That in sub-clause (j) of clause 1 of the Bill for the figures '1943' the figures '1941' be substituted."

Mr. N. M. Joshi: Why?

Mr. M. S. Aney: That is what I am doing to disclose now. In the first place, it is not true to say that we have got a legislation of this kind for the first time before this House. We passed this Bill five years ago, putting in all these restrictions.

Mr. N. M. Joshi: We made a mistake then.

Mr. M. S. Aney: If you were quite satisfied that the legislation passed five years ago was detrimental to the interests of certain classes whom you represent, I think you should have opposed the very consideration of the Bill. Instead of doing that, you think there is a possibility of some advantage accruing out of this Bill over a period of 12 months.

Mr. N. M. Joshi: I opposed the consideration of this Bill.

Mr. President (The Honourable Sir Abdur Rahim): That does not matter. The House passed that motion.

Mr. M. S. Aney: This amendment does not make it obligatory upon the Government to institute any inquiry at all. If he had introduced any provision anywhere in the Bill making it obligatory upon the Government of India to institute an inquiry, I would have understood it. After a period of 12 months, the Bill will expire and the restrictions will not be there unless a fresh Bill is brought by the Government. It is quite clear from the Report of the Select Committee that the working of a measure like this for the last five years has been found advantageous to the interests concerned and other persons who represent the industry. The various amendments introduced have also indicated that a measure like this is wanted.

Mr. N. M. Joshi: They do not represent the tea drinkers.

Mr. M. S. Aney: I believe that even the tea drinkers are interested in seeing that the Indian market is not flooded by foreign tea. Those who believe in the cult of Swadeshi will at least on that account accede to the principle underlying this Bill. So I do not see any propriety in restricting the period of the year forty-three to thirty-nine as suggested by my Honourable friend. Secondly, after all, it is a matter of agreement. If an understanding is made with other countries.

Mr. N. M. Joshi: By whom?

Mr. M. S. Aney: By whomsoever that are allowed to do so in the name of your country, rightly or wrongly.

Mr. N. M. Joshi: They made a mistake in those days.

Mr. M. S. Aney: That may be true, but this is not the way to protest against that mistake; you must find some other method for recording your protest. It is not fair that we should restrict the period and leave the other contracting parties in suspense as to the fate of the agreement. Either we must accept the thing as it is, so far as the main principles are

concerned, or we must refuse to be a party to the agreement if we think it is detrimental to our interests. The only course for us is to accept the main principle underlying that agreement, viz., this is to continue for a period of five years and therefore the figure of forty-three should stand and not the figure of thirty-nine.

Mr. H. Dow: Sir, if my Honourable friend, Mr. Joshi's object were to encourage speculation, to spread disorganization and dismay throughout the industry, and to plunge the whole world market into confusion, meanwhile allowing our competitors time to organize for an attack on our own industry, then I could hardly imagine a better amendment. Sir, I acquit Mr. Joshi of any such desire. But I do not think it needs any elaboration from me to show that these results would follow. Therefore, Sir, I oppose the motion.

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

"That in sub-clause (4) of clause 1, of the Bill for the figures '1943' the figures '1939' be substituted."

The motion was negatived.

Mr. H. Dow: There is one small change, Sir, to be made in the Preamble,—the words "the Netherlands Indies" should be substituted by the words "the Netherlands India".

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

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Dow: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Mr. N. M. Joshi: Sir, I rise to oppose this motion. My opposition firstly is based on the way in which this International Agreement was brought about. This is not the first international agreement brought about by capitalists only. There was another agreement brought about by private parties called the "Mody-Lees Agreement". On that occasion I also opposed the agreement on the ground that the agreement was brought about only by people who invested their money in the industry. Now, the industry does not consist of people who merely invest their money; there are other interests affected,—for instance, the workers are affected and the consumers are affected. Therefore, if international agreements regarding the industry of a country are to be brought about, those agreements must be brought about in consultation with all the interests affected. Sir, on that ground among others I want to oppose this Bill. We have

[Mr. N. M. Joshi.]

considered the several clauses of the Bill. I am not convinced that the Bill is in the interests of the country as a whole. I wanted an inquiry, but the Government of India refuse to make an enquiry into the various aspects of this question. Therefore, the only way open to me is to oppose this Bill.

Mr. T. S. Avinashilingam Chettiar: Sir, I have been a rather passive spectator. The proceedings on this Bill have thrown rather interesting sidelights on the attitude and mentality of the Government. My friend, Mr. Griffiths, spoke first and then my friend, Mr. Dow, spoke second, but I found from the beginning till the end of these speeches that they are almost the same words and the same phrases. Sir, there was another interesting thing. A point of order was raised by my Honourable friend, Mr. James, over the matter of an amendment which intended to give representation to the Indian tea-growers on the International Tea Committee. Admittedly, this Bill is not in connection with the agreement signed by the different tea interests. As regards the clauses of the agreement which the Government supported and over which letters have passed, that is the Agreement which the Government signed, has not been placed on the table of the House; we are simply to accept their assurance that certain letters have passed, and over these letters, which the Government have not chosen to put before this House, this Bill has been brought forward. I dare say that in those letters that have passed there is not any mention of the International Tea Committee over which representation has been asked for. May I know whether they have brought this Bill for the reason that Indian tea interests should be represented in the Committee, or that representatives of the United Planters Association should be given representation on the International Tea Committee? Admittedly the Government of India should not take action over a matter in which the representation of merely one side of the industry is to be made. I do not think they have yet gone so low as to say that they come forward with a Bill so as to secure representation for European interests; they should come forward and say "Indian interests are represented in this trade agreement, and as such we have come to implement this measure". But, what do we find? My friend, Mr. James, raised a point of order, and then my friend, Mr. Dow, comes forward and says, "what you say has nothing to do with the Bill because that clause which concerns representation on the International Tea Committee, is in an agreement which was come to"

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is sailing very near the danger zone.

Mr. T. S. Avinashilingam Chettiar: I do not know how, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is very nearly questioning the ruling of the Chair.

Mr. T. S. Avinashilingam Chettiar: I cannot challenge your decision, Sir, but this much I must say that in the letters that have passed there is no mention of the International Tea Committee, and as the Government of India are the people who represent Indian interests in this country,

they must come forward and say, "there must be at least one representative for the Indian tea interests" and they should have supported the plea that there must be representation for the Indian tea growers on the Committee. I have been surprised, but I should not be surprised, considering the fact that after all the Government of India is maintained only to serve European interests. There was one thing my Honourable friend, Mr. Santhanam, suggested to which it was expected my friend, Mr. Dow, would refer in his reply and it was this. "Crop-planning" you have accepted with regard to tea. Now, will you give us an assurance that crop-planning as regards other things also will come in if that is in the interest of this country? There was no reply. My friend ignored that suggestion in his reply. We are now disillusioned in these matters. Of course, these are things which we are ordinarily aware of, but it has come out forcibly today. But I hope the Government will at least in the future represent Indian interests more than European interests.

Mr. M. Ananthasayanam Ayyangar: Sir, I do not wish to detain the House for long; I am interested in making only one or two suggestions. The Honourable Member in charge of the Bill gave us some assurances during the course of the debate. Though you have ruled it that it is foreign to the scope of this Bill to provide representation on the International Committee, I would like the Honourable Member in charge of the Bill to say that an Indian representative will be sent to the International Committee as early as possible. Now, we are not implementing this agreement on the basis that it is an agreement entered into by private parties and by two representatives of two Associations only. It is no doubt true that in such matters representatives of Associations and trade may be primarily concerned and they may know the business aspect of it and then they may bring it to the notice of the Government, and thereafter the Government brings to bear its decision upon this. Sir, we have passed the Bill and we are now on the third reading. But I would like to say this that it is but fair that we should send an Indian representative to this International Committee. You can certainly do it because whatever agreement is entered into it has been entered into on behalf of the Government of India as a whole. The primary movers may be the trade interests but the Government can see to it that the Indian interests are represented.

Then, as regards the other point, I would like to make it clear that the Honourable the Mover ought not to give an assurance that he would include the Tipperah estate also in the province of Bengal for the simple reason that the extension of the half per cent. of area under cultivation will go more to that province. Under the Bill, it is sought to be distributed according to the extent of cultivation in each province. If the Tipperah estate is included in Bengal it would mean that the province of Bengal would get something more than the other provinces. Take, for instance, the province of Madras. It is not intended that the States like Travancore and Mysore should also be included in the province of Madras so that it may have a larger share, and the smaller units which have an acreage of 150 and 300 would be benefited thereby. So, one State alone in the Northern India ought not to be included to the prejudice of all the other States in the Madras Presidency. They should, therefore, not take Tipperah into consideration regarding the area of tea cultivation. I hope the Honourable the Mover would reconsider his

[Mr. M. Ananthasayanam Ayyangar.]

assurance in the light of what I have submitted now. It has already been said that each State is free to extend its cultivation. It is not contrary to the International Agreement and the Bill that we are enacting today does not affect the interests of any State. Therefore, these restrictions apply only to the several provinces of British India and they do not apply to the States. There is no agreement that Tipperah would not extend its cultivation beyond what is given by way of quota. Therefore, the case of Tipperah would not be subject to the liabilities that are imposed upon the provinces which constitute British India. Therefore, I would like the Honourable the Mover to reconsider his assurance in the light of my submissions.

The third point that I wish to raise is a formal one. A formal amendment ought to have been moved to clause 23. Clause 23 relates to the rules to be made relating to various matters that are sought to be prescribed. During the course of the debate an amendment was introduced to section 7 as clause (4) whereby interest is allowed and copies of documents are given. That is a very formal matter. Unfortunately it has escaped our notice. I hope that would be set right in the other House.

Dr. Sir Ziauddin Ahmad: Sir, we have been pressing from this side of the House that the Government have not taken sufficient interest to raise the price level of the agricultural products. While discussing the various Bills, we have pressed several times that, though they are taking steps to raise the price level of the manufactured articles, no step has been taken to raise the price-level of the agricultural products. That is really the main question which we had been pressing from this side of the House. As far as this Committee is concerned, we say that the main object of this Committee is to raise the price level of tea in the interests of the tea producers and the labourers who work in these fields. Now, we know very well that the condition of tea market had gone down ever since the depression began in this country. In the year 1931-32 when the depression set in, most of these tea estates were in a deplorable condition. Only those tea estates which had hard cash and which could fall back upon ready money could save themselves in those days. Those who had invested their money in various other properties found it exceedingly hard to meet the expenses and they had to borrow on very uneconomic basis. Now, attempts were made by this Cess Committee to raise the price level of tea so that it may be sold on an economic basis. I have got with me the figures of the price of tea for the last few years and I find that in the year 1932-33 the price had gone down to 5 annas and 2 pies per lb. Then it rose to 8 annas and 1 pie and now it is 8 annas and 2 pies. That is to say, it has increased by 58 per cent. and this is really an achievement of this Committee. No doubt we have the interests of the small tea estates and the interests of small tea growers also at heart but at the same time we ought to look to the interests of the industry as a whole and this is the point of view which I would like to press upon the Government. Taking the interest of the industry as a whole, there is no doubt that the prosperity is now in sight. About four years ago the tea plantation ceased to be a profitable concern. They began to grow tea on an uneconomic basis, but now it is becoming profitable. The price has gone up by 58 per cent. and they are now doing much better business than the other industries. It is really a fallacy to calculate the prosperity of tea industry by the quantity that is grown.

because if you sell the quantity on an uneconomic basis, really speaking the industry does not gain. Our principal object should be and our chief test ought to be whether they are in a position to sell these articles on an economic basis. If they can sell it on an economic basis, then we can say that the whole industry is flourishing. In the case of tea since this control has come in, the whole tea industry is progressing in this country and the people are much better off than they were before. I quite admit that there is still room for further expansion and not only should they confine their attention to the export of tea but that they should make every effort—and I know they are making every effort—to increase the sale of tea in India itself. When the Bill was first introduced, I had the opportunity of referring to the matter that they were now making new experiments and were trying to find out the class of tea which may suit a particular kind of water. I hope that this experiment will continue and they will be able to publish some good results. I am perfectly certain that if they continue their efforts the sale will increase substantially in this country. I am glad to note in this connection that the Tea Cess Committee is spending 18 lakhs per annum on the propaganda work and is making every effort to increase the sale. I am quite certain that with these efforts, tea industry which has already begun to prosper, will become much more prosperous in the near future. With these words, I support the motion and I congratulate Mr. Dow and Mr. Griffiths for the interest they have taken in piloting this Bill.

Some Honourable Members: The question be now put.

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

"That the question be now put."

The motion was adopted.

Mr. H. Dow: Sir, I do not propose to detain the House long at this late hour. The Honourable Member opposite, Mr. Avinashilingam Chettiar spoke, and the main burden, I gathered, of his complaint was that in piloting this Bill I had confined myself to talking on the subject of tea instead of going into digressions about coffee and about rubber. Well, I do not think, Sir, that that is a thing that I need apologise for. As regards the points made by Mr. Ayyangar, I am not quite sure I understand one of them. He seemed to ask me to reconsider the assurance which I gave with regard to the inclusion of Tipperah in Bengal for the purpose of a particular section. I presume that he is not inviting me to withdraw on the third reading an assurance which I made to the House on the second reading. If I understood him rightly, he wishes some similar kind of assurance with regard to the various States in Madras. At any rate, if that is not exactly what he wants, I assure him that if he will make clear his point outside the House, I will do what I can to meet him.

The other point that he made related to a change which the House agreed to in section 7. Mr. Ayyangar seemed to think that there was a lacuna in the Bill, and that we should not be able to give effect to the amendment. I would like to invite attention of the House to sub-clause (j) of clause 10 of the Bill, under which the Central Government

[Mr. H. Dow.]

have power by notification generally to carry out the provisions of this Chapter. That seems to me to be quite wide enough to cover the matter that Mr. Ayyangar brought forward.

I do not think that there are any other points that I need deal with. I thank the House for the assistance which they have given me in carrying through what I am quite sure will be a very beneficial measure to the tea industry of this country.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE STAMP DUTIES UNIFICATION BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I do not move the motion* today.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 2nd March, 1938.

*"That the Bill to fix uniform rates for the levy of certain stamp duties throughout British India, to impose for a period of two years a stamp duty on cheques, and to formulate the principles in accordance with which the net proceeds of the said duties shall be distributed among the Provinces be taken into consideration."

LEGISLATIVE ASSEMBLY.

Wednesday, 2nd March, 1938.

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

MEMBERS SWORN.

Mr. Kodikal Sanjiva Row, C.I.E., M.L.A. (Government of India: Nominated Official);

Mr. Ghulam Muhammad, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

CONTRACT WITH THE PENINSULAR AND STEAM NAVIGATION COMPANY AND REDUCTION IN CONTRIBUTION.

557. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member for Communications state:

- (a) when the contract with Peninsular and Oriental Steam Navigation Company expires;
- (b) when a fresh contract is to be made, whether Government propose to take steps to see that it is made subject to a condition that the Company will employ the cadets trained in the *Dufferin*;
- (c) what is the contribution paid by the Government of India at present; and
- (d) whether they propose to consider the advisability of reducing the contribution in view of the coming into existence of the air mail?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to the reply I gave to Mr. Manu Subedar's starred question No. 123, on the 3rd February, but I may mention that the P. & O. Company have already undertaken to employ a certain number of *ex-Dufferin* cadets.

(c) The amount payable in 1937 is expected to be about £38,000.

(d) India's contribution will continue to be calculated according to the arrangements described in the statement laid on the table of the House in reply to Mr. Sarfaraz Hussain Khan's unstarred question No. 151 on the 28th January, 1929. It will be seen that the arrangements contemplate that the volume of India's mails carried by the steamers of the Company shall be taken into account in assessing India's contribution.

Mr. T. S. Avinashilingam Chettiar: May I know what was the answer referred to in clause (d)?

The Honourable Sir Thomas Stewart: I made a reference to a certain unstarred question.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that that was in 1929, will he read out that answer again?

The Honourable Sir Thomas Stewart: The arrangement described in the reply I quoted still persists.

Mr. T. S. Avinashilingam Chettiar: May I know what that arrangement is? In view of the fact that that answer was given in 1929, will he kindly read out that reply?

The Honourable Sir Thomas Stewart: Sir, the statement in question covers about six pages and it is absolutely impossible to give that reply.

Mr. D. K. Lahiri Chaudhury: Cannot the Honourable Member give a gist of it?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can lay that statement on the table of the House unless it is available in the Library.

The Honourable Sir Thomas Stewart: I shall be quite happy to lay it on the table, Sir.

Mr. Manu Subedar: Did Government have to persuade the P. & O. Company to take a certain number of cadets or did they do so on their own initiative?

The Honourable Sir Thomas Stewart: So far as I remember, it was on the initiative of the P. & O. Company.

Mr. Manu Subedar: Do Government consider the number taken by them as adequate?

The Honourable Sir Thomas Stewart: That, Sir, is not a question that arises out of this answer.

Mr. Manu Subedar: What is the number that they have agreed to?

The Honourable Sir Thomas Stewart: Four, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know whether they have agreed to take four cadets every year or once for all?

The Honourable Sir Thomas Stewart: They have undertaken to employ one ex-Dufferin cadet on each of their ships stationed in India.

Mr. T. S. Avinashilingam Chettiar: In view of the fact, if I remember correctly, that they have promised to take only four cadets for all time, will the Government of India impress upon the P. & O. Company to take a certain number every year?

The Honourable Sir Thomas Stewart: That, I understand, is not the nature of the undertaking.

Mr. Manu Subedar: Have they actually employed them or have they merely undertaken to employ them?

The Honourable Sir Thomas Stewart: I shall require notice of that question.

Mr. Muhammad Azhar Ali: Does the Honourable Member know how many ships they have in all?

The Honourable Sir Thomas Stewart: They have four ships which are based on Indian ports.

Mr. T. S. Avinashilingam Chettiar: Then how is my statement incorrect that they have undertaken to employ only four cadets?

The Honourable Sir Thomas Stewart: It is incorrect.

Mr. T. S. Avinashilingam Chettiar: Sir, I submit that the reply of Government is that the P. & O. Company have promised to employ one cadet for each ship and that they have four ships in Indian waters. And I asked whether they have agreed to take four cadets for all time and whether Government will consider the advisability of asking the company to employ more men. He said that was not correct.

The Honourable Sir Thomas Stewart: If the Honourable Member's suggestion is that the undertaking has been that there will be only four cadets for all time, that I say is a wrong statement of the undertaking that has been given.

Mr. T. S. Avinashilingam Chettiar: Will Government consider the advisability of impressing upon the P. & O. Company the need for employing more cadets every year?

The Honourable Sir Thomas Stewart: I must refer the Honourable Member to the representative of the Commerce Department in this House.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member had better look at the arrangement that was arrived at.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the contribution paid to the P. & O. Company is by the Honourable Member, will he take up this question?

The Honourable Sir Thomas Stewart: There is no payment made by the Government of India to the P. & O. Company.

Lieut.-Colonel Sir Henry Gidney: In view of the fact that the P. & O. Company in particular have been very dilatory in accepting qualified cadets from the Dufferin and in view of the fact that they receive such a heavy subsidy from Government, will the Honourable Member for Communications please inform this House whether he is prepared to reduce that contribution unless the P. & O. decide to take more cadets as officers on their steamers?

The Honourable Sir Thomas Stewart: I say for about the tenth time in this House that the Government of India pay no contribution to the P. & O. Company.

Prof. N. G. Ranga: Is it not a fact that this contribution of Rs. 4,34,000 odd is being paid by the Government of India for getting their mails carried by the P. & O. only through His Majesty's Government and not directly?

The Honourable Sir Thomas Stewart: The payment is to His Majesty's Government in return for services rendered.

Lieut.-Colonel Sir Henry Gidney: Is not that a contribution in kind?

Prof. N. G. Ranga: Will the Government of India consider the advisability of making a representation to His Majesty's Government that they should, in return for this payment being made for the carriage of mails, impress upon the P. & O. the necessity of taking more cadets on their steamers?

The Honourable Sir Thomas Stewart: No, Sir; the Government of India have no *locus standi* in the matter at all.

Prof. N. G. Ranga: Is it impossible for the Government of India to make such representation to His Majesty's Government?

The Honourable Sir Thomas Stewart: It is perfectly possible for the Government of India to make any sort of representation to His Majesty's Government.

Prof. N. G. Ranga: Then why is it that the Government of India decline to make that representation to His Majesty's Government in regard to this?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The supplementaries have gone far enough.

Prof. N. G. Ranga: Sir, I have been allowed to ask the question and I should get an answer.

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

Mr. M. Ananthasayanam Ayyangar: Sir, on a point of order, the question has been allowed to be put and when the Honourable Member is about to answer, why is the next question called and he is stopped from answering?

Mr. President (The Honourable Sir Abdur Rahim): Because I thought that the question was not an appropriate one.

TERRITORIES CEDED TO MEWAR AND JODHPUR STATES.

558. ***Mr. T. S. Avinashilingam Chettiar:** Will the Foreign Secretary state:

- (a) how long the territories just conceded to Mewar and Jodhpur States have been under British Indian administration;
- (b) when the territories were taken under British Indian administration and whether they were taken subject to any conditions; and

STARRED QUESTIONS AND ANSWERS.

- (c) whether the people of the districts concerned were consulted in the matter?

Sir Aubrey Metcalfe: With your permission, Sir, I propose to answer questions Nos. 558 and 559 together. These questions should have been addressed to the Honourable the Leader of the House.

TERRITORIES CEDED TO MEWAR AND JODHPUR STATES.

559. ***Mr. T. S. Avinashilingam Chettiar:** Will the Foreign Secretary state:

- (a) what were the immediate considerations that made the Government transfer territory to the Indian States of Mewar and Jodhpur; and
- (b) whether any more transfer of territories to these many other Indian States are under contemplation?

PERSONS DETAINED UNDER REGULATION III OF 1818.

†560. ***Sardar Sant Singh:** With reference to his answer to starred question No. 35 B given on the 31st January, 1938, will the Foreign Secretary be pleased to state the names of the persons who have been under detention under Regulation III of 1818 for a period of over three years?

Sir Aubrey Metcalfe: The names of the persons detained under Regulation III of 1818 for a period of over three years are given in the statement which I lay on the table.

Statement showing the names of the persons who have been under detention under Regulation III of 1818 for a period of over three years.

S. No.	Name.	S. No.	Name.
1.	S. Abdur Rahman Khan (in the Madras Presidency).	25.	S. Nur Ahmad Khan.
2.	S. Ghausuddin Khan.	26.	S. Abdur Rashid Khan.
3.	S. Abdur Hakim Khan.	27.	S. Mohd. Hassan Khan.
4.	S. Amin Jan.	28.	S. Abdur Rahman Khan (in the United Provinces).
5.	Khan Baba.	29.	S. Mohd. Umar Khan.
6.	Mohd. Ibrahim.	30.	S. Gul Mohd. Khan.
7.	Mohd. Hassan.	31.	S. Abdur Ali Khan.
8.	Ali Ahmad.	32.	S. Abdur Rahim Khan.
9.	Mohd. Ismail.	33.	S. Mohd. Azim Khan.
10.	Taj Mohd.	34.	S. Mohd. Mohsin Khan.
11.	S. Abdullah Khan.	35.	Ghulam Nabi.
12.	S. Abdur Hamid Khan.	36.	Mohd. Din.
13.	S. Abdur Qayum Khan.	37.	Mohd. Siddiq.
14.	Khawaja Abdul Karim.	38.	Abdul Hakim.
15.	Mohd. Nasir.	39.	Abdul Majid.
16.	Abdur Rahman Jan.	40.	Mohd. Jan.
17.	Ata Mohd.	41.	Bhawani Sahai.
18.	S. Abdur Aziz Khan.	42.	V. R. Vaishampayan.
19.	S. Mohd. Azam Khan.	43.	Rippudaman (<i>alias</i> Sardar Guru Charan Singh ex-Maharaja of Nabha).
20.	S. Mohd. Akram Khan.	44.	Hasein-Yavar Khanji, ex-Talukdar of Sardargadh.
21.	S. Mohd. Afzal Khan.		
22.	S. Sultan Ahmad Khan.		
23.	S. Sher Ahmad Khan.		
24.	S. Mohd. Sarwar Khan.		

†For answer to this question, see answer to question No. 558.

‡Answer to this question laid on the table, the questioner being absent.

TRADING DISABILITIES OF INDIANS IN THE UNITED STATES OF AMERICA.

561. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:
- (a) whether Government are aware of the trading disabilities of Indians in the United States of America;
 - (b) what steps Government propose to take to remove these disabilities; and
 - (c) whether Government propose to negotiate a trade treaty with the United States of America?

Sir Aubrey Metcalfe: (a) Yes.

(b) and (c). The whole matter is at present receiving the attention of the Government of India in consultation with His Majesty's Government in the United Kingdom.

Mr. Manu Subedar: In the trade treaty which is going to be negotiated between the United Kingdom and the United States is India going to be a party?

Sir Aubrey Metcalfe: That does not arise. I submit; and in any case I must have notice.

Mr. Manu Subedar: With due submission, Sir, it does arise as it relates to the trading position between the two countries.

Mr. President (The Honourable Sir Abdur Rahim): I think it does arise. But I think the Honourable Member says he wants notice.

Mr. Manu Subedar: What is the reply to my question which does arise?

Sir Aubrey Metcalfe: I said before that I should require notice.

Mr. T. S. Avinashilingam Chettiar: May I know what are the trading disabilities that Indians suffer in the United States?

Sir Aubrey Metcalfe: I can detail them to the House but it would take a considerable time because they are extremely complicated and the laws on the subject cover two large books.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member lay a statement on the table?

Sir Aubrey Metcalfe: I can do that if the Honourable Member wishes.

Mr. T. S. Avinashilingam Chettiar: May I know whether they are negotiating directly with the United States or through His Majesty's Government?

Sir Aubrey Metcalfe: We are bound to do it through His Majesty's Government in the present circumstances.

Mr. K. Santhanam: May I know if the negotiations with the United States will await the conclusion of a trade treaty between Great Britain and the United States, as in the case of Ceylon?

Sir Aubrey Metcalfe: There again I must have notice.

Mr. T. S. Avinashilingam Chettiar: Will it be taken up immediately or after finishing the trade treaty with Britain?

Sir Aubrey Metcalfe: I cannot undertake to prophesy.

Mr. T. S. Avinashilingam Chettiar: May I know whether this question of a trade treaty with the United States will be taken up after finishing the negotiations with regard to the Ottawa Trade agreement or even while that is in progress?

Sir Aubrey Metcalfe: The Honourable Member asks me to say what is going to happen in the future and I am not in a position to do so.

PROMOTION OF UNQUALIFIED MEN AS ACCOUNTANTS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

562. ***Mr. N. M. Joshi:** (a) Will the Honourable the Railway Member please state if it is a fact that some years ago some employees in the Office of the Director, Railway Clearing Accounts, Delhi, were appointed or promoted as Accountants without being required to pass any prescribed examination for Accountants?

(b) Is it also a fact that such men were confirmed subsequently in their job with the stipulation that they will not be promoted to the posts of senior Accountants or Officers unless they pass the Accountants' examination prescribed for Railway Accounts Department?

(c) Is it a fact that, despite the aforesaid stipulation, some of these men were made eligible for further promotion without being required to pass the prescribed Accountants' examination?

(d) If the reply to parts (a), (b) and (c) be in the affirmative, will Government be pleased to state the reasons for deviation from the general rule prescribed?

The Honourable Sir Thomas Stewart: (a) and (b) Yes, but all these promotions and confirmations were made strictly in accordance with paragraph 9 of the Railway Board's Memorandum No. 5565-F. of 31st July, 1929, a copy of which is in the Library of the House.

(c) and (d). The Financial Commissioner, Railways, felt that it would be anomalous to regulate promotions to gazetted ranks by a system of departmental examination and, therefore, directed that promotions above the rank of Senior Accountants, i.e., to gazetted ranks, should be made by strict selection, solely with reference to the suitability of the person for discharging the duties required of a gazetted officer.

Mr. Lalchand Navalrai: May I know whether this exemption from passing this accountant's examination was given and if so on what grounds? On account of advanced age?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the answer I have already given he will get an answer to his present query.

Mr. Lalchand Navalrai: I am particularly asking with reference to part (b): the Honourable Member might enlighten me on that.

The Honourable Sir Thomas Stewart: My answer was:

"(a) and (b). Yes, but all these promotions and confirmations were made strictly in accordance with paragraph 9 of the Railway Board's Memorandum No. 5565-F. of 31st July, 1929, a copy of which is in the Library of the House."

PROMOTION OF UNQUALIFIED MEN AS ACCOUNTANTS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

563. ***Mr. N. M. Joshi:** (a) Will the Honourable the Railway Member please state if it is a fact that of about 1,200 men in the Railway Clearing Accounts Office, there are only 15 posts of Accountants of which about 50 per cent. are already held by persons who have not passed the prescribed Accountants' examination?

(b) Is it also a fact that the number of Accountants' posts in the Railway Clearing Accounts Office is comparatively much less than the other Railway Accounts Offices?

(c) Is it a fact that on account of the smallness of the number of Accountants' posts the prospects of those who have passed the Accountants' examination are worse as compared with other Railway Accounts Offices?

The Honourable Sir Thomas Stewart: (a) Yes. Seven out of the 15 posts of accountants are held by those who were exempted from passing the Accountants examination under paragraph 9 of the Railway Board's Memorandum No. 5565-F. of 31st July, 1929, a copy of which is in the Library of the House.

(b) The supervisory staff required in an Accounts Office depends upon the requirements of that office and Government have no reason to believe that the number of Accountants in the Railway Clearing Accounts Office is insufficient for the work to be done.

(c) Judged by the proportion of the number of Accountants to the number of sub-heads and clerks, the position in the Railway Clearing Accounts Office is not materially different from that in other State Railway Accounts Offices.

PROMOTION OF UNQUALIFIED MEN AS ACCOUNTANTS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

564. ***Mr. N. M. Joshi:** (a) Will the Honourable the Railway Member please state whether it is a fact that a proposal is on foot to exempt some existing Accountants in the Railway Clearing Accounts Office who have not already passed the prescribed Accountants' examination, so as to make them eligible for promotion to higher grades without being required to pass the Appendix 'D' examination?

(b) Is it a fact that some of the Accountants mentioned in part (a) above tried to pass the Appendix 'D' examination, but failed?

(c) Are Government aware that the practice of appointing unqualified persons as Accountants is prejudicial to the interests of the qualified persons?

(d) Will Government be pleased to state whether they propose to stop the practice of appointing unqualified persons as Accountants?

The Honourable Sir Thomas Stewart: (a) No.

(b) Does not arise.

(c) and (d). No unqualified person has been appointed as an Accountant who was not eligible for appointment in that rank in accordance with Financial Commissioner's Memorandum No. 5565-F., dated 31st July, 1929, a copy of which is in the Library of the House.

Mr. K. Santhanam: May I know whether it is a fact that these posts will hereafter be recruited through selection and not through examination?

The Honourable Sir Thomas Stewart: That is a question. I submit, which does not arise from the answer I have given.

Mr. K. Santhanam: It arises out of part (a): my question is if there is a proposal to recruit them without passing any such examination?

The Honourable Sir Thomas Stewart: Sir, the question does not refer to recruitment but to promotion after recruitment has taken place.

LATE RUNNING OF CERTAIN TRAINS ON THE EAST INDIAN RAILWAY.

565. ***Mr. Badri Dutt Pande:** Will the Honourable Member for Railways be pleased to state how many days in the week during the last three months the following important trains have been late?

(a) Nos. 5 and 6 Up and Down Punjab Mails (Howrah to Lahore via Lucknow);

(b) Nos. 9 and 10 Doon Expresses; and

(c) Nos. 17 and 18 Punjab Expresses.

If so, what is the reason therefor?

The Honourable Sir Thomas Stewart: (a) 5-6 and four days.

(b) 3-3 and four days.

(c) Six and 2-9 days.

In regard to the last part of the Honourable Member's question, I would refer him to the reply I gave to part (b) of question No. 402 asked by Mr. Abdul Qaiyum (on behalf of Mr. Sri Prakasa) on the 21st February, 1938.

Mr. Badri Dutt Pande: What is the reason for these mails running late?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the answer I gave a few days ago he will get a full reply.

Prof. N. G. Ranga: Are any steps being taken to see that these trains will run to time and not be delayed so much?

The Honourable Sir Thomas Stewart: I understand that that is a matter which is engaging the attention of the administration concerned.

Mr. K. Santhanam: May I know what is the normal disciplinary action taken against persons concerned for such delays?

Mr. President (The Honourable Sir Abdul Rahim): That really does not arise.

Mr. N. M. Joshi: They get promotion!

STATION CLERKS ON THE NORTH WESTERN RAILWAY.

566. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable Member for Railways please state:

- the number and character of grades of Station Clerks on the North Western Railway;
- the pay of each grade and the rules governing promotion from one grade to another;
- whether there is an efficiency bar in each grade, and if so, at what stage;
- the grounds on which the working of an efficiency bar in a purely clerical cadre is justified and continued; and
- whether Government are prepared to consider the desirability of removing this bar so as to allow members of each grade to reach the maximum of their respective grades on a time-scale automatically?

The Honourable Sir Thomas Stewart: (a) to (c). As regards parts (a), (c) and the first part of part (b), the available information will be found in the North Western Railway Gazette Extraordinary, dated Monday, August 6th, 1934, a copy of which is in the Library of the House.

As regards the second part of part (b), promotion from one grade to another is governed by vacancies in the higher grade and the suitability of the employee concerned.

(d) and (e). The reason for placing an efficiency bar is to enable the administration to review the record of service of an employee at the stage at which the bar is placed and to consider his qualifications for further promotion. This is a practice commonly adopted in most Government services including superior services and Government are not prepared to discontinue it.

Mr. C. N. Muthuranga Mudaliar: Are Government aware that promotion does not always depend upon merit or seniority but that considerations other than merit weigh with the authorities?

The Honourable Sir Thomas Stewart: No. I am not so aware.

Mr. K. Santhanam: May I know the proportion of people who are being promoted on grounds of efficiency alone?

The Honourable Sir Thomas Stewart: I must have notice in regard to matters of that sort.

PAY OF GRADE I CLERKS ON THE NORTH WESTERN RAILWAY.

567. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Railway Member please state how the pay scale of grade I clerk on the North Western Railway compares with that of the lowest grade clerks in offices of the Central Government situated in the Punjab?

(b) What are the qualifications required for the grade I clerk of the North Western Railway and for the other clerks referred to in part (a) above? Is it a fact that there is not much difference, and if so, how is the wide disparity in the pay scales justified?

The Honourable Sir Thomas Stewart: (a) and (b). I am afraid I am unable to reply to the Honourable Member's question unless he specifies the names of the offices of the Central Government situated in the Punjab to which he refers.

Mr. C. N. Muthuranga Mudaliar: I refer generally to all officers of the same grade?

The Honourable Sir Thomas Stewart: That information does not permit me to reply to his question.

HOURS OF DUTY OF CERTAIN CLERKS ON THE NORTH WESTERN RAILWAY.

568. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Railway Member please state what are the hours of work prescribed for the grades I and II clerks of the North Western Railway and how they compare with the offices of the Central Government situated in the Punjab?

(b) Is it a fact that station clerks on the North Western Railway have often to work more than 60 hours a week, and if so, why, and is any compensation given to them?

(c) What are the holidays, public and communal, allowed to the clerks in the offices of the Central Government in the Punjab?

(d) Are these holidays allowed to the station clerks on the North Western Railway, and is it a fact that they do not get days off even for *Id* and *Dewali*?

The Honourable Sir Thomas Stewart: (a), (c) and (d). As regards the first part of part (a), I would refer the Honourable Member to the reply given to part (a) of starred question No. 171, asked by **Mr. Lalchand Navalrai** in this House on the 8th February, 1938.

As regards the second part of part (a) and part (c) and the first part of part (d) of the question, I am afraid I am unable to reply unless the Honourable Member specifies the names of the offices of the Central Government situated in the Punjab to which he refers.

With regard to the second part of part (d), I would refer the Honourable Member to the reply to part (b) laid on the table of the House on the 31st August, 1936, in connection with starred question No. 1661, asked by **Mr. Lalchand Navalrai** on the 16th April, 1936.

(b) As regards the first part, the Hours of Employment Regulations apply also to station clerks on the North Western Railway and Government have no reasons to believe that these Regulations are infringed.

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As regards the second part, I would refer the Honourable Member to the reply given to part (e) of starred question No. 171, asked by Mr. Lalchand Navalrai in this House on the 8th February, 1938.

Prof. N. G. Ranga: What is the answer to the second part of part (d) of this question?

The Honourable Sir Thomas Stewart: I referred the Honourable Member to the reply to part (b) laid on the table of the House on the 31st August, 1936, in connection with starred question No. 1661, asked by Mr. Lalchand Navalrai on the 16th April, 1936.

AMALGAMATION OF CLERICAL GRADES ON THE NORTH WESTERN RAILWAY.

569. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Railway Member please state whether Government are prepared to consider the desirability of amalgamating grades I and II on the North Western Railway and allowing existing men in grade I to pass into grade II automatically?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply given to part (f) of unstarred question No. 288, asked by Mr. M. S. Aney in this House on the 9th March, 1936.

Mr. Lalchand Navalrai: In view of the statement made by the Honourable Member the other day on this point that there are vacancies going to be available in Grade II to which the clerks in Grade I will go, may I know from the Honourable Member whether that will apply to station clerks also?

The Honourable Sir Thomas Stewart: If vacancies occur in Grade II, then I presume the promotions will be made from Grade I.

Mr. Lalchand Navalrai: I am asking because the Honourable Member stated the other day that there are vacancies available.

The Honourable Sir Thomas Stewart: The statement I made was to the effect that there are sufficient vacancies in Grade II to provide for a reasonable flow of promotion from Grade I.

Mr. Lalchand Navalrai: That will apply to station clerks also—that is what I am asking.

The Honourable Sir Thomas Stewart: If the officers to whom the Honourable Member refers are Grade I and Grade II officers, then certainly it would apply.

Mr. Muhammad Azhar Ali: If representations are made by any of these grade officials and they are not sent to the Honourable Member but suppressed, what is the next procedure for the officials to adopt?

The Honourable Sir Thomas Stewart: That is an entirely hypothetical question.

GRIEVANCES OF CERTAIN CLERKS ON THE NORTH WESTERN RAILWAY.

570. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Railway Member please state whether there were memorials in past years, and if so, how often since 1927, regarding the lot of the grade I clerks on the North Western Railway? What was the decision of Government in respect thereof?

(b) Have Government received any memorial recently from any member or members of the grade I or grade II station clerks, and if so, what action do they propose to take?

(c) Is it a fact that officers of grade I are not provided with residential quarters near the stations and are Government aware that they are put to the necessity of travelling long distances to reach their offices? If so, do Government propose to take necessary steps to redress this grievance?

The Honourable Sir Thomas Stewart: (a) and (b). As regards the first part of part (a) Government have received more than one memorial from grade I clerks of the North Western Railway. As regards the second part of part (a) and second part of part (b), I would refer the Honourable Member to my reply given today to his starred question No. 569.

With regard to first part of part (b), the reply is in the affirmative.

(c) Government have no information. This is a matter of detailed administration within the competence of the Agent, North Western Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

Mr. C. N. Muthuranga Mudaliar: Is the North Western Railway an autonomous body that you should have no information about this?

The Honourable Sir Thomas Stewart: I do not understand what the Honourable Member means.

Mr. M. Ananthasayanam Ayyangar: My Honourable friend wants to know if you have no control over the administration that you should be unable to get information about that.

The Honourable Sir Thomas Stewart: Certainly we have a certain amount of control over the administration.

Mr. M. Ananthasayanam Ayyangar: Then what is the difficulty in getting this information?

The Honourable Sir Thomas Stewart: No difficulty.

Mr. C. N. Muthuranga Mudaliar: Is it not a fact that the higher paid officers get their quarters near the station while the lower paid men are not given any dwelling quarters?

The Honourable Sir Thomas Stewart: I have no information as to the situation of the quarters of the higher paid officials.

Mr. C. N. Muthuranga Mudaliar: Will the Honourable Member call for information and place it on the table.

The Honourable Sir Thomas Stewart: No.

Prof. N. G. Ranga: Why not?

The Honourable Sir Thomas Stewart: It does not seem to have any relevance to the question asked.

TRANSMITTING EQUIPMENT FOR BROADCASTING.

571. ***Mr. Manu Subedar:** Will the Honourable Member for Communications state:

- (a) what amount Government have spent on transmitting equipment for Broadcasting since the Broadcasting service was taken over by them;
- (b) whether the orders for transmitting equipment were placed after calling for open tenders;
- (c) if not, how they were placed;
- (d) whether Government will state the values of orders for transmitting equipment placed with various firms;
- (e) whether Government are aware that efficient transmitting equipment has been and can be built in India at a lower cost;
- (f) whether Government have made any effort to obtain locally manufactured equipment for their requirements;
- (g) whether Government will state their objections, if any, to locally manufactured equipment; and
- (h) whether Government propose to give local manufacturers an opportunity of competing for this business in future?

The Honourable Sir Thomas Stewart: (a) Rs. 16 lakhs approximately.

(b) and (c). Yes, except that in one case limited tenders were called by the High Commissioner in England.

(d) A statement giving the required information is laid on the table.

(e) No.

(f) Excepting in the case to which I have already referred tenders for the transmitting equipment were invited by the Indian Stores Department by advertisement in India in the usual manner. No Indian firm tendered.

(g) and (h). There is no objection to locally manufactured equipment if in the matter of cost and reliability it meets the requirements. These requirements, however, are, and will be, advertised by the Indian Stores Department in the usual manner and local manufacturers must tender and take their chance with the rest.

Statement showing Values of Orders placed by the Government of India for Transmitting Equipment since their taking over the Broadcasting Service.

	Rs.
1. Philips Electrical Company (India) Limited	5,91,969
2. Indian Radio and Cable Communications Company, Limited	5,09,477
3. Marconi Wireless and Telegraph Company	2,77,230
4. Standard Telephones and Cables, Limited	24,568
5. Rama Brothers, Karachi	1,28,936
6. Gramophone Company, Limited, Dum Dum	375
7. Eastern Electric Engineering Company	2,616
8. G. E. C. (India), Limited	6,389
9. Indian Cable Company	2,061
10. Associated Manufacturers' Agencies, Bombay	735
11. Balmer Lawrie and Company	27,563
12. Shaw Wallace and Company	2,344
Total	15,74,263

Mr. Manu Subedar: Does this Rs. 16 lakhs represent the total capital outlay on the radio, or is it only for the transmitting equipment?

The Honourable Sir Thomas Stewart: For transmitting equipment.

Mr. Manu Subedar: What is the total capital outlay on the radio?

The Honourable Sir Thomas Stewart: I must have notice of that. The Honourable Member asked me to supply information for transmitting equipment only.

Mr. Manu Subedar: With regard to the answer to parts (g) and (h) where the Honourable Member said that the Indian Stores Department will call for tenders in future in India, will Government consider the advisability of putting in a press note on the subject of such equipment, that if it is made in India Government would prefer it?

The Honourable Sir Thomas Stewart: No. I see no reason to depart from the ordinary stores policy that has been laid down by the Government of India.

Mr. Manu Subedar: Are Government aware that much of what is being imported, including up to a screw—everything is being imported while it can be made in this country?

Mr. Sri Prakasa: All the screws are loose!

The Honourable Sir Thomas Stewart: I am perfectly willing to take the Honourable Member's (Mr. Manu Subedar's) word for it, but the important thing is whether it can be made economically.

Prof. N. G. Ranga: Is any experiment being made by the Indian Stores Department through the Industrial Research Bureau that they have under themselves, to see whether these transmitting equipments can be manufactured in this country, and that economically?

The Honourable Sir Thomas Stewart: I must refer my Honourable friend to the representative of the Commerce Department in this House.

Mr. K. Santhanam: May I know the names of the firms whose tenders were actually accepted?

The Honourable Sir Thomas Stewart: I have already said that I am laying on the table of the House a statement giving the names.

Mr. Manu Subedar: The Honourable Member mentioned limited tenders in reply to part (b). What are limited tenders?

The Honourable Sir Thomas Stewart: As I understand it, it is that tenders are invited from a limited number of persons.

Mr. Muhammad Azhar Ali: Are these notifications published in local papers, or in the Indian and English papers only?

The Honourable Sir Thomas Stewart: Is it the intention of the Honourable Member to ask whether we publish the tenders in vernacular papers?

Mr. Muhammad Azhar Ali: Exactly.

Mr. M. Ananthasayanam Ayyangar: May I know if the High Commissioner for India tried to obtain these articles at the cheapest price in the world market?

The Honourable Sir Thomas Stewart: The practice is to invite tenders through the Indian Stores Department in India. The tender system is one which is designed to give the most favourable financial results to the purchaser.

Mr. M. Ananthasayanam Ayyangar: I ask the Honourable Member about the practice that is adopted by the High Commissioner in England in calling for open tenders.

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of this.

Mr. M. Ananthasayanam Ayyangar: That arises because the Honourable Member said that the High Commissioner called for limited tenders in England. The Government of India are purchasing through the High Commissioner in England and through the Indian Stores Department in India, and I asked what practice is adopted—whether the tenders are invited only in England, or in some other countries where these articles are manufactured, such as Germany, France, etc., so that we may have the cheapest articles in the open market in the world.

Mr. President (The Honourable Sir Abdur Rahim): You cannot argue that now.

The Honourable Sir Thomas Stewart: Sir, there is no practice so far as the High Commissioner is concerned. On one isolated occasion, he did invite tenders on the limited system. In all other cases the practice has been that tenders were invited through the Indian Stores Department and the High Commissioner had nothing to do with it.

Mr. Manu Subedar: Will the Honourable Member give the House full particulars of the tenders that were invited on that one occasion when limited tenders were called.

The Honourable Sir Thomas Stewart: If the Honourable Member will give me notice of the question, I shall consider what reply can be given.

Mr. Manu Subedar: I am asking for the information. It may be supplied later to the House and I take it that no further notice is required.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is not in possession of the information, the reply will be laid on the table in due course.

Mr. K. Santhanam: May I know whether the tender was limited to British firms or whether American and other firms were allowed to compete?

The Honourable Sir Thomas Stewart: I must ask for notice of that question.

REFRESHMENT ROOMS AND RESTAURANT CARS ON STATE RAILWAYS.

572. *Mr. Manu Subedar: Will the Honourable Member for Railways be pleased to state:

- (a) the amount of subsidy directly given towards the maintenance of first and second class refreshment rooms and restaurant cars on each of the State-owned Railway systems during the year 1937-38;
- (b) the number of restaurant cars and the capital outlay thereon for each of the State-owned railways;
- (c) the cost of maintenance and repairs in respect of restaurant cars for each of the State-owned Railways per year; and
- (d) whether Government are aware that, those, who do not like English food, both in substance and in the style of cooking, are put to a very great inconvenience and that this inconvenience is suffered largely by Indian first and second class passengers?

The Honourable Sir Thomas Stewart: (a) to (c). I have called for the information required from the Railways concerned and will lay a reply on the table when it has been received.

(d) A certain amount of inconvenience is perhaps caused to a comparatively small number of passengers. I am, however, asking Agents of certain principal railways to discuss with their respective Advisory Committees what action might suitably be taken in this matter. As the Honourable Member is doubtless aware, restaurant cars catering in Indian style are run on certain trains, and there are separate refreshment rooms for Hindus and Muhammadans. Particulars of these will be found on pages 99, 103 and 104 of the Railway Board's Report for 1936-37, Volume I.

Mr. Manu Subedar: The Honourable Member said that the inconvenience is caused to a small number. Is it because the number of the Indian passengers is small or because the people who do not like this food are few? Is the Honourable Member aware that the majority of passengers in first and second class are Indians?

The Honourable Sir Thomas Stewart: The Honourable Member's question contains the assumption that there is a considerable amount of inconvenience. That is not my information.

Mr. Manu Subedar: Is the Honourable Member aware that the majority of passengers in first and second class are Indians and not Europeans?

The Honourable Sir Thomas Stewart: I take the Honourable Member's word for it.

Mr. Manu Subedar: You ought to know.

Mr. Lalchand Navalrai: Am I to take it from the Honourable Member's reply that he is not aware that subsidies are being given to European refreshment rooms and not to Indians?

The Honourable Sir Thomas Stewart: I made no such suggestion. The question I was asked was what are the amounts of subsidies which are given. My reply was that I am having inquiries made and will produce the information in due course.

Mr. Lalchand Navalrai: May I know from the Honourable Member why when subsidies are being given to these European refreshment rooms, no subsidies are being given to Indians also?

The Honourable Sir Thomas Stewart: There is a question on that subject which will come up later in the morning.

Maulana Zafar Ali Khan: With regard to (d) may I know whether there was a dining car in the Sind Karachi Express providing Indian food and that this dining car is running no longer? Will the Honourable Member assure the House that this deficiency will be made up.

The Honourable Sir Thomas Stewart: I am obtaining full information and shall lay a statement on the table in due course.

INDIANISATION OF HIGHER OFFICES IN THE KARACHI PORT TRUST.

573. ***Mr. Manu Subedar:** Will the Honourable Member for Communications state:

- (a) whether Government have received any representation from the Buyers and Shippers Chamber at Karachi in regard to the Indianisation of higher offices in the Karachi Port Trust; and
- (b) what action Government have taken on this representation?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) None so far. It will receive due consideration when the occasion arises.

Mr. Manu Subedar: Have the Government made any inquiry into this matter?

The Honourable Sir Thomas Stewart: Inquiry into which matter?

Mr. Manu Subedar: With regard to the representation made that there was not enough Indianisation. Have Government made any inquiry as to how many officials are Indians and how many are not?

The Honourable Sir Thomas Stewart: The Government are fully aware of the number of officials who are Indian and who are not.

Mr. Manu Subedar: Will Government consider the advisability of issuing a circular to all Port Trusts on this subject of Indianisation?

The Honourable Sir Thomas Stewart: A circular, I am informed, has gone to all Port Trusts.

Mr. Manu Subedar: Will Government place the circular on the table of the House?

The Honourable Sir Thomas Stewart: I must ask for notice of that.

Mr. D. K. Lahiri Chaudhury: No information was sought and only the circular was asked to be placed on the table. I do not understand why the Honourable Member should require notice for that.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member probably wants to consider the matter.

Mr. Manu Subedar: May I know from the Honourable Member when that circular was issued?

The Honourable Sir Thomas Stewart: I am unable to give the Honourable Member the exact date when it was issued. It was a few years ago, if my memory is correct.

Mr. K. Santhanam: May I know the actual proportion of Indian officers to European officers?

The Honourable Sir Thomas Stewart: I must ask for notice again. I have not got details of that sort with me.

Mr. Manu Subedar: May I know if representations have been received after the issue of the circular, pointing out that Indianisation is not adequate?

The Honourable Sir Thomas Stewart: The representation to which reference is made in this question was received after the issue of the circular.

Mr. Manu Subedar: Have you received several other representations on the subject since the date of the circular, on the question of Indianisation generally?

The Honourable Sir Thomas Stewart: Other representations have been received.

Mr. Manu Subedar: In the light of the further representations received, will Government consider the advisability of sending a fresh circular now?

The Honourable Sir Thomas Stewart: No.

Mr. Lalchand Navalrai: Does the Honourable Member know that the Chairman of the Port Trust has always been a European and that there is a demand that that place should be given to Indians. Is the Honourable Member going to take any steps in that direction?

The Honourable Sir Thomas Stewart: In reply to part (a) of this question, I have replied that we are aware that a representation in the sense referred to by the Honourable Member has been made. When the occasion arises for making any new appointment, the matter will be given consideration as to who should be appointed.

Mr. Lalchand Navalrai: Does that circular refer to this question of the Chairman?

The Honourable Sir Thomas Stewart: No, Sir, not to the Chairman.

REDUCTION IN THE WEIGHT OF ROLLING STOCK ON RAILWAYS.

574. ***Mr. Manu Subedar:** (a) Will the Honourable Member for Railways please state whether the attention of Government has been drawn to the paper entitled "The Development of Passenger Rolling Stock" by Dr. H. J. Nichols, Bridge Engineer, Bombay, Baroda and Central India Railway?

(b) Have Government considered hitherto any proposals to reduce the weight of rolling stock by substituting aluminium for steel on the same lines on which it has been done in the United States and in two cases in the United Kingdom?

(c) Do Government propose to make a statement informing this House of the relative advantage of any haulage costs weighed against the disadvantage of heavier initial capital costs?

(d) If the reply to the above be in the negative, do Government propose to consider the same and apprise this House at an early date?

The Honourable Sir Thomas Stewart: (a) No.

(b) The possible advantages of substituting aluminium for steel in selected applications have been considered and a number of applications have in fact been made.

(c) and (d). Government are fully alive to the advantages accruing from the use of lighter rolling stock and are actively investigating the problem. The cost of haulage depends on many factors, such as gradients, speed, number of stops and starts in the service. All of which make it impossible to express in monetary terms the precise saving that can be obtained by reduction in tare weight of vehicles.

Mr. Manu Subedar: Is it the Standardisation Office of the Railway Board that is considering this matter or have the individual Railway administrations also been considering this matter?

The Honourable Sir Thomas Stewart: I understand that the subject is engaging the attention of the Standardisation Office.

Mr. Manu Subedar: Will Government consider the advisability of asking the Railway administrations also to investigate the same topic?

The Honourable Sir Thomas Stewart: I am informed that the Administrations themselves are also undertaking investigations in regard to this matter.

ENGLISHMEN, ANGLO-INDIANS AND INDIANS IN THE SERVICE OF STATE RAILWAYS.

575. ***Mr. Manu Subedar:** Will the Honourable Member for Railways state how many (a) Englishmen, (b) Anglo-Indians, and (c) Indians, are in the service of State Railways (whether managed by the State or by Company) in receipt of Rs. 400 and upwards?

The Honourable Sir Thomas Stewart: So far as the subordinates staff on State-managed Railways is concerned, I would refer the Honourable Member to the available information given in the "Classified Lists of Subordinates Staff of all departments on scales of pay rising to Rs. 250 and above", published by the Eastern Bengal, East Indian, Great Indian Peninsula and the North Western Railways. Copies of these lists are in the Library of the House.

As regards the subordinate staff on Company-managed Railways, the only information available with Government is given in statement II of Appendix 'F', pages 146 to 148 of Volume I, and the statement at page 236 of Volume II of the Railway Board's Report for 1936-37, copies of which are in the Library of the House.

In regard to Gazetted Officers, both on the State-managed and Company-managed Railways, the available information will be found in the "Classified List of State Railways Establishment and Distribution Return of Establishment of all Railways, corrected up to 31st December, 1936", a copy of which is also in the Library of the House.

Mr. Manu Subedar: My question was with regard to the people getting more than Rs. 400. The Honourable Member replied only with regard to the people getting more than Rs. 250. So I do not consider the information given as adequate. I know that between Rs. 250 and Rs. 400 there are many Indians, but you have excluded Indians above Rs. 400.

The Honourable Sir Thomas Stewart: I have referred the Honourable Member to the available information given in the Classified List of the subordinate staff of all Departments on scales of pay rising to Rs. 250 and above.

Prof. N. G. Ranga: Is the Honourable Member aware that in this question no mention is made of people who are paid Rs. 250 and less?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not followed the answer at all; the Honourable Member has said that there is a compilation in which the list is given of subordinates drawing pay rising to Rs. 250 and above. That includes Rs. 400 and above.

Prof. N. G. Ranga: I submit for your consideration, Sir, that the Honourable Member has given in the initial part of his answer an answer to the effect that such and such records should be referred to in regard to the number of officers employed on salaries below Rs. 250, but no such information has been asked for?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not followed the answer.

Prof. N. G. Ranga: I submit he has not answered the question, Sir.

Mr. President (The Honourable Sir Abdur Rahim): He has answered the question.

Mr. K. Santhanam: May I know if there are any insuperable difficulties in getting particulars of men drawing salaries of over Rs. 400,—according to the question?

The Honourable Sir Thomas Stewart: I have told the Honourable Member where he may find the particulars of establishment drawing pay up to Rs. 250 and above.

Mr. K. Santhanam: I am asking whether there are any insuperable difficulties in giving the precise information asked for as regards salaries above Rs. 400.—not for salaries of Rs. 250 and above.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given the answer. He has referred to the book where you can get the information.

Mr. K. Santhanam: Here the information asked for, Sir, is for salaries of Rs. 400 and upwards?

Mr. President (The Honourable Sir Abdur Rahim): If the information is there, that is quite sufficient. I consider that that is a sufficient answer.

RECOGNITION OF THE ASSAM-BENGAL EXTRA-DEPARTMENTAL POSTAL AND RAILWAY MAIL SERVICE ASSOCIATION AND GRIEVANCES OF THE EXTRA-DEPARTMENTAL EMPLOYEES.

576. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Communications (Postal) please state:

- (a) if Government are aware of the existence of the Assam Bengal Extra-Departmental Postal and Railway Mail Service Association;
- (b) if Government are ready to recognise this association;
- (c) if Government are aware of the following grievances of the Extra-Departmental employees:
 - (i) they do not get any opportunity to represent their grievances before superior officers who very often turn a deaf ear to their grievances, and
 - (ii) to most of employees the postal employment is the main source of income and not supplementary;
- (d) if the reply to sub-part (c) (ii) be in the negative, whether Government propose to hold an enquiry to ascertain to what extent the income from employment in Post Office is supplementary income only;

(e) if Government are prepared to consider a revision of the pay of extra-departmental officers; and

(f) if Government are prepared to consider the desirability of removing the age bar for departmental examinations in case of extra-departmental employees?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No application for recognition has been received from this association.

(c) (i) and (ii). No.

(d) No.

(e) Extra-departmental agents do not receive any pay. Their allowances are fixed after due consideration of the amount of work and attendance involved in each case, and Government see no justification for a revision of the allowances.

(f) No, Sir.

Dr. Sir Ziauddin Ahmad: May I ask if it is in the interest of efficient working that extra-departmental men are employed in the postal services?

The Honourable Sir Thomas Stewart: The Honourable Member asks me for an expression of opinion, I think.

Mr. President (The Honourable Sir Abdur Rahim): That is asking for an expression of opinion.

Prof. N. G. Ranga: With regard to the answer to part (e), will Government consider the advisability of raising these allowances that are being made to these extra-departmental officers?

The Honourable Sir Thomas Stewart: No, Sir.

Prof. N. G. Ranga: Sir, have Government received any representations from these extra-departmental employees in post offices to the effect that their allowances should be increased?

The Honourable Sir Thomas Stewart: Sir, the question of representations does not, I submit, arise out of the answer I have given.

PROPOSAL TO RUN THE SIND EXPRESS VIA MULTAN.

577. ***Bhai Parma Nand:** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that Multan is one of the most important cities in the Punjab and that it is a place of pilgrimage noted for commerce and it has got a Cantonment?

(b) Is it a fact that the Municipal Committee of Multan made an application to the Railway authorities to run Sindh Express via Multan in the interest of the City?

(c) Is it a fact that the Railway authorities have declined to listen to their request?

(d) If the answers to parts (a), (b) and (c) be in the affirmative, are Government prepared to make an enquiry into the case and reconsider their decision?

The Honourable Sir Thomas Stewart: (a) Government are aware of the importance of Multan.

(b) The Agent of the North Western Railway states that no application has been received from the Municipal Committee.

(c) and (d). Do not arise. The Agent has, however, explained that Multan is already adequately served by the 43 Up and 44 Down Express trains and 7 Up and 8 Down Karachi Mails which pass that station at convenient hours and provide suitable services to and from Lahore and Karachi. The diversion of other trains, via Multan, would increase the time taken between Karachi and Lahore, resulting in later arrivals at these two important centres and would be inconvenient for the through traffic for which these trains principally run.

Mr. Lalchand Navalrai: May I know if this question will be placed before the Local Advisory Committee?

The Honourable Sir Thomas Stewart: Sir, I will send a copy of the question and of the reply to the Agent of the Railway for consideration whether it should or should not be placed before the Local Advisory Committee.

REVISED SCALES OF PAY APPLIED TO RECORD SORTERS OF THE OFFICE OF THE POSTMASTER GENERAL, PUNJAB AND NORTH-WEST FRONTIER CIRCLE.

578. ***Bhai Parma Nand:** (a) Will the Honourable Member for Communications be pleased to state if it is a fact that some of the record suppliers (engaged in semi-clerical duties) employed in the office of the Postmaster General, Punjab and North-West Frontier Circle, Lahore, used to draw their pay in scale of Rs. 45—4—85, sanctioned by the Government of India in their letter No. 11-P.-T.-E., dated the 13th July, 1929, till 1932, but were brought on to the revised scale of pay, viz., Rs. 20—1—40 afterwards? Was the previous sanction of the Governor General in Council obtained to the application of the revised scale?

(b) Is it a fact that the scale of Rs. 20—1—40 was sanctioned by the Government of India for the record-lifters employed in the office of the Director General of Posts and Telegraphs only, and if so, why it has been fixed for the record suppliers as well? Are Government prepared to remove the hardship of the sufferers?

The Honourable Sir Thomas Stewart: (a) Two of the record suppliers employed in the office of the Postmaster General, Punjab and North-West Frontier Circle, were incorrectly granted the scale of Rs. 45—4—85 referred to. That scale of pay was intended for men performing semi-clerical duties in addition to their ordinary work of record suppliers. It was found on examination that there was no difference, between the work of the record suppliers in the Circle Office at Lahore and that of record suppliers in the Director-General's office and in the Secretariat where the scale for such persons is Rs. 20—1—40. Opportunity was, therefore, taken on the retirement of the two men on the scale of Rs. 45—4—85 on the 1st

September, 1932, to reduce the scale for record suppliers to Rs. 20—1—40. No previous sanction of the Governor General in Council was called for.

(b) The reply to the first part is in the negative. The last part does not arise.

DISTINCTION BETWEEN LITERATE AND ILLITERATE CLEANERS AND FIREMEN ON THE NORTH WESTERN RAILWAY.

579. ***Bhai Parma Nand:** (a) Will the Honourable Member for Communications be pleased to state if it is a fact that in 1928, the Railway authorities were pleased to make some distinction between literate and illiterate cleaners and firemen in grades I and II and decided to give some sort of preference to literate cleaners and firemen over illiterate ones?

(b) Is it a fact that a circular letter No. 177-E.-15, dated the 24th August, 1928, was issued by the Agent, North Western Railway, to all Divisional Superintendents under him to the effect that in future, while filling up vacancies on the list of cleaners and firemen, endeavours should be made to recruit at least 50 per cent. men sufficiently literate in English, so that they should eventually be promoted to shunters in this grade?

(c) Is it a fact that subsequently it was decided by the North Western Railway administration that, in future, promotions of cleaners to firemen and firemen to shunters should be made in the ratio of 50 per cent. from literate cleaners and firemen, respectively, and to give effect to this, separate seniority lists of literate and illiterate persons were maintained in all the Railway offices?

(d) Is it a fact that in certain cases promotions were made according to the above ratio?

(e) Is it a fact that in 1933 these orders were cancelled? If so, can the Railway administration state any special reasons for discontinuing this mode of preference?

(f) Is it a fact that the Railway Administration no longer accord preferential treatment to literate cleaners and firemen over the illiterate ones?

(g) Are the Railway Administrations prepared to consider this question again? If so, when and, if not, why not?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

PROMOTIONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

580. ***Mr. Umar Aly Shah:** (a) Will the Honourable the Railway Member please state if it is a fact that in the Railway Clearing Accounts Office promotions are generally governed by the discretionary powers of the Director and not according to the ordinary rules of seniority?

(b) Is it also a fact that representations against such out-of-turn promotions were made by the clerks affected to the Director and higher authorities but with no result? Will Government please state if they propose to take some action to put a stop to such practice?

The Honourable Sir Thomas Stewart: (a) Promotion in the Railway Accounts Department is made at every stage by merit, due regard being paid also to seniority; the authority empowered to make promotions, viz.,

the Director, Railway Clearing Accounts Office, in the case referred to, has to exercise his powers in accordance with this principle.

(b) All representations received from the staff have been given due consideration both by the Director and by higher authorities, where necessary; Government are satisfied that no action on their part is necessary.

Dr. Sir Ziauddin Ahmad: Are these promotions given on the ground of seniority, or efficiency, or one or the other according to the sweet will of the officer?

The Honourable Sir Thomas Stewart: The considerations taken into account are merit and seniority.

Prof. N. G. Ranga: In view of the fact that more than seven hundred people are employed in this office, may I ask why Government has not appointed a selection committee in order to look into this question of promotion—instead of leaving it to the discretion of these Directors?

The Honourable Sir Thomas Stewart: Sir, there is no reason in the world why they should not leave the question of promotion to the discretion of the Director.

Prof. N. G. Ranga: Sir, is it not resulting in a lot of nepotism and too much favouritism and discrimination?

The Honourable Sir Thomas Stewart: No, Sir. I repudiate the insinuation made by my Honourable friend.

Mr. M. Ananthasayanam Ayyangar: May I ask whether in cases where seniority is overlooked, those cases are examined by the Government?

The Honourable Sir Thomas Stewart: No, Sir.

Dr. Sir Ziauddin Ahmad: In case any person is passed over on the ground of efficiency, though he is senior, is his case examined by any higher official?

The Honourable Sir Thomas Stewart: He has the right of appeal to higher authority.

Lieut.-Colonel Sir Henry Gidney: Which is given preference in making a selection—seniority or merit?

The Honourable Sir Thomas Stewart: Merit is the first consideration.

Lieut.-Colonel Sir Henry Gidney: Is it not a fact that the unbridled use of merit by some selecting officers throws open the flood gates to nepotism?

The Honourable Sir Thomas Stewart: That is a matter of opinion.

Mr. M. Ananthasayanam Ayyangar: To whom does the appeal lie from the action of the Director?

The Honourable Sir Thomas Stewart: To the Controller of Railway Accounts.

Dr. Sir Ziauddin Ahmad: Was not the assurance given on the floor of the House that, whenever any person is passed over because of his inefficiency, his case will ultimately be examined by the higher authorities and not as a result of appeal only?

The Honourable Sir Thomas Stewart: I am not aware of any such general assurance.

PROMOTIONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

581. ***Mr. Umar Aly Shah:** (a) Will the Honourable the Railway Member please state whether it is a fact that the posts of Sub-heads are governed by selection in the Railway Clearing Accounts Office and three selections of Sub-heads have taken place from 1928 to 1934?

(b) Is it also a fact that one general list of the three selections was drawn up, incorporating the names of all clerks selected for promotion to the rank of Sub-head, whether selected in 1928, 1930 or 1934 selections in the order of seniority as required *vide* sub-paragraph 2 of paragraph 152, page 67, Railway Clearing Accounts Office Manual, Volume I?

(c) Is it a fact that from 1928 till February, 1937, promotions in the Sub-heads grade were made from amongst the selected candidates of 1928, 1930 and 1934 strictly in the order of seniority?

(d) Is it a fact that the present Director has changed the past order and has set up a new formula to promote the Sub-heads according to the length of officiating service, with no regard to seniority or equal efficiency and has reverted all the senior men who were officiating before and most of whom have put in 20 or 25 years service and have been replaced by their juniors?

(e) Is it also a fact that a representation against this order was made by the senior men affected in August, 1937, and no action has so far been taken? Will Government please state if they propose to redress the grievances of the suppressed senior men and issue general instructions to the authorities that promotions to higher grades be made strictly in the order of seniority with due regard for efficiency?

The Honourable Sir Thomas Stewart: (a) The answer to the first part is in the affirmative. As regards the second part, I would observe that the Director, Railway Clearing Accounts Office, prepares at intervals, in consultation with his officers, lists of candidates who are considered *prima facie* fit for promotion to the rank of Sub-heads, and that he prepared three such lists in the period referred to.

(b) Yes.

(c) No.

(d) No. In making promotions from the approved list the Director takes into account the relative merits of the persons concerned; and one of the factors that he has to consider is the length of experience as Sub-head. As a consequence, men, who are selected to act as Sub-heads earlier, may continue to act, or get confirmed, as such, in preference to men who are selected for promotion later, notwithstanding the fact that the latter may have put in longer service as clerks, *i.e.*, in lower ranks than Sub-heads.

(e) A representation was submitted by the staff to the Controller of Railway Accounts, requesting him to issue orders that promotions to the grade of Sub-heads should be made on the basis of seniority alone, and the Controller of Railway Accounts has recently passed orders negating the request. Government are not prepared to interfere with the orders passed by the Controller of Railway Accounts.

Prof. N. G. Ranga: Will Government consider the advisability of seeing that the Controller of Railway Accounts periodically reviews the manner in which the selections are being made and the promotions are being made in this office?

The Honourable Sir Thomas Stewart: It is one of the functions of the Controller of Railway Accounts to control the officers who are under him.

Prof. N. G. Ranga: How often does he review the promotions that are being made in his office by the Director?

The Honourable Sir Thomas Stewart: I cannot give the Honourable Member that information. If he wants it, he can give notice.

PROMOTIONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

582. ***Mr. Umar Aly Shah:** (a) Will the Honourable the Railway Member please state how many out-of-turn promotions and confirmations in class I and Sub-heads grade have taken place in the Clearing Accounts Office from January, 1937, to January, 1938?

(b) Is the Financial Commissioner, Railways, prepared to intervene and call for papers and reverse the orders passed for confirmations and officiating chances in the class I and Sub-heads grade?

The Honourable Sir Thomas Stewart: (a) During the period in question seven confirmations were made in the grade of sub-heads. As I have already indicated in my reply to part (d) of question No. 581 which I have just answered, promotion to the grade of sub-heads is made by selection; the question of promotions out-of-turn does not, therefore, arise. During the same period 16 confirmations were made in class I; and out of these 12 were made in the strict order of seniority, the remaining four being made out-of-turn on the merits of each case.

(b) Government see no reason to intervene in the matter.

Prof. N. G. Ranga: Is there any annual report being made by the Controller of Railway Accounts about this office and the way in which these promotions are made?

The Honourable Sir Thomas Stewart: I have already said that I must have notice of the detailed nature of the control that is exercised by the Controller of Railway Accounts.

Dr. Sir Ziauddin Ahmad: In part (b) of the question, it is definitely asked whether the Financial Commissioner has examined these papers. They do not ask whether the Government would interfere in the matter. May I know whether the Financial Commissioner has examined the papers?

The Honourable Sir Thomas Stewart: Well, Sir, the Financial Commissioner is not independent of the Government of India and if I have said that the Government of India see no reason to intervene, the Honourable Member may take it that the Financial Commissioner will not intervene against our wishes.

Dr. Sir Ziauddin Ahmad: Have the Government of India given instructions to the Financial Commissioner not to examine the papers of those candidates who have been passed over simply because of their inefficiency?

The Honourable Sir Thomas Stewart: No, Sir; the Government of India have given no such definite instructions.

Mr. M. Ananthasayanam Ayyangar: In view of the fact that a large number of representations have been made complaining of nepotism, do the Government propose to review this at least now?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Muhammad Azhar Ali: Will the Financial Commissioner receive representations to this effect now?

The Honourable Sir Thomas Stewart: Certainly the Financial Commissioner will receive representations though I cannot imagine that any good purpose will be served by forwarding them.

Prof. N. G. Ranga: Why is it that in spite of the repeated representations being made to the Government of India containing so many complaints about the management of this Railway Clearing Accounts Office, Government have refused to review the manner in which this office is managed and have refused to intervene?

The Honourable Sir Thomas Stewart: Government have never refused to review the management of the office.

PROMOTIONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

583. ***Mr. Umar Aly Shah:** (a) Will the Honourable the Railway Member please state if it is in the knowledge of Government that 50 per cent. of the vacancies in the Sub-heads' grade are being given to Appendix D men in the Railway Clearing Accounts Office? Is it not contrary to the orders on the point?

(b) Does the Financial Commissioner, Railways, propose to issue clear and definite orders that promotions to higher grades be made strictly in the order of seniority with no reservation for any class?

The Honourable Sir Thomas Stewart: (a) Government are satisfied that the Director, Railway Clearing Accounts Office, is making the promotions in question strictly in accordance with the orders issued to him, namely, that he must select the men for promotion to this grade so as to secure a high standard of efficiency.

(b) Government are not prepared to issue orders that promotions should be made on the basis of seniority alone.

Mr. M. Ananthasayanam Ayyangar: May I ask how many cases the Government have investigated after these complaints were made to satisfy themselves that the Director was acting according to the rules?

The Honourable Sir Thomas Stewart: I must have notice of questions involving details of the sort referred to.

Mr. M. Ananthasayanam Ayyangar: The Honourable Member said that the Government are satisfied and therefore I would like to know if there has been a single case in which investigation has been made to find out if the complaints were frivolous?

The Honourable Sir Thomas Stewart: If the Honourable Member wants details, he must give notice.

Mr. M. Ananthasayanam Ayyangar: On what basis does the Honourable Member say that the Government are satisfied that these complaints are groundless and the Director's report is correct without examining cases?

The Honourable Sir Thomas Stewart: Government have no reason to believe that the Controller of Railway Accounts is performing other than his duty.

Mr. M. Ananthasayanam Ayyangar: Then, what is the object of making complaints to the Government when they sit with folded hands and take it for granted

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss the matter.

Mr. M. Ananthasayanam Ayyangar: I am only asking the question on what grounds does he think that the Director has acted according to the rules?

Mr. President (The Honourable Sir Abdur Rahim): It is a question for debate.

INCOME OF RAILWAYS FROM TOURIST TRAFFIC.

584. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Railways please state:

- if any attempt has been made in recent years to estimate the income to Railways from tourist traffic;
- if so, what is the estimated income;
- if the tourist traffic is increasing or decreasing;
- the amounts spent in the last five years on propaganda to encourage tourists traffic in the continent of Europe, America and London, separately; and
- from which of the three countries, England, America, and the continent of Europe, the largest number of tourists comes?

The Honourable Sir Thomas Stewart: (a), (b), (c) and (e). Endeavours have been made to ascertain the volume of tourist traffic to India and the revenue accruing to Railways therefrom, but it has been found impossible

to get the necessary particulars on which any reasonable estimate could be framed. Such information as is available is published in the Annual Reports of the Central Publicity Bureau, Indian State Railways, copies of which are in the Library of the House.

(d) I am placing on the table a statement showing the expenditure of both the London and New York Bureaux for the last five years. The London Bureau is responsible for propaganda in Europe generally.

Statement.

Year.	London.	New York.	Total.
	Rs.	Rs.	Rs.
1932-33	79,435	2,08,659	2,88,094
1933-34	92,883	1,85,863	2,78,746
1934-35	1,11,000	1,49,000	2,60,000
1935-36	1,36,000	1,66,000	3,02,000
1936-37	1,52,000	1,52,000	3,04,000
Total	5,71,318	8,61,522	14,32,840

Mr. T. S. Avinashilingam Chettiar: Are Government satisfied that the amount spent on propaganda is amply repaid by the tourists who visit this country?

The Honourable Sir Thomas Stewart: The decision recently taken by the Government of India has been that the amount expended on the New York Bureau was probably not worth while. As regards the London Office, they consider that it is worth while incurring the expenditure which they now incur.

Mr. Brojendra Narayan Chaudhury: Is there any return prepared showing the amount that India gets from the tourists who come from America?

The Honourable Sir Thomas Stewart: I have already said that I am unable to form anything like an accurate estimate of the number of tourists that visit this country.

LICENCE FEES CHARGED FROM REFRESHMENT ROOMS AT DELHI.

585. ***Dr. Sir Ziauddin Ahmad:** (a) Is it not a fact that the Honourable the Railway Member repeatedly gave assurance on the floor of the House and in the Standing Advisory Committee that the taxes are levied on vendors and stalls on Railway stations not for increasing income, but for disciplinary reasons and at reasonable rates?

(b) Will Government please state the amount of the licence fee now charged from

- the Hindu Refreshment Room,
- the Muslim Refreshment Room, and
- the European Refreshment Room.

at Delhi central station?

(c) On what basis are these licence fees charged?

(d) In case the licence fees are charged on the income of the Refreshment Room, will Government please state whether the licence fee is charged on net income or on gross income?

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(c) What is the net income and gross income of these three stalls on which licence fee has been calculated? What is the amount of licencing fee?

The Honourable Sir Thomas Stewart: (a) I have not been able to trace any assurance of the nature referred to.

(b) (i). Rs. 7,025 per annum. The contract in this case includes the sale of Hindu sweetmeats, bread and tea on the platform.

(ii) None at present, but it is proposed to levy a fee of Rs. 70 per mensem from the 1st April, 1938.

(iii) None. The contract is held by a firm who are also the general catering contractors for other refreshment rooms, some of which are remunerative and others are not.

(c) and (d). In the case of the Hindu refreshment room at Delhi, the amount recovered accords with the offer made by the contractor, which incidentally was not the highest received when the combined contract was put to tender.

In the case of the Muslim refreshment room, the amount is based on what the Administration consider after investigation to be a reasonable charge, having regard to the amount of business done.

(e) Particulars of income are not available. The reply to the latter part of the question is given in my answer to part (b).

Maulana Zafar Ali Khan: May I know why this invidious distinction in favour of European refreshment rooms in the matter of levy of licensing fees?

The Honourable Sir Thomas Stewart: In my reply to part (b) (iii), I have given the reason for the distinction.

Mr. T. S. Avinashilingam Chettiar: I did not follow the reply he gave to that part. Will the Honourable Member please repeat that answer?

Mr. President (The Honourable Sir Abdur Rahim): If Honourable Members carry on conversation among themselves or if they are otherwise engaged, how could they hear the answers when they are read out?

Mr. Manu Subedar: Will the Honourable Member please state what money is now being received from the Wheeler Bookstall?

The Honourable Sir Thomas Stewart: That, I submit, Sir, does not arise.

Mr. Manu Subedar: It is covered by part (a) of the question.

The Honourable Sir Thomas Stewart: I think the Honourable Member had better give notice of the question.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the licensing fee is supposed to be not a source of income to the railway administration? If so, is a sum of Rs. 7,500 supposed to be good licensing fee?

The Honourable Sir Thomas Stewart: The reasonableness of that figure must be viewed in relation to the turn over of the stalls in respect of which it is paid.

(b) WRITTEN ANSWERS.

CONTRACTS FOR TEA STALLS AND REFRESHMENT ROOMS, ETC., ON THE EAST INDIAN RAILWAY.

586. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member please state whether it is not a fact that in some divisions of the East Indian Railway the contracts are given to the highest bidder by inviting tenders?

(b) Is it not contrary to the promises of the late Railway Member?

(c) Will Government state their definite policy applicable to all the Railways about giving contracts to tea stalls, small vendors and refreshment rooms?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to page 35 of Appendix A to the Railway Board's Memorandum (No. 357-T., dated the 11th September, 1936) for the meeting of the Central Advisory Council for Railways.

(b) I have not been able to trace any promises made by my predecessor.

(c) I would refer the Honourable Member to my reply in this House on the 23rd February, 1938, to the debate on catering contracts initiated on Sir Abdul Halim Ghaznavi's motion for a reduction in the demand under the head "Railway Board".

CONTRACT FOR ARTICLES OF DIFFERENT VARIETY AT DELHI RAILWAY STATION.

587. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member please state whether it is a fact that the contract of articles of different variety at Delhi central station is given to the same person?

(b) Is it not a fact that these vendors give sub-contract either on commission basis or fixed amount?

The Honourable Sir Thomas Stewart: (a) On the assumption that the Honourable Member's question refers to contracts for the sale of various articles of sweetmeats, tea, bread, etc., the reply is in the affirmative.

(b) The Agent, North Western Railway, states that he is not aware of any proved cases of sub-letting.

SUB-CONTRACT OF THE HINDU TEA STALL AT LAKHSAR.

588. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable the Railway Member please state whether it is a fact that the contractor of Hindu Tea stall at Lakhisar gave a sub-contract to Mr. Joti Pershad?

(b) Is it not a fact that the Railway Administration wanted Joti Pershad to vacate the stall, but he refused to do so on the ground that he had no direct contract with the Railway?

(c) What action did the Railway Administration take in the matter?

The Honourable Sir Thomas Stewart: (a) The contract was sub-let to Messrs. Kanshi Ram Joti Pershad.

(b) and (c). Messrs. Kanshi Ram Joti Pershad were advised that, as the sub-letting was in violation of the agreement with the contractor, the latter's contract for the tea stall had been terminated, and the Administration could not recognise the sub-letting. I am, however, enquiring from the Agent, East Indian Railway, what developments there were in this matter, and will place a further reply on the table of the House in due course.

LOWERING OF FREIGHT ON GROUNDNUT KERNEL FROM CERTAIN STATIONS TO VIZAGAPATAM ON THE BENGAL NAGPUR RAILWAY.

589. ***Mr. K. S. Gupta:** (a) Will the Honourable Member for Railways and Communications be pleased to state whether he is aware that hundreds of boatmen, several hundreds of cartmen and labourers of the Port of Bimlipatam are to be thrown out of employment by the lowering of freight on groundnut kernel by the Bengal-Nagpur Railway from—

- (1) Vizianagram to Vizagapatam wharf, and
- (2) Chicacole Road to Vizagapatam wharf?

(b) Is it done to improve the financial condition of the major port of Vizagapatam?

The Honourable Sir Thomas Stewart: (a) Allegations on these lines have been made in representations submitted to the Government of Madras.

(b) The Agent of the Bengal Nagpur Railway states that the reduction was made on the representation of merchants at Vizianagram who offered to rail their traffic to Vizagapatam Port, instead of carting it to Bimlipatam, if a rate of one anna per maund were quoted.

GRANT OF REBATE ON KERNELS EXPORT DUES AT VIZAGAPATAM HARBOUR.

590. ***Mr. K. S. Gupta:** (a) Will the Honourable Member for Railways and Communications please state whether it is a fact that the Vizagapatam Harbour authorities are granting a rebate of 50 per cent. on kernels export dues to all the shippers over 4,000 tons?

(b) Is it not a fact that the export dues come to annas ten per ton due to such granting of rebate?

(c) If so, is it not very low when compared to the export dues in other major ports of India?

(d) Is it not a fact that the port of Vizagapatam exports 600,000 tons a year and Bimlipatam Port exports only 25,000 tons?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Yes, when the quantity exported by any shipper is in excess of 4,000 tons in any year.

(c) No.

(d) Exports from the port of Vizagapatam during the year 1936-37 totalled 4,36,255 tons but groundnuts only accounted for 27,228 tons. I have no information as to the amount of the total export trade of the Port of Bimlipatam but exports of groundnuts amount to about 20,000 tons per annum.

FREQUENT AND DRASTIC REDUCTIONS IN FREIGHT ON THE BENGAL NAGPUR RAILWAY.

591. ***Mr. K. S. Gupta:** (a) Will the Honourable the Railway Member please state whether it is a fact that the commercial officer of the Bengal-Nagpur Railway held a meeting of merchants etc., in Vizianagram very recently and held hopes to further reduce the freight to eight pies per maund from one anna per maund?

(b) If so, what is the object of such frequent and drastic reductions at such short intervals?

(c) Do Government propose to see that the original rate in freight is restored?

The Honourable Sir Thomas Stewart: (a) The District Commercial Officer of the Bengal Nagpur Railway held a meeting at Waltair of merchants interested in groundnut traffic from Vizianagram to Vizagapatam Port when the groundnut exporters asked for a reduction of four pies per maund in the existing rate. This matter is under consideration by the Administration.

(b) Such reductions as have been made are intended to bring additional traffic to the railway.

(c) The matter is under consideration.

PAUCITY OF ORIYAS ON THE BENGAL NAGPUR RAILWAY.

592. ***Pandit Nilakantha Das:** (a) Will the Honourable the Railway Member please state whether it is a fact that the number of Oriya employees is insignificant in Traffic and Catering Departments, including even the station porters and their contractors in that portion of the Bengal-Nagpur Railway which passes through Oriya lands?

(b) What portion of the Bengal-Nagpur Railway passes through Oriya lands and what is the proportion of Oriyas in the employ of the Railway in:

- (1) passenger traffic,
- (2) goods traffic, and
- (3) catering:
 - (i) Hindu,
 - (ii) Muhammadan,
 - (iii) Departmental?

The Honourable Sir Thomas Stewart: As regards (a) and second part of (b), Government have no information. The recruitment of employees and the selection of contractors are matters within the competence of the Agent, Bengal Nagpur Railway, which is Company-managed.

As regards first part of part (b) the Bengal Nagpur Railway has about 500 miles in the Province of Orissa.

RECRUITMENT OF ORIYAS AS PASSENGER CANVASSERS ON THE BENGAL NAGPUR RAILWAY.

593. ***Pandit Nilakantha Das:** (a) Will the Honourable Member for Railways please state whether it is a fact that passenger canvassers are being and are to be appointed in Bengal-Nagpur Railway? How many have already been appointed? How many are Oriyas?

(b) What was the manner and method of recruitment and by whom was it made?

(c) Was it by advertisement on the basis of any qualification?

(d) Were the men recruited by promotion, or selection from among the old employees?

(e) Were there Oriya candidates? If so, who are they and what is their qualification?

(f) How many are still to be appointed and in what manner or method?

(g) Is it a fact that this appointment was contemplated and created under recommendations of the newly appointed development officer, and is it also a fact that he is the *de facto* appointing authority and also the man who was responsible for the manner and method of selecting men for these posts?

(h) Are Government prepared to see that Bengal-Nagpur Railway administration recruit passenger canvassers from among men of the area through which the railway passes, and from among those particularly who are expected to know best the location and local festival, etc., which attract pilgrims?

(i) Do Government propose to see that adequate number of Oriya passenger canvassers are recruited in the new service created for the purpose?

The Honourable Sir Thomas Stewart: (a) to (i). These are matters of detailed administration on which Government have no information. The staff employed on this railway are not Government servants but are the servants of the Bengal Nagpur Railway Company.

I am, however, sending a copy of the question to the Agent of that Railway for such action as he may consider necessary.

NON-STOPPAGE OF 118 DOWN FAST PASSENGER TRAIN AT DELHI-SHAHDARA ON THE 20TH JANUARY, 1938.

594. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways state:

(a) if it is a fact that the 118 Down Fast Passenger train from Delhi is scheduled to stop at Delhi-Shahdara;

(b) if it is a fact that it did not so stop on the 20th January;

(c) if this involved any risks to passengers owing to the timings of other trains running over the line at the same time;

(d) who is responsible for the non-stopping of the train on that date; and

(e) what action, if any, Government have taken in the matter?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) No. The section of the line was not occupied by any train and "line clear" had been obtained for 118 Down to proceed.

(d) The station master on duty at Delhi-Shahdara and the driver of the train have been held jointly responsible.

(e) I understand the Administration are taking disciplinary action, and Government's interference in the matter is not called for.

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

595. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways state:

(a) how many air-conditioned coaches, and of which classes, are running on the various lines at the present day;

(b) what is the extra charge levied for the same;

(c) if there is any proposal for making any third class coaches air-conditioned; and

(d) if there is any movement to make the saloons of Executive Councillors air-conditioned; if not, why not?

The Honourable Sir Thomas Stewart: (a) Five full I class air-conditioned coaches run between Bombay and Howrah and one coach with only three I class compartments air-conditioned runs between Bombay Central and Delhi.

(b) The surcharge per passenger travelling in air-conditioned coaches is:

(i) Between Bombay V. T. and Howrah.—Rs. 2 per 100 miles, or Rs. 26/8/- from Bombay to Howrah. This includes the supply of bedding to passengers:

(ii) between Bombay Central and Delhi.—Rs. 5 for any portion of the journey between Bombay Central and Delhi. The adequacy of this charge is under consideration.

(c) The Honourable Member is referred to the reply given on 24th February, 1938, to part (c) of Mr. Avinashilingam Chettiar's starred question No. 467.

(d) There is no proposal at present to air condition the Executive Councillors' saloons.

INCOME FROM AIR-CONDITIONED CARRIAGES ON RAILWAYS.

596. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways state:

(a) what extra income, if any, was derived from air-conditioned coaches during the time, month by month, that these coaches have been run; and

(b) if Government are satisfied that the outlay on the same has been justified by results?

The Honourable Sir Thomas Stewart: (a) The running of air-conditioned coaches on the Bombay-Howrah service was commenced on December 1st, 1937. Excluding earnings derived from intermediate bookings, which are not at present available, the actual earnings derived from the surcharge levied for travel in these carriages amounted to Rs. 5,685 during the month of December, 1937, and Rs. 6,838 during the month of January, 1938.

(b) The coaches have not yet been in service for a sufficiently long period for Government to formulate a definite opinion. The results obtained to-date indicate that the outlay is likely to be justified.

EXPEDITION INTO SNOWY MOUNTAIN REGIONS IN INDIA.

597. ***Mr. Sri Prakasa:** Will the Foreign Secretary state:

- (a) if permission has recently been given to any foreign expedition to go into any snowy mountain regions within the jurisdiction of the Government of India, and if so, to whom;
- (b) if Government have made sure that there is no danger to the lives of these foreigners;
- (c) if it is a fact that a number of Indian labourers accompany such expeditions and whether Government are making sure by proper physical examination and otherwise that those who are to accompany these expeditions are fully capable of bearing the hardships involved; and
- (d) if Government propose to make sure that the expeditions that take these labourers with them, assure their dependents of adequate compensation in case there should be accidents?

Sir Aubrey Metcalfe: (a) Permission has been given to a German Expedition to attempt the ascent of Nanga Parbat this summer.

(b) No. There is always some element of risk in mountaineering expeditions.

(c) The porters employed by such expeditions are carefully selected through mountaineering experts, who make sure that they possess the physical and other qualities necessary for the work they are expected to do.

(d) Government fully recognise the desirability of such arrangements and so far as they are aware adequate compensation has always been paid, when accidents have unfortunately occurred.

ACCIDENT TO A HAJ PILGRIM TRAVELLING BY THE KARACHI MAIL TRAIN.

598. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** Will the Honourable Member for Railways please state:

- (a) if it is a fact that a passenger going for Haj pilgrimage by the Karachi mail train fell out of the carriage on the night between the 20th and 21st January, 1938, and expired, being unattended;
- (b) if it is a fact that the alarm signal chain of the train was not in working order and that, in spite of the fact that the chain was pulled with great strength by the passenger to stop the train, it did not stop? If so, has any action been taken against those responsible for seeing and maintaining the train and its various parts and instruments in order; and

- (c) whether an article published in the *Khadim Kaaba* of Lahore, dated the 4th February, 1938, under the heading "*Railway walon ki qabil muakhiza ghaflat*" was brought to the notice of Government and whether Government have made any enquiries about the facts stated in the article and taken any action against those responsible? If so, what is the result of the enquiries made and the action taken?

The Honourable Sir Thomas Stewart: (a) The guard of 8 Down Lahore-Karachi Mail reported to the station master at Ghotki that, at about 9-50 P.M. on the 21st January, 1938, a passenger had fallen out of the train between Sarhad and Ghotki. A search was made by the Permanent Way Inspector and a travelling police constable, by trolley, and the dead body of an old Muhammadan gentleman was found between the stations named. The travelling police constable remained in charge of the body.

(b) No. The guard of the train reported that the alarm chain had been pulled by a passenger in a third class compartment and the train stopped at mile 333. The passenger, who pulled the chain, stated that the man fell out of the train while he was washing his hands. No complaint was made of failure to operate the alarm chain.

(c) The reply to the first part is in the affirmative, and in view of my reply to parts (a) and (b), the second part does not arise.

BOGIE CARRIAGES ON RAILWAYS.

599. ***Babu Kailash Behari Lal:** Will the Honourable the Railway Member be pleased to state:

- (a) the total number of bogie carriages, both broad-gauge and metre-gauge, in different Railways;
- (b) which Railways have constructed or are constructing the improved type of bogie carriages, and what is the number thereof; and
- (c) how many of such carriages are third class and intermediate class?

The Honourable Sir Thomas Stewart: The information is being collected and will be laid on the table of the House in due course.

POSITION IN REGARD TO WAZIRISTAN.

600. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:

- (a) whether the tribes have been faithfully carrying out the terms of the compromise arrived at last year; and
- (b) what is the latest position in regard to Waziristan?

Sir Aubrey Metcalfe: (a) So far as Government are aware the tribes have complied with the orders announced to them.

(b) Active operations on a large scale in Waziristan have ceased, but no settlement has been reached with the Faqir of Ipi, and minor incidents still occur from time to time.

MANUFACTURE OF AEROPLANES IN INDIA.

601. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Honourable Member for Communications state if it is a fact that the first aeroplane was built in India by the staff and cadets of the Aeronautical Training Centre of India to be used for training the reserved forces?

(b) What is the cost of the plane, and did it make its first flight?

(c) Was only the assembling of parts done in India, or were the parts and the engine and the machinery imported, and if so, from which country?

(d) Have Government given any contribution for the building of the plane, and, if so, how much?

(e) Has the experiment proved successful, and do Government propose to establish a Government factory for manufacturing aeroplanes in India? If so, when and, if not, why not?

The Honourable Sir Thomas Stewart: (a), (b) and (c). The Honourable Member is referred to the reply given to question No. 88 by the Honourable Raja Yuveraj Datta Singh in the Council of State on the 17th February, 1938. The aeroplane is intended to be used for civil purposes only, and was assembled as a training exercise for the students in the Aeronautical Training Centre of India, Limited. The cost is not known.

(d) No.

(e) Does not arise.

INDIANS IN CERTAIN BUSINESSES AND PROFESSIONS IN AFGHANISTAN.

601A. ***Maulvi Muhammad Abdul Ghani:** Will the Foreign Secretary be pleased to state:

(a) the approximate number of Indians in Afghanistan doing business as money lenders, bankers, brokers and merchants;

(b) whether the Indian capitalists and merchants of the Punjab have submitted any representation to the Government of India requesting them to recommend to the Afghanistan Government to give them fruits monopoly? If so, with what results; and

(c) the total number of Indian medical doctors, professors, engineers and others serving in Afghanistan?

Sir Aubrey Metcalfe: (a) Money lenders and Bankers—Nil; Brokers—35 and Merchants—105.

(b) No such representation has been received.

(c) Doctors—15, Compounders—seven, Professors—17, Engineer—one and Mechanics—nine. The figures are approximate.

UNSTARRED QUESTIONS AND ANSWERS.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF IN DIFFERENT DIVISIONS OF THE EAST INDIAN RAILWAY.

46. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable Member in charge of the Railways be pleased to state whether there are different

rules for the recruitment and training of subordinate staff in different Divisions of the East Indian Railway?

(b) Is it a fact that in Lucknow, Dinapur and Allahabad Divisions, Assistant Station Masters, Travelling Ticket Examiners and employees of other branches are provided as Guards when they apply or when vacancies exist?

(c) Is it a fact that in Moradabad Division they are told that this is not their avenue of advancement and outsiders are recruited when required?

(d) Is it a fact that in the Moradabad Division rules undergo a change with the change in the set of officers?

The Honourable Sir Thomas Stewart: Government are informed as follows:

(a) No.

(b) Transfer of staff from one category to another is permissible, provided the employees concerned are suitably qualified and vacancies exist.

(c) The reply to part (b) applies equally to the Moradabad Division.

(d) No.

RESTRICTION ON RAILWAY SERVANTS AGAINST QUALIFYING IN THE DUTIES OF OTHER POSTS ON THE EAST INDIAN RAILWAY.

47. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state whether there is any restriction on Railway servants on the East Indian Railway against qualifying in the duties of other posts?

(b) Can a Booking Clerk, Relieving Clerk, Assistant Station Master, Ticket Examiner qualify in the duties of a Guard, Controller, etc.?

(c) Do Government consider it futile to increase the qualifications of Railway employees when they offer to do so?

The Honourable Sir Thomas Stewart: Government are informed as follows:

(a) No.

(b) Yes.

(c) Does not arise.

PROMOTION OF C CLASS GUARDS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

48. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state whether it is a fact that C class Guards are not promoted to D class in the Moradabad Division unless they qualify in the duties of an F class Assistant Station Master?

(b) What is the avenue of advancement of a C class Guard as per Rules for the recruitment and training of subordinate staff?

(c) What is the maximum pay of a C class Guard and what is the maximum pay of an F class Assistant Station Master? Are these posts on the same or identical time-scales?

The Honourable Sir Thomas Stewart: With your permission Sir, I propose to reply to unstarred questions Nos. 48, 49 and 50 together. I am obtaining information and will lay a reply on the table of the House in due course.

GRIEVANCES OF F CLASS ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†49. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state what is the avenue of advancement of F class Assistant Station Masters on the Oudh and Rohilkhand Railway section of the East Indian Railway?

(b) Are Controllers non-qualified Assistant Station Masters, and are they better qualified for the post of an Inspector than the F class Assistant Station Masters? How many non-qualified Assistant Station Masters have been promoted as Inspectors during the last two years, and what was the pay drawn by each and what was the pay of an F class Assistant Station Master on the day? Have these men to check the work of Station Masters and Assistant Station Masters, and have they any experience in that line?

(c) Is the combined seniority list maintained in the Office of the Chief Operating Superintendent being strictly adhered to, or is it subject to deviation? If so, why?

GRIEVANCES OF F CLASS ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

†50. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state whether Station Masters on Rs. 200 grade are held senior to F class Assistant Station Masters drawing Rs. 290 pay?

(b) Are F class Assistant Station Masters posted as Station Masters to stations on corresponding pay? If not, why not?

(c) Is it the intention of the Railway Administration to abolish the posts of F class Assistant Station Masters? If so, why?

(d) How many F class Assistant Station Masters are now in existence and since when are they blocked on Rs. 290, the maximum of their grade?

ABOLITION AND CREATION OF POSTS ON THE EAST INDIAN RAILWAY.

51. **Qazi Muhammad Ahmad Kazmi:** (a) Will the Honourable the Railway Member please state how many posts were abolished on the East Indian Railway during the last eight years, and how many were created?

(b) What is the policy of Government in respect of the rights of the State Railway employees whose posts are abolished and who are utilised on posts created in place of those which have been abolished?

The Honourable Sir Thomas Stewart: (a) Government have no information and they consider that the labour and expense involved in collecting it will not be justified by the results to be achieved.

†For answer to this question, see answer to question No. 48.

(b) The rights of employees whose posts are abolished are regulated by rules and conditions of service applicable to the new posts to which they may be appointed.

WEEK-END RETURN TICKETS ISSUED ON RAILWAYS.

52. **Mr. Umar Aly Shah:** (a) Will the Honourable the Railway Member state if week-end return tickets are issued by all Railway companies? If not, why not?

(b) Why is the issue of week-end return tickets restricted to Fridays and Saturdays only? Why are they not issued on Sundays, Mondays and Tuesdays as well?

The Honourable Sir Thomas Stewart: (a) Week-end return tickets, subject to certain restrictions as regards the minimum distance, are issued over practically the entire system on the East Indian and Eastern Bengal Railways, for all classes, on the Bombay, Baroda and Central India Railway for first and second classes, and on the Assam Bengal and Bengal Nagpur Railways for intermediate and third classes. Other Railways have not considered that the grant of such concessions will bring them any additional revenue.

(b) The issue of these tickets is restricted to Fridays and Saturdays to permit of their being availed of by those desiring to take advantage of Sunday being a holiday.

CLOSING OF THE KOTIPALLI-COCONADA BRANCH OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

53. **Mr. Umar Aly Shah:** Will the Honourable the Railway Member state if it is a fact that the Kotipalli-Coconada Branch of the Madras and Southern Mahratta Railway will be closed? If so, when and why?

The Honourable Sir Thomas Stewart: A proposal to close this branch is under consideration. It is being run at a loss due, in some measure, to uncontrolled road competition. It has, however, been decided to delay a final decision, in order to ascertain the effect of the measures which are under contemplation for the co-ordination of road and rail transport.

OPENING OF STATIONS NEAR VILLAGES ON THE MADRAS AND SOUTHERN MAHRATTA AND SOUTH INDIAN RAILWAYS.

54. **Mr. Umar Aly Shah:** (a) Will the Honourable the Railway Member state whether Government are aware of the difficulties of the villagers where the Railway stations are situated far from the villages, e.g., Kotipalli, Bicavole, Durgada, on the Madras and Southern Mahratta Railway and Srivilliputtur and Palani on the South Indian Railway?

(b) In places where the Railway lines are running near the villages, why are the stations situated far from the villages?

(c) Have the villagers assured the Railway authorities the minimum income per day? If so, why are their requests not complied with by opening the stations?

The Honourable Sir Thomas Stewart: (a) Government are aware that it is more convenient to live near a railway station.

(b) Station sites are selected in consultation with the local civil authorities, but technical railway considerations, both engineering and operating, have also to be taken into account.

(c) Possibly Government at all times take into account opinion expressed by local authorities as to the volume of traffic to be expected for any particular station. They cannot, however, always accept this in its entirety as expert investigation usually shows that the volume of traffic has been over-estimated.

ISSUE OF RETURN TICKETS FOR THE FACILITY OF SOUTH INDIAN RESIDENTS IN DELHI AND SIMLA.

55. **Mr. Umar Aly Shah:** Will the Honourable the Railway Member please state whether Government have considered the question of affording facilities for the South Indian residents in Delhi and Simla by the issue of concession return tickets available for not less than one month throughout the year?

The Honourable Sir Thomas Stewart: No, but I will convey the Honourable Member's suggestion to the Agents of the Great Indian Peninsula, Madras and Southern Mahratta and South Indian Railways for consideration.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Friday, the 25th February, 1938, the time fixed for receiving nominations for the Standing Committee on Pilgrimage to the Hedjaz four nominations were received; since when the candidature of two members has been withdrawn. As the number of candidates is now equal to the number of vacancies, I declare Syed Ghulam Bhik Nairang and Maulana Shaukat Ali to be duly elected.

ELECTION OF THE STANDING COMMITTEES FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS AND THE COMMERCE DEPARTMENT.

Mr. President (The Honourable Sir Abdur Rahim): I have also to inform the Assembly that the following Members have been elected to the Standing Committees for the Department of Education, Health and Lands and the Commerce Department, respectively:

Standing Committee for the Department of Education, Health and Lands.

1. Mr. P. J. Griffiths.
2. Mr. K. M. Jedhe.
3. Sardar Sant Singh.

Standing Committee for the Commerce Department.

1. Mr. J. D. Boyle.
2. Mr. T. S. Avinashilingam Chettiar.
3. Babu Baijnath Bajoria.

THE GENERAL BUDGET—GENERAL DISCUSSION.

FIRST STAGE.

Mr. President (The Honourable Sir Abdur Rahim): The General Discussion of the Budget will now go on. Under the Standing Orders, I fix 15 minutes as the time limit for discussion for any Honourable Member, and 20 minutes for Leaders of Parties and one hour or more, if necessary, for the Government Member's reply.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, I rise to make a statement, in consultation with the Deputy Leader of the Independent Party and the Leader of the Congress Nationalist Party and the Leader of the Democratic Party, for all practical purposes, the real majority of this House. . . .

An Honourable Member: Elected majority.

Mr. Bhulabhai J. Desai: I am willing to accept the correction as a matter of form though the number of Members for whom I am speaking today is the majority in the House.

As matters stand, this year, looking down the Demands for Grants on which cuts used to be moved and the vote of the House used to be taken, there are absent the Demands for Grants under three heads: the Staff, Household and Allowances of the Governor General, Foreign and Political Department and the Defence Department. It is the last two with which my present statement is concerned, that is to say, the Foreign and Political Department and the Defence Department. Ever since 1924, the Demand for Grants under General Administration have been divided into several heads, and among them a place has always been found in one name or another for Foreign and Political Department and the Defence Department. The result of that sub-division has been that this House has had an opportunity of expressing its opinion by means of a direct vote on the policy of the Government as regards these two important parts of Government machinery. It is somewhat strange that this year, and notwithstanding the fact that so far as the constitutional provision is concerned it continues to remain the same, that the Government have chosen to take this particular extraordinary course. Looking at the Government of India Act, 1919, section 67-A(3), the provision relating to the powers of the Governor General and of the Governor General in Council are in *pari materia* the same as those which are contained in the transitory provisions contained in the new Act in Schedule IX. I will call your attention and the attention of the House to those provisions:

"The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly nor shall they be open to discussion by either Chamber at the time when the annual statement is under consideration, unless the Governor General otherwise directs."

Then follow the different items to which this provision applies. I call attention to what appears as item (v) under that head:

- "(v) expenditure classified by the order of the Governor General in Council as—
- (a) ecclesiastical,
 - (b) political,
 - (c) defence.

[Mr. Bhulabhai J. Desai.]

If I may call attention to the terms of section 67-A as it appears in the Ninth Schedule, the only changes that I can see, which are verbal, are that instead of item (v) it is item (vi) and the language used is this:

"expenditure classified by the order of the Governor General in Council as:

- (a) ecclesiastical
- (b) external affairs
- (c) defence, or
- (d) relating to tribal areas."

There are four heads instead of the three in the old Act. The only change which, so far as I can see, is not material for the purposes of this statement is that, whereas under the Act of 1919 the sub-head was (v), here the sub-head is (vi), and that the sub-divisions have one added item under the new Act, namely, the one relating to the tribal areas which did not exist in the old Act, but so far as political and defence are concerned, they are described in the New Act as external affairs, and in respect of defence the language for all practical purposes is the same. It is true that there is constitutional power to do what the Government of India have purported to do, and the question really is not whether they have the power; the question is whether they should have or must exercise the power which undoubtedly has been given to them by the law, the power which was held in abeyance for a long period of time since larger and larger popular representation in this House became the Opposition from time to time. And even as regards the power the position may be looked at in terms of the section both as regards its opening paragraph as well as with reference to sub-head (vi) to which I have referred. There may be a difference of opinion, and I am prepared to concede that there can be, as to whether or not the Governor General himself could not have intervened in this matter by lifting what may appear to be a ban on the casting of a straight vote on defence and external affairs. The language, Sir, is this:

"The proposals of the Governor General in Council for the appropriation of revenues relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either Chamber unless the Governor General otherwise directs."

It is true that it is possible to hold that the words "unless the Governor General otherwise directs" merely qualify the right to discuss, but in the way in which the section has been framed the better opinion appears to be or what would appear to be that, "unless the Governor General otherwise directs" qualifies both parts of the opening portion of the section. In other words, it was competent to the Governor General, had he so chosen to maintain what had grown up to be a salutary, useful and important convention in this House, that this House shall express its opinion by a direct vote, and not by some indirect method, for the purpose of letting the irresponsible Government know what, at all events, is the view of the elected Members of the House, the taxpayers' representatives on their policy under these two heads during the year in question. In any event, whether the Governor General could or could not intervene, the matter at all events does not admit of any difficulty in so far as sub-clause (vi) of the transitory provisions of section 67A is concerned. They are under sub-clause (vi)—expenditure classified by the order of the Governor General in Council. Then among the heads mentioned are external affairs and

defence. I presume that in order to discontinue the former practice the Governor General in Council must have passed an order whereby they wanted to bar what is more material; and I want to emphasise this before the House that the right of a direct vote, even though it may be superseded by the Government in exercise of their powers, is a right to which the House attaches great value ("Hear, hear" from Congress Benches), for, an emphatic expression of opinion reiterated from time to time might even,—to use the language of one of the Members of the European Group,—by its acidity, dissolve a certain amount of rust on the minds of even an irresponsible executive. For, indeed that is really the value of all votes so long as you have not a true democratic Constitution. I am aware, as is sometimes said, that in the budgets of democratic responsible Governments not many changes could be introduced by way of amendments because of their commitments, either foreign or internal or for social purposes, but they have the paramount control over the personnel of the executive itself which puts forward these proposals, so that, no vote may be immediately necessary in a matter of this kind in truly responsible Governments; but in the case of irresponsible executives the vote becomes one of paramount value and importance.

I wish to call attention in this connection to the Report of the Joint Parliamentary Committee which reveals to a certain extent the mind behind the step which has been taken and what is in store in the future so far as the new Government which is contemplated by the Act is concerned. I shall read, Sir, only a few lines from the Report of the Joint Parliamentary Committee, page 22. It deals with the Central Legislature and the Army Budget:

"The one real danger of friction, and that a serious one, lies in the very large proportion of central revenues, which is, and must continue to be, absorbed by the Army budget. It is true that this difficulty is inherent in the facts of the situation."

Sir, it is not my desire to enlarge upon this, but in one word the facts of the situation mean an army of occupation in this country. ("Hear, hear" from Congress Benches.) It exists at the present day, and this is the danger which all my friends opposite have scented in order at least that before any other changes come on, they may not have to be influenced, if they at all care to be influenced, for I know that they have followed the old policy of Bourbons,—they learn nothing and they forget nothing. The report continues:

"Ever since the Act of 1919 the Central Legislature has constantly sought to—this is in inverted commas, in the report itself,—magnify its functions in the reserved field of the Army Budget."

It was realized that this House has continued to discuss the question of the Cut on the Army Budget in all its varied aspects including, or rather commencing with that odious word, which becomes necessary in this country,—Indianisation,—and of course the over-burden of taxation, by reason of extravagant and excessive expenditure. I continue to call attention to the report which throws more light than the words themselves would indicate, if only you read carefully and with a certain degree of circumspection.

"The serious friction thus caused would be likely to manifest itself in even stronger form in the future in a Central Legislature such as was proposed by the Statutory Commission", viz.—

[Mr. Bhulabhai J. Desai.]

—a Central Legislature consisting entirely of what are now called British Indian Provinces exclusive of the Princes, somewhat similar in colour to this House without the nominated block. Interesting though it is, I will leave out the rest because it is unnecessary for my present purpose :

"Yet, in spite of these weighty considerations the danger of friction between the Governor General and the legislature over the Army Budget undoubtedly furnishes an additional argument against responsibility at the Centre in a purely British India Federation."

I do not want to read any more. We are in a sense, at least so we are told by constitutional lawyers, functioning as a Federal Legislature in certain respects. It is obvious, therefore, that until we become trammelled or controlled or guided or stabilised in a way somewhat different to the present nominated block today the British India Legislature is not allowed as they do not wish it, to have a right of direct vote under the head of defence and under the head of external affairs. The reasons are provided more by the Joint Parliamentary Committee than I could have expressed. I have my own view, a little more strict than what there appears, but I suppose it is their desire to accustom the future tamed Legislature to a habit of accepting the fact that as a matter of vote these items will find no place. But whatever may be their motives with which I am not concerned nor this House, the fact remains that nothing had occurred except a vote against them each time to which they might or might not have given even a temporary thought but which is a thing that they do not desire this year.

As the Joint Parliamentary Committee itself states very clearly and definitely, a large part of the central revenue is absorbed by the Army Budget. It is a sore point with us because we believe that our monies should be better utilised by economies in that particular branch of Governmental activity. And we, therefore, find ourselves in this situation today that contrary to the practice of many years past the two heads under the demands for grants do not exist. And taking stock of the situation and the manner in which our vote has hitherto been responded to,—if you call it a response which is always an entire absence of response,—we do not wish to give the Government the pleasure of becoming parties to a form of democratic Government without its reality. We wish to point out that if they go on step by step in the direction in which they are moving, the only remedy is their removal; and, therefore, in consultation with my friends, we have come to this decision that we shall not take part in the general discussion of the Budget, that as and when the demands for grants are moved, without any speech we propose to oppose them; and when they come to the Finance Bill their fate by that time will be properly sealed. So that the protest which is not a mere matter of words but which, I am glad to find, all elected self-respecting Members of this House support, has taken the form which I am placing before you. We wish the House and the world to know the attitude of all of us on the manner in which the practice of their making these demands has been broken in a manner and under circumstances which expose the hollowness of a Constitution intended to make it appear to the outside world that there sits in India a legislature controlling the executive. The sooner it is known that that is a bare hypocritical statement wrapped in a constitutional form and the sooner that knowledge comes home to all of us and to the world at large, the better. I, therefore, submit, Sir, that the conduct of Government has

furnished us an opportunity of saving ourselves a considerable amount of time which most of us may easily employ better for purposes and in the services to which we have dedicated ourselves. And I should be very glad if from tomorrow other business were introduced of a legislative nature where, at all events, we are in a position to give a vote on every item brought before us. Assent may be withheld if we change it too far but that is a final resort. In any case in those measures we have a larger voice and we propose to continue to exercise that for the present. But in a matter in which our voice has remained unheard and our vote has been treated with scant courtesy and now that even the right of vote is itself denied, we have taken the decision which we have decided to take.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, even a cursory glance, at the Budget that has been presented to us, will show that the Defence Department plays a greater part, than it ever did before; but unfortunately, this House has been deprived of the privilege of moving a direct cut on the Defence Department, thus depriving Honourable Members of this House from expressing their opinions and making their suggestions in a concrete form. I will not go into the legal aspect of the case. My Honourable friend, the Leader of the Opposition, who is a well-known lawyer in India, whose services have been at the disposal of this House for the last few years and,—I take this opportunity of stating,—have been appreciated by all sides of this House including Government, has expressed his opinion. It is not for me as a layman to endorse that opinion, but I may be allowed to express an opinion based on common sense if not on law, that to deprive this House, at this stage, of the privilege, it has had of expressing its opinion on the Defence proposals of Government by a direct vote, is a most unwise policy on the part of Government. Perhaps, busy as they are, they have not had sufficient time to consider that aspect of the case.

It may be contended, that we can express our opinions on the Defence problems without a vote. No one knows better than yourself, Mr. President, the great difference between merely expressing opinions and not being able to find out whether a majority of this House endorsed these opinions by a direct vote or not. I have heard discussions in this House, where opinions have been expressed without a direct vote, and I have also heard, what those not present in the House have said about the opinions expressed. Whv, it can be contended by men having two opposite points of view that the discussion supported each of them; but, when you come to a vote, there can be no speculation as to what the House really believes. We do not want to be in the position of having to speculate, or allowing the public to speculate as to what is the opinion of the House on the question of Defence. Why, there was a debate in this House, the other day, on a motion for adjournment, and I found that certain members of the public imagined that the discussion showed that this House was strongly in favour of a larger and larger expenditure on the army. That is how the opinions of the House and those expressed by Honourable Members without a direct vote can be misunderstood. Therefore, the importance of a vote cannot be emphasised too often. My Party has had the privilege for a number of years of moving the cut under this Demand and we were just considering as to what form it should take, when we found that the Demand did not appear in the Budget. Let me now try and draw the attention of Honourable Members of Government

[Sir Cowasji Jehangir.]

to the great difference in the constitutional position of this House, and of the House, that they hope, will come into existence under Federation

Mr. N. M. Joshi: It will never come into existence.

Sir Cowasji Jehangir: It is true, that under the Constitution as framed in the Act of 1935, the non-official Members of this House will be deprived of a direct vote on the question of Defence; but, anybody, who has followed the discussions in the Round Table Conference, will realise that that point was not forgotten: it was discussed at considerable length, and to meet the arguments of those who went from India, it was conceded that the Ministers of the future, who will be from the elected representatives of the country, would have full knowledge of the administration of the Army, and be able to express an opinion in private to the Viceroy with regard to the expenditure on the Army. Where are those Ministers here today? Who is there to give advice to the Viceroy with regard to the expenditure on the Army today? In the Federation as I visualise it, the Ministers will be in a position not only to give advice, but to give that advice after full and careful consideration and study. That advice may be rejected, but when discussions take place in this House—it will certainly be without a vote—and issues are raised by non-official Members, I take it that the Ministers will also reply in defence of the proposals of the Government, if they are in agreement with those proposals. No such thing exists today. We are still under the old Constitution of 1919; and the only right and privilege which we had of expressing our opinions from this side of the House and getting those opinions endorsed by a vote, has disappeared on the present occasion.

Now, it may be contended that the Viceroy and Governor General in Council cannot help themselves. It may be contended, that, however, much they may be in agreement with the opinions expressed by us on this occasion, they are bound by the Act of 1935. That is the legal aspect and I am turning to it again for one minute. We are advised that it was in the power either of the Viceroy or of the Governor General in Council to continue this privilege so long as the Constitution of 1919 applies to this House, and that there is nothing in the Act of 1935, which forced them to take the steps they have taken on the present occasion. If that is so, then a strong protest from this side of the House is more than due, and it has to be considered what shape and form this protest should take. My Party and I have come to the conclusion that the protest should take the form just stated by my Honourable friend, Mr. Bhulabhai Desai. We shall take no part in the general discussion of the Budget, and we shall help without speeches to throw out the demands. In short, we are of opinion, that, deprived of this vote, any discussions in this House would be a waste of time. We are here to do our legitimate duties, and that we shall continue to do. We shall request Government to bring forward business in which we can take as effective or ineffective a part as we have done in the past, and it will be our duty to give our best attention to such business. But with regard to the Budget, we have come to the definite conclusion that under the altered conditions, speeches will be of no avail. Mere ventilation of views we have had enough. With regard to the Finance Bill, we shall adopt the same attitude, under the present circumstances and conditions.

I have nothing further to say, Mr. President. We sincerely regret to have to take this step, but we are not responsible for it. (Hear, hear.) The responsibility for having forced us to take this step, is on the shoulders of my Honourable friends, who sit opposite. (Hear, hear.) They must bear the responsibility, and they must answer their masters, as we have to answer our masters, the Indian Electorate, (Hear, hear) and I trust and hope that they have got a good answer for their masters in England.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, the Honourable the Finance Member in his speech the other day said that India is a disappointing country for prophets. He also quoted some predecessor of his who had described it to him as a land of unfulfilled prophecies. When he used the expression that the Budget maintained the *status quo* I think he made a wrong prophecy, and also when he made an observation in his speech that the agreement as regards the naval expenditure would not be criticised as his other previous agreement, he made a wrong prophecy. The Budget is not a dull one as he thought. It is a very exciting one. The excitement which it has created does not remain within the walls of this House; it will go not only throughout India but abroad, and I think that that excitement will be in the good interests of the country.

As pointed out by the Honourable the Leader of the Opposition we have been exercising this right under the Constitution of 1919 and the same words are embodied in the Constitution framed in 1935. We have enjoyed a certain right for the last 17 years and when we are deprived of it, it is a step which we cannot like nor can we approve of it. While we have been fighting for an advance in the rights and privileges of this House, we find that not only are no greater privileges accorded to us, but even the little that have been enjoyed by this House before are being taken away under a section which has not been used for the past 17 years. My Party is fully agreed that we must lodge our protest against this. We cannot be a party to any curtailment of the rights of this House. (Hear, hear.) Whatever Party we may belong to while sitting in this House, as Members of this House it is our duty to see that the rights and privileges of this House are not curtailed.

The Government Members may say that they have no voice, no personal voice, that they are dictated by one gentleman from outside and that they cannot express their own opinion. That is an unfortunate position, but I think as Members of this House they ought to have come out and fought for the privileges of this House whether they are debarred from expressing their opinion openly on the floor of this House or not. I do not know how this decision has been taken, and what the Members of the Executive Council were doing behind the *purdah* when this decision was being arrived at. They ought to have stood boldly as Members of this House. Their duty was twofold: one as Members of the Executive Council and another as Members of this Legislature. As Members of this Legislature they ought to have pleaded the cause of the Central Legislature and the enlargement of its rights. Even the paltry bums generally put up before us, the houses of Indian soldiers or the bungalows of the Indian officers, for some such minor details—the criticism of even these has been debarred from this House. I do not think that any Member of this House can sleep over a curtailment of the rights of this House and I, on behalf of my Party, join in this protest and we shall not take part in any discussion.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I have risen to endorse what the Leader of the Opposition has already announced to the House. My Party has also agreed to take up the attitude towards this Budget, Demands for Grants, and the Finance Bill, in accordance with the decision just announced to the House. I endorse all the arguments which the Leader of the Opposition has so eloquently placed before the House. I find myself in a very peculiar position. We, Members on this side of the House, have been elected to this Legislature under the old Constitution, evidently under an expectation that we shall be discharging our duties to our constituencies within the limits permitted by the old Constitution and in accordance with traditions established under that old Constitution. Now, it has been abundantly made clear that under the old Constitution, since its very inauguration in the year 1921, the Demands for Grants used to contain these important items, *viz.*, Defence and External affairs on which cuts could be moved and a direct discussion over the question could be raised and a verdict of the House properly given. That has gone on all these years without anybody ever suspecting that there was anything wrong in it. This year a serious departure was made and I am surprised to find that the Honourable the Finance Member in a speech which lasted for about an hour I believe, had not a word of explanation to say about a departure like the one that has been made in the Demands for Grants which he has placed before this House seriously for our consideration. It has been the general practice of Finance Members—may I remind my Honourable friend, Sir James Grigg—when ever any little departure was made in regard to the procedure of framing the Budget or the Demands for Grants some explanation used to be given by the Finance Member in the Budget speech. But the ethics which my Honourable friend, Sir James Grigg, has shown in regard to this matter are not the normal order of morality which govern man and man. He has his own peculiar ideas about this matter and he thought it more prudent and more diplomatic to take you by surprise or leave you in the lurch rather than tell you the part, the diabolical part, he has played in framing the Budget. My point is that if he had given an explanation of this in his Budget speech we would have given a notice of a motion for adjournment against this, because we would have known that thing immediately. When we were trying to find out where we should give the cut, then we learnt rather too late yesterday that this particular item, a very important item, was not there at all. So, a discussion about the propriety of the step taken by the Governor General in Council on this point became impossible on account of the House being kept in the dark about this matter for a long time.

There is another thing which is of some importance. When I look at these Demands for Grants I find that it contains about 80 demands, but you will find that there is no demand which is numbered 72 at all. They have counted it without there being 72 at all. There is 71 and there is 73. Evidently, it seems to me that those who first prepared these proposals had a number given—72—to that demand. Some portion of it must have been kept voted; but, later, counsels seem to have prevailed and the idea of having 72 as voted seems to have vanished in the air. It means the interpretation which we are placing upon the Constitution and even upon the transitory provisions which regulate our budget proposals this time was probably the interpretation followed by those who were responsible for originally framing the Budget, but then some difficulty

might have occurred which is unknown to us and it appears to me that at the eleventh hour the idea flashed "Oh, no more discussions about Defence matters and no more shall we be harassed by an adverse vote on defence and foreign affairs". It seems that a generous impulse that existed at first was deliberately killed and then the idea of robbing you of a vote on a direct discussion by means of a cut relating to the Defence Department has occurred later on. However, I do not want to enter into the question of interpretation. I am sure the House has appreciated the point of view which was placed before this House by the Leader of the Opposition on this point.

There is a third thing which I want this House to consider, because, if we understand that, we shall have some idea of the future which faces us hereafter. Most of us know that and most of you must have read also that there is a distinct instruction given that the defence shall be primarily the concern of the elected representatives who should, therefore, be associated in an increasing degree in the consideration of all matters relating to defence. This is the principle solemnly laid down in a very important document which is going to be the guide for the Governor General in Council who will administer this country hereafter. Now, what is the spirit in which that instruction is going to be carried out? Whatever little right this House possessed in the matter of the discussion of Demands for Grants, particularly pertaining to defence and foreign affairs, that right is taken away today. Is that the spirit in which that instruction is going to be carried out hereafter? That is also another point which makes it necessary for us to record our protest as strongly as we can against the step—the arbitrary and reactionary step—taken by the Governor General in Council as regards this matter. It was suggested by somebody in the lobby—I know that lobby conversation ought not to be imported into the discussion of this House—I think the suggestion was made by somebody from above, to the effect that you can make a cut in the demand for the Executive Council and the purpose will be served. My point is this. We do not assemble here for the sake of carrying on a desultory discussion. We want definitely to appraise the House and the country abroad that elected Members have certain definite opinions upon certain important questions of policy which should be discussed directly. The opinion recorded by this House as regards the military policy and the policy regarding foreign affairs will be a guide for the world to know how far the administration of this country is being conducted in regard to those matters in conformity with the opinions of the accredited representatives of the people. We want to show the disparity in those two things and expose the reality and the hollowness of the whole affair to the world and one of the ways by which it was possible for us to do so was by raising an appropriate discussion by moving appropriate cuts in the Demands for Defence and External Affairs during the Budget discussion. As that valuable right is taken away, I think it is necessary that all elected and non-official Members must take concerted action to express their indignation and resentment at the step taken by the Government. I do not think that the step suggested by the Honourable the Leader of the Opposition is strong enough. I would have gone even further than that, but anyhow the Government should know by what all the elected Members on this side of the House are recording their protest against what they have done and on behalf of my Party I do hereby announce that we shall decline to participate in the discussion. We shall turn down every grant

[Mr. M. S. Aney.]

that may be moved on behalf of the Government without a single word being uttered either for or against it and when the Finance Bill comes up, all that we shall then do is to see that the Bill is voted down.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): For years we have worked under a system under which so far as the Budget at any rate is concerned our debates have been reduced almost to a farce. As if to emphasize this unreality, it has now been decided to take away almost the only vestige of influence which the House can exercise in a vital matter and to remove from the purview of the House any item relating to the Defence Budget. Sir, it seems to me to be a very unpleasant reminder of the sort of responsibility which this House enjoys, and I for one am wholly unable to understand why this departure should ever have been made. My Honourable friend, the Leader of the Opposition, has just pointed out that under the old Act as well as under the new Act, the direction given to the Governor General is identical, and I cannot understand why under the cloak of the new Constitution a different interpretation shall be given to the provision. In order to anticipate any argument which may be urged by my friend, the Law Member, I would at once point out that in the copy of the Government of India Act which I have seen, and which is a clean copy and not obtained from any second-hand book shop, there is not a single comma in the provision, so that the words "unless the Governor General otherwise directs" apply both to the submission to the vote of the House as well as to the discussion of the Budget. Sir, it is not easy to appreciate why the Defence Budget should have been sought to have been invested with the sanctity which ordinarily applies to divorce Court proceedings. I am still hoping that, now that it has been realized how the House has viewed the matter, the Governor General will be the first to vindicate the honour and self-respect of this House. (Hear, hear.)

The Honourable Sir James Grigg (Finance Member): Sir, it has, of course, been borne in upon me that the House is protesting about something, but even now I am not quite clear exactly what it is they are protesting about. (Hear, hear.) If they want to protest against the fact that defence expenditure in any real sense is outside the vote of the House, then there is nothing to be said. This is, and always has been, the case. If they want to make a demonstration against the Constitution, all right, let them make their demonstration, but as that is for the time being settled, there is nothing for me to say about it. If the protest is that something has happened this year, that some change has happened this year by which the Opposition have lost something real which they have had for the last twenty years, then let me assure them that they are mistaken. I need not read the two relevant sections of the two Acts because the Leader of the Opposition has already done that, but perhaps I might make a few remarks about them. As far as I can see, both the sub-sections are mandatory. The latter one introduces quite definite changes of content. That is admitted. And, of course, the new section or sub-section, has got to be related to a definite series of constitutional changes. The constitutional provisions of the 1935 Act is quite different to that of the 1919 Act. I need not mention one point. The old Act proceeded on the basis of the delegation of powers; the new Act proceeds on the basis of surrender of powers. But be that as it may, though certain

parts of the old Act have been re-enacted, subject to certain changes, in the Ninth Schedule of the new Act, this Schedule has got to be read not in the context of the old Act but in the context of the new Act. Clearly, then, it became necessary to review in detail the distribution of grants between voted and non-voted. As I understand the position, it is that it is mandatory to exclude from the voted category expenditure falling under any of the specified heads, unless the Opposition are going to argue that you can invent figments and classify, for example, expenditure in the Persian Gulf as agriculture, or something of that sort.

Mr. M. Asaf Ali (Delhi: General): Read sections 33 and 34 of the new Act, and you will change your opinion.

The Honourable Sir James Grigg: Then on the question whether any particular item of expenditure falls within the specified heads, the decision of the Governor General is final. Well, in connection with the general review, which was in any case essential on the passing of the new Act, expenditure in the Defence Department amounting to four lakhs out of forty-five crores of defence expenditure as a whole came under consideration. This had previously not been classified as defence expenditure and, therefore, became subject to the vote of this House. The Governor General takes the view that, in the conditions of the new Constitution, this is defence expenditure, and it seems to me very difficult to take any other view, having regard to the ordinary meanings of words. Now, it has been said that the opposite view has been taken under the different conditions of the old Act. But once the question has had to come under review in detail, as it certainly had to do, and in an entirely new setting, I do not see how the Governor-General in Council—if you like, the Government of India—could have avoided taking a decision, and taking the decision which they have done. So much for legal and constitutional technicalities. I do not attach very much importance to them.

Now, let us come and see whether the grievance of the Opposition is in fact real. The Governor General has thrown open the whole subject of defence to discussion, exactly as in previous years. There is no change there. There is no less complete freedom or opportunity for a full and free discussion.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): But no vote.

The Honourable Sir James Grigg:.....but, say the Opposition and Professor Banerjee also, "we cannot express our view by our vote", but they can, to no less an extent than heretofore. In previous years the Opposition have visited their wrath about defence expenditure on some clerks and peons in the Defence Department, and by rejecting the whole of the provision for that, namely, four lakhs, have forced the Governor General to restore this element of defence expenditure—which, I apologize for emphasizing to the House, covers one-tenth of one per cent. of the whole. I think it will be admitted that to visit the wrath of this House on matters of defence policy on a few clerks when their wrath is really directed against those who control or are in charge of defence expenditure is a highly artificial proceeding. (Interruption.) So, if we can find a method not appreciably more artificial by which the Opposition can express its distaste for the authors of defence policy, they have no grievance. And there is certainly such an opportunity. It has been mentioned

[Sir James Grigg.]

casualty by one or two Members, but there it is, the House can make a vote, a perfectly effective vote, by discussing the Executive Council. After all, it is the Executive Council that it is intended to censure in matters of defence policy—not the poor clerks in the Defence Department. (Interruptoin.) It is perfectly true that the pay of the Members of the Executive Council is not included in this vote, but their travelling allowances are (Hear, hear): and as we are in any case discussing an extremely artificial basis of expressing opinions by vote, it is pretty clear that, to express that view on the Executive Council impinges on the authors of the policy far more directly than expressing the view on the salaries of a few clerks, whose pay—I apologize for mentioning once more—amounts to one-tenth of one per cent. of the whole defence expenditure of this country, and that they are expressing their view on the authors of the policy in a more direct way than they would be if they followed out the old plan. But my Honourable Colleague, the Law Member, reminds me that in the case of “repressive” policy, the Executive Council vote was the vehicle, the channel by which it was sought to convey the displeasure of the House and so I do not think the House is entitled to complain that one method is more artificial than the other. To me it is quite clear that the whole grievance is either an unreal one or it is one which has existed for twenty years and will continue to exist, *viz.* that defence expenditure, in any serious sense, is outside the purview of this House. I have no expectation, of course, that any explanations that I can give will affect the decision which the Parties opposite have come to. I hope, however, that in course of time the true state of affairs will be understood in the country as a whole and it will be understood that this is an entirely manufactured and artificial grievance.

Mr. President (The Honourable Sir Abdur Rahim): The general discussion of the General Budget will now go on.

(No Honourable Member rose to speak.)

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, if no one is going to speak, I may remind the House of what fell from the Leader of the Opposition, Mr. Desai. I think he suggested that if there is going to be no discussion and if two days will not be taken up by the general discussion as previously allotted, some work may be fixed for tomorrow. That, Sir, we are quite willing to do if that is the desire of the House. We could put on the work that has not yet been finished, namely, the Supplementary Grants in respect of Railways, the Workmen's Compensation Act and some other items which I do not remember now. If the House approves of that, it can be done.

Mr. President (The Honourable Sir Abdur Rahim): I take it that it is not necessary to cancel the days that are allotted for the general discussion of the Budget.

The Honourable Sir Nripendra Sircar: It is not necessary to cancel them because two days are allotted for general discussion but two days have not been taken up and the work has been completed.

Mr. President (The Honourable Sir Abdur Rahim): In that case, the Governor General in Council can propose for the remaining day other official business.

The Assembly then adjourned till Eleven of the Clock, on Thursday, the 3rd March, 1938.

LEGISLATIVE ASSEMBLY.

Thursday, 3rd March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

INDIAN RESEARCH FUND ASSOCIATION.

602. ***Mr. T. S. Avinashilingam Chettiar**: Will the Secretary for Education, Health and Lands state:

- (a) for how many years the Indian Research Fund Association has been working and how much money has been spent over it till now;
- (b) what has been the record of research;
- (c) whether it is confined only to those in the Indian Medical Service; and
- (d) whether distinguished non-Indian Medical Service men devoted to research work are or can be helped out of this fund?

Sir Girja Shankar Bajpai: (a) The Association was established in 1911. A statement showing the expenditure from Government sources as grants-in-aid to the Association is laid on the table of the House.

(b) The results of researches carried out have been and are being published in the annual reports of the Scientific Advisory Board of the Association, in the Indian Journal of Medical Research and its Memoirs and in the Records of the Malaria Survey of India. All these publications, which are issued under the authority of the Association, are priced publications.

(c) No.

(d) A considerable number of non-Indian Medical Service medical men have received and are receiving grants-in-aid to carry out researches approved by the Governing Body of the Association.

(1383)

Statement showing grants made to the Indian Research Fund Association.

Year.	Grant made by the Government of India.	Contributions made by Provincial Governments towards maintenance of certain enquiries.	Total.
	Rs.	Rs.	Rs.
1911-12	5,00,000	..	5,00,000
1912-13	6,00,000	..	6,00,000
1913-14	5,00,000	..	5,00,000
1914-15	5,00,000	..	5,00,000
1915-16	5,00,000	..	5,00,000
1916-17	3,00,000	..	3,00,000
1917-18	1,50,000	..	1,50,000
1918-19	5,00,000	..	5,00,000
1919-20	11,92,700	..	11,92,700
1920-21	16,22,600	..	16,22,600
1921-22	5,00,000	..	5,00,000
1922-23	5,00,000	..	5,00,000
1923-24	..	..	..
1924-25	..	46,000	46,000
1925-26	3,00,000	28,000	3,28,000
1926-27	6,75,000	38,000	7,13,000
1927-28	7,05,071	44,000	7,49,071
1928-29	7,50,000	30,494	7,80,494
1929-30	7,50,000	68,500	8,18,500
1930-31	7,50,000	43,000	7,93,000
1931-32	7,50,000	25,500	7,75,500
1932-33	1,50,000	19,500	1,69,500
1933-34	1,50,000	19,500	1,69,500
1934-35	1,50,000	11,600	1,61,600
1935-36	1,50,000	8,000	1,58,000
1936-37	1,50,000	4,000	1,54,000
1937-38	1,50,000	(Figures not available.)	1,50,000
Total	1,29,45,371	3,86,094	1,33,31,465

NOTE 1.—In addition to the above, a special grant of Rs. 10 lakhs was made to the Association during 1936-37 to be devoted mainly to schemes connected with the prevention or cure of malaria in India.

NOTE 2.—The savings from the above grants were invested by the Association from time to time in securities, which amount at present to Rs. 31.05 lakhs (face value), excluding the share of Government of Burma (Rs. 1,58,298).

Mr. T. S. Avinashilingam Chettiar: What are the other sources of income?

Sir Girja Shankar Bajpai: The sources of income are the grants-in-aid made by the Government of India and the interest accruing to the Association from its own investments. These are the two sources.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government are satisfied that the money they are spending over the Association is giving enough return by way of research results?

Sir Girja Shankar Bajpai: Government are satisfied.

Mr. Abdul Qaiyum: Do these non-Indian medical men include non-Britishers?

Sir Girja Shankar Bajpai: As a matter of fact these grants-in-aid are made primarily to Universities, where, as far as I know, all the research work is done by Indians.

Mr. T. S. Avinashilingam Chettiar: What is the ratio of I. M. S., and non-I. M. S. men in this Association who are doing research work?

Sir Girja Shankar Bajpai: I submit that that question does not arise.

Mr. Badri Dutt Pande: Are the researches of any use to the public, or is the money a sheer waste of public funds on lotus-eaters?

Sir Girja Shankar Bajpai: As far as I know the researches are of great value to the public.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member tell me the number of Indians as well as Europeans in this Association?

Sir Girja Shankar Bajpai: Does my Honourable friend mean the Governing Body of the Association?

Mr. T. S. Avinashilingam Chettiar: The number of people who are doing research work?

Sir Girja Shankar Bajpai: I want notice.

Mr. T. S. Avinashilingam Chettiar: In the Governing Body are there non-Indian medical service men?

Sir Girja Shankar Bajpai: There are two Members of this very House.

Mr. T. S. Avinashilingam Chettiar: Besides those elected by this House, among the research workers are there non-Indian medical men?

Sir Girja Shankar Bajpai: Three members elected by the Universities in India.

IMPORTS FROM AND EXPORTS TO JAPAN AND BALANCE OF TRADE WITH JAPAN.

608. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- the latest figures of imports from and exports to Japan as compared with corresponding periods in two previous years;
- whether in recent months our balance of trade with Japan has been going seriously against India;
- the reasons for this sudden change in the direction of trade; and
- whether Government have taken any steps in the matter?

Mr. H. Dow: The Honourable Member is referred to the Annual Statement of the Seaborne Trade of British India for the year ending 31st March, 1936, and the Monthly Accounts for December, 1937, copies of which are in the Library.

(b) During the nine months ending December, 1937, the balance of trade was adverse to India by about Rs. 2,93 lakhs.

(c) This adverse balance is mainly due to a heavy fall in India's exports of raw cotton to Japan.

(d) No.

Mr. T. S. Avinashilingam Chettiar: May I know if the Government have no other latest figures than what are already published?

Mr. H. Dow: I have no figures later than those for December 1937.

Mr. Manu Subedar: What steps are Government taking to restore normality in the export of cotton from India to Japan?

Mr. H. Dow: Sir, Government cannot take any steps to compel Japan to buy cotton. The steps which Government might take to help her to do so would be by assisting to bring about a fall in the price of cotton or by extending credit facilities to Japan. From earlier questions which the Honourable Member has asked in this House, I gather that he would be bitterly opposed to either of those steps being taken.

Prof. N. G. Ranga: What about the Indo-Japanese trade pact according to which Japan has to take an agreed amount of cotton in return for the import of manufactured cotton goods?

Mr. H. Dow: I should recommend the Honourable Member to read the pact again; there is no such obligation to purchase cotton under that pact.

Mr. T. S. Avinashilingam Chettiar: Are the Government satisfied that under the present circumstances the Indo-Japanese pact is being worked properly from the point of view of the interest of India?

Mr. H. Dow: I have stated before in this House that as far as Government are aware there has been no breach of the conditions of the pact.

Mr. Manu Subedar: Sir, I object to the assumption contained in the reply that I will object to assistance being given.

Mr. President (The Honourable Sir Abdur Rahim): That was his inference. If the Honourable Member does not object, that is another matter.

Mr. Manu Subedar: Are Government aware that I asked a question as to what steps Government were taking in order to counteract the effect of the subsidy being given by the United States Government and whether the purchasers of Indian cotton were being diverted to the artificially cheaper United States cotton?

Mr. H. Dow: I remember that the Honourable Member asked some such question, but I suggest that it is a far cry and a remote inference from that to the question which we are now considering.

Mr. Sami Vencatachalam Chetty: Are there any chances in the immediate future of correcting this adverse balance of trade?

Mr. H. Dow: I must refer the Honourable Member to the Honourable the Law Member's astrologer.

Prof. N. G. Ranga: Are Government satisfied that Japan is taking as much cotton as prescribed in the Indo-Japanese pact in return to her exports of cotton yarn and cotton cloth into this country?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already said that it is not in violation of the pact at all.

Mr. K. Santhanam: Are we to understand that the Government of India are helpless in this matter?

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

TRADE CARRIED ON UNDER THE DISABILITY OF LIMITED EXCHANGE.

604. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) with how many countries with which India is trading, our trade has to be carried on under the disability of limited exchange;
- (b) whether Government of India have received any complaints from exporters regarding loss or delay of payments; and
- (c) if so, whether they have taken any action in the matter, and whether exporters have been sufficiently warned about the situation in those countries?

Mr. H. Dow: (a) Most European countries (except the United Kingdom and France), several South American countries and some Asiatic countries, e.g., Iran and Japan, have imposed exchange restrictions in some form or other but it is chiefly in Italy and Germany that difficulties arising from Exchange control have been seriously felt by Indian exporters.

(b) Yes.

(c) All possible efforts have been and are being made through the Indian Trade Commissioners abroad for the recovery of the amounts due in individual cases. As regards the latter portion of the question, the matter has been given due publicity through notices issued in the *Indian Trade Journal* and the Reports of the Indian Trade Commissioners published from time to time.

Mr. Manu Subedar: With reference to part (a) may I know if any reply has been received to the communication sent to His Majesty's Government about the difficulties of cotton exporters in the matter of exchange with Japan?

Mr. H. Dow: No, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government are satisfied that the cotton exporters are not suffering loss in any of these matters?

Mr. H. Dow: No, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know what exactly are the steps that they have taken with reference to part (c) of the question?

Mr. H. Dow: I have answered that in clause (c). All possible efforts have been made and are being made through the Indian Trade Commissioners abroad for the recovery of amounts in individual cases.

Mr. Manu Subedar: Where Indian money has been retained wrongfully through exchange restrictions, are Government contemplating any steps for restricting import into India the goods of those countries?

Mr. H. Dow: I cannot accept the inference which was conveyed in the first part of the Honourable Member's question.

Mr. Manu Subedar: It is not an inference. My question was with regard to countries where Indian money has been retained through exchange restrictions.

Mr. H. Dow: In his original question the Honourable Member said "wrongfully retained".

Mr. Manu Subedar: I will withdraw that word and repeat the question. With regard to those countries in which the payment of Indian money has been interfered with by exchange restrictions, are Government considering any steps for restricting imports into India from those countries?

Mr. H. Dow: It does not follow that that would be a proper remedy for meeting the exchange difficulties which other countries feel.

Prof. N. G. Ranga: What is the nature and the extent of the response which the Government of India have so far received in reply to their representations to the Governments of Italy and Germany about this matter?

Mr. H. Dow: In a large number of individual cases the Indian Trade Commissioners abroad have been able to give very material assistance to Indian exporters in recovering the sums due to them. That is the response.

Prof. N. G. Ranga: Have Government represented to those Governments to see that the total import quota granted to India is increased?

Mr. H. Dow: I am afraid I do not understand the Honourable Member's question. We are not discussing the matter of import quotas.

Prof. N. G. Ranga: I am talking of import into Germany and Italy. Is it not a fact that the Governments of Germany and Italy have allotted certain quotas for importing Indian goods into those countries? If so, what have Government done to see that those quotas are increased?

Mr. H. Dow: I am afraid that does not arise out of this question at all.

Mr. T. S. Avinashilingam Chettiar: May I know what are the countries with reference to which there is the greatest difficulty and inconvenience to Indian exporters?

Mr. H. Dow: I mentioned in my answer to part (a) of the question that it was chiefly in Italy and Germany that difficulties arising from the exchange control have been felt by Indian exporters. There have been difficulties to a less extent in Spain, Turkey, Hungary and Iran.

TERMS OF THE NEW OFFER OF SETTLEMENT FROM THE ZANZIBAR GOVERNMENT.

605. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

- (a) whether they have received the terms of the new offer of settlement from the Government of Zanzibar;
- (b) if so, what are the terms; and

- (c) whether Government are in close touch with the Indians in Zanzibar, and when they hope to come to a conclusion in this matter?

Sir Girja Shankar Bajpai: (a) and (b). The Honourable Member presumably refers to the proposals of the Resident in Zanzibar regarding the clove trade. Copies of a memorandum containing these proposals which has been published today, have been placed in the Library of the House.

(c) Government have consulted the Standing Emigration Committee of the Central Legislature on these proposals and are in correspondence with the Zanzibar Government.

Mr. T. S. Avinashilingam Chettiar: Have they come to any conclusions about the attitude that they have to adopt towards these proposals?

Sir Girja Shankar Bajpai: Government have at the moment communicated to the Government of Zanzibar the attitude of the Standing Emigration Committee in regard to these proposals.

Mr. T. S. Avinashilingam Chettiar: May I know what that attitude is?

Sir Girja Shankar Bajpai: That is confidential, Sir.

Mr. C. N. Muthuranga Mudaliar: Are the Government of India merely acting as a post office to communicate the attitude of the Standing Emigration Committee to the Government of Zanzibar?

Sir Girja Shankar Bajpai: They have been an extremely sympathetic and active post office.

Mr. Abdul Qaiyum: Has there been any change in the attitude of the Zanzibar Government recently?

Sir Girja Shankar Bajpai: Such change as there has been is reflected in the memorandum of which I have placed copies in the Library.

Mr. C. N. Muthuranga Mudaliar: Are Government aware that the memorandum is no better than the original decree?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of opinion.

Mr. T. S. Avinashilingam Chettiar: May I take it that Government are in complete agreement with the views of the Standing Emigration Committee in this matter?

Sir Girja Shankar Bajpai: Yes, Sir; they are in complete agreement.

Mr. Abdul Qaiyum: Can Government give us an idea as to the change that has taken place, about which the memorandum is absolutely silent?

Sir Girja Shankar Bajpai: If my Honourable friend will take the trouble to compare the memorandum with the position as it was before the memorandum was issued, he will be able to find out the change for himself.

Mr. Badri Dutt Pande: What is the exact position now in the matter of Zanzibar cloves?

Sir Girja Shankar Bajpai: The exact position is stated in the memorandum which my Honourable friend had better read.

Prof. N. G. Ranga: Have Government consulted the East African Indian delegation which is now in India, with regard to this memorandum?

Sir Girja Shankar Bajpai: The East African delegation came with a special mandate with regard to the Kenya Highlands. It has nothing to do with the clove trade in Zanzibar.

Prof. N. G. Ranga: Why is it that the Government of India have not taken advantage of the presence of this delegation and consulted them as to the view of the East African Indians in regard to this memorandum?

Sir Girja Shankar Bajpai: For the reason which I have already stated in answer to a previous supplementary question.

Mr. C. N. Muthuranga Mudaliar: Will Government declare an embargo on cloves if the Zanzibar Government does not take the advice of the Government of India?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can put forward these suggestions at the proper time. Next question.

SALE OF TODDY IN MALAYA.

606. ***Mr. K. Santhanam:** Will the Secretary for Education, Health and Lands please state:

- (a) whether Government have received a copy of the memorandum submitted by the Central Indian Association of Malaya entitled 'toddy in Malaya'; and
- (b) whether it is a fact that the bulk of the labourers in Malaya are from Madras whether Government are aware that prohibition is the accepted policy in Madras, and whether the Government of India are prepared to urge upon the Government of Malaya the need to prohibit the sale of toddy in the estates?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The reply to the first two parts is in the affirmative. As regards the last part, Government are in correspondence with the Malayan Governments on the subject.

Mr. K. Santhanam: May I know when they expect to get a reply?

Sir Girja Shankar Bajpai: We have had a reply recently, and we are returning to the charge.

Mr. K. Santhanam: May I have the substance of the reply?

Sir Girja Shankar Bajpai: Yes, Sir. The substance of the reply is that they do not consider conditions in Malaya to be ripe even for the

introduction of this kind of prohibition on an experimental footing. But we are contesting that.

Mr. K. Santhanam: Am I to understand that the Government of India are pressing for the introduction of prohibition there?

Sir Girja Shankar Bajpai: I have already said that we are contesting the Malayan Government's view.

INCONVENIENCE AND HARDSHIP CAUSED TO INDIAN PASSENGERS GOING TO CEYLON.

607. ***Mr. Manu Subedar:** Will the Education Secretary state:

- (a) whether the Government of India have permitted the Government of Ceylon to appoint officials on the Indian Continent for inspecting and fumigating the cloths and luggage of all the intending passengers from India to Ceylon;
- (b) whether Government are aware that very serious inconvenience and hardship is caused to Indian passengers, who want to go to Ceylon, and that many of them are treated harshly by the Ceylon officials;
- (c) whether Government have made any enquiry into this matter; and
- (d) whether Government are satisfied that the complaint referred to above is not substantial?

Sir Girja Shankar Bajpai: I have asked for some information and shall furnish a reply as soon as possible.

Mr. Manu Subedar: Will Government also inquire whether restrictive conditions of quarantine on Indian passengers exist on the mainland of Ceylon itself as well as what is mentioned in part (a) of the question?

Sir Girja Shankar Bajpai: My Honourable friend's question related to quarantine arrangements at this end. But if he wishes me to pursue inquiries regarding quarantine arrangements in Ceylon also, I shall be happy to do so.

GRIEVANCES OF INDIAN EXPORTERS OF COTTON TO JAPAN.

608. ***Mr. Manu Subedar:** Will the Commerce Secretary state:

- (a) whether Government have received a representation from the East India Cotton Association, dated the 11th February, 1938, in which it is stated that the Government of Japan are permitting Japanese buyers to press unduly the exporters and take unjustified concessions;
- (b) whether Government are aware that certain banks refuse to accept drafts against exchange commitments without permit and credit from Japan, and that this is due to lack of confidence on the part of the banks in the ability of the Japanese to pay for their commitments;

(c) whether in the said representation, the figures are given as follows:

	January.	
	1937.	1938.
	Bales.	Bales.
Taking of all Japanese Mills:		
Indian cotton	206,513	37,984
American cotton	126,355	42,015
Stocks of Raw Cotton in warehouses and sheds in Osaka and Kobe at the end of the month:		
Indian cotton	267,955	14,704
American cotton	338,730	14,597

(d) whether Government have any figures differing from those that are given above;

(e) whether Government have made any efforts to enquire into the seriousness of the grievance of Indian exporters of cotton; and

(f) whether Government have taken any steps to alleviate the trouble and, if so, what steps?

Mr. H. Dow: (a) and (c). Yes, Sir.

(b) This statement and inference are made in the letter from the East India Cotton Association, from which the Honourable Member's question is presumably compiled.

(d) No, Sir.

(e) and (f). The Honourable Member is referred to the answers given to part (c) of his question No. 345 and to its supplementaries during the current Session.

Mr. Manu Subedar: With regard to part (e) of the question, can the Honourable Member give the House a connected account of how the difficulties arose?

Mr. H. Dow: Sir, I had anticipated that such a question might be asked, and I have prepared a statement which, with your permission, I will lay on the table of the House.

Mr. Manu Subedar: With regard to the answer to part (b), are Government satisfied that the refusal of the banks to take up the drafts as they used to do before has nothing whatsoever to do with lack of confidence?

Mr. H. Dow: That is asking for a statement of opinion which I am not prepared to give.

Mr. Manu Subedar: Will Government inquire into the reasons. . . .

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

Statement.

In January last year under the exchange control law the quantum of imports of raw cotton into Japan was fixed on the basis of the average of the preceding three years. Of the quantity so determined importers were allotted quotas equivalent roughly to the average of their imports during the same period. In accordance with this allotment importers applied to the Japanese Finance Department for exchange permit indicating in the application the month of shipment and the month of settlement of the exchange. After scrutiny of the application the Finance Department issued the exchange permit. This system was in force up to the end of May 1937 when it broke down on account of general unsatisfactory working. Early in June the issue of exchange permits was suspended. Sales of cotton, however, continued as it was anticipated that exchange control will be discontinued on or after July 31. Applications for exchange permits for all these transactions were sent up as usual, but were kept pending in the Finance Department. Anticipations as regards removal of exchange control were not fulfilled. On the contrary, the measures hitherto in force were further strengthened early in July. Applications for permits pending in the Finance Department were however left undisposed of. The cotton covered by the undisposed of permits is described as "cotton under the old contracts of 1937". The issue of exchange permits remained suspended up to October, 1937, when an announcement was made that exchange permits would be issued for ¥50 million for the months of October, November and December. Out of this amount 1/3rd was directed to be utilised towards the liquidation of old contracts of 1937. Actually only ¥40 million was sanctioned last month. In the settlement of old contracts no difficulty was experienced up to the middle of January, as contracts rates were accepted and shipment before issue of exchange permit was not insisted on.

In the beginning of January a new body called the Cotton Imports Control Association (Menka Yunyu Tosei Kyokai) was formed. It is composed of eight members, four drawn from the Cotton Spinners Association (Boseki Rengokai) and four from the cotton Merchants Union (Nippon Menka Degyokai). The Cotton Imports Control Association offered certain terms to the Cotton Merchants Union for settlement of old contracts about the middle of last month and these were communicated to Agents for Indian exporters in Osaka for compliance. The latter objected strongly to the terms offered on the following grounds:—

1. that the exchange permit would be issued for only a part of the quantity covered by the contract;
2. that the exchange permit would allow payment only at current market rates which were 10 per cent. to 30 per cent. below contract prices.
3. that shipment was required to be made before receipt of the exchange permit.
4. that no guarantee was given, though payment in Yen was promised, as to when the difference between current market rates and contract prices will be allowed to be remitted.

Negotiations in regard to the settlement of the question were opened with the Cotton Control Association. The latter alleged that the terms offered were dictated by the Finance authorities in Tokyo and could not be altered without their approval. A deputation from the Indian Cotton exporters accompanied by two representatives of the Cotton Control Association thereupon proceeded to Tokyo and interviewed the officials in charge of exchange control in the Finance Department on Tuesday, January 25. The latter explained that their decision was based on the fact that they were not satisfied as to the *bona fides* of the contracts and apprehended that higher prices may be used as a device for transference of funds to India in contravention of the exchange control law. When the implications of the offer were fully explained to them, they agreed that the Indian shippers may not ship before issue of the exchange permit and even then may ship not the entire quantity shown in the permit but only so much as would be covered by the value shown in the permit if calculations were made according to contract prices. A simple example would perhaps make this clearer. If the market rate is ¥40 per picul and the contract price was ¥50 per picul, the permit would actually show, say, 100 piculs for ¥4000. Calculated at the rate of ¥0 per picul ¥4000 gives only 80 piculs. It would be open to the Indian shippers in this case to

ship not 100 piculs but only 80 piculs. The officials also agreed to examine the evidence proving *bona fides* of the contract, and in the event of their being satisfied to issue exchange permit for the difference between market rates and contract prices so as to facilitate shipment of the cotton withheld under the original permit. All the points raised by the Indian exporters were thus settled to their satisfaction and the deputationists returned to Osaka on Wednesday, January, 26, satisfied with the result of the interview. Their only fear was that the Japanese Finance Department might reject as inadequate such evidence as they were able to produce.

The Bank of Japan objected to the settlement made by the Finance Department on the ground that if a lesser quantity was shipped they had nothing to show that the exchange control law was not being infringed. They promised, however, to refer their difficulties to the Finance Department. On 31st January last the Indian exporters were informed by their buyers that in disregard of the directions of the Finance Department, the Cotton Spinners Association had decided that cotton in settlement of the old contracts must be shipped immediately without the exchange permit. This was totally unexpected, as it was believed that the trade associations would abide by the decision of the Finance Department. The difficulties in the way of compliance were the following:

(1) the foreign banks refused to finance export transactions with Japan unless they were covered by exchange permits. Shipment therefore could only be arranged if the shipper himself were able to raise sufficient money for the purpose. A number of Indian shippers has had their funds tied up in Japan lately and were not financially in a position to dispense with bank assistance.

(2) the Japanese banks operating in India, it was reported, had agreed to furnish accommodation to the Japanese exporters consisting principally of—

1. Toyo Menka Kabushi Kaisha,
2. Goshō Kabushi Kaisha,
3. Nippon Menka Kabushi Co.
4. Nisho Co. Ltd.

The Japanese exporters were thus in a position of advantage. They had less difficulty in arranging for shipments in fulfilment of their old contracts, and were in a position to appropriate the allotment given to Indian exporters. The Indian exporters had refused to sell cotton since the 18th January when the dispute arose, and some of the business had undoubtedly been transferred to them.

(3) The Indian exporter, if he had to ship before issue of permit, was not in a position to calculate exactly the number of bales he should ship so as to cover the permit amount and no more.

On the 1st February, the Indian Trade Commissioner met the President of the Cotton Spinners Association, along with two representatives of the Indian exporters on Tuesday afternoon and was informed that the position of the Japanese Cotton mills on account of the shortage of raw cotton was so desperate that they had no alternative but to apply pressure on their suppliers and to insist on the shipment of cotton before issue of permit. The President regretted his inability to help the Indian shipper and intimated that if cotton under the old contracts was not immediately shipped by Indian exporters they would buy elsewhere and the fulfilment of the contract would be postponed for at least another six months. The Indian representatives assured the President of their willingness to oblige as far as possible but requested that he should arrange with the Japanese banks to give them the same accommodation as was being given to the Japanese customers. The President could not accept this suggestion, but ultimately agreed that if the Indian exporters would prepare a statement to show how much they could ship without outside assistance and if this quantity was found to be a substantial proportion of the total he would consider if for the balance shipment could be postponed till the permits were issued.

BIOCHEMISTRY DEPARTMENT OF THE INDIAN INSTITUTE OF SCIENCE.

609. *Mr. C. N. Muthuranga Mudaliar: With reference, to starred questions Nos. 74 (c), 846, 965—967, 1039 and 1040, asked during the

September Session of the Legislative Assembly, will the Secretary for Education, Health and Lands please state:

- (a) whether Government are aware of the adverse remarks on the Professor made by the Sewell Committee; and
- (b) whether it is not a fact that the Irvine Committee stated that the Department of Biochemistry would be greatly benefitted by the presence of an Organic Chemist of the first rank at the Institute?

Sir Girja Shankar Bajpai: (a) I have been unable to trace any such remarks in the Report.

(b) Yes.

WORK DONE BY THE PROFESSOR OF BIOCHEMISTRY AT THE INDIAN INSTITUTE OF SCIENCE.

610. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

- (a) whether Government are aware that references to Biochemical works in the six volumes of the Annual Review of Biochemistry number 20700;
- (b) how many of these are to the work of the present Professor of Biochemistry at the Indian Institute of Science; and
- (c) whether it is not a fact that there is only one such reference?

Sir Girja Shankar Bajpai: (a) to (c). Government have no information.

WORK DONE BY THE PROFESSOR OF BIOCHEMISTRY AT THE INDIAN INSTITUTE OF SCIENCE.

611. *Mr. C. N. Muthuranga Mudaliar: (a) With reference to question No. 1040 (a), dated the 6th October, 1937, will the Secretary for Education, Health and Lands please state whether it is not a fact that the type of work referred to is nothing more than what is contained in the Encyclopædia of formulas and trade recipes?

(b) Is it not a fact that Sir Gowland Hopkins, Professor of Biochemistry in the Cambridge University and Nobel prize winner, to whom his papers were referred, declared his work crude, trivial, diffuse, not Biochemical and that it was regrettable that the Professor did not represent Biochemistry?

(c) Is it not a fact that Sir John Russel, under whom, the 'Professor of Biochemistry' studied, was himself not inclined to think well of his work?

(d) Is it a fact that this 'Professor' is to be given extension of his term of office for another four years, two of which are to be spent abroad?

(e) Is it a fact that the 'Professor' has already been abroad and studied under English Professors? If so, why is he being sent out again?

(f) With reference to the answer to question No. 1037 (c), dated the 6th October, 1937, why is he not confirmed if fit or discharged if not fit?

Sir Girja Shankar Bajpai: (a) This is a matter of opinion.

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

- (d) Government have no information but will make enquiries.
- (e) The reply to the first part is in the affirmative. As regards the second part, Government have no information.
- (f) The matter is one for consideration by the Council of the Institute to whom an inquiry will be addressed.

Mr. C. N. Muthuranga Mudaliar: Will Government collect information which they have not got at present?

Sir Girja Shankar Bajpai: I have already stated the points with regard to which we are asking the Council for information.

ASSISTANT PROFESSOR IN CHARGE OF COMMUNICATION ENGINEERING AT THE INDIAN INSTITUTE OF SCIENCE.

612. ***Mr. C. N. Muthuranga Mudaliar:** (a) With reference to the assurance given by Government in answer to question No. 1038, dated the 6th October, 1937, will the Secretary for Education, Health and Lands please state whether Government will please place on the table of the House copies of papers published in recognised scientific journals by the Assistant Professor in charge of Communication Engineering?

(b) Is it not a fact that he has neither qualified for a Doctorate through research, nor has he published a single paper of merit during the ten years he has been at the Indian Institute of Science?

(c) Is it a fact that his term of office is to be extended for another five years? If so, did the Council refer his papers to competent authorities for opinion? If not, what was the material on which they reached a decision as to his fitness to be continued in the Institute?

(d) Is it a fact that he was at one time Secretary of one of the Members of the Governing Council of the Institute?

(e) Is it not a fact that the Irvine Committee laid great emphasis on research in Communication Engineering? If so, have Government considered whether or not of this gentleman would be prejudicial to the interests of the Institute?

Sir Girja Shankar Bajpai: (a) If the Honourable Member will refer to the answer, he will find that I gave no assurance.

(b) The reply to the first part of the question is in the affirmative. As regards the second part, Government have no information.

(c) Government have no information but will make enquiries.

(d) Government have no information.

(e) The reply to the first part of the question is in the affirmative. The point raised in the second part does not arise as Government have not so far been approached by the Council of the Institute for the extension of the term of the Assistant Professor.

OVERWORK TAKEN FROM CLERKS IN THE OFFICE OF THE CONTROLLER OF PURCHASE, CALCUTTA.

613. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Commerce Secretary please state whether he is aware that the present staff in the Calcutta office is insufficient to meet the amount of work, and that the

Controller of Purchase in Calcutta compels the ministerial officers to work systematically long beyond the appointed office hours?

(b) Is it a fact that the Controller even objects to the Muhammadan clerks leaving their work for saying their prayers, and that some of the Muhammadan clerks have actually been warned for thus leaving the office?

Mr. H. Dow: (a) The work in the Calcutta Purchase Circle has been increasing of late and it has often been necessary for the staff to work after the normal hours to cope with it. But certain additional staff has just been sanctioned for that office.

(b) The usual facilities are allowed to the Muhammadan members of the staff on Fridays. Permission was, however, refused by the Controller of Purchase to one Muhammadan clerk who asked for leave every day for prayers.

Maulvi Syed Murtuza Sahib Bahadur: Are Government aware of the fact that five times prayer in a day is as incumbent on every Muslim as Fridays?

Mr. H. Dow: Yes, I am aware of the fact, and I am also aware of the fact that only one of these prayer times, the *Zuhar*, occurs during the working day, and that that occurs during the lunch interval; and it seems to me that if this Muhammadan clerk is as devout and pious as he appears to be, he should be quite willing to give up ten minutes of his lunch time in order to offer that prayer.

Sir Muhammad Yamin Khan: Does he get lunch time?

Mr. H. Dow: Yes.

Mr. Abdul Qaiyum: What is the time allowed for lunch? Some of these Government officials are very hard on Muhammadans.

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

REPORT OF MR. WRIGHT ON THE DAIRY TRADE OF INDIA.

614. ***Mr. Manu Subedar:** Will the Secretary for Education, Health and Lands state:

(a) whether Government have invited the views of persons and associations engaged in the dairy trade of India on the report submitted by Mr. Wright;

(b) whether Government have received any representations from any such persons or associations on the subject dealt with;

(c) whether Government will consult this House before taking any action involving financial outlay as the result of these recommendations;

(d) with regard to the post of Director of the Imperial Dairy Institute, the creation of which is suggested by Mr. Wright, whether Government will give an assurance to this House that an Indian will be appointed; and

- (e) if the reply to part (d) be in the negative, whether Government will give their reasons why they have pre-judged the issue and whether they have made an enquiry whether a suitable Indian is available?

Sir Girja Shankar Bajpai: (a) No.

(b) Yes.

(c) Government can give no such undertaking. The normal procedure for obtaining appropriate financial sanction to any expenditure that Government consider desirable will be followed.

(d) and (e). No decision regarding the establishment of an Imperial Dairy Research Institute has yet been taken. The Honourable Member may rest assured that if any new posts are created, Government will not go outside India to secure recruits for these unless they are satisfied that qualified candidates are not available in this country.

Mr. Manu Subedar: What is the method adopted by the Government of India to satisfy themselves that qualified Indians are not available?

Sir Girja Shankar Bajpai: Generally it is advertised through the Public Service Commission.

Prof. N. G. Ranga: In view of the fact that the Standing Finance Committee has not yet come into existence again, will Government consider the advisability of consulting this House before any further financial commitments are agreed to?

Sir Girja Shankar Bajpai: I cannot say anything about the Standing Finance Committee, but we shall do exactly as other departments do in this matter.

Mr. Manu Subedar: With regard to clause (c) of the question, will the Honourable Member say whether a grant has been asked already by the department from the Finance Department for the purpose of the post of a director?

Sir Girja Shankar Bajpai: Any financial provision that may have been made with regard to this occurs in the Budget.

Mr. Mohan Lal Saksena: Is any correspondence going on with Mr. Wright himself as to his becoming a director?

Sir Girja Shankar Bajpai: No.

***CONSTITUTIONS OF THE INDUSTRIAL RESEARCH BUREAU AND ADVISORY RESEARCH COUNCIL.**

615. ***Mr. Mohan Lal Saksena:** (a) Will the Commerce Secretary be pleased to state what is the constitution of the Industrial Merchant Bureau of the Government of India, and what are its relations with the Government Test House at Alipore?

(b) What are the functions of the two?

(c) What is the staff in the Industrial Research Bureau, and what are their respective salaries?

(d) How long has the Bureau been in existence? Will Government be pleased to make a statement regarding its work during the last two years?

(e) What is the constitution of the Advisory Research Council under the supervision of which the Bureau is supposed to work?

(f) Are any industries or faculties of science represented on the Council? If not, why not?

(g) Do Government propose to consider the advisability of reconstituting the Advisory Council on the lines of the Council Scientific and Industrial Research in England? If not, why not?

Mr. H. Dow: (a) and (b). The Honourable Member is presumably referring to the Industrial Research Bureau and the Research Branch of the Government Test House, Alipore. His attention is invited to pages 15—22 and 32 of the Bulletin of Indian Industries and Labour, No. 52, containing the proposals for the constitution of the Industrial Research Bureau which were accepted by the Industries Conference and approved by the Government of India. The functions of the Bureau are described on page 8 of this Bulletin, while the functions of the Research Branch are described in the introduction to the Report of the Bureau for the year 1936-37. Copies of both the Bulletin and the Report are available in the Library of the House.

(c) A statement showing the sanctioned staff of the Industrial Research Bureau, with their scales of pay, is placed on the table.

(d) The Bureau commenced operations from April 1935. An Account of its activities during the two completed financial years will be found in the Annual Reports for 1935-36 and 1936-37 copies of which are available in the Library of the House.

(e) The general constitution of the Industrial Research Council is described on page 32 of the Bulletin referred to in my answer to part (a) of this question.

(f) No particular Industries or Faculties of Science are represented, as such, on the Industrial Research Council, which is constituted in the manner recommended by the Industries Conference. The Government of India nominate four non-officials interested in Industries and a seat is also allotted to each Provincial Government on the Council, for non-officials directly connected with Industries. The Council can also co-opt, under the constitution, additional members and it is permissible for Provincial Governments to depute to a particular session one or more non-official advisers with special knowledge of the questions before that session.

(g) Government do not consider that it is at present a practicable proposition to endeavour to set up in India an organisation on the lines of the Committee of the Privy Council for Scientific and Industrial Research in England or other great research organisations which exist in some of the more advanced industrial countries. The Industrial Research Council and the Bureau represent a beginning in that direction from which a research organisation suitable for the needs of the country may in due course be developed.

Statement showing the existing sanctioned strength of the Industrial Research Bureau.

Posts.	Scales of pay.	
	Old scale.	New scale.
	Rs.	Rs.
<i>Headquarters Office.</i>		
1. One Director*	2,250 plus overseas pay £13-6-8 per mensem.	..
2. One Assistant Director†	950—50—1,200	740—35—950.
3. One Superintendent	350—25—600	400—20—500.
4. One Librarian	150—10—300	150—10—300.
5. Two Technical Assistants‡	150—10—300	150—10—300.
6. Four I Division Assistants	120—8—160—10—350. (E. B. at Rs. 200 and Rs. 300).	140—10—280—(E. B.). 10—310—15—400.
7. Four II Division Clerks	75—4—155—160—5—175 (160—5—175 for 15 per cent. of permanent clerks). (E. B. at Rs. 115 and Rs. 155.)	80—4—120—5—200 (E. B. after 125.)
8. Five III Division Clerks	..	60—2—80—3—125 (E.B. after 95.)
9. Two Stenographers	150—10—300—12½—400 (E. B. at Rs. 250.)	125—5—180—10—300.
10. One Draughtsman†	120—8—200	100—5—150.
11. One Tracer†	45—3—75	40—2—70.
12. One Record Sorter	20—1—40	20—1—40.
13. Two Duffries	15—1—35	15—½—20—1—30.
14. One Duffadar	17—1—22	19.
15. Five Peons	14—1½—16	1st Grade. 16 2nd Grade 15, 3rd Grade 14. Do.
16. One Farash	14—1½—16	Do.
<i>Research Branch, Alipore.</i>		
17. One Research Officer†	950—50—1,200	740—35—950.
18. One Assistant Research Officer†	500—50—750	350—25—550—30—700.
19. Seven Physical Assistants‡	150—15—300—20—500.	150—10—300—(E. B.) —20—400.
20. Eight Chemical Assistants‡	150—15—300—20—500.	150—10—300 (75 per cent. of posts.) 300—20—400 (25 per cent. of posts.)
21. One Instrument Maker†	70—3—85	70—3—85.
22. Four Mistries†	40—2—60	40—40—4½—60.
23. One Senior Clerk	75—5—150	80—5—150.
24. Four Junior Clerks	50—3—125	45—45—5½—90—3—105.
25. One Draughtsman†	120—8—200.	100—5—150.
26. Six Laboratory Bearers	18—½—30	18—½—30.
27. Two Khalasis	15—1½—19	13—1½—17 plus L. C. A. Rs. 2.
28. Three peons	15—1½—19	13—1½—17 plus L. C. A. Rs. 2.

N.B.—*The substantive incumbent will continue to be governed by the State Railway Provident Fund and Gratuity Rules.

†The present is already admitted to the benefit of the Contributory Provident Fund.

‡The incumbents will be admitted to the benefits of the Contributory Provident Fund.

Prof. N. G. Ranga: Have any members been co-opted by this advisory Council itself?

Mr. H. Dow: From time to time, I believe, they have.

Prof. N. G. Ranga: Has anybody been co-opted from any of these faculties of science?

Mr. H. Dow: I am afraid I must ask for notice of that question.

INQUIRIES FROM INDUSTRIES FOR RESEARCH WORK.

616. ***Mr. Mohan Lal Saksena:** (a) Will the Commerce Secretary be pleased to state how inquiries from industries for research are dealt with?

(b) Is it a fact that the research is generally done by the assistants employed in the Government Test House at Alipore?

(c) Have Government considered that full benefit of the research work is not derived by Government and the industries in India because of so many intermediary links between the industries and the research assistants?

Mr. H. Dow: (a) Enquiries addressed to the Bureau are normally required to be forwarded through the Director of Industries of the Province or State from which the enquiry is made. In certain special cases an enquiry is received and dealt with direct by the Bureau and a reply is issued direct to the party making the enquiry, a copy being simultaneously issued to the Director of Industries concerned.

Any proposal that requires research of a major character is submitted to the Industrial Research Council for consideration, but if the investigation required is of a minor character, the problem is passed direct to the Research Branch of the Government Test House by the Bureau. On completion of the work the report is published in the form of a bulletin in the series of Bulletins of Indian Industrial Research, or a copy is forwarded to the party concerned through the Director of Industries of their province or State: depends upon the character of the work.

(b) The research work of the Bureau involving laboratory work is carried out by the staff of the Research Branch of the Government Test House, Alipore, under the direct guidance and supervision of the officers of that Branch, and the Superintendent of the Government Test House.

(c) Government have no reason to think so.

Mr. T. S. Avinashilingam Chettiar: May I know whether any fee is charged for this inquiry?

Mr. H. Dow: I must ask for notice of that question.

PROHIBITION OF THE EXPORT OF JAGGERY TO CEYLON.

617. ***Mr. Sami Vencatachalam Chetty:** Will the Commerce Secretary be pleased to state:

(a) if he is aware that the customs authorities at Tuticorin and Kulasekarnpatnam of the Madras Presidency prohibited the export of palmyra-jaggery to ports in Ceylon;

- (b) If so, whether such action was taken under the International Sugar Agreement;
- (c) whether there is any, and if so, what clause in the said Agreement by which jaggery should not be exported to Ceylon by India;
- (d) if he is aware that jaggery is used by the estate labourers in Ceylon for medicinal purposes; and
- (e) if he is prepared to cancel the orders prohibiting the export of jaggery to Ceylon?

Mr. H. Dow: The question should have been addressed to the Honourable the Finance Member.

MEASURES FOR PROHIBITION OF COW-SLAUGHTER.

618. ***Mr. Lalchand Navalrai:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether in view of the recent public utterances by His Excellency the Viceroy deprecating the indiscriminate cow-slaughter in cities and the desirability to stop it immediately, even by legislative measures, the Imperial Government have formulated any Bill to that effect;
- (b) if not, when such a Bill should be expected to appear before this Assembly;
- (c) whether the Provincial Governments have sent in their opinions as regards such a Bill; whether they were asked for in the month of December, 1936;
- (d) whether such opinions of the Provincial Governments, if arrived will be published; and
- (e) whether Government have in view any other schemes to bring about this cow-slaughter prohibition?

Sir Girja Shankar Bajpai: (a)—(e). I would refer the Honourable Member to the answer given by me to Mr. Muthuranga Mudaliar's starred question No. 240 on the 14th February.

Mr. Lalchand Navalrai: With regard to clause (d) will the Honourable Member be pleased to say if the Central Government will introduce any Bill with regard to the centrally administered areas?

Sir Girja Shankar Bajpai: The Government of India have not considered the question with regard to the centrally administered areas.

Mr. Lalchand Navalrai: Will the Government of India consider it?

Sir Girja Shankar Bajpai: Yes, we will consider it.

MAINTENANCE AND PUBLICATION OF STATISTICS FOR COW-SLAUGHTER.

619. ***Mr. Lalchand Navalrai:** Will the Secretary for Education, Health and Lands be pleased to state whether Government are prepared to ask all Provincial Governments to maintain accurate statistics of cows and other

cattle slaughtered in municipal areas, notified areas, cantonment areas, and all other rural areas within their jurisdiction, and to publish these statistics regularly and annually for the information of the public?

Sir Girja Shankar Bajpai: The Government of India are already in correspondence with Provincial Governments regarding the inclusion in the reports of their Veterinary Departments of statistics regarding the slaughter of animals in recognised slaughter houses.

UNSTARRED QUESTIONS AND ANSWERS.

NON-OFFICIAL NOMINATED MEMBERS OF THE CENTRAL LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.

56. **Pandit Sri Krishna Dutta Paliwal:** Will the Honourable the Law Member kindly state:

- (a) the information about the interest or professions or communities that the nominated Members (non-official) represent in the existing Assembly and the Council of State; and
- (b) the same information regarding the previous Assemblies and Councils of State?

The Honourable Sir Nripendra Sircar: A minority only of Non-Official Nominated Members of the Council of State and Legislative Assembly are nominated with a view to their representing specific areas, interests or communities. Details of such representation are contained in the annexed statements.

COUNCIL OF STATE.

Area, interest or community represented by one nominated Member each.	Councils of State on which so represented.
Indian Christians	All.
North-West Frontier Province	All.

LEGISLATIVE ASSEMBLY.

Area, interest or community represented by one nominated Member.	Legislative Assemblies on which so represented.
Indian Christians	All.
Anglo-Indians	All.
Labour	All.
Indian Army	All except the First Assembly.
Associated Chambers of Commerce	All except the First Assembly.
Depressed Classes	Third, Fourth and Fifth Assemblies.
North-West Frontier Province	All except the present (Fifth) Assembly.

TRANSFER OF THE ADMINISTRATION OF CERTAIN VILLAGES TO THE JODHPUR AND UDAIPUR DURBARS.

57. **Mr. Badri Dutt Pande:** (a) With reference to the Government of India's press *communiqué*, of the 3rd February, 1938 (published in the *Hindustan Times* of the 4th February, 1938), will the Honourable the Leader of the House be pleased to state the population and the income that was hitherto realised by the British Government and the number of villages in the district of Merwara, which is being transferred to the Durbars of Jodhpur and Udaipur?

(b) How many villages will go to Jodhpur and how many to Udaipur?

(c) Were the people of these tracts in any way consulted before this transfer was sanctioned?

(d) Will the Honourable Member be pleased to state the reasons that led Government to transfer these areas to the Indian States after a period of more than a century?

The Honourable Sir Nripendra Sircar:

(a) Population—53,386.
Income—Rs. 77,000 per annum.
No. of villages—118.

(b) 24 and 94 respectively.

(c) As the inhabitants of the villages are mostly State subjects, the question of consultation did not arise.

(d) I would refer the Honourable Member to the Press Communiqué referred to in part (a) of his question.

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): I want to make a submission.

Mr. President (The Honourable Sir Abdur Rahim): No statement can be made now, except in connection with any item on the Agenda. The Honourable Member will then be free to make it in due course.

ELECTION OF MEMBERS TO THE COURT OF THE DELHI UNIVERSITY.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon, on Tuesday, the 1st March, 1938, the time fixed for receiving nominations for the Court of the University of Delhi, six candidates were nominated, since when the candidature of two Members has been withdrawn. As the number of candidates is now equal to the number of vacancies, I declare Mr. Muhammad Azhar Ali, Mr. N. C. Chunder, Pandit Lakshmi Kanta Maitra and Mr. Ghulam Kadir Muhammad Shabban to be duly elected.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Council of State at its meeting held on the 2nd March, 1938, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meetings held on the 1st and 7th February, 1938, namely:

(1) A Bill to provide facilities for military manœuvres and for field firing and artillery practice, and

(2) A Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes."

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to serve on the Standing Committee on Emigration."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to serve on the Standing Committee on Emigration."

Mr. C. N. Muthuranga Mudaliar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I rise to oppose this motion, though I have no wish to prevent the re-constitution of the Standing Emigration Committee. I would like to bring to the notice of the House certain undesirable features in the functioning of this Committee. In the first place, it does not meet except once during the Sessions of this Assembly. Even then, the meetings which are held twice a year are not called immediately after the Members find themselves in Delhi or Simla. Then all urgent business left over is consigned to the next Session, irrespective of the importance of the matter. As an instance, we met last week and discussed matters relating to the Kenya Highlands and the Zanzibar clove boycott and then adjourned. There is the other important question of Ceylon, not to speak of other colonies. There the Indian labourers are being deprived of their franchise by the Village Communities Ordinance. They are asked to relinquish the lands which they have been cultivating for a long time making them into remunerative vegetable gardens. In the name of retrenchment the Indians employed in the Ceylon Railways are being asked to quit, and then there is the educated unemployment, mostly among medical men and others who have been for a long time employed in these estates. Now they are deprived of their jobs.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is simply relating the grievances. The motion before the House is for the constitution of the Committee.

Mr. C. N. Muthuranga Mudaliar: I raised the point at the previous meeting of the Emigration Committee and the Honourable Member promised to get the information from the Agent there, but at this meeting I did not get any information at all.

Mr. President (The Honourable Sir Abdur Rahim): The House is now concerned with the constitution of the Committee,—whether a Committee like that should be constituted or not.

Mr. C. N. Muthuranga Mudaliar: Many matters that are discussed there are marked confidential and we are not allowed to have the papers. As soon as the meeting is over we are asked to return the papers. For instance, I may mention this memorandum of the Zanzibar Government with regard to the purchase and export of cloves was handed in to us last week just at the beginning of the meeting and within half an hour it was taken away from us. We were not allowed to know what there was in it, and yet this morning I find this memorandum published in the press. It looks as if Members are not trusted with regard to these papers. And why this secrecy, this hush-hush policy, I do not understand. Publicity is essential. The present Assembly has not been dissolved; its term has been extended, and why should not this Committee also be extended? Why should we be put to the necessity of having fresh elections this time? All these matters I wanted to bring to the notice of the House before this Committee is allowed to be re-constituted. That is my serious objection.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): A rumour goes that the Standing Committee on Emigration had recommended at its Simla Session that an embargo should be placed on the imports of cloves into this country.

Mr. President (The Honourable Sir Abdur Rahim): That cannot be gone into. That has already been discussed.

Prof. N. G. Ranga: I want to know whether the Government had agreed with the recommendations made by the Standing Committee on Emigration at its Simla Session in regard to the various questions and especially with regard to the clove trade boycott that was going on in this country as well as the *satyagraha* that was being carried on by Indians in East Africa. We would like to have information on that. Secondly, I also take objection to marking everything that is submitted to the members of the Standing Committee on Emigration confidential and thus making it impossible for them when necessary, not always but when necessary to take the public or even their own parties into their confidence and thus try to create the necessary enlightened public opinion in regard to some of the most important points that are brought for discussion before this particular Committee. On these points I would like to have a satisfactory answer from the Honourable Member in charge of this motion.

Sir Girja Shankar Bajpai: I do not think I need detain the House very long. As regards my Honourable friend Mr. Muthuranga Mudaliar's complaint about the fewness of the meetings, I wish to submit to the House that there is no use calling a meeting when there is no business to be submitted to it. We convene meetings of the Standing Emigration Committee whenever there is any business of importance to be considered,

and I am confident that other members of the Committee, if they have an opportunity of expressing their opinion on this matter, will bear me out in my statement that the Government of India make the fullest and the most frequent possible use of the Committee, consistent with the exigencies of the problems concerned.

My Honourable friend's second complaint was that nothing had been said on the subject of Ceylon. The members of the Standing Emigration Committee are aware of the fact that, when we met at the end of last month to consider the question of Zanzibar and Kenya, we assembled at a quarter past five and adjourned at half past seven, and there was no time left then to take up the question of Ceylon. And we could not convene a meeting thereafter since the term of office of the members of the Committee expired on the 1st March. As soon as the Committee is constituted again we shall take up the question of Ceylon and bring it to the notice of Honourable Members. Then my Honourable friend, Prof. Ranga, said something about the advice given by the Standing Emigration Committee, I believe at its meeting last May, on the question of laying an embargo on cloves. As you are aware, Sir, the question of embargo on cloves was discussed on an adjournment motion on the opening day of the last August Session of the Assembly and there is nothing further for me to say on that point. Lastly, there are the points raised by my Honourable friend, Prof. Ranga. As regards the confidential character of the documents submitted before the Standing Emigration Committee, that has been the convention of the Committee ever since it was first established. The papers which are submitted to the Committee are marked confidential, but the Committee is also competent to decide for itself to what extent its proceedings should be given publicity, and, where the Committee has decided upon a certain measure of publicity, Government have faithfully and loyally carried out the instructions of the Committee in regard to that matter. That is all I have to say.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to serve on the Standing Committee on Emigration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of Members to the Standing Committee on Emigration the Notice Office will be open to receive nominations up to 12 Noon on Monday, the 7th March, and that the election, if necessary, will be held on Thursday the 10th March, 1938, between the hours of 10-30 A.M. and 1 P.M. in the Assistant Secretary's room in the Council House, New Delhi. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move for leave to introduce a Bill to amend the Hindu Women's Rights to Property Act, 1937.

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

"That leave be granted to introduce a Bill to amend the Hindu Women's Rights to Property Act, 1937."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I introduce the Bill.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

MISCELLANEOUS EXPENSES.

Mr. B. M. Staig (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Miscellaneous Expenses'."

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

"That a supplementary sum not exceeding Rs. 3,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Miscellaneous Expenses'."

Barachakia-Musrakh Railway Project.

Babu Kailash Behari Lal (Bhagalpur, Purnea and Sonthal Parganas: Non-Muhammadan): Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,60,000 in respect of 'Miscellaneous Expenses' be reduced by Re. 1."

Mr. President (The Honourable Sir Abdur Rahim): This is a supplementary demand and I don't know whether the Honourable Member is aware that the question of grievance, even of the Bihar public, cannot be ventilated on supplementary grants. The amendment is out of order.

Babu Kailash Behari Lal: I am speaking on this particular demand.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot do that. I find that the Honourable Member wants to ventilate the grievances of Bihar public for not providing money for the project called Barachakia-Musrakh over the Bengal and North Western Railway. This is clearly out of order. The Honourable Member can oppose the whole grant. That is a different matter. Anyhow, this amendment is out of order.

The next amendment in the name of Mr. Thirumala Rao is also out of order for the same reason. This is not the occasion to discuss the grievances of lower class railway passengers.

The third one in the name of Mr. Chettiar is also out of order.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): This is in order. This is to discuss the question of high fees paid to consulting engineers. This item is found in the demand. I want some information about it.

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): You will see that this motion wants this demand to be reduced by Rs. 100.

Mr. President (The Honourable Sir Abdur Rahim): This is to discuss the question of high fees paid to Consulting Engineers. I rule this out of order.

(Mr. T. S. Avinashilingam Chettiar rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will let me give my ruling. I do not want the discussion to be stifled in any way. All I have got to see is whether a particular motion is in order or not. The Honourable Member can make any speech he likes so long as it is relevant. He can throw out the demand. Then we come to No. 4.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore cum North Arcot: Non-Muhammadan Rural): I want to raise a point of order in regard to this. The point of order is this: If you will look at the small blue book supplied, on page 2, in foot-note (b) you will find this:

"write back from capital to this head, of survey expenses in connection with the proposed Dacca-Aricha Railway which had been debited to capital", etc.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is perfectly entitled to say that that writing back is not correct.

Mr. T. S. Avinashilingam Chettiar: I want to discuss that writing back.

Mr. President (The Honourable Sir Abdur Rahim): But the policy cannot be discussed on this occasion. The next one is in the name of Mr. Brojendra Narayan Chaudhury. That is refusal of supplies and is in order.

Refusal of Supplies.

Mr. Brojendra Narayan Chaudhury (Surma Valley cum Shillong: Non-Muhammadan): Sir, I move:

"That the demand for a supplementary grant in respect of 'Miscellaneous Expenses—II-Surveys' be reduced to Re. 1."

This means that the demand is to be reduced by 2,59,999 Rupees. You will find that this demand is required for write-back from capital to this head, of survey expenses in connection with the proposed Dacca-Aricha Railway project.

The Government have come before the House with this demand simply for an adjustment of account. They say that they have now abandoned the project of the Dacca-Aricha Railway; and therefore, this item, as an item of expenditure put down under Surveys, should now be debited to some other account. I want this House to agree with me that the Dacca-Aricha Railway should not be abandoned, and, therefore, this adjustment of account is quite unnecessary. This sum of Rs. 3,60,000 should continue to appear in the accounts for Surveys, which means that I ask the Government by this vote, if my motion is carried, to proceed with the Dacca-Aricha project. Sir, probably the Honourable House is aware that the

[Mr. Brojendra Narayan Chaudhury.]

Dacca-Aricha project is older than probably anyone of us here; it is as old as the eighties of the last century. Now the matter has been hanging on for years and the matter came to a head in the year 1927-28. I have now before me a book—an abstract estimate of the cost of the Dacca-Aricha Railway. We had almost gone up to the point of beginning the construction work on this project. Sir, at page 170 of the Report I find that:

"Mr. Edwards, Engineer-in-Chief, Surveys and Construction of the Eastern Bengal Railway, recommended strongly to the Railway Board that the additional land required for the B. G. Siding at Postgola Ghat be acquired *at once*."

Now, I cannot understand why this project, after having gone to such a length, should be abandoned. I tried to find out whether this project has been abandoned as being one which is not likely to be paying, but what do we find in the report? I find that this project is expected to earn within six years—the initial period of calculation of the Railway Board—and Honourable Members will please note it—as high as 7.6 per cent. on the capital. Now what are our Railways earning now? We have seen in the Railway Budget that all the Railways together are hardly earning more than 5.1 per cent. So this project, considered from the standpoint of investment, is a lucrative project. Then, about the needs of the Railway. Anyone coming from Assam and Bengal knows that this railway is required to shorten the route and to find a direct route from the other side of the Padma estuary

Mr. President (The Honourable Sir Abdur Rahim): Is this Rs. 3,60,000 required for this very project? Does the Honourable Member want that the amount should be reduced to one rupee?

Mr. Brojendra Narayan Chaudhury: This amount is not required to be expended in the future; the amount has already been spent.

Mr. President (The Honourable Sir Abdur Rahim): You say that this amount ought not to have been spent?

Mr. Brojendra Narayan Chaudhury: I say it ought not to be debited to another account. The money has already been spent long ago.

Mr. President (The Honourable Sir Abdur Rahim): You say it ought to have been debited to some other account?

Mr. Brojendra Narayan Chaudhury: Yes, Sir, they are going to abandon the project. We are against that abandonment and I want to press our view upon Government by some such motion as this.

Mr. President (The Honourable Sir Abdur Rahim): If that is the object, I must rule the motion out of order. I thought this was a sort of economy cut—that this amount was not needed; that is the Honourable Member practically wanted to oppose the whole grant. I took it as a sort of refusal of supplies, and that this demand is not needed for that particular object. But if he wants to discuss the policy of a certain project whether that was a good project or not, that is a different matter, and such discussion cannot be allowed now.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I wish to submit that what the Honourable Member means is . . .

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member put his own point.

Mr. Brojendra Narayan Chaudhury: This item is required only for the purpose of adjusting the account; they want to take this amount from one item to another. By refusing this demand now, the account will not be re-adjusted so that they will be compelled to go on with the project.

Mr. President (The Honourable Sir Abdur Rahim): So it ought not really to be reduced to one rupee which I take it means a refusal of supplies.

Mr. Brojendra Narayan Chaudhury: Sir, this project is a very important one and an urgent one; it has been urgent for the last sixty years; it will shorten the route from the Surma Valley, Silchar and Cachar

Mr. President (The Honourable Sir Abdur Rahim): Is it the Honourable Member's point that the project is necessary but this amount ought not to be debited to that project?

Mr. Brojendra Narayan Chaudhury: Sir, that project will provide a short and direct route from Sylhet and the Surma Valley and East Bengal to Calcutta. The Railway is only about forty miles long, but now we have to travel by river a distance of about one hundred and fifty miles, and it takes about nine hours. This project will shorten the route and will substitute a direct railway journey for a steamer journey of nine hours. I want to know why, under these circumstances, the Government are going to abandon the project; and, unless they can satisfy the House, I urge that the House should support my cut.

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

"That the demand for a supplementary grant in respect of 'Miscellaneous Expenses—II—Surveys' be reduced to Re. 1."

Mr. B. M. Staig: Sir, the Honourable Member has given a brief outline of the history of this Dacca-Aricha Project. Briefly, the facts are as he says; it is an old project that was resuscitated in 1926 at the instance of the Bengal Government. In 1928-29 an abstract estimate was framed for a construction project which was sanctioned by the Secretary of State. Actually at that time, four lakhs were provided in the Budget estimates. After that, a reference had to be made to the Bengal Government in connection with the preparation of the detailed estimates. They began to re-examine the soundness of the project and ultimately had it investigated again by a Committee. That occupied about three or four years. The Bengal Government then intimated to the Government of India that it was not in the best interests of the province that this project should proceed. Perhaps I may read to the House what they said. It is as follows:

"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 water over the country side 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

[Mr. B. M. Staig.]

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."

Mr. Brojendra Narayan Chaudhury: What is the date of the letter please?

Mr. B. M. Staig: 1933. On receipt of that letter the Government of India had no alternative but to abandon this project. I may also mention that subsequent to this letter a dispute ensued as to who should be liable for the cost which had already been incurred. Finally, in the early part of this financial year the Government of India accepted that liability and as the charge of these surveys had already been made against capital and as no asset at all exists in respect of the expenditure that has been incurred, it is proper now to write off that expenditure to revenue: hence this Demand.

Mr. President (The Honourable Sir Abdur Rahim): Now that the matter has been made clear, it is evident that the cut motion is intended to discuss the question of policy whether the certain railway project ought to have been abandoned or not. I, therefore, rule it out of order.

Mr. K. Santhanam: Sir, I wish to speak.

Mr. President (The Honourable Sir Abdur Rahim): I have ruled the motion out of order, but you can speak on the demand itself.

Mr. K. Santhanam: Sir, the House has heard the explanation of the Honourable Mr. Staig. I do not oppose this expenditure of Rs. 3,60,000 because it was done at the instance of the Bengal Government nor do I think that the project should have been continued against the wishes of the Bengal Government but I wish to make a strong protest against the way in which the Railway Board have yielded to the Bengal Government. As the expenditure was incurred at the request of the Bengal Government, this amount ought to have been recovered from the Bengal Government. I am afraid the Government of India have shown very great tenderness to the Bengal Government in this matter. They should have insisted on the Bengal Government to pay this amount because it was at their instance that this expenditure was incurred and it was at their instance that the project was abandoned. Therefore, the Government of India ought to have insisted upon this payment being made by the Bengal Government. It should have been a lesson to that Government. When another project from Sind came, it was insisted upon it by the Railway Standing Finance Committee and the Railway Board that they should guarantee a certain return. The Sind Government have agreed to a return of four per cent. In this case not only was there no guarantee but the Railway Board have incurred a positive loss. I, therefore, suggest that the Government of India should re-consider the matter and see whether the Bengal Government should not be asked to refund this amount to the Railway Board.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I submit that it is difficult for me to subscribe to the opinion expressed by my Honourable friend, Mr. Santhanam. It is true that whenever the Provincial Governments urged upon the construction of any railway lines, the Railway Board used to insist upon certain conditions and one of the conditions that was usually insisted upon was that they should at least guarantee a certain minimum percentage of interest on the capital to be sunk. If the project will fail to give that much profit, they were to be responsible for making up the deficit. That is one of the conditions that was generally insisted upon on provinces whenever any project was undertaken at their instance. But, so far as my experience of the working of the Railway Finance Committee goes, I never knew of any condition to this effect that if a project was begun and if for certain unavoidable reasons or for certain unforeseen causes it had to be abandoned, the Provincial Government was to bear all the cost incurred and that that money had to be recovered from them. That sort of condition was never insisted upon, at any time, before. I do not know what has been the practice during the last four or five years when I have not been sitting on that Committee. But for a period of seven years when I was a member of that Committee, that was the only condition that was insisted upon. Although this project was undertaken by the Railway Board at the instance of the Provincial Government, it will be unreasonable to ask the Bengal Government to make up the loss which is due to the fact that the project could not be proceeded with. I think we have to thank the Bengal Government for having given a timely warning to the Railway Board to abandon the project at this stage. Supposing it had been proceeded with further, probably it would have cost us more lakhs, perhaps even a crore. So, we have to thank the Bengal Government for having saved us from a greater loss than we are incurring today. Although there is some logic in what my Honourable friend has said, it is entirely inconsistent with the practice which has been observed in this connection by the Railway Board and I think the practice that has been observed is a salutary one. I, therefore, think that the demand should be passed.

Babu Kailash Behari Lal: Sir, I rise to oppose this Demand, particularly the amount of Rs. 45,000 which is meant for more payments than originally anticipated for land supplied to the Bengal and North Western Railway Company for the shifting of the railway line caused by unexpected alteration in the course of the Ganges. In opposing this I wish to bring to the notice of the Government that this expenditure would not have been at all necessary if the Government had agreed to give proper attention to the request of the Government of Bihar for having a line between Barachakia and Musrukh. This line was simply a sort of an alternative for the expenditure which the Government now propose to spend over this item. The necessity of it was discussed in the Local Council of Bihar and it was forwarded to the Government. But the Government of India out of their own whim said that if the Government of Bihar were to guarantee the loss, if any, entailed in the project, then they would take it up. The Government of Bihar would not agree to guarantee anything like that, because if there had been any profit, it would go either to the pocket of the Government of India or to the railway company and in case of any loss the Bihar Government would suffer. I want to point out that even now the matter does not rest there. I find in the report

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is now again trying to discuss the grievances of the Bihar Government.

Babu Kailash Behari Lal: I submit that this expenditure of Rs. 45,000 does not end there. They propose to spend more in future over this project.

Mr. President (The Honourable Sir Abdur Rahim): That is also a question of policy which the Honourable Member cannot discuss now.

Babu Kailash Behari Lal: The expenditure does not end there. It will entail more expenditure if the Government proceed with this work. I find in the report of the Standing Finance Committee for Railways:

"That payment on account of the cost of land supplied to branch line companies are expected to be more than in the current year by about 4 lakhs due to the provision for land required for the doubling of a portion of the line on the company's section of the Bengal and North Western Railway."

This shows and I apprehend that in future also perhaps the Government will have to spend more money like this. Even if the Government take that step and listen to the suggestion of the Local Government to have the line, that will solve a great deal of the inconvenience to the public and at the same time bring some return to the Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is again really going into the question of policy.

Babu Kailash Behari Lal: I must point out, Sir, that I am not discussing any matters of policy. My submission is that this expenditure is useless and Government should abandon this project and should have some other project in the alternative.

Mr. President (The Honourable Sir Abdur Rahim): The question whether the project is the right one or not is again a question of policy and it cannot be discussed.

Babu Kailash Behari Lal: If it is a matter of policy, then I will vote against this demand.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I must also enter my protest. This railway project—Dacca-Aricha railway—was undertaken at the distinct request of the Bengal Government. The survey was taken in hand and the whole project was considered and my information is—I knew very well as I was very much interested in this project—that a return of 7½ per cent. was available on that project. That is a very important line which would have facilitated and saved the trouble of people travelling from Calcutta to Dacca and Mymensingh and elsewhere.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is again raising the question of the project being abandoned. The Honourable Member cannot discuss any such grievance.

Sir Abdul Halim Ghuznavi: I will restrict myself to the demand. I will not go into policy. I want that this project should continue and this should not be written off.

Mr. President (The Honourable Sir Abdur Rahim): You want the construction to go on. The Honourable Member cannot discuss that.

Mr. M. Ananthasayanam Ayyangar: Sir, I do not want that the construction of the bridge should go on. I say that this item ought not to be passed by the House. I quarrel with the Government that they ought not to have spent so much money without considering all aspects of the question. If they did not consider the utility of this line, then they should not have undertaken the project at all. It is not right that you should spend two lakhs of the taxpayers' precious money and then come to the House and say, "we have spent it under one head and now we want to move it to another head". The whole thing comes to waste. Whoever is responsible for this muddle, I appeal to the House not to pass this demand.

There is also another ground on which I oppose this demand. So early as 1933, the intention of the Bengal Government was communicated to this Government, that is that the project should be abandoned. This information was given to the House in the letter which the Honourable the Financial Commissioner himself read out to the House. That was as early as 1933. The Government were in full possession of the facts so early as 1933. If this amount was spent out of capital, then why did they wait all these five years to convert it as a demand under the head revenue. It is not in one year alone. If originally the project had continued and capital expenditure has been incurred, then very possibly it would have yielded a return. Now capital is sought to be written off under revenue account. This year a sum of 3 lakhs is taken away from revenue account. Why have the Government waited all these years for the purpose of taking to revenue account the amount spent under capital expenditure. They ought not to have done that. Even if they wanted to write off from capital to this head, they ought not to have done so in one and the same year. They should have distributed the writing off over a number of years. This year particularly, owing to the surplus that is available under railway receipts, a portion will go to the provinces. To this extent, however small the amount may be, the amount that is to be distributed to the provinces will be reduced. I would say that the transfer of the amount from capital to revenue is improper and in any case not so much money should have been written off so as to affect the share to be distributed to the provinces in this year. Whatever be the mistake that has been committed, let it be set right now and let the amount be distributed over a larger number of years and not put into the revenue account of one year.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir*, I oppose the demand on the ground that if all the items in this were analysed, it would appear that money on them has either been spent or is going to be spent needlessly. The very first item relates to the Bengal Railway Company. This expenditure is unnecessary because the amount shown is not limited to Rs. 45,000 only. If this is sanctioned today it would be like giving sanction at the same time to that heavy expenditure which is going to be incurred on this project in the near future; and the House would then be in a difficult position. The flow of the Ganges is not restricted; it is this way and that way every time. The river has for some years past shown a tendency to flow towards the east,

*Translation of the Honourable Member's speech delivered in vernacular.

[Maulvi Muhammad Abdul Ghani.]

and if this goes on for some time more, all the money that would be spent on the construction of this railway line would, I am sure, be wasted. Already a few days ago a sanction of several lakhs of rupees has been given to the Railway Board to consider the problem of constructing a bridge over the Brahmaputra and to undertake the survey of a railway line so that people living on the other side of the Brahmaputra may be able to travel and transmit their goods to the western parts of India without going through the trouble of having to cross the river. But, Sir, I assure the Railway Board that it won't do to construct this particular railway line piece by piece. They will have to give up their *zid* (obstinacy) one day and be forced to build the same old Bara-Chakia-Masrah project which they had surveyed and for which estimates had been prepared at so much cost.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss that.

Maulvi Muhammad Abdul Ghani: All right, Sir, I leave it at that, but I must say that the Railway Board have started a new joke. An estimate of the Dacca-Aricha Railway is prepared with the consultation of expert engineers at a cost of Rs. 2,83,000. Suddenly it is realised that the scheme is detrimental to public interest and is dropped. Is this fair on the part of the Railway Board?

Then, Sir, this very item includes Rs. 14,000 as fees required for the consultation of expert engineers in London; but if even their advice was found to be unworkable, why, I wonder, this expenditure of Rs. 14,000 should have been incurred at all on consulting expert engineers in London. The demand is not, therefore, legitimate. If even after the advice of the Consulting Engineer in London the Railway Department is to suffer and go back upon its decisions, where is the need for taking advice from him. It would, in my opinion, be best to consult local engineers in such cases and save public money from being wasted. I oppose the demand *in toto*.

Mr. B. M. Staig: Sir, I have already explained at some length the circumstances in which the construction of this railway was abandoned. One Honourable Member took the point that we should have pressed the Bengal Government to meet this charge instead of transferring it from the capital account to our revenue account. I may assure him that we pressed the Bengal Government very hard but no condition was laid down at the time this survey expenditure was incurred which imposed on the Bengal Government any liability to refund the amount should the construction not proceed. Therefore, the Government of India finally felt that they must bear this charge. This dispute as to which Government should bear the cost is the explanation for the delay, to which, an Honourable Member referred, in the settlement of this question. One Honourable Member suggested that the write-off to revenue should be spread over a number of years. The sum at stake is about 2½ lakhs and is not of sufficient magnitude, in my opinion, to justify the spreading over of the charge to revenue over a period of years.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS. 1417

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

"That a supplementary sum not exceeding Rs. 3,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Miscellaneous Expenses'."

The motion was adopted.

PAYMENTS TO INDIAN STATES AND COMPANIES.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 25,68,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Payments to Indian States and Companies'."

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

"That a supplementary sum not exceeding Rs. 25,68,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Payments to Indian States and Companies'."

There is a cut motion in the name of Mr. Chettiar which is out of order.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I should like to have some information from the Financial Commissioner of Railways about this demand. In the first place, I should like to know what is the percentage on which surplus profits are payable to the railway companies and to the Indian States. I should also like to know what amount out of these 13 lakhs has been paid to the Indian States and, to which States. Then I should also like to know what has been the cost of the abandonment of the line from Church Gate to Colaba and why it has been abandoned. I should like to have all this information so that we may be in a better position to discuss this demand.

Mr. B. M. Staig: Sir, I may explain that the 13 lakhs under this Demand relates to the earnings of the Companies and Indian States in the year 1936-37. In that year, as Honourable Members are aware, we ended up with a much more substantial surplus, namely, 1½ crores roughly, than we expected at the time the revised estimates for 1936-37 were framed. The Companies and Indian States are entitled to their corresponding share of profits according to their contracts, and this provision of 13 lakhs merely contemplates the payment to them of the amounts due to them in their agreements with Government. The item net earnings payable to worked lines—Rs. 12,68,000,—arises in respect of revenues of the present year on worked lines. As Honourable Members are aware, the Budget contemplated a surplus of 15 lakhs and the revised estimate contemplates a surplus of 2½ crores. The lines worked by us have participated in that prosperity, and naturally the payments to them must also go up. This amount too contemplates only the payment of legal dues.

The Honourable Member referred to the abandonment of the line between Church Gate and Colaba. That abandonment has been made in accordance with the terms of the contract with the Bombay, Baroda and Central India Railway. Under their contract they are liable to abandon certain land when called on in order to permit of the development of Bombay. They were called upon to do so about 1930 and responded; and the land, the value of which was included in the Secretary of State's share of the capital, has been made over to the Government of Bombay for disposal. Under the terms of their contract the Company are entitled to a

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LEGISLATIVE ASSEMBLY.

[3RD MARCH 1938.]

[Mr. B. M. Staig.]

revision of the figures representing the profit sharing capital of the Company and the Secretary of State, and this revision involves that the surplus profits payable to the Company since the land was handed over in 1930 have to be recalculated. This has been done and the amount at stake, if I remember correctly, is about half a lakh of rupees.

Babu Baijnath Bajoria: I wanted to know what is the percentage on which the Railway Companies and Indian States are paid surplus profits.

Mr. B. M. Staig: I think I must ask the Honourable Member to read the terms of the contracts which will be found in the Library.

Mr. T. S. Avinashilingam Chettiar: May I know if there was a fresh contract coming into existence from the 1st January, 1938? If so, in what respects is it more advantageous as compared to the previous contract?

Mr. B. M. Staig: So far as I am aware, the only fresh contract which comes into effect from the 1st January, 1938, and is actually not relevant to this particular Demand, is that of the Madras and Southern Mahratta Railway. A copy of that has recently been placed in the Library and the Honourable Member may see it there.

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

"That a supplementary sum not exceeding Rs. 25,68,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March 1938, in respect of 'Payments to Indian States and Companies'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 74,15,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

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

"That a supplementary sum not exceeding Rs. 74,15,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March 1938, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

There are amendments standing in the names of Mr. Pande and Mr. Chattopadhyaya which are both out of order.

Mr. M. Ananthasayanam Ayyangar: Sir, I want information on three points. Firstly, it is stated in the explanatory memorandum that a portion of this sum of 74 lakhs is due to the rise in the price of materials. I find from the annual statement and from the other papers that a sum of nearly 10 crores or 10 to 12 crores is lying in the various sheds by way of stores kept in store and reserve to be utilised as occasion arose. If there are stores of that value how does the rise in prices in a particular month or a particular quarter of a year affect the position so

as to increase the costs? Is it not possible to tide over the rise in prices by taking from the stores that are already in reserve and replenishing the stores after the prices fall? Enormous stores of the value of 10 crores might be sufficient to supplement whatever needs there might arise and which might not have been anticipated originally, and which might be replenished later on. On this head I should like to have some information.

As regards the additional stocking of coal that was purchased, what is the quantity that was needed which was not anticipated and for the utilisation of which the mines were worked? What is going to be the attitude of the Government regarding supply of coal for locomotives for the coming year? Are they going to work the coal mines or are they going to purchase coal from the local market?

Thirdly, I would like to get information as to whether this additional expenditure that has been incurred has been remunerative: nearly three-fourths of a crore has been incurred by way of additional expenditure. What is the return? Or has it been incurred without any return and without considering whether there will be a return, merely to suit the convenience of this or that class and without an eye to business? These are the three points on which I would like to have information from the Honourable Member.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I find that this additional Demand is shown to have arisen owing to money having been spent on heavier repairs to locomotives than anticipated, and to the rise in price of materials. It seems to me that it is useless to have done this. It can be said that this heavier expense is due to overhauling these locomotives: and sending for materials from foreign countries. When I went to see the Moghalpura Railway workshops the other day, I found there gigantic and heavy works being carried out and some parts were also being made there. I also found that Indian engineers and Indian experts doing all that work. I inquired what was being done with regard to locomotives: they first showed me that wagons were being completely built there, but as regards locomotives they said that even small parts had to be sent for and imported from outside. I think this heavier expense referred to here is on this account. I say nothing should be imported and they should start manufacturing these locomotives and their parts in India. Locomotives themselves should be made in India and not only repaired. I submit they must make a beginning and prepare all these parts in India. I condemn this system of sending for these parts from outside India instead of making an attempt to make modern locomotives in India itself, which is very much needed.

Mr. B. M. Staig: Sir, the details of this Demand will be found at page 69 of the Proceedings of the Meeting of the Standing Finance Committee for Railways of the 27th and 28th January. In brief, the Demand is necessitated by the fact that traffic has been much greater than we expected and we now hope to be able to earn a net surplus of Rs. 2½ crores—Rs. 2½ crores in excess of the surplus anticipated in the Budget. That must automatically involve greater expenditure on coal and freight of coal. I may explain also that the greater part of this excess demand represents freight of coal (over Rs. 50 lakhs) which comes back to us on the revenue side of the Budget. In regard to the particular points made, referring to coal policy, I can add nothing to what the Honourable Member said in the course of his speech in presenting the Railway Budget and

[Mr. B. M. Staig.]

in subsequent debate a few days ago on this subject. He dealt during the Budget debates also with the question of manufacture of locomotives and the stores policy. I can only refer my Honourable friend, Mr. Lalchand Navalrai, to what was said on that occasion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that question now.

The question is.

"That a supplementary sum not exceeding Rs. 74,15,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 6,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

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

"That a supplementary sum not exceeding Rs. 6,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE OF FERRY STEAMERS AND HARBOURS.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance of Ferry Steamers and Harbours'."

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

"That a supplementary sum not exceeding Rs. 98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance of Ferry Steamers and Harbours'."

The motion was adopted.

WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of Traffic Department'."

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

"That a supplementary sum not exceeding Rs. 2,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of Traffic Department'."

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS. 1421

There is an amendment in the name of Prof. Ranga—to discuss the Hours of Employment Regulations. I think it is out of order. . . .

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural): Sir, I wish to move it. . . .

Mr. President (The Honourable Sir Abdur Rahim): I have held that it is out of order.

Mr. M. Ananthasayanam Ayyangar: I would submit this, Sir. The Hours of Employment Regulations were introduced, so far as this Demand is concerned, on the 1st of October, 1937—the note at the bottom of page 6 relating to this Demand says:

"This is required to meet excess expenditure due to:

(a) the introduction of the Hours of Employment Regulations from the 1st October 1937"

This is the first time that it comes up—the introduction of the Hours of Employment Regulations.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean that the law relating to hours of employment has come up for the first time now?

Mr. M. Ananthasayanam Ayyangar: This is the first time that it comes up and it has also affected adversely the amount that has to be paid, and this is the only occasion that any submission can be made on that.

Mr. President (The Honourable Sir Abdur Rahim): Is it that the Hours of Employment Regulations came into force on the 1st October, 1937?

Mr. B. M. Staig: It came on this particular railway on the 1st October, 1937. Actually, in regard to other railways the regulations were given statutory effect—on the North Western Railway and the East Indian Railway with effect from the 1st April, 1931, and on the Eastern Bengal Railway and the Great Indian Peninsula Railway with effect from the 1st April, 1932. The regulations were extended to the Bombay, Baroda and Central India and Madras and Southern Mahratta Railways on the 1st November, 1935, and to the Bengal and North Western Railway with effect from the 1st October, 1937.

Mr. President (The Honourable Sir Abdur Rahim): That is only one railway in which it came into force on the 1st October, 1937.

Mr. M. Ananthasayanam Ayyangar: Bengal and North-Western Railway and the East Indian Railway—two big concerns.

Mr. President (The Honourable Sir Abdur Rahim): But supposing that it came into force, then, that was under a Statute or a law passed by this House?

Mr. A. G. Olow (Labour Secretary): It is under an amending Bill to the Railways Act.

[Mr. A. G. Clow.]

The amending Bill was passed, speaking from memory, in 1929 or 1930.

Mr. President (The Honourable Sir Abdur Rahim): Then it cannot be discussed.

Mr. M. Ananthasayanam Ayyangar: The Bill was passed empowering Government to frame certain regulations. So far as those regulations are concerned, the Honourable Member has said that they have given effect to them in the various administrations from time to time. In 1931 they applied them to one system, in 1933 to another system and so on, and it was not until the 1st October, 1937, that certain regulations were applied under the Act to the Bengal and North Western Railway. It is no doubt true that the executive authority cannot exercise any authority except under a Statute, but we are now concerned with the manner in which the regulations were applied, the kind of regulations that were introduced, and the effect thereof. If the Statute had framed those regulations and incorporated them, we cannot question them now, and it is open to the administrations to introduce or not to introduce them.

Mr. President (The Honourable Sir Abdur Rahim): What the Honourable Member says is that those regulations should not have been applied to these railways?

Mr. M. Ananthasayanam Ayyangar: Not to have been applied now.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): As I understand it, the position is this. In 1930 there was passed by this House an Act which enabled the Government of India to extend, by notification, as they thought fit, these Hours of Employment Regulations to the various railway administrations. The power conferred on the Government of India, by that Act, has been exercised from time to time and I take it that the intention of the Honourable Member is to discuss the principle on which the Government of India have been acting, not the financial effect of this particular instance of their exercising their powers. As such, I suggest to you, Sir, that this motion is out of order.

Mr. President (The Honourable Sir Abdur Rahim): I have come to the conclusion, having heard what the facts are that are sought to be discussed under this motion, that the object is to discuss a question which is clearly one of principle, namely, whether the regulations regarding the hours of work which the Government are entitled to enforce if in their judgment such enforcement is required in respect of certain railways—whether the Government were justified in imposing those regulations in respect of the East Indian and the Bengal and North-Western Railways. I think that is a question of policy or principle which cannot be discussed on a supplementary demand like this.

Mr. M. Ananthasayanam Ayyangar: This is a new demand; this is in the nature of a new service.

Mr. President (The Honourable Sir Abdur Rahim): I have given my ruling.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): May I ask some information on this Demand? I want to know when the Bengal and North-Western Railway and the Rohilkund and Kumaon Railway are being taken over by the State.

Mr. President (The Honourable Sir Abdur Rahim): That is not a question that can be asked now.

Mr. Mohan Lal Saksena: May I know when these Hours of Employment Regulations are going to be introduced in the Rohilkund and Kumaon Railway?

Mr. President (The Honourable Sir Abdur Rahim): Any information can be obtained as regards this Demand, if it is not clear, but the Honourable Member cannot go on putting that sort of questions.

Prof. N. G. Ranga: Sir, it was in 1930 that that particular Act was passed. At that time it was intended to benefit the workers. It was for that purpose that certain concessions were then incorporated into that Act and they were to be extended to workers employed in all the railways. I do not know why the Government have taken so many years, as many as seven years, before they could make up their minds to extend these regulations to the workers employed on the Bengal and North Western Railway. I also wish to know whether they have extended all the regulations and the benefits therefrom to these workers or only certain sections of them. I would also like to know what would be the effect of the introduction of these regulations upon the total number of the workers there employed and also upon the salaries that will be paid to these people, and if there are any piece-work rates being payable to some of those employed in the workshops, whether there is any reduction or increase in the wages paid to these people. It is an extraordinary thing that the Government come to the House with Bills asking for powers to be given to them to frame regulations from time to time and extend them to the various interests concerned. Then, thereafter, they want to utilise this discretionary power in whatever way they like and in the best possible manner that is most convenient for themselves and not considering the interests involved and their welfare. This is the best instance of that kind. They have taken seven years to make up their minds whether or not to extend these regulations to these people. And all this time, again and again, their representatives had to get up in this House and ask the Government when they were going to extend them.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows very well that he can discuss on a Demand like this only questions of economy. He can point out that the Demand was based on a mistaken calculation or anything like that. He cannot discuss a question like the one he is raising.

Prof. N. G. Ranga: Therefore, I want the Government to explain what would be the effect of these regulations on these workers.

Mr. M. S. Aney: I would like to know what was the number of workers before the 1st October, 1937, and what is the number of workers now. The introduction of Hours of Employment Regulations has added to the cost to the extent mentioned in the Demand.

Mr. B. M. Staig: I am afraid I cannot give the numbers which the Honourable Member desires. I have not got them here.

Mr. M. S. Aney: Was this Demand discussed in the Railway Finance Committee and were detailed figures given then? I do not know how the Committee passed that, without having the information.

Mr. A. G. Clow: I shall give the House such information as I can. The Honourable Member asked what the effect was on the railway to which it had been extended. The effect of course is that, within the categories specified, not only are hours subject to statutory limitation but a weekly holiday is also secured. That is done by a system of inter-changing hours. As I said, it does not apply to all grades. It only applies to certain specified categories and in that respect it follows the Convention or rather the two Conventions on which the legislation was based. He also asked what effect it had on workshops. I think the answer is that it has no practical effect, because the workshop hours and holidays are regulated by the Factories Act, which applies to railway factories as well as other factories. I cannot give the numbers of the extra men engaged and I would merely in conclusion say that it is not a question of taking seven years to make up one's mind. What we are trying to do is to extend it gradually to cover all the railways of India and we are at the moment considering possible further extension to other railways one by one. As I said in dealing with this matter earlier, charity begins at home and we began with the big State Railways.

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

"That a supplementary sum not exceeding Rs. 2,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of General Departments'."

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

"That a supplementary sum not exceeding Rs. 3,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of General Departments'."

Handling of the Bengal Nagpur Railway Strike and the Employment of Police.

Mr. Mohan Lal Saksena: Sir, I beg to move:

"That the Demand for a supplementary grant of a sum not exceeding Rs. 3,95,000, in respect of 'Working Expenses—Expenses of General Departments' be reduced by Rs. 1,50,000."

If you look at the footnote on page 7 you will find that this sum of Rs. 1,50,000 has been spent in payment for special police employed during the strike in 1936-37. I do not want to go into the history of the strike which lasted for over three months, but I would like to remind Honourable Members that when this question was raised in this House and the Government was asked to intervene the Government always came forward with the parrot-like reply that they did not want to interfere in the internal management of the Bengal Nagpur Railway and that they would like the dispute to be settled by the contending parties, but

from this we find that the Government have lent the use of special police on which they have spent 1,50,000. Also from the proceedings of the Committee I have found out that there was a saving of seven lakhs because of the strike. So, I would like this House to refuse payment of this amount which was spent on the use of the special police in handling the Bengal Nagpur Railway strike. Sir, I move.

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

"That the Demand for a supplementary grant of a sum not exceeding Rs. 3,95,000, in respect of 'Working Expenses—Expenses of General Departments' be reduced by Rs. 1,50,000."

Prof. N. G. Ranga: I claim that this grant of Rs. 1,50,000 ought not to be made at all, because the Bengal Nagpur Railway was not entitled and could not be expected to employ special police during that strike. It might be claimed that property was in danger. It might be said that the railway apprehended some violence on the part of the strikers against the trains, the passengers or the blacklegs. In such a crisis in the life of the ordinary citizen, it is the duty of the Provincial Government, which is in charge of the Police, to provide the necessary police force to safeguard life and property. I do not know why, instead of following that procedure, the Government thought it fit to allow the railway to engage special police and incur such enormous expenditure. Evidently the railway authorities were not satisfied with the special protection that would be provided by the Local Government. We know only too well how employers try to make use of special police in order to bring down the resistance of the workers, to put down the strike and to gain their own ends. We have an instance under our very nose. Here, the employer has not employed special police. The ordinary police are placed at his disposal with the result that every day a number of workers have been sent to jail or lathi-charged. What is more, in spite of their protests, the police have dragged men from their lines and produced blacklegs, brushing aside their women and children and throwing them into lorries and then taking them to the Birla Mills. When we know how employers are likely to make use of the special police, we are in a better position to condemn this particular practice that was resorted to by the Bengal Nagpur Railway. It is not as if they had not the usual police protection. They had the railway police. In addition to that, they have made this extra Demand for expenditure of Rs. 1,50,000 to put down that strike. Why did they engage the special police at all? Their apprehensions and fears did not come true. There was not a single prosecution of any worker or any body of workers, either for damaging railway property or attacking the passengers. There was no necessity at all for this special protection and there was no necessity for this special police and if it was engaged it must have been engaged only for one and one purpose only and that was to bring down the resistance of the workers. Therefore, I very strongly and vehemently oppose this.

Then there is a very great principle involved in this. Who is this Bengal Nagpur Railway? Is it a State Railway? It is not. It is only a private company managing this particular railway, over which the Government itself has come here and again and again said that they had no direct control; they could not even interfere with the affairs of this railway to the extent of persuading the Railway Agent to re-instate the recognition of the Bengal Nagpur Railway Union which was withdrawn by the late Agent so arbitrarily. Sir, when Government was so very imbecile in regard to

[Prof. N. G. Ranga.]

this railway, where was the need for Government to have lent the services of the police? Where was the need for the Railway Board to have agreed to this special expenditure and come here for this supplementary demand? Secondly, was it a public utility? It was not. I admit that a railway can be a public utility and ought to be considered as a public utility and it is because it ought to be considered a public utility that I claim, on behalf of the workers, that Government should have interfered in time in order to protect the workers and their rights and get the recognition of their union re-instated. But they have not done so. They have failed in their duty when the workers' interests were involved, but they have gone out of their way to provide special police for this railway when the railway Agent was interested and anxious to have the special protection of the police. Sir, if it was not considered to be a public utility by the Government, there was absolutely no justification, whatsoever, for the engagement of this special police. Then, in that case the railway is on a par with any other employer. In those circumstances, are private employers to be allowed to hire out the services of the police as if they are mercenaries, to use them against workers against whom such employers are fighting? That is exactly what it amounts to, if we are to agree to this particular motion. Sir, here is an employer that has engaged hundreds of these police,—police that is in the pay of the Government, police that is supposed to protect the interests of the citizens, police that is supposed to be the custodian of law and order, and it is this police which was utilized, not for any impartial purpose of keeping law, between these two contending parties, but for assisting and abetting one of these contending parties? Is that fair—I want to know? Can any Honourable Member representing employers come forward and say that he should be allowed the right to engage police for the protection of his special interests? I can very well understand even a Congress Minister providing special police in order to see that there is law and order and peace maintained as between these two contending parties, but I cannot understand any irresponsible as well as un-responsive Government to allow police to be hired out by a particular party provided that particular party is prepared to pay the necessary cost. Are they prepared to come and give us an assurance, on the floor of this House, that they would be prepared to allow police to be hired out for the benefit of workers provided they are able to pay for this police? I am sure they won't agree; but, in any case, the workers are not in a position to hire out the services of this police. That may be the only reason why they may come here and say, "we are prepared to allow the workers also to engage police". Take the case of the workers employed at the Birla Mills here at Delhi. Are they prepared to come forward and say that they are prepared to place the police at Delhi at the disposal of the workers employed in the Birla mills,—workers whose women are being molested, insulted and treated very badly by the police of this place?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better now confine himself to the subject now under discussion.

Prof. N. G. Ranga: They were not absolutely right when they agreed to hire out this police for the benefit of this particular employer. My Honourable friend, Mr. Giri, had the task of his life in order to bring about some sort of settlement with the help of the Central Government. Yet the moment that this agreement was reached, the company tried to wriggle

itself out of that agreement, with the result that Government was compelled to appoint a special officer. Now that officer also disappointed the workers. We know the circumstances under which he behaved himself as he did and the manner in which he submitted his report and made his recommendations

Mr. President (The Honourable Sir Abdur Rahim): Was it in connection with this very strike?

Prof. N. G. Ranga: Yes. Take the Mudie report. We wanted the Government at least to agree to re-instate the recognition of these unions, we were negotiating with them

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into that.

Prof. N. G. Ranga: Sir, I do not see any reason why this Government should have provided for this, and this grant ought not to have appeared here at all, but partly in the Orissa Budget, and partly in the Bengal Budget and not in the Central Budget, because if there was to be any need for special police, that ought to be engaged by the Local Governments concerned through whose jurisdiction the railway passes.

What is the *locus standi* of the Railway Board? Is it a spokesman of these railway Agents, doing whatever they like and simply being bullied by these people as they wished? Sir, the Railway Board ought not to have had anything to do with this if they were to be guided by their own professions,—viz., that they had no direct control over the internal administration of these railways? Why have they come here with this Demand? Sir, in all fairness, it is absolutely unfair to ask the consent of this House to this particular Demand.

Lastly, Government ought to be prepared to pay a compliment to the marvellous manner in which my Honourable friend, Mr. Giri, managed the strike and has helped them immensely. It is because of his excellent leadership that I claim, special police was not at all needed there. Special police protection, I submit, ought not to be provided at the dictation or request of a particular employer but of their own initiative. In this particular case it was not needed, because the Honourable Mr. Giri was in charge of the strike and there was not one case of violence or bad behaviour on the part of the workers. He was managing the strike so beautifully and in such a masterly and disciplined fashion that the workers gave no reason, whatsoever, for the Government or the railway Agent to have asked for special protection, and he must have asked for it only for one reason and that was to bring down the morale of the workers. The police if they are employed ought to show all humanity and impartiality and fair play as between the different sections of citizens, and I request the House to throw out this particular Demand and stand for the impartiality of the police and the independence of the Railway Board.

Mr. T. S. Avinashilingam Chettiar: Sir, I find that under the Government of India Act the railway police is maintained by the Local Governments and the railway administration pays contributions to the Local Governments. On page 58 (paragraph 8) it is said:

"Payment to Provincial Governments under the Government of India Act, for the Order police on State railways and for the special police engaged for the strike last on the Bengal Nagpur Railway, Accounts for 21 lakhs."

If it is the duty of the Provincial Governments to supply police and

[Mr. T. S. Avinashilingam Chettiar.]

if they are charged with the police arrangements, then what is the necessity for the Government to spend another Rs. 1,50,000? We are told that because of the strike and because of the non-payment of wages during the strike, there has been, as it were, a profit of seven lakhs of rupees because the amount was not spent. We do not know under what head that unspent money has been credited and we would like to know it. I don't know the arrangements by which moneys under these items are credited and debited in the railway accounts. Are these moneys, which were not spent on account of the non-payment of wages, credited to the credit of the companies and the extra amount paid for the police arrangements debited to the account of the Railway Board for which this Demand has been presented today?

Secondly, we would very strongly suggest that for the protection of the railway property and railway interests it is criminal to spend as much as a lakh and fifty thousand rupees, which is nearly Rs. 50,000 a month. We know that the Local Government has a reserve of police and for the protection of law and order there are what are called the internal security troops. So, I daresay the Local Government can and will protect the interests of the railways. I would like to know whether they applied to the Local Government for the protection of their interests and if the Local Government refused them the necessary assistance and asked them to arrange their own protection by their own special police. No information has been forthcoming on these points. We would strongly resent an amount to the tune of Rs. 1,50,000 being spent on a strike like this which has been conducted in a most peaceful manner. I would like to know the details why it was necessary to incur this expenditure, which, as far as I can see, is wholly unjustified.

Mr. M. Ananthasayanam Ayyangar: Sir, I wish to add only a few words to what has already been said. Under the head 'Bengal Nagpur Railway' in the supplementary demand there are two items, one of Rs. 1,50,000 and the other of Rs. 50,000. The cut relates to the demand for a grant of Rs. 1,50,000. The other Rs. 50,000 is also by way of more contributions to Provincial Governments towards the cost of the Order police employed in railway premises than originally anticipated. Now, Sir, from year to year contributions are made to the Provincial Governments for rendering police help in the railway premises for which a supplementary demand is also brought. Could not the strike have been more easily worked with the assistance of the local police? On this ground also it does not appear that there was any need for any special arrangement costing a sum of Rs. 1,50,000. As my friend Mr. Chettiar, has pointed out, a saving of seven lakhs of rupees by the non-payment of salaries was effected during this period of strike and it is not known why the amount of Rs. 1,50,000 was not charged to the company. Therefore, this cut motion ought to be supported.

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

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

Mr. N. M. Joshi (Nominated Non-official): Sir, I do not like that any Provincial Government should give the help of the police at their disposal

to those people who give money. The Provincial Government should maintain the police for the benefit of the public and should give the help of the police to those people who need their help. The expenses of the police should be found by public taxation. It is wrong for a Provincial Government to ask those people who are protected by the police to pay for the cost of the police. If once the Provincial Government begins to do that, then there is a likelihood of people with large purses getting the help of the police and people who have not got money not getting the help of the police. Although the police, which is maintained at the cost of the railways, are under the control of the Provincial Governments, still if the money is paid by the railways directly, the railways are bound to exercise some influence though I may not say they will exercise any power or control. But they are likely to exercise some influence over the actions of the Provincial Governments in this matter. It may be that under the Statute the railways are bound to pay, but the Statute is wrong. If the Statute has placed that responsibility for paying expenses of the police on the Indian railways, it is wrong. Sir, the great danger of this practice is that during strikes or in other emergencies railways may ask for a larger number of police than they really need in order to over-awe the workers who go on strike. The Provincial Governments will have very little responsibility and they may say that after all the railways are willing to pay for the 10,000 men they ask for and let us send them 10,000 men. But if the Provincial Governments have to find the money, then they will think twice before they send such a large number of people, a larger number than is needed for the purpose. I, therefore, feel that the Assembly should not approve of this Demand. The Statute may require the payment of the money but the Government of India should get the Statute changed because it is a wrong Statute.

Sir Abdul Halim Ghuznavi: Mr. Deputy President, we have been hearing a lot of speeches this morning and this afternoon wholly irrelevant to the point at issue. What is the point that we are discussing? This is a Supplementary Demand for 1½ lakhs of rupees which the Bengal Nagpur Railway spent for getting the help of the special police. We have heard this morning the complaint that this encourages the railways or private firms or companies to exploit labour and to keep them down and this does not allow them to agitate for their grievances of all sorts. Sir, the railways have spent this money and naturally they come to the Railway Board for the sanction of this money which they did not get the sanction previously because that contingency at that time did not arise.

Sir, this House elects a number of Members of this House to sit on the Standing Finance Committee on Railways. They examine every item of expenditure that is placed before them and if they are satisfied, I do hope and trust that the House will agree with that. The Standing Finance Committee Members have passed this item being fully alive to all the points that were discussed this morning relating to this Demand. They were satisfied that that item was necessary to be passed. If this House does not agree with their decision, it means that the House has no confidence in the Members elected to the Standing Finance Committee. (Interruption.) My Honourable friend, Mr. Joshi, will always interrupt me. My Honourable friends to my right have sent their own representatives to sit on the Standing Finance Committee and from the note which appears in the list of Demands for Grants, it appears that the Standing Finance Committee for Railways have agreed to this Supplementary Demand, *vide* proceedings

[Sir Abdul Halim Ghuznavi:] of their meeting, Volume XIV—No. 3. This only implies that my Honourable friends to my right who are opposing this Demand have no confidence in the Members that they sent to the committee.

Some Honourable Members: No, no.

Sir Abdul Halim Ghuznavi: What do you mean by saying "no, no"? It tantamounts to no-confidence.

What is the position of the Bengal Nagpur Railway. I happen to travel several times by that railway and in that particular year, I was going up to Tatanagar and Bombay. My Honourable friend said this morning that if the special police was not there, the situation could have been solved very easily and that as the railways have saved seven lakhs by not paying the workers, the demand for 1½ lakhs which is now coming before the House for sanction need not be sanctioned. If the special police was not requisitioned by the Bengal Nagpur Railway the result would have been bloodshed, colossal loss of life in the shape of riots and danger to the safety of the travelling public. Sir, the safety of the travelling public was the first consideration of the railways. The train by which I was travelling was going at a very slow speed, but there was an apprehension that at each and every station there may be some sort of obstruction on the rail and it may derail the carriages.

Mr. N. M. Joshi: The real reason was that the driver was untrained.

Sir Abdul Halim Ghuznavi: Was my Honourable friend there on the train?

Mr. N. M. Joshi: I was all along the line.

Sir Abdul Halim Ghuznavi: Sir, the Bengal Nagpur Railway was committed by my Honourable friend, Mr. Giri, the labour leader, for the manner in which they dealt with the situation; and Mr. Giri himself would have been in trouble in bringing about the solution that he did without the help of this special police which the Bengal Nagpur Railway requisitioned. They have spent the money; they came before the Standing Finance Committee; and that Committee consisting of some Honourable Members to my right sanctioned this Demand which is now before the House. Sir, I hope this Demand will be carried.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions; Muhammadan Rural): Sir, I had absolutely no idea of speaking on this Demand. But Sir Abdul Halim Ghuznavi has expounded a novel principle today that any action or any motion or any amendment decided by a Committee of this House cannot be discussed. My friend himself . . .

Sir Abdul Halim Ghuznavi: My Honourable friend is only showing his colossal ignorance. I never said it cannot be discussed.

Mr. Muhammad Azhar Ali: My Honourable friend himself has been on several committees and I remember that he himself has on several occasions opposed these things which came out from these committees, and he has said that he could not agree to what such and such committee decided. Now, by pleading that anything which comes out of a committee cannot be discussed he has laid down a pernicious principle which cannot be accepted by this House.

Before we pass any judgment on this Demand I would ask the Honourable Member in charge to make a complete statement for the information of this House because we cannot be satisfied by what the Committee has done. We ourselves want to be satisfied as to the reasons for drafting the police in such large numbers, specially when the facts stated by my Honourable friend to my right show that there was not a single case brought by Government against anybody.

Sir Abdul Halim Ghuznavi: That was due to the special police.

Mr. Muhammad Azhar Ali: Whatever it may be, we ought to know the facts. Therefore, I would ask the Honourable Member to explain the situation properly, otherwise we may be forced to vote against the demand.

Mr. B. M. Staig: Sir, during the course of his speech Prof. Ranga reached a high emotional level. I will come down to the hard facts. There are, however, just one or two points in his remarks with which I should just like to deal. He alluded on the strength of wholly *ex-parte* allegations to police atrocities in the Delhi strike now in progress and then to possible tyrannies in the Bengal Nagpur Railway strike. I am glad to see, however, that he also observed that no atrocities or irregularities of any kind, either on the part of the police or on the part of the strikers, occurred in that strike. In the second place, he developed the argument that the police should not be called on to protect property during a strike. It seems to me that that is an extremely dangerous argument, and I do not think that as practical men we can very well endorse it.

To come down now to the hard facts of the Bengal Nagpur Railway strike, the circumstances of the strike are very well-known in general to the House, and I will allude to them only very briefly. Out of 50,000 employees on the Bengal Nagpur Railway, 28,000 participated in this strike. While, as observed by Prof. Ranga, the behaviour of the strikers was on the whole very orderly, still signs of intimidation were not lacking, nor was the situation generally such as to create any confidence in the authorities responsible for the preservation of law and order that there would be no breach of that law and order. It was, therefore, an ordinary precaution on their part to take steps to increase the police. The police were actually employed at various places on the railway system mainly for the protection of vital points, such as bridges and signal boxes. It needs very little imagination to suggest the possibilities arising from a single act of sabotage, should it take place. In the next place the police were required, in view of the signs of intimidation which I have already alluded to, to protect the persons and homes of loyal employees. Now, as to the authority responsible for appointing the police or determining their strength, that does not lie with the Bengal Nagpur Railway. The law, Sir, is as follows:

"Whenever any railway, canal or other public work, or any manufactory or commercial concern shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector-General that the employment of an additional police-force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern, it shall be lawful for the Inspector-General, with the sanction of the Local Government, to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders, from time to time, upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly."

[Mr. B. M. Staig.]

In this connection I would refer to the remarks of my Honourable friend, Mr. Joshi. He criticised the law, but I have read the law to you, and there it is, and with it the Bengal Nagpur Railway has to comply. In these circumstances, the points for the consideration of the House are whether the employment of police by the authority competent to appoint them and to determine their number was justified, and whether the Bengal Nagpur Railway should meet the bill which is presented to them in accordance with the terms of section 14 of the Police Act.

I would just like to allude to a point raised about the Rs. 50,000 under this Demand by Mr. Ayyangar. This payment is for "order" police and is a liability which now devolves on railways. This year, for the first time they have taken upon themselves the responsibility of reimbursing Provincial Governments for the complete cost of "order" police. That responsibility does not constitutionally devolve upon them till the Federation comes in under Part III of the Act, but they have assumed it from the 1st April, 1937.

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

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,95,000, in respect of 'Working Expenses—Expenses of General Departments' be reduced by Rs. 1,50,000."

The motion was negatived.

Mr. M. S. Aney: One cut motion, Sir, has been disposed of, I see this Demand consists of some other items also; and I want to ask for some information from the Honourable Member

Mr. Deputy President (Mr. Akhil Chandra Datta): Before the Honourable Member proceeds further, I must inform him that there are other cut motions under this head.

Mr. M. S. Aney: May I know the proper procedure, Sir? Are we to make our general observations on the Demand or ask for any information we want after the cut motions are disposed of? Is that the procedure?

Mr. Deputy President (Mr. Akhil Chandra Datta): That will be more convenient.

Kumbh Mela Works.

Mr. Badri Dutt Pande: Sir, I move.

"That the Demand for a supplementary grant of a sum not exceeding Rs. 3,95,000, in respect of 'Working Expenses—Expenses of General Departments' be reduced by Rs. 100."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, this is out of order: several of these motions have been ruled out by the President when he was in the Chair before lunch. This is a token cut and no token cut can be moved on a supplementary Demand: that was the ruling given on all these amendments which were ruled out of order. The Honourable Member can speak on the Demand itself and bring forward his points, but I submit he cannot move a cut motion of this kind.

Mr. Badri Dutt Pande: If you rule it out of order, Sir, I will speak on the main motion.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member is out of order.

Mr. M. S. Aney: Sir, I find that my Honourable friend, Mr. Pande, is also interested in the same item in which I am interested. I only want to get some information. I find that this amount of Rs. 80,000 which is included in this Demand is intended for Kumbh Mela Works and also more repairs and maintenance of block instruments and other equipment. The exact amount that is going to be spent on the Kumbh Mela Works is not shown here. Reference is made here to Vol. XIV—No. 3 of the Proceedings of the Standing Finance Committee for Railways and it is stated that that Committee agreed to this Demand. I tried to go into that volume to find out whether I could get any details of the improvements that are going to be made for the sake of the Kumbh Mela Works and the cost of those improvements, but all that I find in that volume is this:

"The approval of the Committee is requested to a supplementary demand for Rs. 3,95,000, being placed before the Legislative Assembly for expenditure under this head in 1937-38, and the Committee agreed to a supplementary demand for Rs. 3,95,000, being placed before the Legislative Assembly in respect of the voted expenditure under this head for 1937-38."

My point is this: the volume to which reference has been made does not contain any details at all. (Interruption.) I know what it is: it is only stated in this volume that the Supplementary Demand was agreed to by the Committee, but the proceedings do not show what are the various items of which this amount of Rs. 80,000 is made up, what are the improvements which they have in contemplation. Nothing of the kind is given there and I am really surprised that the members of the Committee should not have asked for the necessary details before they committed themselves to this Demand. That is what I feel. I have to make this observation with some regret, but the necessary details should have been called for; and when they are called for I know they used to be supplied, and when supplied they used to form part of these proceedings. That used to be the procedure when the proceedings of the Standing Finance Committee for Railways were reported at least five years ago

Sir Abdul Halim Ghuznavi: May I interrupt the Honourable Member for a minute? He assumes that the details were not discussed. That is not so.

Mr. M. S. Aney: I did not say that. I simply said that those details do not appear in the proceedings

Sir Abdul Halim Ghuznavi: The members must have discussed the details and then come to the conclusion that this sum of Rs. 80,000 was necessary.

Mr. M. S. Aney: I never said that they did not discuss the details of the Demand; I merely said what the procedure was before and I do not find the details here

Sir Abdul Halim Ghuznavi: The Honourable Member may suggest that and it will be done next time.

Mr. M. S. Aney: My difficulty is this: I do not know exactly what are the improvements which are contemplated. But I have to thank the Railway Board for taking into consideration an important matter like this because I know the arrangements that exist at the Hardwar station, where the Kumbh Mela is going to be, are not ordinarily sufficient to cope with the immense crowds that will go there and the large number of pilgrims

[Mr. B. M. Staig.]

Railway, and in the near future if they have from their annual grant for improvement of amenities any money to allot to this object in its order of urgency and subject to their discretion, I have no doubt that they will be quite prepared to do so.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): But the Mela will be held only a month hence.

Mr. B. M. Staig: I am afraid no work can be executed there now to meet this particular complaint in addition to what has been already done.

Dr. P. N. Banerjee: That would be most unfortunate.

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

"That a supplementary sum not exceeding Rs. 3,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of General Departments'."

The motion was adopted.

WORKING EXPENSES—MISCELLANEOUS EXPENSES.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 4,40,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Miscellaneous Expenses'."

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

"That a supplementary sum not exceeding Rs. 4,40,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

WORKING EXPENSES—ELECTRIC SERVICE DEPARTMENT.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Electric Service Department'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a supplementary sum not exceeding Rs. 1,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Electric Service Department'."

Mr. M. Ananthasayanam Ayyangar: Sir, I should like to know what is the cost of each electric coach, how many coaches were renewed and which countries they were imported from.

Mr. B. M. Staig: The Honourable Member must have seen these coaches on the South Indian Railway. As regards the information which he wants, I am afraid I do not carry all the details in my head.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS. 1437

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

"That a supplementary sum not exceeding Rs. 1,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Electric Service Department'."

The motion was adopted.

TEMPORARY WITHDRAWALS FROM DEPRECIATION FUND.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Temporary withdrawals from Depreciation Fund'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a supplementary sum not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Temporary withdrawals from Depreciation Fund'."

Mr. Brojendra Narayan Chaudhury: Sir, I understand that my amendment is out of order. So, I would like to oppose the whole grant. I think the House would like to know what will be the effect on these two small railway concerns and on the finances of the Government of India if this loan of eight lakhs is not granted. I believe these companies were started during the boom periods after the war. There are some managing agents in Calcutta who are very clever people and somehow or other they were able to get the Railway Board to agree to guarantee $3\frac{1}{2}$ per cent. dividend and to debentures being raised at $5\frac{1}{2}$ per cent. A railway with $5\frac{1}{2}$ per cent. debentures can never be paying. Now, they have come to such a position that they are unable to raise a loan in the open market now when the debentures require to be repaid. I wish to know what will be the effect of the refusal of this loan. Will these companies be compelled then to go into liquidation? In case of liquidation, will the Government of India be liable for any losses? If so, will the Government Member explain which of the two losses will be lesser. They are not expected ever to be able to repay this loan. Will he be prepared to pay the losses in the future or will he annually pay a subsidy to these companies, without their being able ever to repay out of surplus profits? I find that in the year 1936-37, surveys have been ordered for an expansion of these railways. I think it is throwing good money after bad. I hope the House will not support this Demand unless they are satisfied that we are not throwing away good money after bad.

Sir Cowasji Jehangir: May I know whether Government guaranteed the debenture loan for all time or only for a particular debenture loan? I understand from the facts given here that the debenture loan was raised and Government guaranteed it as they do with many other companies. Now, that that debenture loan had expired and has to be repaid, another debenture loan has to be raised in order to repay it. Does Government's guarantee continue with the new loan? Evidently it does according to these papers and, if so, for how long has Government guaranteed debenture loans of a company? There must be some limit. According to this statement, they are lending the money to the company themselves instead of allowing the company to borrow at very high rates, a very sensible thing to do, undoubtedly, but the point that has struck me is that this guarantee cannot go on for ever.

Babu Baijnath Bajoria: From the explanatory note, it seems that these two railways,—the Burdwan Damodar River and Burdwan Katwa Railways—are in a very perilous position. The companies had not been able to pay interest charges and Government had to meet the deficit and then again they were not able to raise debentures at $5\frac{1}{2}$ per cent. interest when the debentures fell due for repayment and even then Government had considered it prudent to advance the money temporarily from the Railway Depreciation Fund at four per cent. I am not so much mindful about the reduction in interest, one per cent. What I am more concerned with is the principal money—whether the position of these railways is such that Government will be able to get back the repayment of these eight lakhs in a reasonable time. What do they mean by “temporarily”? Is this money expected back in a few months? If that is so, I have got no objection, but if this money is to be lent for an unlimited period, then I would ask the Government to reconsider the position.

Mr. B. M. Staig: Realizing that this matter present some difficulty, I endeavour to explain the position at some length in the note accompanying the Demand. In regard to Sir Cowasji Jehangir's point about the guarantee of debentures, Government does not guarantee the debentures. What Government guarantees is that, when the net receipts shall not be sufficient to pay interest at the rate of $3\frac{1}{2}$ per cent. on the paid up share capital, the Secretary of State shall pay the company a sum which together with the net receipts will make up an amount, which will be $3\frac{1}{2}$ per cent. That is the only guarantee.

Sir Cowasji Jehangir: For how many periods of the debenture? The debenture is being paid up, this loan is to be paid up now; the debenture for which Government may have this guarantee is now being paid up. Why is it being renewed?

Mr. B. M. Staig: Under the contract with the company the Secretary of State may, by giving twelve months' previous notice of purchase, determine the contract either on the 31st March, 1946, or on the 31st March in the last year of any subsequent period of ten years on certain terms. As I was saying, there is no guarantee on the debentures.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): How can you pay interest on the share capital without the debenture interest being provided for in some way? In other words, they are indirectly responsible for the debenture interest as well. Is not that the position?

Mr. B. M. Staig: The position is this, that after the working expenses are paid, the debenture interest is then to be met, and if the net receipts are not sufficient to cover this and to cover three and a half per cent. interest on the share capital, under the contract with the company, the Government has to make good

Sir H. P. Mody: Then you are responsible for both under certain circumstances?

Mr. B. M. Staig: Yes.

Babu Baijnath Bajoria: When do you expect to get it back?

Mr. B. M. Staig: The loan has been given for one year; the sole object of it is that the company should have an extended opportunity of raising money at more favourable rates than the rate at which they could borrow in May last, and I submit that the advance is justifiable.

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

“That a supplementary sum not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of ‘Temporary withdrawals from Depreciation Fund’.”

The motion was adopted.

OPEN LINE WORKS.

Mr. B. M. Staig: Sir, I beg to move:

“That a supplementary sum not exceeding Rs. 24,80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of ‘Open Line Works’.”

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

“That a supplementary sum not exceeding Rs. 24,80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of ‘Open Line Works’.”

Mr. Brojendra Narayan Chaudhury: Sir, I shall be very brief. Year after year we are being asked to find money for maintenance from erosion of what is known as the Sara or Hardinge Bridge. I shall give a short history of it from the Railway Report for 1933-34. The Bridge was opened in 1915. They then say that the vagaries in the banks of the river developed in 1931. They then undertook protective works costing Rs. 30 lakhs which were completed in 1933. Immediately afterwards the vagaries manifested themselves again. The original architect Sir Robert Giles was called from England and he gave a scheme with an estimated cost of one crore and sixteen lakhs. The position of this bridge is so insecure, even now, that the Government is ready with a waggon ferry to take up work and the function of the bridge at once when the river outflanks the bridge. It is apprehended that at any moment the bridge will be isolated and be an island in midstream. Money was asked for and granted year after year and in this year's budget grants and they again want money by a supplementary vote. I want to know how long is this game to go on? We must have some assurance as to the exact amount finally required for this; we cannot go on indefinitely like this.

Dr. P. N. Banerjee: Sir, with regard to this Hardinge Bridge protective works I want to know what the total amount is which has so far been spent upon it. It is known that a very large sum has already been spent on it, but in what way? It appears to me that the method by which the Engineering Department of the Government have dealt with the river Ganges and the protective works is not the right one. All that they have done is to pile up stones at the foot of the bridge, but this is not the proper way of dealing with the matter. The proper way would be to adopt a scheme of river training. Have Government inquired why a larger volume of water is now carried by the Ganges down the Hardinge Bridge? The real reason is that all the old channels which used to branch out from this

[Dr. P. N. Banerjea.]

river have now dried up. But the Government have taken up a very short-sighted policy in this matter. They ought to have reopened these channels which have silted up. If they had done that, a smaller volume of water could have been carried by the Ganges and it would have saved a very large amount of recurring expenditure. As it is, we do not know when this recurring expenditure will stop. If Government had undertaken a proper method of river training, then both Eastern Bengal and Western Bengal would have benefited. There would have been less flood in Eastern Bengal, and there would have been a more plentiful supply of water to the Western Bengal areas. I hope Government will adopt a better and more far-sighted policy in the future and not come before us, year after year, for additional expenditure on these protective works.

Mr. M. Ananthasayanam Ayyangar: Sir, I would like to know what the number of boilers is that were ordered in the year 1936-37 and what was actually received during the current year. Year after year we have been suggesting that boilers and steam engines ought to be made here but the Honourable Member in charge, the other day very easily said something at the end of speech and contradicted the statement that nearly 150 engines are being brought into this country from year to year—150 engines and 200 boilers nearly. I have got here a statement made by the Honourable Sir Guthrie Russell in the other House which is reported on page 57, Part I, Vol. I of the Debates of the Council of State, dated the 14th February, 1938. The Honourable Member gave a list of the purchases of locomotives from 1924-25 right up to 1936-37. Thus in 1924-25, 188 were purchased; in 1925-26, 198 were purchased; in 1928-29, 222 were purchased; in 1929-30, 270 were purchased; in 1930-31, 276 were purchased; in 1935-36, 95 were purchased, and in 1936-37, 53 were purchased. I am really surprised that the Honourable Member said the other day that it was only 60. I find that as regards the boilers their number goes up to two hundred and fifty, sometimes to four hundred, and five hundred in a particular year; the average is two hundred.

The Honourable Sir Thomas Stewart: On the point of personal explanation, Sir, if the Honourable Member will refer to my speech, he will find that I was making an estimate of the number of boilers required as far ahead as 1955.

Mr. M. Ananthasayanam Ayyangar: That is a long way off. When the Honourable Member and myself may not be in this House. If what has happened in the past is going to be our criterion, then I would certainly depend upon the figures that his Colleague representing the Railway Department in the other place gave. That statement has given the estimate of the number of boilers we want. All of us would like to see the number of boilers going up instead of going down. The number of boilers and the number of locomotives should come up to 350 per year and it is time that the Government seriously thought of starting their manufacture here and thus avoiding wastage under this head and making economy in the Railway Administration.

Mr. B. M. Staig: Sir, the position in regard to boilers so far as the present Demand is concerned is that we provided for 96 in the original Budget and we now expect to pay, this year, for an additional 90 which we had expected to pay for last year, but which were not delivered until

this year. In regard to the Hardinge Bridge expenditure, the position is that two or three years ago an expert Committee investigated the situation and decided that certain works would be necessary sooner or later. The extra expenditure in this Supplementary Demand on account of the Hardinge Bridge is about 3 lakhs of rupees. This is to be spent on extending the left guide bank apron at the bridge. This was one of those works which were recommended by the expert Committee, but it was not originally proposed to be undertaken this year. However, the river is now setting in the direction of the left guide bank and our technical advisers have recently said that this work should, in the interests of the protection of the bridge, be started now so that it may be completed before the flood season.

Dr. P. N. Banerjea: May I ask if there was any river training expert on that Inquiry Committee?

Mr. B. M. Staig: If I remember aright, there was an Irrigation Engineer from the Punjab who is now the Chief Engineer in Bengal.

Dr. P. N. Banerjea: Is he a river training expert?

The Honourable Sir Nripendra Sircar (Law Member): No one can train rivers except Dr. Banerjea.

Mr. B. M. Staig: I should also explain that we are spending a certain amount of money in having this whole matter investigated by experiments on a large scale model at Khadakvasla Research Institute in the province of Bombay.

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

"That a supplementary sum not exceeding Rs. 24,80,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Open Line Works'."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Mr. A. G. Clow (Labour Secretary): Sir, I move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

This is a Bill consisting of a number of minor amendments of the Act most of which are unconnected with each other.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, I rise on a point of order. Notice of this motion was given to us only last night and we have prepared certain amendments. If the other side is prepared to allow those amendments to be moved, then we have no objection to this Bill being taken up, otherwise it ought not to be taken up today.

Mr. A. G. Clow: We have not yet reached the stage when amendments can be moved. I am at present dealing with the consideration stage. This Bill has been on the paper for a considerable time

Mr. M. Ananthasayanam Ayyangar: I hope the Honourable Member will waive the objection as regards notice when the time comes.

Mr. Deputy President (Mr. Akhil Chandra Datta): That question will be considered when the amendments come before the House.

Mr. A. G. Clow: I can hardly waive the objection before the question is raised. But in case there is any apprehension in the minds of the Honourable Members opposite I may say that personally I have no intention of raising any objection on the ground of want of notice.

The Bill, as I was saying, consists of a large number of different amendments most of which are unconnected with each other. There is, therefore, hardly anything that I can say at this stage that could not be more appropriately said when we come to different clauses. My remarks, therefore, will be very brief. I would merely like to say that the Bill on the whole has come in an improved form from the Select Committee. I found myself there in a minority on one or two occasions and I cannot say that personally I am entirely convinced about the wisdom of some of the changes made, but I am prepared to stand by the report of the Select Committee generally. There is only one change that I would like to refer to, and that is the omission by the Select Committee of a clause that formerly stood at the end of clause 5 and was designed to overcome a difficulty that had arisen out of certain rulings of High Courts on the question of extended delay. I still think that the principle of the clause we proposed was sound but I recognised the force of the arguments used by the majority in the report for omitting this clause and I have not proposed any amendment. I would only like to make it clear that we are prepared to watch the working of the clause but must reserve the liberty of coming before the House at a later stage if the position should create difficulties.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

Mr. N. M. Joshi (Nominated Non-Official): Mr. Deputy President, I rise to support this motion. This Bill, in the first place introduces two important changes by means of clause 5 in section 10 of the original Act. The first change is that the original Act, as interpreted by the Calcutta High Court, provides that a workman, who is injured, in order to be eligible for compensation must give notice regarding the injury and must make a claim for compensation either before the employer or before the Workmen's Compensation Commissioner within a period of six months from the occurrence of the injury. This Bill is intended to change that law and provide that the claim for compensation to be made should be made before the Workmen's Compensation Commissioner and not before the employer. The Select Committee extended the period of making a claim from six months to one year, but at the same time provided that instead of the claim being made either before the employer or the Workmen's Compensation Commissioner, the claim must be made before the Workmen's Compensation Commissioner and it will not be enough if the claim is made before the employer. I approved of the change for extending the period from six months to one year, but I was not in favour of making a change in the law as was interpreted by the Calcutta High Court and compelling the injured workman to make his

claim before the Workmen's Compensation Commissioner within a certain period. The Select Committee has obviously made a compromise and I accepted the compromise in the Select Committee, knowing full well that if I moved an amendment in the Assembly, I may not be sure of carrying that amendment.

The second change that the Bill has proposed in section 10 of the original Act is embodied in clause 5 of this Bill. Under the original Act if an injured workman was able to prove why he could not make his claim within a period of six months, then according to the decision of the Bombay High Court, it was not necessary for him to prove why a longer delay than six months was caused, if a longer delay was caused. Sir, the Select Committee did not approve of the proposal of the Bill. I am glad that the Select Committee took the view which I took along with some others.

The third change, which this Bill seeks to make and to which I would like to refer at this stage, is the change made by clause 6 of this Bill in section 11 of the original Act. If an injured workman is to be eligible for compensation, he has either to accept the doctor whom the employer offers or he has to prove that he has been attended by a doctor of his own selection. This Bill provides that it should be open to the employer to prove that although the injured workman may have been attended by his own doctor, he neglected the treatment which the doctor may have proposed and that neglect had aggravated his injury. Unfortunately, the Select Committee approved of this clause of this Bill. Sir, I do not agree with the view which the Select Committee took on this question. Taking into consideration the state of education of the working classes in this country and their general attitude towards medicines and treatment proposed by doctors, I have no doubt that it will not be very difficult for an employer to prove that although the injured workman was attended by a doctor the workman did not follow fully the treatment proposed by the doctor. Sir, I am generally blessed with good health, but there are many times when I went for treatment by a doctor and I know to what extent I followed the directions of the doctor. I feel certain that if I have to observe this condition and if I had to receive compensation most probably I shall lose my claim for compensation. Sir, if that is the case of a man like me who has got education and who has got some experience and who ought to know the reasons why he should follow the instructions of the doctor, I easily imagine the case of an illiterate and ignorant working-class man. In the first place, they have got prejudice against all modern kinds of treatment and in the second place, they do not understand the importance of the treatment which the doctor proposes. Therefore, if an employer calls the doctor who had treated an injured workman and puts him into the witness box and asks him whether the patient followed all the instructions which he gave, then the doctor is sure to say, "No". Any doctor is bound to say "No" and that the patient did not follow his treatment properly or that he followed it in an indifferent way. It is quite possible in some cases, the injury may have been aggravated. I feel that under the present circumstances it should be enough if a workman proves that he was attended by a qualified doctor. If he proves that, we should not expect anything more from the workman. I, therefore, hope that when I propose an amendment to this section the Assembly will accept my amendment. Sir, at this stage I do not wish to speak anything more.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted:

Mr. Deputy President (Mr. Akhil Chandra Datta): Clause 2:

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I beg to move:

"That in clause 2 of the Bill the following new sub-clause be added:

"(c) in sub-clause (ii), after the words 'a minor child of a deceased son', the words and comma, 'a minor child of a deceased daughter where no parent of the child is alive,' be inserted."

I was going through the existing provision and I found that there was a gap. As the House is aware, in India, whenever a daughter is widowed, she and her children come back to the father's house and the father and the mother of the widowed daughter have to look after them and support them. There is a provision for a widowed daughter, but there is no provision for her minor children at all. A minor child of a son or the widowed daughter only is provided. By the proposed amendment, I seek to give relief to the minor child of a deceased daughter. If the father of the minor child is alive, he will take care of the child, but when the father is not alive and the mother is not alive and the child is an orphan, then I suggest that the child should be included as one of the dependants of the workman. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 2 of the Bill the following new sub-clause be added:

"(c) in sub-clause (ii), after the words 'a minor child of a deceased son', the words and comma, 'a minor child of a deceased daughter where no parent of the child is alive,' be inserted."

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

The Honourable Sir Nripendra Sircar (Law Member): Sir, I really see no objection in accepting this amendment. While on the one hand in law, the son of a married daughter may not belong to the same family, I should like to point out to the House that this amendment is to clause 2, and refers to a case where the person is really dependent so that the child must be in fact dependent on the worker. I see no objection to this amendment.

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

"That in clause 2 of the Bill the following new sub-clause be added:

"(c) in sub-clause (ii), after the words 'a minor child of a deceased son', the words and comma, 'a minor child of a deceased daughter where no parent of the child is alive,' be inserted."

The motion was adopted.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill

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

"That in clause 3 of the Bill the following new sub-clause be added:

"(c) at the end of the *Explanation*, the words 'in such employment' be added."

The object of this is that if a workman continuously works for a period of six months and contracts any occupational disease, that disease is deemed to be an accident under section 3, clause (2). The *Explanation* says:

"For the purposes of this sub-section, a period of service shall be deemed to be continuous which has not included a period of service under any other employer."

I am now, by this amendment, seeking to add at the end of this the words "in such employment". The position is that if over a period of six continuous months a workman is employed and during that period he contracts an occupational disease he is entitled to the benefits within the period of six months but if that period is interrupted by an employment with any other employer, it is not considered a period of six months. Take a period of 12 months. If he is engaged for a period of five months within that period with one employer and for six months he is employed with another employer and for the rest of the year, that is, one month, he is employed with the original employer the period with the second employer would not be counted as continuous. This is not all. Even if he makes up six months of employment in some business with the original employer, because this employment is interrupted by a period of five months with the other employer, he is not entitled to the benefit of the section. Then, if he contracts a disease during the period of his employment during the original five months, that one interruption stands in the way of his getting the benefit of the disease coming within the definition of 'accident'. If he seeks any employment with any other employer in the same business, then it might not be possible for any Court of law to say or for anybody to say that he contracted the disease under the original employer and not when he was doing business under the second, and then that difficulty will arise. But if on the other hand he does one business which might lead to a particular disease, viz., an occupational disease, it becomes an accident under the original employer and during the subsequent employment with the second employer there may be absolutely no chance of his contracting such disease, because the new employment which he takes up may have absolutely nothing in common with the original employment which alone might lead to such an occupational disease, in which case it is not known why he should not have the benefit of this clause. That is, if he contracts the disease it will all be due to the particular kind of employment and if the germs of the disease are already there within five months and they may take time to develop into a particular disease which could be contracted. That will take some time. It is normally expected that until a period of 12 months the matter may be in incubation and the disease may develop at the end of 12 months. That is what is provided for in the English Act. I am not trying to introduce by this amendment all the benefits which are conferred upon workmen under the English Act. The English Act does not impose restrictions of continuous employment for a period of six months. It might be that during the same kind of employment he gets employment under one employer for a period of three months. Then he seeks employment with another employer and does the same business for the other three months. During the other three months the disease might take a new turn. Is only the second employer to blame? And if the second employer alone is to blame, the first man goes out. There is also an inconvenience so far as the workman is

[Mr. M. Ananthasayanam Ayyangar.]

concerned. It might be that he contracts the disease while in the employment of one employer, even during the course of three months. But he would not be entitled to the benefit because he does not serve for a continuous period of six months either under one employer or under another employer. This Workmen's Compensation Act is intended to benefit the workman. For no fault he may be driven out by one employer at the end of three or four months. Even though he may have taken in his system a disease which might not have developed, he is not entitled to the benefit of the Act, because he seeks employment with some other man. Thus as between two employers he is let down and in a case where he serves the second employer for less than a period of six months, though the disease might not have started with him but in the employment of some other man, neither employer is liable to compensation. In both ways the present section is objectionable. The employer who did not contribute to the actual growth of this disease and the employee who contracts the disease and serves both the employers,—both the employee and the employer go to the wall. To avoid this inconvenience I have put down this amendment and I hope the House will accept it.

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

"That in clause 3 of the Bill the following new sub-clause be added:

'(c) at the end of the *Explanation*, the words 'in such employment' be added'."

Mr. A. G. Clow: Sir, I think my Honourable friend's "exploration" of the subject has been a reasonable one and in substance I agree with the amendment. I would just like to suggest to him that it will be an improvement if, instead of those words, the following words are added: "in the same kind of employment". I consulted a Draftsman and he said that the word "such" would be very vague and might be interpreted as that employment or any of the employments previously mentioned. In that form I would be prepared to accept it.

Mr. M. Ananthasayanam Ayyangar: Sir, I accept the change.

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

"That in clause 3 of the Bill the following new sub-clause be added:

'(c) at the end of the *Explanation*, the words 'in the same kind of employment' be added'."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

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

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I move:

"That clause 5 of the Bill be omitted."

Sir, an amendment is made for the purpose of improving an Act, and this clause 5 is no improvement on the original Act. The original section 10 of the Act is quite satisfactory to the needs of the workers as has been proved by two cases, one in the Calcutta High Court and the other in the Bombay High Court, in which the Honourable Judges gave their interpretation in favour of the workers, and I do not understand what led the present Government to introduce this amendment which rather takes away a privilege which the workers enjoyed before and creates difficulties in the way of their getting compensation. I am surprised to find the Honourable Mr. Joshi supporting this amendment and compromising with the authors of the amendment in the Select Committee. The relevant portion of section 10 (1) of the original Act reads:

"No proceedings for the recovery of compensation shall be maintainable before a commissioner unless notice of the accident has been given in the manner hereinafter provided, as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured and unless the claim for compensation with respect to such accident has been instituted within six months of the occurrence of the accident or in the case of death, within six months from the date of death."

The present amendment wants to substitute this by something else. I do not find that the substitution is an improvement really on the original section. Under the old section the worker who has been injured creates a claim for maintenance of his right to compensation by giving a notice to the employer of his accident before he institutes a case before the Commissioner. But here the present amendment takes away that privilege because no claim for compensation can be entertained by a Commissioner unless notice of an accident has been given to him in the manner herein-after provided. That is really taking away the right of the workman since he can institute a case before the Commissioner simply if he gives notice or information of injury to the employer within six months. Consequently, by giving him one year for preferring his claim to the Commissioner, it takes away that privilege which he is enjoying now.

Honourable Members: No, no.

Mr. Amarendra Nath Chattopadhyaya: This amendment goes further. There were two cases in relation to this section 10 of the original Act in Calcutta High Court and the Bombay High Court. The Honourable Judges of the High Court had declared that as in accordance with the English Workmen's Compensation Act this Indian Act VIII of 1923 was enacted and as this Act was quite in consonance with that English Act with the only difference contained in the words "instituted and made" used in the two respective Acts, the Honourable the Judges were of opinion that the words "instituted and made" meant the same thing. So when the workman had sought judgment of the Honourable High Court to get compensation, the Honourable the Judges gave their judgment in favour of the workman. Sir, the Honourable the Secretary for Labour said that this judgment has enabled the workman to get compensation even after eleven years. If that be the case, I believe the present authors of the amendment of section 10 might have come to a reasonable time limit in this amendment instead of simply saying that he will have to prefer his case before the Commissioner within one year from the date of his accident.

Mr. A. G. Clow: That is what we did.

Mr. Amarendra Nath Chattopadhyaya: No, one year is not the proper time limit. Notice should be given to the employer: that will enable him to institute a case before the Commissioner within a certain time limit: that was the privilege he, a worker, was enjoying; but that has been taken away by this amendment. Further, I do not understand why small changes have been made in the second proviso and the third proviso. The second proviso says:

"if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer.....Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings."

Sir, I do not really understand the technique of this amendment. The present amendment wants to introduce the word 'preferred' for the word 'made'. I am not a lawyer and so I cannot exactly see the difference between the two

An Honourable Member: It is a better word.

Mr. Amarendra Nath Chattopadhyaya: . . . and yet I say that the word 'made' is quite sufficient for the purpose and there was no need to change it. The third proviso says:

"Provided, further, that the Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been instituted, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or institute the claim, as the case may be, was due to sufficient cause."

The present amendment wants to substitute "entertain" for "admit", and "prefer" for "institute". That goes against the interests of the workers. Why should this failure to give notice or institute a claim be substituted by "delay in giving notice"

Mr. N. M. Joshi: If you read the Bill as amended by the Select Committee you will find that it has gone—disappeared.

Mr. Amarendra Nath Chattopadhyaya: No, it has not gone.

Mr. N. M. Joshi: Read the Bill as amended by the Select Committee.

Mr. Amarendra Nath Chattopadhyaya: Further there is another expression which has been taken away and that is "voluntarily left employment". Sir, a workman may be dismissed by the employer at any moment and it is necessary for the workman's advantage that he should give notice voluntarily for ceasing to work after accident. So, I believe that the section as amended is not to the benefit of the workers and I therefore request this House to go into this clause very attentively and see that my amendment is accepted by it. With these observations I move that clause (5) be omitted.

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

"That clause 5 of the Bill be omitted."

Mr. A. G. Clow: I am afraid that my Honourable friend has been misled by a pamphlet which has been circulated to some of us and which, in the course of his remarks, he himself somewhat confused. I propose to deal first with the amendment to which he devoted most attention, and that is the substitution of the word 'preferred' for the word 'instituted' in some places and the word 'made' in others. We were trying to use a uniform

word and we were trying to make it clear that the preferring of the claim must be before the Commissioner and not before the employer. Now, my Honourable friend suggested that we were going against the rulings in Calcutta and Bombay, but I think he was confusing two entirely different things. This pamphlet is to this extent correct that it says that this is supported by rulings in Calcutta, but the reference here to rulings in Bombay relates to an entirely different point, the point to which my Honourable friend was referring when he was interrupted by Mr. Joshi. The position is that, although there has been no specific ruling in Bombay, the Bombay High Court has followed, to the best of my belief without comment, the view actually embodied now in the Bill, and with very great deference to the Calcutta High Court, I think it probable that other Courts are more likely to follow the Bombay position than that taken in Calcutta. In consequence, if this amendment were carried, the only certain effect would be in Bengal, and even there we would be throwing away the other benefits which, as my Honourable friend, Mr. Joshi, has explained, have been conferred on the workman. We would be throwing away, for example, the extension of the limitation period from six months to one year; we would be throwing away the elision of the requirement that the workman must give notice before he leaves his employment,—a requirement which in some cases we regard as unreasonable, and in others as impossible.

As regards the other amendment to which my Honourable friend objected, my Honourable friend, Mr. Joshi, has rightly pointed out that that change was omitted by a majority in the Select Committee, and it was that change that I referred to in my opening speech when I said that, though I did not like it much, I was prepared to abide by the conclusion reached by the majority of the Committee.

The position as regards notice is that at present we make two requirements. We require that he shall give notice as soon as practicable and before he is leaving his employ. My Honourable friend suggested in some obscure way, which he did not explain, that this change was going to operate to the disadvantage of the workman. I entirely fail to see it, and no one except the author of this pamphlet has suggested that it would be anything but to the benefit of the worker. I suggest that the clause should stand.

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

"That clause 5 of the Bill be omitted."

The motion was negatived.

Mr. K. Santhanam: Sir, I beg to move:

"That in clause 5, sub-clause (2) (iii) the words 'to the employer' be omitted."

The sub-clause says:

"The words 'or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed' shall be inserted."

I am unable to appreciate the force of the provision, "responsible to the employer for the management of any branch". I do not know if I am correct, but I feel that the words "to the employer" may mean some additional liability. Whenever a workman gives notice to anybody who is responsible for the management of any branch, then it ought to be deemed proper notice to the employer. Responsible to the employer.

[Mr. K. Santhanam.]

appears to mean a legal, *de jure* responsibility, while those "responsible for the management" may include people who are in *de facto* management in a remote branch. A person who is a *de jure* manager may put his brother or somebody else in temporarily management and notice might have been given to him, and it might be possible for the employer to say that this person is not responsible to him. In any case the words "to the employer" seem to be wholly superfluous and when a person is responsible to the management it ought to suffice for the purposes of this clause.

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

"That in clause 5, sub-clause (2) (iii) the words 'to the employer' be omitted."

Mr. A. G. Clow: I do not think that this would be an improvement. I had an opportunity to consult a drafting expert and he had to confess that he did not know what the effect would be if these words were omitted. He suggested that it might even render it possible for the workman to give notice to a person responsible for a branch of the trade in any other establishment altogether.

Mr. K. Santhanam: I am afraid the Honourable Member has misunderstood me. I merely suggested that if a person is in actual management, though not probably he is legally responsible to the manager, if the notice is given to him in that branch then it ought to suffice.

Mr. A. G. Clow: I have caught my Honourable friend's intention quite clearly, but my suggestion is that if this amendment were carried it is extremely dubious what construction the Courts would put upon it; it would be extraordinarily difficult to construe. I quite appreciate my Honourable friend's apprehension, that when there is an assistant manager the Courts might say that in his management he was not directly responsible to the employer. But if the attention of the Court was called to the fact that the Legislature had in this Act deliberately omitted the word "directly" which was formerly in the Workmen's Compensation Act, I think it would be hardly open to them to hold that merely because an assistant manager was to a certain extent under supervision he was not, therefore, responsible to the employer who appointed him and who was in a position to dismiss him.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): May I make one suggestion? Suppose we add one word, "or any person actually responsible to the employer".

Mr. A. G. Clow: I think that would be precisely restoring the position we had when we had the word "directly".

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

"That in clause 5, sub-clause (2) (iii) the words 'to the employer' be omitted."

The motion was negatived.

Clause 5 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 6.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I beg to move:

"That in sub-clause (a) of clause 6 of the Bill the words 'or having been so attended has deliberately failed to follow his instructions' be omitted."

Sir, in my opinion this provision will place the workman in a position more disadvantageous than he is in at the present moment.

In this connection I may be permitted to allude to a fact. I am not in the habit of telling stories and what I allude to is a well ascertained fact. The fact is this. The Honourable Sir Nripendra Sircar was at one time ill and he was attended by a doctor; but he refused to follow the instructions of his doctor. Now, if a man like Sir Nripendra Sircar who is a man of the keenest intellect, who occupies one of the highest positions open to Indians and who is probably destined to occupy a still higher position in future, if a man like him refuses to comply with the instructions of his doctor, you cannot blame a poor and ignorant workman if he fails to comply with his doctor's instructions. Now, it may be said that this provision will apply only if he becomes worse as a result of his failure to follow his instructions. That is always a matter of chance. He may get better as Sir Nripendra Sircar did as a result of not following the doctor's instructions. There is an element of chance. The point is that a poor and ignorant workman should not be penalised for having failed to follow the instructions of his doctor. Further, we do not know on what evidence the Court will rely as to the failure or non-failure to follow the instructions of the doctor. It would be exceedingly difficult for the workman to adduce evidence and perhaps the doctor himself will be the only witness. There are doctors and doctors. I have nothing to say against doctors. I myself owe a deep debt of gratitude to doctors.

The Honourable Sir Nripendra Sircar: You are a Doctor yourself.

Dr. P. N. Banerjee: You may call me a *pseudo*-doctor. Now, doctors are not always free from ordinary human failings; and if the workman has failed to follow his instructions, he may get irritated and annoyed and he may think that the aggravation of the ailment was due to his failure to carry out his instructions. Therefore, I hold the view that this provision will adversely affect the interests of the workman and for that reason I hope that this portion of the clause should be deleted.

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

"That in sub-clause (a) of clause 6 of the Bill the words 'or having been so attended has deliberately failed to follow his instructions' be omitted."

Prof. N. G. Ranga: Sir, I support this amendment. I find that the whole spirit underlying this Bill, when it was introduced, was really against the workers and it was intended somehow to tighten the Act against the workers. One can understand the intention of the framers of the Bill if workers are as intelligent and as capable of looking after themselves as employers and if workers are also capable of paying regularly for the private medical practitioners who may be engaged by themselves. But the facts are absolutely against the spirit of the framers of this Bill. The workmen are ignorant, they are unorganised and they are not able to look after themselves, and, once they get into any trouble and become the victims of any accident, in most cases they are not able to know how best to look after themselves and what to do. To tighten the Act against such people is really unfair for any Government which can say that it tries to keep the scales even between the employers and workmen. All that Dr. Banerjee's amendment seeks to do is to minimise the evil that is sought to be introduced by the amending Bill and to leave the Act as it was in so far as this particular clause is concerned. According to the Act, if a worker

[Prof. N. G. Ranga.]

refuses to be treated by the doctor provided freely by an employer, then he must be prepared to have his own medical practitioner and then once he has his own medical practitioner, goes on with it and gets better and in spite of that he can claim compensation because he has lost one or several of his limbs or is disabled from working, then he is entitled to compensation. If, on the other hand, after having refused the offer of his employers, he fails to engage his own medical practitioner, then he may be disqualified from claiming any compensation. That is the original Act but this Bill seeks to make it impossible for a worker to claim any compensation if it can be proved that after having engaged his own medical practitioner he has failed to follow his instructions. Dr. Banerjea has shown quite conclusively how difficult it is for an ordinary workman to try even to follow all the instructions that are given by a doctor. Some instructions may be difficult to understand and too costly to carry out. On some occasions they cannot find the money to purchase the medicines. If this Bill were passed, it would be possible for any employer to put his finger on any particular failure to follow the instructions and then say that his disease has become worse because of that failure and then refuse to pay any compensation.

Mr. M. S. Aney (Berar: Non-Muhammadian): Deliberately fails.

Dr. P. N. Banerjea: Who is to decide whether there has been deliberation or not?

Prof. N. G. Ranga: Who is to decide whether he has deliberately failed to follow the instructions or not? Suppose he goes short of funds and is unable to purchase the food which the doctor has ordered him to purchase.

Mr. M. S. Aney: It may not be deliberate then.

Prof. N. G. Ranga: It may be open to the employer to say that this man was in a position to purchase these things but he did not but instead of that he has spent the money in castor oil or in buying clothing for himself or his wife. In those circumstances it is impossible for a worker to be able to prove that he has not deliberately failed to follow the instructions. It makes it very very difficult for a worker to prove his case in a Court of law and obtain compensation. Then the medical practitioners engaged by the workers are not likely to be men with very good private practice. Such medical practitioners can be approached by the other party and it is not an uncommon sight to find employers trying to circumvent the law in order to get out of their obligation to pay compensation.

Who knows whether it is not possible for the employer to get a private medical practitioner engaged by a worker to certify that such and such of the instructions had not been followed properly and to his satisfaction and for that reason the disease had been aggravated, and who knows that the disease could not have been aggravated by the negligence of this medical practitioner himself to carry on his duties towards the patient and by his own failure to attend on him as he ought to? And under those circumstances where is the protection for the worker? So, Sir, this clause in the Bill seeks to victimise the workers not only for their own faults and poverty but also for the faults of many of these private medical practitioners whose scruples we cannot be pretty certain about and whose liability to be tempted by better monetary rewards offered by employers cannot be so well estimated. Therefore, Sir, I think that it is really not at all fair that the

House should accept this particular amendment that is placed before us in this Bill. So, I support the amendment moved by my Honourable friend, Dr. Banerjea, and I need only say that by accepting that amendment the House only restores the original position as existed according to the Act and simply declines to give its permission to this change that is sought to be made by Government to the detriment of the interests of the workers.

Mr. A. G. Olow: Sir, this is a complicated clause, and I hope the House will pardon me if I begin by referring to the original section in the Act because I think the object of the amendment has been to some extent misunderstood. The purport of the original section in the Act is to provide for those cases where an employer has done his best to ensure that a workman's injury should be slight and where the workman by his own action refuses treatment and a serious aggravation of the injury ensues. We all know of cases occurring every day where the workman gets a slight cut in the factory. But he may not be willing to have it dressed in the dispensary. The workman neglects it, goes home and puts on some filthy stuff, with the result that he contracts tetanus or something and dies. These are actual cases. The clause recognizes in its present form—I am not talking of the Bill but of the clause in the original Act—that in such cases it is not reasonable that the employer should be called upon to pay compensation for the aggravation. He should pay compensation for the injury and for the results which would have accrued from it if he had been allowed to treat the workman or he had got proper treatment elsewhere. The clause in fact says—and I would like to impress on the House that this is not being altered by the Bill in any way—the clause, referring to the employer's doctor, says that,—

“where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or, having accepted such offer, has deliberately disregarded the instructions of such medical practitioners”

In other words, we do deprive the workman of compensation when he deliberately disregards the instructions of the employer's doctor. The remainder of the clause permits the workman, rightly enough, to employ his own doctor, but entirely omits to say what happens if he disregards the instructions of his own doctor.

An Honourable Member: Is it in his interest to so disregard the instructions?

Mr. A. G. Olow: What we maintain is that on the principle of the original clause it is just as reasonable that the employer should be protected from the neglect of the workman to follow the instructions of his own doctor, and in some ways more reasonable, than it is to deprive the workman of compensation because he has neglected to follow the instructions of the employer's doctor.

Now, my Honourable friend, Professor Ranga, drew a picture of a workman unable to follow some costly instructions or unable for other good reasons to follow his doctor's instructions. That is a case for which we have expressly provided in words which, to my great surprise, my Honourable friend, Professor Ranga, wants to cut out from the clause in his amendment. We have provided that it is for the employer to prove that the workman's refusal, disregard or failure to follow instructions was unreasonable. Clearly, if a doctor told a workman, “you must have a nice long holiday in the hills” or “you must have both your legs cut off

[Mr. A. G. Clow.]

if you want me to save you", the refusal of the workman would not be unreasonable. In the case of my Honourable and distinguished friend that was cited, I think his refusal to follow the instructions was eminently reasonable, and we see the results of it today.

Prof. N. G. Ranga: My amendment is not under discussion now?

Mr. A. G. Clow: I think it is an astonishing thing for my Honourable friend to omit all reference to certain important words, words which he himself is anxious to cut out. The point I was trying to make out was that those particular words in question confer a very important form of protection on the workman—the words about "unreasonable".

Dr. P. N. Banerjea: But that is not under discussion now.

Mr. A. G. Clow: Those words which are in the clause here confer an important protection on the workman and to my mind meet completely what would appear to be one of the strongest arguments used by Professor Ranga in favour of this amendment; in other words, that we were obliging the workman to follow instructions that were too costly for him or instructions that he had good reasons for refusing.

My Honourable friend referred, in conclusion, to the possibility that the doctor might be bribed. If we are going to contemplate that possibility, it is just as easy to bribe the doctor to say that he did not regularly attend on him

Prof. N. G. Ranga: No poor man can bribe a doctor the same as the employer.

Mr. A. G. Clow: It is just as easy to bribe the doctor to say that he did not regularly attend the workman as to say that the workman disregarded some of his instructions. Sir, I maintain that our amendment is merely carrying out the principle already embodied in the clause and that it is a reasonable change.

Mr. N. M. Joshi: Sir, I rise to support the amendment moved by my Honourable friend, Dr. Banerjea. It is true that there is an amendment standing in my name. But not being a good draftsman and not being a lawyer, I must admit that my amendment was a wrong one and I am very glad that my Honourable friend, Dr. Banerjea, paid more attention to the matter than I did and I am, therefore, willing to support his amendment. Sir, the arguments used by my Honourable friend, the Secretary for Labour, are not convincing at all. There is no doubt that the words in the original section that "such refusal or failure to follow instructions was unreasonable" enables the workman to prove, when he disregards the treatment of the doctor, that his disregard was justifiable, but at the same time, as I pointed out in the speech which I made sometime ago, these workmen do not understand sometimes why the treatment should be followed. It will be difficult for them to prove that their disregard was reasonable.

Mr. A. G. Clow: May I interrupt the Honourable Member for a minute? It is for the employer to prove that he was unreasonable and not for the workman to prove that he was reasonable.

Mr. N. M. Joshi: When an employer asks the doctor to go into the witness-box, the doctor whose treatment was not followed is likely to say so. Any doctor who prescribes treatment and finds that his treatment was not followed will have to say that his treatment was not followed. The doctor cannot say anything else. The workman will have to prove

that the disregard was reasonable. This fact will have to be proved by the workman himself, and that he will not be able to do. If the workman says that he was attended by a doctor, that should be enough. There is a difference in the case where the employer offers a doctor and the workman accepts the offer. The doctor being the employer's doctor, it is quite possible that the workman may deliberately not take his medicine, but when a workman chooses his own doctor there is very little likelihood of the workman deliberately disregarding it.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): The only difference is that he does not suffer any penalty.

Mr. N. M. Joshi: You are only talking of technicalities but I am talking of actualities. We are not dealing with Sir Homi Mody but we are dealing with some Rama and Hari from the Mill.

Sir H. P. Mody: Whom you know as much as I do.

Mr. N. M. Joshi: I know more about him. There is absolutely no doubt about it. I, therefore, feel that the Assembly should accept the amendment of Dr. Banerjea which is very reasonable.

Mr. K. Santhanam: Sir, I rise to support the amendment of Dr. Banerjea and for the following reason. In legislations such as this we must take human nature as it is and not go into inquisitorial proceedings. There is a rule in insurance companies that after 12 months even if a man voluntarily commits suicide, his insurance amount has to be paid because the insurance companies have based this rule on the natural ground that it is not natural for a man to commit suicide. Here, if a workman voluntarily chooses a doctor, it must be presumed that he would follow his instructions. To provide that the employer should be able to prove that, having gone to a medical practitioner, the workman has deliberately failed to follow his instructions and thus deny him the compensation seems to me a sort of inquisitorial proceeding which we should not accept in legislations of this kind. I do not think the presence or the absence of this clause is going to affect the provisions of this Bill very much because it will be very difficult to prove that he has deliberately failed to follow the instructions. Therefore, the absence or presence of this clause is not material. But the clause, as it stands, smacks of inquisition and on that ground I support the amendment of Dr. Banerjea for the deletion of this proviso.

The Honourable Sir Nripendra Sircar: Sir, I would like to add a few words supplementing what has been said by my Honourable friend, Mr. Clow. My friend, Mr. Joshi, spoke in such a way as if his sole business in life has been to attend to sick workers and to see what kind of doctors they get, what instructions they follow and what instructions they do not follow and his diversions in the Assembly occupy only a small part of his time. Sir, Mr. Joshi knows as much as to what a workman does when a doctor prescribes medicines for him as I do or Sir Homi Mody does. The language which has been used here, I think, is not open to objection. The language is:

"If it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions . . .".

Now, Sir, what is the good of sending a doctor and what is the good of going through that farce if the workman, whether he is intelligent or he is stupid, takes upon himself to deliberately disregard the directions which he gives. Supposing he is asked to live on strict diet or to fast, and

[Sir Nripendra Sircar.]

he lives solely on *chatni* and his dysentery is increased, has he anything to complain of? I submit that the words to which Mr. Clow drew the pointed attention of the House, namely, that this failure or disregard must not be unreasonable and it being on the employer to prove that the other man had been unreasonable in deliberately disregarding the directions of the doctor, is a safeguard with which the workman ought to be satisfied.

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

"That in sub-clause (a) of clause 6 of the Bill the words 'or having been so attended has deliberately failed to follow his instructions' be omitted."

The Assembly divided:

AYES—34.

Abdul Qaiyum, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chunder, Mr. N. C.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.

NOES—55.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhagchand Soni, Rai Bahadur Seth.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghiasuddin, Mr. M.
Ghulam Mohammad, Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Lalchand Navalrai, Mr.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Sham Lal, Mr.
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.

Jehangir, Sir Cowasji.
Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mody, Sir H. P.
Ogilvie, Mr. C. M. G.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Shahban, Mr. Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Siddique Ali Khan, Khan Sahib Nawab.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.
Yamin Khan, Sir Muhammad.

The motion was negatived.

Clauses 6 to 8 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 9:

Mr. K. Santhanam: Sir, I beg to move:

"That in clause 9, sub-clause (b) be omitted."

Sir, I am moving the amendment for this particular purpose; the clause as it has been redrafted does not read well. It says:

"Provided that the Commissioner shall not, where any party to the proceedings appears before him, make any such order of transfer without giving such party an opportunity of being heard."

Sir, there is no provision for giving notice. There is no provision in that particular clause by which the party can appear before him. Also in the succeeding proviso it is provided that in all matters except for payment, all parties should consent. This proviso has got a very limited application and I think it has not been properly drafted. I do not think that its omission will make any difference and it may make the section read better. Of course, if Government think that it is going to be of any use, I shall consider the advisability of withdrawing it. I am moving this amendment only with a view to help the Government.

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

"That in clause 9, sub-clause (b) be omitted."

Mr. A. G. Clow: Sir, I am grateful to my Honourable friend for his efforts to help, but I think this proviso is necessary. The position, as I understand it, is this, that the change we are making in the first part of the section will enable a Commissioner to transfer a matter without any party applying for the transfer. Under the section as it originally stands, "if a Commissioner is satisfied by any party to any proceedings under this Act pending before him that such matter can be more conveniently dealt with by any other Commissioner", he may transfer the matter to such Commissioner for such disposal. Now, the proviso gives an opportunity to any party who happens to appear before him to oppose the transfer. The transfer that we have in mind is mainly of the kind of inter-provincial transfers where the workmen's dependants live in one province and the accident occurs in another province. And it seems only reasonable that if the employer can appear before him and show good reason why it should not be transferred, the Commissioner should at least hear him before considering whether he is going to transfer the proceedings.

Mr. K. Santhanam: Read the second proviso.

Mr. A. G. Clow: Yes, but the matter might relate to the actual matter of payment to the workman or to distribution to the dependants; and distribution is a matter which in some cases the employer might have cause to show that he was interested. He might wish to contest the claim of some dependants. I do not attach great importance to this but I suggest to my Honourable friend that it gives a useful check. The Commissioner need not accept the view placed before him. He is given full discretion.

Mr. M. Ananthasayanam Ayyangar: Sir, may I suggest some alteration? The word "appears" is not quite accurate. It should be "has appeared before him". This contemplates the transfer of a case where it will facilitate the distribution of money where payment is to be made ultimately. As regards others, where transfer is sought to be made in other respects, either the sanction of the Governor or the Governor General has

[Mr. M. Ananthasayanam Ayyangar.]

to be obtained. This, therefore, applies to a case where payment is made. Before payment is made an inquiry has to be held. If any party has appeared at any earlier stage, though he may not be physically present on the day that the transfer is made, it must be obligatory on the Commissioner to give notice to the man who has already appeared. It shows that he is interested in watching the proceedings and that a man must have an opportunity before his case is transferred to some province and he is asked to go there. Therefore, if in place of "appears" the words "has appeared" are put in I think it will improve the case. If a person has already appeared, give notice to him before the transfer is effected. It is not necessary that he should appear on that date. Before the date on which the Commissioner makes up his mind to transfer, that date may not be known to the other man.

Mr. A. G. Clow: Sir, my Honourable friend appears to be moving an entirely different amendment. I have accepted today many other amendments without notice and I think there may be something in the amendment of Mr. Santhanam. We have reached the hour when we usually adjourn and I suggest for your consideration that we might adjourn at this stage.

The Assembly then adjourned till Eleven of the Clock on Friday, the 4th March, 1938.

LEGISLATIVE ASSEMBLY.

Friday, 4th March, 1938.

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

MEMBER SWORN.

Mr. James Cochrane Highet, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

TROOPS STATIONED AT DACCA.

620. ***Mr. Brojendra Narayan Chaudhury:** Will the Defence Secretary please state:

- (a) if there are any regular troops stationed at Dacca and if so, for how many years they have been stationed there;
- (b) if the land on which the troops have been quartered vests in the Central Government and is considered as cantonment area;
- (c) if the reply to part (b) be in the negative, what is the authority for occupation of land which vests in the Provincial Government;
- (d) the purpose of stationing troops at Dacca; and
- (e) if the Dacca troops, or any other troops, have undertaken route marches in Bengal during the last three years?

Mr. C. M. G. Ogilvie: (a) Yes, since 1932.

(b) No.

(c) By mutual agreement between the Central Government and the Provincial Government.

(d) To assist the civil authorities in the maintenance of law and order.

(e) Yes.

Mr. Brojendra Narayan Chaudhury: What is the object of these route marches?

Mr. C. M. G. Ogilvie: To show the inhabitants of the areas that there are troops near at hand.

Mr. Abdul Qaiyum: Is it to overawe the people?

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

Mr. Brojendra Narayan Chaudhury: Is it a part of the Government's repressive policy?

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

Mr. Badri Dutt Pande: How many troops are there at present in Bengal?

Mr. C. M. G. Ogilvie: Three battalions.

Mr. Abdul Qaiyum: What sort of troops are these?

Mr. C. M. G. Ogilvie: All Indian.

Mr. T. S. Avinashilingam Chettiar: What is the need to show the people that you have got troops near at hand?

Mr. C. M. G. Ogilvie: To give them confidence.

Mr. Lalchand Navalrai: May I know whether in view of the fact that there is no terrorism now in Dacca, these troops will be removed or not?

Mr. C. M. G. Ogilvie: I cannot tell you.

Mr. Abdul Qaiyum: Is this not a kind of counter-terrorism?

Mr. C. M. G. Ogilvie: I think that is an insinuation.

Mr. K. Santhanam: May I know if these troops are quartered there at the request of the Provincial Government?

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

MOVE OF THE FEDERAL COURT TO HILL STATIONS.

621. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member state:

(a) whether the news regarding the sitting of the Federal Court published on page 8 of the *Hindu*, dated the 27th January, 1938, that the Court will be moving from hill station to hill station in summer, is true;

(b) whether any decision has been arrived at in this matter; and

(c) what the financial effect of this moving about will be?

The Honourable Sir Henry Craik: (a) and (b). The statement published in the *Hindu* is incorrect.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know whether there is any proposal for this Federal Court to be moved?

The Honourable Sir Henry Craik: No; there is no such proposal.

Mr. T. S. Avinashilingam Chettiar: May I know whether they will be in Delhi throughout the year?

The Honourable Sir Henry Craik: Except during the vacation, yes.

CONSTITUTION OF BAZAR AREAS IN THE KARACHI CANTONMENT.

622. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

(a) whether it is a fact that in Karachi Cantonment no area has been constituted as bazar area; if so, why;

(b) whether it is a fact that a large number of civilians live in what are known as Commissariat Lines and Soldiers Bazar; and

(c) what steps Government propose to take to constitute bazaar areas in Karachi Cantonment?

Mr. C. M. G. Ogilvie: (a) Yes, because there is no bazar in the Cantonment.

(b) Government have no information. The Commissariat Lines area is not and never has been a bazar area. It is occupied by detached residential houses of the bungalow type and it contains only four shops scattered over the area.

The Soldiers Bazar is not within the Cantonment limits.

(c) None.

Mr. Lalchand Navalrai: May I know if it has been considered by the Government that there should be a bazar there?

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

Mr. Lalchand Navalrai: Will the Government consider it?

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

Mr. Lalchand Navalrai: Why not?

Mr. C. M. G. Ogilvie: Because there is no need to consider it.

Mr. Sham Lal: What is the number of the civilian population of the Karachi Cantonment?

Mr. C. M. G. Ogilvie: I must have notice of that.

Prof. N. G. Ranga: What are the conditions that should be satisfied before a bazar can be declared there?

Mr. C. M. G. Ogilvie: That there should be a bazar in that area.

INCLUSION OF CERTAIN VILLAGE LANDS WITHIN THE LAHORE CANTONMENT LIMITS.

623. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

(a) whether it is a fact that certain land, on the outskirts of Lahore Cantonment, belonging to the villages of Ganj, Meerpur, Fatehgarh, Mianmir and Tajpur, have been included within Lahore Cantonment limits, for certain purposes, and that the Cantonment Act has been extended to them recently:

- (b) whether it is a fact that in this area, which has been so included, the village lands were being sold to private persons, who were building houses for residence;
- (c) whether it is also a fact that the Cantonment Board of Lahore Cantonment has now stopped further construction of houses;
- (d) whether it is also a fact that no compensation was paid to the owners of land before their inclusion within the Cantonment limits; and
- (e) if the answer to the above be in the affirmative, what step or steps Government propose to take to remove this area from the limits of cantonment?

Mr. C. M. G. Ogilvie: (a) Yes, certain provisions have been extended to them.

- (b) Yes.
- (c) No.
- (d) Yes.
- (e) None.

Mr. Sham Lal: Will the Honourable Member state what was the object of including these villages in the cantonment area?

Mr. C. M. G. Ogilvie: Because the villages in their existing condition were a menace to the health of the troops?

Prof. N. G. Ranga: Has the consent of the villagers been obtained?

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

Prof. N. G. Ranga: Has the consent of the Provincial Government been obtained.

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

Mr. T. S. Avinashilingam Chettiar: Have they been paid compensation?

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

Mr. T. S. Avinashilingam Chettiar: Why not? Are they made liable to pay any higher taxes than they had to before they came to be included in the cantonment area?

Mr. C. M. G. Ogilvie: Not that I know of.

Mr. Abdul Qaiyum: If that is the policy, may I suggest the name of another village to be included in the Peshawar Cantonment as it is a terribly unhealthy place?

(No answer.)

Mr. Sham Lal: With reference to clause (c), will the Honourable Member state whether the Government will make an inquiry whether the construction of houses has been stopped?

Mr. C. M. G. Ogilvie: Government have made inquiries and the construction has not been stopped.

Prof. N. G. Ranga: Is there any special benefit which is conferred upon these villagers after their villages have come to be included in this cantonment area?

Mr. C. M. G. Ogilvie: Yes; there is no doubt that the health of the villagers will be greatly improved.

INCLUSION OF CERTAIN VILLAGES WITHIN THE JHELM CANTONMENT LIMITS.

624. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that villages of Siala and Idgah have been included within the limits of Jhelum Cantonment for certain purposes;
- (b) whether it is also a fact that the villagers of these two villages do not wish to remain under the Cantonment laws;
- (c) whether it is also a fact that shopkeepers carrying on trade in these two villages are asked to take out licences and pay licence fees;
- (d) whether Government are also aware of the fact that one of the villagers was prosecuted and hauled up before a Court of Law, for building a house without the permission of the Cantonment Authority and eventually he was made to demolish certain walls; and
- (e) whether the Cantonments Act was meant for village areas, and whether Government are prepared to take steps to remove these villages from the operation of the Cantonments Act?

Mr. C. M. G. Ogilvie: (a) The provisions of certain sections of Chapters IX, X, XI, XII and XV of the Cantonments Act, 1924, have been extended to the villages in question by the Local Administration under section 286 of that Act.

(b) Yes.

(c) They are required to take out licences but no licence fee is charged.

(d) Yes.

(e) The answer to the first part of the question is in the affirmative if the existence of a village on the border of a Cantonment is a menace to the health of the troops. In this connection, I refer the Honourable Member to section 286, Cantonments Act, 1924. The answer to the last part of the question is in the negative.

Mr. Sham Lal: Will the Honourable Member state the nature of menace to the cantonment population?

Mr. C. M. G. Ogilvie: Likelihood of the spread of epidemic diseases.

Mr. T. S. Avinashilingam Chettiar: May I know why the extension was made in spite of the protests and unwillingness of the villagers?

Mr. C. M. G. Ogilvie: I have already answered that question. It is in order to place villages under proper sanitary control.

Mr. Manu Subedar: With regard to part (c), will the Honourable Member tell the House the object of instituting the licensing system for traders?

Mr. C. M. G. Ogilvie: I must have notice of that.

Mr. T. S. Avinashilingam Chettiar: May I know as a matter of practice whether all people at present engaged in trade will be given licences?

Mr. C. M. G. Ogilvie: I imagine so, certainly.

Mr. T. S. Avinashilingam Chettiar: No discrimination will be made?

Mr. C. M. G. Ogilvie: None whatever.

INCLUSION OF CERTAIN VILLAGE LANDS IN THE MILITARY GRASS FARM OF THE JHELUM CANTONMENT.

625. ***Mr. Sham Lal:** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Military Grass Farm of Jhelum Cantonment has included certain lands of the villagers of Siala and Idgah on the outskirts of the cantonment of Jhelum, within their area?

(b) Is it a fact that no compensation has been paid to these villagers for the inclusion of their area within the Military Grass Farm area?

(c) If the answer to part (b) be in the affirmative, what step or steps do Government propose to take to return the lands to the villagers and pay compensation for the time they have remained within the Grass Farm area?

Mr. C. M. G. Ogilvie: (a) No. The information available to Government is that the military authorities have fenced certain Military Grass Farm land which had been encroached upon by the villagers.

(b) and (c). Do not arise.

LEGAL ADVISER ENGAGED BY THE LANDS AND CANTONMENTS DEPARTMENT IN NORTHERN COMMAND.

626. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

(a) whether it is a fact that a legal adviser, other than the Government Pleader, has been engaged by the Lands and Cantonments Department in Northern Command;

(b) whether this legal adviser is a permanent whole time servant or is only engaged time and again;

(c) what are the duties of this legal adviser;

(d) what amount has been paid to him during the last five years; and

(e) whether such appointments are also made in other Commands?

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

(b) He is not a whole time servant of the Government.

(c) To conduct cases on behalf of Government when required to do so.

(d) Rs. 14,622-6-0.

(e) Yes.

Mr. Lalchand Navalrai: May I know if this legal adviser is an Indian and why has the work been given to him and not to the Government Pleader?

Mr. C. M. G. Ogilvie: The officer concerned is an Indian; and the work has been given to him because it was not possible to obtain the services of the local Government Pleader on all the occasions when they were required.

GRIEVANCES OF WORKMEN IN THE SECURITY PRINTING AND CURRENCY NOTE PRESSES AT NASIK ROAD.

627. ***Mr. K. Santhanam:** Will the Honourable the Finance Member state:

(a) the lowest daily wages paid to workmen in the Security Printing and the Currency Note Presses at Nasik Road;

(b) whether these workmen are entitled to any leave with pay;

(c) the hours of work in these presses and at His Majesty's mint at Bombay; and

(d) whether it is a fact that no latrines and bathrooms are provided in the quarters of these workers, and that men and women have to go long distances to common latrines and bathrooms?

The Honourable Sir James Grigg: (a) and (c). A statement is laid on the table.

(b) No.

(d) In the interests of sanitation and health, no latrines or bathrooms are provided within the quarters but they are provided within easy reach.

Statement showing the minimum wages paid to workmen in the Security Printing and Currency Note Presses and the hours of work in these Presses and at His Majesty's Mint, Bombay.

(a) Minimum Wages.

Security Printing and Currency Note Press.	A. Grade	7 as. per day of 8 hours.
	B. "	8 as. per day of 8 hours.
	C. "	10 as. per day of 8 hours.
	D. "	According to qualifications subject to a maximum of Rs. 4-8-0 per day.

In addition quarters, water and medical services are provided free.

(c) Hours of work.

Security Printing and Currency Note Press.	Reduced Working:	7 A.M.—1 P.M. daily from Monday to Saturday.	36 hours per week.
	Normal Working:	7 A.M.—1 P.M. and 2-4-30 P.M. daily from Monday to Friday.	48½ hours per week.
		7 A.M.—1 P.M. on Saturday.	
His Majesty's Mint, Bombay.	Maximum Working:	7 A.M.—1 P.M. daily from Monday to Saturday.	58½ hours per week.
		2—5-30 P.M. Monday to Friday.	
		9 A.M.—1 P.M. on Saturday.	
	Week days	1-30—4-30 P.M.	
	Saturdays	8 A.M.—10-30 A.M.	
		and 11 A.M. to 2 P.M.	

Prof. N. G. Ranga: With reference to the answer to part (b) of the question, why is it that the workers are not given any leave with pay?

The Honourable Sir James Grigg: I cannot answer that off hand. I suppose they are the terms on which they are engaged.

Prof. N. G. Ranga: Is it not a fact that such workmen employed in other Government concerns are granted leave with pay?

The Honourable Sir James Grigg: I do not think that applies to people who are employed on daily wages.

Mr. K. Santhanam: Will Government reconsider this matter and think of giving them some leave with pay?

The Honourable Sir James Grigg: That does not arise out of this. The Honourable Member has asked for information and I have given it. If he wants to make any suggestion for a change, he had better give notice of another question.

Mr. K. Santhanam: My question arises out of this, Sir.

Mr. President (The Honourable Sir Abdur Rahim): All that he was asked was whether these workmen were entitled to any leave with pay, and he said, "No". Then you are asking him to give some leave with pay, and he wants time to consider it.

Mr. K. Santhanam: My supplementary question arises out of that answer.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable the Finance Member is perfectly right.

Mr. Sri Prakasa: With reference to the Honourable Member's reply to part (d) of the question, is it not a fact that under the Factories Act these conveniences have to be provided for on the premises themselves?

The Honourable Sir James Grigg: The Honourable Member is giving information and not asking for it.

Prof. N. G. Ranga: Is the Factories Act applicable to these Presses or not?

The Honourable Sir James Grigg: He had better give notice of that. All I can tell the Honourable Member is that the hours within the limits prescribed by the Factories Act apply, but as regards the application of the other portions of the Act I cannot tell him.

Prof. N. G. Ranga: Are we to understand that Government are satisfying the conditions laid down in the Factories Act in so far as the management of these Presses is concerned?

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

Prof. N. G. Ranga: Out of the answer to the supplementary question it does arise, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I must point out that, if a supplementary question is asked to elicit a particular answer that has been given and if a supplementary question is asked with reference to the answer given to the supplementary question and it goes on like that, then there will be no end of it. The Honourable Member says that he ought to have notice.

RACIAL DISCRIMINATION IN THE ALLOTMENT OF QUARTERS TO GAZETTED OFFICERS OF THE SECURITY PRINTING PRESS, NASIK ROAD.

628. ***Mr. K. Santhanam:** Will the Honourable the Finance Member please state:

- (a) whether any bungalow meant for gazetted officers of the Security Printing Press, Nasik Road, is lying vacant;
- (b) whether it is a fact that Indian officers willing to occupy it are not permitted to do so;
- (c) whether there is strict segregation in the allotment of quarters to Indians and non-Indians; and
- (d) whether the quarters given to Indian officers and subordinates are much inferior to those given to non-Indians of the same rank?

The Honourable Sir James Grigg: (a) Yes.

(b) There is no officer at present either European or Indian on a suitable rate of pay to whom this bungalow can be allotted.

(c) and (d). No.

Mr. T. S. Avinashilingam Chettiar: May I know why, when the houses are vacant and other people are prepared to pay the rent, they should be lying vacant?

The Honourable Sir James Grigg: The Honourable Member is begging the question. I have no information that other people are prepared to pay the rent.

Prof. N. G. Ranga: Why should Government keep these houses vacant and not earn money in the shape of rent?

The Honourable Sir James Grigg: I have given an answer to that in reply to part (b) of the question.

Prof. N. G. Ranga: When there are other officers in the same department who are prepared to pay the rent, why should the houses remain vacant?

The Honourable Sir James Grigg: I have already answered that. I have no information that other people are prepared to pay.

WATER-MARKED PAPER REQUIRED FOR THE SECURITY PRINTING AND CURRENCY NOTE PRESSES, NASIK ROAD.

629. ***Mr. K. Santhanam:** Will the Honourable the Finance Member please state:

- (a) the total annual cost of water-marked paper required for the Security Printing, India, and the Currency Note Press at Nasik Road;
- (b) where it is bought;
- (c) when the last contract was made;
- (d) whether any tenders were invited in India or England before the contract was made; and
- (e) whether it is a fact that one of the present Directors of the paper manufacturers supplying this paper is Colonel Sir George Willis, the late Master of Security Printing, India?

The Honourable Sir James Grigg: (a) About eleven lakhs of rupees.

(b) In India, except paper for bank notes which is obtained from England, being unobtainable in India.

(c) There are several contracts for various kinds of paper. The last contract was placed on the 19th January, 1938.

(d) Tenders were invited for all kinds of paper bought in India. No tenders are invited for bank note paper which has to be of the highest quality and is purchased direct from the firm which supplies the Bank of England.

(e) Yes.

Mr. Manu Subedar: What was the quality and quantity of paper which is not made in India, which was purchased?

The Honourable Sir James Grigg: The Honourable Member had better put down a question about that. I will get the information.

Mr. K. Santhanam: With reference to the answer to part (e) of the question, are Government satisfied that proper arrangements...

The Honourable Sir James Grigg: I am very sorry. I cannot hear a word of what the Honourable Member asks.

Mr. K. Santhanam: With reference to the Honourable Member's answer to part (e) of the question, do the Government consider it a desirable state of things that a late Master of the Security Printing Press should also be one of the present directors of the contractors?

The Honourable Sir James Grigg: The question of the activities after retirement of ex-Government servants is a very large one, on which it may be possible to say a good deal, but not in reply to a supplementary question.

Mr. President (The Honourable Sir Abdur Rahim): Sardar Mangal Singh. Question No. 630.

Sardar Mangal Singh: There are certain questions in my name. I wish to leave out the first two and ask the others.

Mr. President (The Honourable Sir Abdur Rahim): The difficulty is this. When an Honourable Member puts down more than five questions for oral answer, then he takes the risk. The Honourable Members of Government who have got to reply must naturally take the first five questions for oral answer, and the answers to the rest of the questions will be laid on the table.

Mr. Sham Lal: Sir, the rule is clear. It says:

"Provided further that not more than five questions asked by the same Member shall be called for answer on any one day."

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member had wanted that any particular five questions should be answered orally, then he ought to have confined himself to those questions.

Mr. Sham Lal: The Honourable Member wants to make a choice.

Mr. President (The Honourable Sir Abdur Rahim): He cannot make a choice. Otherwise that would be embarrassing to the Government Members who wish to answer.

Mr. Mohan Lal Saksena: The answers are already there with them.

Mr. President (The Honourable Sir Abdur Rahim): The rule is that only five questions are to be answered orally and that must be done in the order on the agenda paper. I cannot allow the Honourable Member to make a choice. Sardar Mangal Singh.

BAZAR COMMITTEES IN CANTONMENTS.

630. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

- (a) the names of those Cantonment Boards where Bazar Committees have been constituted; and
- (b) the extent of powers delegated to the Bazar Committees?

Mr. C. M. G. Ogilvie: I lay on the table a statement containing the required information.

(b) The delegation of powers is entirely at the discretion of the whole board as a whole and varies in different Cantonments.

Cantonments where Bazar Committees have been constituted.

Ferozepore.	Cawnpore.
Jullundur.	Dinapore.
Lahore.	Fyzabad.
Multan.	Jhansi.
Rawalpindi.	Lansdowne.
Sialkot.	Ranikhet.
Hyderabad (Sind).	Belgaum.
Ahmedabad.	Deolali.
Bareilly.	Jubbulpore.
Banaras.	Kamptee.
Barackpore.	Nasirabad.
	Pachmarhi.
	Saugor.

RESOLUTIONS OF THE BAZAR COMMITTEE VETOED BY THE LAHORE
CANTONMENT BOARD.

631. ***Sardar Mangal Singh:** Will the Defence Secretary please state:
- (a) in how many cases the resolutions of the Lahore Cantonment Bazar Committee have been vetoed by the Cantonment Board; and
 - (b) whether any powers have been delegated to the Chairman of the Lahore Civil Area Bazar Committee to discharge his duties and, if so, what those powers are?

Mr. C. M. G. Ogilvie: (a) and (b). None. Powers are delegated to the Committee and not to the Chairman.

CANTONMENTS WITH COMPULSORY PRIMARY EDUCATION.

632. ***Sardar Mangal Singh:** Will the Defence Secretary please state:
- (a) the names of those Cantonment Boards where compulsory primary education has been introduced; and
 - (b) the amount of grants given by the military authorities for such education?

Mr. C. M. G. Ogilvie: (a) and (b). I am collecting the information and will lay it on the table in due course.

UNDERTAKING OF HOUSING SCHEMES FOR THE POOR BY CANTONMENT
BOARDS.

633. ***Sardar Mangal Singh:** Will the Defence Secretary please state:
- (a) by which Cantonment Boards the housing schemes for the poor have been undertaken; and
 - (b) whether Government intend to issue instructions to the Cantonment Boards to undertake housing schemes for the poor section?

Mr. C. M. G. Ogilvie: (a) Government have no information.

(b) No. The undertaking of such schemes is a matter for the consideration of individual Boards and must be dependent in any case upon the availability of funds.

Prof. N. G. Ranga: Will Government call for that information?

Mr. C. M. G. Ogilvie: To collect the information would mean writing to every cantonment. If it is desired it can be done.

Prof. N. G. Ranga: Yes.

RELIEF OF AGRICULTURAL INDEBTEDNESS.

634. ***Sardar Mangal Singh:** Will the Honourable the Finance Member please state:

- (a) whether Government have considered the statutory report of the Reserve Bank of India on agricultural credit;
- (b) whether the Bank will undertake any effective scheme for the relief of agricultural indebtedness;

- (c) whether Government contemplate any legislation for the relief of agricultural indebtedness, at least in the centrally administered areas; and
- (d) whether Government have examined or propose to examine the working of the Bhavnagar scheme for the relief of agricultural indebtedness in Bhavnagar State?

The Honourable Sir James Grigg: (a) Yes.

(b) Measures for the relief of agricultural indebtedness are the responsibility of the Provincial Governments. The Reserve Bank is always willing to place its knowledge and experience at their disposal, and to give technical advice if it is consulted.

(c) As I have already indicated, such legislation is in the Provincial field. As regards centrally administered areas, the Punjab Relief of Indebtedness Act, 1934, has been extended to the Province of Delhi.

(d) I have no doubt that any features of special value in this or any other scheme will be studied by the Agricultural Credit Department of the Reserve Bank, the benefit of whose advice is available to the various Governments.

Prof. N. G. Ranga: With reference to the answer to part (a) of the question, may I know whether the Reserve Bank of India is going to publish these reports as an annual feature?

The Honourable Sir James Grigg: It is a single report. The statutory obligation is to provide a single report. I am not sure that they will publish annual reports.

Prof. N. G. Ranga: In view of the fact that the Bank itself in that report has stated that it does not propose to make this as its final report but that it contemplates publishing further reports, will Government consider the advisability of asking the Bank to publish the reports as an annual feature?

The Honourable Sir James Grigg: What I will undertake to do is that the reports which the Government receive from the Bank on this subject will be published, but they do not obviously contemplate annual reports.

Prof. N. G. Ranga: May I know whether the Reserve Bank of India has made any recommendation to the Government of India to take steps in pursuance of its report?

The Honourable Sir James Grigg: The Honourable Member can find that for himself if he will read the report.

Mr. Manu Subedar: Will the Honourable Member tell this House whether Government propose to publish a Resolution or a Press Note on the subject, giving the views of Government on the report?

The Honourable Sir James Grigg: No, Sir. If the Honourable Member had been listening to the subsequent parts of my answer, he would have seen that the action referred to in the report lies practically entirely in the provincial sphere.

Mr. Mohan Lal Saksena: What steps have been taken to give relief to the agriculturist debtors in Ajmer-Merwara?

The Honourable Sir James Grigg: None yet.

Sardar Mangal Singh: May I know whether it is the policy of the Government of India to help the Provincial Governments in carrying out debt legislation?

The Honourable Sir James Grigg: I thought the Honourable Member would be delighted that in this matter the Provincial Governments are free from all restraint and have got freedom to manage their own affairs.

Sardar Mangal Singh: May I know whether the Governor General in Council would give their consent to the Madras Debt Bill?

The Honourable Sir James Grigg: That does not arise out of this. Anyhow, it is matter for the Governor General and not for the Government of India.

Prof. N. G. Ranga: May I know if the Government of India propose to establish Land Mortgage Banks in centrally administered areas to relieve this burden of indebtedness.

The Honourable Sir James Grigg: I should have notice of that. It does not arise.

Prof. N. G. Ranga: It does arise out of part (c).

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

Mr. Bhulabhai J. Desai: Before the next question is called, I should like to raise a point of order and ask for your definite ruling on the point. Among the new rules which have been made for the answering of questions, I find the following sub-rule: I will leave the first part which is merely a matter of introduction:

"Provided that unless the President, with the consent of the Member of the Government to whose department the question relates, otherwise directs, no question shall be placed on the list of question for answer until five clear days have expired from the time when notice of the admission of such question by the President has been given by the Secretary to the Member to whom it is addressed."

Sub-head 2 provides for the admission of questions, so that so far as the printed questions are concerned, the very fact that they appear is conclusive of the fact that they have been admitted. Then we come to sub-head 3:

"Provided further that not more than five questions asked by the same Member shall be called for answer on any one day."

The submission that we, on this side of the House, want to make is that there is nothing to show that the five that stand first in order alone must be chosen for the purposes of the answer.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member read paragraph No. 38?

Mr. Bhulabhai J. Desai: That rule reads:

"Questions, which have not been disallowed, shall be entered in the list of questions for the day and shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting."

What I am submitting to you is that there cannot be any question of embarrassment for the simple reason that the questions having been admitted and printed, presumably if not conclusively, the answers are ready. Sub-head 3 merely says that not more than five questions asked by the same Member shall be called for answer on any particular day. I submit there would be no purpose in merely selecting the first five, irrespective of their materiality and importance. I can understand a rule to this effect that not more than five questions shall be printed at all or admitted. That is an intelligible process of exclusion but having allowed the questions, having allowed them to be printed and, therefore, presumably having the answers ready for them, if a Member says that he would put a particular set of five questions out of those printed, I submit he ought to be allowed to select.

Mr. President (The Honourable Sir Abdur Rahim): As a matter of fact, I have considered this matter and there can be no doubt that the object of the rules is to give notice to the Members of Government as to which are the questions which he is expected to answer orally. The number of questions that are allotted to a particular Member are allotted with a view to see that no particular Member puts down more than a certain number of questions for oral answer. It is perfectly true that the rule does not say that the questions will be called in the order while it does not explicitly say that the Member is bound to put the question which is called in a particular order. But, then, I have to consider what is the object of the rule and how it tends to the convenience of both sides of the House, that is to say, Members putting the questions and the Members answering the questions. Now, suppose an Honourable Member, in spite of the fact that only five questions to be answered orally are allowed to him, puts down 20 questions, the Members of the Government will have to prepare themselves in order to answer all the questions orally including the supplementaries that may be put with reference to those questions, although they can be called upon only to answer five questions orally. Further, it has always been the practice that questions ought to be called in the order in which they are put down and the Member who has put down those questions has got to ask them in that order. This is, also the Parliamentary practice. I find the following words on page 239 of May's Parliamentary Practice:

"A Member cannot withdraw an earlier question in order to ask the fourth standing in his name."

I have, undoubtedly, also to consider the convenience of the Members asking the questions. I fail to see, however, that they are put to any inconvenience if they are called upon to make up their minds when giving notice as to which are the questions which they have put down to which they want an oral answer and with reference to which they want to ask supplementary questions. It also certainly is to the convenience of the Government Members that they should know beforehand which are the questions which they are expected to answer orally.

PROVINCIALISATION OF CERTAIN ALL-INDIA SERVICES.

†635. *Sardar Mangal Singh: Will the Honourable the Home Member please state:

- whether Government have received a copy of the resolution passed by the United Provinces Legislative Assembly regarding the provincialisation of Indian Civil Service, Indian Police Service and Indian Medical Service in that Province;
- whether Government have forwarded this resolution to the Secretary of State for India;
- whether they have made any comments thereon and if so, what their general nature is; and
- whether Government have received a similar resolution from any other Provincial Government?

The Honourable Sir Henry Craik: (a) and (d). No.

(b) and (c). Do not arise.

PROHIBITION OF AERIAL BOMBING ON CIVIL POPULATION.

†636. *Sardar Mangal Singh: Will the Defence Secretary please state:

- whether the attention of Government has been drawn to the resolution which has recently been passed by the House of Commons regarding the prohibition of aerial bombing of civil populations; and
- whether Government of India have issued, or propose to issue, instructions to all the Army Commands in India to refrain in future from aerial bombing of the civil population and particularly the tribal territories?

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

(b) There is no necessity for issuing any such instructions.

PROHIBITION OF THE EXPORT OF JAGGERY TO CEYLON.

637. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- whether exports of jaggery to Ceylon have been stopped by customs authorities as being prohibited by the Finance Department (Central Revenues) Notification No. 1, dated the 1st January, 1938, and whether exporters have referred the matter to Government;
- to sugar of what polarisation Government refer when they prohibit export under the notification; and
- whether jaggery is considered sugar or molasses for the purposes of the notification?

Mr. A. H. Lloyd: (a) Yes.

(b) The orders prohibiting the export of sugar refer simply to "sugar in all its commercial forms" without reference to the degree of polarisation.

†Answer to this question laid on the table, the questioner having exhausted his quota.

(c) Government have since instructed Customs Authorities in India that, for the purposes of the Notification, they should treat cane and palmyra jaggery as final molasses.

Mr. T. S. Avinashilingam Chettiar: May I ask if the Government have received any representations from the exporters about palmyra candy?

Mr. A. H. Lloyd: Yes, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know when the Government expect to come to a decision over this matter?

Mr. A. H. Lloyd: Within the next few days.

POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS.

638. *Mr. Mohan Lal Saksena: (a) Will the Honourable the Home Member be pleased to state the total number of political prisoners in the centrally administered areas on the 1st February, 1938?

(b) How many of them have been repatriated from the Andamans? What are their names and the total and unexpired period of their respective sentences?

(c) Have Government considered the advisability of releasing them forthwith?

The Honourable Sir Henry Craik: (a) I am making enquiries and will lay a reply on the table of the House in due course.

(b) I lay a statement on the table of the House.

(c) No.

Prisoners Repatriated from the Andamans, convicted for 'Political' Offences by Courts within Centrally Administered Areas.

Name.	Date of conviction.	Provisions of law under which convicted.	Sentence.
Delhi.			
B. K. Dutt .	12-6-1929	307, I. P. C. Section 3, Explosive Substances Act, 1908.	Transportation for life.
Dhanwantri .	28-4-1933	307, I. P. C. 19 (f) of Indian Arms Act, 1878.	7 years' Rigorous Imprisonment under section 307, I. P. C. 3 years' under the Arms Act. Sentences to run concurrently.
Harabandhu Samajdar.	26-1-1933	394, 120-B and 109, I. P. C.	5 years' Rigorous Imprisonment.
	13-2-1933	19 (f) of Indian Arms Act, 1878.	3 years' Rigorous Imprisonment.
Ajmer-Merwara.			
Ram Singh .	27-11-1935	307, I. P. C.	7 years' Rigorous Imprisonment.

SUPPLY OF GHEE FOR INDIAN TROOPS.

639. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state the average annual requirement of *ghee* for Indian troops and the total amount spent on it?

(b) What is the mode of arrangement for its purchase, whether it is by contract or by an agency system on commission basis, or by a State monopoly?

(c) If so, what is the date of its commencement, what are the terms and conditions and the name of the party holding the monopoly of this business from beginning to date?

(d) Were tenders called for? If so, when?

Mr. C. M. G. Ogilvie: With your permission, Sir, I will answer questions Nos. 639, 640, 641 and 642 together.

I am collecting the information and will lay it on the table in due course.

Mr. Badri Dutt Pande: In view of the fact that I have given notice of many questions on this subject, I want to know how long the process of collecting information will take?

Mr. C. M. G. Ogilvie: It depends upon the type of the question, the amount of research which has to be gone through and, in this case, the fact that the authority concerned is in Simla.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government have received representations that in this matter there is much corruption?

Mr. C. M. G. Ogilvie: Representations have been received, have been most carefully examined and have been found to be entirely false.

Mr. Badri Dutt Pande: Is it the intention of the Government to prosecute the man who has given false information?

Mr. C. M. G. Ogilvie: It is not a matter for the Government whether the person complained against chooses to sue the person who has made complaints against him.

Mr. T. S. Avinashilingam Chettiar: Have Government come to the conclusion that the present method of purchasing *ghee* is the cheapest also?

Mr. C. M. G. Ogilvie: I imagine that that is the case, but until I have gone through the extremely involved mass of correspondence and material on the subject, I am not prepared to say that.

Mr. Badri Dutt Pande: Are the authorities afraid of serious disclosures regarding illegal drawings of Government money, fraud and forgery that they are not prosecuting the persons concerned in this matter?

Mr. C. M. G. Ogilvie: Certain allegations were made, were inquired into and were found to be entirely unsubstantial.

Mr. Badri Dutt Pande: Has the Honourable Member received printed copies of these notices which have been circulated to the Members of this Assembly?

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

Prof. N. G. Ranga: May I ask who has conducted that inquiry?

Mr. C. M. G. Ogilvie: As far as I can remember, inquiries have been going on into allegations of this kind from time to time for years.

Mr. Mannu Subedar: Are any purchases made by the Master General of Supplies?

Mr. C. M. G. Ogilvie: They are made by the Director of Contracts.

Prof. N. G. Ranga: Has the Honourable Member ever looked into these complaints?

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

Mr. Mannu Subedar: Has the Director of Contracts the same set of rules governing his purchases as govern the purchases of the Indian Stores Department?

Mr. C. M. G. Ogilvie: The rules govern all purchases by all authorities.

Mr. Badri Dutt Pande: Is it a fact that the Government are losing between two and three lakhs of rupees every year on this bargain?

Mr. C. M. G. Ogilvie: I should say most certainly not.

COMPLAINTS AGAINST AGENTS SUPPLYING GHEE TO THE ARMY.

*640. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether he has ever examined the credentials of the *ghee* agents with a view to ascertaining the actual expenses incurred by them under various heads allowed?

(b) Is it a fact that the rates and amounts allowed to them are much higher than the actual payments made by the *ghee* agents?

(c) Have Government ever utilised the option of paying actual expenses in accordance with the terms of the agreement?

COMPLAINTS AGAINST AGENTS SUPPLYING GHEE TO THE ARMY.

*641. ***Mr. Badri Dutt Pande:** Does the Defence Secretary know that in the Offices of the Director of Contracts, Quartermaster General, Secretary, Defence Department and His Excellency the Commander-in-Chief in India, a series of complaints addressed either in their names or official designations, have been sent in 1937 regarding the *mala fide* activities of the *ghee* agents, pointing out that Government have suffered heavy losses, amounting to several lacs of rupees, during the last several years? If so, have Government made any enquiries into the affair? If not, why not?

*For answer to this question, see answer to question No. 639.

COMPLAINTS AGAINST AGENTS SUPPLYING GHEE TO THE ARMY.

†642. ***Mr. Badri Dutt Pande:** (a) Does the Defence Secretary know that an instance has been reported to the Director of Contracts in which the *ghee* agents have credited about a thousand rupees less than the actual sale proceeds, and a wrong sale invoice in a fictitious name has been submitted in support thereof?

(b) If so, what action has been taken in the matter? If none, why not?

(c) Has an instance of the re-supply of rejected *ghee* to Government been brought to the notice of the authorities? If so, has the matter been investigated?

EXPENDITURE ON THE OPENING OF THE FEDERAL COURT.

643. ***Mr. Sri Prakasa:** Will the Honourable the Home Member state:

(a) the amount of expenditure incurred on the occasion of the opening of the Federal Court;

(b) the head under which this expenditure was debited; and

(c) if the ceremonies were performed after consultation with, and with the consent of the Government of India?

The Honourable Sir Henry Craik: (a) The amount of expenditure incurred on the inaugural sitting of the Federal Court was one rupee and two annas besides the cost of printing about 400 cards of admission from the Government of India Press.

(b) The expenditure was debited to No. 26—Administration of Justice—Contingencies.

(c) No.

Mr. Mohan Lal Saksena: Am I to understand that no invitations were issued for this function?

The Honourable Sir Henry Craik: The second part of the answer was drowned in laughter otherwise the Honourable Member would have heard that I said that besides Rs. 1-2-0 there was the cost of printing 400 cards of invitation.

Sir Cowasji Jehangir: For what function?

The Honourable Sir Henry Craik: To the function to which this question refers.

Mr. N. M. Joshi: May I ask on what object this Rs. 1-2-0 was spent?

The Honourable Sir Henry Craik: I do not know.

Sir Cowasji Jehangir: May I ask the Honourable Member whether the Honourable Member who has asked this question was invited to Lunch on that occasion?

†For answer to this question, see answer to question No. 639.

Mr. President (The Honourable Sir Abdur Rahim): Next question. I cannot allow the time of the House to be wasted like this. The Honourable Member has got the information he wanted.

Mr. Sri Prakasa: May I know whether this Rs. 1-2-0 includes the cost of the postage used for the invitation cards?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got his answer.

Seth Haji Sir Abdoola Haroon: May I know whether the expenses of the many Advocates-General from the Provinces who attended this function were paid by the Central Government or the Provincial Governments concerned?

The Honourable Sir Henry Craik: I must have notice of that question.

Mr. T. S. Avinashilingam Chettiar: Sir, we have not heard a word of what the Honourable Member has said.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is apparently so excited that he cannot hear the answer.

Mr. T. S. Avinashilingam Chettiar: I must say, Sir, that the excitement has nothing to do with my hearing. I did not hear a word of what the Honourable the Home Member said.

Mr. President (The Honourable Sir Abdur Rahim): I heard him all right.

Mr. T. S. Avinashilingam Chettiar: It does not mean our hearing, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable the Home Member repeat his last answer then?

The Honourable Sir Henry Craik: I said I must have notice.

Mr. T. S. Avinashilingam Chettiar: Thank you, Sir.

MONTHLY EXPENDITURE ON AND WORK DONE BY THE FEDERAL COURT.

644. ***Mr. Sri Prakasa:** Will the Honourable the Home Member state:

(a) the monthly expenditure incurred on the Federal Court; and

(b) the amount of work that is being done at the present moment by the said Court?

The Honourable Sir Henry Craik: (a) Rs. 22,250 roughly.

(b) I would refer the Honourable Member to my answer to parts (a) and (b) of starred question No. 588 asked by Mr. M. Ananthasayanam Ayyangar on the 1st March, 1938.

Mr. Mohan Lal Saksena: Is it not a fact that there will be no work for the next two years?

The Honourable Sir Henry Craik: I should think that is extremely unlikely.

Mr. K. Ahmed: In view of the fact that the Honourable the Home Member has admitted that it costs, monthly, Rs. 22,250, does that expense include the fee of the retainer—probably monthly—because I find from the Budget papers that Rs. 30,000 per year is to be paid to the Advocate General of India? Does that include it or not?

The Honourable Sir Nripendra Sircar: Sir, I did answer that question. It is not included, and the Advocate General of India has got to be paid even if the Federal Court is abolished,—just as the Government of India used to pay the Advocate General, Bengal, this amount, although there was no Federal Court. His duties are multifarious and not confined to the Federal Court.

Mr. K. Ahmed: In view of the fact that the learned Law Member is determined not to answer the question straight.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw that expression. The Honourable the Law Member has answered the question.

Mr. K. Ahmed: Sir, I am within the four corners of my right under the Rules and Standing Orders which govern you as well as any Member of this Assembly and I pray that you will kindly allow me to put my supplementary questions as one hour is allotted for putting questions.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better put his question. What is the question?

Mr. K. Ahmed: In view of the fact that my friend, the Law Member, has not answered the question straight.

(Cries of "Order, order".)

The Honourable Sir Nripendra Sircar: The first question was whether this was included and a categorical answer was given that it was not included. Sir, I protest against the remark of my Honourable friend and I submit that it was wholly unjustified.

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow that question to be put.

Mr. K. Ahmed: I want to ask how it cannot be allowed, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I must ask the Honourable Member to resume his seat. I disallow the question.

Mr. K. Ahmed: Then what is the use of Standing Orders, under which supplementary questions arising out of the answers can be put?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I may have to exercise the authority of the Chair to see that the Honourable Member does not create a disturbance like this.

APPOINTMENT OF MUSLIMS AS CASHIERS AND ASSISTANT CASHIERS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

†645. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Home Member be pleased to state:

(i) the number of Cashiers in the Departments of the Government of India;

(ii) the number and percentage of Muslims therein; and

(iii) the number of Assistant Cashiers in the Departments of the Government of India?

(b) Are Government prepared to consider the desirability of appointing suitable Muslims as and when the posts of Cashiers and Assistant Cashiers fall vacant?

The Honourable Sir Henry Craik: (a) (i) Thirteen.

(ii) There are no Cashiers who are Muslims

(iii) Six. One of these is a Muslim.

(b) There is no restriction on the selection of Muslims for the post of Cashier but the matter is essentially one for the Heads of Departments concerned who are, and must continue to be, free to select persons whom they consider to be best fitted for the post.

ASSISTANT SECRETARIES TO THE GOVERNMENT OF INDIA ON EXTENSION.

†646. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable the Home Member be pleased to state:

(a) the number of Assistant Secretaries to the Government of India who are holding the posts on extension of service, the Department to which they belong and the total service rendered by each of them; and

(b) whether Government have under consideration and contemplate considering the question of granting any of them any further extension? If so, what are the reasons warranting such a course of action?

The Honourable Sir Henry Craik: (a) One in the Education, Health and Lands Department with a service of 36 years and 10 months.

(b) No.

NOMINATIONS OF MUSLIMS TO THE INDIAN CIVIL SERVICE.

†647. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Home Member please state whether, when nominations are made on the result of a competitive examination, is it not implied that the nominations should be made from among the candidates of a particular community who are successful in the examination in the order of merit, provided they are physically fit? If not, what is the point in holding an examination and making nominations on the basis of an examination?

(b) Is it a fact that last year there were Muslim candidates who had obtained the 4th, 5th, 6th and 8th places among the Muslims at the

†Answer to this question laid on the table, the questioner being absent.

Indian Civil Service Competitive examination but who were not nominated and that their claims were superseded by others who had obtained only the 10th, 20th and 35th places among the Muslims, and if so, what was the reason for this change of procedure?

(c) What value is attached to the *viva voce* in the Indian Civil Service examination? Does it count simply as one test on a par with the other written tests? What is the position regarding this in the London examination, and in the Delhi examination respectively? Is the procedure the same in both cases or different in London and Delhi; and if different, to what extent and why?

(d) Is it a fact that till now there was no minimum for the *viva voce* in the open competition? If so, was there any such arbitrary limit imposed in the closed competitions for Muslim candidates?

(e) Was any announcement as to any such limit made in advance? If not, why not?

(f) Is it a fact that seats reserved for nomination are announced every year only along with the announcement of the Delhi examination and not with that of the London examination?

The Honourable Sir Henry Craik: (a) Nomination to the Indian Civil Service is an act of selection, upon the advice of the Federal Public Service Commission, of qualified persons who appear most fitted for appointment to the Service. This selection is made primarily from persons who have sat for the examination, and the results of the examination form a basis for assessing the relative merits of candidates. It is, however, inherent in a power of selection that its exercise should not be limited by the strict order of marks obtained in the examination, and for this reason the Rules do not require such order to be observed.

(b) Persons obtaining the 4th, 5th, 6th and 8th place in the examination among Muslims were passed over for the reasons which I have indicated. There was no change in procedure.

(c) The *viva voce* test is one of several tests for the Indian Civil Service Examination and has no special importance in respect of the competitive examination either in Delhi or London.

(d) Both in Delhi and London candidates must obtain such a mark in the *viva voce* test and such an aggregate of marks in the written tests as to satisfy the Federal Public Service Commission or the Civil Service Commissioners as the case may be. No minimum mark has been prescribed.

(e) Does not arise.

(f) Yes.

NOMINATIONS TO THE INDIAN CIVIL SERVICE.

†648. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Home Member please state whether nominations to the Indian Civil Service are made in India, based on the results of the examination held in Delhi only or on the combined results of both the Delhi and London examinations?

(b) What has been the practice in this respect since the institution of the Indian Civil Service examination in India?

†Answer to this question laid on the table, the questioner being absent.

(c) Is it a fact that last year one Muslim candidate who had not sat for the Delhi examination but only for the London examination was included in the list of nominations from India?

(d) If so, what was the justification for his inclusion in the Indian list, superseding the claims of those who had competed in the Delhi examination?

The Honourable Sir Henry Craik: (a), (b) and (d). The Federal Public Service Commission are required by rule 8 of the Indian Civil Service (Nomination) Rules to make their recommendations primarily from the list of candidates who have sat at the competitive examination held in India in the year in which selection is made, but are permitted to include among the persons to be primarily considered any candidate who has sat at the competitive examination held in London in the year preceding the year in which the selection is made and who, in their opinion, is exceptionally suitable. This rule has been in force since the Nomination Rules themselves were made.

(e) Yes.

ELECTION OF A MEMBER TO THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that Dr. P. N. Banerjee has been elected to represent the Assembly on the Council of the Indian Institute of Science, Bangalore.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): Legislative business.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to move:

"That Mr. E. Conran-Smith be re-appointed to the Select Committee on the Bill to amend the Child Marriage Restraint Act, 1929, and that Mr. P. A. Menon be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

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

"That Mr. E. Conran-Smith be re-appointed to the Select Committee on the Bill to amend the Child Marriage Restraint Act, 1929, and that Mr. P. A. Menon be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Mr. A. G. Olow (Labour Secretary): Sir, since last night I have had some discussion with Honourable Members opposite on the amendment* before the House, as a result of which I understand that it is proposed to withdraw it and to move certain alternative amendments.

*"That in clause 9, sub-clause (b) be omitted."

Mr. K. Santhanam: (Tanjore *cum* Trichinopoly: Non-Muhammadan): Sir, I ask for leave to withdraw the amendment* which I moved yesterday.

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

Mr. K. Santhanam: Sir, I move:

"That for clause (a) of clause 9 of the Bill the following be substituted, namely:—
(a) for the words 'by any party to any proceedings pending before him that such matter' the words 'that any matter arising out of any proceedings pending before him' shall be substituted."

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

"That for clause (a) of clause 9 of the Bill the following be substituted, namely:—
(a) for the words 'by any party to any proceedings pending before him that such matter' the words 'that any matter arising out of any proceedings pending before him' shall be substituted."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That in sub-clause (b) of clause 9 of the Bill, for the word 'appears' the words 'has appeared' be substituted, and for the words 'any such order of transfer' the words 'any order of transfer relating to the distribution among dependants of a lump sum' be substituted."

Sir, it is only with respect to the distribution of a lump sum or when ready payment is sought to be made to a workman that transfers are effected under the earlier portion of this section. With respect to payments to workmen it is not necessary that any party should be heard after the Commissioner comes to know the facts. It is only where a lump sum is to be distributed amongst various persons that conflicting interests appear, in which case they must at least have an opportunity to be heard and they must have notice, and this amendment carries out that intention.

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

"That in sub-clause (b) of clause 9 of the Bill, for the word 'appears' the words 'has appeared' be substituted, and for the words 'any such order of transfer' the words 'any order of transfer relating to the distribution among dependants of a lump sum' be substituted."

Mr. A. G. Clow: Sir, this amendment, I think, meets in a reasonable manner the objection urged by my Honourable friend, Mr. Santhanam, to the original wording last evening and it also covers the point that was raised by Mr. Ayyangar in his speech yesterday evening. I accept the amendment.

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

"That in sub-clause (b) of clause 9 of the Bill, for the word 'appears' the words 'has appeared' be substituted, and for the words 'any such order of transfer' the words 'any order of transfer relating to the distribution among dependants of a lump sum' be substituted."

The motion was adopted.

*"That in clause 9, sub-clause (b) be omitted."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 9, as amended, stand part of the Bill."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Clause 10 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 11.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I beg to move:

"That in sub-clause (a) of clause 11 of the Bill after the words 'in clause (i) the words 'the words "otherwise than in a clerical capacity or" shall be omitted and' be inserted."

The meaning of this amendment will be quite clear if it is read along with the original section. In Schedule II, item 1, "employed otherwise than in a clerical capacity or" all that goes. The words "employed on a railway in connection with operation and maintenance and"—these words will have to be taken in. This only means this: that I want this Act to be extended to clerks also who may be employed on a railway or on any of these vehicles which may be propelled either by mechanical power or by electricity. My reason for moving this is this. There are several of these district traffic superintendents among railway officials and when they go on tour and when they are travelling on trains on official duty, these clerks are taken to assist them. If any accident takes place on the railway, then under this Act there is to be no protection at all for those clerks. I can understand this Act not being made applicable to officers because they draw high salaries; there is the provident fund, there is the pension and all other benefits for them. In the case of these low paid clerks, there is no such special benefit available and if any accident takes place while they are in the process of carrying out their duties as camp clerks or assistants to the officers who have to discharge their duties while touring on trains, no protection is offered by this Act, to them. Therefore, I want these words "otherwise than in a clerical capacity or" be omitted.

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

"That in sub-clause (a) of clause 11 of the Bill after the words 'in clause (i) the words 'the words "otherwise than in a clerical capacity or" shall be omitted and' be inserted."

Mr. A. G. Clow: I am afraid my Honourable friend has completely misunderstood the original clause and the result of his amendment would be to 'throw away the baby with bath water'. The actual clause at present reads: "employed otherwise than in a clerical capacity or on a railway. . . .". In other words we exclude both those in a clerical capacity and those on railways. The clause is not designed to provide for railways at all. They are governed by an entirely different clause, clause 2 (1) (n) of the Act, and clerks are included unless they are permanently employed in certain important offices where they do not go on tour. In other words, a railway clerk travelling with an officer on tour is already included. Let us now turn to the effect of my Honourable friend's amendment. If we accept his amendment then the clause will read,

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"employed" not "otherwise than on a railway", but "employed on a railway in connection with the operation or maintenance of mechanically propelled vehicles". In other words, we restrict the clause to railways. We cut out precisely those classes that are intended to be covered, persons employed in taxi-cabs, in buses, in trams and we also incidentally cut out certain railway servants. So that the effect of my Honourable friend's amendment, so far from including a single person, would be to exclude the whole class of persons from the operation of the Act. Sir, I oppose the amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, if the words "otherwise than" are not omitted and if they are retained, that would serve the purpose. Remove the words: "in a clerical capacity or". That is what my Honourable friend, Prof. Ranga, means. Those persons who are employed in clerical capacity in any such transport vehicles even they must get the benefit of this Act. That is the intention of my Honourable friend. Unfortunately, my Honourable friend inadvertently asked the words "otherwise than" also to be omitted. My submission is, those words "otherwise than" should be retained, in which case only the words "in a clerical capacity or" will have to be omitted. To that extent the amendment of my Honourable friend needs modification. If that is accepted, the clause would read:

"employed otherwise than on a railway in connection with the operation or maintenance of mechanically propelled vehicles."

Sir, the object is this. Take for instance a motor bus. Under the Motor Vehicles Act, it is necessary that every bus should have a conductor also. It cannot be said that a conductor takes part in propelling a machine or in operating it. He no doubt helps in getting out or in getting in passengers at various stages of the bus's halt. Without the conductor it is an offence to run a motor bus on any road or ply it for hire. Under those circumstances if he meets with an accident what is the reason for cutting out that man from the benefits which a workman undergoing an accident or to whom an accident befalls will have under this Act. It is reasonable to expect that he should also come within the purview of the benefits of the Act.

Mr. A. G. Clow: Sir, I rise to a point of order. My Honourable friend seems to be discussing an amendment different from the one before the House.

Mr. President (The Honourable Sir Abdur Rahim): As objection has been taken, I cannot allow a different amendment to be discussed.

Prof. N. G. Ranga: I ask for permission to amend my amendment by deleting the words 'otherwise than' from the amendment.

Mr. A. G. Clow: There is another amendment standing in the name of Mr. Ayyangar where this question can be discussed.

Mr. M. Ananthasayanam Ayyangar: If I may quote the analogy of the Civil Procedure Code, if by accident a clerical error creeps into an amendment given notice of by my Honourable friend, can that be taken advantage of by the other side and objection raised?

Mr. President (The Honourable Sir Abdur Rahim): If the other side objects, there must be some substantial ground for the objection. The analogy of the Civil Procedure Code does not apply.

Mr. A. G. Clow: On a point of personal explanation. I am not taking objection on the ground of a clerical error. My Honourable friend, Prof. Ranga, distinctly said that his object was to include certain railway clerks and that would not be covered if the amendment suggested by my Honourable friend, Mr. Ayyangar, were accepted. Further, both these Honourable Members have another amendment immediately after this on which we can discuss this particular question.

Mr. M. Ananthasayanam Ayyangar: But that is very restricted in scope.

Prof. N. G. Ranga: I beg leave to withdraw my amendment.

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

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

"That in sub-clause (a) of clause 11 of the Bill, after the words 'in clause (i),' the following be inserted:

'after the words "in a clerical capacity" the words "not involving work in the vehicle while it is in motion" shall be inserted and'."

Sir, this is much narrower in scope than the one which my Honourable friend, Prof. Ranga, sought to introduce. There was no doubt a clerical error in it which you have ruled out of order. Now, I have confined the scope of this amendment only to such persons as are actually engaged in the machine while it is in motion, though not directly propelling it. Otherwise, it might be said that a person who is employed by an administration which runs a number of buses in an administrative capacity of the office might also be entitled to the benefits of this section if the amendment of Prof. Ranga is accepted subject to my modifications. This is narrower in scope. The vehicle must be actually in motion, and if a clerk sits there either to check the tickets as an inspector or to issue tickets as a conductor, both of them must be entitled to this protection, because they are working and contributing their skill and labour for the purpose of having the bus run properly according to Law. There are many other cases where similar persons who may not be actually engaged in propelling the machine may be engaged in a clerical capacity and whose presence might be necessary to check the operations. It is to benefit such persons that I introduce this amendment which is not quite as wide as the other. Therefore, I hope it will be accepted.

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

"That in sub-clause (a) of clause 11 of the Bill, after the words 'in clause (i),' the following be inserted:

'after the words "in a clerical capacity" the words "not involving work in the vehicle while it is in motion" shall be inserted and'."

Mr. A. G. Clow: Sir, I had hoped that my Honourable friend in dealing with this amendment would explain precisely who was going to be

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covered. Had he been dealing with railways I would have been ready to concede the point. I recognise that on railways clerks may be employed in clerical work, but I have never seen a clerk employed on clerical work in a moving bus.

Mr. M. Ananthasayanam Ayyangar: What about a conductor issuing tickets?

Mr. A. G. Clow: I am talking of a person employed in a clerical capacity. A conductor is not employed in a clerical capacity; he is engaged in the operation of the vehicle. And I saw in a recent law report, only a month or two ago, a case in Calcutta in which this question of bus conductors was raised; and, speaking from memory, not only did the Court rule that bus conductors were covered as they were employed in connection with the operation of the mechanically propelled vehicles, but one of the Honourable Judges laid stress on the fact, by way of supporting that conclusion, that the words "in a clerical capacity" were in the clause. As he pointed out, these words showed that the operation of mechanically propelled vehicles did not merely mean driving a vehicle or something of that kind. Had it meant that, there would be no need for the words "otherwise than in a clerical capacity". I suggest to my Honourable friend that really this is rather a fanciful case, that of a man doing a stenographer's work or some other work in a vehicle while he is connected with the operation of the vehicle; and I suggest that the House should reject the amendment.

Prof. N. G. Ranga: Sir, I fail to understand the objection of my Honourable friend, Mr. Clow, to this amendment. His objection seems to be based entirely on the failure of my Honourable friend, Mr. Ayyangar to quote to his satisfaction the different kinds of people who may be involved in such a capacity. Sir, I can only mention off-hand just one particular fact. In what category is he going to classify these ticket examiners in buses and in trams? Surely they are being treated only as clerks by the employers concerned.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): They are covered by this section because they are engaged in the operation of the bus.

Prof. N. G. Ranga: Then why do you object? There is doubt as to whether they are covered or not and we want to make it quite clear. Why do you object?

The Honourable Sir Nripendra Sircar (Law Member): Sir, I may inform my Honourable friend that the ruling which was referred to by Mr. Clow covers these cases. A man issuing tickets is not there in his clerical capacity, and that ruling covers the case which my Honourable friend is giving to the House.

Prof. N. G. Ranga: Does it cover the case of the inspector?

The Honourable Sir Nripendra Sircar: It covers the case of the man issuing tickets, examining tickets, inspecting tickets, supervising tickets and investigating tickets. They are all covered.

Prof. N. G. Ranga: May I know the ruling of the High Court?

Sir H. P. Mody: Why do you want a ruling? They are all connected with the operation of the vehicle.

Prof. N. G. Ranga: The point is whether we should depend for our guidance on that ruling only and such other rulings that may be given from time to time by the various High Courts or whether we should take advantage of this particular opportunity and make it perfectly clear that such and such people also are to be covered by this Act. When we have got this opportunity I do not see why we should let it go. And there are High Courts and High Courts; one High Court disagrees with another High Court. I do not wish to cast any reflection on their judgment but the same High Court upsets its rulings time and again. Even the President's ruling is liable to be revised by the same President. So where is the guarantee for an ordinary citizen who for the time being happens to be employed in the capacity of a ticket examiner, merely because he is shown one particular judgment of one particular High Court? So, I want this opportunity to be taken advantage of even by my Honourable friend, Mr. Clow. He himself has stated that he could have understood our position if we had asked for this protection for those clerks who may be employed on railways or trains which are in motion, because he could very well say that there are several clerks who may be employed in that capacity. But when that particular amendment came up and I wanted some further amendment to be made in it in order to suit his convenience and suit the convenience of the House and for the purpose that we have in mind, he himself took objection to that. Once that particular objection was removed, he says he could have understood that position but he cannot understand this; that because we failed in that we must lose that; and because we do not confine ourselves to the clerks employed on railways alone but extend this to all other vehicles propelled by mechanical power or electricity, he is not prepared to accept it. I do not know how he is going to say that his plea is really in the interests of the workers or that our plea is against the interests of the employers. This is a very curious kind of logic and I sincerely hope my Honourable friend, Mr. Clow, will try to revise his opinion and accept this amendment which even according to him is not going to do much harm or which according to him may not be necessary, as its object is already expected to be carried out by the clause which is already there in the Bill.

Mr. K. Santhanam: Sir, I rise to support this amendment. The argument of the Honourable Member in charge was that it was already covered by the existing provision. He mentioned the case of a bus conductor which has been covered by the Calcutta High Court ruling, but I can mention many other cases which do not come under this category. For instance, there is the clerk in a delivery van for the delivery of parcels, and we can also imagine the cases of several others who are asked to take charge of similar duties. In this way, there may be many persons who cannot be described as conductors, inspectors or such categories essentially necessary for propelling these mechanical vehicles, but who are still invariably used in connection with these vehicles. There may be many people engaged in these vehicles whose sole business is to keep accounts. Suppose you have a large number of small packets, and the

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clerks in charge have to render accounts, have to collect money and do ever so many other things. Now, we are told that the same ruling will cover the cases of these people also. If they say that the scope of this amendment is too wide, and that it covers people whom they do not want to be included, I can understand the opposition. The Honourable Member does not say that this is wider than what he wants it to be. He admits that this amendment is not wider and does not cover a larger number of persons than he wants to include, but, he asks why is this amendment necessary? I suggest that it is for the purpose of making the law more clear than the ruling of the Calcutta High Court, and, therefore, let us amend the Act to make the position perfectly clear. At worst, this only carries out the ruling of the Calcutta High Court. It may also make matters more clear in other cases as well, and, therefore, I suggest that this amendment should be accepted. The whole point is, whether there is any objection to it. If there is no objection, then it ought to be accepted, even if only it clarifies the situation. It includes those people whom all sides of the House want to be included, and it does nothing more than what we all want. I, therefore, hope that Government will accept this amendment.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I rise to take part in this discussion

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member should have waited till his name was called.

Mr. K. Ahmed: Thank you, Sir, I hope you will cast your eyes more freely on me in future so that we may not have to wait longer.

Now, Sir, I find an internecine war and a great warfare is going on on the floor of the Assembly between the Government on the one side and the Labour representative on the other. I also find that the nominated labour representative, Mr. N. M. Joshi, is today sitting behind the Government Member, and I do not know why. I should have liked to see here, as in the west, the labour representatives sitting together with their leader and talking things seriously.

Now, Sir, to come to the question at issue, the decisions of several Courts, the Provincial High Courts, and the Chief Court have been referred to. There will be Supreme Court and, in fact, even the Federal Court's name has been mentioned. A Judge is either a conservative or something else, with prejudices and, therefore, has no jurisdiction to express an opinion on a thing which has been picked up by Mr. Clow to support his contention.

Sir H. P. Mody: This is not a Budget debate.

Mr. K. Ahmed: I am not going to reply to the representative of the millowners. He is one out of the 103 elected Members, and I can easily afford to ignore him.

Now, Sir, I charge the Government Member

The Honourable Sir Nripendra Sircar: Do not charge me.

Mr. K. Ahmed: I charge you, because you have been taking part in this debate, and you hopelessly failed when answering a supplementary question which was put to you. Now, I charge you and I charge the Government Member, Mr. Clow, because both of you have failed to quote any authority from England where Mr. Clow had been when the Royal Commission on Labour was sitting at India House, London, touring round and collecting evidence. You have failed to quote any authority from England in support of your proposition. At the same time, I am very sorry that none of the representatives of labour,—at least they pose themselves as such, some of them are Presidents of All-India Labour Conferences,—and some of them are nominated here,—I do not know for what

Mr. President (The Honourable Sir Abdur Rahim): Order, order, the Honourable Member must really address himself to the amendment before the House.

Mr. K. Ahmed: Yes, Sir, I am doing so,—and addressing myself to the amendment before the Government, I challenge the Government Member to quote any authority from England, instead of sticking to and criticising that Judge who probably did not know that his judgments are changeable. Sir, this is a democratic Government under the Government of India Act of 1935

Mr. N. M. Joshi (Nominated Non-Official): No, no.

Mr. K. Ahmed: Yes, yes, His Excellency the Viceroy said so, the King Emperor said so, and here my friend the representative for labour does not know under what Constitution we are working, although he has been here for so many years. I am very sorry there is not going to be any more nominations in the next elections, still I hope Government will entertain my friend somehow. My friend, Mr. Joshi, will have to get through the open door and with the support of all the labour interests in this country. Therefore, I shall for the present say good bye to the nominated labour Member and resume my speech on the subject before the House.

Mr. President, to satisfy you that I am labouring under no misapprehension like my friend, Mr. Clow, or the Honourable the Law Member or that I am not speaking without any authority like my friend, Prof. Ranga, and those gentlemen who supported him, I say this.—I am directly throwing out the challenge and you may pick up the sword, charge me, and show that you are right. What is the use of asking by Mr. Clow, the Law Member for support, who has no authority to quote. The Law Member represents and interprets the law,—he has no English authority and any British Judge to support him. He says this is common sense,—why not use your common sense, and follow what the law in England, America or France says, and what is correct? It is no argument at all because one European Judge in this Country says and possibly many other Judges differ from him in different Provinces.

Mr. N. M. Joshi: Sir, I rise to support this amendment

Mr. K. Ahmed: Hear, hear, my speech is effective.

Mr. N. M. Joshi: The clerks whom we want to include will not be employed in connection with the operation and maintenance of the bus service or any other service. A bus service may have branch offices, and they would like to transfer clerks from one office to another. They would ask the clerks to travel by the bus service, and such people when on transfer will not be employed in connection with the maintenance and operation of bus service. If a clerk travels on a bus in order to go to the place where he is transferred, he is not employed in connection with the maintenance and operation of the service. He will be, however, going in a vehicle covered by this section and, he will be working in connection with a service which does transport work, and he proceeds for the sake of that industry to another place. I do not know why he should not be paid compensation. If he had not been employed by a bus company, he would have gone by railway or by a car, but having been employed by a bus company, he is asked to travel by bus, and therefore there is full justification for a clerk of that category being paid compensation if he received injury, because his travel by bus is not voluntary.

Sir H. P. Mody: Mr. President, I will not deal with the legal issue which has been raised; my Honourable friend, Mr. Kabiruddin Ahmed's illuminating exposition of the subject must be regarded as the last word on it! I have only risen to answer my Honourable friends, Prof. Ranga and Mr. Santhanam. They seem to have advanced rather a curious sort of reasoning. They have not been able to adduce a single instance of a man who is engaged or connected with the operation of a vehicle who is not protected, by the existing Act. But simply because they entertain exaggerated fears with regard to the types of people who might be left out if the section was allowed to stand as it is, they want an amendment of the Act. Now, I submit that that is really a wrong way of approaching the framing of a Statute. You do not want to load the Statute with contingencies which do not arise or which are incapable of arising. For that matter, in every single Statute you can pick out provisions which are not complete in themselves. My Honourable friend, Mr. Santhanam, gave an instance of a clerk engaged in the parcel van. He is engaged or connected with the operation of the vehicle and he is amply covered. As that objection did not hold, Mr. Joshi's ingenuity went further, and he wanted to know what would happen in the case of a clerk who was transferred from one place to another and therefore had to travel by a bus. He might as well ask for protection for a clerk going from his residence to his place of work, and who has got to travel by bus, if there is a considerable distance between his place of residence and his place of work. Is that also to be covered? The intention of the Act is plainly to protect work-people against all risks arising from their occupation. The particular types of operatives or work-people or clerks whom my Honourable friends have in view have, it is demonstrated, been covered already by the section as it stands; and because there *might* be cases, which, however, they are not able to lay their hands on, which are not covered by this bill, that is no reason certainly for cumbering the Statute with all manner of useless provisions which might almost lead to absurdities. I submit that no case has been made out for the amendment.

The Honourable Sir Nripendra Sircar: Sir, I submit to the House that we have really been quarrelling, if I may use that unparliamentary ex-

pression, over nothing; and if, as a matter of fact, the amendment had been simply objected to on the ground that it is unnecessary, possibly for the sake of peace we may have accepted it. But there is a further objection to it than mere want of necessity. Of course, the only serious arguments which have been advanced in the House came from my Honourable friend, Mr. Kabiruddin Ahmed, who talked so intelligently on the amendment. Sir, I will not try to emulate his example, but I would simply say that, when he was condemning nominated Members, if he is a sample of an Elected Member, let all Members be nominated. My Honourable friend, Mr. Kabiruddin Ahmed, said, he was dying for a ruling. I shall quote a ruling in the hope that he will be able to follow it . . .

Mr. K. Ahmed: May I ask for a ruling on this point?

The Honourable Sir Nripendra Sircar: It is not a ruling of Mr. Justice Kabiruddin Ahmed: it is a ruling of Mr. Justice Costello and Mr. Justice Lethbridge, and the point which they bring out is this: I do not desire to read the whole of the ruling—I will read the first four lines of the judgment of Mr. Justice Lethbridge:

"I agree, and would only like to add that the construction of clause (1) of Schedule II which has been adopted by the learned Commissioner is reinforced by the words 'otherwise than in a clerical capacity'. If the narrower construction is adopted, namely, that that clause includes only those employed in operating the mechanical part of a vehicle, then the words 'otherwise than in a clerical capacity' would be redundant."

A previous judgment of the acting Chief Justice says:

"There remains the question of law whether the deceased who was a bus conductor was a workman within the meaning of the Act. The answer to that question depends entirely upon the interpretation which should be placed upon the terms of Schedule II of the Act, taken in conjunction with the provisions of section 2(1) of Schedule II . . ."

I need not read the whole of it:

"Tersely stated, the proposition is this: was the deceased man employed in connection with the operation of a mechanically propelled vehicle? It has been argued on behalf of the appellant, that is to say, the employer, that the learned judge was wrong in coming to the conclusion that the terms of Schedule II (1) are sufficiently wide to discover the case of a conductor of a motor omnibus. The learned Commissioner has discussed the matter in considerable length. He starts by saying 'the whole wording of the sub-section shows that the legislature did not intend to set the narrowest limits.' It has been pointed out to us that the Workmen's Compensation Act is something in the nature of penal legislation and therefore, ought to be construed with the utmost strictness and rigidity. It is pointed out that contrary to the principle of the English Workmen's Compensation Act, certain classes of occupation are set forth in the Indian Act as being the basis for the award of compensation; whereas under the English Act the matter is the other way round and, broadly speaking, all workmen come within the Act except certain classes who are expressly excluded. In this particular case, therefore, it is not a matter of excluding some one from the operation of the Act but of bringing some one within the ambit of the Act. The learned Commissioner came to the conclusion that the bus conductor is a person employed 'in connection with—(I am stressing that point because the view of the Judges is, if I may say so, respectfully, quite correct)—(the words 'in connection with' are very wide and not limited to the man who is actually propelling the vehicle)—The learned Commissioner came to the conclusion that the bus conductor is a person employed in connection with the operation of a mechanically propelled vehicle. One of the matters which influenced him in coming to that conclusion was the fact that the presence of a conductor is not only desirable but is really necessary and is indeed obligatory for the purpose of the proper working of the bus."

I am taking too much of time and, therefore, I will omit two or three paragraphs—it says further on:

"It is to be observed that the expression used in Schedule II is 'employed in connection with', and that expression may be contrasted with the expression used in some other provisions in the Schedule 'employed in'. . . We agree that the expression 'in

[Sir Nripendra Sircar.]

connection with' is a very wide one. The use of the word 'operation' in the sense in which it is evidently intended to be taken for the purpose of construing the sub-section is to my mind not in accordance with ordinary literary and grammatical usage."

Now, Sir, the only illustration which was given and which could be said to be covered by the amendment and is not covered at the present moment by the law as it stands was the one example given by my friend, Mr. Joshi; and I think he gave—he will correct me if I am wrong—the case of a clerk who is employed in a branch office and he is transferred to the head office and in moving from the branch office to the head office he is using a bus. If that is the example, that is not covered by the amendment which has been moved, because the words are "after the words 'in a clerical capacity' the words 'not involving work in the vehicle while it is in motion' shall be inserted". How is it work in the vehicle? The man is going from the head office to the branch office or *vice versa*. That is the sole illustration which my Honourable friend can think of after the points from the Opposition had been met by my Honourable friend, Mr. Clow. How is that case covered? That case is not covered at all. What other case are you thinking of? All other illustrations which you have given of a man coming in to check tickets or to issue tickets or to supervise the sitting accommodation of the passengers or for distributing parcels and so on, are covered because, the widest language has been used: 'in connection with'.

Now, my point is that it is not really clarifying the situation. As I said if the amendment had been merely a useless thing, possibly it was not worthwhile wasting so much breath over it. But this is the law which has been laid down and the obvious question next time will be asked, "Why has this change been made? What is the object of this change?" It will read like this: "Employed otherwise than in a clerical capacity not involving work in the vehicle while it is in motion". Why were the words added? Were they added to make the language: "in connection with" wider or to make it narrower? Instead of clarifying the situation—the situation is clear enough—but, instead of clarifying the situation, speaking with respect, we shall probably only be making what was clear, a bit muddy by introducing this amendment. Therefore, I hope that my Honourable friend will not suspect that the Government are opposing the inclusion of somebody who ought to be included. That is not our point at all. We say that all people whom the Honourable Members who have spoken already have in mind are already included, and by making this amendment, a situation which is perfectly clear now is not further improved but the result may be the other way. I hope my Honourable friend will not press for this amendment which really does not serve any purpose.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): I accept the position that, if it was making confusion of what was clear, the amendment is not needed. But may I call the attention of the Leader of the House to a plain matter of construction?

"Employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles."

The way in which their Lordships of the Calcutta High Court brought in bus conductors was by saying that a bus conductor is a person employed in connection with the operation of the vehicle, but I do not see anything in that very lucid judgment when they say that notwithstanding the fact

that he was employed in connection with the operation it was otherwise than in a clerical capacity. I beg leave to doubt the whole of the reasoning of the Judges with very great deference to them. The way in which they come to the conclusion is very extraordinary. May be, they saw that it was a case in which they ought to come to the other decision which they did. But I entirely decline to accept with great deference their reasoning. I will assume for the purpose of argument that a conductor is employed in connection with the operation. But the question is not that. The question is whether he falls within the exceptions; that is to say, whether he is or is not employed in a clerical capacity, and to me, at all events, speaking with very great deference, it is very doubtful whether the judgment is right. That is to say, whether the conductor or a person who issues tickets or issues instructions, is a person who does not fall within the exception. The question is not whether he falls within the rule; that is not the dispute. If the man falls within the rule, my sympathies are entirely with the other side, but it is because of the exception that the difficulty arises, and if the exception is too wide, that is to say, a clerical capacity, must you not limit the width of that exception so as to include possibly those, though serving in a clerical capacity, but working on the vehicle itself.

The Honourable Sir Nripendra Sircar: What is meant by doing work in the vehicle?

Mr. Bhulabhai J. Desai: He is issuing tickets, issuing instructions, ringing the bell.

The Honourable Sir Nripendra Sircar: That certainly is not clerical work. Issuing tickets is not clerical work.

Mr. Bhulabhai J. Desai: The question is this. His occupation will have to be described. If he is not a mechanic, what is he? I am only trying to plead with my Honourable friend in a spirit of understanding, for what is meant to be done is not confusion, but what is meant to be done is clarification, which must be the object of every Statute. Let us not quarrel about that point. Assume for the purpose of argument, as the single sailing boat Member has stated it did, the bus conductor is included. I beg leave to doubt whether he is included for the simple reason that a person employed in connection with the operation is either a mechanic or other than a mechanic which normally is described as clerical. I cannot see any other distinction. If the distinction is that a clerk should be distinguished from a mechanic, by all means do so. Therefore, if you do employ a clerk, that is to say, other than a mechanic, on a vehicle during the course of its operation or movement, then by all means give him protection. I am not alone in that belief.

The Government of Bombay in their opinion which they have sent on this Bill feel that it is very doubtful whether conductors and such like persons, not being persons employed in connection with the operation or maintenance of mechanically propelled vehicles, are included. It is a pure matter of construction, and trying to understand the very illuminating judgment that was read, with very great deference it beats me. What is this emphasis on the words "in connection with" beats me, because I am quite willing to admit that a man is employed in connection with the operation because he is issuing tickets one of the consequences of which

The Honourable Sir Nripendra Sircar: May I make a statement which may shorten matters? We have expressed our opinion and my Honourable friend has expressed his opinion. We are agreed that there is no difference in principle between us and the object we have in view is the same on both sides. Will my Honourable friend be satisfied with an assurance that, if there is any ruling of any High Court that a man like a bus conductor or working in a similar capacity is held to be a clerk, then we shall at once introduce legislation to correct it. I am prepared to do that, but at the present moment, honestly differing from my Honourable friend, I have my doubts whether it is so.

Mr. Bhulabhai J. Desai: The whole point is this. I would have gladly accepted that assurance. But need we really wait for the amendment of the section? If there is a reasonable doubt,—might I say that it is not a doubt merely for the purpose of argument. If it were so, I would not have intervened in this debate. It struck me after closely studying this that even if a bus conductor may be said to be a person employed in connection with the operation, the question is that “otherwise than in a clerical capacity” does not hit him. That is why I say I cannot understand the reasoning of that judgment at all. The whole point is this. All persons connected with the operation, less persons employed in a clerical capacity—even if they are employed in connection with the operation, but if they are employed in a clerical capacity, then they do not get the benefit of this section. Are you, therefore, going to take this risk for nothing? I agree that there is that judgment, but there is the other submission I have made. The words “not involving work in the vehicle while it is in motion” would, at least, include the two instances which have been given, namely, the inspectors and the bus conductors.

Now, take an Inspector. What is his work? Either describe him as a clerk or non-clerk or a mechanic or non-mechanic. What is the particular class to which he belongs is impossible to understand. Therefore, when it is said that every man, notwithstanding the fact this his business may be clerical or described as clerical, while he is working on a vehicle, is included, what is lost by it. There is no confusion that I can see. All you are doing is this. Take the first class, namely, employed in connection with the operations. That is the large class which includes the case of a conductor and an inspector. Exception—clerks—an exception limited by the fact that though he may be a clerk, as he is employed while the vehicle is in motion, he is not within the exception. I do beg of my friends not to treat this with a degree of lightness, because illustrations could be invented. I am not on the point of illustrations. I am on the point on which we are both agreed, namely, that people who are usually connected with this industry and are bound to be there should not be allowed to run any risk, notwithstanding the decision and this is what the Government of Bombay say:

“The Commissioner of Workmen’s Compensation, Bombay, has also drawn attention to the amendment made to this clause by the Act those workers were covered who were employed ‘in connection with the service of a tramway’, the 1933 amendment in effect requires such workmen to be employed ‘in connection with the maintenance of operation’ of a tramcar. This wording might be interpreted to exclude tram conductors and inspectors from the benefit of the Act. The Governor in Council agrees that it should be made clear that tram conductors and inspectors come within the Act and in addition, bus conductors and bus inspectors, both of whom are as likely to receive injuries in the course of their employment as a driver of a bus, should be covered by the Act.”

What I am pleading for is not for a person like the imaginary person referred to by Mr. Joshi, but a person who is bound to be connected with a tram service or a bus service and who, by a possible construction and not beyond reasonable doubt and not being a mechanic, would be classed as a clerk and, therefore, would not get the benefit. Let us, therefore, not rely on the judgment of the Calcutta High Court and, while the Act is before the House, take advantage of it to include the clerks who are employed in connection with the operation while the bus is in motion.

Mr. M. S. Aney (Berar: Non-Muhammadan): I have listened very carefully to the very forensic speech of my learned friend, the Leader of the Opposition, as well as the arguments advanced by the Leader of the House also. The judgment of the High Court in my opinion, lays down two things or it ought to mean two things. The first is that the job of a conductor has been definitely construed to be one in connection with the operation of the vehicle. That thing is conceded there at once. I think it also means one thing more—that the duties of a man occupying the position of a conductor are not supposed to be duties of a person working in a clerical capacity.

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

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

Mr. M. S. Aney: Sir, the discussion that took place on the amendment mainly turned upon the interpretation of the particular clause which is affected by this amendment and a reference was made to the ruling of the Calcutta High Court. I stated when we rose for lunch that that ruling was based in my opinion upon two things. In the case of a conductor at any rate it was held to be a job in connection with the operating of a mechanically-propelled vehicle, and secondly, that ruling necessarily implied that it was a job which was not of the clerical capacity excluded from the operation of this section. If these two things are established in the case of a conductor, I take it that any other job of that nature will also be construed as being covered by the clause here. I have listened to the argument of my Honourable friend, Mr. Bhulabhai Desai, and which was a very cogent one, and there is ground to think that the words “clerical capacity” may be interpreted in a different way so as to exclude the case of a job like that of a conductor or some other person of that nature. For the present at least, in my opinion, the words of the sub-clause have been widely interpreted by the Calcutta High Court and there is no other decision before us to think that that interpretation is authoritatively repudiated anywhere else. The point is this. Although there is room for a difference of opinion, today the position as defined by the law is more in favour of a wider interpretation than a narrower one. That being the case, I think that, if any change is to be made, it must be very carefully thought about. I do not know whether the words suggested will serve that purpose and whether the case mentioned can be properly covered or not. Under these circumstances, I believe we would not be losing much if we leave the clause as it is without this amendment being made, and accepting the wider interpretation put upon this clause.

Several Honourable Members: I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That in sub-clause (a) of clause 11 of the Bill, after the words 'in clause (i),' the following be inserted:

"after the words 'in a clerical capacity' the words 'not involving work in the vehicle while it is in motion' shall be inserted and'."

The motion was negatived.

Prof. N. G. Ranga: Sir, I move:

"That in sub-clause (c) of clause 11 of the Bill, for the proposed clause (xxiv) the following be substituted:

"(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or; and'."

Sir, in support of this I need only say a very few words. Several peasants and workers have got to be employed by Zamindars as well as others when they go about on hunting expeditions and it so happens sometimes that some people get themselves caught by these wild animals and thus receive serious injuries. Now, we want that these people also should be protected. It is a fact that in certain areas certain forests are specially reserved for keeping these wild animals in as large numbers as possible so that when the Zamindars go on hunting expeditions they will then find plenty of sport. On such occasions the peasants are expected to co-operate in these hunting expeditions and very often they are not paid even their usual daily wages and almost they are expected to do this work under compulsion. On such occasions accidents happen, and many of these people involved in these accidents are not protected at all, and even private compensation is not being paid. Therefore, we want this amendment to be accepted and we hope that the Government will accept it.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That in sub-clause (c) of clause 11 of the Bill, for the proposed clause (xxiv) the following be substituted:

"(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or; and'."

Mr. A. G. Olow: Sir, we are always reluctant to accept an enlargement of a schedule like this without notice, but I recognize the force of what my Honourable friend has said. I do not think, however, that the word "and" should be at the end; it should end with the word "or" following the rest of the Schedule. Subject to that minor correction, I am prepared to accept the amendment.

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

"That in sub-clause (c) of clause 11 of the Bill, for the proposed clause (xxiv) the following be substituted:

"(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or; and'."

The motion was adopted.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, I beg to move:

"That in sub-clause (d) of clause 11 of the Bill, in part (a) of the proposed clause (xxvi) all the words occurring after the words 'any warehouse' be omitted."

My object is this. A warehouse is a respectable thing and it belongs to fairly rich capitalists but if you insert the words "other place in which goods are stored" then it may include a very small shop which might belong to a very small man. If that is not the intention of these words, then there is no need for them.

Now, Sir, what is the principle on which the Workmen's Compensation Act is based? I should consider that it is a kind of insurance for workers in case of accidents or mishaps. Ordinarily, the workman ought to insure himself out of his surplus, but it is recognised in this country that, owing to the prevalence of the system of capitalism, which means capitalism of big capitalists, who have got the virtual monopoly of employing whomsoever and whenever they like, this system need not be followed. It is recognised particularly that the wages of the workers are so small that they may not be able to save much to be able to insure against accidents. That is the cardinal point on which the Act is based, otherwise this Act could not have provided for payment of compensation even in cases where the employer is not at fault. The Act says that compensation should be paid to the worker even when there is no contributory negligence on the part of the employer. I would draw the attention of the Honourable Members to section 3 which says:

"If any personal injury is caused to the workman by an accident arising out of the and in the course of the employment"

Let us take the case of a small shop which, of course, will have a place in which goods are stored. This small shop, let us say, employs an assistant on Rs. 5 a month only. Now, one day in the course of getting a bundle of goods to the shop, the shop assistant tumbles over the door step and gets injured or is killed. He is to be paid a compensation under this Bill because this happened during the course of employment. So, I say that the whole principle of the payment of compensation to the workmen, even when there is no contributory negligence on the part of the employer, is based on the cardinal fact that the employers are big capitalists and they are the virtual monopolists and the workman is in a helpless position. I quite agree with that. But, Sir, we have also to remember that in this country all employers are not capitalists in the modern industrial sense. Of course, most of us, including many workmen, are also capitalists in the sense Adam Smith used the word, because most of us, Indians, whether we be small wage-earners or anything else, do save something, invest and employ workmen in a small way. So, we have to consider the case of the employer also. Should we make any provision by which a small employer may be asked to pay compensation.

[Mr. Brojendra Narayan Chaudhury.]

beyond his means? Now, the shopkeeper whom I have taken for my illustration may not be earning more than Rs. 20 a month. Would it be fair to saddle him for compensation in case of the death of his assistant which may easily run up to Rs. 500 or more? Now, it is apparent from the words: "and in which on any one day of the preceding twelve months ten or more persons have been so employed" that they cover the case even of very small shopkeepers who could employ on any one day of the year more than 10 or 12 persons. Even a small shopkeeper is sometimes obliged to employ 10 or 12 porters to get his goods quickly from the van or the boat at some distance in rural areas. So, I think that the general principles on which the Workmen's Compensation Act is based do not apply to the cases like this. I had brought all these considerations before the House when the Bill was referred to the Select Committee and I was promised by the Honourable Member in charge of the Bill that these points will be considered by the Select Committee. I should like to be satisfied now about the objections that I raised then either by the Honourable Member in charge of the Bill or by some other Member of the Select Committee. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in sub-clause (d) of clause 11 of the Bill, in part (a) of the proposed clause (xxvi) all the words occurring after the words 'any warehouse' be omitted."

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadian Urban): Sir, I oppose this amendment. So far we have discussed amendments brought forward in the interests of labour; but now we have before us an amendment which is brought forward in the interests of employers. Sir, employers are very well represented in this House in the persons of men like Sir Homi Mody and Sir Cowasji Jehangir, in the whole European Group and perhaps in the Government Benches, and I am sorry to find that my Honourable friend, Mr. Brojendra Narayan Chaudhury, has also joined these ranks. I am neither an employer nor a labour leader; but I am an economist whose interest is to see to it that the industries of the country should flourish and that poverty and unemployment should diminish. Now, for that purpose it is necessary to hold the balance even between employers and employees. It is the duty of the State to safeguard the interests of both these sections of the community and, in particular, the weaker section, which is the labouring population.

Now, what does this amendment imply? My friend points out that there may be a small shop where on one particular day in the year 10 persons may work and then at a later stage a workman may be injured. Sir, it is true that there are many small shops, but in these small shops 10 workmen are never engaged. Small shops are kept by the shop-keepers themselves, and perhaps with the assistance of their family members or with the help of one or two assistants they manage these shops. Now, when a shop-keeper engages 10 persons he should take the risk for the lives and limbs of the workmen. If this provision is done away with, I think the rights of the workmen will be greatly restricted. It is the duty of this Legislature to enlarge the rights of the workmen and not to curtail them, and from that point of view I oppose this amendment.

Mr. N. M. Joshi: Sir, I have great pleasure in supporting what my Honourable friend, Dr. Banerjea, has said. The apprehensions of my Honourable friend, Mr. Brojendra Narayan Chaudhury, are not at all justified. He wishes that small shops should not be included within the scope of this provision. As a matter of fact, they would not be included. I would like everybody to get compensation if he gets injured. That is not what is provided in this section at all. A restriction is imposed that if in a place 10 persons or more are employed, then only compensation will be due. No small shop will employ 10 persons to store the goods. There may be one or two persons employed at the most. If a shop employs 10 persons to store the goods, it is not a small shop. It is a big shop. If some employers find it difficult to pay compensation, the best remedy for them is to insure against workmen's compensation. Any employer can do that. That is the easiest way to avoid taking risk through serious accidents to workmen. I, therefore, hope that the Assembly will not accept this amendment.

Mr. A. G. Clow: Sir, I have only one word to add to what my Honourable friends, Mr. Joshi and Dr. Banerjea said, that we are not adding a new class here. These workmen are already included by notification. All we are doing is to embody in the substance of the Act, so that it cannot be altered by subsequent notification, a class of workmen who at this moment are entitled to compensation.

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

"That in sub-clause (d) of clause 11 of the Bill, in part (a) of the proposed clause (xxvi) all the words occurring after the words 'any warehouse' be omitted."

The motion was negatived.

Clause 11, as amended, was added to the Bill.

Clause 12 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A. G. Clow: Sir, I move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as amended, be passed."

Sir, I have nothing to say except to thank Honourable Members for the co-operation they have given in improving and passing this measure and to say that the measure will be beneficial to those who are affected by it.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as amended, be passed."

Mr. N. M. Joshi: Mr. Deputy President, before the Bill is passed, I would like to say a word. The Bill which we are passing just now is not a big Bill. The workmen's compensation law was passed in 1923 and it has several times been amended subsequently. It was to some extent substantially amended in 1934. I feel, Sir, that this Act now requires serious amendments. The rates of compensation paid in the Indian Act are lower than the British Act and moreover the number of people to whom the Act applies is also very much restricted in my view.

[Mr. N. M. Joshi.]

I would, therefore, suggest to the Government of India that as it is now five years since the last substantial amendments were made, they should take up the revision of the Workmen's Compensation Act both from the point of view of rates of compensation paid and also from the point of view of the various categories of workers who are now excluded. I hope, Sir, that the Government of India will undertake such a revision very soon.

Prof. N. G. Ranga: Sir, as I have said once before, I do not think that the Government have really done well by the workers by bringing in such a Bill with such a restricted scope for itself. Sir, many of the things here mentioned and incorporated in this Bill, according to me, go against workers. The only redeeming feature is clause 11 and also clause 12 to some extent. Otherwise, I do not think the workers have very much to gain from this Bill. Now, that they had made up their mind to bring in this Bill before the House, I think it is the duty of the Government to have thought of a more comprehensive amendment to this Workmen's Compensation Act so that our workers are placed so far as compensation is concerned for accidents occurring in these employments, in the same position as the workers in England. In England, Sir, no such conditions are laid on workers before they can entitle themselves to compensation as are sought to be laid on them by this Workmen's Compensation Act. For instance, in England where a worker receives accident as a result of his own negligence in spite of the safety rods or fences placed by the employers, so long as he has received any injury he is considered to be entitled to compensation, whereas in India it is stated in the Act that if any worker disregards the instructions of his employer or disregards the protective fences installed along the machinery and then as a result of that receives injury, it is said that he ought not to be entitled to receive any compensation. I think that is not at all in the interests of workers and it is not at all fair even speaking from a humane point of view. The workers in India are less capable of looking after themselves than those in England. It is a well known fact that there is a universal elementary education in England and almost all the workers are educated there and they have had opportunities of receiving the highest standard of culture and general education than are the workers in this country and when in the case of such workers, in England these conditions are not found to be necessary, and they are given the right to claim compensation for any accidents that they might receive in the course of their employment, I do not see any reason why our Government fail to extend at least the same rights to our workmen in this country. Therefore, I want Government to take the earliest possible opportunity of bringing forward another amending Bill, more comprehensive and more in favour of the workers, in order to give this particular protection to our workers.

Secondly, Sir, for the first time they have made some distinction in the Schedules. In Schedule III they have created two parts, part A and part B. Part A refers to those diseases the contraction of which is to be considered to entitle a worker to compensation, whether he is in the employment of an employer continuously for six months or not. But part B insists upon six months' continuous employment under a particular employer before the worker can entitle himself to compensation. It may be mentioned in justification of this distinction that it is not fair to expect the employer to pay compensation to a workman who shows signs of these

industrial diseases a month or 15 days or two months after he enters the employ of that particular employer. But to meet that particular point an attempt was made in England through section 43 of their Workmen's Compensation Act, 1925. There it is provided that:

"If that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to the arbitration, and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable, and (iii) if the disease is of such a nature as to be contracted by a gradual process, any other employers who during the last twelve months (*here it is only six months*) employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, may be determined in the arbitration under this Act for settling the amount of the compensation, or, if the amount of compensation is not in dispute, as may be determined by arbitration under this Act.

(d) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable."

This salutary provision is made in the English Act, and I consider it to be reasonable that such a provision should be made in our Act also, specially when Government had thought of making this particular amendment in regard to the industrial diseases which can be contracted over a period of time, or rather the discovery of whose serious effects can be made only after a long time has passed after the contraction of that particular disease. It would have been the duty of Government to have at least incorporated this particular provision so that the worker is compensated anyhow, whether he has been in the employment of the employer for a continuous period of six months or not. What is to happen to a workman who catches this disease after getting into the employ of an employer, a month after getting into his employ? Has he to go without any compensation at all? According to the English law, he need not go without any compensation. He will be entitled to full compensation and that particular employer can lodge a claim against the other employers of this worker who had employed him and in whose employ this worker can be claimed to have contracted that particular disease. Therefore, Sir, I trust that Government will take an early opportunity of bringing forward another amending Bill to incorporate this provision also.

Lastly, I wish to say that for some reason or other Government have made it a point not to try to make this Act approximate to the similar Act in England. In regard to several other labour enactments it has been the aim and the ideal of this Government to try to approximate themselves to the legislation obtaining in England. I do not know why in regard to this Workmen's Compensation Act Government have thought of introducing their own genius and their own originality not in favour of workers but against the workers. It may be because some of the Members on the Government side who are responsible for labour have become experts in labour matters and have, therefore, wanted to show their distinction by showing this invidious distinction against the workers. I can only say that that is not a reasonable attitude. If they really wish to demonstrate their friendliness and their sympathy and partiality in favour of labour who, even according to Dr. Banerji who does not take sides either for employers or for employees, deserve the special protection of Government, then it is the duty of our Government to come forward with a really consolidating Bill to try to make our Workmen's Compensation Act approximate to that of Great Britain. With these observations, Sir, I support only clauses 11 and 12 and with regard to the rest of the Bill I can only express my regret.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as amended, be passed."

The motion was adopted.

THE SIND SALT LAW AMENDMENT BILL.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I move:

"That the Bill to amend the law relating to salt as at present in force in Sind be taken into consideration."

This Bill, Sir, is purely formal. As explained in the Statement of Objects and Reasons, the fact that the Acts to which the Bill relates existed in two forms was overlooked at the time the Adaptation Order in Council was made. The Salt Law Amendment Act was passed in 1925 which amongst other things included a provision saying that these amendments could be brought into force in different parts at different times. Under that provision the amendments in the Acts concerned were brought into force in Bombay in 1925. They have not yet been brought into force in Sind. These amendments vested the control of the Salt Department in Bombay under the Central Government working through the Central Board of Revenue. The Acts before that empowered the Local Governments to administer this subject and that is the position that has remained in Sind. When the Adaptation Order in Council came to be made, it appears unfortunately to have been overlooked that there were two sets of Acts in force. The Acts were in force in two forms, one form relating to Sind and another form relating to Bombay, and in the case of the Transport of Salt Act, also to Madras. Because of this oversight the Adaptation Order in Council contains no specific adaptations at all of these Acts as in force in Sind. They are only covered by the general adaptations that occur in the first part of the Adaptation Order in Council. The result is that these Acts in their application to Sind having been left unadapted are in a highly anomalous form. All the other Acts relating to purely Central Subjects have conferred governmental authority upon the Central Government. It is true that section 124(2) of the Government of India Act empowers this Legislature to impose duties upon Provincial Governments, but that is only applicable to legislation introduced after the coming into force of the Government of India Act, 1935. It was quite clearly the view of those who prepared the Adaptation Order in Council that already existing entrustment to the Provincial Governments of functions of the Central Government could not stand after that Act came into force, and where for practical reasons such empowering is necessary, it will have to be done by an Order under sub-section (1) of section 124 of the Government of India Act. That, Sir, is what has been done already in regard to many Acts dealing with Central Subjects in which we still have to employ to a greater or lesser degree the agency of a Provincial Government. The Department with which I am concerned has already issued a number of orders merely in order to keep alive the principle of the existing position under sub-section (1) of section 124 of the Government of India Act. What we propose to do now by these amendments which are before the House is to ask this Legislature to do the work which but for an unfortunate mistake

would have been done by those who prepared the Adaptation Order in Council, and we have sought to prepare a draft exactly on the same lines. At the moment there is no difficulty till the 1st of April, but after the 1st of April next leaving things as they are would lead to this, that these two Acts in their application to a part of the territory to which they apply will stand out as islands of impropriety in a sea of constitutional rectitude. There will, moreover, be rather more absurd anomalies. I might, for example, refer to item (1) of Part II of the Schedule. It will be seen that it is desirable to amend the law, because otherwise the Act will still contain a reference entirely obsolete to rules made under section 45A of the Government of India Act 1919.

I understand, Sir, that some Members of the House have had a little difficulty in dealing with this Bill, because they were not able to find any text containing the actual words which we are now proposing to replace. For instance, take Part I of the Schedule. I do not think that anybody has had access to a printed copy of the Transfer of the Salt Act as in force in Sind which contains the words "Provincial Government of Sind". These words are there by virtue partly of the Sind Laws Regulation and partly of the general Adaptation Order in Council; as I have mentioned already, though specific adaptations are missing, the general adaptations apply. I understand the Government of India are preparing a compilation of the Statutes which will embody all these amendments in the text. Perhaps the House will agree with me that it is desirable that the anomaly which I have pointed out and with which this Bill deals should be cleared up before that is done. That, Sir, is the general position.

Then, Sir, my attention has been drawn to one or two points, in regard to which it was suggested that the Bill as drafted is not quite in accord with what might have been produced by another draftsman, either the one in charge of the Adaptation Order in Council or elsewhere, by way of removing irrelevant matter and so forth. The Honourable Member who drew my attention to these points, which in his view merit consideration, has asked that I should take no objection to his moving on short notice for reference of the Bill to a Select Committee in order merely to deal with those points of detail. I wish to say, Sir, that we are prepared to accept this short notice and I shall raise no objection.

Before I conclude, Sir, I want to make it perfectly clear that this Bill, if passed, will make absolutely no difference in practice in the every day working of the Act. At present the Salt Department in Sind is being administered by the Provincial Government as our agents under the letter of the law. After the Adaptation Order is made, we propose immediately to issue an order under sub-section (2) of section 124 which will restore the same position of having them as our Agents. If the Bill is not passed, the position will not be materially different, but as I have said, our Statute-book will remain besmirched, if I might use that expression, by the existence in it of an extremely anomalous set of provisions. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill to amend the law relating to salt as at present in force in Sind be taken into consideration."

Before proceeding further, I have to inform the House that I have just received notice of an amendment to refer this Bill to a Select Committee. Under the procedure of this House, I do not think it is quite in order,

[Mr. Deputy President.]

because no notice was given previously, and it does not find a place on the order paper. Nor does the notice contain the names of the Members, nor does it appear whether the consent of the Members has been obtained. If, however, the House so desires, the Chair will not stand in the way; after all, it is a matter for the House.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, may I draw your attention to the fact that under rule 4(2) it is stated that "other members of the Committee shall be appointed. . . ."

Mr. Deputy President (Mr. Akhil Chandra Datta): Before the question is finally decided, I want to know if the House agrees. I understand the Government has no objection.

The Honourable Sir Nripendra Sircar (Law Member): We have no objection, in fact Mr. Lloyd made it clear that we shall accept that motion for reference to Select Committee.

Mr. Deputy President (Mr. Akhil Chandra Datta): In view of that, it is not necessary to go into the merits as to whether the motion is in order or not. The Honourable Member may move his amendment.

Mr. T. S. Avinashilingam Chettiar: I move that the Bill. . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Names should be mentioned.

Mr. T. S. Avinashilingam Chettiar: No, Sir, because at page 114 of the Manual in rule 4(2) it is clearly stated that the other members of the committee shall be appointed by the Committee, and so on, because the Law Member is always there.

The Honourable Sir Nripendra Sircar: May I make a suggestion? Instead of using up the time of the House in this kind of discussion this matter may be adjourned and may be taken up at the earliest opportunity that we can give for it; and by that time my friend, Mr. Chettiar, will read the rules—once more, I mean—and put his motion in shape.

Mr. Deputy President (Mr. Akhil Chandra Datta): If that is the desire of the House, the matter is postponed.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 5th March, 1938.

LEGISLATIVE ASSEMBLY.

Saturday, 5th March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

MANUFACTURE OF AEROPLANES IN INDIA.

649. ***Mr. T. S. Avinashilingam Chettiar**: Will the Honourable Member for Communications state:

- whether the news on page 2 of the *Hindu* of the 27th January, 1938, that the first aeroplane built in India by the Aeronautical Training Centre of India, will make its flight is true;
- whether the manufacture has been successful from the point of view of cost and efficiency;
- what is the annual amount spent in the purchase of aeroplanes from foreign countries; and
- how much of this is expected to be replaced by Indian machines?

The Honourable Sir Thomas Stewart: (a) and (b). The Honourable Member is referred to the reply given to question No. 88 by the Honourable Raja Yuveraj Datta Singh in the Council of State on the 17th February, 1938.

(c) No expense is incurred by Government on the purchase of civil aircraft. The figures of purchase by users of civil aircraft and parts during the years 1934, 1935 and 1936 are given on page 19 of the Report on the Progress of Civil Aviation in India, 1936-37?

(d) None of these is expected to be replaced in the near future by machines constructed in India.

Prof. N. G. Ranga: Are any aeroplanes being constructed in India?

The Honourable Sir Thomas Stewart: Not so far as I am aware.

Mr. Abdul Qayyum: Is it that the parts were assembled here or were the parts manufactured here?

The Honourable Sir Thomas Stewart: My information is that it was assembled here and not manufactured.

(b) and (c). The whole matter is receiving the attention of the Government of India in consultation with His Majesty's Government.

Disabilities under which Indian business men are labouring in the United States of America.

The United States of America Immigration Act of 1924 places restrictions on aliens going to that country. Unless an Indian has entered the United States of America before 5th February, 1917, and is regarded as belonging to one of the following exempt classes, and has maintained his exempt status, he is required to obtain a re-entry permit:

- (1) Government officials, their families, attendants, servants and employees.
 - (2) Tourist or temporary visitor for business or pleasure.
 - (3) One continuously transiting the United States of America.
 - (4) One lawfully admitted to the United States who later goes in transit from one point of the United States to another through foreign contiguous country.
 - (5) *Bona fide* alien seaman temporarily entering the United States solely in pursuit of his calling as a seaman.
 - (6) One entitled to enter the United States solely to carry on trade under and in pursuance of existing treaty of commerce and navigation.
2. Visas are in practice granted for a period of six months only to Indians entering the United States, and although renewals are granted without difficulty, Indians engaged in business are not permitted to remain indefinitely in the United States of America.
3. An immigration quota of 100 was fixed for the entry of Indians into the United States of America, but Indians, having now been declared by the Supreme Court of the United States of America to be ineligible to citizenship, are not entitled to a quota.

Mr. Manu Subedar: Have Government written to His Majesty's Government that in negotiating the trade treaty with the United States of America they should insert a clause for the purpose of securing the redress of the disabilities of Indians trading in the United States?

Sir Aubrey Metcalfe: No. The reason for that is that the law of the United States of America makes it clear that no such clause can be included in any trade agreement.

Mr. T. S. Avinashilingam Chettiar: May I know whether the negotiations that are going on between Great Britain and the United States of America, at present, are with regard to the removal of disabilities of Indians also?

Sir Aubrey Metcalfe: No. They are in regard to a trade agreement, in which, as I have already said, the law of the United States of America makes it quite clear that no such clause or condition can be included.

Mr. M. Ananthasayanam Ayyangar: How long have these disabilities been in existence?

Sir Aubrey Metcalfe: Since various laws were passed in the United States of America. I cannot give the exact dates of the legislation, but they have been in existence for a considerable number of years.

Mr. M. Ananthasayanam Ayyangar: What steps have Government taken till now? Have any steps been taken by the Government so far to remove any of these disabilities?

Sir Aubrey Metcalfe: It is not within the power of the Government of India to remove disabilities imposed by legislation in the United States of America.

Mr. M. Ananthasayanam Ayyangar: Have any negotiations been carried on with the American Government to the effect that these disabilities or some of them at least may be removed?

Sir Aubrey Metcalfe: As I have already said, the matter is receiving attention and it would not be in the public interest for me to describe on the floor of this House the exact stage of the negotiations.

Mr. M. Ghiasuddin: Will Government contemplate introducing retaliatory laws for the purpose of imposing similar disabilities on the Americans in this country?

Sir Aubrey Metcalfe: No.

Mr. M. Ghiasuddin: Why not?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have an argument. Next question. This matter has been fully discussed. It was only the other day that it was done.

ZONE TICKETS BETWEEN CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

651. ***Mr. Badri Dutt Pande:** Will the Honourable Member in charge of Railways be pleased to state if zone tickets are available during *melas* or other days on the East Indian Railway between Bareilly, Lucknow, Allahabad, Benares, Ajodhia and *vice versa*? If so, for how many days?

The Honourable Sir Thomas Stewart: The East Indian Railway do not issue zone tickets.

Mr. Badri Dutt Pande: Have these zone tickets been abolished?

The Honourable Sir Thomas Stewart: I am informed that the East Indian Railway do not issue zone tickets.

Mr. Lalchand Navalrai: Are there any such tickets on the North Western Railway?

The Honourable Sir Thomas Stewart: That does not arise.

Mr. Badri Dutt Pande: Is it the intention of the East Indian Railway to introduce zone tickets in their area?

The Honourable Sir Thomas Stewart: I have no idea as to what is the intention of the East Indian Railway.

Mr. Badri Dutt Pande: Which are the railways that have got the zone ticket system?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise.

USE OF AIR MAILS AND SHIP MAILS.

652. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- (a) whether the extent of the use of air mails has increased within recent times;
- (b) whether the extent of foreign posts by ships have decreased as a consequence; and
- (c) if so, whether this will be considered in giving fresh contracts for foreign mails?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) No.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: Am I to understand that the amount of mails carried by ships is continuing at present?

The Honourable Sir Thomas Stewart: That is my information.

RECOGNITION OF UNIONS BY RAILWAY ADMINISTRATIONS.

653. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Railways state:

- (a) what are the necessary requisites which will make a union of workers recognisable by the Railway Administration;
- (b) how many Railway Administrations have recognised their unions; and
- (c) whether South Indian Railway Administration have applied for the recognition of their union; if so, what has been the attitude of the administration in this matter?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply given to starred question No. 978, asked by Mr. S. Satyamurti in this House on 6th March, 1936; I would add that the conditions on which a Company-managed railway administration may be prepared to grant recognition to a Union is a matter entirely within the discretion of the railway administration concerned.

(b) I lay on the table of the House a statement giving the required information.

(c) Government understand that the South Indian Railway Labour Union has recently applied for recognition to the Agent, South Indian Railway, and that the matter is under the consideration of that administration.

Statement giving particulars of Trade Unions or Associations of Railway Employees recognised by principal Railway administrations in India.

Railways.	Names of Unions.
1	2
B., B. and C. I.	The National Union of Railwaymen of India and Burma, Bombay.
Ditto	The Bombay, Baroda and Central India Railway Employees Association, Ahmedabad.
G. I. P.	National Union of Railwaymen of India and Burma.
Ditto	New Great Indian Peninsula Railway Staff Union.
Ditto	Great Indian Peninsula Railway Accounts Staff Union.
B. N.	The Bengal Nagpur Railway Workers Welfare Association.
Ditto	The Bengal Nagpur Railway Employees' Union.
E. B.	Eastern Bengal Railway Indian Employees Association.
Ditto	National Union of Railwaymen of India and Burma.
Ditto	Kanchrapara Railway Workmen's Union.
E. I.	The East Indian Railwaymen's Union, Lucknow.
Ditto	East Indian Railway Employees' Association.
Ditto	National Union of Railwaymen of India and Burma.
Ditto	All India and Burma Covenanted non-Gazetted Railway Service Association.
N. W.	North Western Railway Union.
Ditto	North Western Railway Accounts Union.
Ditto	Association of Accountants North Western Railway.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have sent any general ideas as to what requisites are to be satisfied by the Unions before they can be recognised.

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the reply given to Mr. Satyamurti's question, he will get the information.

(At this stage several Honourable Members rose to put supplementary questions, including Mr. Abdul Qaiyum).

Mr. Abdul Qaiyum: May I know

Mr. President (The Honourable Sir Abdur Rahim): I must ask the Honourable Member to resume his seat. (Mr. Qaiyum remained standing). He ought to know this elementary principle that when the President rises in his Chair to address the Assembly, no Honourable Member should remain standing.

Mr. Abdul Qaiyum: I sat down when you got up.

Mr. President (The Honourable Sir Abdur Rahim): I must point out to Members on my left (Congress Members) that it is becoming impossible for the Chair to conduct the proceedings properly when more than one Member of the Party rises at the same time to put supplementary questions.

Mr. Abdul Qaiyum: On a point of explanation

Mr. President (The Honourable Sir Abdur Rahim): I do not want any explanation from the Honourable Member.

Mr. Abdul Qaiyum: Surely, Sir, I have got a right to say something on

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I do not want any explanation.

Mr. Abdul Qaiyum: I want to explain my position.

Mr. M. Ananthasayanam Ayyangar: I am sitting in one of the front Benches and my friends are sitting behind me. When I rise to put a supplementary question, how can I be expected to know who is standing behind me? We are certainly agreeable to the adoption of a procedure by which only those who catch the eye of the Chair will be allowed to put supplementary questions but surely we cannot be prevented from standing up. We have certainly no objection to the Chair calling any one of us.

Mr. President (The Honourable Sir Abdur Rahim): I am very glad that the Honourable Member desires that no one is to put supplementary questions unless he catches the eye of the Chair. If it is agreeable to the rest of the House, I will enforce the Standing Order.

Mr. M. Ananthasayanam Ayyangar: It is agreeable to us.

Mr. M. Asaf Ali: I want to say something

Mr. President (The Honourable Sir Abdur Rahim): Order, order. If that is agreeable to the entire House, I shall enforce that practice.

Mr. M. Asaf Ali: We want to explain our position before you give your decision. It is extremely difficult for us to carry on the proceedings of this House if every time we get up to say something we are called to order. We do not object to the procedure you suggest. We are always willing to bow to the Chair. We have always been respectful to the Chair and we will continue this conduct but at the same time it is perfectly clear that we have no intention of annoying or embarrassing you.

Mr. President (The Honourable Sir Abdur Rahim): That is not the question.

Mr. M. Asaf Ali: At the same time, I spoke to the Members of my Party and they have been observing this rule as carefully as possible but now and again it does happen that more than one Member gets up. That ought not to be a cause for annoyance.

Mr. President (The Honourable Sir Abdur Rahim): If it happened only now and then, I would have overlooked it but it is happening every day and very frequently. If the Honourable Members of the Congress Party do not really wish me to enforce the Standing Order that no person should put a supplementary question unless he catches the eye of the Chair, then I must expect them to have some sort of arrangement in their own Party, so that one Member, at a time, will get up to put supplementary questions. This is quite feasible and it is for them to take the necessary step.

Mr. Abdul Qaiyum: I have not put a single supplementary question yet

Mr. President (The Honourable Sir Abdur Rahim): I will not allow any more discussion to go on. Next question.

COMMUNAL COMPOSITION OF APPRENTICES TAKEN FOR TRAINING IN THE WORKSHOPS OF CERTAIN RAILWAYS.

†654. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Railways please state the total number of apprentices and the number of Hindus, Christians and Muslim apprentices, taken during the period 1934—37 for training in workshops under the Loco. departments and also under the Engineering Departments of the following Railways.

- (a) Bengal and North Western Railway;
- (b) Rohilkund and Kumaon Railway;
- (c) Great Indian Peninsula Railway;
- (d) East Indian Railway;
- (e) Eastern Bengal Railway;
- (f) Bombay, Baroda and Central India Railway;
- (g) North Western Railway;
- (h) Bengal Nagpur Railway;
- (i) Madras and Southern Mahratta Railway;
- (j) South Indian Railway; and
- (k) Assam Bengal Railway?

The Honourable Sir Thomas Stewart: So far as the State-managed railways are concerned, I lay on the table of the House a statement showing the information available with Government regarding the number of apprentice mechanics and trade apprentices engaged on the Great Indian Peninsula, Eastern Bengal, North Western and East Indian Railways during 1935 to 1937.

As regards apprentices engaged for the Engineering Department of the State-managed railways, I am obtaining information and will lay a reply on the table of the House in due course.

As regards the railways other than State-managed railways mentioned in the question, Government have no information.

†Answer to this question laid on the table, the questioner being absent.

Statement showing the number of Apprentice Mechanics and Trade Apprentices engaged on four State-managed Railways during 1935 to 1937.

Railways.	Number of apprentice mechanics recruited.					Number of trade apprentices recruited.								
	Hindus.	Muslims	Sikhs.	Euro- peans and Anglo- Indians.	Indian Christi- ans.	Others.	Total.	Hindus.	Muslims	Sikhs.	Euro- peans and Anglo- Indians.	Indian Christi- ans.	Others.	Total.
1935.														
G. I. P.	46	19	..	1	15	1	82	Separate figures not available (See apprentice mechanics.)						
E. B.	5	1	..	5	..	..	11	41	18	..	..	4	..	63
N. W.	6	4	3	2	..	..	15	18	26	7	6	..	3	60
E. I.	17	6	..	11	..	..	34	64	28	..	..	7	..	99
1936.														
G. I. P.	72	16	..	10	23	3	124	Separate figures not available (See apprentice mechanics.)						
E. B.	4	..	..	7	1	1	13	54	37	..	..	5	..	96
N. W.	2	10	1	2	..	..	15	..	..	..	..	..	..	..
E. I.	19	5	..	4	..	..	28	65	27	1	7	..	..	100
1937.														
G. I. P.	13	2	1	3	1	..	20	58	19	..	2	20	4	103
E. B.	11	..	..	3	..	1	15	24	15	..	..	4	..	43
N. W.	2	9	2	1	..	..	14	51	116	19	4	4	..	194
E. I.	7	5	..	13	..	..	25	55	22	2	2	2	..	83

EMPLOYMENT OFFICER AT JAMALPUR AND RECRUITMENT OF MINISTERIAL OFFICERS.

†655. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways be pleased to state:

- the name of the present employment officer at Jamalpur, East Indian Railway, and also the name of the officer whom he succeeded;
- the total number of Ministerial Officers in various branches at Jamalpur till 31st December, 1937, and the total number of Muslims, Christians, Beharis and Bengalees;
- the number of Ministerial Officers employed during the period 1934—37 and the number of Muslims, Beharis, Bengalees and Christians including Anglo-Indians and Europeans; and
- whether any Beharee or Muslim has ever been appointed as Employment Officer at Jamalpur?

The Honourable Sir Thomas Stewart: (a) Mr. K. N. Banerjee is the present Employment Officer at Jamalpur. He succeeded Rai Bahadur H. N. Banerjee.

(b) Government are informed that the total number of ministerial staff at Jamalpur on the 31st December, 1937, was 258, comprising 149 Beharis of whom 84 are Muslims, 98 Bengalees of whom 29 are domiciled in Bihar, eight Christians and three other classes

(c) The information is not readily available. Government consider that the amount of time and labour involved in its collection will not be justified by the results.

(d) Government are informed that Rai Bahadur H. N. Banerjee referred to in part (a) owned property in Bihar and was resident in Bihar for over 20 years.

CONSTRUCTION OF QUARTERS FOR THE STAFF OF AND PROMOTIONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

†656. *Maulvi Muhammad Abdul Ghani: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that about 800 clerks of the Railway Clearing Accounts Office submitted a memorial to His Excellency the Viceroy of India for the construction of residential quarters for the staff of the Railway Clearing Accounts Office during August last? If so, what action has been or is proposed to be taken thereon? If not, why not?

(b) Who is the present Superintendent of Establishment Branch of the Railway Stores Department?

(c) Is it a fact that since the date he took over the charge as Superintendent Establishment, there are more superintendents and sub-superintendents in the matter of promotions etc.? Will the Financial Commissioner, Railways, please make independent enquiries and deal with the party at fault?

†Answer to this question laid on the table, the questioner being absent.

(d) Is it a fact that representations from the staff and even from the recognised class I Association of the Railway Clearing Accounts Office are generally turned down on flimsy grounds although they are addressed to the higher authorities?

The Honourable Sir Thomas Stewart: (a) About 650 clerks of the Railway Clearing Accounts Office submitted a petition on the subject some-time last year. The Director returned the petition and asked the petitioners to expunge the manifest exaggerations and mis-statements contained in it. The petition has not been resubmitted so far.

(b) I presume the question relates to the Railway Clearing Accounts Office; if so the Superintendent of the Establishment Branch is Mr. Lal Chand.

(c) No. Promotions, etc., in the Railway Clearing Accounts Office are made personally by the Director and the Financial Commissioner sees no need for any enquiry.

(d) No.

LENGTH OF SERVICE OF THE SUPERINTENDENT OF THE OFFICE OF THE
POSTMASTER GENERAL, BIHAR AND ORISSA.

†657. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable Member for Communications be pleased to state the total length of service of the Superintendent of the Office of the Postmaster General, Bihar and Orissa at Patna?

(b) Since when is the present Superintendent there and how many extensions has he been granted?

The Honourable Sir Thomas Stewart: 35 years.

(b) The Superintendent has held his present post since 1922. He has been retained in service after attaining the age of 55 years for periods of six months at a time since 1st July, 1936, under Fundamental Rule 56(b) which lays down that a ministerial servant should ordinarily be retained in service, if he continues to be efficient, up to the age of 60 years.

CERTAIN RESTRICTIONS IMPOSED ON THE STAFF OF THE SOUTH INDIAN
RAILWAY.

658. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable Member for Railways please state whether it is a fact that the South Indian Railway imposed (i) short time, (ii) cut in salaries, and (iii) stoppage of grade to grade promotions on their staff as a temporary measure in 1931?

(b) How many of these restrictions have been removed? If all have not been removed, what are the reasons for not doing so?

The Honourable Sir Thomas Stewart: Government are informed as follows:

†Answer to this question laid on the table, the questioner being absent.

(a) (i) Short time was resorted to for varying periods between 1931 and 1935, and again between 3rd October, 1936, and 16th April, 1937, for all the shops. All shops are now working on full time.

(ii) Cuts in salaries were resorted to from 1st December, 1931, and were in force to the 31st March, 1935. There are no cuts in salary in force now.

(iii) The stoppage of grade to grade promotion was not a temporary measure of economy but was necessitated by the need to adjust the numbers in each grade to actual requirements.

(b) In view of the reply to part (a) above, this does not arise.

Mr. T. S. Avinashilingam Chettiar: What is the object of the introduction of short time?

The Honourable Sir Thomas Stewart: Economy.

Mr. T. S. Avinashilingam Chettiar: It will be economy only if the pay is given according to the time.

Mr. K. Santhanam: Is there a complete stoppage of promotion from one grade to the other?

The Honourable Sir Thomas Stewart: That is not the substance of my reply.

Mr. C. N. Muthuranga Mudaliar: What is the disparity between the pay and emoluments of employees in the South Indian Railway and those of the State Railways?

The Honourable Sir Thomas Stewart: I want notice of that question.

RESTRICTIONS ON INDIAN TRADERS IN AFGHANISTAN.

†659. ***Sardar Sant Singh:** Will the Secretary for External Affairs state:

- the number of Afghan subjects trading and residing in India;
- the number of Indians trading and residing in Afghanistan;
- whether it is a fact that an Indian trader intending to leave Afghanistan has to find an Afghan surety to vouch for the fact that he does not own any debt in the country and that Indians are not allowed to leave Afghanistan until they have paid all their debts;
- whether it is a fact that an Indian trader is not allowed to trade in Afghanistan, unless he gives a surety to the State;
- whether it is a fact that all these restrictions are applicable only to Indians and not to other foreigners residing and trading in Afghanistan; and

†Answer to this question laid on the table, the questioner being absent.

- (f) whether any restrictions are placed on the trading activity of Afghan money-lenders and Afghan traders in India; if not, whether Government propose to impose similar restrictions on Afghan subjects trading and residing in India?

Sir Aubrey Metcalfe: (a) According to the census which was held in 1931 the number of Afghan subjects then residing in India was about 81,000. No other statistics are available.

(b) No figures are available regarding the total number of Indians residing in Afghanistan. Indian brokers and merchants are reported to number 140 but this figure probably does not include petty traders.

(c) Yes.

(d) Yes.

(e) No, the restrictions so far as Government are aware are applicable to all foreigners.

(f) The answer to both portions is 'No'.

RESTRICTIONS ON INDIAN VISITORS AND TRADERS IN AFGHANISTAN.

†660. ***Sardar Sant Singh:** Will the Secretary for External Affairs be pleased to state:

(a) whether any restrictions are imposed by the Afghan Government on Indian visitors and businessmen entering Afghanistan;

(b) if so, what those restrictions are;

(c) whether Indian visitors and traders to Afghanistan have to report their whereabouts to the police, and that no other foreigner is subjected to this regulation;

(d) whether Indians are allowed to stay in Afghanistan for 15 days only and have to acquire special licences from the Foreign Minister for a longer stay for business purposes; and

(e) whether it is a fact that no Indian can acquire any immovable property in Afghanistan?

Sir Aubrey Metcalfe: (a) and (b). All foreigners entering Afghanistan have to comply with the provisions of the Afghan Visa Code. These include a provision for the taking of security in certain cases before a visa is granted.

(c) All foreigners have to report their whereabouts to the police.

(d) and (e). Yes, but these restrictions apply to all foreigners.

AIR-CONDITIONED SALOON PROVIDED FOR THE AGENT, EAST INDIAN RAILWAY.

661. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways state:

(a) if it is a fact that an air-conditioned saloon is placed at the disposal of the Agent of the East Indian Railway;

(b) what is the cost of this saloon;

(c) what passengers besides himself he can take in this saloon free of cost;

†Answer to this question laid on the table, the questioner being absent.

(d) if Agents of other railways have also similar saloons at their disposal; and

(e) if the Agent of one railway can travel on other railways of the same gauge in his own saloon free of cost?

The Honourable Sir Thomas Stewart: (a) No.

(b) and (c). Do not arise.

(d) No.

(e) Yes, provided he is in possession of a pass.

CANCELLATION OF ARRANGEMENTS FOR BROADCASTING THE PROCEEDINGS OF THE INDIAN NATIONAL CONGRESS.

662. ***Sardar Mangal Singh:** Will the Honourable Member for Communications please state:

(a) whether it is a fact that arrangements were made by the All-India Radio to broadcast the proceedings of the Indian National Congress this year; and

(b) whether these arrangements were cancelled after the ministerial crisis in the United Provinces and Bihar and consequent political tension between the Congress and the Government of India?

The Honourable Sir Thomas Stewart: (a) Arrangements were announced in the *Indian Listener* for a commentary of half an hour on the Haripura Session and a resume of the proceedings of a similar length.

(b) No, Sir. The cancellation of the arrangements had nothing whatever to do with the ministerial crisis in the United Provinces and Bihar.

Sardar Mangal Singh: May I know the date on which the arrangement was cancelled?

The Honourable Sir Thomas Stewart: I cannot tell the Honourable Member the precise date but as far as my recollection goes, the decision not to broadcast was taken three or four days before there was any news of the ministerial crisis.

Mr. Manu Subedar: By which officer was the decision taken?

The Honourable Sir Thomas Stewart: By myself.

Mr. Manu Subedar: For what reasons?

The Honourable Sir Thomas Stewart: The answer to that question involves a question of policy rather than of fact, and if I am to give a considered reply I must ask for notice.

Mr. Manu Subedar: Will the Honourable Member make a statement on that subject at an early date?

The Honourable Sir Thomas Stewart: The Honourable Member had better put down a question.

Mr. T. S. Avinashilingam Chettiar: Will you accept short notice?

The Honourable Sir Thomas Stewart: I see no necessity for it.

Mr. Mohan Lal Saxena: When was the public statement made that the proceedings will not be broadcasted?

The Honourable Sir Thomas Stewart: I do not remember.

Sardar Mangal Singh: May I know whether the original decision was taken with your consent?

(No answer.)

(Some Honourable Members rose to put questions).

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

Prof. N. G. Ranga: Sir, there are very few questions and, therefore, there is plenty of time, I submit, to put supplementary questions. . .

Mr. President (The Honourable Sir Abdur Rahim): The question hour is allotted for answering questions for obtaining information on matters of public concern, and I must see that the time is not taken up by a debate on particular questions in which an Honourable Member may be interested?. I must put down sternly any attempt to raise a debate.

Prof. N. G. Ranga: Sir, are you satisfied that the question was satisfactorily answered?

Mr. President (The Honourable Sir Abdur Rahim): I am not here to answer a question like that.

Prof. N. G. Ranga: We should not be stifled like this, I submit. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw those words.

Prof. N. G. Ranga: I withdraw it, but yet the grievance remains.

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow that sort of withdrawal. If there is any grievance on the part of any Member, there are other ways of bringing it to my notice, but the expression being a reflection on the conduct of the Chair, the Honourable Member must withdraw it unreservedly.

Prof. N. G. Ranga: I have already withdrawn it, Sir.

NON-RESERVATION OF FIRST AND SECOND CLASS LADIES COMPARTMENTS ON CERTAIN SECTIONS OF THE EASTERN BENGAL RAILWAY.

663. ***Maulvi Sikandar Ali Choudhury:** Will the Honourable Member for Railways be pleased to state:

- (a) if he is aware that in certain sections of the Eastern Bengal Railway there are no first and second class compartments for ladies in certain trains, and that this causes great hardship to *pardahnashin* ladies; and

- (b) whether the Honourable Member is prepared to see that the grievance is redressed at an early date?

The Honourable Sir Thomas Stewart: (a) and (b). First and second class compartments for ladies are provided on the Darjeeling, Assam, Chittagong and Dacca Mails only. Similar accommodation on other trains, (except local trains, branch trains and for journeys of less than fifty miles), can be arranged by giving not less than 24 hours notice to the station master of the station at which the journey will be commenced.

Mr. Lalchand Navalrai: May I know why there is no such arrangement on these other trains?

The Honourable Sir Thomas Stewart: I take it that it is the experience of the Railway Administration that it is unnecessary to provide such accommodation.

Mr. Lalchand Navalrai: Will the Honourable Member investigate into it and come to a conclusion whether there are no ladies to occupy those compartments?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the census report of Assam.

NON-ISSUE OF RETURN TICKETS FOR SHORT DISTANCES ON THE ASSAM BENGAL RAILWAY.

664. ***Maulvi Sikandar Ali Choudhury:** Will the Honourable Member for Railways be pleased to state:

- (a) whether he is aware that no return tickets are available for first, second and intermediate class passengers (from Chandpur to Comilla and *vice versa* and other short distant places) on the Assam Bengal Railway; and
(b) if the answer to part (a) be in the affirmative, whether he proposes to ask this Railway to issue return tickets?

The Honourable Sir Thomas Stewart: (a) The extent to which first class return tickets are issued on the Assam Bengal Railway is indicated in paragraph 26, page 84 of the Assam Bengal Railway's current time table. These include certain short distance journeys, but not between Chandpur and Comilla. Similar information in regard to intermediate class tickets is given in paragraphs 17 and 20, pages 82 and 83 of the time table. These include certain short distance journeys, as also week-end tickets for distances over 15 miles which would include journeys between Chandpur and Comilla. Second class accommodation is not provided on the Assam Bengal Railway.

(b) I shall convey the Honourable Member's suggestion to the Agent of the Assam Bengal Railway for his consideration.

REPRESENTATION OF MUSLIMS IN CERTAIN TRAFFIC APPOINTMENTS ON THE EASTERN BENGAL RAILWAY.

665. ***Maulvi Sikandar Ali Choudhury:** Will the Honourable Member for Railways be pleased to state:

- (a) what is the actual number of Bengalis in general and Muslims in particular, holding such posts as District Traffic Superintendent and Assistant Traffic Superintendent on the Eastern Bengal Railway; and

- (b) what is the policy being pursued by Government in the matter of proper representation of Muslims in connection therewith?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the 'Classified list of State-Railway establishment and distribution return of establishment of all railways corrected up to 31st December, 1936' and to 'the History of services of the officers of the Indian State Railways corrected up to 1st July, 1937, which contain the information available with Government. Copies of these publications are in the Library of the House.

(b) The policy of Government on this question is laid down in 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.

PROPOSAL FOR A RAILWAY LINE BETWEEN KHULNA, BARISAL AND MADARIPUR BY THE EASTERN BENGAL RAILWAY.

666. ***Maulvi Sikandar Ali Choudhury:** Will the Honourable Member for Railways be pleased to state:

- (a) if he is aware that sometime ago there was a proposal for the opening of a branch line between Khulna, Barisal and Madaripur by the Eastern Bengal Railway;
- (b) whether Government are prepared to give practical shape to the proposal at an early date; and
- (c) if not, why not?

The Honourable Sir Thomas Stewart: (a) The Khulna-Barisal project was abandoned in 1916. The Bengal Government condemned it, as likely to 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 Barisal-Madaripur (Faridpur) broad gauge project was abandoned in 1927 as it was unremunerative.

(b) and (c). Not unless it is supported by the Provincial Government who will have to guarantee it.

Mr. Lalchand Navalrai: Will the Honourable Member consult the Provincial Government now as to whether their opinion has changed, and also whether the circumstances have changed?

The Honourable Sir Thomas Stewart: No, Sir. If there is a demand on the part of the inhabitants of these districts for railway facilities, that demand should be brought to our notice through the Local Government concerned.

Mr. K. Ahmed: Sir, is the opinion of the Government just the same, and the same principle is laid down, in regard to the railways which have been already constructed and there are admittedly reports saying the same thing,—that is to say, the flow of water was stopped and cultivation and other things were impeded. . .

Mr. M. Asaf Ali: On a point of order, Sir,—the Honourable the Finance Member seems to be reading a newspaper in the House.

Mr. President (The Honourable Sir Abdur Rahim): That is not allowed.

The Honourable Sir Thomas Stewart: If the Honourable Member, Mr. K. Ahmed, will bring to my notice any specific instances, I shall look into them.

POSTING OF MUSLIM OFFICERS TO CERTAIN BRANCHES ON THE NORTH WESTERN RAILWAY.

667. ***Maulana Zafar Ali Khan:** Will the Honourable the Railway Member please state:

- (a) whether it is a fact that there is no Muslim Divisional Personal Officer on the whole of the North Western Railway system;
- (b) whether it is also a fact that there is no Muslim Office Superintendent on the whole of the North Western Railway;
- (c) whether it is also a fact that there is no Muslim officer in the Works, Operating and Commercial and Accounts branch of the Headquarters Office, North Western Railway, Lahore; and
- (d) if the reply to the above be in the affirmative, whether Government propose to consider the expediency of posting suitable Muslim officers in the said branches?

The Honourable Sir Thomas Stewart: (a) Yes. I would, however, mention that the Deputy Agent, Personnel, on the North Western Railway is a Muslim.

- (b) No.
- (c) No.
- (d) Does not arise.

PROPOSAL TO CHARGE LICENCE FEE FROM VENDORS AND INDIAN REFRESHMENT ROOM CONTRACTORS ON THE NORTH WESTERN RAILWAY.

668. ***Maulana Zafar Ali Khan:** Will the Honourable the Railway Member please state:

- (a) whether it is a fact that the North Western Railway Administration intends to charge a licence fee from all station vendors and Indian refreshment room contractors;
- (b) whether it is a fact that no such licence fee is proposed to be charged from ice and aerated water contractors, in spite of the fact that their sales and earnings far exceed those of sweetmeat and bread vendors at stations; and
- (c) if the reply to the above be in the affirmative, the reasons for making such a distinction?

The Honourable Sir Thomas Stewart: (a) Certain proposals to levy licence fees on vending and catering contracts were recently under examination, but the matter is not being proceeded with for the present.

- (b) and (c). Do not arise.

Mr. Manu Subedar: Is the object of introducing a licensing system, the raising of the prices of these articles to the public, or is there any other object?

The Honourable Sir Thomas Stewart: The Honourable Member's question, I submit, does not arise out of my reply.

Mr. Manu Subedar: With all respect, I say that it relates to a proposal for licensing traders. . .

Mr. President (The Honourable Sir Abdur Rahim): All that is wanted is information as to whether it is a fact that licences are issued for certain purposes.

Mr. Manu Subedar: Sir, such licences are issued on other Railways and the Railway Board are considering the general policy and I am asking whether the levying of such licences will or will not have the result of raising the prices, and whether Government have considered this question.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member is in a position to answer that, he can do it.

The Honourable Sir Thomas Stewart: I have said that the proposal is in abeyance.

CONTRACT FOR ICE AND AERATED WATERS ON THE NORTH WESTERN RAILWAY.

669. ***Maulana Zafar Ali Khan:** Will the Honourable the Railway Member please state:

- (a) whether it is a fact that out of the three ice and aerated water contractors on the North Western Railway, none is a Muslim;
- (b) whether it is also a fact that several representations from the Muslim community in the Punjab and the Frontier Province have from time to time been made to the Railway Administration for the appointment of a Muslim ice and aerated water contractor;
- (c) if the reply to parts (a) and (b) be in the affirmative, whether Government will please state what action has been or is proposed to be taken on the representations of the Muslims;
- (d) whether it is a fact that Kanwar Deep Chand, one of the ice and aerated water contractors has no ice and aerated water factory of his own, except a small machine which he has placed at the Delhi Railway Station and which cannot possibly turn out a sufficient supply for such a big section of the line and that he has to purchase supply of inferior quality from other sources; and
- (e) if the reply to the above be in the affirmative, whether Government will consider the advisability of giving ice and aerated water contract to firms of standing who own ice and aerated water factories?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The Agent, North Western Railway, states that he received two representations from the Muslim community, viz., one from the North-West Frontier Province in December, 1935, and the other from the Punjab in December, 1937.

(c) These contracts are not given on a communal basis, but to such firms as, in the opinion of the Railway Administration, are best able to give a good service to the public. The Administration do not consider that any change in the existing arrangement is called for at present.

(d) Kanwar Deep Chand has an aerated water factory, but not an ice factory. The terms of his contract permit him to obtain, if required, aerated waters from other factories which are inspected by the medical authorities of the Railway to ensure that the quality is up to the requisite standard.

(e) Government do not consider that their interference in this matter is called for.

Maulana Zafar Ali Khan: May I ask in this connection whether the Railway Board are infallible like the Pope of Rome?

Mr. President (The Honourable Sir Abdur Rahim): That question need not be answered.

Dr. Sir Ziauddin Ahmad: Is it not a fact that there has been a repeated demand on the floor of the House that the contract should be given not for the whole line but only for a portion of the line? Are the Government considering this proposal?

The Honourable Sir Thomas Stewart: I mentioned on the floor of the House that the question of catering contracts was under our consideration.

Seth Haji Sir Abdoola Haroon: May I ask the procedure that is followed by the Railway Board or the Railway Agents in giving these catering contracts? Do they advertise these contracts and ask for applications or do they give these contracts to whomsoever they like?

The Honourable Sir Thomas Stewart: The contracts have been fixed by private negotiation. When satisfactory service has been given, then the contract is renewed from time to time.

Seth Haji Sir Abdoola Haroon: May I ask the Honourable Member whether in the beginning they advertise the fact that they want to give such and such contract and then the Agent of the North Western Railway receives some applications or whether they simply call upon one or two contractors at their sweet will and then negotiate with them?

The Honourable Sir Thomas Stewart: My information is that no public tender is issued.

Seth Haji Sir Abdoola Haroon: Why should they not issue a public tender? The mere fact that they do not issue a tender shows that only the favourites of Government are getting the contracts.

(No answer.)

Dr. Sir Ziauddin Ahmad: Who fixes the prices?

The Honourable Sir Thomas Stewart: The Railway Administration.

Lieut-Colonel Sir Henry Gidney: Will the Honourable Member state whether or not it is the Government policy and also the promise of the Railway Department to advertise these contracts?

The Honourable Sir Thomas Stewart: I am not at the moment aware of that promise.

Dr. Sir Ziauddin Ahmad: Will the Railway Administration consider the application of a person who is prepared to sell the same articles of the same quality at half the price?

The Honourable Sir Thomas Stewart: Sir, if any such proposition were put before the Administration, I presume they would certainly consider it.

Mr. President (The Honourable Sir Abdur Rahim): Order, order: Short notice questions. Prof. Ranga.

SHORT NOTICE QUESTIONS AND ANSWERS.

WORKERS' STRIKE IN THE BIRLA MILLS, DELHI.

Prof. N. G. Ranga: Will the Labour Secretary be pleased to state:

- (a) if he is aware of the fact that on the suggestion of the local Sub-Judge, the Birla Mill Secretary had agreed to see the representatives of the strikers to discuss a settlement;
- (b) whether, in pursuance of that the workers' representatives met the Secretary of the Mill on the 23rd February in the *Hindustan Times* office and were told that the Mill authorities were not prepared to discuss the demands of the workers unless they go back to work unconditionally;
- (c) whether his answer to Mr. Sri Prakasa's question No. 517, stating that more than half the workers have gone back to work is based on wrong information;
- (d) whether it is not a fact that even now more than three-fourths of workers are still on strike;
- (e) whether it is not a fact that even the few hundreds of workers who are taken into the Mill for work are confined in the Mill compound for 24 hours of the day;
- (f) whether it is not a fact that the continued refusal of Government to intervene in the strike is undermining the strength of the strikers;
- (g) whether any Government officer has so far interviewed the Mill authorities and ascertained how far they are prepared to concede the demand of workers; and
- (h) if so, which officer and on what occasions, and what the offers made by the Mill authorities were?

Mr. A. G. Olow: (a) I understand that the Subordinate Judge who acts as the Authority under the Payment of Wages Act in Delhi, and is now hearing a case under that Act to which the Birla Cotton Spinning and Weaving Mills, Ltd., and some of the strikers are parties, made a suggestion in Court that the parties should come to a settlement.

(b) I believe that a meeting of some kind occurred at the office of the *Hindustan Times* on the 23rd February, but I naturally have no official information as to the course or nature of the discussion.

(c) There is no foundation for this suggestion. When I answered this question on the 25th February the Mill was working two shifts and well over 2,000 men were employed.

(d) No. The number now at work is approximately 2,500 and I understand, that others are returning today.

(e) I understand that the men at work are permitted to stay within the Mill, but I have no reason for supposing that anyone is confined against his will, nor does the Factories Act require that men not at work should leave the compound.

(f) It is a matter of opinion rather than of fact.

(g) Yes.

(h) The Chief Commissioner and the Superintendent of Industries have both seen the Mill authorities on several occasions, the last occasion being on the 3rd March when the Secretary of the Mill saw the Chief Commissioner and undertook to publish a full statement of the views of the management. This has since appeared in the press.

Prof. N. G. Ranga: Had the Chief Commissioner communicated the views of the Mill authorities to the workers or their representatives?

Mr. A. G. Olow: I have no information on that point. The Mill authorities have themselves communicated their views by issuing a statement to the press.

Prof. N. G. Ranga: Am I to understand that Government are satisfied with the statement made by the Mill authorities in regard to their position?

Mr. A. G. Olow: I do not think it is a question of Government being satisfied with the statement issued by the Mill authorities, but I gather that most of the men are satisfied with it.

Mr. N. M. Joshi: May I ask whether the Government of India have appointed any Conciliation Officer for Delhi?

Mr. A. G. Olow: No, Sir.

Mr. N. M. Joshi: May I ask whether the Government of India propose to do so?

Mr. A. G. Clow: The Bill which provides for the appointment of Conciliation Officers is before the House and has not yet been passed.

Mr. N. M. Joshi: May I ask if for the appointment of a Conciliation Officer any Act is necessary?

Mr. A. G. Clow: It is not necessary but it is desirable.

Prof. N. G. Ranga: May I ask whether the terms offered to the Chief Commissioner by the Mill authorities are the same as those which are published in the *Hindustan Times* or whether they were more or less?

Mr. A. G. Clow: I have not got the details of what the Mill authorities have stated to the Chief Commissioner, but, so far as my information goes, they are practically the same.

Prof. N. G. Ranga: Is it not a fact that the suggestion was made by the Mill authorities that they would be willing to concede the demand of the workers for the restoration of the 2½ per cent. cut that was made in the wages paid to the weavers in the weaving section?

Mr. A. G. Clow: I do not know.

Mr. Sri Prakasa: Are the Government satisfied that the terms under which the workers have gone back to the Mill are based on equity and have not been accepted simply because of their helplessness?

Mr. A. G. Clow: I think the question whether any particular terms are equitable must be a matter of opinion.

Mr. Sri Prakasa: What I want to know is whether the Government are satisfied that the terms are equitable and not such to which the workers submitted because they were helpless?

Mr. A. G. Clow: The Honourable Member is asking me to say whether the terms are equitable or not. I say that is apparently a matter of opinion.

WORKERS' STRIKE IN THE BIRLA MILLS, DELHI.

Prof. N. G. Ranga: Will the Labour Secretary be pleased to state:

(a) if the workers of the Birla Mills, or the Textile Labour Union representing them, have petitioned the Chief Commissioner of Delhi, asking for the appointment of a Conciliation Board under the Trade Disputes Act of 1929 to settle their strike;

(b) if so, when this application was received;

(c) whether it is not a fact that when the workers going in a procession wanted to interview the Chief Commissioner, the police prevented their entry into the compound of the Chief Commissioner's bungalow and made a *lathi* charge on the workers and dispersed them;

(d) whether it was the intention of Government to prevent workers from making their representation to the Local Government; and

(e) if not, whether the Chief Commissioner has given adequate opportunities thereafter for workers to make their representations asking for his 'good offices'?

Mr. A. G. Clow: (a) and (b). A representation asking the Chief Commissioner to appoint a Court of Enquiry or Board of Conciliation under the Trade Disputes Act was made by Mr. Fazle Karim, who described himself as the General Secretary of the Textile Labour Union, Delhi, on the 26th February, 1938, and received by the Chief Commissioner on the same day.

(c) Some of the strikers on one occasion expressed the intention of going to the Chief Commissioner's house in procession. They were persuaded by the Police to abandon this intention; no charge was made by the police, nor were *lathis* used on the occasion.

(d) No. The intention was to prevent a disorderly demonstration.

(e) The only application received by the Chief Commissioner other than that mentioned under (a) and (b) above, and subsequent letters connected therewith was one received on the 26th February, purporting to be from five of the strikers. The Chief Commissioner asked the Deputy Commissioner to see these applicants.

Prof. N. G. Ranga: What was the nature of the persuasion used in order to see that the workers did not go there in procession?

Mr. A. G. Clow: I am afraid I cannot follow the question. They were simply persuaded.

Prof. N. G. Ranga: Is it not a fact that they were persuaded by the use of *lathis* and force at the gate of the Chief Commissioner's bungalow?

Mr. A. G. Clow: I am assured that *lathis* were not used.

Prof. N. G. Ranga: Was any other kind of force used against the workers?

Mr. A. G. Clow: I would refer the Honourable Member to the answer I gave to his question.

Prof. N. G. Ranga: Are Government aware of the fact that this continued refusal of the Chief Commissioner to use his discretion under the Trade Disputes Act and to use his good offices to bring about a settlement was partly responsible in forcing the workers to go back to work unconditionally after having been on strike for more than 30 days?

Mr. A. G. Clow: I have already said that it is a matter of opinion, rather than of fact, of the effect it had.

Prof. N. G. Ranga: Is it not a fact that in reply to the latest request made by the workers to the Chief Commissioner that he should be willing to see them and hear their grievances, he refused to have anything to do with them on some *ex parte* evidence placed before him in regard to the conduct of those workers?

Mr. A. G. Clow: I would refer the Honourable Member to the answer I gave to part (e) of his question.

Prof. N. G. Ranga: Why is it that the Chief Commissioner continually refused to see the workers?

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

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 206 asked by Mr. Sri Prakasa on the 31st August, 1937.

COMMUNICATION CHORDS FITTED IN THE COMPARTMENTS OF TRAINS RUNNING BETWEEN BHAGALPUR AND BERARI ON THE BENGAL AND NORTH WESTERN RAILWAY.

(a) The trains running between Bhagalpur and Berari railway stations on the Bengal and North Western Railway are exempt from the rule relative to the provision of means of communication between passengers and railway staff incharge of the train.

(b) and (c). The Honourable Member is referred to sections 62 and 94 of the Indian Railways Act, 1890, and to rule 111 of the General Rules for All Open Lines of Railways in British India, the application of which to the Bengal and North Western Railway was notified in the Railway Department's Notification No. 1078-T., dated the 21st August, 1929.

(d) No case of default has come to the notice of the Government.

Information promised in reply to unstarred question No. 195 asked by Mr. Mohan Lal Saksena on the 2nd October, 1937.

PURCHASE AND MANUFACTURE OF WAGONS.

A statement, showing particulars of wagons provided by Railways during 1936-37, is laid on the table.

STATEMENTS LAID ON THE TABLE.

STATEMENT.

Railways.	Wagons purchased.			Wagons manufactured in Railway Workshops.			Total	Remarks.
	Nos.	Cost (without wheels & axles).	Names of Contractors.	Nos.	Cost (without wheels & axles).	Nos.		
		Rs.			Rs.		Rs.	
			Broad Gauge.					
Bengal Nagpur	5	26,025	Burn & Co., Ltd.	..	..	..	1,85,395	(a) Replacing bodies only.
Bombay, Baroda and Central India	45(c)	1,59,370	Jessop & Co., Ltd.	..	..	..	14,13,385	
	265	11,38,697	Jessop & Co., Ltd.	29	1,23,069	..	..	
	35	1,51,619	Braithwaite & Co.	(b) 3	55,728	..	4,25,766	(b) Built on old underframes.
	16(c)	1,69,350	Jessop & Co.	..	..	..	..	(c) Includes two Cranes ordered complete with wheels and axles.
Eastern Bengal	25	1,89,899	Burn & Co.	..	..	..	..	(d) The order was for underframes only, the Railway building the superstructures.
	4(d)	10,789	Braithwaite & Co.	..	..	..	..	
East Indian	410	15,04,587	Burn & Co.	..	..	410	15,04,587	(e) Tank wagon constructed from surplus gas cylinders and mounted on a second hand underframe.
Great Indian Peninsula	30	1,52,374	Indian Standard Wagon Co.	1(e)	3,125	40	2,11,028	
	9	55,529	Burn & Co.	..	..	..	..	
Madras and Southern Mahratta.	42	1,38,285	Braithwaite & Co.	..	..	42	1,38,285	
North Western	50	3,16,099	Burn & Co.	..	..	60	4,27,537	(5)a Includes cost of wheels and axles not manufactured in India.
	10	1,11,438	Jessop & Co.	..	..	..	..	
South Indian	7	39,165	Jessop & Co.	..	..	15	85,885	
	8	46,720	Burn & Co.	..	..	..	..	

STATEMENT.

Railways.	Wagons purchased.			Wagons manufactured in Railway Workshops.			Total	Remarks.
	Nos.	Cost (without wheels & axles).	Names of Contractors.	Nos.	Cost (without wheels & axles).	Nos.	Cost.	
		Rs.			Rs.		Rs.	
<i>Metre Gauge.</i>								
Assam Bengal	12	1,42,431	Burn & Co.	..	..	12	1,42,431	
Bombay, Baroda and Central India.	..	..	..	190	6,12,400	190	6,12,400	
Eastern Bengal	{ 113(f)	3,00,208	Burn & Co.	..	..	119	4,03,138	(f) The order included 4 underframes, superstructure being built by the Railway. (g) These are cranes and were ordered complete with wheels and axles.
	{ 6(g)	1,02,930	Jessop & Co.	..	..	..	..	
Madras and Southern Mahratta.	1	8,970	Burn & Co.	..	..	1	8,970	
South Indian	..	..	..	12(h)	26,554	12	26,554	(h) 12 Brake-vans with wheels and axles built on old underframes in serviceable condition.
<i>Narrow Gauge.</i>								
Bombay, Baroda and Central India.	..	..	..	4	7,681	4	7,681	
North Western	..	..	..	1	2,300	1	2,300	

Information promised in reply to question No. 261 asked by Mr. C. N. Muthuranga Mudaliar on the 15th February, 1938.

INADEQUACY OF THE POLICE ARRANGEMENTS AND THE MUNICIPAL SERVICES DURING SUMMER SEASONS AT NEW DELHI.

(a) No; but electric and water connections are cut off in houses which remain vacant.

(b) Road lighting is reduced to half the normal scale on some of the roads which are uninhabited.

(c) and (d). A statement is placed on the table. The Honourable Member will appreciate the fact that the New Delhi police are required to protect several square miles of unoccupied bungalows and quarters; he will see that the figures for 1937 show a considerable improvement over those for the two preceding years.

(e) I do not think that any further measures are really needed, though it may be necessary in due course to consider an increase in the strength of the police.

<i>Statement.</i>			
Year.		No. of thefts.	No. where property was recovered.
1935	1st May	77	13
1936	to	67	17
1937	30th September	52	24

Information promised in reply to starred question No. 286 asked by Mr. Sham Lal on the 15th February, 1938.

BAZAR COMMITTEES CONSTITUTED IN CANTONMENTS.

(a) Bazar Committee.		(b)	(c)	(d)
Constituted.	Not constituted.			
Ferozepore			Functioning	The delegation of powers under section 44 (1)(2) of the Cantonments Act, 1924 is entirely at the discretion of the Board and varies in different Cantonments.
Jullundur			Do.	Do.
Lahore			Do.	Do.
Multan			Do.	Do.
Rawalpindi			Do.	Do.
Sialkot	}		Not functioning as the powers delegated have not yet been published by the Provincial Government.	Do.
Hyderabad (Sind).				

(a) Bazar Committee.		(b)	(c)	(d)
Constituted.	Not constituted.			
Allahabad .			Not functioning af the powers delegated have not yet been published by the Provincial Government.	The delegation of powers under section 44(I) (2) of the Cantonments Act, 1924 if entirely at the discretion of the Board and varies in different Cantonments.
Bareilly .			Start functioning with effect from 1st March 1938.	Do.
Benares .			Functioning .	Do.
Barrackpore and Jhansi. }			Not functioning as regulations under section 44 (I) (e) have not yet been approved by the Provincial Government.	Do.
Cawnpore .			Functioning .	Do.
Dinapore .			Not functioning as regulations have not been published by the Provincial Government.	Do.
Fyzabad .			Do.	Do.
Lansdowne .			Functioning .	Do.
Belgaum .			Do.	Do.
Ranikhet .			Do.	Do.
Deolali .			Do.	Do.
Jubbulpore .			Do.	Do.
Kamptee .			Do.	Do.
Nasirabad .			Do.	Do.
Pachmarhi .			Do.	Do.
Saugor .			Do.	Do.
....	Ambala .	Elections have not been held by the Provincial Government.		

(a) Bazar Committee.		(b)	(c)	(d)
Constituted.	Not constituted.			
..	Kasauli .	Has only recently been declared a Class II Cantonment as a result of a special census, and elections have not yet been held by the Provincial Government.	..	..
..	Nowshera .	Members have only just been elected and have not yet met.	..	..
..	Peshawar .	Owing to the delay in holding elections by the Provincial Government.	..	..
..	Karachi .	There is no bazar area in this Cantonment.	..	..
..	Agra .	The elected members have refused to serve on the bazar committee. In this connection attention is invited to the reply given to starred question No. 462 on the 23rd February 1938.	..	..
..	Delhi .	Owing to the delay in holding elections.	..	..
..	Dehra Dun .	There is no bazar area in this Cantonment.	..	..
..	Fategarh Lucknow and Meerut.	Do. The regulations under section 44 (I) (e) have not yet been published by the Provincial Government.	..	..
..	Shillong .	The regulations under section 44 (I) (e) are in course of preparation.	..	..

(a) Bazar Committee.		(b)	(c)	(d)
Constituted.	Not constituted.			
..	Kirkee . . .	The names of elected members have not yet been notified by the Provincial Government.	..	..
..	Ahmednagar . .	Owing to the delay in holding elections by the Provincial Government.	..	..
..	Poona . . .	The new Board has not yet come into being, elections having been postponed by the Provincial Government.	..	..
..	St. Thomas Mt.	Owing to delay in the publication of the election rules by the Provincial Government, elected board has not yet been constituted.	..	..
..	Wellington . .	The Cantonment Board under section 13 has not yet been constituted as the question of dividing the cantonment into wards is pending with the Provincial Government.	..	..

Information promised in reply to starred question No. 293 asked by Mr. D. K. Lahiri Chaudhury on the 15th February, 1938.

RESTRICTIONS ON PARKING OF CARS ON THE ROAD JOINING THE BARAKHAMBA ROAD AND CURZON ROAD IN NEW DELHI.

(a) and (b). The parking of cars opposite the entrance to the office of the *Statesman* has been prohibited by the Senior Superintendent of Police on a representation made by the Manager of the paper. The reason for this prohibition is that access to the office of the paper was much impeded by the cars. No order of the kind has been

made in regard to the office of Burmah-Shell. As the parking of cars in the centre of the street was found difficult, the Senior Superintendent of Police arranged for cars to be parked on the grass near the *Statesman* office and on the opposite side of the street and the New Delhi Municipal Committee has been asked to provide ramps to facilitate parking.

(c) I understand that no complaint has been received from any of the residents or shopkeepers of the Bombay Life Building. Such inconvenience as has been caused appears to be due to delay in providing the ramps referred to above.

(d) Government see no reason to interfere with the orders issued by the Senior Superintendent of Police in this case.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Tuesday, the 1st March, 1938, the time fixed for receiving nominations for the Standing Committee for Roads ten nominations were received; since when the candidature of four Members has been withdrawn. As the number of candidates is now equal to the number of vacancies, I declare the following Members to be duly elected, namely:

1. Seth Haji Sir Abdoola Haroon;
2. Sardar Bahadur Captain Dalpat Singh;
3. Syed Ghulam Bhik Nairang;
4. Babu Kailash Behari Lal;
5. Mr. Sham Lal; and
6. Mr. J. Ramsay Scott.

THE GENERAL BUDGET—LIST OF DEMANDS.

SECOND STAGE.

Mr. President (The Honourable Sir Abdur Rahim): Demands for Grants:

DEMAND No. 1—CUSTOMS.

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

"That a sum not exceeding Rs. 79,22,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Customs'."

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

"That a sum not exceeding Rs. 79,22,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Customs'."

The Assembly divided:

AYES—46.

Abdul Hamid, Khan Bahadur Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. F. J.
Grigg, The Honourable Sir James.
Highet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Singh, Maharaja Bahadur Ram Ran Vijai Prasad.
Sircar, The Honourable Sir Nripendra.
Sivraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—64.

Abdoola Haroon, Seth Haji Sir.
Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Ahmed, Mr. K.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Misra, Pandit Shambhu Dayal.
Mody, Sir H. P.
Mudaliar, Mr. C. N. Muthuranga.
Murtuza Sahib Bahadur, Maulvi Syed.
Nauman, Mr. Muhammad.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajah, Raja Sir Vasudeva.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Shahban, Mr. Ghulam Kadir Muhammad.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Alvi Shah, Mr.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

The motion was negatived.

DEMAND No. 2—CENTRAL EXCISE DUTIES.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 10,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Central Excise Duties'."

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

12 Noon.

"That a sum not exceeding Rs. 10,50,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Central Excise Duties'."

The Assembly divided:

AYES—46.

Abdul Hamid, Khan Bahadur Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. F. J.
Grigg, The Honourable Sir James.
Highet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Singh, Maharaja Bahadur Ram Ran Vijai Prasad.
Sircar, The Honourable Sir Nripendra.
Sivraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—66.

Abdoola Haroon, Seth Haji Sir.	Joshi, Mr. N. M.
Abdul Ghani, Maulvi Muhammad.	Kailash Behari Lal, Babu.
Abdul Qaiyum, Mr.	Lalchand Navalrai, Mr.
Abdul Wajid, Maulvi.	Malaviya, Pandit Krishna Kant.
Ahmed, Mr. K.	Misra, Pandit Shambhu Dayal.
Aney, Mr. M. S.	Mody, Sir H. P.
Asaf Ali, Mr. M.	Mudaliar, Mr. C. N. Muthuranga.
Ayyangar, Mr. M. Ananthasayanam.	Murtuza Sahib Bahadur, Maulvi Syed.
Azhar Ali, Mr. Muhammad.	Nauman, Mr. Muhammad.
Bajoria, Babu Baijnath.	Pande, Mr. Badri Dutt.
Banerjea, Dr. P. N.	Parma Nand, Bhai.
Bhagavan Das, Dr.	Raghubir Narayan Singh, Choudhri.
Bhagchand Soni, Rai Bahadur Seth.	Rajah, Raja Sir Vasudeva.
Chaliha, Mr. Kuladhar.	Ramayan Prasad, Mr.
Chattopadhyaya, Mr. Amarendra Nath.	Ranga, Prof. N. G.
Chaudhury, Mr. Brojendra Narayan.	Rao, Mr. Thirumala.
Chettiar, Mr. T. S. Avinashilingam.	Saksena, Mr. Mohan Lal.
Chetty, Mr. Sami Vencatachelam.	Sant Singh, Sardar.
Chunder, Mr. N. C.	Santhanam, Mr. K.
Das, Mr. B.	Shahban, Mr. Ghulam Kadir Muhammad.
Das, Pandit Nilakantha.	Sham Lal, Mr.
Datta, Mr. Akhil Chandra.	Shaukat Ali, Maulana.
Desai, Mr. Bhulabhai J.	Siddique Ali Khan, Khan Sahib Nawab.
Deshmukh, Dr. G. V.	Sikandar Ali Choudhury, Maulvi.
Deshmukh, Mr. Govind V.	Singh, Mr. Gauri Shankar.
Essak Sait, Mr. H. A. Sathar H.	Sinha, Mr. Satya Narayan.
Gadgil, Mr. N. V.	Sri Prakasa, Mr.
Ghiasuddin, Mr. M.	Subedar, Mr. Manu.
Ghulam Bhik Nairang, Syed.	Umar Aly Shah, Mr.
Gupta, Mr. K. S.	Varma, Mr. B. B.
Hans Raj, Raizada.	Yamin Khan, Sir Muhammad.
Jedhe, Mr. K. M.	Zafar Ali Khan, Maulana.
Jehangir, Sir Cowasji.	
Jogendra Singh, Sirdar.	

The motion was negatived.

DEMAND NO. 3—TAXES ON INCOME INCLUDING CORPORATION TAX.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 78,26,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Taxes on Income including Corporation Tax'."

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

"That a sum not exceeding Rs. 78,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Taxes on Income including Corporation Tax'."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.	Kamaluddin Ahmed, Shams-ul-Ulema.
Aikman, Mr. A.	Kushalpal Singh, Raja Bahadur.
Ayyar, Mr. N. M.	Lloyd, Mr. A. H.
Bajpai, Sir Girja Shankar.	Mackeown, Mr. J. A.
Bewoor, Mr. G. V.	Mani, Mr. R. S.
Boyle, Mr. J. D.	Menon, Mr. P. A.
Buss, Mr. L. C.	Metcalf, Sir Aubrey.
Chanda, Mr. A. K.	Müller, Mr. C. C.
Chapman-Mortimer, Mr. T.	Ogilvie, Mr. C. M. G.
Clow, Mr. A. G.	Rahman, Lieut.-Col. M. A.
Conran-Smith, Mr. E.	Row, Mr. K. Sanjiva.
Craik, The Honourable Sir Henry.	Scott, Mr. J. Ramsay.
Dalal, Dr. R. D.	Sen, Rai Bahadur N. C.
Dalpat Singh, Sardar Bahadur Captain.	Sher Muhammad Khan, Captain Sardar Sir.
Dow, Mr. H.	Sircar, The Honourable Sir Nripendra.
Fazl-i-Ilahi, Khan Sahib Shaikh.	Sivaram, Rao Sahib N.
Ghulam Muhammad, Mr.	Slade, Mr. M.
Gidney, Lieut.-Colonel Sir Henry.	Smith, Lieut.-Colonel H. C.
Griffiths, Mr. F. J.	Spence, Mr. G. H.
Grigg, The Honourable Sir James.	Stewart, The Honourable Sir Thomas.
Highet, Mr. J. C.	Sundaram, Mr. V. S.
James, Mr. F. E.	Walker, Mr. G. D.
Jawahar Singh, Sardar Bahadur Sardar Sir.	

NOES—65.

Abdoola Haroon, Seth Haji Sir.	Jehangir, Sir Cowasji.
Abdul Ghani, Maulvi Muhammad.	Jogendra Singh, Sirdar.
Abdul Qaiyum, Mr.	Joshi, Mr. N. M.
Abdul Wajid, Maulvi.	Kailash Behari Lal, Babu.
Ahmed, Mr. K.	Lalchand Navalrai, Mr.
Aney, Mr. M. S.	Malaviya, Pandit Krishna Kant.
Asaf Ali, Mr. M.	Misra, Pandit Shambhu Dayal.
Ayyangar, Mr. M. Ananthasayanam.	Mody, Sir H. P.
Azhar Ali, Mr. Muhammad.	Mudaliar, Mr. C. N. Muthuranga.
Bajoria, Babu Baijnath.	Murtuza Sahib Bahadur, Maulvi Syed.
Banerjea, Dr. P. N.	Pande, Mr. Badri Dutt.
Bhagavan Das, Dr.	Parma Nand, Bhai.
Bhagchand Soni, Rai Bahadur Seth.	Raghubir Narayan Singh, Choudhri.
Chaliha, Mr. Kuladhar.	Rajah, Raja Sir Vasudeva.
Chattopadhyaya, Mr. Amarendra Nath.	Ramayan Prasad, Mr.
Chaudhury, Mr. Brojendra Narayan.	Ranga, Prof. N. G.
Chettiar, Mr. T. S. Avinashilingam.	Rao, Mr. Thirumala.
Chetty, Mr. Sami Vencatachelam.	Saksena, Mr. Mohan Lal.
Chunder, Mr. N. C.	Sant Singh, Sardar.
Das, Mr. B.	Santhanam, Mr. K.
Das, Pandit Nilakantha.	Shahban, Mr. Ghulam Kadir Muhammad.
Datta, Mr. Akhil Chandra.	Sham Lal, Mr.
Desai, Mr. Bhulabhai J.	Shaukat Ali, Maulana.
Deshmukh, Dr. G. V.	Siddique Ali Khan, Khan Sahib Nawab.
Deshmukh, Mr. Govind V.	Sikandar Ali Choudhury, Maulvi.
Essak Sait, Mr. H. A. Sathar H.	Singh, Mr. Gauri Shankar.
Gadgil, Mr. N. V.	Sinha, Mr. Satya Narayan.
Ghiasuddin, Mr. M.	Sri Prakasa, Mr.
Ghulam Bhik Nairang, Syed.	Subedar, Mr. Manu.
Gupta, Mr. K. S.	Umar Aly Shah, Mr.
Hans Raj, Raizada.	Varma, Mr. B. B.
Jedhe, Mr. K. M.	Yamin Khan, Sir Muhammad.
	Zafar Ali Khan, Maulana.

The motion was negatived.

DEMAND NO. 4.—SALT.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 64,72,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Salt'."

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

"That a sum not exceeding Rs. 64,72,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Salt'."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.
Aiknan, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Highet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
MacKeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—66.

Abdoola Haroon, Seth Haji Sir.
Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Ahmed, Mr. K.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Dessai, Mr. Bhulabbai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.

Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Misra, Pandit Shambhu Dayal.
Mody, Sir H. P.
Mudaliar, Mr. C. N. Muthuranga.
Murtaza Sahib Bahadur, Maulvi Syed.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajah, Raja Sir Vasudeva.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Shahban, Mr. Ghulam Kadir Muhammad.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Sikander Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

The motion was negatived.

DEMAND NO. 5.—OPIUM.

The Honourable Sir James Grigg: (Cries of "Resign" and "Go back"): Sir, I move:

"That a sum not exceeding Rs. 24,37,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Opium'."

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

"That a sum not exceeding Rs. 24,37,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Opium'."

The Assembly divided:

AYES—44.

Abdul Hamid, Khan Bahadur Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Highet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Sham-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—68.

Abdoola, Haroon, Seth Haji Sir.
Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Ahmed, Mr. K.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sardar.

The motion was negatived.

DEMAND NO. 6.—PROVINCIAL EXCISE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 4,97,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Provincial Excise'."

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

"That a sum not exceeding Rs. 4,97,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Provincial Excise'."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, the Honourable Sir James.
Highet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—66.

Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Ahmed, Mr. K.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Bhagavan Das, Dr.
 Bhagchand Soni, Rai Bahadur Seth.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachalam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Jedhe, Mr. K. M.
 Jehangir, Sir Cowasji.
 Jogendra Singh, Sirdar.

Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lalchand Navalrai, Mr.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mody, Sir H. P.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Pande, Mr. Badri Dutt.
 Raghbir Narayan Singh, Choudhri.
 Rajah, Raja Sir Vasudeva.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. Thirumala.
 Sakseena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Shahban, Mr. Ghulam Kadir Muhammad.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Siddique Ali Khan, Khan Sahib Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Singh, Mr. Gauri Shankar.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subedar, Mr. Mannu.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.

The motion was negatived.

DEMAND NO. 7.—STAMPS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 16,79,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Stamps'."

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

"That a sum not exceeding Rs. 16,79,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Stamps'."

(While the Division Bell was ringing.)

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I rise to a point of order.

Mr. President (The Honourable Sir Abdur Rahim): There can be no point of order regarding the question I am putting.

Mr. Lalchand Navalrai: I am raising a point of order regarding these divisions. I admit that every Member has got a right to ask for divisions but I would like to know when the Finance Member knows that these divisions are being conducted in the House in same manner adversely to his side and he knows the particular attitude of the House, will it be *bona fide* to ask for divisions?

Mr. President (The Honourable Sir Abdur Rahim): That is not a point of order at all.

The question is:

"That a sum not exceeding Rs. 16,79,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Stamps'."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Clow, Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 Dow, Mr. H.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Ghulam Muhammad, Mr.
 Gidney, Lieut.-Colonel Sir Henry.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Highet, Mr. J. C.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Mani, Mr. R. S.
 Menon, Mr. P. A.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Col. M. A.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sen, Rai Bahadur N. C.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sircar, The Honourable Sir Nripendra.
 Sivaraj, Rao Sahib N.
 Slade, Mr. M.
 Smith, Lieut.-Colonel H. C.
 Spence, Mr. G. H.
 Stewart, The Honourable Sir Thomas.
 Sundaram, Mr. V. S.
 Walker, Mr. G. D.

NOES—66.

Abdool Haroon, Seth Haji Sir.
 Abdul Ghani, Maulvi Muhammad.
 Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Ahmed, Mr. K.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Bajoria, Babu Baijnath.
 Banerjee, Dr. P. N.
 Bhagavan Das, Dr.
 Bhagchand Soni, Rai Bahadur Seth.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachalam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Jedhe, Mr. K. M.
 Jehangir, Sir Cowasji.

Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lalchand Navalrai, Mr.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mody, Sir H. P.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Pande, Mr. Badri Dutt.
 Raghbir Narayan Singh, Choudhri.
 Rajah, Raja Sir Vasudeva.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. Thirumala.
 Sakseena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Siddique Ali Khan, Khan Sahib Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Singh, Mr. Gauri Shankar.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subedar, Mr. Mannu.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.

The motion was negatived.

DEMAND NO. 8.—FOREST

The Honourable Sir James Grigg: Sir, I move:

1 P.M.

"That a sum not exceeding Rs. 6,02,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Forest'."

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

"That a sum not exceeding Rs. 6,02,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Forest'."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dew, Mr. H.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Gidney, Lieut.-Colonel Sir Henry.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Highet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—65.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Ahmed, Mr. K.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chandhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.

Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mody, Sir H. P.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Rajah, Raja Sir Vasudeva.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Ali Shah, Mr.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

The motion was negatived.

DEMAND NO. 9—IRRIGATION (INCLUDING WORKING EXPENSES), NAVIGATION, EMBANKMENT AND DRAINAGE WORKS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 2,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works'."

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

"That a sum not exceeding Rs. 2,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works'."

The motion was negatived.

DEMAND NO. 10—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES).

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 10,86,66,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

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

"That a sum not exceeding Rs. 10,86,66,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

The motion was negatived.

DEMAND NO. 11—INTEREST ON DEBT AND OTHER OBLIGATIONS AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 95,44,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Interest on Debt and other Obligations and Reduction or Avoidance of Debt'."

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

"That a sum not exceeding Rs. 95,44,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Interest on Debt and other Obligations and Reduction or Avoidance of Debt'."

The motion was negatived.

DEMAND NO. 12—EXECUTIVE COUNCIL.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 1,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Executive Council'."

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

"That a sum not exceeding Rs. 1,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Executive Council'."

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, after the exhibition we have witnessed this morning of a vocal Congress lobby divide and, I suppose, a certificated rule, and, after the Congress lion has roared, might I, as an Anglo-Indian lamb on this side, say a word? I take advantage of this Demand because Government have stated that we can refer to defence matters of which the Executive Council has some control, and I hope my remarks will call forth a reply from the Honourable Member in charge of the Defence Department.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

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

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

Lieut.-Colonel Sir Henry Gidney: Sir, when the House rose before lunch, I said that my remarks would be mainly confined to the Defence Department and, in particular, to the Medical Branch of that Department

Mr. M. S. Aney (Berar: Non-Muhammadan): Is there a quorum, Sir?

Mr. Deputy President (Mr. Akhil Chandra Datta): There is a quorum.

Lieut.-Colonel Sir Henry Gidney: If one looks at the blue books supplied to us

Mr. Deputy President (Mr. Akhil Chandra Datta): There is no quorum now.

(The bells were rung.)

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member can proceed now.

Lieut.-Colonel Sir Henry Gidney: Sir, if one looks at the Defence estimates he will find it comes to a total of Rs. 45 crores: out of this Rs. 1½ crores is devoted to the maintenance of the military Medical Department; and of this amount about Rs. 70 lakhs is devoted to the pay of officers, the balance for other purposes. I desire to deal briefly with two or three aspects of this expenditure.

First and foremost I desire to deal with an establishment called the Royal Army Medical Corps (other ranks). The total personnel of this establishment is 400, and their cost is Rs. 7 lakhs—I find there is an increase of about Rs. ½ lakh over last year's cost. This Royal Army Medical Corps (other ranks) consists of soldiers recruited from England and brought out to this country as trained hospital nurses. These soldier-nurses perform the duties which should ordinarily be performed, in all Hospitals, by nurses: yet, in addition, we have nurses in British Military Hospitals who are paid very high salaries indeed and who are exclusively recruited from England. I cannot conceive why British Military Hospitals in India require 400 male nurses when they have about 300 proper nurses, and why the Army Department is prepared, year after year, to expend the sum of Rs. 7 lakhs on this luxury of male nurses, if I may call it so, from a professional point of view. I have always looked upon this as a relic of the late Major General Sir Charles Burchell, at one time Director of Medical Services in India; but why it should be continued I cannot understand. I ask, is it necessary for the Army Department to incur this extraordinary expenditure on the training of these men in England, their passages here and passages back and the high salaries they receive, when there are hundreds of splendid young men in the European Schools of this country who would make excellent hospital orderlies if given a chance? I put it to the Army Member, if the Army is seriously disposed to economise, why indulge in this, professionally speaking, medical frill; and, if the Army feels it must have this frill, why do they not employ recruits from our European Schools in India at cheaper rates and more efficient men? If he gives me an opportunity, I will be able to supply the Army over a thousand of the finest young men from the European schools in India to fill those jobs and so reduce the Defence Estimates by a few lakhs.

I next come to the hospital nurses who form the Queen Alexandra Nursing Service and who come out to this country to treat British troops in the British Military Hospitals. I see from the details of the Defence Budget that there are 812 nurses and matrons—consisting of 269 nurses and 43 matrons—in other words every six nurses require one matron. These

[Lieut.-Colonel Sir Henry Gidney.]

nurses are recruited from a class of ladies who are trained nurses in England, and I am sure the Army Member will not contradict me when I say that the usual pay of these nurses in England ranges from about £70 to £100 a year. These nurses who come out here are paid their passage to India and back and besides this are entitled to allowances and privileges outside their salaries which brings their pay to nearly £300 a year. Rather a big jump from £70 to £300 a year, and the taxpayer in India is asked to pay over 300 nurses at this extravagant rate, when India has a plentiful supply of nurses ready to take up these appointments. During the great war, when the British Army wanted more nurses, India gladly supplied them and they did very well indeed. The last time I mentioned this matter, I was told that there was a shortage of nurses in India and it was also said that the right type of nurses could not be secured for these appointments. I call that all nonsense. To my mind, the chief reason why the Army wants to recruit these nurses from England is because they want a white nurse for a white soldier. I have heard of white nurses being brought out to India to give white milk to white babies, but why do you want a white nurse to give white milk to a white soldier? Why should the Indian taxpayer be called upon to pay for this luxury? It is a costly luxury. I have nothing to say against these nurses in their professional capacity but what does their work consist of? Nothing much except when serious cases are being nursed in hospitals. But the Royal Army Medical Corps (other ranks) do the ordinary nursing. I still without fear of contradiction think India can supply the right type of nurses if the opportunity is given to the women of this country. Let me here strike a personal note. I refer to the members of the domiciled European and Anglo-Indian community in India. There is no doubt that this community has been supplying the largest number of nurses in this country. The Simon Commission paid a glowing tribute to the services rendered to India by these nurses. But the Army Department prefer to observe what I would call a white policy and still insists on bringing these ladies out to this country at these extravagant rates of pay. I submit this is financial profligacy. If nurses are needed, India can supply the proper type of nurses; and if the Army Member will only allow me and the Association which I have the honour to represent, we would, within a short while, supply him with more than enough of the correct type of women from the correct type of families. It is said that the nurses who come out from England are all supposed to be ladies: surely the women of this country are also ladies. Lady nurses are not confined to England and the white complexion. Surely there can be no difference socially, except what the Army and these ladies want to manufacture. But, Sir, it is entirely a question of colour which stands in the way. I submit it is nothing else but colour prejudice; and who are the biggest offenders in this respect? The R. A. M. C. officers themselves who think they cannot do without white nurses to sit and talk with them and go about the wards and help them to work. The Indian Army Nursing Service, I believe, have rendered excellent service in nursing the Indian Army and are ladies in every sense of the term, and I challenge the Honourable Member to deny it. But may be, their defect is their complexion? If that is not so, why does not the Army Department, if they wish to economise, recruit more women from this country and use them in British Military Hospitals? After all, what is happening in civil hospitals in India today? Civil hospitals in India are rapidly recruiting more Indian nurses and rightly so. The result is

that what was once a monopoly of Anglo-Indian and Domiciled European nurses is going the same way as have the railways and other Government departments and we are being elbowed out of a profession we have built up. I put it to the Government of India to consider this aspect as far as my community is concerned—elbowed out of civil hospitals and not wanted in British Military Hospitals—a tragedy! These are two of the points which are necessary for Government's urgent consideration and I submit, if the Army Department are true and honest economists, they will no longer waste the Indian taxpayers' money on such an extravagant Army Nursing Service when more suitable and efficient nurses are procurable in sufficient numbers in India from the Anglo-Indian and Domiciled European Community.

Now, Sir, I come to another point, and that is the superfluity of dental surgeons attached to the Army in India. There are about 25 dental surgeons attached to whom are 40 R. A. M. C. (other ranks). In days gone by when soldiers suffered from bad teeth, there were no Dental Corps Surgeons. During the war, Assistant Surgeons who had specialised in dentistry performed this work very efficiently, so why this extravagance? Therefore, I ask why have a Corps of Dental Surgeons and swell the Army Budget when there are so many efficient Civil Dental Surgeons all over India?

Then, Sir, another point is the policy of the Army Department in the North-West Frontier. There seems to be an obsession in the Army Department that we should retain on the frontier the army that we have today, i.e., one-third of the total British forces. We know that the frontier policy today demands a different orientation. We know that the old Russian menace—the one-time bogey of India—does not exist today and, therefore, there is no need for such a huge collection of troops as we have today on the North-West Frontier. In my opinion we should concentrate and focus our attention on a more vulnerable frontier of India, i.e., the naval defence of this country. We are told that we must have a certain number of troops on the frontier. I am not going to put myself against the views of an expert like H. E. The Commander-in-Chief. But this obsession of the North-West Frontier recalls to my mind a crisis of many years ago. What is the difference between Russia's policy in the Pamir Steppes on the North-West Frontier and a 'cock hunting' for black beetles? The answer is: One is (Hy)droaching while the other is cockroaching!

The naval defence of this country calls for serious thought and attention on the part of the Defence Department. After all, what is really the strength of the naval defence of this country? We have been given a gift which we accepted with great gratitude from the British Government—a gift of a hundred thousand pounds which was our annual tribute to the British Government towards India's naval defence. But, in return, the Indian Government is asked to maintain a fleet of six modern escort vessels to help the Royal Navy. But what is the use of these vessels even if they be of the type of the Indus and the Hindustan? What use are they for the defence of our main ports in India? Absolutely none. What use are they to prevent enemies from attacking the naval coast line of India? None. What use are they to prevent our ports from being harassed by enemy ships? Absolutely none. We urgently need vessels for anti-submarine work and mine sweeping which in turn necessitate a great

[Lieut.-Colonel Sir Henry Gidney.]

reserve establishment. And, yet, we are asked to build up a navy! We need light torpedo crafts of the motor boat variety. Why, Sir? The personnel of the Royal Indian Navy is not enough to man these auxiliary ships. We want more than six escort vessels. We have not got a proper naval reserve nor have we got enough men. Truly, this is a scandalous state. Surely the Government of India and the Army Department realise that the naval defence of this country does need more attention than is given to it today. Sir, I desire to bring this serious state to the notice of the Defence Secretary, because, I do consider that the naval defence of India, if we are ever to be given the right to defend our own coast line, should be put on a sounder footing than is the case today. I would, therefore, ask the Honourable the Defence Secretary to give this matter his serious consideration. Russia is too threatened on both her flanks to be a serious menace to India—so let us look elsewhere for potential enemies, and the more we look the more obvious is our naval defence.

The next point to which I should like to refer is that part of the speech of the Honourable the Finance Member which appears on page 4 of his Budget speech,—“Payments by Indian States”. This is a matter with which I think this House should become more closely familiar. The payment from Indian States consists of subsidies which are paid to the Government of India, some large amounts, some small amounts. Let me centre my remarks mainly on the tribute paid by the Mysore Durbar to the Government of India. The Mysore Durbar since the year 1801 has been paying the Government of India an annual tribute of about 25 lakhs. The total amount paid to the Government of India by the Mysore Durbar, up to date, comes to nearly 40 crores, and, yet, that tribute is being continued and the Finance Member of the Government of India does not seem to have any desire to reduce it though repeatedly asked to do so. Sir, India is on the eve of grave constitutional changes. We know that if the Federation does become a *fait accompli*, the Princes of India will play an important part. But how can the Government of India expect the Princes of India with equanimity to accept Federation on equal terms with themselves and the Provinces when they are forced to pay these tributes? How can they with justice and equity extract a tribute as they do today from the Mysore State and still ask it to join the Federation? May be the Mysore State is prepared to federate. But I know if I were the Mysore State I should not like to federate unless I had a remission of this iniquitous tribute—this loot of over a century old! Mysore is a very progressive State and it needs all her money. Why extract this tribute? Similarly, Sir, there are many other States in this position. For instance, the Travancore State is called upon to pay about ten lakhs for the upkeep of two British regiments which left the Travancore State over sixty years ago! I consider this absolutely unjustifiable—a relic of John Company days—for the Government of India to expect Indian States to join the Federation and at the same time to fetter them financially in this way. Mysore will soon have a part of the Civil and Military station of Bangalore retroceded to it. For this it must have more money and yet the Finance Member is ready to “pilfer” twenty odd lakhs from the Mysore Durbar for services rendered a century ago! I consider this policy is wholly wrong and, if, Federation is to become a *fait accompli*, the payment of tributes by Indian States must be redressed and at once. The Finance Member is

prepared to acknowledge the justice of the recommendations of the Indian States Enquiry Committee of 1932, yet is unable to implement it. Truly a Lee loot repeated and perpetrated on the loyal Princes of India.

There are one or two other points I should like to discuss; one of them refers to the Air Defence policy of India. It is evident that India is not adequately air-minded, or I might say that the Defence Department is inadequately air-minded and the Government of India seems to be air-blinded regarding civil aviation in India. I believe the strength of the Royal Air Force, today, in India, is just under 100 machines. Now, supposing there is an international war, I am sure, in such an eventuality the Defence Department will not deny that our aeroplanes will be called back to Europe to protect the interests of Britain. In that event what will be the position of India's air defence? During the past Great War India was almost entirely depleted of her British forces and I am sure the same state will exist regarding her air force tomorrow. Sir, the reserve the Army Department has made in respect of the air force in India is entirely inadequate.

Let me now deal with the attitude of the Government of India regarding civil aviation. We have today a solitary institution called the Aeronautical Training Centre of India which is fighting against tremendous odds, without Government help, in order to keep its head above water and so be a national asset. Here is an opportunity to the Army Department or the Government of India to mould it or to take it over as it stands or improve it and help it continue to play its part in this national movement. Can't the Government of India do it? Surely the time has come when it cannot treat this important question so lightly. We were asked the other day by the Communications Member why private firms did not start locomotive manufacture in India, and it was suggested that there should be more private enterprise in this direction. Well, here is a private firm consisting of shareholders and a Board of Directors, well-known public men keen on this pioneer work, who have started the Aeronautical Training Centre in India, and I ask what has the Government of India done to help it? It is crying out for help, and, as far as I know, the Government of India have done nothing. Does it wish to see the Centre wrecked before it comes to its help? The point is, if we are going to be air-minded, if we are going to start an air training centre in this country—and we must do it sooner or later—here is a beginning. If this centre is not acceptable to Government, for reasons best known to itself, what proposals have the Army Department or the Government of India got to make to create a civil air force in this country as an air reserve for the Army? A number of our Indian lads are being trained in this Centre. I ask, what have they got? Nothing at all. And, yet, we have the Government of India, as far as I know, complacently looking on at this tragedy. We are always told that India cannot afford to pay for her Air force. The old cry, uneconomical—unpractical. But surely a beginning must be made at some time and somewhere? It is time that the Army Department, indeed, the Government of India gave both moral and practical support to any private venture that has for its object the improvement of air-mindedness in India and the supply of a civil air force and the training of aircraft in this country. This institution, the Aeronautical Training Centre of India, Sir, stands today almost on the brink of financial ruin. It cries out for financial assistance and help from the Government, and I implore the Government of India to give the assistance it needs as badly as the institution is out to supply India with a civil air force which can have

[Lieut.-Colonel Sir Henry (Gidney).]

reserve to the Army Air Force in times of emergency and I would ask the Government of India to open out their purse strings and help this infant institution. I would ask the Government of India in all seriousness, to give this matter the serious thought that the subject deserves and before it is too late. With these remarks, Sir, I close.

Mr. C. M. G. Ogilvie (Defence Secretary): Sir, I have listened with the greatest interest to the speech of my Honourable friend, Sir Henry (Gidney), and I wish that I could give him something better than what I fear will be a *jejune* and meagre reply. He has ranged over a wide list of subjects extending from nurses to the navy; he has also included the air and the general defence policy. With regard to what he had to say about the subject of the Royal Army Medical Corps and the number of nurses that they employ I can only say that the Royal Army Medical Corps other ranks form a part of the Royal Army Medical Corps, that the Royal Army Medical Corps is an integral portion of the army in India, and that while there are British troops stationed in India we must have the Royal Army Medical Corps to look after them medically. On the subject of nurses Sir Henry said that India was full of nurses. There I respectfully beg to join issue with him. I understand that for the right type of nurse, ladies who have the necessary training and education are still very hard to get

Lieut.-Colonel Sir Henry (Gidney): Question.

Mr. C. M. G. Ogilvie: That Indian ladies have not yet taken up the profession to any extent and the ladies of the domiciled community are too few even to go round the civil hospitals.

Lieut.-Colonel Sir Henry (Gidney): Question.

Mr. C. M. G. Ogilvie: That the community which Sir Henry so worthily and so valiantly represents has been a pioneer in this matter I, for one, would not for a moment deny. But, for the present, I cannot see that there is any hope of going back on the arrangements which at present exist. A minor matter which he mentioned was the large proportion of matrons to nurses. Off-hand I can only suggest that the reason for that is that many of the military hospitals are small and contain perhaps only five or six nurses, but all must have a matron in charge. It is necessary, I think, to remember that for nursing soldiers a type of nurse is required who can maintain hospital discipline or assist the medical officers in its maintenance. That, I submit, is one of the reasons why it would be difficult at present to change the present system. Sir Henry also complained of the superfluity of dental surgeons and said that in days gone by the soldiers suffered from bad teeth. The answer is that they presumably suffered then and now they do not suffer.

I now turn to the larger subject of naval defence. Sir Henry has asked of what use are the six escort vessels which we are now bound to keep. The Indian navy at present does consist of six escort vessels but only two are modern and the four obsolete ones will have to be replaced in due course. The duties of an escort vessel may be summarised as escorting convoys of merchant ships or transports protecting

them against attacks by submarines or light surface craft, and also keeping the approaches to ports clear of mines and submarines.

Mr. F. E. James (Madras: European): What type will they be?

Mr. C. M. G. Ogilvie: The type has not actually been decided, but very careful investigation is being made into the type which will give us the greatest possible value both as regards the functions which I have briefly outlined and also with regard to the possibility of an attack from the air. They are expensive things, and even escort vessels which are small ships cost from 45 to 60 lakhs each. We certainly would like to have bigger and larger ships but the cost of a modern navy, sufficient to protect India's shores, would be definitely entirely outside practical politics. The cost of a modern battleship is about £7½ millions, the cost of its upkeep, its annual maintenance, £320,000 to 350,000 a year. The cost of a modern cruiser, a heavy cruiser, is £2 millions or more, and of a light cruiser £1½ to 1¼ millions. The cost of maintenance of a heavy cruiser would be over a quarter of a million pounds a year, and of a light cruiser, perhaps £130,000 to 150,000. In addition to the actual fighting ships, we have also to take into consideration the vast and enormously costly shore establishments,—docks, repair shops and the like. The cost of His Majesty's Navy for the current year—and that was the cost of a going concern, and not starting a new one—was over 90 million pounds. It is obviously impossible that India can, at present, hope to compete in that direction. It is, I think, true to say that no agricultural country can possibly hope to compete with the colossal burden entailed by modern defence armaments but fortunately, as I have said before, India, in time of need, has a call on the British Navy and the British Air Force.

As regards air, much of what I have said, again also applies. We must have an army; we cannot do without an army to maintain internal tranquillity and to resist attacks on the borders. We maintain troops on and near the frontier to keep India and the settled districts free from the attacks which would otherwise most certainly fall on them. The Honourable Member may know that in recent operations in Waziristan some thing like 40,000 combatant troops were necessary. I do not think any one here can say easily that our army is too large for this purpose. It has been reduced, since 1922, by approximately 50,000 men and it is now far smaller, infinitely smaller than the army of any first class power and smaller than that of a very large number of second class powers, and it has to protect a country of 350 million people. If we could divert a portion of what we spend on the army to the navy or the air force, the amount would be too trifling to be of any account. The only suggestion that I have ever heard was that we should substitute Indian troops for British troops and thereby achieve a saving of approximately seven crores of rupees a year. That, in view of the sums which the provision of first class naval and air defence would necessitate, reminds me of an old Punjab story. A mouse found a piece of turmeric and it said to itself, "I will now open a grocer's shop". It is not really much more than that. The air force which we now maintain is sufficient for our needs in India and on the frontier. There is of course always definite scope for improvements in various directions but we cannot say that we are definitely under-equipped for our own particular purposes, provided, as I say, that no serious danger menaces us from outside.

[Mr. C. M. G. Ogilvie.]

Again, we are up against cost in this matter. The cost of a fighter aeroplane is a lakh and a half, that of a medium bomber 2½ lakhs and a heavy bomber three lakhs, and in order to keep a squadron in the air in active service conditions two or even three fully equipped planes are required, in addition to those actually in use. The cost, therefore, of the maintenance of a modern squadron of highly specialised air-craft is very high indeed. We spend, at present, something in the vicinity of two crores or a little more. England, I believe, last year spent £100 millions. Here too, as in regard to naval defence, money must be our master, but we are in an extremely favourable position, for though we have not paid for it, we share the advantages arising from the re-armament of England and I cannot see that any one should be sorry that India has thereby been saved from astronomical defence budgets.

Major Nawab Sir Ahmad Nawaz Khan (Nominated Non-Official): I rise to oppose the several points and criticisms of Sir Henry Gidney. The first objection I want to raise is about the nurses. The Defence Secretary has explained fully but I have to put another point of view before the House. Candidates from good Indian families are not coming up for taking the profession of Indian nurses. Now, it is only the Anglo-Indians who are learning the work of the nurses. I admire Sir Henry Gidney for advocating the cause of the community to which he belongs, but the danger is this that if Indian nurses are put in the service of British soldiers, and if any soldier makes a joke even innocently, there would be surely lots of adjournment motions in the Assembly and a great agitation in the Indian Press. There will be political troubles and communal troubles also, and I always request the Government to be more careful about this political agitation than with the question of finance of ordinary nature. If you mix milk with milk (white soldier and white nurse), you will have white colour but if you mix milk and blue black ink (white soldier and Indian nurse), the colour will change very much. It will be far cheaper when compared with political and communal troubles to have white nurses for the white soldiers if we want to have peace in the country. If the white soldier makes any jokes with the white nurses, there will be no agitation at all. I think we should wait till Indian ladies are properly trained, just as lawyers are. There was a time when English barristers were found in all the big cities but now their places have been taken by able Indian lawyers. So, it will be like this in the case of nurses after a short time.

Then, about the question of dental surgeons. Sir Henry says that the Indians are in great number and they can be employed in the military as dental surgeons. I do not think that the number of good dental surgeons is so great that they can be employed in the army and yet sufficient number is left in the cities for the good of the people of the country.

About the question of army and the navy, I want to say that India has always been attacked by the army and not by the navy. The condition of India is such that it is always in need of a strong army and a strong air force. The army and the air force must be strong, efficient and up to date in every respect. No naval power, however, strong, can attack India with success. For instance, if Bombay is attacked from the sea, the forces must land in Bombay later on. They cannot remain on

sea all the times, and if we have a strong army and a strong air force we can annihilate them. What happened to Turkey, everyone knows. Turkey had no naval power. When she was attacked, by sea, she was defeated but when the conquering army landed, the Turkish army marched against the enemy and reconquered the whole country. After all, the enemies have got to land and if we have a strong army and a strong air force, we can annihilate them in no time.

Well, now about the question of Mysore State. Sir Henry raised the question of the tribute. If he will look into the history of that country, he will find clearly that it was a mere gift from the British Government to the ancestor of the Maharaja of Mysore. The British Government conquered that country, and it was and is the legal right of the British Government to keep it as part of British India, but the Government granted it to that family and if my Honourable friend thinks it is unfair, then there are hundreds of people who are prepared to pay three times greater tribute in perpetuity and to take half of that gift. The gift with the tribute is a great advantage to the Mysore State and in no way it is a disadvantage to the State. I do not say that the Government should not show any more generosity to that State or to any other State like that, but in the case of Mysore the tribute is not a burden upon that State, because when the Government gave as a gift to the Maharajah of Mysore the territories which are in value thousand times greater than that of the tribute, then the State should feel quite satisfied. So, I support the demand and oppose the criticism that my friend, Sir Henry Gidney, has expressed from his seat.

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

"That a sum not exceeding Rs. 1,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Executive Council'."

The motion was negatived.

DEMAND No. 13.—COUNCIL OF STATE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,34,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Council of State'."

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

"That a sum not exceeding Rs. 1,34,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Council of State'."

The motion was negatived.

DEMAND No. 14.—LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 8,52,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Legislative Assembly and Legislative Assembly Department'."

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

"That a sum not exceeding Rs. 8,52,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Legislative Assembly and Legislative Assembly Department'."

The motion was negatived.

DEMAND NO. 15.—HOME DEPARTMENT.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 9,43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Home Department'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a sum not exceeding Rs. 9,43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Home Department'."

Mr. F. E. James: Sir I desire to take this opportunity of raising a matter which I have more than once desired to raise but for which I have had no opportunity. Owing to events over which we had no control, this year the opportunity is vouchsafed to us and we propose to take it. On this Demand for Grant I wish to make a few observations, in particular upon the Bureau of Public Information. I would, first of all, like to say that we welcome the small increase, although it is very small, that the new estimates include, relating to the subordinate staff of that department. What I wish to say on this occasion can be divided into two parts, because I have felt for some years the tremendous importance of the whole question of publicity not only in the Central Government but also in Provincial Governments. I desire to bring two aspects of that matter more especially to the attention of the department concerned. I believe that the question of publicity is of paramount importance to the Central Government during the transitional period where you have at the Centre still a bureaucratic form of government while in the provinces you have popular and responsible Governments which have their own methods of publicity and which, naturally, attract a very large measure of attention in the daily press. There are two aspects in regard to the publicity which I should like to touch upon. The first is the general question of propaganda. It is, I am given to understand, a truism in circles which are expert in matters of publicity that in the long run the best propaganda of all are the facts. I am not urging for one moment that in their policy in regard to this Bureau the Government of India should exercise either directly or indirectly any pressure in order to make that Bureau merely an instrument for its policy. That Bureau should be an efficient agent of publicity in regard to the facts. I am quite aware that there are different ways of putting forward the facts. There is the ordinary and dull way; and there is the way that is used by journalists to attract public attention. The method makes no difference to the actual facts themselves. I remember some years ago a journalist friend of mine in London telling me of a complaint which was made by the Foreign Office to a well-known journal at home for having as one of its sub-headings one day a curious caption: "Anthony Eden eats eels". They discovered that Mr. Anthony Eden was lunching in the south of France and had been caught in the actual act of

eating eels for lunch. A mere statement of the fact that Anthony Eden was having his lunch at a particular restaurant would not have attracted the attention at all; but the heading of the paragraph: "Anthony Eden eats eels" obviously is something that attracts attention. I can well imagine the Publicity Department here doing that in regard to some of the existing Members of the Cabinet: Craik consumes curry: Sircar snaffles Sandesh: all sorts of attractive captions one might think of in order to draw attention to the activities of Members of the Council. But, if I may touch on a serious note, what I have in mind is this. There has recently been published a very important despatch by His Excellency the Commander-in-Chief in regard to the operations in Waziristan. Now, very few people will read that despatch. It is, of course, written as a despatch should be written; but, in order that the facts relating to that campaign should be more widely known, it requires that touch of journalistic imagination for the presentation of those facts that we cannot expect His Excellency to use. That should be used by the officers in the Bureau of Public Information.

Again, I have, from time to time, spoken in Committee and in this House on the publicity relating to the railways in this country. The railways are alleged to be one of India's greatest assets and yet from the general point of view of the railways what publicity is done on their behalf? It is true, we have the annual report of the Railway Board which begins on the first page with the statement, as I found the other day while turning up previous copies, that India is mainly an agricultural country. But that kind of thing is not of much interest to the public. The really important fact about the railways is that they are one of the most valuable and romantic assets of the Government. So, I hope that in regard to the Bureau of Public Information the policy of the Home Department will not be to attempt to direct the method of presentation that goes out from that office, but that once they are satisfied that they have men in that office whom they can trust and who have the abilities and capacities which are required for that work, and they should leave them full and free scope to put out the information, which they are required to send, in as attractive a form as they possibly can. It will work all right. I am not suggesting for one moment, nor has it ever been suggested to me, that there has been any attempt on the part of the departments concerned to dictate measures or the way in which information should be published; but I merely wish to emphasise this point as being of paramount importance. In passing, may I say that the new publication issued by this Bureau called the "Indian information series" is a very great step in the direction which I have indicated and I believe is of great value to the press of the country.

Then, Sir, the other part of my observations relating to this Department has to do with the relations of the Central Government with the press generally. I believe the cultivation of close and cordial relations is already acknowledged and accepted as the policy of the Central Government. Whatever may have been the policy in the past, I think they should certainly subscribe to the slogan which was once used by the Director of Propaganda in England during the war that the relationship between the Government and the press should be described in three words: contact, courtesy and confidence. I am perfectly sure that the increasing contact between the press and the authorities at the Centre will be of inestimable

[Mr. F. E. James.]

value. In this connection I hope I may be permitted to suggest that better accommodation might be provided for the reception of representatives of the press in the Bureau of Information and at headquarters. As far as courtesy is concerned, it is well known that an almost unlimited courtesy, as far as the press is concerned, has shown to have the best results. I may be permitted to quote one of the most recent and distinguished examples of these. In connection with the campaign to raise funds to combat tuberculosis in this country, Her Excellency Lady Linlithgow attended a conference of the press representatives. I believe, and I have heard from many of my friends, that that conference was very greatly appreciated. But not only was it appreciated by those who were present, it is obvious that it was also appreciated, if one reads the accounts of the preparations for that campaign, by the press of all shades in different parts of the country. This is an outstanding example of the way in which the collaboration of the press can be obtained even by the highest in the land. I am perfectly sure that the results of that particular conference will indicate to all concerned the value of contact and courtesy and indeed of confidence in dealing with the press which has such a tremendous influence in this country. I may observe here that the President of the Congress always makes it his business, almost immediately after his election to that responsible office, to meet the representatives of the press in open conference. What the Congress has learned, as far as their relation with the press is concerned, I am quite sure that even this Government might benefit by.

Now, Sir, the main points which I should like to reiterate in referring to this matter at this stage are as follows: First of all to express the hope that what I believe to be the present policy—of leaving the Bureau of Information alone as far as the presentation of its material is concerned,—should be continued. Secondly, to express the hope that even the Finance Department will not look upon this valuable Bureau in any niggardly spirit. I understand that the Bureau is cramped for space and I also understand that the provision which is made for the reception of the representatives of the press is quite inadequate. I also understand that there has been a proposal before the Government for expansion of the services of the press. All these at present are not possible on account of the lack of funds. That, one can perfectly understand. But I am anxious to hear from the Honourable the Home Member, who is responsible for this Department, that the Government have not turned down finally these desirable proposals for the extension of the services of this Department as a whole; and I hope that if in the near future funds become available, the proposals which at present seem to be impracticable on that account will once more be revived, and that such of them as are feasible financially will be put into execution as soon as possible.

The Honourable Sir Henry Craik (Home Member): Sir, I am grateful to my Honourable friend for giving me a chance of saying a few words about the Bureau of Information and the relations of Government to it. There is nothing in my Honourable friend's remarks to which I can take exception. Indeed, I may say at once that I agree with practically every word he has said. To take his points one by one, he emphasized the

desirability of Government leaving the Bureau a free hand, as I understand it, as to the choice of methods, and in that I entirely agree. We are now fortunate in having as the head of the Bureau a gentleman who himself has had many years experience as a journalist and who, I think, is singularly well qualified to know the best method of dealing with journalists and the best methods of presenting the facts in a way that journalists will appreciate. My Honourable friend said that the best propaganda was facts and I would express my concurrence with this view and I would make his definition more precise by saying that the best propaganda is "the objective presentation of facts". That is the aim of the Bureau and I think that in this Information Series which my Honourable friend referred to, he will find that the facts are presented in a perfectly objective way and in a way that avoids anything tendentious or propagandist in character. But the facts are presented, I claim, in an attractive form and with headlines ready made, so to speak. The best proof of the fact that this publication is appreciated is that it has now a circulation of 2,000 not only in India—practically every newspaper of any importance in India receives it—and likes it—but also in a great many countries outside India. It is in fact an attempt, I venture to think a pretty successful attempt, to record in journalistic form and without any tendentious tinge the doings of Government in the period under review. As regards railways, that is not strictly speaking my concern, but I would call my Honourable friend's attention to an attractive publication known as the *Railway Magazine* published every month, which seems to me an extremely useful and popular publication possibly in a more ambitious and expensive style. As regards the methods of approach to the press which Mr. James summed up as contact, courtesy and confidence these qualities have always characterised, so far as I am aware, the relations between the Bureau and the Correspondents who reside at Delhi and those who come to Delhi occasionally. I believe, their relations with the Bureau are of the best possible kind.

One small point my Honourable friend referred to was the accommodation in the Press room and I agree with him that this leaves a good deal to be desired. I will make it my business to see that, so far as funds permit, a better standard of comfort is provided. He has referred briefly to a scheme for the reorganisation and expansion of the Bureau, and that scheme, it is well-known, has been the subject of questions and answers across the floor of the House. It is also well known that Mr. Joyce, who came out here to advise us on the future of the Bureau, had submitted a scheme. All I can say about that at the moment is that the scheme is still under the consideration of Government but I hope it will eventually result in considerable improvement of the Bureau in regard to efficiency and in regard possibly to some extent to its capacity. I do not think I can say more than that.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is—That a sum not exceeding Rs. 9,45,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of Home Department.

The motion was negatived.

DEMAND NO. 16.—LEGISLATIVE DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 4 03,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Legislative Department'."

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

"That a sum not exceeding Rs. 4 03,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Legislative Department'."

The motion was negatived.

DEMAND NO. 17.—DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 6 43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Department of Education, Health and Lands'."

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

"That a sum not exceeding Rs. 6 43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Department of Education, Health and Lands'."

The motion was negatived.

DEMAND NO. 18.—FINANCE DEPARTMENT.

The Honourable Sir James Grigg: Sir, I beg to move:

"That a sum not exceeding Rs. 5 65,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Finance Department'."

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That a sum not exceeding Rs. 5 65,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Finance Department'."

Mr. F. E. James: Sir, I rise to make a few observations on the long standing complaint which has been voiced from time to time by these Benches, namely, the continuance of the surcharges on revenue duties, and in fact the continuance of the high incidence of the revenue duty. I would like the Honourable the Finance Member, if he will, to be in reminiscent mood while I remind him of some of his previous observations in his budget speeches or during budget debates. On the very first occasion on which he addressed this House in presenting his first Budget, he used these words:

"I am disappointed not to be able to take the first steps in the revision of the revenue tariff in a downward direction. That tariff is too high; certainly it is far too complicated, and on both counts it is a restraint on trade and recovery."

THE GENERAL BUDGET—LIST OF DEMANDS.

In 1937-38 he made these remarks in the course of his Budget speech:

"Again, the height of the protective and possibly of the revenue duties as well is bringing about the inevitable diminishing returns, and these are operating more rapidly than we had believed possible."

Sir, I make no apology for returning to the charge this year, and I would remind the House of some very striking figures in this connection which were presented by Mr. Chapman-Mortimer during the discussion on this subject last year. The Customs revenue in 1921-22 yielded 16 per cent. of the revenues of the Central Government or 34 crores; the general level of duty then was 11 per cent. In 1922-23 it was 41 and odd crores and the general level was 15 per cent. Today approximately we are getting 45 crores in revenue from the Customs duty on an average basic level of 25 per cent. In other words, whereas in 1922-23 the revenue was 40 odd crores while the basic level was about 15 per cent., today it is only 4 crores more and the basic level is very much higher. We have repeatedly received from our constituents representations as to the harm to trade in this country which the continuance of these high revenue duties is causing. We appreciate the financial necessities of the situation, and one has only to look back over the past four years and look into the Budget statements of those years to realise that the Honourable the Finance Member has successfully achieved some of the objects which he set out to achieve when he first presented his Budget. But there still remains this surcharge on revenue duties, and I can well imagine the Honourable Member's disappointment in this his fourth Budget when he is still not able to take steps for a general revision of the revenue tariffs in a downward direction. Our general policy on these Benches in this matter may perhaps be described as follows: that in imposing revenue duties, they should be imposed so as to produce the maximum revenue consistent with the legitimate interests of the consumer, but so as not to attract the law of diminishing returns or to foster the growth of uneconomic industries or impede the development of India's export trade.

There is no doubt that the continuation of these high duties is having a very serious effect on the retail trade within this country. I believe that the Central Government has recently received more than one representation on this point, and as far as some of these representations are concerned, I can speak from personal knowledge of the condition in which these retail traders have been placed. Let me read to the House an extract from one of these representations which call attention to the high import duty on certain commodities. These commodities are watches, clocks, silverware, gold, platinum, imitation jewellery, optical goods and surgical instruments. While some perhaps of these might be luxury articles, others are articles of common necessity. What are the duties on these particular goods taken as a group? In 1915, they were increased from 5 to 7½ per cent.; in 1921, from 7½ to 20 per cent; in 1922, from 20 to 30 per cent; in 1931, from 30 to 40 per cent; and in 1932, from 40 to 50 per cent. The original 5 per cent. import duty was apparently introduced for paying off expenses incurred after the Boer War and was to be removed after its purpose had been served. In later years we have had similar experience of how an emergency surcharge has been utilised to get this country through an emergency, but has in fact been retained as a normal part of the revenue tariff.

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

The representation goes on to say:

"Many of the older established retail firms have been compelled to close down. They have gone out of business altogether while others have lost practically everything they once possessed."

A further sentence reads as follows:

"The urgent needs of Government in 1931 to 1933 can no doubt be held to justify the exceptionally high level of the duties then introduced, but we strongly feel that in their anxiety to produce enough revenue to tide over the crisis of these two financial years the Government of India overlooked the sound economic maxim that where revenue is the chief consideration it is, in general, necessary to avoid high *ad valorem* rates of duty, wherever, prior to taxation, a dutiable commodity showed a high degree of elasticity of demand or supply."

A further representation that we received after the debate last year on this very question drew attention to another important factor in the incidence of these revenue duties upon the retail trader and upon the community which buys a large number of imported goods. The cost of manufactured goods has risen to a very large extent in recent months. On the whole, the wage level in the country has remained stationary. I am speaking now of the classes which buy large quantities of imported materials. Therefore, unless there is some relief in either one direction or the other, not only the retail trader but also the consuming public greatly suffers. The added costs of manufactured goods plus the tariff on such goods has in fact operated to the very great detriment of the firms which are engaged in importing this class of articles. One knows from personal experience how much members of our own community and also members of the Indian middle class communities which buy fairly largely imported articles have been forced either to postpone buying such articles or to stop buying them altogether, and as a result traders, both Indian and European, have very greatly suffered. Is it not possible, even at this fairly late stage in the Honourable the Finance Member's career in India, to give us some hope that there may be an early consideration of a revision in the downward direction of the import duties? There does appear to be a possibility of a movement in the direction of lower tariffs in different parts of the world. Cannot the Honourable Member hold out any hope that as far as this country is concerned, India will join in that movement? Is he sure that a reduction of the level of revenue duties in many instances,—while the present level has not yet operated, from a purely statistical point of view, to attract the law of diminishing returns—is he entirely satisfied that a reduction in some of these articles would not in fact once more release the flow of trade between this and other countries? There is no doubt that when the surcharges were imposed, however necessary that imposition was at that time, they dealt a very heavy blow to the retail business houses in this country, and many today are actually succumbing under the continued weight of these high duties. I do appeal to the Honourable Member at any rate for a word of comfort, not necessarily a word of promise, but some indication that he will endeavour, before he lays down his office, to fulfil the strong hopes which he entertained when he first came to this country.

The Honourable Sir James Grigg: Sir, the Honourable Member who has just spoken referred to my having expressed early in my period of office

in India disappointment over various things or one particular thing that it had not been possible to do. Since then I have learnt that disappointment is the lot of a Finance Member. I am disappointed over a great many things, and if I may be allowed to be flippant for a moment or two, I am disappointed at not yet having seen Sir Cowasji Jehangir wearing a khaddar cap, but I live in hopes. I am disappointed at Sir Muhammad Yamin Khan's method of expressing his, shall I say, disappointment. I am disappointed, as the Honourable Member who has just spoken has said, about my inability up to now to have revised the revenue tariff. I am disappointed in the attitude of the Congress Party over the Stamps Unification Bill. I have not the slightest doubt that I shall find great disappointment in the attitude of the Congress Party over the Income-tax Amendment Bill. In fact, the life of a Finance Member in general, and mine in particular in this country, is one long disappointment.

Sir, in this particular matter my disappointment is rather deeper than in some of the other cases, because it is a matter on which I had entertained some expectations, but the reasons why those expectations have been nullified I will try and briefly set out. The first is illustrated, if I may say so, by the propinquity of Mr. James to Mr. Scott, and I noticed that Mr. Scott looked pretty miserable during Mr. James' speech, but the propinquity of those two Honourable Members who are of the same Group is an illustration of the general attitude of people to this matter of revenue duties or duties generally. Everybody believes in high tariffs on what they sell and low ones on what they buy. That is all right for the individual, because he can decide whether he is predominantly a buyer or a seller in each particular case but Government have a certain trusteeship for everybody and what is quite clear is that the trustee for all the buyers and all the sellers cannot simultaneously please them all. But, Sir, there are two other reasons why it has not been possible to deal with this re-organization or revision of the revenue tariff which, as I said three years ago, was a very desirable matter. The first is the prolonged uncertainty about what if anything, is to replace the present Ottawa Agreement. That has resulted, as the House knows, in a considerable state of uncertainty for some years, and the uncertainty has not yet been resolved. Clearly, if the decision is to renew something like the Ottawa Agreement, the revision of the revenue tariff will take one form; clearly, if it is ultimately decided to abolish that Agreement, the revision will have to take another; and in either case, it is pretty clear that some revision of the revenue tariff will have to take place. But the uncertainty as to the particular direction of revision has inevitably involved some delay. The third reason is that the time when our revenue was overflowing or was likely to overflow has never come, and even now, though I quite recognise that taking a long view the revenue tariff may be getting towards the stage when it will produce diminishing returns,—at the moment it seems to be inevitable that the first result of a revision downwards of our revenue duties will be in the first year at any rate a loss of revenue which up till now we have never been able to afford, and that is the unfortunate dilemma we are still in. So if we do what we ought to do taking a long view, we shall create for ourselves considerable embarrassment on a short view, and that dilemma is likely to remain with us particularly in view of the economic recession which has started in America and has spread eastward as I mentioned in my Budget speech. In the circumstances, though the Honourable Member who raised this discussion realised that there was no

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question of any promise, I may tell him that I do not think there is much hope in the immediate future, or, at any rate, it would be wrong in me to hold out expectations of any early revision, of the tariff in the direction he wishes. And the only consolation I can give him is that, whatever his disappointments, mine are a great deal deeper, because I do think that a scientific revision at any rate of the revenue tariff of this country is a very desirable thing, and that it is a great pity that it has not been possible to undertake it even earlier than this.

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

"That a sum not exceeding Rs. 565,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Finance Department'."

The motion was negatived.

DEMAND No. 19—COMMERCE DEPARTMENT.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 450,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Commerce Department'."

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

"That a sum not exceeding Rs. 450,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Commerce Department'."

Mr. J. Ramsay Scott (United Provinces: European): The Honourable Sir Zafrullah Khan, when Commerce Member, gave us the undertaking that there would be no more delays in the releasing of Tariff Board Reports. The Sugar Report, although presented to Government in October or November, has not yet seen the light of day, and I would like to ask if the Commerce Secretary can let us know when it will be released. The delay has been very inconvenient to the Sugar Industry, for two provinces have just legislated on sugar matters without having the latest information on the costs of growing sugar-cane or on the cost of manufacturing sugar.

We would like to suggest that, if Government consider a lengthy examination of the report necessary, others too would like time to read the report before legislation is brought in. I hope the Commerce Secretary will be able to give me some information.

Mr. H. Dow (Commerce Secretary): I am not quite sure of the precise terms of the undertaking of Sir Muhammad Zafrullah which has been referred to by my Honourable friend, Mr. Ramsay Scott, but as regards this particular report, the report was received by Government, not in October or November, but late in December—I think the actual date was 17th December,—and even then only a type-script copy of the report was received, and final printed copies are not yet available. Now, I would like to point out that not only this report, but Tariff Board reports in general cover a very large field, and they very often require action in more than one Department of Government. This particular report, coming as it did only a month before the beginning of this Legislative Assembly Session and covering a particularly large field,—I think that Honourable Members will realise that it has not been possible during the preoccupations of this Assembly for Government to formulate all their conclusions. Sir, it has always been the practice of Government not to publish Tariff Board reports until they have considered them, and have made up their mind as to the action they propose to take. The reason for this is in most cases obvious. The action taken on a Tariff Board report very often takes the form of an imposition of a duty or the alteration of a rate of duty. To publish a report submitted to the Government on such matters—a report on which it was known that at any rate Government would shortly be taking some action or other—would obviously be to invite a great deal of undesirable speculation. So, for these reasons Government have come to the general conclusion—so far as I know, there has never been any departure from this—that they do not publish Tariff Board reports until they are in a position to announce their conclusions on the matter. Apart from that, I can assure the Honourable Member who has just spoken that Government are fully aware of the necessity of dealing with recommendations made in such reports as rapidly as possible, and that there will be no avoidable delay on the part of the Government in dealing with the reports.

Mr. F. E. James: May I ask a question on a matter relating to the same Demand? There is a provision in the Demand for an officer on special duty for trade negotiations with Ceylon. Is the Honourable the Commerce Secretary in a position to say anything in regard to those negotiations, when they are likely to be opened, and can he also let the House know whether these negotiations are going to be confined to trade between India and Ceylon, or whether in connection with them negotiations are going to be undertaken relating to the other outstanding matters between India and Ceylon?

Mr. H. Dow: I am not in a position to state exactly when these negotiations will be undertaken, or what will be their exact scope. The scope of these is a matter which will obviously have to be discussed with the Government of Ceylon and no such discussions have yet been initiated. But I should say that Government are very well aware that it may be convenient to undertake at the same time as these trade negotiations discussions on other matters it may be convenient to include in the discussions certain matters which are not usually included in trade negotiations. And, indeed, it was partly for that reason that Government thought that separate negotiations with Ceylon would be an appropriate method of

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procedure than the conclusion of a general colonial treaty. More than that, I am afraid I cannot say. As regards the time, it has been agreed that the discussions will begin shortly after the conclusion of the trade discussions which are now going on between India and the United Kingdom.

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

"That a sum not exceeding Rs. 4,59,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Commerce Department'."

The motion was negatived.

DEMAND NO. 20—DEPARTMENT OF LABOUR.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 4,13,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Department of Labour'."

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

"That a sum not exceeding Rs. 4,13,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Department of Labour'."

The motion was negatived.

DEMAND NO. 21—DEPARTMENT OF COMMUNICATIONS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,72,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Department of Communications'."

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

"That a sum not exceeding Rs. 1,72,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Department of Communications'."

Mr. J. Ramsay Scott: The Transport Advisory Council have recently set up a Technical Sub-Committee of four members and a Secretary to advise on technical matters. We are glad to see that this Committee has the power to co-opt two non-officials. Although we consider the number of non-officials small and would like a larger number, we consider that this is a step, though a small one, to meet our wishes.

We have also been informed that the agenda and relevant memoranda of the Transport Advisory Council will be sent to the Provincial Boards of Traffic and Communications. I would, however, point out that the agenda of the last meeting was put before these Boards, but the relevant memoranda were not attached as it was stated that the Government of India had marked them confidential. I would point out that the agenda without the memoranda is useless and would ask that the Government

of India should not mark such memoranda confidential as a general rule. We, of course, realise that in certain circumstances certain parts may be confidential, but we suggest that the word confidential be very sparingly used and I hope the Honourable Member will be able to meet our views.

Mr. J. D. Boyle (Bombay: European): May I ask, for information, two additional points on the same question. We know roughly the composition of this Committee. May we know a little more about its functions and secondly, will it be open to them to co-opt members of the trade who are interested and finally, will their function be to consider references from the Traffic Advisory Council only or will they be open to discuss subjects suggested to them by, say, the Government of India?

The Honourable Sir Thomas Stewart (Member for Railways and Communications): First of all, let me tell the House what has happened in regard to the circulation of the agenda of business to be taken in the Transport Advisory Council. It is perfectly true that in the past the practice has been that the memoranda issuing from the Government of India have been marked as confidential, but that practice was departed from on the occasion of the last meeting of the Transport Advisory Council. On that occasion, the agenda were not marked as confidential with one exception and that was the memorandum in respect to the draft Bill to regulate motor transport. At that time we could not throw it open to general discussion. Our proposal is that in future we shall follow the practice that has been initiated from the last meeting and I say so with the reservation that it may on occasions be necessary to keep certain questions confidential.

So far as the constitution of the Technical Committee is concerned, it is as follows. There will be two road experts and two experts on motor transport control nominated by the Council from amongst the expert advisers attending the Council and the Consulting Engineer to the Government of India will be the convenor of this Committee. There will be vested in the Chairman of the Council the power to co-opt two other members, and the object of this provision is that when any particular technical subject is taken up it should be possible to get the service and advice of persons who are particularly qualified to advise on that particular subject. The function of the Committee, as we conceive it, is to advise the Central Government and the Provincial Governments as regards the drafting of the model rules and on all technical questions relating to motor transport. A typical case would be, for example, the framing of a formula determining the permissible axle load of a particular type of car or truck. That is a matter that can be dealt with much more satisfactorily in a technical committee than in a rather unwieldy Transport Advisory Council. As I conceive it, there should be no reason why the Government of India should not of their own motion refer matters to this Committee, at the same time informing the other constituent members of the Transport Advisory Council that they had done so. I think that those are the points that have been raised in the course of the discussion.

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

"That a sum not exceeding Rs. 1,72,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Department of Communications'."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conrau-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Higbet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Muni, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—59.

Abdul Ghani, Maulvi Muhammad
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Ahmed, Mr. K.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagechand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.

Jehangir, Sir Cowasji.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lalchand Navalrai, Mr.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Pande, Mr. B-dri Dutt.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Sham Lal, Mr.
Shankat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Verma, Mr. B. B.
Yamin Khan, Sir Muhammad

The motion was negatived.

DEMAND No. 22—CENTRAL BOARD OF REVENUE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 3,09,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Central Board of Revenue'."

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

"That a sum not exceeding Rs. 3,09,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Central Board of Revenue'."

The motion was negatived.

DEMAND No. 23—INDIA OFFICE AND HIGH COMMISSIONER'S ESTABLISHMENT CHARGES.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 17,58,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'India Office and High Commissioner's Establishment Charges'."

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

"That a sum not exceeding Rs. 17,58,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'India Office and High Commissioner's Establishment Charges'."

The motion was negatived.

DEMAND No. 24.—PAYMENTS TO OTHER GOVERNMENTS, DEPARTMENTS, ETC., ON ACCOUNT OF SERVICES RENDERED.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Payments to other Governments, Departments etc., on account of Services rendered'."

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

"That a sum not exceeding Rs. 1,25,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Payments to other Governments, Departments etc., on account of Services rendered'."

The motion was negatived.

DEMAND No. 25—AUDIT.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 94,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Audit'."

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

"That a sum not exceeding Rs. 94,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Audit'."

The motion was negatived.

DEMAND No. 26—ADMINISTRATION OF JUSTICE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,12,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Administration of Justice'."

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

"That a sum not exceeding Rs. 1,12,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Administration of Justice'."

The motion was negatived.

DEMAND No. 27—POLICE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,66,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Police'."

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

"That a sum not exceeding Rs. 1,66,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Police'."

The motion was negatived.

DEMAND No. 28—PORTS AND PILOTAGE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 14,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Ports and Pilotage'."

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

"That a sum not exceeding Rs. 14,30,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Ports and Pilotage'."

The motion was negatived.

DEMAND No. 29.—LIGHTHOUSES AND LIGHTSHIPS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 8,83,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Lighthouses and Lightships'."

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

"That a sum not exceeding Rs. 8,83,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Lighthouses and Lightships'."

The motion was negatived.

DEMAND No. 30—SURVEY OF INDIA.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 19,40,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Survey of India'."

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

"That a sum not exceeding Rs. 19,40,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Survey of India'."

The motion was negatived.

DEMAND No. 31—METEOROLOGY.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 20,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Meteorology'."

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

"That a sum not exceeding Rs. 20,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Meteorology'."

The motion was negatived.

DEMAND No. 32.—GEOLOGICAL SURVEY.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 2,18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Geological Survey'."

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

"That a sum not exceeding Rs. 2,18,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Geological Survey'."

The motion was negatived.

DEMAND No. 32.—GEOLOGICAL SURVEY.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 61,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Botanical Survey'."

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

"That a sum not exceeding Rs. 61,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Botanical Survey'."

The motion was negatived.

DEMAND No. 34—ZOOLOGICAL SURVEY.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,37,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Zoological Survey'."

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

"That a sum not exceeding Rs. 1,37,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Zoological Survey'."

The motion was negatived.

DEMAND No. 35.—ARCHÆOLOGY.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 12,51,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Archæology'."

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

"That a sum not exceeding Rs. 12,51,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Archæology'."

The motion was negatived.

DEMAND No. 36—MINES.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,56,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Mines'."

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

"That a sum not exceeding Rs. 1,56,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Mines'."

The motion was negatived.

DEMAND No. 37—OTHER SCIENTIFIC DEPARTMENTS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 3,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Other Scientific Departments'."

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

"That a sum not exceeding Rs. 3,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Other Scientific Departments'."

The motion was negatived.

DEMAND No. 38—EDUCATION.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 6,74,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Education'."

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

"That a sum not exceeding Rs. 6,74,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Education'."

The motion was negatived.

DEMAND No. 39—MEDICAL SERVICES.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 7,04,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Medical Services'."

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

"That a sum not exceeding Rs. 7,04,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Medical Services'."

The motion was negatived.

DEMAND No. 40—PUBLIC HEALTH.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 10,63,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Public Health'."

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

"That a sum not exceeding Rs. 10,63,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Public Health'."

The motion was negatived.

DEMAND No. 41—AGRICULTURE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 35,79,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Agriculture'."

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

"That a sum not exceeding Rs. 35,79,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Agriculture'."

The motion was negatived.

DEMAND No. 42.—IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 7.53 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Imperial Council of Agricultural Research Department'."

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

"That a sum not exceeding Rs. 7.53 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Imperial Council of Agricultural Research Department'."

The motion was negatived.

DEMAND No. 43.—SCHEME FOR THE IMPROVEMENT OF AGRICULTURAL MARKETING IN INDIA.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 5.10 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Scheme for the Improvement of Agricultural Marketing in India'."

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

"That a sum not exceeding Rs. 5.10 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Scheme for the Improvement of Agricultural Marketing in India'."

The motion was negatived.

DEMAND No. 44.—IMPERIAL INSTITUTE OF SUGAR TECHNOLOGY.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 3.41 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Imperial Institute of Sugar Technology'."

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

"That a sum not exceeding Rs. 3.41 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Imperial Institute of Sugar Technology'."

The motion was negatived.

DEMAND No. 45.—CIVIL VETERINARY SERVICES.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 8.97 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Civil Veterinary Services'."

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

"That a sum not exceeding Rs. 8.97 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Civil Veterinary Services'."

The motion was negatived.

DEMAND No. 46.—INDUSTRIES.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 9.07 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Industries'."

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

"That a sum not exceeding Rs. 9.07 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Industries'."

The motion was negatived.

DEMAND No. 47.—AVIATION.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 32.53 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Aviation'."

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

"That a sum not exceeding Rs. 32.53 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Aviation'."

The motion was negatived.

DEMAND No. 48.—CAPITAL OUTLAY ON CIVIL AVIATION CHARGED TO REVENUE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1.000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Capital Outlay on Civil Aviation charged to Revenue'."

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

"That a sum not exceeding Rs. 1.000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Capital Outlay on Civil Aviation charged to Revenue'."

The motion was negatived.

DEMAND No. 49.—BROADCASTING.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 22.32 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Broadcasting'."

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

"That a sum not exceeding Rs. 22.32 000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Broadcasting'."

The motion was negatived.

DEMAND NO. 50—CAPITAL OUTLAY ON BROADCASTING.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Capital Outlay on Broadcasting'."

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

"That a sum not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Capital Outlay on Broadcasting'."

The motion was negatived.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): It may be convenient to Honourable Members if I furnish them with an indication of the outstanding business of the Session. Apart from the Finance Bill, Government will seek to secure the consideration and passing of the Hindu Women's Rights to Property (Amendment) Bill which I introduced on Thursday and of at least three Bills not yet introduced, namely, a Prevention of Cruelty to Animals (Amendment) Bill, a Coffee Cess (Amendment) Bill and a Bill relating to the protective duty on sugar. The Stamp Duties Unification Bill may or may not be proceeded with.

It is hoped to proceed with the final stages of the following Bills now under reference to Select Committee, namely, the Trade Disputes (Amendment) Bill, the Indian Oaths (Amendment) Bill, the Commercial Documents Evidence Bill and the Import of Drugs Bill and of the Sind Salt Law Amendment Bill consideration of which has been moved and which appears likely to be referred to a Select Committee. Opinions on the Indian Patents and Designs (Amendment) Bill which was circulated at the close of the Simla Session have for the most part been received and, if examination of the opinion is completed in time, a motion will be made for reference of the Bill to Select Committee.

Two Bills of major importance, the Indian Motor Vehicles (Amendment) Bill and the Indian Income-tax (Amendment) Bill remain to be introduced and referred to Select Committee. The Motor Vehicles Bill will, it is hoped, be ready for introduction on the 17th March, but the Income-tax Bill is unlikely to be ready before the beginning of April.

The House will also be asked to consider a Resolution, of which Mr. Clow has given notice, relating to a Geneva Convention on the subject of safety in public works.

The Assembly then adjourned till Eleven of the Clock on Monday, the 7th March, 1938.

LEGISLATIVE ASSEMBLY

Monday, 7th March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

EDUCATIONAL AND ADMINISTRATIVE APPOINTMENTS RESERVED FOR BRITISH INDIAN MEDICAL SERVICE OFFICERS.

670. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

- (a) what educational and administrative appointments have been reserved for British Indian Medical Service officers;
- (b) what were the grounds on which this reservation was made; and
- (c) since education is a provincial subject, whether any of the Provincial Governments were consulted in this matter?

Sir Girja Shankar Bajpai: (a) and (b). Only one administrative appointment, viz., that of Inspector General of Civil Hospitals, North-West Frontier Province, has been reserved for a British Indian Medical Service officer and the question whether it should continue to be so reserved is under consideration. A number of educational appointments had to be so reserved because, generally, specialist and educational duties are combined. The number of such appointments reserved and the reasons are set out in the Defence Department Resolution No. 205, dated the 25th March, 1937, a copy of which is available in the Library of the House.

(c) Yes.

Mr. Manu Subedar: Is it a fact that the educational work of the I. M. S. men in the provinces has to be paid for at Rs. 2,000 and Rs. 3,000, whereas the same work is done by equally competent men in the provinces in an honorary capacity?

Sir Girja Shankar Bajpai: In so far as the difference of salary between I. M. S. officers and non-I. M. S. officers is concerned, I believe that it has been explained in the Resolution to which I have referred that the Government of India will pay the difference to the provinces.

Mr. T. S. Avinashilingam Chettiar: May I know whether the reasons mentioned in that communique are such that no non-I. M. S. men can do it?

Sir Girja Shankar Bajpai: No; the reason which they have given is that a certain number of European I. M. S. officers are needed for attendance upon the European members of the All-India Services and their families.

Mr. T. S. Avinashilingam Chettiar: I am talking about the reservation of educational appointments.

Sir Girja Shankar Bajpai: I have already given the reasons: it so happens that a specialist and an educational appointment are combined.

Mr. T. S. Avinashilingam Chettiar: May I know whether no specialists are available in the non-I. M. S. men and that is the reason why these reservations are made for the I. M. S.?

Sir Girja Shankar Bajpai: No; the point is that no specialist Europeans are available amongst the non-I. M. S. men.

Mr. T. S. Avinashilingam Chettiar: Among the educational appointments is there any need for reserving any such for Europeans?

Sir Girja Shankar Bajpai: I have already explained to my Honourable friend that if he will look at the communique he will find that the emphasis is not upon educational work but upon the provision of European medical aid for Europeans.

Mr. Badri Dutt Pande: Has any Provincial Government expressed a desire that the I. M. S. should be provincialised?

Sir Girja Shankar Bajpai: Not so far as I am aware.

Dr. G. V. Deshmukh: If the reason for the reservation of these appointments is the attendance on the families of European officers, why have the Government appointed these I. M. S. men to educational institutions?

Sir Girja Shankar Bajpai: That is the point which I have been trying to explain for the last few minutes. It so happens that the Secretary of State's decision is that one surgeon, one physician and one gynæcologist—a specialist in each—should be available in all provinces as far as possible; and the specialist posts in Bombay, Madras and elsewhere in these subjects happen to have educational functions also attached.

Mr. Manu Subedar: Is it true that the educational work that is done by I. M. S. men in one province is being equally efficiently done in other provinces by people who do not belong to the I. M. S.?

Sir Girja Shankar Bajpai: That may be: I am not disputing that.

Dr. G. V. Deshmukh: Are these appointments meant to give these gentlemen experience in these subjects, or are they already specialists in these subjects before they are appointed?

Sir Girja Shankar Bajpai: As far as I can make out, the new arrangement contemplates both the appointment of people who are already specialists and also of understudies.

Dr. G. V. Deshmukh: If they are already specialists and if they are not attached to any educational institutions, will they not be available to these families just the same without their being in an educational institution?

Sir Girja Shankar Bajpai: That is rather a matter of argument. In any case I believe the idea is that even a specialist, if he is to continue to be a specialist, must continue to have clinical experience.

MONEY SET APART BY THE INDIAN CENTRAL COTTON COMMITTEE TO EXPLORE POSSIBILITIES OF MANUFACTURING ARTIFICIAL SILK.

671. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

- whether Indian Central Cotton Committee has set apart Rs. 30,000 to explore the possibilities of manufacturing artificial silk;
- how the money is proposed to be spent; and
- what are the raw materials necessary for the manufacture of artificial silk, and whether they are available in this country?

Sir Girja Shankar Bajpai: (a) Yes.

(b) So far expenditure has been incurred on laboratory experiments. It is now proposed to spend a further sum on a small scale plant for determining the cost of preparing chemical cotton which is a basis for artificial silk manufacture.

(c) A statement is laid on the table of the House.

Statement showing the raw materials required for the manufacture of artificial silk.

The two main processes in use in the world today for the production of artificial silk are the Viscose and the Acetate Processes. The materials required in these two processes and whether or not they are at present manufactured in India are shown in the following tabular statement:

	Viscose Process.	Whether manufactured in India.
<i>Main Materials—</i>		
Cellulose (Chemical wood pulp and chemical cotton)	.	No.
Caustic soda	.	Will be shortly.
Carbon bisulphide	.	No.
Sulphuric acid	.	Yes, from imported sulphur.
<i>Auxiliary materials—</i>		
Glucose	.	No.
Sodium sulphate (Glauber salts)	.	Yes.
Zinc sulphate	.	No.
Sodium hypochloride	.	No.
Hydrochloric acid	.	Yes, with the aid of imported sulphur.
Sodium carbonate (Soda ash)	.	Will be produced shortly.
Softening oils and sizing materials	.	No.
Dyes	.	No.
<i>Acetate Process.</i>		
<i>Main materials—</i>		
Cellulose (chemical cotton)	.	No.
Acetic acid	.	No.
Acetic anhydride	.	No.
Acetone	.	No.
<i>Auxiliary materials—</i>		
Sulphuric acid	.	Yes, from imported sulphur.
Sodium carbonate (Soda ash)	.	Will be produced shortly.
Sodium acetate	.	No.
Dyes (special types required)	.	No.

NOTE.—The constituents of the various chemicals mentioned all exist in India with the exception of sulphur and zinc.

Mr. T. S. Avinashilingam Chettiar: May I know whether any of these raw materials are available in this country?

Sir Girja Shankar Bajpai: As I have already stated in my reply, I am laying a statement on the table and my Honourable friend will be able to get the information from that statement.

ECONOMIC ADVISER TO THE GOVERNMENT OF INDIA.

672. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) what are the functions and duties of the Economic Adviser to the Government of India;
- (b) under what department he is working at present; and
- (c) what are the financial commitments involved in the creation of this new office?

Mr. H. Dow: (a) to (c). I would invite the attention of the Honourable Member to pages 124—126 of the Proceedings of the meeting of the Standing Finance Committee held on the 11th February, 1937, a copy of which is in the Library.

Prof. N. G. Ranga: What is the work that this officer is engaged on at present?

Mr. H. Dow: That is the question I have just answered. I would refer the Honourable Member to the publication which I have mentioned.

Prof. N. G. Ranga: He has not answered my question, Sir, in regard to the work he is engaged in at present.

Mr. President (The Honourable Sir Abdur Rahim): It will be found in the publication he has referred to.

Prof. N. G. Ranga: That publication may give the information required by part (a) of the question—the functions and duties he has to perform: but I want to know what particular work he is at present doing.

Mr. H. Dow: That is why I want the Honourable Member to refer to the publication, which I have mentioned, in which he will find these things duly set forth.

Mr. Badri Dutt Pande: Has this Economic Adviser suggested any economies in the departments?

(No answer was given.)

PROPOSED ORDER-IN-COUNCIL REGARDING KENYA.

673. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

- (a) whether he is aware of the news published in the *Hindustan Times*, dated the 11th February, 1938, that an Order-in-Council regarding Kenya is going to be issued;
- (b) whether Government of India have been consulted in the matter; and

- (c) if so, what is the subject of the Order-in-Council, and whether it in any way affects the Indians in Kenya?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 22nd February, 1938, to his starred question No. 432.

Mr. T. S. Avinashilingam Chettiar: I have not received an answer to clause (c) of the question, Sir.

Sir Girja Shankar Bajpai: I have already stated, in the previous answer I have given, what the Colonial Secretary has announced to be his intention.

Seth Govind Das: Are the Government going to open the whole question of the reservation of these highlands in Kenya as they said they would before?

Sir Girja Shankar Bajpai: My Honourable friend has placed his views before the Department and so have the gentlemen who came from Kenya recently; and, as I explained to the House, the Government of India have already made representations on the subject of the Order-in-Council to the Secretary of State for the Colonies, but I am unable, as I have said, to disclose the contents.

Mr. T. S. Avinashilingam Chettiar: May I know whether in this Order-in-Council they have fixed the boundaries for the Kenya highlands?

Sir Girja Shankar Bajpai: If my Honourable friend will look up the question and answer referred to in part (a) of his own question, that is the question and answer in the House of Commons, he will be able to ascertain what the intentions of the Colonial Office are.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that in the recent Order-in-Council they have fixed the boundaries

Sir Girja Shankar Bajpai: No Order-in-Council has been passed yet.

(Mr. T. S. Avinashilingam Chettiar rose to put a question.)

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

Mr. T. S. Avinashilingam Chettiar: Sir, this is a very important matter, and

Mr. President (The Honourable Sir Abdur Rahim): It is a very important matter and the Honourable Member has given such information as he can: it has been discussed before, I remember, and at present the Honourable Member has given full information.

Mr. T. S. Avinashilingam Chettiar: May I make a representation, Sir? We are having very few questions every day in this House. . . .

Mr. President (The Honourable Sir Abdur Rahim): That is not the point at all. There may be very few questions today because, perhaps, the subjects in which Honourable Members are interested are so few; but I have to see that questions that are asked are in accordance with the

rules and standing orders. Then I have to exercise my judgment and decide whether a particular question has been fully answered or requires any further elucidation. Next question.

CADETS PASSING OUT OF THE "DUFFERIN".

674. ***Mr. T. S. Avinashilingam Chettiar**: Will the Commerce Secretary state:

- (a) the average number of cadets passed out of the "Dufferin" every year;
- (b) how many of them can be annually absorbed in service; and
- (c) whether they are qualified to enter the Navy?

Mr. H. Dow: (a) The number of cadets who have passed out from the "Dufferin", since its establishment, is 258. The average from 1930 to 1936 inclusive is 31 per annum. Owing to the inauguration of the Marine Engineering Scheme the number who passed out in 1937 increased to 44.

(b) Judged by the actual figures of employment it appears that nearly all cadets passing out, who desire to follow a career at sea, have been absorbed.

(c) Yes; vacancies open only to the Training Ship are filled after a special examination.

Mr. T. S. Avinashilingam Chettiar: May I know, in view of the fact that there is a proposal to enlarge the Indian Navy, whether the Government propose to have more people trained on the "Dufferin"?

Mr. H. Dow: I did not quite hear the Honourable Member's question—whether they propose to have more people trained on the "Dufferin" in view.

Mr. M. S. Aney: In view of the contemplated expansion of the Indian Navy?

Mr. H. Dow: No, Sir.

Mr. Manu Subedar: With regard to the answer to part (c) of the question, may I ask whether these cadets are eligible for or are already taken up for other parts of the Navy than the training ship?

Mr. H. Dow: The training ship is not part of the Navy.

Mr. Manu Subedar: The Honourable Member's reply was that they are being taken up for service in the training ship.

Mr. H. Dow: No. I understood by the word "service" the mercantile marine service for which this ship is maintained. I did not take the Honourable Member as referring to Government service.

Mr. Manu Subedar: As regards part (c) of the question, may I enquire whether they are qualified to enter the Royal Indian Marine?

Mr. H. Dow: There is no Royal Indian Marine; it is the Royal Indian Navy. My answer to that was, "Yes. Vacancies open only to the Training Ship are filled after a special examination". The point is that there are certain vacancies which are reserved for candidates from "Dufferin", and for those vacancies only candidates from "Dufferin" compete. The examination is held by the Federal Public Service Commission. As regards other vacancies, I understand that candidates from "Dufferin" are eligible to compete as well as others, and can take their chance in the ordinary selection.

Mr. Manu Subedar: Has any cadet from the "Dufferin" who has passed been sent to England to be trained under the Admiralty for higher service in the Royal Indian Navy?

Mr. H. Dow: I am afraid that that is a question of which I must ask for notice.

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

(At this stage Mr. K. Santhanam rose in his place to put a supplementary question.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must understand that I have called on the next question. If Mr. Mudaliar is not here I shall call on the question after next.

ACTIVITIES OF AND GRANT TO THE NATIONAL INSTITUTE OF SCIENCES, CALCUTTA.

†675. ***Mr. C. N. Muthuranga Mudaliar**: (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that the Government of India contemplate a grant of Rs. 6,000 to the National Institute of Sciences, Calcutta? If so, will they please state the reasons, and the purpose for which they intend that the grant should be used?

(b) What is the standing of the National Institute in the scientific world, what are its achievements, how long has it been in existence, how many "Ordinary Fellows" are there in the Institute and how many of them have treatises or other work in science to their credit, and if so, what treatises or work?

(c) Is it a fact that the National Institute publishes an abstract of papers of scientific workers in India and Indian workers abroad? If so, how often is it published and is it a fact that the abstract for 1935 was completed only during the current year?

(d) Is it a fact that there are scientific abstracts published abroad, which furnish more up to date information?

Sir Girja Shankar Bajpai: (a) Yes. The grant is intended as a contribution towards the general expenses of the Institute.

(b) The standing of the Institute in the scientific world is a matter of opinion. Information regarding the work done by it since its establishment in January, 1935, is given in its annual reports, copies of which have been placed in the Library of the House. At the end of 1937 the

†Answer to this question laid on the table, the questioner being absent.

Institute had 151 Ordinary Fellows. Information regarding the scientific work done by each of them is not readily available and Government consider that the cost and labour involved in the collection of this information will not be justified by the results to be obtained.

(c) The reply to the first part is in the affirmative. The abstracts are published yearly in three parts. The first two parts for 1935 have already been published and the third is under preparation.

(d) Government have no information.

INDIAN TRADE DELEGATION SENT TO AFGHANISTAN.

676. ***Sardar Sant Singh:** (a) Will the Commerce Secretary be pleased to state if it is a fact that Indian Trade Delegation was sent to Afghanistan by the Government of India in 1935 to examine the direction in which trade between India and Afghanistan could be developed and expanded to the mutual benefit of both the countries?

(b) Did this delegation submit its report? If so, what action have Government taken on the recommendations made by the delegation?

(c) If the reply to the second part of part (b) be in the negative, will Government state their reasons for taking no action?

(d) Do Government propose to lay the report on the table of this House? If not, why not?

Mr. H. Dow: (a) Yes; but the Delegation was sent in April, 1934, not in 1935.

(b) Yes. As a result of the recommendations made by the Delegation an Indian Trade Agent has been appointed in Kabul. Another step taken is that statistics of trade between India and Afghanistan are being separately recorded from the 1st February, 1937, with a view to watching the progress of trade between the two countries.

(c) Does not arise.

(d) No. The report was confidential but a summary is available in the *Indian Trade Journal*, dated the 7th March, 1935, a copy of which is in the Library.

Mr. Mohan Lal Saksena: Am I to understand that the summary gives all the salient features of the report?

Mr. H. Dow: It is a summary of the report containing such matters as are deemed suitable for publication.

IMPORTS AND EXPORTS BETWEEN INDIA AND AFGHANISTAN.

677. ***Sardar Sant Singh:** (a) Will the Commerce Secretary be pleased to state the total imports and exports between India and Afghanistan for the last five years?

(b) Is it a fact that the balance of trade during the last five years has always been against India?

(c) Is it a fact that this unfavourable balance of trade against India is due to Afghan Government's policy of giving preference to foreign countries' manufactures over goods manufactured in India?

(d) Is it a fact that Vakil-i-Tyarat appointed by the Afghan Government at Peshawar, interferes in various ways with the export trade of India to Afghanistan such as by getting agreements executed by Indian sellers to accept liability for payment of Afghan duty in case the Afghan purchasers fail to pay the same when entering Afghan territory? If so, what action do Government propose to take to check such interference on British soil?

(e) What is the total amount paid by way of refund of custom duty on import through India into Afghanistan during the last five years, specifying the amounts paid as refund in respect of:

(i) cotton piecegoods of United Kingdom make;

(ii) cotton piecegoods of Japan make;

(iii) matches;

(iv) sugar of Java manufacture;

(v) cement; and

(vi) iron and steel manufactures?

Mr. H. Dow: (a) The information asked for by the Honourable Member is not available. I may state that statistics of trade between India and Afghanistan are being recorded separately only with effect from the 1st February, 1937, and these are available in the publication entitled "Trade at Stations adjacent to Land Frontier Routes", copies of which are in the Library.

(b) and (c). Do not arise.

(d) A complaint was received some time ago that the Afghan Trade Agent was interfering in the manner described, but it has not been substantiated. Further enquiries are now being made.

(e) The information is not available and cannot be collected without undue labour.

Sardar Sant Singh: May I ask the Honourable Member to tell us what is the balance of trade between India and Afghanistan since 1st February, 1937, for which statistics are available?

Mr. H. Dow: The Honourable Member will find that in the publication to which I have referred him.

Mr. T. S. Avinashilingam Chettiar: Have Government any other basis than the trade figures, by which they can find the balance of trade?

Mr. H. Dow: Obviously we cannot find that without any knowledge of the trade figures.

Sir H. P. Mody: With reference to part (e) of the question, have Government any information in their possession showing the quantity of goods re-exported from Afghanistan to India after the refund of the duties?

Mr. H. Dow: I am afraid I should require notice of that question; rather, I think it is a matter for the Honourable the Finance Member and not for me.

Sardar Sant Singh: As regards part (e) of the question, may I ask the Honourable Member whether he can give us the amount of refunds paid to the Afghan Government during the period from 1st February, 1937 to, say, 1st January, 1938?

Mr. H. Dow: I think possibly the Finance Department might be able to supply that information, but they would certainly require notice. It is a question which should be put to the Honourable the Finance Member.

Sir H. P. Mody: What is the percentage of the refund? Is the whole duty refunded or only a portion of it?

Mr. H. Dow: That, again, I am afraid, is a matter for the Honourable the Finance Member.

MONOPOLIES GRANTED BY THE AFGHAN GOVERNMENT IN RESPECT OF IMPORT AND EXPORT TRADE.

678. ***Sardar Sant Singh:** Will the Commerce Secretary be pleased to state if it is a fact that Afghan Government have granted monopolies to certain Afghan companies in respect of its import and export trade? If so, is it a fact that the policy pursued by the monopolist companies in Afghanistan has considerably affected the import and export trade between India and Afghanistan?

Mr. H. Dow: The Honourable Member is referred to part (d) of the reply given by me to Mr. Abdul Quiyum's starred question No. 69 on the 1st February, 1938. As regards the latter part of the question, I may state that statistics of trade between India and Afghanistan are being recorded separately only with effect from the 1st February, 1937, and in the absence of comparative figures for the last few years Government are not in a position to say definitely to what extent the monopolistic policy of the Afghan Government has actually affected Indo-Afghan trade.

INDIAN TRADE DELEGATION SENT TO AFGHANISTAN AND BALANCE OF TRADE BETWEEN INDIA AND AFGHANISTAN.

679. ***Sardar Sant Singh:** Will the Commerce Secretary be pleased to state:

(a) whether it was the object of the Government of India in sending the Indian Trade Delegation to Afghanistan to examine, in consultation with informed opinion in Afghanistan, the direction in which it may be possible to foster and expand mutual trade between India and that country;

(b) what action Government have taken on the report submitted in 1935 by the Indian Trade Delegation to Afghanistan to achieve that object;

- (c) whether Government propose to publish that report;
- (d) the balance of trade between India and Afghanistan during the last five years;
- (e) the amount paid by way of refund of custom duty on imports through India into Afghanistan during the last five years, specifying particularly the refund paid in respect of:
 - (i) cotton piecegoods from United Kingdom;
 - (ii) cotton piecegoods from Japan;
 - (iii) matches;
 - (iv) sugar from Java;
 - (v) cement; and
 - (vi) iron and steel manufactures?

Mr. H. Dow: (a) to (e). The Honourable Member is referred to the replies given by me today to his starred questions No. 676 and 677.

Mr. T. S. Avinashilingam Chettiar: May I know if the Afghan Government have got any statistics of imports and exports into and from Afghanistan.

Mr. H. Dow: I am afraid that it is not a question that I can answer.

Mr. T. S. Avinashilingam Chettiar: But you must know.
(No answer.)

MONOPOLIES GRANTED BY THE AFGHAN GOVERNMENT IN RESPECT OF IMPORT AND EXPORT TRADE.

680. ***Sardar Sant Singh:** Will the Commerce Secretary state:

- (a) whether Government are aware that the grant of monopolies by the Afghan Government in respect of its import and export trade of important commodities has resulted in substantial losses to Indian traders?
- (b) whether Government are aware that the Afghan Government by a recent decree entrusted the monopoly of exporting dry fruit into India and its sale at various places in this country to another Afghan Company, affecting thereby the very existence of Indian business in that line; and
- (c) what steps Government propose to take to counteract the effects of such monopolies?

Mr. H. Dow: (a) and (b). The Honourable Member is referred to parts (d) and (e) of the reply given by me to Mr. Abdul Quiyum's starred question No. 69 on the 1st February, 1938.

(c) Government hope shortly to enter into discussions with the Afghan Government for improving trade relations between India and Afghanistan.

OFFICERS APPOINTED AND DISMISSED IN THE ARCHÆOLOGICAL.
DEPARTMENT.

681. ***Babu Kailash Behari Lal** (on behalf of Maulvi Muhammad Abdul Ghani): Will the Secretary for Education, Health and Lands please state:

- (a) the number of officers appointed in the Archæological Department during the last three years;
- (b) the number and percentage of Muslims therein;
- (c) the number of officers of the Archæological Department dismissed or removed from Government service during the last three years; and
- (d) the number and percentage of Muslims therein?

Sir Girja Shankar Bajpai: A statement furnishing the information asked for by the Honourable Member is laid on the table.

Statement.

- (a) Five including, one temporary appointment.
- (b) No Muslim was appointed.
- (c) One officer was removed.
- (d) The officer referred to in (c) was a Muslim.

HINDU AND MUSLIM MONUMENTS UNDER THE ARCHÆOLOGICAL
DEPARTMENT.

682. ***Babu Kailash Behari Lal** (on behalf of Maulvi Muhammad Abdul Ghani): Will the Secretary for Education, Health and Lands please state:

- (a) the number of Hindu monuments taken up by the Archæological Department for protection during the last three years;
- (b) the number of Muslim monuments taken up for protection by the Archæological Department during the last three years;
- (c) the number of Hindu monuments from which protection by the Archæological Department under the Ancient Monuments Preservation Act has been withdrawn;
- (d) the number of Muslim monuments from which protection by the Archæological Department under the Ancient Monuments Preservation Act has been withdrawn during the last three years; and
- (e) what number of the monuments referred to in parts (a), (b), (c) and (d), was recommended by the present Director General of Archæology in India?

Sir Girja Shankar Bajpai: (a) to (e). I lay a statement on the table.

Statement showing number of Hindu and Mohammedan Monuments which have been protected and from which protection has been withdrawn during the last three years, viz., 1935-1937.

	1935.	1936.	1937.	Recommended by the present D. G. A.	Remarks.
	No. of Hindu Monu- ments.	No. of Hindu Monu- ments.	No. of Hindu Monu- ments.	No. of Hindu Monu- ments.	No. of Moham- medan Monu- ments.
Protection . . .	2	3	2	3	2
Withdrawal of Protec- tion.	<i>Nil</i>	1	<i>Nil</i>	1	1

These do not include sites and mounds pro-
tected under Section
20.

APPOINTMENTS AND SUPERSESSIONS IN THE DEPARTMENT OF EDUCATION,
HEALTH AND LANDS.

683. ***Babu Kailash Behari Lal** (on behalf of Maulvi Muhammad Abdul Ghani): Will the Secretary for Education, Health and Lands please state:

- (a) the number of temporary appointments created or filled in the Education, Health and Lands Department during the last year;
- (b) the number and percentage of Muslims therein; and
- (c) whether the appointment of certain third division clerks in the temporary second division posts involved any supersessions, and if so, for what reasons were the supersessions permitted?

Sir Girja Shankar Bajpai: (a) Three.

(b) Nil.

(c) No.

APPOINTMENT OF MUSLIMS TO CERTAIN POSTS RELATING TO ARCHÆOLOGY.

684. ***Babu Kailash Behari Lal** (on behalf of Maulvi Muhammad Abdul Ghani): (a) Will the Secretary for Education, Health and Lands please state whether any of the following officials is a European, Anglo-Indian, Christian, or Muslim and if so which:

- (i) Director General of Archæology in India;
- (ii) Deputy Director General of Archæology in India;
- (iii) Office Superintendent, Office of the Director General of Archæology in India;
- (iv) Assistant dealing with Archæology in the Education, Health and Lands Department;
- (v) Superintendent dealing with Archæology in the Education, Health and Lands Department; and
- (vi) Officers dealing with Archæology in the Education, Health and Lands Department?

(b) Are Government prepared to consider the desirability of appointing suitable Muslims in the posts referred to in parts (ii) to (v) above?

Sir Girja Shankar Bajpai: (a) I lay a statement on the table.

(b) No.

Statement showing the Community to which certain Officers belong.

- (i) Hindu,
- (ii) Hindu,
- (iii) Hindu,
- (iv) Hindu (1) and Muslim (2),
- (v) Hindu,
- (vi) European (1) and Hindu (1).

PROMOTIONS TO CERTAIN POSTS IN THE ARCHÆOLOGICAL DEPARTMENT.

685. ***Babu Kailash Behari Lal** (on behalf of Maulvi Muhammad Abdul Ghani): Will the Secretary for Education, Health and Lands please state:

- (a) the number of Assistant Superintendents of Archæological Survey promoted to the rank of Superintendent during the last three years;
- (b) the number and percentage of Muslims therein; and
- (c) whether the appointment of the present Director General of Archæology from his substantive rank of Superintendent, Archæological Survey, to that of Director General, involved any supersessions; if so, for what reasons was the supersession permitted?

Sir Girja Shankar Bajpai: (a) Two.

(b) Neither was a Muslim.

(c) Yes. The post of Director General of Archæology is a selection post, appointment to which does not depend merely on seniority.

REPLACEMENT OF HONEY-COMB BRICK WORK BY A WINDOW IN THE BATH
ROOMS OF OLD "D" TYPE ORTHODOX QUARTERS IN NEW DELHI.

686. ***Mr. Lalchand Navarai:** (a) Is the Honourable Member for Labour (Public Works Department) aware that the tenants of old 'D' type orthodox quarters in New Delhi are subject to serious difficulties in cold months due to presence of honey-comb brick work in the bath rooms of those quarters?

(b) If not, is he prepared to have this question examined afresh through the advice of the medical authorities and have the facts placed before the House as early as possible?

(c) Is he also aware that many cases of pneumonia, cold, etc., occur in these quarters due to exposure while bathing with hot water?

(d) In view of the fact that Government have spent huge sums on the building of new quarters in recent years and many improvements have been carried out in the new quarters, does he propose to provide a few hundred of rupees for replacement of these honey-comb brick works by windows in the 'D' type quarters before the next winter? If not, what are the detailed reasons for not removing this particular difficulty of the tenants of the 'D' type quarters?

Mr. A. G. Clow: (a) Representations were received for the provision of windows in the place of the honey-comb brick work in the bath rooms of the quarters in question, but Government did not consider that there were serious difficulties.

(b) This does not strictly arise, but Government are prepared to re-examine the case.

(c) I am not aware that incidence of colds, etc., is increased by the present system of construction.

(d) I would refer the Honourable Member to the answer to part (b) but would observe that the work was estimated to cost Rs. 14,000.

Mr. Lalchand Navalrai: May I know if any officer has been appointed to investigate into this very inconvenience that has been caused to these tenants?

Mr. A. G. Clow: The matter was investigated more than once.

Mr. Lalchand Navalrai: Does the Honourable Member say that there is no fear of cold or pneumonia from the present construction?

Mr. A. G. Clow: I have already promised to re-examine the matter but I gathered from a medical expert that the present system is healthier than a closed window.

DENIAL OF OPTION TO REFUSE ELECTRIC AND WATER SUPPLIES FROM THE NEW DELHI MUNICIPAL COMMITTEE.

687. ***Mr. Lalchand Navalrai:** Will the Secretary for Education, Health and Lands please state if it is incumbent upon a resident, whether Government or private, in New Delhi that he must avail of certain amenities provided by the Municipality? If so, under what Regulations has such an authority been vested in the New Delhi Municipal Committee, so far as the electric and water supplies are concerned, and why has the option been denied to the residents in New Delhi?

Sir Girja Shankar Bajpai: With your permission, I propose to answer questions Nos. 687, 688 and 689 together. Information has been called for and will be supplied to the House in due course.

CONNECTION OF KAROL BAGH WITH NEW DELHI BY THE SHORTEST AND DIRECT ROUTE.

†688. ***Mr. Lalchand Navalrai:** Will the Secretary for Education, Health and Lands please state if the Delhi Improvement Trust have considered the desirability of connecting Karol Bagh with New Delhi by the shortest and direct route—Punch Kuin Road with the new Road which is under construction and comes from the Agricultural Institute and passes alongside the school, double storeyed building called the Bank Building, and Naiwala in Karol Bagh? If not, do they propose to do so now?

RESTRICTION OF THE RIGHT OF TRANSFER OF THE LESSEES OF GOVERNMENT PLOTS IN DEVNAGAR NEAR KAROL BAGH, DELHI.

†689. ***Mr. Lalchand Navalrai:** (a) Is the Secretary for Education, Health and Lands aware of the fact that all the lessees of Government plots of land in Pahargunj and Karol Bagh, Delhi, have been given the option to transfer their rights in the respective plots whenever they consider it necessary?

(b) If the reply to part (a) above be in the affirmative, will he please state whether the Delhi Improvement Trust have restricted lessees of the Government plots of land in Devnagar (near Karol Bagh) from exercising this option? If so, why?

†For answer to this question, see answer to question No. 687.

EXCLUSION OF INDIANS FROM EDUCATIONAL AND PROVIDENT FUND FACILITIES IN MALAYA.

690. ***Seth Govind Das:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether Government are aware of the agitation caused among the Indian community in Malaya following the announcement made by the Governor of that colony, which implies that Asiatic Government servants will be excluded from the provision of educational facilities for children;
- (b) whether it is a fact that the Governor's announcement merely states that the question of salaries of Government servants, both European and Asiatic, will not be re-examined;
- (c) the causes that led to the appointment of the Macgregor Committee;
- (d) whether it is a fact that Indians are excluded from the provident fund scheme in the plantations; and
- (e) whether Government propose taking any action in the matter?

Sir Girja Shankar Bajpai: (a) Government have received no representations on the subject from the Indian community in Malaya.

(b) Yes.

(c) Dissatisfaction among the staff with the rates of pay.

(d) The Provident Funds referred to by the Honourable Member are private and not official.

(e) Government are in communication with the Agent on the question whether any action by them is required.

COMBINED EXHIBITION OF INDIAN ARTS IN ENGLAND.

691. ***Seth Govind Das:** Will the Secretary for Education, Health and Lands please state:

- (a) whether Government have made any effort to secure a combined exhibition of Indian arts exhibited at the Indian Museum of South-Kensington and the Indian section of the British Museum;
- (b) whether it could be possible to agree upon an appropriate form of control for the institution (Indian Museum and the British Museum relating to Indian objects in England) to give the entire collection of Indian art a rich significance; and
- (c) what action Government propose taking in the matter?

Sir Girja Shankar Bajpai: (a) to (c). The Honourable Member probably has in mind the exhibition, in one place, of Indian exhibits of artistic value in the British and South Kensington museums in London. Neither the exhibits nor the museums are under the control of the Government of India who will, however, endeavour to ascertain whether any action in the direction suggested by the Honourable Member is feasible.

FALL IN THE PRICE OF RICE.

692. *Seth Govind Das: Will the Secretary for Commerce please state:

- (a) the average total production of rice, for the last five years, in this country;
- (b) the average total annual consumption of rice in this country, taking the period of last five years;
- (c) the average annual total export from rice in this country, taking the period of last five years;
- (d) the average total annual import of rice into this country during the last five years;
- (e) the approximate total import of rice from Burma during the last twelve months;
- (f) the extent to which price of rice has gone down in this country since the last ten years;
- (g) whether Government are aware of the agricultural distress in the country as a result of the price of rice having gone down;
- (h) whether Government propose levying prohibitive duty on the imports of rice, broken rice and paddy from Burma in order to raise the price of these commodities in this country;
- (i) what actions, beside the levy of prohibitive duty on rice, Government propose taking in order to put a stop to the dumping of outside rice in the coastal town markets of this country; and
- (j) what is the policy of Government in the matter of preventing rice from Burma and other countries being imported into this country?

Mr. H. Dow: (a) to (g), (i) and (j), The information is being collected and will be laid on the table in due course.

(h) No Sir.

DECREASE IN THE PURCHASE OF STEEL AND IRON BY GREAT BRITAIN.

693. *Seth Govind Das: Will the Secretary for Commerce please state:

- (a) whether Great Britain's purchase of steel and iron from this country has decreased since 1929;
- (b) if so, the proportion of the decrease;
- (c) whether it is a fact that the steel making capacity of Great Britain has been steadily increasing in recent years;
- (d) the annual producing capacity of Great Britain in steel;
- (e) whether Government have considered that Britain's increasing capacity of steel will affect the iron and steel industry in this country; and
- (f) if so, the extent to which it is feared it would be affected?

Mr. H. Dow: (a) No, Sir. There has been a very large increase.

(b) Does not arise.

(c) Yes, Sir.

(d) A statement showing the annual production of steel in the United Kingdom is placed on the table.

(e) No, Sir.

(f) Does not arise.

Statement showing the Production of Steel in the United Kingdom.

Year	1929	1935	1936	1937 (Partly estimated).
Production in Millions of Tons	9.64	9.86	11.78	12.96

PREPARATION OF MILK POWDER IN INDIA.

694. *Mr. Manu Subedar: Will the Secretary for Education, Health and Lands state:

- (a) whether any experiments have been made for the preparation of milk powder in India, and whether there are any physical or other difficulties in such preparation;
- (b) if the reply to part (a) be in the negative, whether there are any proposals for experiments in this direction;
- (c) whether there is any import of milk powder into India;
- (d) whether the Nutrition Expert of the Government has anything to say with regard to the usefulness of milk powder; and
- (e) whether Government are prepared to make available to the House any record on the subject pointing out either the usefulness of the milk powder, or the possibility of having it manufactured in India?

Sir Girja Shankar Bajpai: (a) No experiments have been made so far. As regards the difficulties in the way of the production of milk powder in India, I would invite the attention of the Honourable Member to pages 52-54 of Dr. Wright's "Report on the Development of the Cattle and Dairy Industries of India", copies of which are available in the Library and have also been supplied to Members of the Central Legislature.

(b) Yes.

(c) Yes.

(d) and (e). An extract from a "Note on the nutritive value of skim milk" by the Director of Nutrition Research has been placed in the Library of the House. Information regarding the possibility of manufacture is not available at present.

Mr. Manu Subedar: Is there any proposal for making experiments in this direction?

Sir Girja Shankar Bajpai: The recommendation of Dr. Wright in this behalf is that official assistance should take the form of surveying the available supplies of milk, examining their quality and determining on a small scale the suitability of milk for processing. That recommendation is being examined.

Mr. Manu Subedar: Is the Imperial Dairy Research Institute capable of making experiments with regard to the preparation of milk powder?

Sir Girja Shankar Bajpai: Not the Institute at Bangalore.

Mr. K. Santhanam: Is there any proposal to encourage the import of milk powder from other countries?

Sir Girja Shankar Bajpai: I am not aware of any such proposal.

PREPARATION OF CONDENSED MILK IN INDIA.

695. ***Mr. Manu Subedar:** Will the Secretary for Education, Health and Lands state:

- (a) whether any enquiry was addressed by the Secretary to the Dairy Section of the Congress held at Haripura, regarding the possibility of preparing, or being supplied with, condensed milk in large quantity;
- (b) whether any experiment has been made by Government for the preparation of condensed milk in India;
- (c) if so, what are the results and in which publication of Government these results are given;
- (d) what is the present position and whether Government find it possible to have condensed milk made in India;
- (e) whether a scheme or programme was ever prepared for experiments in the making of condensed milk in India; if so, by whom and when; and
- (f) whether Government are prepared to make available to this House such scheme or programme?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Experiments were started in 1927 but as the results were inconclusive they have not been published.

(d) The question has been examined by Dr. Wright and his report is under consideration.

(e) and (f). Two schemes were prepared, one by the Imperial Dairy Expert in 1932 and the other by the Animal Husbandry Expert of the Imperial Council of Agricultural Research, in consultation with the Director of the Imperial Agricultural Research Institute, in 1934. These schemes are being re-examined in the light of Dr. Wright's report. Government will consider the question of publishing these schemes when the re-examination has been completed.

Mr. Manu Subedar: With regard to (a) what was the reply sent by Government?

Sir Girja Shankar Bajpai: The inquiry was as to whether Government could provide skim milk products and as the plant which was used in producing condensed milk was not available, the reply was in the negative.

Mr. Mohan Lal Saksena: May I know when Government propose to reach final conclusions on the recommendations of Dr. Wright?

Sir Girja Shankar Bajpai: I cannot fix any definite date but we shall try to reach conclusions as quickly as possible.

Mr. Mohan Lal Saksena: It is already more than six months since Dr. Wright submitted his report?

Sir Girja Shankar Bajpai: That may be but the report is a voluminous document and not merely the Central Government but also the Provincial Governments are concerned.

Mr. Manu Subedar: With regard to the scheme prepared in 1932, what steps have been taken to carry out that scheme? Has it been accepted or rejected or is it still under consideration?

Sir Girja Shankar Bajpai: In reply to parts (e) and (f) of the question I said that action on these schemes (which incidentally were not sanctioned until October or December, 1936) has been held up pending consideration of Dr. Wright's observations.

Maulana Zafar Ali Khan: I should like to know the quantity of condensed milk imported into India and consumed by India?

Sir Girja Shankar Bajpai: If my Honourable friend will look at Table 21 in the Report (I believe it is on page 167) he will get the information.

Mr. President (The Honourable Sir Abdur Rahim): Answers to the next two questions in the name of Mr. Avinashilingam Chettiar will be laid on the table as he has already asked five questions.

TERRITORIES CEDED TO MEWAR AND JODHPUR STATES.

†696. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Leader of the House state:

- (a) how long the territories just conceded to Mewar and Jodhpur States have been under British Indian administration;
- (b) when the territories were taken under British Indian administration and whether they were taken subject to any conditions; and
- (c) whether the people of the districts concerned were consulted in the matter?

The Honourable Sir Nripendra Sircar: (a) and (b). The Honourable Member's attention is invited to the communique issued to the Press for publication on the 3rd February, 1938. Copies of the communique are available in the Library of the House.

(c) does not arise as the territory belonged to the Darbars concerned and the majority of the inhabitants are State subjects.

TERRITORIES CEDED TO MEWAR AND JODHPUR STATES.

†697. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Leader of the House state:

- (a) what were the immediate considerations that made the Government transfer territory to the Indian States of Mewar and Jodhpur; and

† Answer to this question laid on the table, the questioner having exhausted his quota.

- (b) whether any more transfer of territories to these many other Indian States are under contemplation?

The Honourable Sir Nripendra Sircar: (a) I would refer the Honourable Member to the reply given to parts (a) and (b) of his question No. 696.

(b) The reply is in the negative.

UNSTARRED QUESTIONS AND ANSWERS.

IMPORT OF MOTOR CARS FROM GERMANY.

58. **Mr. J. D. Boyle:** Will the Commerce Secretary please state:

- (a) whether it is a fact that the number of motor cars imported from Germany is increasing annually and that during the past 12 months has increased from 739 to 1,701;
- (b) whether Government are aware that German export prices are more than 50 per cent. below their home retail prices and lower than manufacturing costs of the car;
- (c) whether Government are aware that by this means the effect of the preference of $7\frac{1}{2}$ per cent. given to cars of British manufacture under the Ottawa Agreement is being nullified, and that the Central Government Revenues are losing considerably because of the fictitious value of these German cars; and
- (d) what action Government propose to take in this matter?

Mr. H. Dow: The question should have been addressed to the Honourable the Finance Member.

NON-OFFICIAL BILLS PENDING BEFORE THE CENTRAL LEGISLATIVE ASSEMBLY.

59. **Mr. D. K. Lahiri Chaudhury:** Will the Honourable the Leader of the House please state:

- (a) how many notices of non-official Bills are pending before the Assembly under section 100 (3) of the Government of India Act, 1935;
- (b) if there are any, whether Government will state their idea whether they will oppose them or support them at the time of introduction; and
- (c) whether Government will state the names of those Bills?

The Honourable Sir Nripendra Sircar: (a) and (c). The question whether a particular Bill is one which the Indian Legislature is incompetent to enact by reason of the provision contained in the sub-section referred to by the Honourable Member is in each case a question of construction and I am not prepared to anticipate the expression of Government's opinion on the question of construction which would or might

become necessary if a Bill giving rise to the question were introduced or sought to be introduced.

(b) Government reserve their freedom of action but they do not contemplate any general departure from the convention that Bills are not opposed at the introduction stage.

ELECTRICAL ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

60. **Raizada Hans Raj:** With reference to the answer to my starred question No. 431, dated the 22nd February, 1938, regarding the Electrical Establishment of the Central Public Works Department, will the Labour Secretary kindly lay on the table particulars regarding the Work Charge Establishment (excluding coolies) as soon as practicable?

Mr. A. G. Clow: I presume that by "coolies" the Honourable Member means inferior servants. The information asked for by the Honourable Member is being collected and will be laid on the table in due course.

OBSERVERS EMPLOYED IN THE UPPER AIR OBSERVATORY, AGRA.

61. **Pandit Sri Krishna Dutta Paliwal:** Will the Secretary for Education, Health and Lands please state:

- (a) what are the scales of observers employed in the Upper Air Observatory, Agra, and their strength in each scale; also, how this strength has been drawn from the various Provinces and States of India;
- (b) whether it is a fact that the services of observers are transferable throughout and even outside India; if so, whether any circles have been formed in order to keep Government expenditure on transfers at a minimum and to give as settled a life to the observers as possible;
- (c) whether any compensation is being given to the observers for their work on Government holidays and for extra observations called of them over and above the normal work;
- (d) whether those observers, who are ordered by their Head office to stay near their office, have been given rent-free quarters; in cases of choice and where ten per cent. rent is charged whether the accommodation allowed is to the required standard according to the grades; and
- (e) what has been the percentage of promotions made from one ministerial scale to another in the above office each year during the last five years and whether all these promotions have been based on seniority of service; if not, why these were not based on seniority of service in those cases where service was otherwise satisfactory?

Sir Girja Shankar Bajpai: The question should have been addressed to the Honourable Member for Communications.

GAZETTED STAFF OF THE METEOROLOGICAL DEPARTMENT AND LENGTH OF SERVICE OF THE HEAD OF THE UPPER AIR OBSERVATORY, AGRA.

62. **Pandit Sri Krishna Dutta Paliwal:** Will the Secretary for Education, Health and Lands please state:

- (a) the strength of the gazetted staff, class I, of the India Meteorological Department;
- (b) the length of service of the present head of the Upper Air Observatory, Agra, and since what period he had been posted at Agra; and
- (c) whether there is any charge allowance attached to the above post and, if so, since how long the present head has been drawing it?

Sir Girja Shankar Bajpai: The question should have been addressed to the Honourable Member for Communications.

DEATH OF MR. GEORGE JOSEPH.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): I rise, Sir, to make a reference to the sad news that we have received of the untimely death of one of our comrades, George Joseph. A career of remarkable richness has been cut off in the prime of life, for he was barely 51 years old. As an academician, he was Master of Arts; by profession he was a Barrister-at-Law. A Congress nationalist, ever since 1917, he had enlisted himself in the ranks of those who have served and sacrificed for this country. He was among the first who joined the Home Rule League and soon thereafter he joined the ranks of those who are now counted by many millions in this country and who have adopted a new method of attaining freedom by their ways of struggle. He became the editor, under the inspiration of Pandit Motilal Nehru, of the *Independent* but soon after this, as a result of his imprisonment, the newspaper had to be closed. After he came out of jail, he, however, was fortunate enough to find another greater work waiting for him,—the editorship of *Young India*, which has now become the inspiration and the guide of the whole of the country at large, and the awakening result of which India has seen beyond all recognition. After he gave up that, he continued for a while in the profession, but soon joined the Madras Council and thereafter he was elected a Member of this Assembly,—a man not merely of ability, not merely a man with forensic gifts which he undoubtedly possessed, but one of those steady, steadfast and selfless workers whom it would be difficult for us to replace among our Benches on this side. But we have only this satisfaction that he has left us a rich heritage of selfless, sustained, silent service and sacrifice which must necessarily be the badge of men who do not wait for enjoying the fruits of their struggle but who die in order only that their country may live better and freer. I ask you, Sir, that in the name of this House a message may be conveyed to Mrs. George Joseph and to his children of the loss we have suffered and the sense of appreciation which this House has of the services rendered by him in his too short a career in this House.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, we have once again to mourn the loss of a colleague. Many

of us met Mr. George Joseph for the first time when he was returned to this House not very long ago, and we are deeply grieved that we had not more opportunities of getting to know him better and to love and respect him as many of his friends have done throughout his life. Mr. George Joseph was an Indian Christian, educated in Edinburgh and called to the bar, and, as the Leader of the Opposition has just mentioned, from choice he did not follow his profession for long but took to journalism. Evidently he made a greater name as a journalist than as a barrister. Mr. President, in these times when the Indian Christian community are playing a greater part in Indian affairs than they ever did before, the Indian Christian community, especially in the south, loses in Mr. George Joseph a most prominent member. May I be allowed to associate my Party and myself with this expression of grief at the loss of one of our own colleagues, and may we be allowed to convey to the Indian Christian community our sincerest condolences. Sir, I associate my Party with this expression of sorrow and request that you do convey to Mrs. George Joseph our sincerest condolences in her irreparable loss.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, on behalf of myself and my Party I express our feelings of sorrow at the sad demise of Mr. George Joseph. We request you kindly to convey our condolence to the bereaved family. I associate myself with the words that have fallen from Honourable Members in this House.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, in Mr. George Joseph it is not merely the Congress Party that has lost a valuable colleague but I am sure this House also has lost a very valued colleague. Sir, he was one of those cultured men whose utterances always carry on them the stamp of deep thought and erudition. Sir, I have been knowing him since the year 1920. I have seen him work as the editor of the *Independent* also and in that capacity I had the privilege of knowing him very closely. He was one of those who loved to work silently and, more than that, to suffer silently. Yet the contributions that he has made to the cause of nationalism will be long remembered by his countrymen as very solid service rendered by him to the country. Sir, one thing that was remarkable in him and which must strike everybody is this. After the passing away of that great Christian, Kali Charan Banerjee, Mr. George Joseph was another prominent Christian who identified himself with the cause of the India National Congress and the cause of Indian nationalism and it is he who tried to inculcate into the Christian community the ideal of not looking up to a foreign nation for their uplift, welfare and betterment, but to look up to the Indian nation for their uplift, betterment and welfare. This new angle of vision was created by him in a community which is of the same flesh and bone as we are and in that respect the services he has rendered in bringing back to the Indian nation a section which was on the point of being permanently lost were immeasurable and invaluable. Such a colleague we have lost. I do not want to add more words but I desire to associate myself with the motion which has been proposed by the Leader of the Opposition and request you to convey to Mrs. George Joseph our sincere sense of sorrow for the premature and untimely loss of Mr. George Joseph.

Mr. L. C. Buss (Nominated Non-Official): Mr. President, on behalf of the European Group I wish to associate myself with all that has been said by the Leaders of other Parties about the death of Mr. George Joseph.

[Mr. L. C. Buss.]

During the comparatively short time that he was a Member of this House we hardly had an opportunity to become as well acquainted with him as we would have wished, but we came to know him as an able debater and as one who took his full part in the business of this House. His loss is a greater one to his Party and to the House and I desire you to associate us with any message of condolence which you may be sending to his relatives.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I desire to associate myself with the sentiments which have been expressed and the request which has been made by the Honourable the Leader of the Opposition and the speakers who have spoken before me. I had not the privilege and honour of knowing Mr. George Joseph intimately as I came across him only once or twice, but from the way he took part in the proceedings of this House last Simla Session I think I am on firm ground in stating that those who had an opportunity to listen to him could not help forming the conclusion that he had come quite prepared and had made a serious study of the subject upon which he was going to speak. I join in the request which has been made by the other sections of the House to convey our condolence to Mrs. George Joseph.

Mr. President (The Honourable Sir Abdur Rahim): It will be my duty to communicate to the bereaved members of the deceased's family all that has been said by the Leaders of different Parties. I share the sense of loss that the House has sustained by the death of Mr. George Joseph to whose services such feeling and eloquent testimony has been paid by the Leader of the Opposition and others who have spoken.

THE GENERAL BUDGET—LIST OF DEMANDS—*concl'd.*

Mr. President (The Honourable Sir Abdur Rahim): The House will now proceed with Demands for Grants.

DEMAND No. 51—INDIAN STORES DEPARTMENT.

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

"That a sum not exceeding Rs. 22,94,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Stores Department'."

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

"That a sum not exceeding Rs. 22,94,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Stores Department'."

The motion was negatived.

DEMAND No. 52—COMMERCIAL INTELLIGENCE AND STATISTICS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 7,76,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Commercial Intelligence and Statistics'."

THE GENERAL BUDGET—LIST OF DEMANDS.

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

"That a sum not exceeding Rs. 7,76,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Commercial Intelligence and Statistics'."

The motion was negatived.

DEMAND No. 53—CENSUS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 5,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Census'."

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

"That a sum not exceeding Rs. 5,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Census'."

The motion was negatived.

DEMAND No. 54—EMIGRATION—INTERNAL.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 12,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Emigration—Internal'."

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

"That a sum not exceeding Rs. 12,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Emigration—Internal'."

The motion was negatived.

DEMAND No. 55—EMIGRATION—EXTERNAL.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Emigration—External'."

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

"That a sum not exceeding Rs. 1,92,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Emigration—External'."

The motion was negatived.

DEMAND No. 56—JOINT-STOCK COMPANIES.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,47,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Joint-Stock Companies'."

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

"That a sum not exceeding Rs. 1,47,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Joint-Stock Companies'."

The motion was negatived.

DEMAND NO. 57—MISCELLANEOUS DEPARTMENTS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 4,16,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous Departments'."

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

"That a sum not exceeding Rs. 4,16,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous Departments'."

The motion was negatived.

DEMAND NO. 58—CURRENCY.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 15,64,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Currency'."

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

"That a sum not exceeding Rs. 15,64,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Currency'."

The motion was negatived.

DEMAND NO. 59—MINT.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 19,07,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Mint'."

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

"That a sum not exceeding Rs. 19,07,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Mint'."

The motion was negatived.

DEMAND NO. 60—CIVIL WORKS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 84,73,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Civil Works'."

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

"That a sum not exceeding Rs. 84,73,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Civil Works'."

The motion was negatived.

DEMAND NO. 61—CENTRAL ROAD FUND.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,70,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Central Road Fund'."

Sir, perhaps before this motion is put by you, in order to avoid any possible misapprehension, I might point out to the House that the whole of this sum of Rs. 1,70,00,000 will go to the Provinces and we certainly propose to divide upon this.

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

"That a sum not exceeding Rs. 1,70,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Central Road Fund'."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
Dow, Mr. H.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Highet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Col. H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—68.

Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Ahmed, Mr. K.
 Ahsan, Maulvi Muhammad.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayvaugur, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Banerjee, Dr. P. N.
 Bhagavan Das, Dr.
 Bhagchand Soni, Rai Bahadur Seth.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Essak Sait, Mr. H. A. Sathar H.
 Gadgil, Mr. N. V.
 Ghiasuddin, Mr. M.
 Ghulam Bhik Nairang, Syed.
 Ghuznavi, Sir Abdul Halim.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Jedhe, Mr. K. M.
 Jehangir, Sir Cowasji.
 Jogendra Singh, Sirdar.

Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.
 Lalchand Navalrai, Mr.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mody, Sir H. P.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghunath Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. Thirumala.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Siddique Ali Khan, Khan Sahib Nawab.
 Sikandar Ali Choudhury, Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subedar, Mr. Manu.
 Umar Ali Shah, Mr.
 Varma, Mr. B. B.
 Yamin Khan, Sir Muhammad.
 Zafar Ali Khan, Maulana.

The motion was negatived.

DEMAND NO. 62—SUPERANNUATION ALLOWANCES AND PENSIONS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,10,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Superannuation Allowances and Pensions'."

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

"That a sum not exceeding Rs. 1,10,28,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Superannuation Allowances and Pensions'."

The motion was negatived.

DEMAND NO. 63—STATIONERY AND PRINTING.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 53,43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Stationery and Printing'."

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

"That a sum not exceeding Rs. 53,43,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Stationery and Printing'."

The motion was negatived.

DEMAND NO. 64—MISCELLANEOUS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 11,45,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous'."

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

"That a sum not exceeding Rs. 11,45,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous'."

The motion was negatived.

DEMAND NO. 65—GRANTS-IN-AID TO PROVINCIAL GOVERNMENTS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,72,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Grants-in-aid to Provincial Governments'."

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

"That a sum not exceeding Rs. 1,72,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Grants-in-aid to Provincial Governments'."

Mr. F. E. James (Madras: European): Sir, before you put this to the vote, I should like to raise one question and that is the question of the position of Coorg. I shall not detain the House long, so my Honourable friends need not trouble themselves to leave the Chamber.

Sir, the Demand for Grant in respect of Coorg for next year is less than the revised estimate for the present year. I understand that is in pursuance of the policy which the Government of India have now adopted of giving a decreasing grant to Coorg in order that within a certain number of years the grant from the Central Administration may be entirely wiped out. Sir, Coorg is the Cinderella of all the Provinces. It is inhabited by a proud and independent people. There have been, from time to time, suggestions that Coorg should be amalgamated either with Madras or with the State of Mysore,—propositions which I do not think are likely to commend themselves to the people of that province. I quite admit that Coorg does present an extremely difficult problem. It is much smaller than an average district even in the Madras Presidency. It has a population of only a little more than a lakh and a half. Yet it has a constitution which boasts a Legislative Council, a District Board, a Commissioner and the services of the Resident in Mysore as the Chief Commissioner.

[Mr. F. E. James.]

The points that I want to ask Government about may be briefly stated as follows: First of all, what is their view as to the ultimate financial position of this small province? Knowing something of the province, I can hold out no hope of any permanent improvement in the economic position of that province. It is mainly dependent upon coffee and sandalwood oil. The outlook of the coffee industry is not a very favourable one and I think it is very unlikely that even within a measurable distance of time the finances of the province will be such as to be able to do without any outside help from the Government of India. Secondly, there is definite need for simplification in the administration of the province. The various organs that exist in this very small province indicate that something might be done to cut away a certain amount of duplication in regard to local administration. And thirdly, what is Coorg's constitutional position going to be in the future? These are the three points to which I hope Government will shortly address themselves by means of some very specific inquiries, either by a deputation from the Government of India or through the usual channels of the Resident of Mysore acting as the Chief Commissioner of the province.

I understand that in the new Legislature under Federation Coorg is to have a representative in this House. Has not the time come when some definite inquiries should be undertaken in regard to Coorg's financial position, in regard to the administration of the province and in regard to Coorg's relation with the Centre? If Government can enlighten me as to their own policy in regard to this matter I shall be extremely grateful, for, although Coorg is small in area and although its population as compared to the populations of contiguous provinces and States seems to be infinitesimal, yet, after all, it is the direct responsibility at present of the Government of India. That being so, it has no eloquent voice such as Delhi or Ajmer-Merwara has in this House, I trust that the Government of India will be good enough to enlighten me as to what their policy is.

There is only one further word that I wish to add, so far as the financial position of Coorg is concerned. I cannot myself see that the policy of dwindling subventions is the right policy at the present time. I have had, on more than one occasion on behalf of the coffee planting community in Coorg (and my Honourable friend, Dr. DeSouza, well knows their position), to address myself to the administration of Coorg for financial help. We have always been given the same answer, namely, that the finances of the provinces do not justify any further help to an industry whose future is so uncertain. Some help undoubtedly has been given, but it has been given in a very grudging way and on a very meagre scale; and unless the Government of India are prepared entirely to wash their hands of this area and to suggest that it should be handed over to some other Administration I do appeal to them to regard this not only as their responsibility but as a very serious and direct one.

Mr. E. Conran-Smith (Government of India: Nominated Official): Sir, my Honourable friend, Mr. James, has taken advantage of the time made available for him by the empty Benches opposite to call attention to the needs of that rather distant, rather small and rather attractive part of

India,—Coorg. He stated that the case of Coorg has not been represented in this House as the case of Delhi has, but, I think, this House will agree that Mr. James' eloquence on this occasion has supplied the deficiency, if there has been one in the past. Mr. James has raised three questions in regard to Coorg: the first,—I think he put this first,—is the financial one; the second is linked with that, *viz.* the question of some simplification of the administration; and the third is the constitutional one. I will take the constitutional point first, because there is the least to say about it.

The future of Coorg under the new Constitution is, as Honourable Members will be aware, governed by the provisions of section 97 of the Government of India Act; and there is, I believe, no immediate prospect of any change in the Constitution with which Coorg has entered the new order of things.

So far as Coorg's financial position is concerned, I can assure my Honourable friend that the Government of India, are, of course, fully aware of the condition of Coorg's finances, which were the subject of an inquiry by Sir Otto Niemeyer only some eighteen months ago. As a result of that inquiry, the Government of India have agreed that Coorg should receive a cash sum of Rs. 5 lakhs spread over four years, and have agreed to write off the debts of Coorg as on the 31st March, 1937, up to a certain maximum. That settlement still stands and I can hold out no hope to Mr. James that there will be any change in it.

The difficulties with which Coorg has been faced are well-known and have been explained by Mr. James. The revenue of the Coorg administration depends largely on sandalwood and the revenue of the inhabitants depends largely on coffee. The prices of both these commodities have fallen to a degree far below that subsisting even a few years ago; and the reaction of that fall on the revenues of Coorg needs no emphasising. I should, however, mention that a request for the deputation of a financial officer to Coorg to make proposals, if possible, to help the administration to achieve budgetary equilibrium has been under consideration; and it is likely that Government will agree to such a deputation provided it is made clear that there is no connection between the deputation and any question of constitutional reform at the moment. The Chief Commissioner will no doubt consider, in consultation with the officer deputed, the question whether any reduction or simplification could be suggested in the case of the administration of Coorg and the valuable suggestions made by the Honourable Mr. James as regards the simplification, and possibly a reduction in the cost of administration will, I have no doubt, receive consideration, at the hands of the Chief Commissioner. I trust that the information which I have given will show that the Government of India has not been in any sense neglectful of the interests of Coorg and are fully aware of the present position.

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

"That a sum not exceeding Rs. 1,72,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Grants-in-aid to Provincial Governments'."

The Assembly divided:

AYES—45.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
Dow, Mr. H.
Fazli-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hibbet, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Col. H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—68.

Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Ahmed, Mr. K.
Ahsan, Maulvi Muhammad.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.

The motion was negatived.

Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mody, Sir H. P.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

DEMAND No. 66—MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 10,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous Adjustments between the Central and Provincial Governments'."

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

"That a sum not exceeding Rs. 10,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Miscellaneous Adjustments between the Central and Provincial Governments'."

The motion was negatived.

DEMAND No. 67—EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO REVENUE.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 7,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Expenditure on retrenched personnel charged to revenue'."

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

"That a sum not exceeding Rs. 7,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Expenditure on retrenched personnel charged to revenue'."

The motion was negatived.

DEMAND No. 68—DELHI.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 54,65,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Delhi'."

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

"That a sum not exceeding Rs. 54,65,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Delhi'."

The motion was negatived.

DEMAND No. 69—AJMER-MERWARA.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 16,26,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Ajmer-Merwara'."

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

"That a sum not exceeding Rs. 16,26,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Ajmer-Merwara'."

The motion was negatived.

DEMAND No. 70—PANTH PIPLODA.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 13,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Panth Piploda'."

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

"That a sum not exceeding Rs. 13,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Panth Piploda'."

The motion was negatived.

DEMAND No. 71—ANDAMANS AND NICOBAR ISLANDS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 31,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Andamans and Nicobar Islands'."

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

"That a sum not exceeding Rs. 31,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Andamans and Nicobar Islands'."

The motion was negatived.

DEMAND No. 73—INDIAN POSTS AND TELEGRAPHS.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 21,83,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Posts and Telegraphs'."

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

"That a sum not exceeding Rs. 21,83,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Posts and Telegraphs'."

The motion was negatived.

DEMAND No. 73-A—INDIAN POSTS AND TELEGRAPHS—STORES SUSPENSE (NOT CHARGED TO REVENUE).

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Posts and Telegraphs—Stores Suspense (Not charged to revenue)'."

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

"That a sum not exceeding Rs. 1,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Posts and Telegraphs—Stores Suspense (Not charged to revenue)'."

The motion was negatived.

DEMAND No. 73-B—INDIAN POSTS AND TELEGRAPHS—APPROPRIATION TO TELEPHONE DEVELOPMENT FUND (NOT CHARGED TO REVENUE).

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 2,50,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Posts and Telegraphs—Appropriation to Telephone Development Fund (Not charged to revenue)'."

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

"That a sum not exceeding Rs. 2,50,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Indian Posts and Telegraphs—Appropriation to Telephone Development Fund (Not charged to revenue)'."

The motion was negatived.

DEMAND No. 75—CAPITAL OUTLAY ON SCHEMES OF AGRICULTURAL IMPROVEMENT AND RESEARCH.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 23,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Capital outlay on Schemes of Agricultural Improvement and Research'."

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

"That a sum not exceeding Rs. 23,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Capital outlay on Schemes of Agricultural Improvement and Research'."

The motion was negatived.

DEMAND No. 76—CAPITAL OUTLAY ON VIZAGAPATAM HARBOUR.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 3,86,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Capital outlay on Vizagapatam Harbour'."

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

"That a sum not exceeding Rs. 3,86,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Capital outlay on Vizagapatam Harbour'."

The motion was negatived.

DEMAND No. 77—DELHI CAPITAL OUTLAY.

The Honourable Sir James Grigg: Sir, I move:

"That a sum not exceeding Rs. 15,75,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1939, in respect of 'Delhi Capital Outlay'."

LEGISLATIVE ASSEMBLY.

Wednesday, 9th March, 1938.

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

MEMBER SWORN.

Mr. Victor George Matthews, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†698*—719*.

BREACHES IN THE EMBANKMENT OF THE KULAURA-SYLHET BRANCH LINE OF THE ASSAM BENGAL RAILWAY.

720. *Mr. Brojendra Narayan Chaudhury: Will the Honourable Member in charge of Railways please state:

- (a) if the embankment of the branch railway line Kulaura-Sylhet, Assam Bengal Railway, was breached by floods in the year 1929 between Fenchuganj and Moglabazar at several places;
- (b) if, as a result of the breaches, traffic was stopped; if so, for how long;
- (c) the loss to Railway property and the loss of railways earnings by the floods of 1929;
- (d) if it was reported to the police that the villagers had cut one of the breaches to let out water quickly to save crops and homestead from inundation;
- (e) if any police investigation was started; if so, whether the district magistrate stopped the investigation; if so, why; and
- (f) if Government propose to open more water passages on this embankment with a view to preventing probable loss to Railway and to the villagers by recurrence of floods?

The Honourable Sir Thomas Stewart: (a) Yes.

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

(f) The Honourable Member is referred to the reply given to his question No. 395 in this House on 21st February, 1938.

† These questions, which were on the Order Paper for the 8th March, 1938, have lapsed, the meeting fixed for that date having been cancelled.

Mr. Brojendra Narayan Chaudhury: The reply referred to shows that the Government can only provide for normal floods times; may I know whether the recommendation of the Flood Inquiry Committee of 1929 was not to the effect that the high probable flood level was to be provided for?

The Honourable Sir Thomas Stewart: The Recommendation of the Flood Inquiry Committee is referred to in the information that was laid on the table to which reference was made in my previous answer and the views of the Government of India are given in that statement of information.

Mr. Brojendra Narayan Chaudhury: In that statement the Government say: "The Railway embankment is in no way responsible for the failure of the paddy crops during years of normal rainfall". My question is, did not the Flood Inquiry Committee recommend that provision should also be made for the high probable flood?

The Honourable Sir Thomas Stewart: I must ask for notice of that.

Prof. N. G. Ranga: Has any action been taken on the recommendations of that Flood Inquiry Committee?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the answer that I have already given on the subject.

BEGGARS, ETC., ON RAILWAY PLATFORMS.

721. ***Mr. Manu Subedar:** Will the Honourable Member for Railways and Communications state:

- (a) whether the railway authorities invite or permit cripples or any other beggars on the railway platforms, or on the permanent way to importune for alms;
- (b) whether the railway authorities have prosecuted any beggars for trespass during the last five years anywhere in India;
- (c) whether any complaints have been received from passengers or others of the nuisance; and
- (d) if the reply to part (a) be in the negative, why such a nuisance continues almost everywhere on the railways?

The Honourable Sir Thomas Stewart: (a) No.

(b) Government have no information.

(c) Yes.

(d) By reason of the pertinacity of the class in question.

Mr. Manu Subedar: Are the Government satisfied that they have full legal rights to prosecute any such persons?

The Honourable Sir Thomas Stewart: I must ask for notice of a question as to the legal position.

Mr. N. M. Joshi: In view of the fact that these beggars are giving a lot of trouble to the railways, will the Indian railways approach the Provincial Governments asking them to pass poor laws and making arrangements for these people?

The Honourable Sir Thomas Stewart: I do not think it is the function of the railway administration to initiate legislation.

Mr. K. Ahmed: In view of the fact that the Nominated Member representing labour is very unkind to the nuisance created by these beggars . .

Mr. N. M. Joshi: No, no; I am asking that these beggars should be properly provided for by poor laws.

Mr. K. Ahmed: . . . will the Government refer the matter to a society called the Calcutta Society for the Prevention of Cruelty to Animals, both as regards the East Indian and the Eastern Bengal Railways?

The Honourable Sir Thomas Stewart: If the Honourable Member is referring to the S. P. C. A., I suggest that he address his question to my Honourable friend, Sir Girja Shankar Bajpai.

Mr. K. Ahmed: Are Government aware that a certain amount of money is spent by the Government towards the Society and that a number of officers are also appointed semi-officially to conduct the affairs of the Society successfully?

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow that question.

Mr. Manu Subedar: Have Government sent any circulars on the subject to the railway station masters and others?

The Honourable Sir Thomas Stewart: I am informed that the railways have been paying attention to this question and I am prepared to draw their attention again to the necessity for doing something to improve matters.

Mr. Manu Subedar: If any such circular is sent, will the Honourable Member place it on the table of the House?

The Honourable Sir Thomas Stewart: Yes, Sir.

RUNNING OF REFRESHMENT ROOMS AND RESTAURANT CARS BY RAILWAYS.

722. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- (a) on which Railways refreshment rooms and cars are run by the Railway Administrations;
- (b) whether they are worked on commercial lines; if so, what has been the financial effect of their working for the last three years; and

(c) whether these arrangements have proved better than the system of contracts?

The Honourable Sir Thomas Stewart: (a) I am placing on the table a statement giving the information required.

(b) and (c). I am calling for particulars and will place a further reply on the table of the House when these have been received.

Statement.

Reports for 1936-37 received from individual Railways show that departmental arrangements for catering are made on three railways, viz.

Bengal Nagpur Railway: meals in the European style: all refreshment rooms and dining cars.

Madras and Southern Mahratta Railway: meals in the Indian style: all dining cars and 31 out of 42 refreshment rooms.

South Indian Railway: meals in the Indian style: one buffet car and 9 out of 27 refreshment rooms.

Mr. T. S. Avinashilingam Chettiar: May I know, in elucidation of the answer to clause (c), what is the experience of the railway administrations? Is it better or worse?

The Honourable Sir Thomas Stewart: I have no information: I am calling for that information and I have promised to lay it on the table of the House when received.

Mr. K. Ahmed: Is the Honourable Member aware that the Bengal Nagpur Railway supplies food and refreshments, first class, much cheaper and better in quality and more in quantity than Kellners, Sorabji and Spencers in the East Indian and Eastern Bengal Railways?

The Honourable Sir Thomas Stewart: I am glad to have an unsolicited testimonial from the Honourable Member.

Mr. K. Ahmed: I have put a question to the Honourable Member, and he has not stated whether he will make it equally good on the other railways: is he prepared to do something about it?

(No answer was given.)

BRANCH POST OFFICES.

723. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications, state:

- (a) the number of Branch post offices now existing;
- (b) the minimum amount of turn over required for a Branch post office near a railway station; and
- (c) when and in what circumstances is an experimental office confirmed as a permanent Branch office?

The Honourable Sir Thomas Stewart: (a) The total number of Branch Post Offices in India on the 31st March, 1937, was 18,300.

(b) No minimum amount of traffic has been prescribed as a condition precedent to the opening of a Branch Post Office near a railway station. The general rule is that a new office is opened, when required in the public interest, on an experimental basis provided that the estimated cost of working it is not likely to exceed the estimated revenue by more than Rs. 240 per annum.

(c) Ordinarily an experimental Post Office is made permanent when its total income is found to exceed its total cost by 25 per cent. Heads of Circles have, however, power to waive this condition in special cases if the total income covers the total cost.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government have considered the advisability of exempting even this 25 per cent. more income in view of the fact that more rural post offices are desirable in this country?

The Honourable Sir Thomas Stewart: Yes; that is the substance of my reply to part (c).

Prof. N. G. Ranga: How many more experimental offices are going to be opened during the next year?

The Honourable Sir Thomas Stewart: I can give no forecast, but I may inform the Honourable Member that in the first nine months of the present year something like a thousand post offices were opened.

Mr. K. Santhanam: With reference to the answer to part (a), are the Government aware that the number he has given works out to one rural post office for every forty villages?

The Honourable Sir Thomas Stewart: I am prepared to accept the Honourable Member's arithmetic.

Mr. K. Santhanam: May I know whether Government are satisfied that this is a reasonable state of affairs?

The Honourable Sir Thomas Stewart: That is a matter of opinion.

Mr. Muhammad Azhar Ali: Will the Honourable Member take any suggestions from the public or from the Members of this House as to the opening of any such branches?

The Honourable Sir Thomas Stewart: The opening of post offices is based entirely on the opinion and desires of the public.

Mr. T. S. Avinashilingam Chettiar: May I know whether it is a matter of rule or exception that this 25 per cent. extra income is exempted?

The Honourable Sir Thomas Stewart: I want notice.

INDIANS IN THE RAILWAY BOARD.

724. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Railways state:

- (a) whether there are any Indians in the Railway Board; and

(b) if not, whether Government have considered the advisability of appointing any Indians to the Board?

The Honourable Sir Thomas Stewart: (a) No.

(b) Government have explained on more than one occasion that the Board is not constituted on a communal basis.

Mr. T. S. Avinashilingam Chettiar: Do the Government expect to appoint an Indian Member on the Railway Board in the near future?

The Honourable Sir Thomas Stewart: Yes, Sir. When a European Member goes on leave, in the course of the next few weeks, an Indian Member will officiate in his place.

Mr. Mann Subedar: What are the reasons which led Government to falsify all their promises in the past on this question?

Mr. President (The Honourable Sir Abdur Rahim): That question cannot be allowed.

Mr. Abdul Qaiyum: What is the number of Members on this Board?

The Honourable Sir Thomas Stewart: Is the Honourable Member really unaware of the number?

Seth Govind Das: Why should not Government appoint a permanent Indian Member on the Railway Board?

The Honourable Sir Thomas Stewart: The policy of the Government with regard to this appointment was sufficiently set out in my speeches during the discussion of the Railway Budget.

Mr. Abdul Qaiyum: What is the total number of Members of the Railway Board?

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

Qazi Muhammad Ahmad Kazmi: What are the qualifications for a Member of the Railway Board?

The Honourable Sir Thomas Stewart: The qualification is that the officer appointed should be capable of carrying on the duties of the post.

Qazi Muhammad Ahmad Kazmi: Have the Government not been able to find out such an Indian?

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

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

725. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Railways be pleased to state the total cost of building the air-conditioned first class carriages in use at present?

(b) What is the proportion of the first class passengers who are using these carriages?

(c) How long will the experiment last?

(d) Will no new air-conditioned first class carriages be built until the experiment is over and these carriages are found definitely profitable?

(e) Have any conclusions been reached regarding the abolition of first class, as recommended by the Wedgwood Committee? If not, are Government prepared to issue orders that, pending a decision on this question, no new first class carriages are built?

The Honourable Sir Thomas Stewart: (a) The Honourable Member's attention is invited to the reply, given in this House on 24th February, 1938, to parts (a), (b) and (e) of starred question No. 472.

(b) During the months of December, 1937, and January, 1938, for which figures are available, 73 per cent. travelled in air-conditioned coaches from Howrah and stations *en route* to Bombay and 50 per cent. from Bombay and stations *en route* to Howrah. Similar particulars in connection with the air-conditioned coach now running between Bombay and Delhi over the Bombay, Baroda and Central India Railway have been called for and will be communicated to the House when received.

(c) and (e). The Honourable Member's attention is invited to the reply, given in this House on 24th February, 1938, to starred question No. 474.

(d) The question of extending the I class air-conditioned service is under consideration.

Mr. K. Santhanam: With reference to part (b) what is the percentage of first class passengers necessary to make these carriages economic?

The Honourable Sir Thomas Stewart: That is one of the questions under consideration.

Mr. K. Santhanam: May I know if the Government did not calculate this when they started this air-conditioning business?

The Honourable Sir Thomas Stewart: That is only one factor in the situation.

Prof. N. G. Ranga: What is the answer to the first part of (e)? "Have any conclusions been reached regarding the abolition of first class, as recommended by the Wedgwood Committee"?

The Honourable Sir Thomas Stewart: The Honourable Member will find the answer to that in the reference which I have given in my reply.

Mr. Mohan Lal Saksena: With reference to part (e), the Honourable Member said the other day that he wanted notice and that is why I sent notice of this question.

The Honourable Sir Thomas Stewart: That is perfectly true. But at the time I had asked for notice, I had overlooked the fact that I had in effect answered that question.

CRITICISMS AND SUGGESTIONS REGARDING THE ALL-INDIA RADIO DEPARTMENT.

726. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Communications be pleased to state whether the attention of Government has been drawn to the article by Mr. K. Sreenivasan of the Indian Institute of Science, Bangalore, published in the *Illustrated Weekly of India*, dated the 28th March, 1937, and to the letter from Dr. M. N. Saha, published in the *Modern Review* for December, 1937, regarding the Indian Radio Department?

(b) If the answer to part (a) be in the affirmative, have Government considered the criticisms and suggestions made therein regarding the All-India Radio Department?

(c) Are Government willing to appoint a Broadcasting Commission, as recommended by Mr. Sreenivasan? If not, are Government prepared to consider the advisability of appointing a committee consisting of a majority of non-officials, including experts to enquire into the working of the All-India Radio Department and to make recommendations for the future working of the Department in a more efficient and business-like manner and to make it more popular?

(d) What were the principal recommendations of Mr. H. L. Kirke, regarding the future development of broadcasting in India?

(e) What is the total value of goods purchased by the All-India Radio Department from outside India during the last four years? Was there any condition in the agreement with the firms with whom the orders were placed regarding the training of Indians? If not, why not?

(f) Do Government propose to see that in future no orders are placed with foreign firms without making it a condition precedent that a certain number of Indians shall be given technical training by the firm?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Yes.

(c) The reply to both parts of the question is in the negative.

(d) I would refer the Honourable Member to the Industries and Labour Department memorandum, dated the 5th September, 1936, which was placed before the Standing Finance Committee at Simla. Mr. Kirke's proposal for having one 100 k.w. medium wave station could not be accepted owing to the cost and other considerations involved. Also he had not recommended any short-wave stations outside Delhi, and Government decided, in the interests of a better distributed service, to establish one each at Calcutta, Bombay and Madras.

(e) Rs. 16 lakhs approximately. One of the conditions was that the supervising engineer of the firm to whom the contract for erecting the plant was given should be responsible for training the staff in the running of the plant.

(f) Yes, to the extent indicated in my reply to the previous question.

Mr. Mohan Lal Saksena: With reference to part (d), will the Honourable Member place a copy of Mr. Kirke's report on the table of the House?

The Honourable Sir Thomas Stewart: I have already answered that I am not prepared to do so.

Mr. T. S. Avinashilingam Chettiar: What are the reasons why Government refuse to place technical matters on the table?

The Honourable Sir Thomas Stewart: I gave my reasons on a previous occasion.

Prof. N. G. Ranga: In view of the fact that the Honourable Member has, in his reply to part (d) referred to the recommendations of Mr. Kirke, will the Government be prepared to reconsider the decision and place the recommendations on the table of this House so that the House may be in a position to judge, in the light of those recommendations, whether Government have taken any steps so far?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the memorandum to which I have referred, he will get the substance of Mr. Kirke's report so far as it was of practical application.

Prof. N. G. Ranga: Is that memorandum available in the Library?

The Honourable Sir Thomas Stewart: It was a memorandum circulated to the Standing Finance Committee.

Mr. Mohan Lal Saksena: Are the recommendations of Mr. Kirke's report kept confidential?

The Honourable Sir Thomas Stewart: Yes, they are confidential.

Mr. Manu Subedar: With reference to part (c) may I know whether one of the reasons that Government will not appoint the Committee asked for is that the Government are afraid of unpleasant disclosures being made?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not answer a question like this.

RESTRICTIONS ON INDIAN VISITORS TO AND COST OF MAINTAINING THE BRITISH MINISTER IN NEPAL.

727. ***Mr. Mohan Lal Saksena:** (a) Will the Foreign Secretary be pleased to state whether any restrictions are imposed on Indians going to Nepal?

(b) Is the cost of maintaining the British Minister in Nepal paid from the Indian Exchequer?

Sir Aubrey Metcalfe: (a) The Government of India are not aware of any such restrictions.

(b) Yes.

Prof. N. G. Ranga: Why is it that the cost of maintaining the British Minister at Nepal is paid from the Indian exchequer and not from the British exchequer in England?

Sir Aubrey Metcalfe: The present arrangement is a continuation of an arrangement which has been in existence for a large number of years, ever since Nepal came into treaty relations with His Majesty's Government as represented by the Government of India. Although Nepal is a foreign state and only connected with India by geographical contiguity, the problems arising between Nepal and His Majesty's Government are for the most part of local and Indian interest and this fact was recognised by the interchange of representatives between the Government of Nepal and the Government of India, who were known as the Nepalese Envoy and the British Envoy respectively. The British Envoy at Katmandu was always paid for by the Government of India and was selected from the Indian services. Some few years ago, the Nepal Government decided to exercise a treaty right, which they possessed, of sending a diplomatic representative to London. At the same time they asked that the title of the British representative at Katmandu should be changed from Envoy to Minister. The expenses incurred on the Legation remain exactly the same, the work which was done by the Envoy continues to be done by the Minister and, as I have already explained, that work is mainly in the interests of India and in the interests of Indian subjects. For that reason the Government of India saw no reason to refuse to continue the previous arrangement by which the expenses of the British mission to Nepal are paid from the Indian exchequer.

Mr. M. S. Aney: Who pays for the cost of the British Embassy in Afghanistan?

Sir Aubrey Metcalfe: I submit that that does not arise out of this question.

Mr. Bhulabhai J. Desai: Under whose instruction does the Embassy at Nepal act?

Sir Aubrey Metcalfe: The ultimate instructions to all His Majesty's Ministers must come from His Majesty's Government.

Mr. Bhulabhai J. Desai: Is there any penultimate instructions in this case or do you really want to evade this question?

Sir Aubrey Metcalfe: I do not want to evade any question.

Mr. Bhulabhai J. Desai: Then the question is, under whose instructions does the British Embassy at Katmandu act?

Sir Aubrey Metcalfe: As I have already stated, His Majesty's Government.

Seth Govind Das: Is it not advisable that His Majesty's Government should pay the expenses?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

Mr. Manu Subedar: Have the Government any proposals on foot to represent to His Majesty's Government that the cost in future should be borne by His Majesty's Government and not by India?

Sir Aubrey Metcalfe: No, Sir.

Mr. Mohan Lal Saksena: What is the total cost of the Minister and his staff maintained at Katmandu?

Sir Aubrey Metcalfe: The total cost is about two lakhs.

Mr. K. Santhanam: May I know if the Crown Representative in India, the Viceroy, has any control over this Minister?

Sir Aubrey Metcalfe: He is not in any way connected with the Crown Representative.

Prof N. G. Ranga: In view of the fact that this Minister is supposed to be there for local and Indian interests alone and in view of the fact that he is paid from out of the Indian exchequer, will Government consider the advisability of representing to His Majesty's Government in England to cease appointing him as the British Minister, but let the Government of India appoint him as the Indian Minister on behalf of the Government of India?

Sir Aubrey Metcalfe: No.

Prof. N. G. Ranga: Why not?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue. Next question.

ENQUIRY INTO THE RAILWAY ACCIDENT AT BIHTA.

728. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Railways be pleased to state the total cost of the Bihta enquiry?

(b) When is the report of the enquiry to be published?

(c) Will it be placed before the Assembly?

The Honourable Sir Thomas Stewart: (a) The information required will be called for, and a reply laid on the table of the House when it has been received.

(b) Government have not yet received the report and are unable, therefore, to say when it will be published.

(c) A copy of the report will be placed in the Library of the House.

PERSONS IN THE LOCO. AND TRAFFIC DEPARTMENTS ON STATE RAILWAYS DEGRADED TO LOWER GRADES AND NON-GRANT OF GRADE INCREASE TO CERTAIN DRIVERS AND GUARDS.

729. ***Mr. J. D. Boyle** (on behalf of Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member for Railways please state:

(a) how many men in the Loco. and Traffic Departments on State-managed Railways were degraded during the last seven years from higher to lower grades;

(b) how many of such vacancies have been filled;

- (c) how many are still unfilled; and
- (d) whether it is a fact that goods drivers and guards have been working in the mails and passenger grades for years without being given their grade increases; if so, why?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

**DIFFERENTIATION AS REGARDS SCALES OF PAY OF CERTAIN GUARDS
RE-EMPLOYED ON THE GREAT INDIAN PENINSULA RAILWAY.**

730. ***Mr. J. D. Boyle** (on behalf of Lieut.-Colonel Sir Henry Gidney): (a) Will the Honourable Member for Railways please state if it is a fact that some guards on the Great Indian Peninsula Railway, who were retrenched, have been engaged on the revised scales, while others have been given the old scales?

(b) If the reply to part (a) be in the affirmative, can any rule be cited to justify this?

(c) If not, do Government propose to restore such men to the old scales of pay? If not, why not?

The Honourable Sir Thomas Stewart: (a) to (c). Government have no information. I would, however, refer the Honourable Member to Railway Board's letter No. 807-EG/II, dated the 31st August, 1934, on the subject, a copy of which is in the Library of the House. Government have no reasons to believe that the orders contained in the letter referred to have not been observed by railway administrations. I am, however, sending a copy of the question to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

UPPER SUBORDINATES PROMOTED TO LOWER GAZETTED SERVICE ON RAILWAYS

731. ***Mr. J. D. Boyle** (on behalf of Lieut.-Colonel Sir Henry Gidney): (a) Will the Honourable Member for Railways please state how many upper subordinates on each Railway have been promoted into the Lower Gazetted Service since its introduction?

(b) How many such officers of the Lower Gazetted Service are at present acting in the junior and senior scales on each Railway?

(c) How many of these officers have been permanently promoted to the junior and senior scales on each Railway?

(d) Do these officials, when officiating in the junior and senior scales, get any officiating allowances?

(e) Do Government propose to recruit a larger proportion of officers of the Lower Gazetted Service into the junior and senior scales?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

TEST OF COLOUR BLINDNESS ON RAILWAYS.

732. ***Mr. J. D. Boyle** (on behalf of Lieut.-Colonel Sir Henry Gidney): Will the Honourable Member for Railways please state:

- (a) the prescribed test of colour blindness authorised on the State and Company-managed Railways;

- (b) whether the test can be varied by individual district medical officers; and

- (c) whether the test of colour blindness arrived at by Dr. Shinoli Ishara, Professor of the Imperial University, Tokyo, is authorised by the Railway Board?

The Honourable Sir Thomas Stewart: (a) to (c). So far as the State-managed Railways are concerned I would refer the Honourable Member to Appendices 2 and 3 of the Regulations for the Medical Examination of candidates and employees, non-gazetted (including inferior) and labourers' grades, Indian State Railways, a copy of which is in the Library of the House. As regards Company-managed Railways, Government have no information.

**CONCESSIONAL POSTAL RATES FOR ANNUAL NUMBERS OF REGISTERED
NEWSPAPERS.**

733. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Communications be pleased to state if it is a fact that a circular letter has been sent by the Director General, Posts and Telegraphs, to the effect that the annual numbers of the registered newspapers should not be allowed to travel at the postal concession rates allowed under the rules to the registered newspapers?

(b) If so, will Government be pleased to state the reason or reasons why this differentiation has been made between the "annual numbers" and "special numbers"?

(c) Are Government aware that the "special numbers" and "annual numbers" are both published to popularise the newspapers?

(d) Are Government aware that such annual numbers were being posted from times immemorial at the concessional postal rates?

(e) Will Government be pleased to define the "annual numbers" and "special numbers" clearly?

The Honourable Sir Thomas Stewart: (a) and (b). The circular referred to states that an "annual" issue which is not an integral part of a registered newspaper and is published independently of it should not be accepted at the concession rates allowed for registered newspapers. This circular is in accordance with article 74 of the Post and Telegraph Guide. A special number is ordinarily not issued independently of a newspaper, that is, it is a special issue in the same form as the ordinary issue and conforms to the conditions laid down in the rule.

(c) I believe the suggestion made is correct.

(d) No, Sir, but Government are aware that the practice was not uniform and that is why the circular was issued.

(e) Having regard to the definition of a newspaper in article 74 of the Post and Telegraph Guide no further definition appears to be required.

Mr. Manu Subedar: With regard to the Honourable Member's replies to parts (a) and (b) of the question, will Government modify the instructions given by them when the special issue is given to the ordinary subscribers without any additional charge?

The Honourable Sir Thomas Stewart: No, Sir. The question of charge to the subscriber does not arise.

Prof N. G. Ranga: Are we to understand that, when the annual number is only one of the regular serial publications of the particular newspaper, no special postal charges are levied on it?

The Honourable Sir Thomas Stewart: If the so-called annual number is one of the series of publications of the newspaper, then it goes at newspaper rates.

Qazi Muhammad Ahmad Kazmi: Will it go at the same rate irrespective of the size of the annual number?

The Honourable Sir Thomas Stewart: No, Sir. The rate charged will be in accordance with the rates prescribed for the transmission of newspapers.

Mr. Manu Subedar: Have Government any information as to the practice in the United Kingdom with regard to the special numbers of the *London Times* when they are issued?

The Honourable Sir Thomas Stewart: No.

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

REDUCTION OF THE POST OF NURSE IN THE KHANPUR RAILWAY HOSPITAL.

†734. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable Member for Railways please state if it is a fact that Sughra Bibi Asaf, a nurse *Dai*, at Khanpur, who was employed in February, 1937, is now being brought under reduction on the report of the Sub-Assistant Surgeon, Khanpur, by the District Medical Officer, Karachi?

(b) If so, will the Honourable Member please state on what grounds, the post of a nurse *Dai* in the Hospital is being reduced, and what saving this reduction will bring to the Railway Department?

(c) Is it a fact that the appointment of this *Dai* was sanctioned by the Agent on the representation of the Staff Area Council, after the approval of the Divisional Superintendent, Karachi?

(d) Is it a fact that the Nurse *Dai* is a qualified and competent one?

(e) Is it a fact that there are numerous Indian employees at Khanpur Railway Station (North Western Railway) who live there with their families and always require the services of a competent *Dai*?

(f) Are Government prepared to consider the question of investigating the matter and not to bring the services of the said *Dai* under reduction?

The Honourable Sir Thomas Stewart: (a) to (f). Government have no information. This is a matter within the competence of the Agent, North-Western Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

†Answer to this question laid on the table, the questioner being absent.

RESTRICTIONS ON THE ENTRY OF INDIANS INTO CANADA.

735. ***Sardar Mangal Singh:** Will the Foreign Secretary please state:

(a) whether there are any restrictions imposed on the entry of Indians into Canada; if so, what those restrictions are;

(b) whether Government have made representations to the Canadian Government or to the Colonial Office with a view to remove those restrictions; and

(c) whether there are any restrictions imposed on the entry of Canadians into this country?

Sir Aubrey Metcalfe: This question should be addressed to the Member in charge of the Department of Education, Health and Lands.

DIFFERENTIATION IN THE INITIAL SALARIES OF PERSONS APPOINTED IN THE ALL-INDIA RADIO DEPARTMENT.

736. ***Mr. Mohan Lal Saksena:** Will the Honourable Member for Communications be pleased to state if it is a fact that in the All-India Radio Department, while certain highly qualified persons holding M.A., B.A., B.Sc., and even degrees of foreign Universities were appointed on initial salaries of Rs. 50 and Rs. 60 per mensem, persons with much lower qualifications were appointed on initial salaries of Rs. 100 per mensem and more? If so, what are the reasons for this discrepancy?

The Honourable Sir Thomas Stewart: Yes. The majority of the persons with lower qualifications appointed to posts of Rs. 100 and above were recruited in the early days of broadcasting. I should like, however, to make it clear that academic distinctions are not necessarily a true index of the qualities required for some of these posts.

Mr. Manu Subedar: The Honourable Member said that educational qualifications are not a true index. Is there any other true index of any kind in the mind of the Government of India with regard to qualifications for appointments in the All-India Radio?

The Honourable Sir Thomas Stewart: I should be reluctant to claim that the absolute has been reached in any of these matters.

Mr. Mohan Lal Saksena: Am I to understand that no person has been appointed with lower academic qualifications during the last two years on salaries exceeding Rs. 100 a month? The Honourable Member has just now said that it was done only in the early years.

The Honourable Sir Thomas Stewart: I said no such thing. I said that a majority of those people were appointed in the early years.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that a certain person, who was an intermediate and who was appointed on Rs. 107 a month is now getting about Rs. 750 a month in about two years' time?

Mr. President (The Honourable Sir Abdur Rahim): That question has been disallowed.

Mr. Mohan Lal Saksena: I want to put that question in the public interest. The money of the public has been wasted on a certain person who has been appointed . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member knows that I have considered the matter and disallowed the question.

Mr. Mohan Lal Saksena: May I know how I can raise that question here?

Mr. President (The Honourable Sir Abdur Rahim): Order, order.

Sardar Sant Singh: What steps have Government taken to prevent the principle of nepotism in the case of such appointments?

The Honourable Sir Thomas Stewart: I have, on previous occasions, described the arrangements that are made for the recruitment of staff in this Department.

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

Mr. Mohan Lal Saksena: May I know, Sir, how this question is to be raised in this House, when I know that appointments are being made on favouritism

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member sent in his questions, and whatever questions have been disallowed, he knows the reasons for the same.

Mr. Mohan Lal Saksena: I want to know, Sir, how, when there are cases of favouritism in the department, I should raise it.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wants to challenge any particular appointment on the ground of favouritism, then some other procedure has to be adopted.

Mr. Mohan Lal Saksena: Even on this Order Paper, there is a particular question with reference to a particular individual,—namely, that a certain *Dai* had been dismissed—and that has been allowed. I am surprised how this question of mine which relates to a similar subject has been disallowed.

Mr. President (The Honourable Sir Abdur Rahim): I have disallowed it and I have given the reasons. I cannot allow any such discussion. Seth Govind Das. Next question.

RESTRICTIONS IMPOSED ON INDIAN MERCHANTS IN THE UNITED STATES OF AMERICA.

736A. ***Seth Govind Das:** Will the Secretary for External Affairs please state:

- (a) whether Government are aware of the restrictions imposed on Indian merchants in the United States of America under the Immigration Laws operating in that country;

- (b) whether the trade treaty of Great Britain with the United States of America does not cover the safeguarding of interest of Empire countries like India;
- (c) whether Government directed their Trade Commissioner in New York to submit particulars of all the difficulties Indians are subject to in that country;
- (d) whether Government have moved in the matter of bringing about a treaty to protect the rights and interests of their people in that land with the United States Government; and
- (e) whether it is a fact that the citizens of the United States in this country are treated as Europeans and subject to special privileges?

Sir Aubrey Metcalfe: (a) Yes.

(b) The Honourable Member is presumably referring to the Convention of Commerce concluded as long ago as 1815 between His Britannic Majesty and the United States of America, Article 3 of which is applicable to India. The provisions of this Article are unilateral, inasmuch as they make no stipulation for the treatment of Indian trade in the United States of America. A copy of the Convention is available in the Library of the House.

(c) As there is no Indian Government Trade Commissioner yet at New York, the question does not arise.

(d) The matter is receiving the attention of the Government of India in consultation with His Majesty's Government.

(e) It is not clear to what special privileges the Honourable Member refers. Citizens of the United States of America are not treated as Europeans for the purposes of all sections of the Code of Criminal Procedure which affect Europeans. They are, however, eligible for certain privileges in the matter of trial by jury and assessors in criminal cases under the Code, for which Europeans are eligible.

Mr. Manu Subedar: With reference to (d), will the Honourable Member tell the House since when it has been under the consideration of His Majesty's Government?

Sir Aubrey Metcalfe: I have already answered that question. It has been under the consideration of the Government of India for the last three years at least and the present negotiations, such as they are, were opened, as far as I remember, about 18 months or a year ago.

Seth Govind Das: When will this consideration come to an end and when do Government hope to arrive at a decision in the matter?

Sir Aubrey Metcalfe: I have already expressed my inability to prophesy.

Prof. N. G. Ranga: Will Government ascertain full particulars of the disabilities of Indians in the United States of America?

Sir Aubrey Metcalfe: I laid a statement on the table of the House only three days ago, giving full particulars.

UNSTARRED QUESTIONS AND ANSWERS.

†63—67.

DIFFICULTY IN GETTING LEAVE BY THE COMMERCIAL STAFF OF THE GREAT INDIAN PENINSULA RAILWAY IN THE JHANSI DIVISION.

68. **Pandit Sri Krishna Dutta Paliwal:** (a) Is the Honourable Member for Railways aware that the commercial staff of the Great Indian Peninsula Railway in the Jhansi Division have very great difficulty in getting leave, and they never get leave when they want, but get it in turn according to their names in the register?

(b) What steps do Government intend taking to see that the staff get the leave in time of need without any difficulty?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information, as this is a matter within the competence of the Agent, Great Indian Peninsula Railway. I am, however, sending him a copy of the question for such action as he may consider necessary.

HOURS OF DUTY OF CERTAIN STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

69. **Pandit Sri Krishna Dutta Paliwal:** (a) Is the Honourable Member for Railways aware that the Great Indian Peninsula Railway staff in certain departments have to perform 12 hours duty, and that this is against the recognised standard of maximum hours of duty? Is it a fact that this duty is classed as "intermittent", which means binding for even more than 12 hours—for instance Ticket Collectors at Jhansi station doing 12 hours duty are bound for 14 hours—they come on duty at eight hours and continue up to 18 hours, then after a break of two hours during which most of them cannot go home, having got their houses far off in the city, continue their duty again from 20 hours to 22 hours?

(b) Do Government intend introducing eight hours' duty in all the departments of the Railway without any discrimination? If so, when? If not, why not?

The Honourable Sir Thomas Stewart: (a) Government have no information. I may add for the information of the Honourable Member that the Hours of Employment Regulations are in force on the Great Indian Peninsula Railway and Government have no reason to believe that they are being infringed. I am, however, sending a copy of the question to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

(b) No. I would refer the Honourable Member to section 71C of the Indian Railways (Amendment) Act, 1930, a copy of which is in the Library of the House.

†These questions which were on the Order Paper for the 8th March, 1938, have lapsed, the meeting fixed for that date having been cancelled.

(1640)

UNSTARRED QUESTIONS AND ANSWERS.

1641

APPEALS OF THE RAILWAY STAFF FOR RESTORATION OF THEIR PASS PRIVILEGES.

70. **Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Railways be pleased to state what action they intend taking in regard to the appeals of the Railway staff of all the State Railways addressed to His Excellency the Viceroy of India regarding giving back their old privileges of passes?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply I gave to part (e) of Mr. Lalchand Navalrai's question No. 326 on the 16th February, 1938.

GRIEVANCES OF THE BRAKESMEN OF THE JHANSI DIVISION OF THE GREAT INDIAN PENINSULA RAILWAY.

71. **Pandit Sri Krishna Dutta Paliwal:** (a) Is the Honourable Member for Railways aware that in spite of several appeals from the brakemen of the Jhansi Division of the Great Indian Peninsula Railway, regarding lack of proper arrangements in their running rooms concerning water supply, resting and cooking arrangements at Delhi and Gwalior, no action has been taken?

(b) What action do Government propose taking in order to remove the difficulties of the brakemen?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. This is a matter within the competence of the Agent, Great Indian Peninsula Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

INVALIDATION OF THE COMPETENCY CERTIFICATES OF CERTAIN STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

72. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Railways please state whether a competency certificate on the Great Indian Peninsula Railway can be declared invalid for reasons of break of service or for being an ex-striker?

(b) Are Government aware of their *communiqué*, dated the 1st March, 1930, according to which the Railway Administration cannot victimize any ex-striker?

(c) If not, will Government state the reasons why the Guards' competency certificates of Messrs. Ramdass, Brakesman, Agra Cantonment; Raghunandan Prasad, Brakesman, Agra Cantonment; Chandramaul, Number-taker, Muttra; Devishankar, Shunting Master, Muttra; Ramshanker Shukla, Brakesman, Jhansi and Muhammad Hafiq Khan, Brakesman, Mahoba, were declared invalid?

(d) Are Government prepared to see that the certificates of these men are validated immediately?

The Honourable Sir Thomas Stewart: (a), (b) and (d). Government have no information. The matter referred to is one with which the Agent, Great Indian Peninsula Railway, is competent to deal and I am sending a copy of the question to him for such action as he may consider necessary.

B 2

(b) Government do not accept the suggestion implied by the word 'victimisation' contained in this part of the question. In the communiqué, referred to by the Honourable Member it was definitely stated *inter alia* that the Railway Administration will not refuse to take back into service any employee merely because he went on strike.

PROMOTIONS OF EMPLOYEES ON THE GREAT INDIAN PENINSULA RAILWAY.

73. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Railways be pleased to state how the promotions are granted to the employees on the Great Indian Peninsula Railway?

(b) Is it a fact that the promotions are not granted on efficiency and seniority?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. These are matters of detailed administration within the competence of the Agent, Great Indian Peninsula Railway, to deal with. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

PROMOTIONS OF TICKET COLLECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

74. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Railways be pleased to state whether the lower grade Ticket Collectors on the Great Indian Peninsula Railway are not given promotion to the post of a Travelling Ticket Inspector? If not, why not?

(b) Why is there such a vast difference in the salaries of the two grades, viz.—Rs. 60—10—90 and Rs. 30—5—50?

(c) Why are the higher grade Ticket Collectors only promoted to the post of a Travelling Ticket Inspector in preference to the lower grade Ticket Collectors?

(d) Will Government please state why the privilege of the lower grade Ticket Collectors to act as Travelling Ticket Inspectors has been withdrawn and only the higher grade Ticket Collectors are acting and are promoted to the post of Travelling Ticket Inspectors?

(e) Will Government please state what further scope is there for the lower grade Ticket Collectors as regards their promotion besides the higher grade?

The Honourable Sir Thomas Stewart: (a) to (e). Government have no information, as these are matters of detailed administration entirely within the competence of the Agent, Great Indian Peninsula Railway, to deal with. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

DIFFERENT GRADES OF SALARIES OF TRAIN EXAMINERS ON THE GREAT INDIAN PENINSULA RAILWAY

75. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Railways please state if it is a fact that the grades of salaries of the Train Examiners on the Great Indian Peninsula Railway are different in different divisions?

(b) If so, what is the reason for this discrimination?

(c) Will Government please state when the Train Examiners are going to be reinstated in the grades from which they were reduced on account of retrenchment?

The Honourable Sir Thomas Stewart: (a) to (c). Government have no information, as these are matters of detailed administration within the competence of the Agent, Great Indian Peninsula Railway, to deal with. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

RACIAL DISCRIMINATION IN THE PROMOTION OF GUARDS AND DRIVERS.

76. **Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Railways be pleased to state whether the qualified Indian guards and drivers are not promoted to the grades of passenger guards and drivers, as are the Europeans and Anglo-Indians? If not, why not?

The Honourable Sir Thomas Stewart: I am afraid I am unable to reply to a question couched in such general terms. If the Honourable Member will specify the name of the railway to which he is referring I shall endeavour to furnish a reply.

NON-PROMOTION OF PERMANENT WAY TIME-KEEPERS AS SUB-PERMANENT WAY INSPECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

77. **Pandit Sri Krishna Dutta Paliwal:** (a) Is the Honourable Member for Railways aware of the fact that the Engineering Department of the Great Indian Peninsula Railway has been frequently appointing Apprentice Permanent Way Inspectors, who are subsequently promoted to the post of Sub-Permanent Way Inspectors?

(b) If the reply to part (a) be in the affirmative, why were the claims of some of the Permanent Way Time-keepers of long standing in service, possessing a deal of experience in the Permanent Way, and having creditably passed the prescribed Departmental Examination for the post of Sub-Permanent Way Inspectors as far back as 1930, were not considered?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. This is a matter of detailed administration within the competence of the Agent, Great Indian Peninsula Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

BILL PASSED BY THE COUNCIL OF STATE

Secretary of the Assembly: Sir, in accordance with the provisions of rule 26 of the Indian Legislative Rules, I lay on the table a 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.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"Sir I am directed to inform you that the Council of State at its meeting held on the 7th March, 1938, agreed without any amendment to the Bill to amend the Child Marriage Restraint Act, 1929, which was passed by the Legislative Assembly at its meeting held on the 3rd February, 1938."

ELECTION OF A MEMBER TO THE CENTRAL ADVISORY BOARD OF HEALTH.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I move:

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their numbers to be a member of the Central Advisory Board of Health, *vice* Mr. C. W. A. Gidney, who has ceased to be a Member of the Assembly."

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

"That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, one person from among their numbers to be a member of the Central Advisory Board of Health, *vice* Mr. C. W. A. Gidney, who has ceased to be a Member of the Assembly."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of a Member to the Central Advisory Board of Health the Notice Office will be open to receive nominations upto 12 noon on Thursday, the 17th March and that the election, if necessary, will be held on Monday, the 21st March, 1938, between the hours of 10-30 A.M. and 1 P.M. in the Assistant Secretary's room in the Council House, New Delhi. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That Mr. E. Conran-Smith, be re-appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents and that Mr. P. A. Menon, be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

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

"That Mr. E. Conran-Smith, be re-appointed to the Select Committee on the Bill to amend the Law of Evidence with respect to certain commercial documents and that Mr. P. A. Menon, be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

The motion was adopted.

(1644)

THE INDIAN OATHS (AMENDMENT) BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

The Honourable Sir Henry Craik (Home Member): Sir, I move:

"That Mr. E. Conran-Smith, be re-appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, and that Mr. P. A. Menon, be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

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

"That Mr. E. Conran-Smith, be re-appointed to the Select Committee on the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, and that Mr. P. A. Menon, be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

The motion was adopted.

THE INDIAN FINANCE BILL.

The Honourable Sir James Grigg (Finance Member): 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 be taken into consideration."

I have here a declaration which I might compendiously call Peter's wife's mother or Tabitha. Tabitha will be discovered to have risen from the grave to which she was so scandalously condemned by the Party opposite. She will be found to be no less beautiful than she was before. She will be found to require not less sustenance than she required before. In other words, I have here a declaration by the Governor General restoring the whole of the grants refused by the Assembly and as the whole of the grants have been restored, the whole of the proposals contained in the Finance Bill will still be required. Sir, I move.

Declaration by the Governor General in Council regarding certain Demands refused by the Legislative Assembly.

In pursuance of sub-section (7) of section 67-A of the Government of India Act, 1935, the Governor General in Council is pleased to declare that the following Demands which have been refused by the Legislative Assembly are essential to the discharge of his responsibilities:

		(In thousands of rupees)
DEMANDS.		Amount.
A.—Expenditure charged to Revenue.		
1.—Customs		79.28
2.—Central Excise Duties		10.50
3.—Taxes on Income including Corporation Tax		78.28
4.—Salt		64.72
5.—Opium		24.37
6.—Provincial Excise		4.97

(1645)

DEMANDS.	(In thousands of rupees.) Amount.
<i>A.—Expenditure charged to Revenue—contd.</i>	
7.—Stamps.	16,79
8.—Forest	6,02
9.—Irrigation (including Working Expenses) Navigation, Embankment and Drainage Works	2,09
10.—Indian Posts and Telegraphs Department (including Working Expenses)	10,86,66
11.—Interest on Debt and other Obligations and Reduction or Avoidance of Debt	95,44
12.—Executive Council	1,28
13.—Council of State	1,34
14.—Legislative Assembly and Legislative Assembly Department	8,32
15.—Home Department	9,43
16.—Legislative Department	4,03
17.—Department of Education, Health and Lands	6,43
18.—Finance Department	5,65
19.—Commerce Department	4,50
20.—Department of Labour	4,13
21.—Department of Communications	1,72
22.—Central Board of Revenue	3,09
23.—India Office and High Commissioner's Establishment charges	17,58
24.—Payments to other Governments, Departments, etc., on account of services rendered	1,25
25.—Audit	94,05
26.—Administration of Justice	1,12
27.—Police	1,66
28.—Ports and Pilotage	14,30
29.—Lighthouses and Lightships	8,83
30.—Survey of India	19,40
31.—Meteorology	20,60
32.—Geological Survey	2,18
33.—Botanical Survey	61
34.—Zoological Survey	1,37
35.—Archaeology	12,51
36.—Mines	1,56
37.—Other Scientific Departments	3,05
38.—Education	6,74
39.—Medical Services	7,04
40.—Public Health	10,63
41.—Agriculture	35,79
42.—Imperial Council of Agricultural Research Department	7,53
43.—Scheme for the improvement of Agricultural Marketing in India	5,10
44.—Imperial Institute of Sugar Technology	3,41
45.—Civil Veterinary Services	8,97
46.—Industries	9,07
47.—Aviation	32,53
48.—Capital Outlay on Civil Aviation charged to Revenue	1
49.—Broadcasting	22,32
50.—Capital outlay on Broadcasting	1
51.—Indian Stores Department	22,94
52.—Commercial Intelligence and Statistics	7,76
53.—Census	5
54.—Emigration-Internal	12
55.—Emigration-External	1,92
56.—Joint Stock Companies	1,47
57.—Miscellaneous Departments	4,16
58.—Currency	15,64
59.—Mint	19,07
60.—Civil Works	84,73
61.—Central Road Fund	1,70,00
62.—Superannuation Allowances and Pensions	1,10,28
63.—Stationery and Printing	53,43
64.—Miscellaneous	11,45
65.—Grants-in-aid to Provincial Governments	1,72

DEMANDS.

(In thousands
of rupees.)
Amount.

<i>A.—Expenditure charged to Revenue—concl.</i>	
66.—Miscellaneous Adjustments between the Central and Provincial Governments	10
67.—Expenditure on Retrenched Personnel charged to revenue	7
68.—Delhi	54,65
69.—Ajmer-Merwara	16,26
70.—Panth Piploda	13
71.—Andaman and Nicobar Islands	31,90
<i>B.—Expenditure charged to Capital.</i>	
73.—Indian Posts and Telegraphs	21,88
73 A.—Indian Posts and Telegraphs—Stores Suspense (Not charged to revenue)	1
73 B.—Indian Posts and Telegraphs—Appropriation to Telephone Development Fund (Not charged to revenue)	2,50,00
75.—Capital Outlay on Schemes of Agricultural Improvement and Research	23
76.—Capital Outlay on Vizagapatam Harbour	3,86
77.—Delhi Capital outlay	15,75
78.—Commuted Value of Pensions	1
<i>C.—Disbursements of Loans and Advances.</i>	
79.—Interest-free advances	46,26
80.—Loans and advances bearing interest	95,29

(Sd.) J. C. NIXON,

Secretary to the Government of India.

The 9th March, 1938.

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

"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 be taken into consideration."

Mr. L. O. Buss (Nominated Non-Official): Sir, the Finance Bill is the legislative corollary of the Budget statement. This year the Finance Member described his Budget statement as "dull" which description must extend with perhaps greater truth to the Finance Bill. This is not the first occasion on which my Honourable friend has described his financial proposals as "dull". He has used that description before and my predecessor, on one occasion, ventured to express the opinion that the Finance Member was in no great peril of being led astray into the alluring paths of spectacular finance. Each successive Budget and Finance Bill merely serves to confirm the correctness of that opinion.

The other day, the Honourable Member delivered himself of the opinion that disappointments were the lot of all Finance Members. The Honourable Member is not unique in that experience, for, if his life is one long succession of disappointments it is equally true of the life of the tax-payer with, perhaps, this difference, that whereas the Finance Member transfers his disappointments to the tax-payer, the tax-payer has no means of unloading his unhappy fate elsewhere. From the point of view of the tax-payer every Finance Bill is, accordingly, anticipated with some anxiety. This year the Bill and the statement that accompanied

[Mr. L. C. Buss.]

its introduction contained grounds both for encouragement and discouragement and I should like, before I come to the discouraging features, to refer briefly to those which have caused us satisfaction.

Reviewing the position since 1935, when the Honourable Member introduced his first Finance Bill, I find, on a rough calculation, that he has, during his period of office, remitted some Rs. 3.34 lakhs estimated taxation and imposed additional taxation estimated at Rs. 1.65 lakhs. So that on balance we are still, from the point of view of taxation, and on this very rough calculation, Rs. 1.69 lakhs better off than when he assumed control. That alone of course does not give the whole picture. During the period to which I refer the Honourable Member has lost the financial support of Burma and has had to face additional expenditure of a substantial order on account of Provincial Autonomy. But, notwithstanding the changed circumstances with which he has had to contend, the Honourable Member has found some not altogether inconsiderable sums of money for purposes such as Rural Development, Agricultural Research, Cottage Industries and Broadcasting, and he has moreover created a Revenue Reserve Fund to help out the expenses of Provincial Autonomy—a decision which showed vision and the benefits of which we are reaping today. It is, I think, no inconsiderable achievement on the part of the Finance Member that he has been able, during a period when revenues have not been particularly obliging, to secure the degree of success he has in his objective of financing the inauguration of the new Constitution. That he has been able to find such substantial sums on account of the reforms without upsetting the stability of the Central finances is an achievement which must be duly acknowledged and for which the credit must go to the Finance Member.

Sir, I will not embark on a more analytical review but I have mentioned some of the main facts which cannot be ignored when one considers the record in India of the Honourable Member. I have mentioned those facts because I do not wish the House to be under any misconception as to the attitude adopted by the European Group. We fully recognise that the Finance Member has brought us through the difficulties of the past few years without any serious dislocation in the position he inherited as it affects us as tax-payers. There is also little doubt that the policy he has pursued has helped to maintain the financial stability of the country and I need not mention the benefits that accrue to trade and commerce from the maintenance of stable conditions.

I said just now that we are today reaping the benefits of the vision shown by the Finance Member in creating a Revenue Reserve Fund to help out the finances of Provincial Autonomy. But if that decision confers a benefit on us today it also creates a situation which must give rise to some anxiety. I do not suggest that the utilisation of past surpluses in this manner is unsound, but to the extent to which the funds so accumulated are used to pay for current expenditure, to that extent the actual annual income and expenditure of the State is not balanced. We cannot altogether close our minds to the situation that might arise when the Revenue Reserve Fund is exhausted. The Finance Member has himself told us that owing to the utilisation of the carry-forward in the Revenue Reserve Fund, the Budget is still out of true equilibrium to the extent of more than half a crore, and also that he is deeply disappointed in being unable to present a more favourable picture and to

made a substantial contribution to rural development. That is an ambition with which we have every sympathy if there is money available, but not only is the money not available but, as the Finance Member has said, on a strict calculation of current revenue and expenditure we are overspending to the extent of half a crore this year. It is true that certain expenditure has to be met this year which is of a non-recurring nature. At any rate we hope that it will not be necessary every year to have to meet the cost of operations in Waziristan of the same expensive nature as we have this year. We certainly hope that there will be no such expensive mistakes in the future as that which was made in connection with the Lahore Abattoir. Had it not been for the shrewd ability of Sir James Pitkeathley, it appears that this mistake might have been a little more costly. Notwithstanding these circumstances the fact remains that had it not been for the Revenue Reserve Fund the accounts for this year would have shown a deficit, the total revenue being only 85.17 crores to meet an expenditure of 85.83 crores.

That brings me to the crux of the case which the European Group have consistently urged in regard to the desirability of a very conservative use of the possibilities of emergency taxation. Today we are using up those possibilities by the continued exaction of the 1931 emergency surcharge on revenue duties and the remaining third of the 1931 emergency surcharge on income-tax. It is difficult to avoid the conclusion that this is a dangerous legacy. It is true that the salary cuts have gone and that, subject to what may be contained in the Income-tax Bill, two-thirds of the increased levy on incomes have been remitted. But the emergency duty scale remains as an unhappy reminder of what happened in the years immediately following the trade collapse of 1929. It is just over eight years since that catastrophic slump began to make itself felt and signs are not lacking to indicate that, but for the false stimulus of the world-wide rearmament programmes, we should already be well on the downward path once more. Even if the estimates of revenue for the ensuing year are realised, concerning which I personally have some misgivings, my conviction is that nothing has occurred in recent years to justify a hope that there has been any change in world sentiment calculated to lead to a smoothing-out of the curve of booms and slumps. I have, therefore, a good deal of sympathy with my Honourable friend's successor, who may be faced with the unhappy conjunction of a cycle of poor years and a revenue position which, on his assumption of office, will give little of that elasticity which we believe to be so necessary.

My Honourable friend will, I am sure, not be surprised to hear me refer to the surcharge on income-tax. Our constituents cannot but feel the disappointment—shared also by many others—that the balance of the surcharge on income-tax still remains. In view of the uncertainties that lie ahead of him, we can well understand that the Finance Member feels he cannot at present risk any loss of possible revenue, more especially when it is remembered that he is contemplating the early amendment of the Income-tax Law. In the report of the Income-tax Enquiry Committee it is suggested that the "slab" system should replace the existing "step" system and it seems likely that if the Honourable Member decides to accept this recommendation, he is in some doubt as to the possible effect on the revenue of the change over to the new system. We hope, however, that when the time comes, he will bear in mind that this surcharge remains, and that he will take this into account in making his calculations for the scale of the new tax.

[Mr. L. C. Buss.]

Sir, there is a further observation that I should like to make before I sit down. In his Budget speech, the other day, the Finance Member referred to the difficulties which beset the path of the budget-maker in India. Among other things he mentioned the delay in receiving the necessary statistical information, and I myself, a moment ago, expressed misgivings about the estimates for the current year. Many of us have felt that quite apart from the delay in receiving the necessary information there is also a paucity in some respects of accurate data on which to form conclusions and to judge the effects of the policy that is being pursued. We appreciate the Finance Member's difficulties, since we have suffered from them ourselves, and from the tax-payer's point of view we have to look not only at the taxes that my Honourable friend imposes but also at those which are levied by the Provinces. What I should like to suggest now is that the Government might see their way to utilising the services of their recently appointed Economic Adviser to examine the possibilities in this direction in order to see whether anything can be done to get out some reliable information that would show how the burden of taxation in India is distributed. If that could be done I am sure it would be of immense help to the House.

We should not have been discharging our duty to our constituents if we had let this opportunity pass for drawing attention to certain points. I hope that the Finance Member when he comes to reply will deal with some of them. I beg to support the motion.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I must make the position of my Party absolutely clear to the House. When we decided to vote against the Budget, we had no other consideration except one and one only, namely, that we did not like any encroachment on the rights and privileges which had been enjoyed by this House. We did not like that any conventions which had been created should be destroyed. After all, all the Parliamentary institutions do create conventions and by means of those conventions they create the rights of the House. The British Parliament did not get all the rights by any Charter which are enjoyed by it today. They are mostly the result of their own creation. In the same manner, it was really incumbent on the Government that these privileges of the House which have already been created should not be violated. We wanted that the Budget, as a whole, ought to have been presented to the House in the same manner as it had been presented before. As an innovation, however, had been made beforehand without any explanation to the House, it had to be resented by this House and we took the attitude that if we were not allowed to vote on the Budget as a whole,—even if it was reduced by the hundredth part of one per cent.—we would refuse to consider the Budget which had been presented in parts before this House. That was our position and we made it clear and if there is any misunderstanding in any quarters, I think it is due to the fault of those who do not like to understand clearly. As we have not allowed the Demands, then, consistent with the same position, we cannot allow any supplies to be voted. And that is the attitude which we are going to adopt towards this Finance Bill. We have got lot of grievances against the administration and we could have made many beneficial proposals to the Government but the fault is not ours. The fault is of those who are responsible for not taking the House into their confidence and who have created this situation.

Sir, India may suffer for sometime more but she cannot suffer all the time. If India goes on suffering for the next year without our giving any advice, I do not think that India will be any the worse because, in spite of our advice which we gave last year, India was allowed to suffer and the position was created in the country which has made the position of several Provincial Governments very difficult. I do not want to go into those details now as I only want to confine my remarks to this that our attitude in voting down the consideration of the Finance Bill is consistent with our policy. I know that the power which has restored all the Demands can also easily restore all the supplies, but the responsibility will be one-sided. What we want is that we may not share the responsibility. If the responsibility is to be taken by the Executive, let them take the responsibility for the whole and not in parts, or let them take us into their confidence and then we will share the responsibility along with them. Sir, we have never stood for the methods of any other nature. We do not want that the Government should be made unworkable. My Party has never stood for those principles and we do not stand for those principles even today. But we have to express our resentment for any encroachment on the rights of this House. We, as Members, must stand for the rights of this House and we expect even those who may not be in a position to stand by the House to try to do so, but if they are prevented from doing so, we have no grievance against them. Nevertheless, we will stand by our rights. With these remarks, I oppose the consideration of the Finance Bill.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I wish to make a few observations. Under the old régime, 28th February was always considered as a day of speculation when fortunes were either made or destroyed, but now we have the good fortune that we will have no fresh taxation and the trade which used to be more speculative and less scientific will now resume the normal position. About three years ago, I once pointed out that Sir George Schuster during his 5 years' tenure of office imposed taxes amounting to 46 crores of rupees and in spite of that the customs duties remained at the same level. In the present Budget we find that in spite of the fact that no fresh taxation has been put, the income from the customs duty has now been raised from 46 crores to 51 crores, where it now stands. There is no doubt that we have really improved our position by means of the new policy of not having unnecessary taxation. I would like to draw the attention of the House to the fact that in the year 1931 Sir George Schuster, without any consideration, increased the surcharge by 25 per cent. Of course, we objected very strongly and though he succeeded in raising the income from the customs duty temporarily from 46 crores to 51 crores, it was only a temporary measure and it was soon reduced to 46 crores which was really the normal figure which the country at that time could pay. Therefore, I must say this that the policy of the present Government not to increase the taxation unnecessarily beyond the capacity of the people to pay is really a sound policy, and so far as the fresh taxation is concerned, I think we should congratulate the Government that the Budget will maintain the *status quo*.

Sir, there are two points to which I would like to draw the attention of the House so far as taxation goes. The first relates to the Tariff Act. Now, the Tariff Act is so complicated that I am perfectly certain that if an examination was held and the appraisers appeared before an impartial Board, no two persons will put the same duty on the same class of

[Dr. Sir Ziauddin Ahmad.]

goods. It is exceedingly complicated. In fact, it is as complicated as the coaching tariff of the Railways. It is, therefore, exceedingly desirable that this tariff ought to be simplified and I hope Government will soon see to it. The Tariff Act is exceedingly complicated on account of the classes and sub-classes with the result that it becomes exceedingly difficult to differentiate. I hope the present Government will be able to simplify this.

Then the second point which I have always repeatedly pressed relates to the centralisation of the Customs. No doubt we have got our obligations to various States, but it is very desirable that there should be centralisation of the whole department, and we may pay the various States in accordance with our previous obligations and treaties. I do not suggest for a moment that we should dishonour or violate the treaties, but there should be proper administration in order to avoid smuggling.

Then, Sir, another point to which I should like to draw your attention is the taxation policy of the Government of India. We have a double object before us. We have to protect our cottage industries against the millowners, and we have also to protect the millowners against the foreign import. Therefore, we have to adopt this double policy, and for this we should first levy some duty to protect the mill industries of this country. That has been done in the case of textiles; at the same time we should also protect the cottage industries against the mill industries here, and that can only be done by putting an excise duty on our mill industries in order to protect our cottage industries. Government have already protected the mill industry, but they have not sufficiently protected the cottage industries against the mill industries, and this can only be done by putting an excise duty on the manufacture of cloth; no excise duty of any kind should be put on yarn, because yarn is really the raw product for cottage industries, and therefore it is very desirable that yarn should be made available at the cheapest possible rate. We should protect the cottage industries against the mill industries and foreign imports, and we should also protect the mill industries against foreign imports. That will meet the wishes of a vast majority of the people except of those who have vested interests.

Then the next point I want to raise is about loans. No details are given in this year's Budget about these loans. I wish they had been given. I thought there would be a considerable reduction in the interest as the rate of interest has gone down enormously, but I do not find much difference between the interest charges in the present year and the interest charges in previous years.

I shall now say a few words about the post office. This is one of the very important Departments of the Government of India and the policy of the Government in regard to this department does require some consideration. In the first place, there should be more decentralisation as in the case of Railways. The Railway Board has adopted the policy of transferring more and more powers to the Agents, but in the Postal Department the reverse is the case, that is to say, more and more powers are being taken away from the Post Masters General. In fact, it will be found that the Superintendents of Post Offices enjoyed greater powers about 15 years ago than the powers now enjoyed by Post Masters General.

Therefore, I suggest that the policy of decentralisation which is now working so successfully in the Railway Board should be followed in the Postal Department also. The Railway Board really looks into all the details; but in the Post Offices there is an Advisory Committee which is merely on paper, and I do not know if the Honourable the Finance Member can tell me if that Committee has ever met even once during the past few years. I think the constitution of this Advisory Body ought to be revised so that it may properly function and not merely remain on paper.

Then, it is really gratifying that a great change has been made in telephones. I really welcome the creation of a development fund. It is a great improvement, and the telephones, to my mind, have a great future. The telephone use should be encouraged, and I feel that Mr. Pursell, who is really the father of the Telephone system in this country, should have been given some more extension in order to enable him to complete his programme.

Another thing is, that telephone facilities are not properly advertised. Government ought to consult commercial and trading classes and advertise their rates in vernacular papers. Government advertisements generally appear only in English papers which are not read by the majority of the people who read mostly the vernacular papers, and, therefore, there ought to be better method of advertisement and resort should be had as far as possible to vernacular papers more than to English papers.

Then, one thing more about Cash Certificates. I think we have lowered the rate of interest enormously. There is not merely the commercial value in these cash certificates, but there is also one important principle involved, and that has been emphasised by eminent financiers in other countries. They say that you should induce the common people to invest their savings in the Government loans, then those very people will always support the stability of the Government, and therefore I think Government should take every possible step to encourage the smaller people to invest their savings in cash certificates, not merely with the object of getting a return, but also with the object of interesting them in the stability of Government.

Again, Sir, I want briefly to advert to the trade which is now going on in the export of Skins of unborn kids, specially of lambs. It is said that before a lamb is born in a natural manner, artificial methods are adopted to bring out the kid, because the skin of such kids fetches a higher price than the skin of kids or lambs born in a natural manner. I drew the attention of the Honourable the Commerce Member and also of the Honourable the Finance Member to the cruelty that is perpetrated on these unborn kids, but so far no action has been taken by any one. I trust now at least they will do something in the matter.

Coming now to the question of the Marketing Board, I put a few questions some time ago about the policy of the Marketing Board in regard to hides and skins. This Marketing Board instead of furthering the trade is actually hindering it. I think the whole policy of the Marketing Board requires some consideration, and it is very desirable that the whole policy of the Marketing Board, especially with regard to hides and skins, should be reconsidered. I am very doubtful if this Board is doing any good at all even in other directions, but I am positive that it is doing a great deal of harm in regard to hides and skins.

[Dr. Sir Ziauddin Ahmad.]

Then, lastly, Sir I am not against giving any special grant to Bengal, but I consider that the giving of a special grant to Bengal out of the jute revenue is very unsound finance. If this principle is accepted, I see no reason why a grant should not given to the U. P. and Bihar out of the excise revenue on sugar, because all that money will go to improve the condition of the cultivators. The money ought not to go into the coffers of the Government, but it should be definitely earmarked to improve the condition of the sugar-cane growers. These are the few points which I place before the Government for their consideration.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I propose to be very brief and shall confine my remarks to the question of the paucity of Muslims in the Income-tax Department. I was not very keen on taking part in the debate but as this is the only occasion when we can ventilate our grievances and give some suggestions to the Government, I thought it would be necessary to bring to the notice of the authorities, that, in spite of the promises held out to us that in the Central Services the Muslims would be given an adequate representation of 25 per cent., this has not been done. In my province of Bihar, especially, the position has been more unfortunate; even in the Secretariat of the Government of India at Delhi no province is so miserably represented as mine is. Probably out of eight thousand people who are working as assistants and clerks, Bihar has not got even 20 or 25 persons—taking Hindus and Muslims together and probably Muslims are not more than five in all. As I said, I want particularly to discuss the question of the paucity of Muslims in the Income-tax Department as a whole and in Bihar more particularly. I want to read a copy of an editorial which appeared in the *Star of India*: it says:

"The condition obtaining in the Income-tax Department, Bihar, especially with regard to the glaring injustices meted out to the Moslems, has long been the subject of public resentment. It may be recalled that as far back as in the year 1931, during the Simla Session of the Central Legislature the grievances of the Moslems with regard to their poor representation in the services of the Income-tax Department were voiced by means of interpellations by the late Moulvi Badi-uz-Zaman and Sir George Schuster the then Finance Member, admitted on behalf of the Government that there was room for adjustment in the communal composition of the services as it stood then. He further assured that further recruitment would be conducted on the lines prescribed by Government and added that in view of the financial circumstances as they prevailed then, immediate recruitment of new staff on a large scale was not possible.

Now let us examine how far the said policy of Government has been acted upon since 1931. The table below prepared from the statistics furnished by Sir George and the Provincial Civil List will tell its own story.

Strength in 1931.		
	Hindus.	Moslems.
Income-tax Officer	15	1
Assistant I. T. Os.	2	1
Assistant Commissioners	2	Nil.
Strength in 1937.		
Income-tax Officer	12	2
Assistant I. T. Os.	Nil	Nil.
Assistant Commissioners	3	Nil.

Thus at both the periods the quantum of the Moslem representation remained the same, in spite of Government assurance.

Since 1931, as many as three appointments were made in the cadre of the Assistant Commissioner but not a single post was given to the Moslems. The Moslems have

naturally a very just cause for resentment. If senior Moslem officers were not available in the province, there is no reason why services of Moslem officers were not requisitioned from outside the Province. The promotions that were made of the Hindu officers to the substantive post of Assistant Commissioner were also not justified as a cursory glance of the Provincial Civil List will show that comparatively junior officers young in age and not even drawing maximum salary in the cadre of the Income-tax officers were given the lift. So much for the gazetted officers. As for the non-gazetted officers, it is painful to note that not a single higher appointment of head clerk or head assistant is held by Moslems in the whole of the province. This is significant in itself.

Another serious grievance of the Moslems is that they have not been afforded equal chances of promotion as is extended to their fortunate Hindu brethren.

There are some glaring instances of injustice and if in matters like these the Government show disregard how can one expect protection from them in hundred and one matters of pettifogging and maligning of the Moslem subordinates by their superior Hindu officers?"

I have also been approached by the Secretary of the Muslim League, Bihar, Patna, to ventilate these grievances before the House and I hope that the Honourable the Finance Member will make it a point to issue such instructions as would put a stop to our grievances and improve matters for Muslims in the near future.

Coming to the Budget, I do not propose to discuss it in detail or to say much about it, except to say that I agree with Dr. Sir Ziauddin as far as the satisfactory financial position is revealed in the Budget and this goes to the credit of the Honourable Member. As regards still-born goat skins, I think that practice ought to be stopped, because though it might give a little more fund to the Indian merchants, it is a very cruel practice to do. This practice of selling skins of still-born goats is introduced and inspired by America who pay fancy prices. As regards other matters I also agree with Dr. Sir Ziauddin Ahmad when he says that the Customs tariffs are so very cumbrous that in many cases justice is not done at all in fixing rates of customs duties. Government should take these matters into consideration and find out what arrangements should be made to avoid such sort of mistakes. With these few words of suggestions, I resume my seat.

The Honourable Sir James Grigg: Sir, I think my first task is to thank the House for the unusually attentive and sympathetic reception of the Budget. Perhaps I may be allowed to deal with the points raised by the speakers in turn without any regard to collecting them into subjects or arrangement.

The Leader of the European Group devoted the major part of his speech to pointing out the moral of a remark in my speech in which I said that we were still over half a crore short of true budgetary equilibrium. He drew certain conclusions from that with which I entirely agree. Those conclusions, I think, may be summed up by saying that we are certainly not out of the wood yet; we must, for a good many months to come, cast our eyes westward with a great deal of trepidation; and I am bound to say at the moment that the symptoms which arise in the West are not at all reassuring either in America or in Europe. I think we must agree that India commercially and the Finance Member of India in particular in relation to his Budget, must be vitally and anxiously interested in the question which the economists and statesmen and bankers of the West are discussing—is there a slump or not? We all hope that the question will be answered in the negative, but should it be answered in the affirmative, then as the Leader of the European Group points out there is a very anxious time ahead for India commercially and financially. But the

[Sir James Grigg.]

answer to this question must at the moment be left entirely in the womb of time; and all we can do is to hope that the signs of the ending of the recession will rapidly come to outweigh the signs which indicate a continuance of it.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): What is the period of gestation?

The Honourable Sir James Grigg: I think that question might more properly be addressed to President Roosevelt. Again, as the Leader of the European Group pointed out, should we be running into a world slump, the resources of India, thanks to past fiscal policy, the resources of India to raise new taxation are not at all extensive. At the present moment it is quite certain that the customs tariff has reached the peak, it has reached the point where it would not pay to increase it in the majority of commodities. At the present moment any increase in income-tax would accrue to the Provinces unless indeed it was imposed in the form of a federal surcharge, and in the case of excise, there again, I gather that the opinion of Honourable Members opposite is that the sugar excise which is the most remunerative one of the excises has reached its peak.

Sir, if the world, and along with it India, is running into a slump, there is no doubt that the future prospects of our budgetary equilibrium are not less unfavourable than the Honourable Member pointed out and, therefore, as I say we must hope and pray that the prophecies in the West that the slump will not be a very serious one are justified.

The Honourable Member attempted to draw me on the subject of the income-tax surcharge and what is to be the content of the Income-tax Bill, but I can assure him that that was seen through. All I can say possibly about that is, wait and see.

As regards his other point, *viz.*, that one of the questions to which the Economic Adviser might devote his attention is the incidence of taxation, I am very grateful to him for the suggestion and I will certainly follow it up. I have said on occasions that I have no doubt that the taxation system in this country is regressive, that it lets off the rich too lightly and that it taxes the poor too heavily. But it would be extremely useful to have that verified by actual statistics, and, of course, in taking into account the incidence of taxation in any scientific way, it would be necessary to take into account the taxation which is raised on the consumer not for the purpose of the Central Exchequer, but for the purposes of protecting the industrialists. That is no less a burden on the consumer, in fact, it is much more a burden on the consumer than the taxation which is spent in providing Government services. But subject to that, I would certainly see whether the Economic Adviser can include among his programme an investigation into the incidence of taxation.

Then, Sir, the Leader of the Democratic Party repeated his plea or complaint about the infringement of the privileges of the House. I do not want to prolong the controversies which have arisen in this matter, but I suggest that an Honourable Member who announces his attitude in the newspapers before he has heard any of the Government's explanations on the matter and then the basis on which he arrived at his conclusion having been demonstrably proved to be wrong sticks to his opinion can only be described in the words of Dryden "Stiff in opinions, always in the wrong".

Sir Muhammad Yamin Khan: On a point of personal explanation: I never gave any interview to the Press beforehand. The people outside might have guessed that that was going to be our attitude. I challenge anybody to produce anything on the floor of the House, any statement of mine in the Press.

The Honourable Sir James Grigg: I am sorry if I did the Honourable Member an injustice. If the forecasts in the Press as to his attitude were entirely efforts of imagination, all I can say is that that imagination turned out to be singularly accurate.

Sir Muhammad Yamin Khan: All on account of the attitude of Government.

The Honourable Sir James Grigg: Now, Sir, I come to my Honourable friend, Dr. Sir Ziauddin Ahmad. As I heard his speech, his first part was a stirring plea for the revival of the excise duty on cotton piecegoods. I will take note of his desires in the matter. As a matter of fact the learned Doctor has hit upon and has emphasized once more one of the incurable dilemmas of protection, namely, whatever good is done to manufacturers by a protective policy, an amount of harm which will outweigh all the good done to the manufacturers is done to secondary producers such as cottage producers, and to cottage consumers. That dilemma remains and the only way of curing that dilemma is to abandon or modify very seriously the policy of protection altogether. I have no doubt the learned Doctor is in complete agreement with me over that. He asked a question, why a reduction in the interest rates was not reflected in this year's Budget? I do not think as a matter of fact there has been any material reduction in the interest rates since last year. In fact there has been quite the contrary. There has been a hardening of interest rates, but in any case there were no maturities last year. You cannot generally convert loans to a lower rate of interest except on their maturity. It is possible to a certain limited extent, as I showed in my Budget speech, by purchasing securities in the open market, by cancellation and by replacing them by borrowings at lower rate of interest. But the case with Indian securities, both in England and in India, is that they are very tightly held, as the market phrase goes, and, therefore, the amount one can buy at remunerative prices is very limited. In so far as it is practicable, the policy which has been described in the Budget speech will be continued, but it is no good my pretending or anybody else pretending that it is of unlimited application.

Now, Sir, I come to my Honourable friend, Mr. Nauman. Before I deal with his speech, there is one point mentioned by Dr. Ziauddin Ahmad which I forgot. He mentioned about the traffic in the skins of unborn lambs to which my attention has not been drawn hitherto. *Prime facie* it sounds to me at least as disgusting a traffic as the learned Doctor thought and I think his friend, Mr. Nauman, also thought, but Government will consider if there is anything that they can do in the matter, though I am given to understand that one of the main difficulties is that most of the traffic originates in Afghanistan.

Then, Sir, the only point that remains is that mentioned by Mr. Nauman. He put in a plea for the recruitment of Muslims in Bihar. I think in his remarks he overlooked two points. The first is that the proportion of 25 per cent. for Muslims in Government employment relates to all India, and, if in the predominantly Muslim provinces of Bengal and the Punjab . . .

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

The Honourable Sir James Grigg: I will add Sind too to the category for the purpose of argument—and if in some of the Provinces a great deal more than the proportion of 25 per cent. is taken then in the predominantly Hindu provinces there must be a great many less.

Mr. Muhammad Nauman: My only point is, are Government satisfied that 25 per cent. Muslims are in the Income-tax Department taking India as a whole?

The Honourable Sir James Grigg: There is another point: the proportion of 25 per cent. which the Honourable Member refers is not and cannot be the proportion applicable to the number of people in the services at any one time because it relates to new recruitment. Obviously it would be absurd to stipulate that the proportion of 25 per cent. must be immediately made effective. It can only mean discharging a vast number of people and replacing them by untrained people from outside and that can have only a most devastating effect on the efficiency of the services. However, if the Honourable Member has in mind or can bring to my notice any instance in which the rules which have been laid down by Government regarding Muslim representation have not been followed, I should be very glad to look into it.

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

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to fix maximum rates of postage under the Indian Post Office Act, 1898, and to fix rates of income-tax and super-tax be taken into consideration."

The Assembly divided:

AYES—48.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad, Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hight, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Matthews, Mr. V. G.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Menon, Mr. P. A.
Metcalfe, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Col. H. C.
Spence, Mr. G. H.
Stewart, The Hon'ble Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—69.

Abdoolah Haroon, Seth Haji Sir.
Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Dessai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.

Kailash Bahari Lal, Babu.
Lalchand Navalrai, Mr.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghurir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Sahib Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Ali Shah, Mr.
Varma, Mr. B. B.
Yamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

The motion was negatived.

THE HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, before you proceed to the next item on the List of Business, I should like, with your permission, to state to the House why I do not intend to move the Bill standing in my name—the Bill to amend the Hindu Women's Rights to Property Act, 1937. The Bill, in any case, will take a very short time before this House; but I feel that if I have a talk with some of the Members opposite over two of the amendments which have been notified, it will simplify matters and also, I have got to consider whether I should not, for greater caution, put in a proviso extending exclusion from the Bill properties which are impartible not merely by custom, which is already there, but also by reason of the terms of grant, like service tenures, and so on. It is a very small matter and I will bring it up later on.

THE SIND SALT LAW AMENDMENT BILL.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the motion.

"That the Bill to amend the law relating to salt as at present in force in Sind be taken into consideration."

Mr. Chettiar is in possession of the House.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Before I move the amendment in my name, I should like with your permission to alter the words "within a week" and substitute the words "before the 31st March, 1938".

Sir, I move:

"That the Bill be referred to a Select Committee consisting of Mr. J. D. Boyle, Mr. Lalchand Navalrai, Mr. Ghulam Kadir Muhammad Shahban, Maulvi Sikandar Ali Choudhury, Maulana Zafar Ali Khan, Maulvi Muhammad Abdul Ghani, Mr. A. H. Lloyd, Rai Bahadur N. C. Sen, Shams-ul-Ulema Kamaluddin Ahmed, Sardar Bahadur Sardar Sir Jawahar Singh, Mr. Sri Prakasa, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das and the Mover, with instructions to report before the 31st March, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this Bill has been confusing for this reason that there is no Act, definitely as an Act, regulating Salt in Sind. There are two or three things in the Act as amended which require consideration and amendment. The Salt Transport Act in section 3 (c) allows for certain exemption to be given with regard to salt being carried on any vessel for coming Bill. I am afraid that has not been provided for in the present amending Bill. Secondly, if you turn to section 36 of the Act which is sought to be amended, it has references. It is as follows:

"No salt shall be stored or had in possession for the purpose of sale within one mile from the Matunga Salt-work in the Island of Bombay."

This has nothing to do with Sind. It is an absurdity which we must remove. One of the really important things which has got to be considered is section 10 which reads:

"The Provincial Government of Sind may, from time to time, by notification in the Official Gazette, etc."

The Provincial Government of Sind is sought to be deleted under the amending Bill and the words "Central Government" substituted. It will mean that the Central Government may from time to time publish in the official Gazette, and so on. I understand it is not the intention of the Government that it will be published in the Gazette of India. It should be the Sind Gazette. This amendment, if carried out, will create difficulties. For these and many other reasons, I think it is better that a Bill of this sort should be referred to a Select Committee. Sir, I move.

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

"That the Bill be referred to a Select Committee consisting of Mr. J. D. Boyle, Mr. Lalchand Navalrai, Mr. Ghulam Kadir Muhammad Shahban, Maulvi Sikandar Ali Choudhury, Maulana Zafar Ali Khan, Maulvi Muhammad Abdul Ghani, Mr. A. H. Lloyd, Rai Bahadur N. C. Sen, Shams-ul-Ulema Kamaluddin Ahmed, Sardar Bahadur Sardar Sir Jawahar Singh, Mr. Sri Prakasa, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das and the Mover, with instructions to report before the 31st March, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): Sir, I rise to speak on this Bill, even though it is going now to the Select Committee, only for this reason. Since this Bill was introduced, inquiries are being made from me from Sind as to whether this Bill aims at anything which would take away the powers of the Provincial Government or do any harm to Sind. Sir, I find that this Bill is intended only to give the transport questions and other questions connected with salt

transport to the Central Government. I see that at present there are two Acts which are governing Sind. One is Act XVI of 1879 and the other is the Bombay Act II of 1890. These Acts give power to the Provincial Government to do certain acts under these two Acts. I find that originally this Act XVI of 1879 gave those powers to the Central Board of Revenue but then afterwards they have been conferred on the Provincial Governments.

Mr. A. H. Lloyd (Government of India: Nominated Official): No.

Mr. Lalchand Navalrai: That is what I find in the copy of the Act XVI of 1879 that I have got from the Library. In clause 1 (a) the Central Board has actually been defined. And then in section 3, which is now proposed to be amended, clauses (b) and (c), I find that the powers are given to the Central Board of Revenue. I may read the exact words. . .

Mr. A. H. Lloyd: Perhaps the Honourable Member will permit me just to explain a misunderstanding. The Act from which he is going to read, with reference to the Central Board of Revenue, is the Bombay Salt Act of 1890 *as amended* in 1925; those amendments are in force in the Bombay Presidency, but they are not in force in Sind.

Mr. Lalchand Navalrai: That is exactly what I am saying. I want to say that originally the powers were with the Central Government but subsequently they were given to the Provincial Government. . .

Mr. A. H. Lloyd: No, they never were with the Central Government till 1925. Then they were with the Central Government in Bombay only, but not in Sind.

Mr. Lalchand Navalrai: The Honourable Member means that those powers were only with regard to Bombay, but not with regard to Sind. although the words are general here?

Mr. A. H. Lloyd: That is so.

Mr. Lalchand Navalrai: The words being general, I beg to say that section 3 of Act XVI of 1879, clauses (b) and (c), gives power to the Provincial Government under this Act. Now, the object of the present Bill is to give those powers to the Central Government. Of course, the Bill is now going to a Select Committee and it will be considered very carefully with regard to certain points which may arise, but so far, with regard to the question whether the powers of the Provincial Government are going to be taken away unnecessarily, the point ought to be clarified, I may explain that the reason given by the Government now in introducing this Bill was that because salt has become a Central subject, therefore, the Provincial Government's powers are now to be exercised by the Central Government, and that those powers are given to the Central Government now under the Government of India Act. It should be clearly stated that these powers which are at present with the Provincial Government are not being taken away from them in any arbitrary manner. From the administrative point of view I would like to know from the Honourable Member in charge whether those officers at present—for instance, the Superintendent of Salt, his

[Mr. Lalchand Navalrai.]

assistant and his office—will still remain to be guided and controlled by the Provincial Government, or by the Central Government. Then the point would arise whether all those powers with regard to appointments, etc., would be exercised by the Central Board of Revenue in the case of the Central Government or the Provincial Government also. Those are the questions that should be made clear. Therefore, I shall not take any more time of the House but will only ask that if it is proposed that the Sind Provincial Government's powers should be taken away it should be made clear whether this is being done only under the provisions of the new Government of India Act or otherwise.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I do not see why the object of this Bill should not be achieved by issuing a mere notification under Act XXII of 1925, which makes certain modifications in the Bombay Act, by substituting the Central Board of Revenue for the Provincial Government as the authority to deal with these matters. But under the same Act XXII of 1925 power is reserved to the Central Government to bring that Act into operation in such areas in British India as it may like from time to time. In pursuance of that power this Act was brought into operation only in the Presidency of Bombay minus Sind. That Act was adapted under the Constitution Act but this adaptation does not hold good in the case of Sind and that has necessitated this Bill. I am now asking the Honourable the Mover if it might not be possible to achieve the same object by issuing a notification under that Act XXII of 1925, and if that notification is issued, the adaptation which was made in the Act as amended might have application to Sind also. I would ask the Honourable the Mover if he has considered this aspect. If the same purpose could be achieved by issuing a notification, it might not be necessary to proceed with this Bill. The other point, on the merits, as my Honourable friend, Mr. Lalchand Navalrai, has said, is whether it is desirable to put any restrictions on the powers of the Local Government—though no doubt they are in this respect subject to the control of the Central Government. I would, in this connection, invite a reference to section 140 and section 124 (2) of the Government of India Act. Under the former section, if an Act of the Federal Legislature so provides, the Provincial Governments also might be entitled to the salt duty, and under section 124 (2), "An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof", that is, the Federal Government may appoint a Local Government as its agent for certain purposes. But until such Act comes into being and is passed, a Local Government cannot so be constituted an agent. What is the need to amend the existing law, however, unless it is absolutely necessary and incumbent? I, therefore, request the Honourable the Mover to satisfy me on this point before proceeding further.

Mr. Lalchand Navalrai: May I know if the Provincial Government of Sind was consulted before this Bill was introduced into this House?

Mr. A. H. Lloyd: Sir, with reference to the question which has just been put, the answer is in the affirmative: the Provincial Government of Sind is in entire agreement with us. The Honourable Member who spoke last (Mr. M. Ananthasayanam Ayyangar), raised a very pertinent question and one which incidentally carries with it the seed of the answer

which is to be given to Mr. Lalchand Navalrai. He asks whether we could not achieve the object of this Bill by simply exercising the power that we possess and retain, to extend to Sind the amending Act of 1925. The answer is that if we did that, we should establish the Central Government as the controlling authority, with the Central Board of Revenue as the subordinate controlling authority, and then all the officers would be officers under the Central Board of Revenue. For various practical reasons, we do not wish to do that, at this stage, because we wish to continue to employ the agency of Provincial Governments and their departments. It is because we are not ready to take over the detailed administration of the subject of salt in Sind that we wish to perpetuate, so far as we can, the existing position. The existing position is that under the unamended Act we have entrusted all responsibilities under this subject to the Provincial Government and the Provincial Government's officers. We wish, until further notice, to retain precisely that position. We cannot do that by issuing a notification such as my

1 P.M. Honourable friend has referred to, because that would compel us to take over the administration ourselves. At the same time, I admit that there is a great deal of force in his inquiry, because we had considered that aspect of the matter very carefully ourselves and, for some time, we thought of the alternative device of trying somehow or other to transfer to the Provincial Government the powers of the Central Board of Revenue which would come into existence if such a notification as he mentioned was issued. But we found that the objection to that was insuperable and the better course was to perpetuate the existing situation until the Government of India are in a position to take over the administration lock, stock and barrel as they have done in Bombay. That really contains the answer that I have to give to my Honourable friend from Sind. Apparently I was unfortunately unable to make myself clear when I spoke last, because I then attempted to explain that this arrangement was not designed to create the slightest difference in the actual details of the administration of the subject in Sind, pending, of course, the issue of such a notification as Mr. Ananthasayanam Ayyangar referred to. It is understood that the moment this Bill becomes law, we shall at once—and we have in anticipation obtained the approval of the Sind Government for this—issue an order under sub-section (1) of section 124 of the Government of India Act, 1935, entrusting to the Provincial Government the functions of the Central Government. That will produce precisely the existing position, the maintenance of which my Honourable friend has asked for. I do not think there is anything more for me to say except that the Government are quite prepared to accept the motion for reference to the Select Committee to clear up minor points of drafting.

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

"That the Bill be referred to a Select Committee consisting of Mr. J. D. Boyle, Mr. Lalchand Navalrai, Mr. Ghulam Kadir Muhammad Shahban, Maulvi Sikandar Ali Choudhury, Maulana Zaifur Ali Khan, Maulvi Muhammad Abdul Ghani, Mr. A. H. Lloyd, Rai Bahadur N. C. Sen, Shams-ul-Ulema Kamaluddin Ahmed, Sardar Bahadur Sardar Sir Jawahar Singh, Mr. Sri Prakasa, Mr. M. Ananthasayanam Ayyangar, Pandit Nilakantha Das and the Mover, with instructions to report before the 31st March, 1938, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I understand the next motion* is not going to be moved.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I want to make a statement. There is no further work on the agenda, but Honourable Members may presume that there is a possibility or rather the probability of a recommended Bill coming to the House tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th March, 1938.

*"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, be taken into consideration."

LEGISLATIVE ASSEMBLY.

Thursday, 10th March, 1938.

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

MEMBER SWORN.

Mr. John Swithin Harvey Shattock, M.L.A. (Government of India, Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

REVISED INSTRUMENT OF ACCESSION.

737. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Law Member state:

- (a) whether the revised Instrument of Instructions has been issued to the Princes;
- (b) what is the nature of the changes made in the revised instrument of instructions; and
- (c) whether any of the States have accepted it; if so, what is the percentage of the States which have accepted it?

The Honourable Sir James Grigg: Sir, I apologise to the House for taking upon myself yet another portfolio. I presume that the Honourable Member has in mind the Instrument of Accession since he speaks of acceptance by States and not the Instrument of Instructions. As stated in the Honourable the Law Member's reply on the 7th February, 1938, to the short notice question of Mr. K. Santhanam the final revision of the Instrument of Accession is still under consideration. The reply to part (a), is, therefore, in the negative and parts (b) and (c) do not arise.

With your permission, Sir, I should, however, like to take this opportunity to make as full a statement as possible as to the stage which has been reached regarding the possible accession of Indian States to the Federation and the facts and considerations which govern the conduct of negotiations with Rulers for this purpose. For this is a matter on which Honourable Members have by the questions put from time to time shown considerable and not unnatural interest.

According to the provisions of the Government of India Act, 1935, the Federation of India can be established only if the requisite number of Rulers of States, as laid down in the Act, accede by executing Instruments of Accession which His Majesty accepts, and after each House of Parliament has presented an address to His Majesty praying him to declare by

proclamation that there shall be united in a Federation of India the Governors' Provinces and the acceding Indian States. It will then be lawful for His Majesty to make the Proclamation establishing the Federation in which the Chief Commissioners' Provinces will also be included.

Parliament has no authority to legislate for Indian States and their Rulers are, therefore, given by the Act the option either to enter the Federation or to remain aloof. Accordingly, in August 1936, enquiries were made from the Rulers of States as to their attitude towards Federation, and, in the ensuing months representatives of His Excellency the Viceroy toured the States and held discussions with Rulers and their Ministers on many points of difficulty or uncertainty with a view to dispelling possible misapprehensions and clarifying the issues involved. Replies to those enquiries have been received from practically all the States. These replies, which relate to the terms and conditions of the States' accession, including the question of the administrative machinery for giving effect in federated States to laws of the Federal Legislature in respect of matters accepted by the States as federal, involve important and difficult issues. They are now under active consideration. Under the Act the terms of accession depend upon His Majesty and the Ruler of the State concerned, and the preliminaries to the negotiation thereof are, therefore, being conducted under the direct orders of His Excellency the Crown Representative, in close and confidential consultation, throughout, with the Government of India with a view to safeguarding the interests of British India. But in the interests of these negotiations themselves their conduct must be confidential and this necessarily precludes any public announcement at this stage regarding the substance of the matters under consideration or under discussion with States or any statement, except in the most general terms, of the progress made towards Federation, the early achievement of which represents the considered policy both of His Majesty's Government and of the Government of India.

Mr. Manu Subedar: Has the Draftsman who has been specially brought out for this purpose of revising the Instrument of Accession submitted his report? Is he still in India?

The Honourable Sir James Grigg: I can answer the second part in the negative. As regards the first part, I require notice.

Mr. T. S. Avinashilingam Chettiar: When do the Government expect to finish the consideration?

The Honourable Sir James Grigg: I do not think I can add anything to the statement that I have just now read out.

WORKING OF THE RECENT COMPANIES LAW.

738. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Law Member state:

- (a) whether he has received any representations about the working of the companies law as recently made by the Assembly;
- (b) whether attempts have been made in some places successfully to circumvent the stringent provisions in the Act; and

- (c) whether Government are contemplating any amendments to the Act to make it knave-proof?

Mr. H. Dow: Sir, with your permission I shall reply to the question as it concerns my Department.

(a) Representations have been received from time to time for further amendment of the Indian Companies Act, 1913, in order to rectify certain inconsistencies which have crept into the Act in the process of its amendment in 1936 or to meet certain practical difficulties which are anticipated in connection with the working of the amended Act.

(b) Government have no information.

(c) The Honourable Member is aware that an amending Bill has been passed into law during the course of the current Session. Government do not propose to undertake further amendments until the Act as amended has been worked for a reasonable time.

Mr. Sami Vencatachellam Chetty: Are the Government aware that employee's deposits lying with these companies are now being separated and invested as required under the new Act?

Mr. H. Dow: No, Sir. I am not aware of that. But if the Honourable Member wishes to ask a question on the subject and will set one down, I will investigate the matter.

POST OF ENTOMOLOGIST OFFERED BY SIR BRYCE BURT TO A CAMBRIDGE LECTURER.

739. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that an offer of an appointment was made by Sir Bryce Burt, the Vice-Chairman of the Imperial Council of Agricultural Research when he was in England last, to a certain Cambridge lecturer in connection with the post of Entomologist under the Council, and if so, on whose authority it was made?

(b) What was the salary the lecturer was getting there and what was the salary fixed for him in the new post?

(c) Is it a fact that he made the offer in consultation with Sir James Grigg, who was then in England, and if so, what was the status of Sir James, who was on leave? Had he any authority at the time to commit the Government of India to any expenditure?

(d) Is it a fact that the offer was made without securing the approval of the Member in charge of the Department concerned, the Imperial Council of Agricultural Research, and if so, was it not a violation of the practice of the Department under which appointments of this kind had to be sanctioned by the Member?

(e) Did this question form the subject matter of discussion of an adjournment motion in the Council of State?

(f) Was this question discussed at the last meeting of the Governing Body of the Imperial Council of Agricultural Research and, if so, what decision was reached?

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LEGISLATIVE ASSEMBLY.

[10TH MARCH 1938.]

(g) Is it a fact that the Ministers from Provinces present at the meeting of the Governing Body referred to, did take strong exception to the unauthorised conduct of the Vice-Chairman and repudiated the offer of appointment?

Sir Girja Shankar Bajpai: (a) No.

(b), (c) and (d). Do not arise.

(e) No.

(f) and (g). The proceedings of the Governing Body of the Imperial Council of Agricultural Research are confidential.

INCREASE IN THE PRICE OF PETROL.

740. **Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

(a) whether the price of petrol was much cheaper some months back, and whether, since then, it has increased;

(b) whether Government are aware that the increase is due to a combine of the various companies and the consequent creation of a monopoly; and

(c) whether Government have considered the advisability of regulating the price of petrol since a monopoly has been created?

Mr. H. Dow: (a), (b) and (c). No.

Mr. K. Ahmed: Is it a fact that the price of petrol is cheaper in some places and dearer in some other places? In Calcutta it varies from Rs. 1-6-0 to Rs. 1-2-0. In some other places it varies from Rs. 1-9-0 to Rs. 1-6-0? What is the reason for this variation?

Mr. H. Dow: Sir, the Honourable Member is rather like the honey-freighted bee. He is more anxious to disburden himself of his stores of information, than to make use of the present opportunity of adding to them. The Honourable Member's question, I may say, does not specify any particular place. The price of petrol varies from place to place. I have taken the trouble to get a statement of the price of petrol in some of the principal centres in India—in Calcutta, in Madras, in Lahore, etc.—and I find that the price of petrol, in recent months, has not gone up, but has gone down. If the Honourable Member wants information about any particular place, and will specify it, I shall be very glad to make enquiries.

Mr. K. Ahmed: In view of the fact that the Honourable Member while comparing me to a honey bee has treated me as a wasp and the accuracy of the figures he has mentioned will not satisfy the House, may I tell him that the price of petrol is 15 as. in Bombay while it is Rs. 1-2-0 in Calcutta, Rs. 1-9-0 in Delhi and only 1s. 2d. in London? Why is the price so disproportionate in view of the fact that the cost of production is only 1a. 6p. per gallon and the extortion of this high price amounts to committing dacoity and pilfering the public and exploiting the country?

Mr. President (The Honourable Sir Abdur Rahim): I think it is more a speech than a question.

Mr. T. S. Avinashilingam Chettiar: Do the Government mean to say that the price of petrol has not increased, say in Delhi?

Mr. H. Dow: I am afraid I am not aware.

Mr. Lalchand Navalrai: What about Karachi?

Mr. H. Dow: As regards Karachi I have made inquiries but have not yet received the information.

Mr. K. Ahmed: In view of the fact that the Honourable Member has his own motor car and pays Rs. 1-9-0 a gallon, how can he not know the price of petrol in Delhi?

Mr. President (The Honourable Sir Abdur Rahim): Order. order.

Mr. Manu Subedar: With regard to the answer to part (c), may I ask whether Government have considered their position and their legal powers as to whether they can regulate a monopoly if the charges by the petrol companies were further increased?

Mr. H. Dow: The answer to part (c) is 'No'.

Mr. T. S. Avinashilingam Chettiar: Are the Government satisfied that there is no virtual monopoly created by the agreement come to between the various companies dealing in petrol?

Mr. H. Dow: The Honourable Member is asking me for an expression of opinion.

Mr. T. S. Avinashilingam Chettiar: I want to know as a matter of fact a monopoly has been the result of this combination: I do not want the Honourable Member's opinion.

Mr. H. Dow: The extent to which a monopoly exists in this matter is a matter of opinion.

Dr. P. N. Banerjee: Are the Government prepared to consider the advisability with regard to clause (c) of the question?

Mr. H. Dow: No.

Sardar Sant Singh: May I know if it is a fact that questions have been asked in this House since 1931 up till today for the last seven years, that there has been a combination of all the companies selling petrol in India and the prices have been artificially raised, while the cost of the production of petrol is only 1a. 6p. a gallon at Karachi and Bombay? Will Government be pleased to make inquiries into the combination and break it?

Mr. H. Dow: I am not aware of the questions which have been asked in this House on this subject from 1931 onwards: I am quite prepared to take it from the Honourable Member that there have been a large number of questions.

Mr. M. S. Aney: In view of the reply which the Honourable Member has given to parts (b) and (c), does he mean to say that no monopoly has been created? The question refers to a monopoly.

Mr. H. Dow: Part (a) refers to an increase in the price of petrol, which I submitted, had not taken place. Part (b) asks whether in view of that increase (which has not taken place) Government are aware of the creation of a monopoly. I submit that

Dr. Sir Ziauddin Ahmad: Will Government inform the House whether prices in the same locality have increased or diminished on account of external competition or internal conditions?

(Other Honourable Members also got up).

Mr. H. Dow: Sir, I cannot answer three questions at once. If I am required to do so, I can only reply that the answer is in the plural.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members must realise that it is not possible for any Government Member to answer three or four Honourable Members' questions at the same time. The last question has been put by Dr. Sir Ziauddin.

Mr. H. Dow: I believe the price varies from time to time largely as a result of external competition.

Sardar Sant Singh: Is there any competition in India?

Mr. H. Dow: From time to time there certainly has been competition.

Sardar Sant Singh: And when the competition is eliminated, is it a fact that the prices are raised by this combination?

Mr. H. Dow: I should think it very likely.

Sardar Sant Singh: What steps did the Government take to prevent these large profits being made on account of monopoly?

Mr. H. Dow: Government have taken no steps in that particular matter.

Sardar Sant Singh: Do the Government propose to take any steps?

Mr. President (The Honourable Sir Abdur Rahim): You cannot put any further questions.

Maulana Zafar Ali Khan: Is it a fact that there has been a combination on the part of the various petrol companies or not?

Mr. H. Dow: I believe that collaboration between companies is a fact and a very well-known fact.

Maulana Zafar Ali Khan: Do the Government recognise the principle of combination the result of which is actually a monopoly?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

Mr. Manu Subedar: Will Government state their policy with regard to oppressive monopolies and take this House into their confidence?

Mr. H. Dow: I am certainly not prepared to give an answer to a general question of that kind by way of an answer to a supplementary question.

INTAKE OF COTTON BY JAPAN AND IMPORTS OF JAPANESE GOODS INTO INDIA.

741. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) whether the intake of cotton by Japan in this financial year has been less than what she should take under the Indo-British Trade Agreement; if so, by how much;
- (b) whether the imports of Japanese goods into India are more than stipulated for in the Agreement; if so, by how much; and
- (c) whether Government have taken any steps to see that the Agreement is kept up by Japanese by taking the requisite amount of cotton?

Mr. H. Dow: Since there is no Indo-British Trade Agreement having any relevance whatever to this question, I assume that the Honourable Member intends to refer to the "Protocol regarding Commercial Relations between India and Japan". On that assumption the answers are as follows:

(a) The Protocol provides for the regulation of the annual imports into India of Japanese cotton piece-goods according to the annual takings by Japan of Indian cotton. For this purpose a "cotton year" means a year beginning on the 1st day of January whilst a "cotton piece-goods year" means a year beginning on the 1st day of April. Exports of raw cotton from India to Japan during the year 1937 amounted to 1,943,937 bales against the basic quota of 1 million bales provided for by Article 3 of the Protocol. There is consequently no breach of the Protocol.

(b) No, Sir. The Honourable Member's attention is, however, invited to the statement published in the *Indian Trade Journal* of the 24th February, 1938, copies of which are in the Library. It will be observed therefrom that in respect of the categories bleached (white) and coloured printed cotton goods the maximum quantity to be sent by Japan under Article 7 (2) of the Protocol has been exceeded during the first half of the cotton piece-goods year 1937-38. Such excess will in accordance with the terms of Article 5 (b) of the Protocol be deducted from the allotment for the categories in question during the second half-year.

(c) Does not arise.

Mr. Manu Subedar: With regard to part (c), will the Honourable Member tell this House whether any reply has been received to the representation made by the Government of India to His Majesty's Government about the difficulty created in connection with the exchange permit of cotton which is the subject matter of the question in part (a)?

Mr. H. Dow: I am afraid I cannot see the relevancy of the Honourable Member's supplementary question. It does not seem to me to arise at all.

Mr. Manu Subedar: May I submit, Sir, that Japan had agreed to take a certain amount of cotton, and the Japanese Government created certain difficulties in regard to exchange permits. The Indian Government has taken this into account, and they made a representation to His Majesty's Government some time ago, and I am only asking whether any reply has been received?

Mr. H. Dow: The Honourable Member's premises are entirely incorrect. He stated that Japan had agreed to take a certain amount of cotton, but Japan has never agreed to buy even a single bale of cotton under this agreement.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, whether in interpreting the agreement, the excess of the basic quota in one year is credited to the next year for the purpose of calculating the import?

Mr. H. Dow: I can only refer the Honourable Member to the terms of the Protocol, a copy of which is in his possession.

Mr. T. S. Avinashilingam Chettiar: May I know whether the excess of the export of cotton to Japan in one year before the basic quota will be taken into account for calculating the import in the next year also?

Mr. H. Dow: There are certain provisions for a carry over, and the Honourable Member will find them set out in the Protocol.

CINCHONA PLANTATION AND POPULARISATION OF QUININE.

742. ***Seth Govind Das:** Will the Secretary for Education, Health and Lands be pleased to state:

- the total quantity of cinchona produced in India this year and in last year (separately);
- the provinces in which cinchona plantation has been newly experimented during the last two years;
- the acreage that has been brought under cinchona cultivation in the respective provinces;
- if Government have considered whether the production of quinine could be increased in order to make the country self-sufficient for her wants of quinine in another decade;
- the action Government have taken in this regard;
- whether Government propose leaving the control and propaganda of popularising quinine in various provinces to the Provincial Governments with a view to economising the expenditure on this head; and
- if not, the reasons of Government therefor?

Sir Girja Shankar Bajpai: (a) A statement giving the information available is laid on the table.

(b) So far as the Government of India are aware no Provinces other than Bengal and Madras have any cinchona plantation. The Government of Assam are understood to be making some experiments.

(c) Information regarding Madras and Bengal only is available and is contained in the statement I am laying on the table in reply to part (a).

(d) and (e). At the request of the Government of India the Imperial Council of Agricultural Research are conducting an enquiry into the possibility of extending cinchona production in India.

(f) and (g). Propaganda for popularising the use of quinine in various provinces has, ever since the inception of the Montford reforms, been the concern of Provincial Governments.

Statement showing the production of Cinchona Products and the Acreage under Cinchona in India.

Name of producing Government.	Acreage under cinchona.	Quantity of cinchona products produced.			Remarks.
		Quinine salts.	Cinchona febrifuge.	Totaquina.	
Government of India .	* ..	7,464	4,568	..	* The Government of India plantations have lapsed to the Government of Burma, from 1st April 1937.
Government of Bengal	2,762	49,935	27,219	..	
Government of Madras	1,949	16,072	3,348	5,983	

(The figures for the Government of India and the Government of Bengal are for the year 1936-37 and those for Madras for the year 1935-36, these being the latest figures available.)

COMPETITION BETWEEN BRITISH AND INDIAN COMPANIES CARRYING HAJ PILGRIMS.

743. ***Seth Govind Das:** Will the Secretary for Commerce be pleased to state:

- whether Government are aware of a rate war started by the Mogul line in the carrying of pilgrims from Karachi to Jeddah;
- whether Government are aware that the rate war was started by the Mogul line shippers because the Scindia Steam Navigation Company berthed their steamers in that trade;
- whether Government had welcomed the advent of an Indian shipping company for the pilgrim traffic between Karachi and Jeddah;

- (d) whether Government have taken, or propose to take, any steps to stop the rate war;
- (e) whether Indian shipping concerns ever carried pilgrims from India to Jeddah in the past; and
- (f) the attitude of Government in this matter and whether the Honourable Member proposes to make a statement in the matter?

Sir Girja Shankar Bajpai: (a), (b), (c), (d) and (f). The attention of the Honourable Member is invited to the replies given by me to starred questions Nos. 350 and 505 on the 17th and 25th February, 1938, respectively, and the supplementaries arising out of those questions.

(e) Probably.

Mr. Manu Subedar: May I know, Sir, whether there has been any precedent when the Government of India have intervened by way of conciliation when there was a rate war between shipping companies in India?

Sir Girja Shankar Bajpai: I believe that is so, but if my Honourable friend wants details, he had better address the question to the Honourable the Commerce Secretary.

Mr. Manu Subedar: If that is so, why, on this occasion, the Government of India did not take such a step?

Sir Girja Shankar Bajpai: For the very simple reason that the conditions which existed in the earlier cases do not exist now.

Maulana Shaukat Ali: I do hope that the Government of India will not take such action as will lead to fighting, because we have had experience of Zanzibar, and we do want Jeddah also to become a cock-pit for fighting.

Mr. Bhulabhai J. Desai: Do I understand that the intensity of the competition has not reached such a dangerous condition?

Sir Girja Shankar Bajpai: No, Sir, when I answered the earlier supplementary question, I stated that action of a conciliatory character was taken by the Government of India when approached by one of the parties concerned, and in this particular case the Government of India have not been approached by the party concerned.

Mr. Bhulabhai J. Desai: Do I understand that the Government will look on even if the competition reaches a dangerous state?

Sir Girja Shankar Bajpai: The Government of India expect that, if such a stage is reached, the shipping companies concerned will approach them.

Mr. Bhulabhai J. Desai: Supposing none of the shipping companies approach the Government, are the Government of India going to remain neutral or adopt an indifferent attitude in this matter?

Sir Girja Shankar Bajpai: I think my friend will agree that where the interest is primarily that of the companies concerned, it is for the companies to make a move in the matter.

MEASURES FOR RELIEF OF CULTIVATORS.

744. ***Seth Govind Das:** Will the Secretary for Commerce please state:

- (a) whether Government's attention has been drawn to the recommendations of the Indian Central Cotton Committee with special regard to the relief measures suggested in the interest of the cultivators;
- (b) whether Government have taken any action on the recommendations, such as reduction of railway freights, ginning and pressing charges, etc.; and
- (c) whether Government are aware of the fear of cultivators that the low cotton prices will further encourage the British interests to pitch their demands high in the renewed endeavour for reaching an Indo-British trade agreement?

Mr. H. Dow: (a) Yes, Sir.

(b) With regard to reduction of railway freights, the Honourable Member's attention is invited to the reply returned by the Railway Board to the East India Cotton Association, Bombay, on the 24th December, 1937, copies of which are in the Library. Matters regarding reduction of ginning and pressing charges are not the concern of the Governor General in Council and the Government of India have not been addressed in respect of these.

(c) Government have seen this suggestion made in newspaper articles.

Mr. K. Santhanam: With reference to the reply to part (c) of the question, may I know whether the Government of India will take steps to promote the control of cotton cultivation as in the case of tea control?

Mr. H. Dow: No, Sir.

Mr. K. Santhanam: May I know why?

Mr. H. Dow: The conditions, as Honourable Members opposite realise as well as any one else, are entirely dissimilar.

Mr. K. Santhanam: May I know whether the cultivators of cotton do not deserve the same amount of sympathy as the cultivators of tea?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

Mr. Manu Subedar: Is it true that Lancashire is asking for better conditions and pitching their demands high in reaching an Indo-British agreement?

Mr. H. Dow: It hardly seems to me to arise out of this question.

Mr. Manu Subedar: The Honourable Member stated in his reply that it is stated in the newspapers, but I am asking on the floor of the House whether it is a fact that British interests are pitching their demands high. The Honourable Member is bound to have facts.

Mr. H. Dow: If the Honourable Member will read part (c) of the question, he will find it is asked there whether Government are aware of the fears of certain cultivators. I stated that Government had seen this suggestion made in newspapers. I do not understand what is the object of his supplementary question.

Mr. Manu Subedar: My question is, if British interests have pitched their demands high in the endeavour for reaching the Indo-British agreement,—I am reading the words in the question. Is it a fact that they have pitched their demands higher than before?

Mr. H. Dow: If the Honourable Member is seeking by means of this supplementary question to get me to divulge the details of negotiations which are at present going on between His Majesty's Government and the Government of India, he will be entirely unsuccessful.

Seth Govind Das: The Honourable Member said that the conditions of the cotton growers and tea growers are not the same. Is it because that European interests are not involved in cotton cultivation to the same extent as in tea cultivation?

Mr. H. Dow: No, Sir, one of the main differences is in one case there is an international agreement regulating the marketing of tea, but I know of no such international agreement regulating cotton cultivation.

EXTENSIONS GIVEN TO SIR BRYCE BURT AND COLONEL SIR ARTHUR OLVER.

745. ***Sardar Sant Singh:** (a) Will the Secretary for Education, Health and Lands be pleased to state whether it is a fact that Sir Bryce Burt and Colonel Sir Arthur Olver were recruited on a contract service system? If so, when did their period of original contract come to an end?

(b) Is it a fact that these officers have been given extensions in their services? If so, how many times and for what period each time?

(c) What are their present ages, respectively, and when are they likely to retire?

Sir Girja Shankar Bajpai: (a) Sir Arthur Olver was appointed on contract; his original contract expired on the 17th April, 1933. Sir Bryce Burt was appointed from the Indian Agricultural Service as Agricultural Expert to the Imperial Council of Agricultural Research. His first term of service in that post expired on the 19th July, 1934.

STARRED QUESTIONS AND ANSWERS.

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

Statement showing the number and period of Extensions of Service granted to Sir Bryce Burt and Sir Arthur Olver, their age and the dates on which they are likely to retire.

Name of officer.	Number of extensions.	Period of extensions.	Age.	Likely date of retirement.
Sir Bryce Burt	3	One year, 8 months and 3 years.	57	31st March 1939.
Sir Arthur Olver	3	2 years, four months and 3 years.	62	17th August 1938.

Sardar Sant Singh: May I know, Sir, how many times were their contracts of service renewed?

Sir Girja Shankar Bajpai: I think, Sir, twice in each case.

Sardar Sant Singh: Is it proposed to renew these contracts again?

Sir Girja Shankar Bajpai: So far as Sir Arthur Olver is concerned, he has taken leave preparatory to retirement from May next. As regards Sir Bryce Burt, the question has not been considered yet, because his present contract does not expire until the 31st March, 1939.

OFFICIATING ARRANGEMENTS DURING THE LEAVE OF AGRICULTURAL EXPERT TO THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

746. ***Sardar Sant Singh:** (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that Doctor Burns, Agricultural Expert to the Imperial Council of Agricultural Research, is going on leave? If so, what arrangements are contemplated for officiating in his place?

(b) Is it a fact that the claim of a senior Indian is proposed to be overlooked in favour of a European?

Sir Girja Shankar Bajpai: (a) Yes. Arrangements for filling the temporary vacancy are under consideration.

(b) The claims of every eligible officer will be carefully considered.

Sardar Sant Singh: Is it a fact that the senior-most officer is an Indian?

Sir Girja Shankar Bajpai: I do not think that that is so.

Sardar Sant Singh: May I know the names of the senior officers whose claims are being considered at the present moment?

Sir Girja Shankar Bajpai: I am afraid I cannot give any information while the matter is in the consideration stage.

**MUSLIMS AND NON-MUSLIMS IN THE HEADQUARTERS OFFICE OF THE
SURVEY OF INDIA.**

747. ***Maulana Zafar Ali Khan:** Will the Secretary for Education, Health and Lands please lay on the table a statement showing the number of Muslims and non-Muslims in the various grades of service at the Headquarters of the office of the Survey of India?

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

Statement showing the number of Muslims and Non-Muslims in the various grades of service at the Headquarters Offices of the Survey of India.

Grades of service, etc.	Muslims.	Non-Muslims.
1. Class I	Nil.	6
2. Class II	1	6
3. Specialist officers in General Central Service Class I and Class II.	Nil.	8
4. Upper Subordinate service	Nil.	6
5. Ministerial Establishment	17	115
6. Other Subordinate Establishments (e.g. Lower Subordinate service, technical, workshop, etc.).	210	504
Total	228	645

Maulvi Muhammad Abdul Ghani: Will the Honourable Member kindly read the statement?

Sir Girja Shankar Bajpai: The statement is a long one, but I should be quite prepared, later on, to answer any questions after my Honourable friend has read the statement.

POSTS OF THE REGISTRAR AND HEAD ASSISTANT OF THE SURVEY OF INDIA.

748. ***Maulana Zafar Ali Khan:** (a) Will the Secretary for Education, Health and Lands please state whether the posts of the Registrar, Survey of India and of the Head Assistant were ever held by Muslims?

(b) If not, were any steps ever taken to have these posts filled up by duly qualified Muslims?

Sir Girja Shankar Bajpai: (a) The post of Registrar, Survey of India, has never been held by a Muslim. That of the Head Assistant, Geodetic Branch Office, was held by a Muslim who retired in 1931. Two other posts, corresponding to that of the Head Assistant, viz., those of the Head Clerk, Southern Circle Office and the Head Clerk, Eastern Circle Office, have been held by Muslims, the former until it was abolished in 1932, and the latter to the present day.

(b) Does not arise.

RATIO FIXED FOR MUSLIMS IN THE SURVEY OF INDIA.

749. **Maulana Zafar Ali Khan:** Has the Secretary for Education, Health and Lands fixed any ratio of Muslims for appointment to the various services in the Department of the Survey of India?

Sir Girja Shankar Bajpai: The rules promulgated in the Government of India, Home Department, Resolution No. F-14/17-B./33, dated the 4th July, 1934, apply to the various services in the Survey of India Department.

Maulana Zafar Ali Khan: How many pupil draftsmen were admitted to the Surveyor General's Office, Calcutta, and how many of them were Muslims? By pupil draftsmen I mean apprentices admitted to the Surveyor General's Office, Calcutta, to be taught draftsmanship?

Sir Girja Shankar Bajpai: I think my Honourable friend will have to give me notice of that question because it is one of detail.

Mr. Manu Subedar: Will the Honourable Member say why all questions with regard to Delhi, including this one, of which notice has been given—the reply to the same is the same monotonous reply that information has been called for, when Delhi is so very near? Is it not possible to get the information on the 'phone or by some other means?

Sir Girja Shankar Bajpai: I think my Honourable friend will forgive me if I can not relieve the monotony of the replies by furnishing information which I do not possess.

**PROPOSED ACQUISITION OF CERTAIN PLOTS NEAR SUBZI MANDI BY THE DELHI
IMPROVEMENT TRUST.**

750. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Secretary for Education, Health and Lands please state if Government are aware of the fact that the Delhi Improvement Trust has issued notices to the owners of plots of land in Baghichi Barhalwari (Pul Andhamughal) near Subzi Mandi station, Delhi, with the intent to acquire those plots?

(b) If the reply to part (a) above be in the affirmative, will Government please state for what specific public purpose the Trust intends to acquire this property?

(c) If it is not required for any public purpose, why has the Trust considered it necessary to acquire the property in contravention of section 6 of the Land Acquisition Act?

(d) Is it a fact that the Trust has of late issued many similar notices to the owners of land situated in different parts of the Delhi city (e.g., owners of plots in Galairi Bagh, Subzi Mandi) with intent to acquire the property for not any public purpose but with a view to selling it by auction at some later date and to reap profit thereby? If so, why?

Sir Girja Shankar Bajpai: (a) to (d). Information has been called for and will be furnished to the House in due course.

SUNDAY FEES FUND AT MAJOR PORTS OF INDIA.

751. ***Mr. N. M. Joshi:** (a) Will the Commerce Secretary be pleased to state the amount of annual reserve accumulated in the Sunday Fees Fund at the various major ports of India during the last five years?

(b) Will he state in what manner the amount collected in the Fund is being utilised?

(c) Will he also state whether the unexpended balance of these reserves is brought forward from year to year and whether any credit for interest is given to these reserves?

Mr. H. Dow: With your permission, Sir, I shall answer questions Nos. 751 and 752 together.

The questions should have been addressed to the Honourable the Finance Member.

SUNDAY FEES FUND AT MAJOR PORTS OF INDIA.

752. ***Mr. N. M. Joshi:** (a) Will the Secretary for Commerce be pleased to state whether the proceeds of the Sunday Fees Fund are utilised for the benefit and welfare of Indian seamen and, if so, how?

(b) Will he be pleased to state the amount spent for the benefit of European seamen and Indian seamen, respectively, from the proceeds of this Fund?

GRANT GIVEN AND ADMISSION OF INDIANS TO THE MARINE CLUB, CALCUTTA.

753. ***Mr. N. M. Joshi:** (a) Will the Secretary for Commerce be pleased to state whether the Marine Club of Calcutta is receiving any grant, directly or indirectly, through the Seamen's Welfare Association from Government?

(b) Will he be pleased to state whether Indian officers are allowed admission to the Marine Club of Calcutta?

Mr. H. Dow: (a) and (b). The reply to both parts of the question is in the affirmative.

ELIGIBILITY OF CERTAIN STAFF IN THE ELECTRICITY DIVISION OF THE CENTRAL PUBLIC WORKS DEPARTMENT FOR THE BENEFIT OF PROVIDENT FUND.

754. ***Bhai Parma Nand:** Will the Labour Secretary please lay on the table a list showing the names of the members of the work charge establishment (wiremen and Assistant) employed in the service prior to 1929, in the Electricity Division of the Central Public Works Department, New Delhi, and state if they are allowed the benefit of Provident Fund?

Mr. A. G. Clow: As all the staff, with the exception of nine men, were employed on a daily paid basis, I regret that no record is now available in the Electrical Division of the names of the work-charged establishment employed prior to 1929. Work-charged staff in the Central Public Works Department are not entitled to contribute to any Provident Fund.

†For answer to this question, see answer to question No. 751.

‡Answer to this question laid on the table, the questioner being absent.

DUTIES AND FUNCTIONS OF THE ECONOMIC ADVISER.

755. ***Mr. Mohan Lal Saksena:** (a) Will the Commerce Secretary be pleased to state the duties and functions of the Economic Adviser?

(b) What departments have been placed under him?

(c) For what period has the incumbent been appointed, and are any steps being taken to get an Indian trained to take his place at the end of the term of the contract?

Mr. H. Dow: (a) The Honourable Member is referred to the reply given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 672 on the 7th March, 1938.

(b) The Statistical Research Branch at the headquarters of the Government of India and the Commercial Intelligence and Statistics Department in Calcutta.

(c) The present incumbent has been appointed for five years, and it would obviously be premature to consider yet the question of his successor if any. Government, however, attach considerable importance to Dr. Gregory's services being availed of for the further training of young Indian economists of ability, and a scheme for assuring this will shortly be made public.

WIDENING OF THE SPHERE OF ACTIVITY AND FUNCTIONS OF THE AGENT OF THE GOVERNMENT OF INDIA IN CEYLON.

756. ***Mr. H. A. Sathar H. Essak:** (a) Will the Secretary for Education, Health and Lands be pleased to state whether Government received any representation early in 1937 from the Ceylon Indian League, Colombo, in regard to the widening of the sphere of activity and functions of the Agent of the Government of India in Ceylon?

(b) Do Government propose to put into immediate effect the suggestions outlined therein?

(c) Will Government be pleased to state whether they intend reorganising the Indian Agency in Ceylon so as to meet the changed requirements demanded by the political and economic conflict confronting the Indian settlers there?

(d) Are Government aware of the fact that the Agent of the Government of India in Ceylon has no proper facilities to secure collaboration with the non-official Indian opinion? If so, do Government propose to instruct the Agent to secure such co-operation?

(e) Is it a fact that Ceylon has the largest number of Indian settlers of all the British Colonies?

Sir Gija Shankar Bajpai: (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the supplementary questions and answers to the short notice question asked by Mr. F. E. James in this House on the 15th March, 1937.

(d) The reply to the first part of the question is in the negative. The second part does not arise.

(e) Yes.

DENIAL OF FRANCHISE TO INDIAN SETTLERS UNDER THE VILLAGE COMMUNITIES ORDINANCE OF CEYLON.

757. *Mr. H. A. Sathar H. Essak: Will the Secretary for Education, Health and Lands be pleased to state whether consequent upon the passing of the Village Communities' Ordinance in the State Council of Ceylon, denying franchise to the Indian estate labourers, Government have taken any action to redress this injustice against the Indian settlers there and if so, what is it?

Sir Girja Shankar Bajpai: As the House has already been informed, the Government of India have stopped recruited assisted emigration to Ceylon.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 266 asked by Mr. Sri Prakasa on the 15th February, 1938.

DEATH OF STATE PRISONERS CONFINED UNDER REGULATION III OF 1818.

Sardar Muhammad Yunus Khan, the other of the two State Prisoners mentioned in my previous reply, died of Cancer.

Information promised in reply to starred question No. 289 asked by Mr. Sham Lal on the 15th February, 1938.

ADVISABILITY OF DELETING SECTION 239 OF THE CANTONMENTS ACT.

- (a) Yes, one.
- (b) For abetting the theft of secret papers. His appeal was rejected by the Local Government under section 239(4).
- (c) Does not arise.

Information promised in reply to starred question No. 292 asked by Mr. Abdul Quiyum on the 15th February, 1938.

REFUSAL OF A PASSPORT FOR KABUL TO ONE HARNAM SINGH.

- (a) Harnam Singh applied for a pass to Kabul in October.
- (b) Yes, in November.
- (c) Government understand that Harnam Singh was married in Kabul, but it is not known where his wife is at present or whether he has any other relatives in Kabul.
- (d) Yes, because of his connections with an agent of a foreign power in Kabul.

Information promised in reply to starred questions Nos. 639 to 642 asked by Mr. Badri Dutt Pande on the 4th March, 1938.

SUPPLY OF GHEE FOR INDIAN TROOPS.

- Starred Question No. 639.—(a) The average annual requirement of ghee for issue to troops is 2,400 tons and the total expenditure under Rs. 28 lakhs.
- (b) Purchase is effected through an agency on commission basis.
- (c) The present system of obtaining ghee through a purchasing agent dates from the 1st November, 1925.

Briefly, the terms and conditions are as follows:

- (i) The status of the firm acting as the purchasing agent vis-a-vis Government is that of an agent to his principal.

The relations between the agent and the dealers and other parties with whom the agent has arrangements for discharging his agency obligations are as between two principals and do not concern Government. Government deals with the agent alone.

- (ii) The agent acts within the limits of authority delegated to him under the provisions of the agency agreement.
- (iii) Purchases are made by the agent from day to day at prevailing market rates. The Director of Contracts lays down the price limits within which the agent is to make purchases.
- (iv) The agent is responsible for quality of ghee supplied until it has been delivered to the Government Ghee Heating Centre at Agra and finally accepted there, after heating and cleaning under Government supervision and passing analytical tests carried out by the Ghee Testing Laboratory which is attached to the Centre and controlled by the military medical authorities.
- (v) Rejected ghee is taken back by the agent who refunds its gross cost to Government.
- (vi) The gross cost (including overheads) of supply is borne by Government and the agent is remunerated for his services by a commission on the actual weight of ghee finally accepted from him as outlined under (iv) above. The gross cost of ghee consists of:

1. Value of ghee: At actual prices paid.
2. Overheads: (i) Mandi charges (i.e., charges incurred in buying markets from the time of purchase of ghee upto delivery f.o.r. market railway station).
- (ii) Financing charges (i.e., charges for provision of funds by the agents for purchase and despatch of ghee to the Ghee Heating Centre, Agra, until payment is made by Government to the Agent).
- (iii) Establishment and contingencies: (i.e., the cost of establishment and contingencies employed by the agent on Government accounts in the markets and other centres for purchase and supply of ghee).
- (iv) Agent's Remuneration: All these overhead charges are paid by Government to the agent at flat rates on the actual weight of finally accepted ghee. The flat rates of items (i) to (iii) are based on past actuals.
3. Empty Tins: Supplied by Government at Government expense.
4. Rail Freight: At actuals.

- (vii) The agent's accounts and books concerning the agency business are regularly audited by the Military Accounts Department.
- (viii) Adequate safeguards including a substantial security deposit are provided to cover the agent's default.

No firm has held a monopoly of the agency from its commencement to date.

- (d) Tenders were called for in August, 1927 and in April, 1932.

COMPLAINTS AGAINST AGENTS SUPPLYING GHEE TO THE ARMY.

Starred Question No. 640.—(a) Yes. The agent's books are subjected to Government audit.

- (b) No. They are so fixed as to cover actual payments to be made by the agents.
- (c) No, it has not been found to be financially advantageous to Government to exercise the option to pay at actuals those charges which are at present paid at flat rates.

COMPLAINTS AGAINST AGENTS SUPPLYING GHEE TO THE ARMY.

Starred Question No. 641.—Allegations as mentioned in this question were received. They were investigated and found to be baseless, and, therefore, it was not necessary to take any further action.

COMPLAINTS AGAINST AGENTS SUPPLYING GHEE TO THE ARMY.

Starred Question No. 642.—(a) Yes.

(b) On investigation the allegation was found to be wrong. No further action was, therefore, necessary.

(c) Yes, but on investigation this allegation too was found to be baseless.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have to inform the Assembly

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, there is a short notice question and the Honourable the Commerce Secretary has agreed to answer it.

Mr. President (The Honourable Sir Abdur Rahim): I do not know anything about it.

Mr. Manu Subedar: It was duly handed in at the office and I saw the Assistant Secretary, and the Honourable the Commerce Secretary was ready to answer it.

Mr. President (The Honourable Sir Abdur Rahim): The Commerce Secretary may be ready to answer it, but I have not received it and do not know whether it is in order.

Some Honourable Members: (To Mr. Manu Subedar) Ask it tomorrow.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 noon on Monday, the 7th March, 1938, the time fixed for receiving nominations for the Standing Committee on Emigration, eleven candidates were nominated, since when the candidature of three Members has been withdrawn. As the number of candidates is now equal to the number of vacancies, I declare the following non-official Members to be duly elected to serve on the Standing Committee on Emigration, namely:

1. Mr. M. Ghiasuddin;
2. Major Nawab Sir Ahmad Nawaz Khan;
3. Mr. F. E. James;
4. Mr. N. M. Joshi;
5. Mr. C. N. Muthuranga Mudaliar;
6. Mr. Mohan Lal Saksena;
7. Mr. Ram Narayan Singh; and
8. Mr. Muhammad Nauman.

THE TRADE DISPUTES (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. A. G. Clow (Labour Secretary): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Trade Disputes Act, 1929, for certain purposes.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to present the Report of the Select Committee on the Bill to amend the Child Marriage Restraint Act, 1929.

THE INDIAN FINANCE BILL.

Mr. President (The Honourable Sir Abdur Rahim): I have received the following Message from His Excellency the Viceroy and Governor General:

"Whereas by its vote of the 9th March, 1938, the Legislative Assembly has refused to take into consideration 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 recommend to the Legislative Assembly that it do pass the Bill in the form hereto annexed.

(Sd.) LINLITHGOW

NEW DELHI;
The 9th March, 1938.

Viceroy and Governor General.

The Honourable Sir James Grigg (Finance Member): May I now move for leave to introduce the Bill in the form recommended?

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

The Honourable Sir James Grigg: Sir, I move that leave be given to introduce 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, in the form recommended by the Governor General.

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

"That leave be granted to introduce 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, in the form recommended by the Governor General."

The Assembly divided:

AYES—46.

Abdul Hamid. Khan Bahadur Sir.
Ahmad Nawaz Khan. Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Craik. The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghulam Muhammad. Mr.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Higbet, Mr. J. C.
James, Mr. F. E.

Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shamsul Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Matthews, Mr. V. G.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen. Rai Bahadur N. G.
Shattock, Mr. J. S. H.
Sher Muhammad Khan, Captain Sardar Sir.
Sivaram, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Walker, Mr. G. D.

NOES—68.

Abdoola Haroon, Seth Haji Sir.
Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Bhagchand Soni, Rai Bahadur Seth.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.

Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Lalchand Navarai, Mr.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Sahib Nawab.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Varma, Mr. B. B.
Vamin Khan, Sir Muhammad.
Zafar Ali Khan, Maulana.

The motion was negatived.

STATEMENT OF BUSINESS.

The Honourable Sir James Grigg (Finance Member): Sir, perhaps I might be allowed to make a comparatively non-controversial announcement as to business on Thursday and Friday next week. The first item will be the Trade Disputes (Amendment) Bill in connection with which the report of the Select Committee has been presented today and the second item will be the Hindu Women's Rights to Property (Amendment) Bill.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 17th March, 1938.

LEGISLATIVE ASSEMBLY.

Thursday, 17th March, 1938.

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

MEMBERS SWORN.

Mr. Charles MacIvor Grant Ogilvie, C.B.E., M.L.A. (Defence Secretary);
Mr. Leonard Burges Gilbert, M.L.A. (Government of India: Nominated Official);
Mr. Yeshwant Narayan Sukthankar, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

ASSIGNMENT OF PETROL REVENUES TO ASSAM.

758. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Finance Member please state:

- (a) if Government have recently received any representation from the Government of Assam regarding the grant to Assam of an amount equivalent to the petrol tax collected in the Province;
- (b) if Government are aware that this demand is being insistently and persistently made by Government, Legislature and the public of Assam from the time of institution of inquiry into financial allocation between Provinces and the Central Government;
- (c) whether any expert committee set up in connection with the inauguration of Provincial Autonomy recommended that doles to Provinces may be made in the shape of assignment of revenues;
- (d) if so, the reasons for not following this expert advice and assigning the petrol revenues to Assam;
- (e) if (i) at present the income *per capita* of the people of Assam is lowest among the Provinces, and (ii) the ratio of its area to Provincial revenues is the biggest;
- (f) Assam's total contributions to the Central Exchequer in all shapes per head of population; and
- (g) if Assam does not contribute to the centre the biggest amount *per capita* among the Provinces?

The Honourable Sir James Grigg: (a) Yes.

(b) Government are aware that the question has been raised on several occasions during the last few years.

(c) and (d). I presume that the Honourable Member is referring to the Indian Financial Enquiry Report by Sir Otto Niemeyer. If so, I would invite his attention to paragraph 15 of that report, in which the special claim made by the Assam Government was specifically considered and rejected.

(e) (i). Government have no information. (ii) Yes. In three other Provinces, however, the ratio of population to provincial revenues is higher than in Assam.

(f) It is not possible to give any accurate reply to this part of the question.

(g) The total amount of revenue collected by the Central Government, in Assam, represents about Rs. 2/1/- per head of the population. In three other Provinces this proportion is higher.

Mr. Brojendra Narayan Chaudhury: Did the Government of India recommend to the Niemeyer Committee the claims of Assam for the assignment of the petrol revenue?

The Honourable Sir James Grigg: I do not feel called upon to enter into the evidence or to give any description of the evidence which the Government of India tendered to the Niemeyer inquiry.

MEN THROWN OUT OF EMPLOYMENT DUE TO THE ARMY MECHANISATION.

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

- what is the number of men thrown out of employment because of the Army mechanisation, recently undertaken by Government;
- how they are proposed to be absorbed in the army again; and
- whether any interim arrangements will be made for them till they are re-absorbed?

Mr. C. M. G. Ogilvie: (a) About 3,350 in the course of three years.

(b) About 610 will be re-absorbed.

(c) Surplus personnel who are to be re-absorbed will be retained with their present units until their transfers are effected.

Mr. T. S. Avinashilingam Chettiar: Am I to understand that they will be employed and kept at their present pay and status till they are given definite work again?

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

Mr. M. Asaf Ali: Will they be retained in India or will they be sent back home?

Mr. C. M. G. Ogilvie: They are all Indians.

SAVING DUE TO INDIANISATION AND MECHANISATION OF THE INDIAN

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

- the amount of money that will be saved by the substitution of British by Indian troops in the Indian Army;
- the cost of mechanisation of the whole of the Indian Army; and
- whether Government have considered the advisability of making the saving and mechanising the Indian Army?

Mr. C. M. G. Ogilvie: (a) A substitution of British units by Indian units in the Army in India would result in an annual recurring saving of about seven crores on effective charges. Rs. 1,63,45,000 is present cost of non-effective charges on British troops.

(b) The information is not available.

(c) No.

Mr. T. S. Avinashilingam Chettiar: May I ask whether it is not true that the Finance Member said in his speech in Simla that about 12 crores will be saved?

The Honourable Sir James Grigg: No, I did not.

Mr. M. Asaf Ali: Did the Finance Member say that 10 crores will be saved?

The Honourable Sir James Grigg: I said seven crores. If you could assume that at the end of a large number of years the whole of the non-effective charges will be saved, then after a long period of time the total may amount to 12 crores.

Mr. N. M. Joshi: May I ask whether the Government of India propose to make this saving?

(No answer.)

Mr. T. S. Avinashilingam Chettiar: May I ask why the Government of India have refused to consider the matter of the mechanisation of Indian troops by making this saving?

Mr. C. M. G. Ogilvie: I do not quite understand the Honourable Member's question. Government are considering the mechanisation of a portion of the Indian Army.

Mr. T. S. Avinashilingam Chettiar: I want to know whether the Government of India will consider the advisability of mechanising the Indian Army out of the savings?

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

Mr. T. S. Avinashilingam Chettiar: Why not?

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

AMENDMENT OF THE RESERVE BANK OF INDIA ACT.

761. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- whether the Reserve Bank in its latest report have recommended any amendments to be made in the Act;
- if so, in which matters; and
- whether Government have considered the report and come to a conclusion in the matter?

The Honourable Sir James Grigg: (a) and (b). I presume that the Honourable Member is referring to the paragraph entitled "Distribution of shares between the various areas" in the annual report of the Reserve Bank for 1937. The report was published in the Gazette of India, dated the 5th of February, 1938.

(c) The question is still under consideration.

Mr. T. S. Avinashilingam Chettiar: May I ask when the Government expect to finish the consideration of this matter?

The Honourable Sir James Grigg: No, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government propose to bring any legislation in Simla on this matter?

The Honourable Sir James Grigg: That I have already answered.

POSTS RESERVED FOR THE INDIAN CIVIL SERVICE IN THE CENTRE AND THE PROVINCES.

762. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member state:

- whether any, and, if so, what, posts are reserved for the Indian Civil Service in the Centre as well as in the Provinces;
- whether any number of the Indian Civil Service men are allotted to each of the Provinces, which they must employ;
- what is the total number of Indian Civil Service men at present employed and how many of them are Indians; and
- of these how many are employed by the Central Government, and how many in each of the Provinces?

The Honourable Sir Henry Craik: (a) I would refer the Honourable Member to Part 2 of Schedule VII-A to the Superior Civil Services Rules, a copy of which will be found in the Library of the House. These Rules continue in force by virtue of section 276 of the Government of India Act, 1935, in so far as they are not inconsistent with that Act, until such time as new rules are made by the Secretary of State under sub-section (1) of section 246 of the Act.

(b) Yes.

(c) and (d). I lay a statement on the table.

STARRED QUESTIONS AND ANSWERS.

Statement showing the number of I.C.S. officers employed by the Central and Provincial Governments on the 1st January, 1938.

Name of Government.	Number of I.C.S. officers employed.			Remarks.
	Europeans.	Indians.	Total.	
Central Government	68	33	101	
Government of Madras	72	93	165	
Governments of Bombay and Sind	54	68	122	
Government of Bengal	88	91	179	
Government of the United Provinces	97	98	195	
Government of the Punjab	69	71	140	
Governments of Bihar and Orissa.	56	56	112	
Government of the Central Provinces and Berar.	32	39	71	
Government of Assam	22	13	35	
	558	562	1,120	

V. B.—Figures in the total column against Provincial Governments include holders of "listed posts".

Mr. T. S. Avinashilingam Chettiar: May I ask whether there is under contemplation the making of the rules in the near future?

The Honourable Sir Henry Craik: Yes, Sir. The Secretary of State has been addressed on the matter.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government of India have received communications from the Provincial Governments that they would like to provincialise their services?

The Honourable Sir Henry Craik: No, Sir.

COMMUNAL COMPOSITION OF CERTAIN POSTS IN THE KARACHI CUSTOMS HOUSE.

763. *Sardar Sant Singh: (a) Will the Honourable the Finance Member be pleased to state the total strength of the employees in the Karachi Customs House, and the proportion of Hindus, Muslims and Sikhs in the posts of:

- Assistant Collector;
- Principal Appraisers;
- Appraisers; and
- Preventive Officers?

(b) Does the Honourable Member propose to appoint a Sikh on any of the above posts? If so, when? If not, why not?

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

(b) Appraisers and Preventive Officers are recruited by the Collectors of Customs who are bound to observe the communal rules in making appointments. There is no specific reservation for Sikhs in these rules. With regard to the Head Appraiser, appointment is made by promotion.

and as there are at present no Sikh Appraisers it cannot be said how long it will take for a Sikh to become Head Appraiser.

Statement showing the strength of Employees in the Karachi Customs House by Communities as at 1st March, 1938.

Service.	Hindu.	Muslim.	European.	Anglo-Indian.	Indian Christian.	Sikh.	Parsi.	Total.
Assistant Collector	1	..	1	..	1	..	..	3
Head Appraiser	1	..	..	..	..	..	..	1
Appraisers	11	3	1	2	3	..	3	23
Preventive Officers	7	7	8	9	..	..	2	33

NOTE (1).—Recruitment to the Imperial Customs Service is not made for each Custom House separately but on an all-India basis and postings of Imperial Custom Service Officers are made in the interest of public service and not on communal grounds.

NOTE (2).—There are no Principal Appraisers at Karachi but only one Head Appraiser.

Mr. Manu Subedar: With regard to part (b) of the question which relates to Preventive Officers, is it true that there are no Indians in that grade at all?

Mr. A. H. Lloyd: No, Sir.

RESIGNATION OF MR. E. M. PHILLIPS, DEPUTY DIRECTOR OF PUBLIC INFORMATION.

704. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member be pleased to state:

- whether Mr. E. H. Phillips, Deputy Director of Public Information, has tendered his resignation;
- whether the resignation has been accepted;
- whether the Standing Finance Committee had rejected the proposal of the appointment of Mr. Phillips as Deputy Director of Public Information;
- whether in spite of the Standing Finance Committee's recommendation, the appointment was made by the Government of India;
- whether Government are prepared to take steps to select a suitable Indian to succeed Mr. E. H. Phillips; and
- whether the Public Service Commission will be asked to advertise for the post and make the selection?

The Honourable Sir Henry Craik: (a) and (b). Yes.

(c) A majority of the Standing Finance Committee were opposed to the proposals for the expansion of the Bureau which included the appointment in question.

(d) Yes.

(e) and (f). Government propose to advertise for the post in India but the appointment is not one for which consultation with the Public Service Commission is required.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member see to it that an Indian is appointed to this post?

The Honourable Sir Henry Craik: I cannot give any undertaking till we see what replies we get to the advertisement.

Mr. Manu Subedar: With reference to parts (a) and (b), will the Honourable Member tell this House the circumstances under which the officer had to resign?

The Honourable Sir Henry Craik: Mr. Phillips resigned for private reasons.

Mr. Manu Subedar: Was he asked to resign? Or did he resign voluntarily?

The Honourable Sir Henry Craik: He resigned of his own accord for private reasons.

Mr. Manu Subedar: Did not the Honourable Member ask him to resign?

The Honourable Sir Henry Craik: No.

Mr. N. M. Joshi: Why was this post taken out of the scope of the Public Service Commission?

The Honourable Sir Henry Craik: It was never within the scope of selection by the Public Service Commission.

Mr. N. M. Joshi: May I ask what is in the nature of this post which renders it necessary that the Public Service Commission should not be asked to make the selection?

The Honourable Sir Henry Craik: Under the rules, the Public Service Commission are empowered to recruit for certain classes of posts. This is not one of those posts.

Mr. N. M. Joshi: What is the reason why this post was not included among the posts to be recruited by the Public Service Commission?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already said that the rules do not lay down that the Public Service Commission should select for this post.

Mr. N. M. Joshi: I want to know the reason why it was not placed in the rules governing appointments made by the Public Service Commission.

The Honourable Sir Henry Craik: I do not know. The Honourable Member had better put down a question.

Mr. K. Santhanam: Will the Government consider the advisability of retrenching this post?

Mr. President (The Honourable Sir Abdur Rahim): That question does not arise.

Mr. Mohan Lal Saksena: Will the Government give an assurance that no foreigner will be appointed to this post so long as an Indian with the necessary qualification is available?

The Honourable Sir Henry Craik: I have said that I cannot give any undertaking till I have considered the replies received in response to the advertisement.

Mr. Mohan Lal Saksena: Is it not a fact that the Honourable Member gave an assurance the other day to this House that no foreigner will be appointed unless an Indian with suitable qualifications was not available. Only the other day the Honourable Member announced in the House that instructions have been issued that no foreigners should be appointed to any post unless an Indian was not available.

The Honourable Sir Henry Craik: That is quite true.

Mr. Mohan Lal Saksena: Will he not then apply those instructions in filling up this post?

The Honourable Sir Henry Craik: Yes, they will be applied.

ACQUISITION OF LAND NEAR THAL, KOHAT DISTRICT.

765. ***Mr. Abdul Qaiyum:** Will the Defence Secretary please state:

- (a) whether his attention has been drawn to a news item in the *Tribune*, Lahore, dated the 26th February, 1938, regarding acquisition of land near Thal, Kohat District, North-West Frontier Province;
- (b) whether Government intend to acquire land near Thal for Cantonment purposes;
- (c) if so, how many owners are likely to be dispossessed as a result of this move;
- (d) whether it is a fact that the Thal owners at a public meeting objected to this acquisition;
- (e) if Government have considered whether it is not possible to acquire a vacant and less fertile area for Cantonment purposes; and
- (f) whether Government propose to modify their attitude?

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

(b) No such proposal is under consideration at present.

(c) Does not arise.

(d) The Government of India have no information.

(e) and (f). Do not arise.

OBSERVANCE OF GAZETTED HOLIDAYS AS COMMUNAL HOLIDAYS IN THE BANNU CANTONMENT.

766. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

- (a) whether it is a fact that at Bannu Cantonment, in certain sections the general gazetted holidays are observed as sectional holidays, that is to say, that in the case of Hindu holidays only Hindus are allowed to observe that holiday and so on;
- (b) if the answer to part (a) be in the affirmative, why; and
- (c) whether the Honourable Member proposes to make enquiries and set the matters right?

Mr. C. M. G. Ogilvie: (a) Yes, it was so until the beginning of this month.

(b) To meet the abnormal pressure of work necessitated by the Waziristan operations.

(c) The matter has already been set right on the restoration of normal conditions.

NON-DELEGATION OF CERTAIN POWERS TO THE VICE-PRESIDENT OF THE LAHORE CANTONMENT BOARD.

767. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether it is a fact that recently there was a proposal in the Lahore Cantonment Board that some powers of prosecution and compounding of offences of civilians residing in bazaar areas, be given to the non-official elected Vice-President of the Cantonment Board?

(b) Is it a fact that the official members in the Cantonment Board declared that the policy of the Government was that the non-official elected Vice-President should not be given any powers and that, therefore, they defeated the proposal by official majority?

(c) If the answer to part (b) be in the affirmative, is it a fact that Government have prohibited the giving of powers to non-official elected Vice-Presidents of the Boards?

Mr. C. M. G. Ogilvie: (a) A resolution was moved to authorise the Vice-President to lodge complaints and compound offences under the Cantonments Act generally.

(b) The answer to the first part is in the negative. The answer to the second part is that the resolution was lost by seven votes to four.

(c) Does not arise.

Mr. Mohan Lal Saksena: Which way did the Government officials vote?

Mr. C. M. G. Ogilvie: They voted against the Vice-President being vested with these powers.

Mr. Badri Dutt Pande: Is it a fact that the Act provides for the transference of powers? If so, may I enquire whether, in any of the Cantonments, there has been such transference of powers to the Vice-President?

*Answer to this question laid on the table, the questioner being absent.

Mr. C. M. G. Ogilvie: As far as I know, no.

Mr. Mohan Lal Saksena: Did they vote under instructions from Government?

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

Mr. Mohan Lal Saksena: Was any circular issued?

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

Mr. Badri Dutt Pande: Why have no powers been transferred yet?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue the question now.

NON-DELEGATION OF POWERS TO THE BAZAR COMMITTEE OF THE JHANSI CANTONMENT BOARD.

768. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether the Headquarters Eastern Command instructed the Cantonment Board of Jhansi Cantonment to pass a resolution regarding Bazar Committee in the following terms?

"The minutes shall be laid before the next meeting of the Board and the Board may confirm, reject or revise the same or any item thereof as it thinks fit."

(b) Is it a fact that the elected members of the Cantonment Board objected to the passing of such a resolution, because they wanted real powers to be delegated to the Bazar Committee?

(c) Are Government aware of their assurance in the case of Bazar Committees in Cantonments, and what steps do Government propose to take to translate the same into actual practice?

Mr. C. M. G. Ogilvie: (a) The instructions were not in respect of the Bazar Committee only but of all Committees of the Board.

(b) Yes, the elected members wished the Bazar Committee to have a free hand without any control by the Board.

(c) Yes. Government of India do not propose to take any action to divest the Board of its power to control the Bazar Committee. Attention of the Honourable Member is invited to my reply to parts (a), (b), (d) and (e) of starred question No. 999 of the 5th October, 1937.

Mr. Badri Dutt Pande: Was the resolution that was passed, done under guidance of the Defence Department?

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

BAN ON PROCESSION TO RECEIVE SETH GOVIND DAS IN THE JUBBULPORE CANTONMENT.

769. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state the circumstances under which a peaceful procession led by some

gentlemen of Jubbulpore Cantonment, proceeding to the railway station to receive Seth Govind Das, M.L.A., on his return from South Africa, was forbidden?

(b) Is it a fact that the Executive Officer, Jubbulpore Cantonment wrote a letter which was a sort of notice to four gentlemen of Jubbulpore Cantonment that they will be prosecuted for taking out a procession?

Mr. C. M. G. Ogilvie: (a) The procession was not forbidden.

(b) The organisers were asked to show cause why they should not be prosecuted under section 118 (I) (g) of the Cantonments Act, 1924.

Mr. T. S. Avinashilingam Chettiar: What was the object of the prosecution?

Mr. C. M. G. Ogilvie: The object would have been if they had been prosecuted to prevent playing of loud music in Cantonments?

Mr. T. S. Avinashilingam Chettiar: Is loud music prohibited in Cantonments?

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

Mr. Badri Dutt Pande: Was it not scout music that was played?

Mr. C. M. G. Ogilvie: I do not know.

Mr. K. Santhanam: Is the military band silent music?

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

Mr. T. S. Avinashilingam Chettiar: Is scout music louder than military band?

Mr. C. M. G. Ogilvie: I do not know.

Mr. Badri Dutt Pande: Did not the Honourable Member say the other day on the floor of the House that processions will be allowed with music within bazar area?

Mr. C. M. G. Ogilvie: I do not remember anything about it.

POLICY RELATING TO THE APPOINTMENT OF HEADS OF SPECIALISED DEPARTMENTS.

770. ***Seth Govind Das:** Will the Honourable the Finance Member please state:

(a) the policy of Government relating to the appointment of heads of specialised departments, such as, Customs and Income-tax, and whether members of the Civil Service are appointed in these specialised departments without any training of a special work relating to those departments;

(b) if so, the number of such appointments made during the last three years, and the names of such officers appointed;

- (c) whether non-Indian Civil Service officers, as the heads of Income-tax Department, have, in the past proved satisfactory and successful;
- (d) the number of Income-tax Commissioners in India of the Indian Civil Service (European and Indians) separately;
- (e) the number of Commissioners whose services have been extended;
- (f) their names and the divisions they are in charge of;
- (g) reasons for such extensions of service despite unemployment;
- (h) whether it is the policy of Government to promote the Assistant Commissioner when a Commissioner retires or whether the Assistant Commissioner's claim is overridden by appointing a fresh man;
- (i) whether Government contemplate stopping the grant of any more extension to officers who are either on account of age or service due to retire; and
- (j) if not, the reasons therefor?

The Honourable Sir James Grigg: (a) In the Customs and Income-tax Departments I. C. S. officers generally receive training as Assistant Collectors of Customs or Assistant Commissioners of Income-tax for sometime before they are appointed Heads of these departments.

(b) Does not arise. No I. C. S. officer was appointed as Head of the Department in the Customs and Income-tax Departments during the last three years without first receiving training in the lower grades.

(c) Yes, but not in all cases.

(d) There are at present four I. C. S. Commissioners of Income-tax in India—three Europeans and one Indian. Two European officers are on long leave, one preparatory to retirement, and the third European officer is on deputation to the Burma Government.

(e) and (f). There is one permanent Commissioner of Income-tax, who has been granted an extension of service. He is Khan Bahadur J. B. Vachcha, Commissioner of Income-tax, Bombay.

(g) The extension has been granted in the public interest.

(h) The most suitable person available is selected and due consideration is given to the claims of the Assistant Commissioners concerned.

(i) and (j). I would refer the Honourable Member to the reply given to parts (c) and (d) of Sardar Mangal Singh's starred question No. 819 on the 25th February, 1936.

Seth Govind Das: Is it a fact that I. C. S. officers are being sent as Income-tax Commissioners to the United Provinces and the Central Provinces?

The Honourable Sir James Grigg: I submit that does not arise. The Honourable Member had better give me notice.

Seth Govind Das: The Honourable Member just now said that one European Income-tax Commissioner is on leave preparatory to retirement. Will this post be filled by an Indian?

The Honourable Sir James Grigg: I cannot look into the future to that extent. If the Honourable Member wants any further information as to anything which has happened, he had better put down a question.

Mr. Manu Subedar: Will the Honourable Member state the normal period of training required by I. C. S. officers for Customs and Income-tax?

The Honourable Sir James Grigg: That depends upon their aptitude to their work as disclosed by practice.

Mr. Manu Subedar: What is the cost of such training given to them?

The Honourable Sir James Grigg: Their training is obtained by their actually doing the work.

NEEMUCH OPIUM FACTORY.

771. ***Mr. Kuladhar Chaliha:** (a) Will the Honourable the Finance Member please state the reason for starting the Neemuch opium factory from the year 1935-36?

(b) Is it a fact that it has doubled its output within three years from 200 maunds to 400 maunds? If so, will Government please state the reasons for the increased output?

(c) Have Government adopted the policy of terminating the internal opium trade in India within a certain period?

(d) Have Government noticed the policy adopted by the different Provincial Governments to terminate the opium trade within a limited period?

(e) Are Government prepared to reduce the manufacture of opium in Ghazipur and Neemuch factories accordingly?

Mr. A. H. Lloyd: (a) The Neemuch Opium Factory has been started with a view to supplying hard opium to certain States in Central India and Rajputana. These States are at present taking their supplies from the stocks of Mewar opium purchased by Government which will last upto September, 1940. As hard opium usually takes five to six years to mature, it has been decided to start the manufacture of hard opium at the Neemuch Factory from the year 1935-36.

(b) The reply to the first part is in the affirmative. The increased output has been sanctioned in order to have a sufficient stock to meet the anticipated requirements of the Indian States.

(c) No, this is a matter which mainly concerns the Provincial Governments.

(d) Government are kept informed of the opium policy adopted by Provincial Governments.

(e) The quantity of opium manufactured at the Ghazipur Factory varies according to the estimated requirements of the Provincial Governments and States which are supplied. The Government of India have before them no proposal to discontinue the supply of opium to Indian States from Neemuch.

Mr. Kuladhar Chaliha: Was there any discrepancy between the reported and the calculated stocks for internal consumption as reported to the League of Nations in 1936?

Mr. A. H. Lloyd: I am not aware of any discrepancy.

Mr. Kuladhar Chaliha: May I draw the Honourable Member's attention to the report?

"In reply to enquiries made by the Board on the subject of discrepancies between calculated and reported stocks, the Indian authorities stated that these discrepancies were due to the fact that the accuracy of the consumption figures furnished by certain Local Governments was doubtful. The Board is therefore glad to report that the Government of India has decided to check, in future, the consumption reported by the various local authorities with the quantities of drugs received by them in the course of the year. It is hoped that the consumption figures for 1937 and subsequent years will thus be more reliable than those for earlier years."

Mr. A. H. Lloyd: I am prepared to take it from the Honourable Member that what he has read is what is in print.

Mr. Mohan Lal Saksena: Am I to understand that the output of opium from the Neemuch factory will be reduced in future years?

Mr. A. H. Lloyd: It is rather difficult to say. It depends upon the success we attain in maintaining our market for the Neemuch factory in competition with producing Indian States for supply to consuming Indian States.

Mr. Manu Subedar: What was the approximate cost of the opening of this factory?

Mr. A. H. Lloyd: I shall require notice of that question.

LEAVE PERMISSIBLE TO CERTAIN SERVICES.

772. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state:

- (a) the amount of leave permissible during a single year and during the whole of their service to officers of the following services:
 - (i) the Indian Civil Service, Indian Police, Indian Medical Service and other All-India Services, recruitment to which is made by the Secretary of State for India (separately);
 - (ii) the Central Services, class I and II (separately);
 - (iii) the Subordinate Services employed by the Central Government; and
- (b) whether, in the matter of the leave permissible, there is any distinction between the Indian and European officers of any of the services above, either as regards the conditions under which it is granted, or as regards the amount, or the place in which it should be spent, and, if so, what and why?

The Honourable Sir James Grigg: The Fundamental Rules apply to officers of All-India Services to which recruitment is made by the Secretary of State and also to those officers of Central Services who entered service before the 16th July, 1931. The Revised Leave Rules of 1933 apply to Government servants of the Central Government who entered service on or after the 16th July, 1931. Both publications are in the Library and

the Honourable Member is referred to them. The relevant rules are Fundamental Rules 75—81 and rules 9, 13 and 14 of the Revised Leave Rules.

INDIAN CIVIL SERVICE OFFICERS EMPLOYED BY THE FINANCE DEPARTMENT AND ITS ATTACHED OFFICES.

773. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Finance Member please state the total number of Indian Civil Service officers employed by the Finance Department and the offices attached to it on the 1st January, 1937 and the 1st February, 1938?

(b) What is the increase in the number of Indian officers and what is the increase in the number of European officers?

(c) Is it a fact that a greater number of European than Indian officers were recruited, and, if so, what is the reason?

(d) Is there any principle on which the recruitment was made, and if so, what is it? Is there any proportion as between Indian and European officers in which the recruitment was made?

(e) What is the source of recruitment of these officers and how are they selected and by whom?

The Honourable Sir James Grigg: (a) The total number was six on the 1st January, 1937, and eleven on the 1st February, 1938. These include officers holding temporary appointments.

(b) Two Indian and three European officers.

(c) Yes. No more suitable Indian officers were available at the time.

(d) The deciding factor is the suitability of the individual officer for the work done in the Finance Department for which not every officer is fitted. No proportion has been fixed for recruitment as between Indian and European officers.

(e) These officers are selected by the Governor General in Council from the Provincial cadres of the Indian Civil Service mainly on the strength of recommendations made by the Provincial Governments.

Mr. C. N. Muthuranga Mudaliar: With reference to the answer to (d), is it not at least the avowed policy of Government to appoint more and more Indians?

The Honourable Sir James Grigg: In this particular cadre the criterion is efficiency and there is no racial test.

Seth Govind Das: Is it a fact that on such occasions generally no suitable Indian is available for the post?

The Honourable Sir James Grigg: I do not know about the general rule but, as I said in answer to part (b) of the question, two Indians and three Europeans have been appointed; so that, whether it may be general or not it is not universal.

Mr. Abdul Qayyum: Is it a fact that in this department Europeans are the judges of the relative efficiency of Indians and Europeans?

The Honourable Sir James Grigg: In so far as I am a European, yes.

Mr. M. Ananthasayanam Ayyangar: Do these qualifications depend upon the sweet will and pleasure of the Finance Member for the time being?

The Honourable Sir James Grigg: The criterion for their appointment is not the whim and fancy of the Finance Member but the Finance Member's judgment after receiving the recommendations and opinions of those who are qualified to advise him in this matter.

Mr. M. Ananthasayanam Ayyangar: Is it a fact that the present Finance Member has found certain persons qualified who have been condemned by previous Finance Members?

The Honourable Sir James Grigg: I do not understand what the Honourable Member means.

Mr. Manu Subedar: With reference to clause (a), has the Honourable Member stated the total number or has he merely stated that the total number was fixed at a certain date?

The Honourable Sir James Grigg: I do not understand the distinction at all; it is much too fine for me. The answer I gave was that the total number was six on the 1st January, 1937, and eleven on the 1st February, 1938. And if I say that the total number was a certain figure, then it is the total number.

COMPENSATION TO STAFF AFFECTED BY THE PARTIAL STOPPAGE OF THE SIMLA EXODUS.

774. ***Mr. O. N. Muthuranga Mudaliar:** (a) Will the Honourable the Finance Member please state whether Government have issued orders on the question of the grant of certain allowances and other compensation to the staff of those officers of the Government of India whom it is proposed to detain in Delhi during the ensuing summer?

(b) What is the total number involved, and to which grades of service do they belong?

(c) Is it a fact that Government have sanctioned to the staff concerned a single fare for the journey to and from Simla to arrange for the removal of their belongings and for making other arrangements necessitated by the decision to stop them at Delhi? If so, what is the justification for asking the staff to bear the other fare and other incidental expenses?

(d) Is it a fact that Government have sanctioned only half the usual maundage? If so, why?

(e) Is it a fact that Government are not agreeable to meeting the enabling their staff to meet the obligations incurred by the staff in connection with contracts entered into by the latter with house owners in Simla? If so, why? If not, what are the arrangements proposed by Government?

(f) Do Government propose to consider the desirability of so arranging the matters that the staff concerned are not put to any expense on account of their decision to detain them and about which they had no previous warning?

(g) Are Government prepared to consider the desirability of deciding before they move down from Simla this year, which departments of the Secretariat and who among the officers and clerks are to be kept down in New Delhi next year?

The Honourable Sir James Grigg: (a) Yes.

(b) About 205 ministerial and 80 inferior servants.

(c) Yes. Government pay travelling allowance each year for the transport of personal effects to Simla and back and have thus already paid for the transport of personal effects from Simla to Delhi. In the circumstances, the payment of a single fare is a concession in itself.

(d) Yes; for the same reason as in (c) above.

(e) No. Suitable compensation will be granted in cases where officers are not able to get out of their commitments.

(f) Does not arise.

(g) The suggestion will be borne in mind.

PROCEEDS FROM THE EXCISE DUTY ON SUGAR.

775. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoola Haroon): Will the Honourable the Finance Member be pleased to state:

(a) the total proceeds from the excise duty on sugar during the last five years;

(b) the number of factories which paid the tax; and

(c) the total amount of sugar manufactured in the country?

Mr. A. H. Lloyd: With your permission, Sir, I will reply to questions Nos. 775 and 776 together.

Part (a) of question No. 775 and question No. 776. A statement is laid on the table.

Parts (b) and (c) of question No. 775. I would refer the Honourable Member to the notes on the production of sugar direct from cane in modern factories in India published by the Director, Imperial Institute of Sugar Technology, India, in the issues of the *Indian Trade Journal*, dated the 19th and 26th November, 1936, and the 7th October, 1937, (copies of which are in the Library of the Assembly) which contain the required information in so far as it is available.

Excise Duty on Sugar.

	Rs.
*1934-35	97,36,592 net receipts.
1935-36	1,57,91,758 "
1936-37	2,59,18,492 "
1937-38 (upto 31st January, 1938)	2,70,01,000 gross receipts.
1938-39 (Budget estimates)	2,60,00,000

*The excise duty was first imposed on sugar on 1st April, 1934.

Import Duty on Sugar.

	Rs.
1934-35	3,62,21,871 net receipts.
1935-36	3,03,75,181 "
1936-37	38,34,114 "
1937-38 (ten months—March to January)	24,16,000 Gross receipts.
1938-39 (Budget estimates)	20,00,000 Gross figures.

The Honourable Sir James Grigg: In so far as I am a European, yes.

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(d) Is it a fact that Government have sanctioned only half the usual maundage? If so, why?

(e) Is it a fact that Government are not agreeable to meeting, or enabling their staff to meet the obligations incurred by the staff in connection with contracts entered into by the latter with house owners in Simla? If so, why? If not, what are the arrangements proposed by Government?

(f) Do Government propose to consider the desirability of so arranging the matters that the staff concerned are not put to any expense on account of their decision to detain them and about which they had no previous warning?

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1937-38 (ten months—March to January)	24,16,000 Gross receipts.
1938-39 (Budget estimates)	20,00,000 Gross figures.

Mr. M. Ananthasayanam Ayyangar: May I know how many factories have closed down in consequence of the excise duty?

Mr. A. H. Lloyd: The reasons why a factory has closed down seem to me to involve a matter of opinion.

Mr. T. S. Avinashilingam Chettiar: May I know if any factory has closed down directly as a result of the excise duty?

Mr. A. H. Lloyd: That again is a matter of opinion.

Mr. M. Ananthasayanam Ayyangar: Did any factories close down during the year?

Mr. A. H. Lloyd: I would refer the Honourable Member to the answer I have already given.

REVENUE FROM THE EXCISE DUTY AND IMPORT DUTY ON SUGAR.

†776. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoola Haroon): Will the Honourable the Finance Member be pleased to state the amount of revenue derived from the excise duty and the import duty on sugar during the last three years, and their expectation of the revenue for 1938-39 from this source?

MEASURES TO PREVENT DUMPING OF SUGAR BY JAVA.

777. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoola Haroon): Has the attention of the Honourable the Finance Member been drawn to the representation from the Bihar Chamber of Commerce, Patna, in December, 1937, pointing out an enormous increase in the sugar production in Java, and its possible harmful effects on India, in the event of Java deciding to unload her heavy stocks in the Indian market, irrespective of consideration of prices, due to her markets in China and Japan being restricted on account of prevalence of war conditions?

Mr. A. H. Lloyd: The question should have been addressed to the Commerce Secretary.

TERMINAL TAX IN THE AMBALA CANTONMENT.

778. ***Mr. Sham Lal:** (a) Will the Defence Secretary be pleased to state if it is a fact that terminal tax was introduced in Ambala Cantonment on the 2nd September, 1933, and the revised schedule was prepared in January, 1934 and passed by the Cantonment Board, Ambala, in February, 1934 and is now under the consideration of the Government of India?

(b) What orders have Government passed with regard to this tax?

(c) Are Government prepared to expedite the sanction of this tax?

Mr. C. M. G. Ogilvie: (a) Government have no information. No proposals regarding the revision of the tax in the Ambala Cantonment have been received by the Government of India.

(b) and (c). Do not arise.

†For answer to this question, see answer to question No. 775.

DENIAL OF CERTAIN CONCESSIONS TO CIVILIAN CLERKS AND STORE-KEEPERS OF THE ROYAL INDIAN ARMY SERVICE CORPS DETAINED ON FIELD DUTY IN THE GREAT WAR.

779. ***Mr. Sham Lal:** (a) Will the Defence Secretary be pleased to state if it is not a fact that all civilian clerks of the Royal Indian Army Service Corps accompanying a Field Force are treated as military for all concessions and in fact for all purposes, including court martial, under Field Service Regulations Part II?

(b) Is it not a fact that all civilian Indian superior personnel accompanying a Field Force are given military status with proper rank, etc., and treated as such according to their pay for all concessions and privileges, vide Field Service Regulations Part II?

(c) Is it not a fact that no civilian clerks and store-keepers of the Royal Indian Army Service Corps detailed on Field Service during the last Great War were awarded a grant of land "Jangi Inam", etc.?

(d) If so, will Government disclose the reasons why they are deprived of these concessions?

Mr. C. M. G. Ogilvie: (a) and (b). Civilians accompanying a Field Force are given relative military ranks for certain purposes, that is to say, they receive rations, clothing, equipment, accommodation and field service *batta*, according to those ranks, but they have not the right to be called subadars, jemadars, etc., nor have they any power of command. They are subject to the India Army Act when on Field Service.

(c) Yes.

(d) Because they were not eligible for these concessions under the Government of India's special war reward scheme.

PERIOD OF SERVICE QUALIFYING FOR FULL PENSION FOR CERTAIN SERVICES.

780. ***Mr. C. N. Muthuranga Mudaliar:** Will the Honourable the Finance Member please state:

(a) the period of service required to qualify for full pension the members of the following services:

(i) the Indian Civil Service, the Imperial Police Service, the Indian Medical Service and other All-India Services, recruitment to which is made by the Secretary of State for India (separately);

(ii) the Central Services, classes I and II (separately);

(iii) the Subordinate Services employed by the Central Government; and

(b) whether there is any difference in the qualifying period required as between the members of the All-India services to which recruitment is made by the Secretary of State and others, and if so, why?

The Honourable Sir James Grigg: (a) The periods of service required to qualify for full pension are:

(i) Indian Civil Service	25 years
Indian Police Service	30 years
Indian Medical Service	27 years
Indian Ecclesiastical Establishment	23 years
Other officers appointed by the Secretary of State	30 years
(ii) and (iii) Central Services, Class I and II and Central Subordinate Service (excluding inferior servants)	30 years

(b) Yes. The differences are due to the varying characteristics of the services concerned, *e.g.*, the differing ages of recruitment, and the varying nature of their duties and responsibilities.

Mr. M. Ananthasayanam Ayyangar: Why is a distinction made in the case of the Ecclesiastical Service—only 23 years? Is it more onerous than other services?

The Honourable Sir James Grigg: I answered that in general terms in part (b).

Mr. M. Ananthasayanam Ayyangar: I want to know particularly with reference to the Ecclesiastical Service, how it is more onerous than other services.

The Honourable Sir James Grigg: I applied the general to the particular: it is precisely the reason I have given in general in part (b).

Mr. C. N. Muthuranga Mudaliar: May I know if any of these officers are given extension of service after the completion of their periods of service?

The Honourable Sir James Grigg: There must be many thousands of these officers and I cannot possibly answer that question without notice.

Mr. K. Ahmed: In view of the fact that the answer of the Honourable the Finance Member has not given any sensible reason of deferentiation or variation to the question asked by the other side, may I ask the rules prescribing 23 to 25 years for pension to be revised so as to bring them to uniformity for doing the same kind of work as they take the same food here in India and do the similar thing all over?

The Honourable Sir James Grigg: I am afraid my judgment of what is sensible is rather different from that of the Honourable Member. I gave a perfectly sensible and valid reason.

COMMUNAL COMPOSITION OF PLATOONS IN 11/15TH PUNJAB REGIMENT.

781. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

(a) the communal composition of platoons in the 11/15th Punjab Regiment;

(b) whether it is a fact that in the 11/15th Punjab Regiment there are four senior grade Hindu officers for four Hindu platoons, one Christian senior grade officer for four Christian platoons and one senior grade Muhammadan officer for seven Muhammadan platoons;

(c) whether it is a fact that a Muhammadan senior grade officer has left the unit recently or is about to leave it, if so, how Government propose to fill up the vacancy;

(d) whether Government are prepared to make all selections of senior grade officers in future according to paragraph 5 of Appendix VII of the Indian Territorial Force Regulations; and

(e) whether Government are prepared to give proportionate representation to all communities as far as senior grade appointments are concerned, and make such suitable arrangements by transfer or otherwise that the number of senior grade officers more or less approximate to the strength of each community in different provincial units of the Indian Territorial Force?

Mr. O. M. G. Ogilvie: (a)—

4 Platoons	Christians
4 Platoons	Hindus.
7 Platoons	Musalman.
1 Platoon	Sikhs.

(b) Yes.

(c) Yes. The recommendations of the local military authorities for filling this vacancy are awaited.

(d) The rule quoted by the Honourable Member is already being observed.

(e) Government do not propose to make any change in the existing rules.

Dr. Sir Ziauddin Ahmad: With reference to part (b) of the question, is the shortage due to the fact that officers are not available or to any other policy of the Government of India?

Mr. O. M. G. Ogilvie: I imagine that the shortage is due to the fact that a suitable officer of the community concerned was not available.

SYSTEM OF APPOINTING WING COMMANDERS IN THE INDIAN TERRITORIAL FORCE UNITS.

782. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

(a) if it is a fact that in the provincial units of the Indian Territorial Force regular officers are appointed as Wings or Double Company Commanders over and above the Company Commanders of the Indian Territorial Force;

(b) if so, under what section of the Indian Territorial Force Regulations these Wing Commanders are being appointed; and

- (c) if there is no such regulation, whether Government are prepared to stop this system of Wing Commanders and run the Indian Territorial Force units according to the regulations and recognised system of the regular infantry units?

Mr. C. M. G. Ogilvie: (a) No. There is no appointment of Wing Commander in the Indian Territorial Force.

(b) and (c). Do not arise.

Mr. Manu Subedar: Will the Honourable Member state whether the Indian Territorial Force is Indian?

Mr. C. M. G. Ogilvie: The Indian Territorial Force is Indian.

PROMOTIONS AND CONFIRMATIONS IN THE INDIAN TERRITORIAL FORCE UNITS.

783. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- if the promotions and confirmations in the Indian Territorial Force units are done strictly according to paragraph 40 of the Indian Territorial Force Regulations;
- if it is a fact that certain regular Lieutenants were made local Captains during their attachments to some of the Indian Territorial Force Units;
- if it is a fact that on account of local promotions or appointments as mentioned above, these regular officers become senior to some of the Indian Territorial Force officers, to whom these attached regular officers would have been juniors otherwise; and
- whether Government are prepared to discontinue local promotions as far as the regular officers attached to the Indian Territorial Force units are concerned?

Mr. C. M. G. Ogilvie: (a) Government have no reason to believe that regulations are not being observed.

(b) and (c). Yes. This is covered by paragraph 24 of the Indian Territorial Force Regulations.

(d) Government do not propose to make any change in the existing rules.

RECRUITMENT OF ARAINS IN THE ARMY.

784. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- the total number of recruits taken during the years 1935, 1936 and 1937;
- how many of them were ARAINS;
- if the number of ARAINS recruited is very small, the reasons for it;
- an analysis of the total number according to their caste; and
- the names of places where recruitment is going on?

Mr. C. M. G. Ogilvie: (a) 16,639, 18,368 and 16,470 respectively.

(b) The required information is not available. The following number of ARAINS were, however, serving in the Indian Army on the 1st January of the last three years:

	229
1935	204
1936	227
1937	

(c) The selection of sub-classes rests with officers commanding the units who possess discretionary powers in the matter.

(d) The information could be collected only by reference to all recruiting officers concerned. This would involve an expenditure of time and labour which would be incommensurate with the value of the result.

(e) Peshawar, Rawalpindi, Jullundur, Lahore, Delhi, Lucknow, Ajmer, Poona, Bangalore, Lansdowne and Karachi.

EXPENDITURE ON THE ARMY REMOUNT DEPARTMENT AND MECHANISATION OF DEFENCE.

785. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- the total expenditure on the Army Remount Department each year since the grant of lands to mule-breeders in the Punjab on conditions; and
- the total expenditure each year on the mechanisation of defence in the same period?

Mr. C. M. G. Ogilvie: (a) and (b). The information is being collected and will be laid on the table when received.

Mr. President (The Honourable Sir Abdur Rahim): The answers to the next four questions will be laid on the table.

MULES AND HORSES BOUGHT FROM MULE-BREEDER AND HORSE-BREEDER GRANTEES.

786. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

- how many mules or horses were bought from grantees of land for mule-breeders each year since the inception of the scheme;
- what was the original idea and how far it was fulfilled;
- whether, due to mechanisation, the circumstances have changed and methods of defence also are different;
- whether there is still the same necessity for horses and mules; and

† Answer to this question laid on the table, the questioner having exhausted his quota.

- (c) whether they have considered if there will be any loss if Government give proprietary rights to mule-breeders and continue to buy mules in the market?

Mr. C. M. G. Ogilvie: (a) The following number of mules were purchased from the mountain artillery mule breeding grantees:

1932-33	23
1933-34	38
1934-35	62
1935-36	77
1936-37	68

No horses were bought from them.

(b) The original idea was to breed mountain artillery mules, a type which is not procurable in India and has to be imported from overseas. Since the production of this type of mule in India our annual importation has decreased by the number purchased from the grantees.

(c) and (d). Mules will still be required for mountain artillery.

(e) Yes, there will be a loss.

HORSE-BREEDING AND MULE-BREEDING GRANTS IN LYALLPUR AND SHEIKHUPURA DISTRICTS.

†787. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

(a) when the squares of land on horse and mule-breeding conditions were granted to the *lambardars* in the districts of Lyallpur and Sheikhupura in the Punjab;

(b) how much land was given to each;

(c) whether the *lambardars* had some land attached to their *lambardari*; if so, how much; and

(d) whether this land was also brought under the mule-breeding grants?

Mr. C. M. G. Ogilvie: (a) Land on mule breeding conditions was granted to the *lambardars* in the districts of Lyallpur and Sheikhupura in the Punjab in 1912 and a few squares in 1922. No land was granted to them on horse-breeding conditions.

(b), (c) and (d). I am collecting the information and will lay it on the table in due course.

HORSE-BREEDING AND MULE-BREEDING GRANTS IN LYALLPUR AND SHEIKHUPURA DISTRICTS.

†788. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

(a) for how many years *lambardars* have been fulfilling the conditions imposed on them regarding mule-breeding;

†Answer to this question laid on the table, the questioner having exhausted his quota.

- (b) if some of the *lambardars* have fulfilled them in a satisfactory way for over 25 years, whether Government are prepared to grant them proprietary rights now; and

(c) if not, why not?

Mr. C. M. G. Ogilvie: (a) Since the years mentioned in my answer to previous question.

(b) and (c). No, for the reason that the objects of the grants are to improve and maintain the indigenous supply of mules so as to render India independent, as far as possible, of foreign supplies and to create a reserve of mules suitable for military use in time of war, thus obviating the dangers consequent on a possible stoppage of supplies from overseas, in emergency. If proprietary rights were granted to the *lambardars*, they would cease mule-breeding.

HORSE-BREEDING AND MULE-BREEDING GRANTS IN LYALLPUR AND SHEIKHUPURA DISTRICTS.

†789. ***Mr. H. M. Abdullah:** Will the Defence Secretary please state:

(a) the total number of *lambardars* and the total area given on these conditions in the districts of Lyallpur and Sheikhupura, respectively;

(b) the total area that was in the possession of those *lambardars* before the conditions were imposed; and

(c) whether Government are prepared to let them acquire the proprietary rights, if they have been fulfilling the conditions; if not, why not?

Mr. C. M. G. Ogilvie: (a) I am collecting the information and will lay it on the table in due course.

(b) The information is not available.

(c) No, for the reasons already stated in the answer to the previous question.

COST OF SIX MODERN ESCORT VESSELS OF THE INDIAN NAVY.

790. ***Mr. M. Asaf Ali:** Will the Honourable the Finance Member state the estimated cost of the six modern escort vessels (mentioned by him in his Budget speech) and the manner in which this money is proposed to be found by him and when?

Mr. C. M. G. Ogilvie: The question of which type of escort vessel will be built is under active examination. There are many types of escort vessels and their cost ranges from some Rs. 30 to 54 lakhs each. It is proposed to find the money from a suspense account which will be financed by the normal sinking fund allotment of Rs. 14 lakhs per annum and the sums formerly paid as contributions to His Majesty's Government.

Mr. M. Asaf Ali: May I ask that questions Nos. 791, 792 and 793 be answered together, if it is possible and convenient?

†Answer to this question laid on the table, the questioner having exhausted his quota.

TRAINING OF INDIAN CADET OFFICERS FOR THE ROYAL INDIAN NAVY.

791. ***Mr. M. Asaf Ali:** (a) Will the Defence Secretary state whether Government's policy has undergone any change in the matter of training of officers of the Royal Indian Navy since Mr. Young made the following statement on the 21st February, 1928 (page 581, Legislative Assembly Debates):

"The period of training both for executive and engineer officers must necessarily be in the United Kingdom. The Admiralty have kindly undertaken to afford to our cadet officers precisely the same training facilities as they give to officers of the Royal Navy. The course in both instances is a long one, and the Government of India hope to offer considerable financial assistance in order to enable Indian cadets to go through the course without undue expense. The first entry of candidates under the new system of recruitment will take place during this year?"

(b) How many Indian cadet officers have been trained by the Admiralty since 1929 for the Royal Indian Navy?

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

(b) Thirteen have been trained and a further thirteen are now under training.

INDIANISATION OF THE PERSONNEL OF SIX MODERN ESCORT VESSELS OF THE INDIAN NAVY AND ARRANGEMENTS FOR THEIR REPAIRS.

792. ***Mr. M. Asaf Ali:** Will the Defence Secretary state with regard to the six modern escort vessels (mentioned in the Budget speech of 26th February, 1938):

- (i) what steps Government are taking in order to ensure that these ships will be manned and officered by Indians, and
- (ii) whether the R. I. M. Dockyard at Bombay, is adequate for effecting minor and major repairs to such ships in future when the occasion arises, or whether these ships will have to be sent to the United Kingdom for such repairs?

Mr. C. M. G. Ogilvie: (i) I refer the Honourable Member to His Excellency the Commander-in-Chief's speech in reply to a Resolution in the Council of State on the 17th of March, 1937. The ratio of recruitment of officers is still one Indian to two British.

(ii) Yes. Only in the event of alterations and repairs amounting to reconstruction would the ships have to be sent to the United Kingdom.

DUTIES OF SIX MODERN ESCORT VESSELS OF THE INDIAN NAVY.

793. ***Mr. M. Asaf Ali:** (a) Will the Defence Secretary please state whether the duties of the six modern escort vessels (mentioned in the Budget speech of 26th February, 1938) will be confined to protection and convoy work connected with the Indian sea-borne trade in Indian waters, or will they extend to other than home waters?

(b) Will there be any ships or equipment in the hands of the Government of India for the naval defence of Indian harbours, which means mine-laying and mine-sweeping and other connected operations?

(c) What expansion in personnel is expected as the result of the obligation to maintain the six modern escort vessels, and what is the estimate of the cost?

Mr. C. M. G. Ogilvie: (a) Their normal role will be the protection of shipping in Indian waters in co-operation with the Royal Navy.

(b) Yes.

(c) The requirements for additional personnel have not yet been finally determined.

Mr. Manu Subedar: With reference to the answer to part (b) of No. 791, will 13 more be sent or have they been sent?

Mr. C. M. G. Ogilvie: No; they have been sent and are now under training.

Mr. Manu Subedar: And 13 additional ones are being sent?

Mr. C. M. G. Ogilvie: No. 13 are now under training.

Mr. Manu Subedar: The Honourable Member said that a further 13 will be sent?

Mr. C. M. G. Ogilvie: No, I did not. I said that 13 were now in service and 13 more will be trained for it.

Mr. M. Asaf Ali: The ratio between Europeans and Indians is?

Mr. C. M. G. Ogilvie: Two Europeans to one Indian.

Mr. M. Asaf Ali: Is there any particular policy behind this and what exactly is the policy?

Mr. C. M. G. Ogilvie: The policy was that to start with that figure should be fixed; the Commander-in-Chief's speech of the 17th March, 1937, gives the reasons at length.

Mr. M. Asaf Ali: Is there any possibility of this ratio being changed later on?

Mr. C. M. G. Ogilvie: As His Excellency the Commander-in-Chief said on that occasion, there is nothing secret about it.

Mr. Asaf Ali: May I know when this proportion will begin to change?

Mr. C. M. G. Ogilvie: That I am afraid I cannot give.

Mr. Manu Subedar: In view of the proposed increase in the Navy is there a proposal before Government to revise this ratio in future?

Mr. C. M. G. Ogilvie: There is no such proposal at present.

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

PROHIBITION OF EXPORT OF JAGGERY TO CEYLON.

794. ***Mr. Sami Vencatachalam Chetty:** Will the Honourable the Finance Member be pleased to state:

- (a) if he is aware that the customs authorities at Tuticorin and Kulasekarnpatnam of the Madras Presidency prohibited the export of palmyra-jaggery to ports in Ceylon;

- (b) if so, whether such action was taken under the International Sugar Agreement;
- (c) whether there is any, and if so, what clause in the said Agreement by which jaggery should not be exported to Ceylon by India;
- (d) if he is aware that jaggery is used by the estate labourers in Ceylon for medicinal purposes; and
- (e) if he is prepared to cancel the orders prohibiting the export of jaggery to Ceylon?

Mr. A. H. Lloyd: (a) and (b). Yes.

(c) Article 16 read with Article 1 (3) of the Agreement provides for the prohibition of export of sugar in all its commercial forms other than final molasses. Jaggery was regarded as falling within this description.

(d) Government have no information.

(e) Government have since instructed Customs authorities in India that for the purposes of the notification they should treat cane and palmyra jaggery as final molasses.

Mr. T. S. Avinashilingam Chettiar: May I know if Government have finished consideration about the palmyra candy?

Mr. A. H. Lloyd: Not yet, I am afraid.

Mr. Sami Vencatachalam Chetty: Did the Government represent to the International Board that sugar candy also should not be included in non-export?

Mr. A. H. Lloyd: I would suggest to my Honourable friend that he should put down a question addressed to the Commerce Secretary on that subject.

SUNDAY FEES FUND AT MAJOR PORTS OF INDIA.

795. ***Mr. N. M. Joshi:** (a) Will the Honourable the Finance Member be pleased to state the amount of annual reserve accumulated in the Sunday Fees Fund at the various major ports of India during the last five years?

(b) Will he state in what manner the amount collected in the Fund is being utilised?

(c) Will he also state whether the unexpended balance of these reserves is brought forward from year to year and whether any credit for interest is given to these reserves?

Mr. A. H. Lloyd: (a) There has been no surplus to carry forward.

(b) After making payments on account of Crown Overtime Fees, the balance is distributed to Seamen's and Customs Welfare Institutions but subject to a minimum payment of Rs. 60,000 a year.

(c) Does not arise.

SUNDAY FEES FUND AT MAJOR PORTS OF INDIA.

796. ***Mr. N. M. Joshi:** (a) Will the Honourable the Finance Member be pleased to state whether the proceeds of the Sunday Fees Fund are utilised for the benefit and welfare of Indian seamen and, if so, how?

(b) Will he be pleased to state the amount spent for the benefit of European seamen and Indian seamen, respectively, from the proceeds of this Fund?

Mr. A. H. Lloyd: (a) Yes, a part of the Fund is used for the benefit of Indian Seamen. A grant is made to the Indian Sailors Home, Bombay.

(b) A sum of Rs. 8,200 is paid yearly to an exclusively Indian Institution and about Rs. 26,900 a year is paid to other institutions which are mainly, but not in all cases, for European Seamen.

Mr. N. M. Joshi: In view of the fact that the Indian seamen get comparatively less benefit from this fund, will Government consider the advisability of re-distributing the fund more equitably between the two?

Mr. A. H. Lloyd: The question of what is an equitable distribution seems to me to involve a question of policy which concerns more than one department of the Government of India.

Mr. K. Ahmed: Are Government aware that the principle underlying would be better served if a greater proportion of Indian seamen are helped, who are in Calcutta and the neighbourhood living there homeless and destitute and more miserable than the Europeans or even the Chinamen or the foreigners, and is it not a dereliction of public duty on the part of the Government of India if these Indian seamen are not properly looked after?

Mr. A. H. Lloyd: From what the Honourable Member has said, I should think that he has certain opinions on this subject.

Mr. N. M. Joshi: May I raise a point of order and ask for your guidance? The Honourable Member stated, in reply to my supplement, any question whether the Sunday fees would be more equally distributed, that it is a question of policy and referred me to some other departments of the Government of India. Sir, when we ask a question, we ask the question of the Government although we name the particular department, and I feel that the reply which is given is given on behalf of the Government. To me it does not matter which particular Member gives a particular reply, and I feel that the Honourable Member who speaks on behalf of the Government is not entitled to tell me that it is a question of policy and some other Member will reply.

Mr. A. H. Lloyd: I am afraid the Honourable Member misunderstood me. I did not mean to say that because it was a question of policy some other Member would reply. What I meant to say was that it was a question of policy which could not be decided except in consultation with the various departments of the Government of India. Therefore, obviously, he would infer from that that I am not in a position to give an answer in regard to that question of policy, in reply to a supplementary question.

Mr. K. Ahmed: In view of the fact that the question had been considered by the Royal Commission on Labour and its report has been published long ago and also in view of the fact that it was referred to by His Majesty the King to the people of India, that there should be a more equitable distribution and the answer of Mr. Lloyd is in contravention of the principles of equity that have been laid down, may I ask for the benefit of the people and say that they should extend much more help on the principle of equity to the Indian seamen clubs, Indian Sailors' Home and other institutions? Otherwise, the very object of collecting the Sunday Fund will be frustrated.

Mr. A. H. Lloyd: The Honourable Member's speech, including certain inaccuracies contained in it, will receive the notice of the Government of India.

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

BUILDING OF AERODROMES ON THE NORTH-EAST FRONTIER AND IN ASSAM.

796A. ***Mr. Kuladhar Chaliha:** (a) Will the Defence Secretary please state whether it is proposed to build any aerodromes at strategic points in the North-East Frontier and in Assam as a precaution against air attacks on India from the North?

(b) Has Sadiya been selected as a possible site and, if so, what will be the approximate cost of the undertaking?

Mr. C. M. G. Ogilvie: (a) It is not proposed to build military aerodromes on the North-East Frontier or in Assam at present.

(b) Does not arise.

USING OF SEAPLANES ON THE BRAHMAPUTRA RIVER.

796B. ***Mr. Kuladhar Chaliha:** Will the Defence Secretary please state:

(a) whether Government have considered the feasibility of using seaplanes on the Brahmaputra river both for military and commercial purposes; and

(b) whether Government are prepared to make an experimental trial on the river?

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

Mr. President (The Honourable Sir Abdur Rahim): Short notice questions. (The Members who proposed asking two short notice questions were absent.)

Dr. P. N. Banerjee: Sir, I gave notice of a short notice question.

The Honourable Sir James Grigg: Notice was given to me but I do not accept short notice.

UNSTARRED QUESTIONS AND ANSWERS.

TEMPORARY UNQUALIFIED CLERKS IN THE ENGINEER-IN-CHIEF'S BRANCH.

78. **Pandit Shambhu Dayal Misra:** (a) Will the Defence Secretary kindly state how many temporary unqualified clerks there are in the Engineer-in-Chief's Branch?

(b) Is it a fact that as a result of questions asked in this House last year it was discovered that certain unpassed temporary clerks were employed in the Engineer-in-Chief's Branch in contravention of the Home Department orders?

(c) Is it a fact that while some of the temporary unqualified clerks have recently been discharged, two clerks have been retained?

(d) If so, under what rule are they being retained in service in spite of the Home Department orders that vacancies of more than three months' duration should be filled by men nominated by the Home Department?

Mr. C. M. G. Ogilvie: I am collecting the information and will lay it on the table in due course.

IMPORT OF MOTOR CARS FROM GERMANY.

79. **Mr. J. D. Boyle:** Will the Honourable the Finance Member please state:

(a) whether it is a fact that the number of motor cars imported from Germany is increasing annually and that during the past twelve months has increased from 739 to 1,701;

(b) whether Government are aware that German export prices are more than 50 per cent. below their home retail prices and lower than the manufacturing costs of the car;

(c) whether Government are aware that by this means the effect of the preference of 7½ per cent. given to cars of British manufacture under the Ottawa Agreement is being nullified, and that the Central Government Revenues are losing considerably because of the fictitious value of these German cars; and

(d) what action Government propose to take in this matter?

Mr. A. H. Lloyd: (a) Yes, there has been an increase in the number of motor cars imported from Germany during the past two years. The number of cars so imported was 818 in 1936-37 as against 335 in the previous year and the number imported during the nine months ended 31st December, 1937, was 1,514 as against 626 during the corresponding period of the previous year.

(b) Government are informed that some form of subsidy is allowed to exporters of cars and certain other products of German industry, with a view to counteract the depreciation of the £ sterling and the United States of America dollar, but they have no definite information as to the extent and nature of such subsidy.

(c) As regards the first part of the question, the matter is one for the consideration of His Majesty's Government in the United Kingdom. As

regards the second part, the conclusion of the Government is that so far the increase in the number of cars imported from Germany has not adversely affected the Customs revenue.

(d) Government are not satisfied that any action on their part is called for at present, but will not lose sight of the matter.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to unstarred question No. 26 asked by Mr. Manu Subedar on the 15th February, 1938.

EXPENDITURE ON CONFERENCES PRESIDED OVER BY A MEMBER OR SECRETARY OF THE CENTRAL GOVERNMENT.

Statement showing the particulars regarding conferences which were held during the financial year 1936-37 and presided over by a Member of Government (Central) or a Secretary to Government (Central) for which complete accounts are available, and the expenditure incurred on each during that year.

Conference.	Presided over by	Expenditure incurred during 1936-37.
The Grain and Oilseeds Conference, Delhi, April 1936, to examine the possibility of eliminating existing differences between standards and contract terms in the grain markets of India.	Vice-Chairman, Imperial Council of Agricultural Research.	Rs. ..
The Marketing Officers' Conference, Delhi, April/May 1936, to discuss the progress of marketing surveys and future programme of work.	Ditto	..
The Animal Husbandry Wing of the Board of Agriculture and Animal Husbandry, Madras, December 1936.	Vice-Chairman, Imperial Council of Agricultural Research, who is the Chairman of the Board.	..
The Twelfth Conference of Registrars of Co-operative Societies, December 1936, Delhi.	Honourable the Education Member.	160
Eighth Industries Conference, Lucknow, December, 1936.	Honourable the Industries Member.	1,500
Transport Advisory Council Conference to discuss the question of the selection and training of Indians for employment in aviation.	Ditto. Secretary, late Industries and Labour Department	..

Information promised in reply to starred question No. 364 asked by Mr. Budri Dutt Pande on the 18th February, 1938.

EXPULSION OF ONE TARA DATT SATI FROM THE RANIKHET CANTONMENT.

(a) No. Tara Datt Sati was expelled from the Ranikhet Cantonment under section 238(3) of the Cantonments Act, 1924. He appealed against this order to the District Magistrate who dismissed the appeal.

(b) The police did report that Tara Datt kept a common gaming house. As he was convicted for this offence on October 18, 1935, the charge was well founded.

(c) No.

Information promised in reply to starred question No. 632, asked by Sardar Mangal Singh on the 4th March, 1938.

CANTONMENTS WITH COMPULSORY PRIMARY EDUCATION.

- (a) None.
- (b) Does not arise.

THE TRADE DISPUTES (AMENDMENT) BILL.

Mr. A. G. Olow (Labour Secretary): Sir, I move:

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as reported by the Select Committee, be taken into consideration."

It seems to be a fact that measures designed to promote peace and harmony in industry tend to produce something quite different among those who discuss them. The Trade Disputes Act itself proved unhappily controversial, and on this much more modest measure we have not been able to reach complete agreement. The Select Committee, in fact, did not turn out to be a Board of Conciliation. I recognise that those Members who sympathise with the employers' point of view have reason to be disappointed with what has been omitted from the Bill and that our labour advocates cannot be entirely content with what is in it. But I hope that the middle course we have pursued will appeal to those Members who take a detached view as a reasonable one on the whole. I suggest, particularly to those Members who feel strongly in sympathy with Labour, that you cannot approach a Bill of this kind if you view it entirely through labour spectacles or entirely through employers' spectacles for that matter. You have got to see both these points of view and to remember that, over and above those points of view, there is a third point of view which, I think, is in danger of being overlooked, and which is more important than the other two, and that is the point of view of the community in general.

I do not propose to go through the clauses of the Bill. Most of them have been amended, but the amendments are of a fairly straightforward character. I will come straight to clause 8 which is the main change that has been made by the Select Committee. Honourable Members will recollect that, in the clause as it originally stood, we proposed to substitute for the existing section 16 of the Act a section of a different character. Section 16 of the Act relates to general strikes and defines certain strikes as being illegal strikes. The clause which we proposed to substitute would have given Provincial Governments power to declare strikes to be illegal strikes, provided they were of a fairly grave character and provided that a tribunal had been appointed to investigate the dispute. Now the Select Committee decided that they preferred the old section 16 with certain minor modifications and the clause which we proposed to substitute has been dropped. I do not think any defence of section 16 is necessary from me. It represents a principle which is embodied in British legislation and which has stood on the Statute-book for a number of years. And I think I am right in saying that even its opponents prefer it to the clause which we wanted to substitute.

But I think the House will expect some explanation from me of Government's acquiescence in the dropping of the new clause. I should

[Mr. A. G. Clow.]

like to make it clear that it represents no change of view regarding the essential soundness of the principle underlying it. A prominent trade union official in England once said to me: "You have got to remember that a strike is a declaration of war". It represents an appeal to force and a recognition of the fact that you are abandoning for the time being the way of negotiation. If Government steps in and endeavours to conciliate the parties, surely it is not unreasonable that there should be a truce while the question is being investigated. You cannot really discuss peace terms in the best atmosphere if the parties are not willing to concede even an armistice. We stand, therefore, to the idea that the principle underlying it is sound.

But once the Select Committee had decided to restore the old section there were obvious difficulties about including the new section also in the Bill. It had been subjected to various criticisms and we recognise that its form was unsatisfactory. I think the House would have reason to complain if, when they had asked the Select Committee to decide whether a new section should be substituted for the old one or not, the Select Committee had returned with both. And the difficulties did not end there, because being satisfied that the clause required considerable modification, we would have had to bring here in addition to the old section 16 a clause of a somewhat novel character and a clause on which the numerous opinions we have collected gave little or no guidance. And we felt, therefore, that it would be rather unfair to the House to ask it to accept both propositions, that is the old section 16 and the new section, without a further reference to public opinion. What we propose to do, therefore, is to refer the question of the principle underlying the new clause 16 to Provincial Governments and the public again, so that if we approach the House again with a proposal on those lines they will know what Provincial Governments and the public think about it. It is for that reason that I have put forward no proposal to restore the clause that the Select Committee dropped.

The only other clause to which I am going to refer is clause 10 which relates to the Conciliation Officer. This to my mind, embodies a principle of considerable importance. I think all of us in this country, Governments, employers and labour, have tended to concentrate rather on the settlement of strikes than on their prevention. As I said earlier, a strike is a declaration of war and it is much more difficult to secure conciliation after a strike has broken out than before it commences. There are strike leaders in this country, who declare strikes and then turn round to Government and say: "Now, appoint a Board of Conciliation". To my mind, that attitude is rather like two men in a quarrel in the street. One of them suddenly delivers a lusty blow on his opponent and when the opponent is preparing to retaliate, he turns to an onlooker and says: "Please come and help us to kiss each other and be friends again". It is very difficult to discuss the matter at that stage; and I believe that if suitable mediators were appointed, who come in a quite informal manner and deal with the differences of opinion at an early stage, a good many strikes could be prevented and a good deal of unnecessary hardship could be avoided.

I would like in conclusion just to refer to the Minutes of Dissent which are appended to the Committee's report. Those Honourable Members who were not on the Committee will see with some surprise that

whereas some Honourable Members regard the Bill as unimportant, because it contains a few provisions of a minor character, other Honourable Members seem to find something wrong with nearly every clause of it. Well, I may say that I have a certain amount of sympathy with both points of view. I do not regard the Bill as one of a momentous character at all and, in that respect, I agree with the signatories of the first Minute of Dissent, though not for their reasons. It is not because these are amendments of a minor character but because the possibility of securing industrial peace by legislation is extremely limited. Industrial peace depends largely on sympathetic understanding of the other man's point of view and cordial relations and I do not believe you can secure either by an Act of this Legislature. It depends upon a different spirit altogether. At the same time, I agree with those Honourable Members opposite who have shown that they regard this question of industrial relations as one of vital importance. Every detached observer who looks at Indian industry is, I think, struck by its lamentable weakness in that sphere, a weakness which may prove perilous, if it not remedied. And I believe that if Provincial Governments can find and are willing to appoint suitable officers to exercise this work of conciliation we shall be doing something to secure a better atmosphere. For the bigger changes that are necessary, we must look, and I hope we shall not look in vain, to the leaders of Indian industry and the leaders of Indian labour in this country.

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

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as reported by the Select Committee, be taken into consideration."

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I am glad to learn that the Government have realised the importance of the changes that they have made in section 16 of the Original Act. If I followed Mr. Clow correctly, his intention is that after the Bill is passed, the opinion of the various Provincial Governments will be ascertained on the modifications made in section 16. I submit that when this Bill was first circulated for public opinion, the various Provincial Governments had made their position perfectly clear. In the first place when section 16 was sought to be replaced by clause 8 in the original Bill, the general trend of criticism, both from Governments and from labour associations, was that clause (a) of the original clause invested the executive with great power and, in particular, the power of declaring a strike illegal. If you will refer to the opinions received, you will see that the Government of Bombay, the Government of Bihar and other Provincial Governments wanted the retention of section 16 as it was. In the Select Committee we were very glad to find that the Government understood the force of the criticism so far as clause (a) was concerned and they actually dropped clause (a); and we rather thought that the Government had now definitely parted company with the capitalists and were moving towards doing something for the labour organizations and labour in general. But soon after that, an amendment was moved for the deletion of the words "prolonged and general" . . .

Babu Baljnath Bajoria (Marwari Association: Indian Commerce): On a point of order, is the Honourable Member in order to tell the House something about what happened in the Select Committee?

Mr. N. V. Gadgil: I am not telling anything about what happened in the Select Committee; what I am telling the House is that the original Bill contained a clause which declared that a certain strike would be illegal in case it caused a certain hardship to the community, provided a conciliatory machinery was made available. That clause was omitted, and the original section 16 was retained, and some modifications were suggested to original section 16, but I am only referring to it in so far as the same has been referred to by the Honourable Member in charge of the Bill. In the original section 16 the conditions laid down for making a strike illegal, were, firstly, that it must have:

"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 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."

Sir, the report of the Select Committee will show that the two words "general and prolonged" have been deleted and only the word "severe" is retained. Now, if we make a reference to the opinions expressed by the Provincial Governments, we will see that they have clearly stated that the old section, as it was, should be left as it is.

Now, This is a very great modification. A strike that was declared in the Bombay textile industry in 1934 was construed to be a strike which came within the mischief of section 16, and some labour leaders were prosecuted. The Chief Presidency Magistrate acquitted them on the ground that the strike was not designed or calculated to inflict a severe, general and prolonged hardship, and against that order of acquittal the Government of Bombay filed an appeal, and in the High Court the order of acquittal by the Chief Presidency Magistrate was confirmed. It was clearly pointed out that unless a strike was such as not merely calculated to inflict an injury that was severe and general and prolonged, it must also be such as to compel the Government to take a particular course of action or not to take such action. Now, it is common knowledge that those who are running the industries in this country are always antagonistic to any labour legislation, howsoever modest, just or fair it might be. From the papers and various memoranda submitted by the millowners in Bombay and elsewhere we find that they are always at the door of the Government asking them to have legislation against picketing, against this or against that and somehow or other they want to cripple labour and particularly organized labour.

When the Government introduced this Bill in 1936 they went to such a great length as to invest the executive with the power of declaring a strike illegal; in fact they tried to swallow more than they could chew. The result was that not only were the Provincial Governments opposed but every sensible section of the community was opposed to it, and now, when they could not do it as against the severe criticism they had, they come back, I won't say by the backdoor, but they still want to oblige their capitalist friends once more. As I stated we were really glad when we learnt that clause 8 was dropped, but somehow or other they felt that the warmth of the capitalist pocket was far more comfortable than the absolutely cold atmosphere in which the Government would be if they did not do anything to oblige their capitalist friends. What is the meaning of this? It is not only that they are content with the deletion of these

two words "general and prolonged", but from the order paper I find that a notice of an amendment is given for the deletion of the word "severe" also. Now, if that is carried, the position will be most surprising; then, it will be like this,—"designed or calculated to inflict"—the words "severe, general and prolonged" are dropped out—"hardship upon the community and thereby to compel the Government to take or abstain from taking any particular course of action". I want to know any strike which does not cause even some hardship on some section of the community. May I ask in all humility, if any section of the community had a just grievance, and if the community as a whole did not redress that, then, if that section took into its own hands the redress of its grievances, has the community as such any ground for grouse or grumble? What have you provided for the redress of their grievances? Sir, nobody undertakes a strike for the mere fun of it or for any other object

Mr. A. G. Chow: Oh!

Mr. N. V. Gadgil: Every strike is based on some sound, economic fact; it is not undertaken merely for the pleasure of it. A strike involves loss of wages and loss of security and if it is resorted to, it is resorted to out of unselfish loyalty to great principles and comrades. If you are not going to appreciate the motives in the light of what I have said, I think those who are opposed to this ought not to be there where they are today. What is it that you provide for the redress of their grievances? I am at one with those who claim that there should be industrial peace, but that must not be the peace of the graveyard, that must be honourable peace, a peace in which there is absolute equality; it cannot be a peace in which my friend, Sir Homi Mody, will dictate, and we, the labourers of the textile mills, quietly obey him. That cannot be. Sir, if today in the year of grace 1938 you are going to ask us to submit quietly to all this repressive legislation calculated to put down organized labour, I think you will not succeed.

Now, there is another point which I want to draw the attention of the House to. The Bill as it has emerged out of the Select Committee has included certain services in the category of public utility services. I can understand if a public utility service is run, owned and controlled by the Government, because Government always has to face the democratic opposition in the Legislature, but if that service is run, owned and controlled by private hands, you give them all sorts of facilities for over-riding organized labour without imposing any corresponding obligation upon employers to redress the grievances of the labourers. This is exactly what the Labour Commission laid down years ago. It said:

"In our view the weakest point of the Indian provision is that while it restricts the power of the workers in public utility services to coerce their employers, it gives, in return, no assurance that their grievance will receive a hearing"

Now, I fail to see any such provision here. If there is something like a standing court of labour inquiry, I can understand that; if there is any grievance, it can be automatically referred to that court, but in the absence of any such provision it is impossible to contemplate the further addition of services in the category of public utility services. It does not mean that we want to let down the other sections of the community. I was told that if there is a strike in a tramway service, the middle classes will suffer and the whole of the traffic will be stopped. I appreciate this, but at the same time I want to urge on those, who

[Mr. N. V. Gadgil.]

plead this line of argument, as to what have they done in order to redress the grievances of those who are going or who have threatened to go on strike? You cannot have duties and obligations unilateral. If you want to impose burdens on the labour, you must, at the same time, provide that similar burdens are imposed on the employers as well. You cannot have it unilateral all through. Therefore, this reactionary attitude taken by the Government in the Select Committee and the further reactionary attitude as is evidenced from the notice of amendment given by one of the Members of the Select Committee representing the Government for the abolition even of the word "severe" ought not to be allowed by the House to succeed. Therefore, I submit that at this stage I should have very much liked to oppose this motion for the consideration of the Bill but I do not do so because there are some good points in it especially about the conciliation machinery in clause 10. When the proper time comes, I shall move my amendments and, if possible, I shall try to convince the Member in charge that the attitude he has taken is not the one which we expected from him.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I want to confine myself to only two or three points. I cannot but think that the new section 8 inserted by the Select Committee is rather extraordinary. It reads that a strike or a lock-out shall be illegal if it has any object other than or in addition to the furtherance of a trade dispute. Suppose during a strike a strike leader or a worker says that we must have Swaraj or Labour Raj or something of that kind, then it can at once be interpreted as having an object which is something in addition to the furtherance of a trade dispute. I cannot see how the Government Members or the Congress Members or any Member can allow such a broad definition. That will ruin all possible good relations between the employers and the labour. Nobody can say that in a trade dispute nothing will happen except the furtherance of a trade dispute. After all, it will be very difficult to define it. We can only be sure that the furtherance of a trade dispute is *bona fide*. So long as the *bona fide* trade dispute is there, all other considerations must be treated as irrelevant whether they are imported into it by employers or by labour. The section as it stands is bad enough. It says "has any object other than the furtherance of a trade dispute". It may be that this object may be subsidiary or not but here you want to make it clear that even if the other object is entirely subsidiary and is entirely minor, the strike will also be illegal. As my Honourable friend, Mr. Gadgil, has pointed out, clause 8 (b) is equally bad and the Government propose to make it worse by taking away the word "severe". That is to say, if any strike is calculated to inflict hardship upon the community, the Government can declare it illegal.

Mr. A. G. Clow: No, no.

Mr. K. Santhanam: Can the Secretary of the Labour Department tell the House whether any strike is possible which does not inflict hardship on the community? Every strike automatically inflicts hardship on the community otherwise it cannot be a strike and it will have no effect. Can the labourers successfully strike and have their grievances redressed unless the strike causes hardship? The whole point is whether that

hardship is such that the entire business of the community will be dislocated. Government ought to have made the present position narrower. Instead of doing that, they are trying to make it much more broad.

The next point I would like to refer to is about the Conciliation Officers. My friend who spoke before me said that this is one of the good provisions of this amending Bill. Of course, the idea is good but the provisions are so sketchy that I am afraid they will do more harm than good. (The enactment of these provisions will prevent the Provincial Governments from enacting fuller and more detailed provisions regarding Conciliation Officers. This is a matter, I suggest, which can be better dealt with by the Provincial Governments which are more sympathetic towards labour than the Government of India. It is said in the Bill that the Conciliation Officers will be charged with the duty of conciliation. But they are not given powers, and they are not provided with staff and machinery. It is said that the Provincial Governments may appoint certain Conciliation Officers. We have seen many officers who are drawing fat salaries and have nothing to do. These provisions about the Conciliation Officers ought, therefore, to be extended and there ought to be a whole Chapter dealing with their appointments and regulating how they should act. Unless all these things are done, the present provisions will not be of much use and I suggest that for the present we might allow the Provincial Governments to take up this question of conciliation machinery. Let them develop it and then the Central Government may compare notes with all the provinces and bring in an appropriate amending Bill. If you take away clauses 8 and 10, then the other clauses are absolutely of minor importance and I do not think they tend to make much improvement in the present Act.

The inclusion of tramway in clause 2 is also rather queer. Nowadays the tramways have ceased to be of much importance and the bus traffic has made their position rather obsolete and I do not see why a tramway strike must be considered a matter of public importance. Nowadays people in every town where there are tramways have got alternative transport such as the electric suburban railways or the buses and therefore the tramway strike is not a matter of public importance at all. It is rather too late in the day to bring in a tramway strike as something of public importance.

Then, we have got the water transport services. We do not know what harm they have done to the public. If people on board the ship go on strike, then their grievances must be very severe indeed because the ordinary conditions are not favourable for such a strike. If the employers are so bad that their employees prefer to strike, I do not think it is a matter in which the Government or the Legislature should step in. In fact, I would like to see provisions by which the grievances of such people are to be promptly settled rather than a provision by which their strike is to be declared illegal. Each ship contains a very limited number of persons and a boat will have much less and unless you have got a very large number of strikers, a strike is not an effective thing. If a few people strike, I daresay it is not a matter in which the public should come down upon them with the weight of law and say: "You cannot strike". So, until you give some more remedies by which their grievances can be settled, I suggest that this should not be supported. Therefore, I suggest that this Bill is not of much practical consequence. It is not of any use, and the Assembly will not be doing anything bad if it throws it out entirely at this stage. If it does not do so, I suggest that it should

[Mr. K. Santhanam.]

oppose clauses 2, 8 and 10 and leave the verbal amendments to the satisfaction of the Government which has taken so much trouble to prepare this Bill.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, the Honourable Mr. Clow, when he was delivering his speech, harped on the beauty of adopting the middle course and insisted that we should see both points of view, and also carefully look at both sides of the picture. These are very beautiful principles indeed, but we find that, in practice, these very principles have been disregarded by the Government. Anyone who reads the Act of 1929 and also the new Bill—which aims at amending certain provisions of that Act,—will see that all these provisions have been inserted with a view to strengthening the position of the employers and the capitalists and weaken the position of organised labour. The thing is so obvious that it does not require any arguments in support of it. As on many other major issues, so on this very important issue, the Government are in the wrong because they have decided to back the employer, who is very well organised and who is very strong financially, as against disorganised and illiterate labourers who have to oppose them now and then with a view to consolidate their position and to vindicate their rights. The Act of 1929 was bad enough, but the attempt in the present measure to widen the definition of public utility services by bringing in all water transport and tramways is a very dangerous step, and it cannot possibly be supported by all those who have the true interests of this country at heart. If the list of public utility services is increased, then all such services are hit by the provisions of sections 15, 16 and 17, which are very dangerous provisions indeed. If we read sections 15, 16 and 17, we observe that at least on paper Government have tried to be impartial and to hold the scales even between capital and labour. But when we come to see the thing in practice, we find that labour is absolutely disorganised, very weak financially, and that labour organisations have only recently been started in this country. As against them, the capitalists are very strongly entrenched, and they can always hold their own against any attempt by labour to improve its conditions. Now, the efforts of Government to treat capital and labour on par cause great hardship, because the two sides are unequally strong. It is just like the spirit of the Government of India Act, (and it seems that the same spirit has been imported into this measure as well), where all attempts at discrimination in the matter of trade and industry by India against Great Britain have been stifled. It seems to me the same spirit has been imported into the provisions of this Act and any attempt by labour to organise itself will be thwarted by the attitude of Government as exhibited by the various provisions of the Bill.

Then, Sir, the provision about making political strikes illegal is a very dangerous provision and no representative of the people can possibly support such a dangerous provision. If we had responsible Government functioning in this country, a Government which had the interests of the people at heart and which really worked for the welfare of the people, one could trust such a Government with ample powers. But, as it is, we are faced with an irresponsible executive who always do the wrong thing, and who are absolutely out of touch with the feelings of the people. Now, the only way in which the people can wrest power from the executive is by resorting to political strikes. Occasions may arise when a political

strike may become a necessity and it may be a patriotic act. As a result of the provisions of this Bill, we are asked to declare, in so many words, that all such political strikes will be illegal. This we certainly are not going to do. There are many of us in this House who believe that political strikes are absolutely necessary and, at times, we may have to resort to all-India strikes with a view to paralyse the machinery of the Government. Further, the Government will meet with very strong opposition in their attempt at making political strikes illegal. How are we to draw the line between trade disputes and political strikes? After all politics and economics are so inextricably mixed up together, that even economic experts have failed to draw the line of demarcation between politics and economics. It is very difficult to say where politics end and where economics begin. Now, Sir, it is obvious that labour can improve its position by seizing political power and the only way in which it can seize political power is by organising themselves. For this particular purpose strikes may become absolutely necessary. Then, the Government will come down and say, "this is a strike which does not come within the purview of a trade dispute, but it is a strike which aims at political objects and, therefore, it is illegal", and the result will be that the persons involved will be sent to the prison by the Courts set up by the Government. Persons who are doing their obvious duty will be imprisoned under this measure.

It is not only this aspect of the Bill which is unreasonable, but there is one other objectionable aspect, namely, the principle embodied in section 15 of the old Act which is now sought to be strengthened by the present measure. Now, this section declares all sudden strikes and lock-outs in public utility services illegal. We know, Sir, that public utility services are only partly controlled by Provincial and Central Governments, and that they are also mainly controlled by private enterprise. It is all very well to describe the latter part of the public utility services, which are controlled by capitalists, as public utility services. They are services which are being run by interested capitalists who are out to make as large a profit out of that particular business, not only at the expense of the unfortunate workers who have to work under them, but also of the community at large. These are all agencies for exploitation, for taking big dividends and for exploiting labour and the community. Now, Sir, to lay down in so many words that any person who resorts to a strike in such a service without giving previous notice of 14 days will be sent to jail, is an attempt to lay down a very dangerous doctrine. The time has come when this particular section 15 should be removed from the Statute-book. (Hear, hear.) After all how are disorganised labourers, who are only just beginning to organise themselves in the country, going to better their conditions? How are they going to improve their wages and their economic condition? Certainly it is by resorting to strikes. It may not be palatable to persons who draw big dividends at the expense of sweated labour and who exploit the community at large. It may not be convenient for them. It might also be inconvenient to the general public. But the public must not cry out when they are subjected to a very ordinary inconvenience. The question is that in this case there is a struggle between capital and labour and capital is unreasonable. Under such circumstances, to hold that such strikes should be declared illegal at the stage of labour development that we find in this country, is I think playing into the hands of capitalists and arming the Government with very great powers to crush the opposition of poor labour.

[Mr. Abdul Qaiyum.]

The provisions of this particular Bill are very dangerous, and when we examine them minutely and carefully we feel convinced that the Honourable Member in charge of this Bill has not attempted to look at both sides of the picture. He has not genuinely attempted to appreciate both the points of view. I do not blame him at all. He is a Member of a Government which always take the wrong view, and which always take the view which is opposed to the best interests of the majority of the people in this country. Take many capitalists in this country, this Government also believes in exploiting the people of this country. Hence the Government is in league with the capitalists of this country and for their benefit the Government is now bringing forward this monstrous measure before this House and soliciting our support to achieve this object. I assure the Honourable Mr. Clow that we, on this side of the House, are not going to be a party to this gigantic fraud which is going to be practised on the millions of helpless, illiterate, and exploited workers in this country and that we will do our utmost to throw out this most obnoxious measure at the first available opportunity.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural).

Sir, I rise to associate myself with the sentiments expressed so eloquently by my Honourable friend from the Frontier. Sir, this is a Bill which cannot be said to be in the interests of labour at all. Even from the point of view of Government which wants to be impartial as between capital and labour, it can easily be shown that this Bill is intended to benefit the employers and not the workers and if it benefits anybody at all, it benefits the employers more than the workers.

Sir, the Royal Commission had recommended as long ago as 1930-31 that the workers should at least be placed on the same footing as employers. Government have done nothing in that direction till today. What is it that Government have done even to help our workers to organise themselves as well as the employers? They can only point to the Indian Trade Union Act and nothing more. But that Act is only a permissive piece of legislation. If the workers are anxious to organise themselves into a trade union, Government make it possible for them to get it registered, but beyond that have Government tried to take measures to see that these registered trade unions, when a particular period of time has elapsed after their registration, are recognised by the employers in their respective trades or industries? No, Sir. Have Government tried to help these trade unionists and the leaders of labour to get more and more people organised into their trade unions, to collect more funds and in short to make their trade unionism more and more popular and powerful? No, Sir.

But Government may say that it is no part of their duty to do any such thing. But, there, I am afraid, their example is not on all fours with that of Great Britain or Australia or even New Zealand. In those countries there is what is known as trade board machinery. One of the objects for which these trade boards are established in those countries is to encourage almost unorganisable labour to organise itself, to strengthen trade unions and to help organised life to develop itself in the rank and file of labour. Government have not done anything whatsoever in this country to bring into existence any such machinery.

Then, Sir, they may say that they are providing for conciliation machinery, that they are not doing anything more than simply keeping the old sections 15 and 16 and so on, and that this Trade Disputes Act itself is evidence of their solicitude for the welfare of labour and so on. But what is it that is contained in this Act? According to section 3. Government can appoint a conciliation board if it wishes to, but we know that in actual practice it has wished to appoint these conciliation boards very rarely,—may be three times or even only once on its own initiative? It is bound to appoint a conciliation board if both parties agree, but even there there is a proviso, and that is that Government must be satisfied that the majority of people interested in both parties also put their signature to this particular application for the appointment of this conciliation board. The second condition is very difficult to be satisfied. Next, it is almost impossible for these two parties to agree to the appointment of the conciliation machinery. Therefore, it has happened that in very rare cases,—not even in 1 per cent. of the cases in which trade disputes had taken place,—did this conciliation machinery come to be established by Government. Then what is the earthly use of this section at all? If section 3 has not really become operative who gains? It is not the workers, it is the employers. It is certainly in the interests of the employers that there should be no conciliation machinery, that the workers should be left to their own wit's ends and to the mercy of the employers themselves and that there should be no intervention whatsoever, either directly or indirectly, from Government, whether Provincial or Central. Naturally, therefore, employers have very good reason to congratulate themselves on the fact that there is no provision in this Bill for making conciliation machinery an obligatory duty on the part of Government. Government are not obliged, as they ought to be obliged, to appoint conciliation boards whenever there is any serious trade dispute, whenever there is any trade dispute at all. Government are at liberty to appoint it or not; and as long as Government do not take up this particular responsibility of appointing this conciliation machinery, it is the employers who stand to gain and it is the workers who are in danger of being victimised.

Then when we come to section 16, as my Honourable friend, Mr. 'Abdul Qaiyum, put it, it penalises political strikes, I am not at all sure whether the country itself and the people of our country will not be prepared at a particular juncture to welcome a political strike. And I am perfectly sure of one thing, and I am convinced about it, that it is only through a political strike, whether you call it a non-co-operation movement or a civil disobedience movement, that it will be possible for us eventually to overthrow this British imperialism and get complete Swaraj for this country. But I am not at all afraid of this section 16 if it is intended to prevent that strike alone, because when a really effective nation-wide political strike takes place, no amount of laws on the Statute-book can stand in the way of the public, and certainly we will break not only this law but many other laws and all laws in order to upset this Government. I am, however, concerned here in so far as it affects workers alone. In a political strike every section of the community is expected to take its place when we have to overthrow this form of Government. But in this particular thing it is the workers alone who are sought to be brought in and who are sought to be victimised by Government, and that is why I take particular objection to this section. Sir, as my Honourable friend, Mr. Santhanam, has put it, it is open to a police officer

[Prof. N. G. Ranga.]

in any part of the country to take it into his head that because of certain phrases used by some labour leader in one of his speeches in a particular meeting, he must take it to be politically strong, and therefore he goes on arresting as many of the leaders of labour and workers also as he likes. He puts them into jail and places them before a Court, and the Court may or may not find them guilty; but it is open to the prosecution to harass these people, take this particular case right up to the High Court and get them involved in such costly litigation that it will be almost impossible for the workers to think of going on any serious strike. As you know, Sir, and as you are yourself aware, nowadays those who are interested in labour are also interested in the political emancipation of the country; and naturally it has become almost impossible for any public worker to think of ameliorating the conditions of any section of the people without at the same time referring to the need for us to get rid of this British Government and of this domination of British imperialism. The mere mention of that can be considered to be a red rag to the police, and on that basis alone the workers may come to be harassed. I am not afraid that eventually section 16 may stand in the way of the country, but it is because it may stand in the way of the legitimate operations of trade unions in this country that I am opposed to this section 16 and what is sought to be done now. Government are not satisfied with the old section 16; they want to make its application much more sweeping. They want to drop those two very important words "general" and "prolonged", and they want to keep the word "severe". That is the story as it comes from the Select Committee. Then my Honourable friend, Mr. Clow,—I do not know why he has seen wisdom since then,—has suddenly realised that he must try to have some sort of bargaining weight on his side and, therefore, he must propose to drop this word "severe" also in order to make some of us give up our amendments, that there should be at least one of the two words that he proposes to drop. If it is not a matter of bargain it makes his position much worse, because I have always taken him to be a champion of labour—or rather it has been claimed that he is one of the champions of labour and I have taken him at least to be a well-wisher of labour. Now, what is the story that this amendment supports? It supports quite clearly that here is Mr. Clow coming in the name of the Government and saying "No, you should have the application of this provision against political strike for any strike, provided the police take it into their heads to apply it, because these three words are to be dropped". Sir, our Courts have got a very peculiar habit—excuse me, Sir, for my making reference to the Courts—for everything they simply refer to the British legislation that may be there on this particular subject; and what do they do now? They look into the old Act and they see these three words; and in this new Bill when it becomes an Act these words will not be there, or at least two words will not be there; then they simply wonder why it is that the Legislature has taken particular care to drop these two words or these three words and they say, it must be because the Legislature wanted this section to be made applicable as widely as possible, for as many strikes as possible: and once they read it that way, they will make it impossible for any genuine strike to be carried on in this country because it might be mistaken for a political strike. Why is it that workers go on strike at all? It is not because it is a matter of play with them: it is not that they simply want to learn some political or economic or even industrial experience by going on strike. If they

want to do that they must be very rich indeed: because then it will be a mere matter of play with them; they can say "Let the employer suffer; we have enough to eat and enough to clothe ourselves with and to house ourselves". But they are not rich, they are very poor; most of them are afraid to think of the morrow for their food and raiment: in the old biblical fashion they are obliged to go on praying that they should be granted not stones but bread for the next day; and for such people, how is it possible for anybody to claim that they like to go on strike in a lighthearted fashion or for no reason at all? They want to go on strike for very serious reasons and to improve their own economic conditions. True that they might like to go on strike some day to improve their political conditions also, but now, when they resort to any particular strike, they simply want to improve their economic condition. Under these circumstances, why is it that Government should make these exceptional provisions in this Bill to make a political strike illegal? There is no danger of any political strike being resorted to. Has there been one general strike in this country which has been declared to be a general strike? No. As far as we can see, there was only one general strike in England and it is only after that had taken place that some legislation came to be passed there to make it illegal. But when there is no need at all here for such legislation, I do not see why it should be placed on the Statute-book only to be made use of by the police in order to harass the workers and their legitimate trade union activities.

Then I come to the question of public utilities. We all want public utilities to be safeguarded; but when we wanted these public utilities to be owned and controlled and managed by the State, why is it that Government is not prepared to co-operate with us? Why is it that Government are so affectionate towards these private capitalists and commercial interests and want to leave all these public utilities in the hands of these private interests only for their own private benefit? It must be because the Government really does believe that the welfare of the community is assured so long as these private individuals are allowed, helped and encouraged to pocket as many millions as possible for their own private benefit at the cost not only of the community but also of the labouring masses. From such a Government naturally we can expect only this section 15 and further extensions of the application of this section 16 and nothing else. But is it really in the interests of labour? Even the Royal Commission on Labour of which my Honourable friend, Mr. Clow, was himself a member, and I daresay a respected member, had come to the conclusion that this provision was unjust, was partial in favour of the employers and against the workers, that this is a one-sided provision because you make it obligatory for the worker to give fifteen days' notice within a period of one month of his intention to go on strike; if he fails to give that particular notice, he is liable to be fined or imprisoned or suffer both. When they have made it so very stringent, why is it that they have not tried to create any sort of conciliation machinery, or provide any other machinery in order to make it possible for these workers to get their ordinary day to day grievances redressed? They have not made any provision whatever. The Royal Commission wanted that such a provision should be made, and I am sure that Mr. Clow was himself a signatory to that recommendation and he accepted it. If that is so, why is it that till now, he as a spokesman of the Government has not come forward with a Bill or a clause in this Bill providing some conciliation machinery for all these public utilities? It is because Government really

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does not allow him to go so far as because Government do not wish to think about labour; and like other reports of Royal Commissions appointed only for the benefit of the people of this country, this report also has been consigned to the waste-paper basket. To penalise these workers in public utility services in this way, without any compensatory benefit, is not at all fair. What happens? As my Honourable friend, Mr. Abdul Qaiyum, has said, many of these public utilities today are in the hands of private individuals, companies and interests. Take the railways. We know how these privately managed railways are behaving towards labour. Not to speak of raising their wages or giving them any special privileges in the matter of holidays with pay or a provident fund for their low-paid employees, the railways have not even cared to extend recognition to registered and well-established labour unions. The Great Indian Peninsula Railway Labour Union is as old as ten years. The Bengal Nagpur Railway Labour Union is a powerful and representative union; yet these two unions are still not recognised. What is more, the railway authorities refuse to recognise these unions and Government merely says again and again "We are not directly responsible for the administration of these particular railways and so we are not able to give any assurance to the Honourable Members that these unions will soon be recognised; we will use our good offices". But they have used their good offices for nearly an year in vain. These unions are still there without any recognition. This is in regard to railways which are owned by the State but not managed by them. But what about the other employers. There you have the yellow trade unions. Many of these employers create bogus trade unions of some workers who are in their pockets, and then they say—"Well, here are your own people who represent labour. If they ask for any particular thing, we are certainly prepared to consider it, but since they do not ask for anything, we can do nothing". But if all the other workers ask for anything, the employers simply say that they cannot recognise that. That is the way how they behave themselves. Only today a general strike of all tramwaymen is going on. They are obliged to go on *Satyagraha*. Government wanted to use their good offices also, but the Tramway company were obdurate and would not yield to the demands of these workers; their demands are very reasonable. They want a little more wage, better uniforms and so on. Yet the tramway company would not yield. Does the Government come forward with any assurance that there is any provision in this Bill to make it obligatory for the Local Government there or for themselves to appoint a conciliation machinery? And yet, Sir, if this particular Bill were passed into law, it would become impossible for those people to go on strike unless they gave a notice in writing a month or 15 days in advance about their intention to go on strike. If they do not do it or if they give a shorter notice, then they come within the mischief of this particular measure, and each one of them is liable to one month's imprisonment or to a fine of Rs. 50 or both. Now, where are they to get this money from to pay this fine when they are already starving. Yet that is what will happen if this provision is passed. That is why the National Trade Unions of Federation suggested that the whole section should be deleted, or if it is not deleted, then at least some compensatory advantage should be shown to the workers. Of course, this idea of theirs is on all fours with the recommendations of the Royal Commission on Labour, but yet no such provision is made here. Therefore, I think we ought, in all fairness to the workers, to throw out the

whole section. But Government will not be satisfied with that. They want to extend it to steamships, trainways and so on. Tramways are not the only means of communications, especially now when the buses are successfully competing with tramways. In fact, tramways are not very popular as the buses. In Bombay, I am told, buses are also run by tramways, and therefore they can exploit both the consumer, the community as well as the workers. And I don't see why the tramways should be brought within the category of public utilities. It is bad enough to have that old section, but it is worse to extend its scope further to other concerns. Then there are the steamships. I rather fear that there is some legal Indian interest, but essentially a non-Indian interest behind it. Most of this coastal traffic is in the hands of non-Indians, and a part of it is to be brought in here. Most of these tramways are also owned by non-Indians. Of course, legally, according to the wonderful Parliamentary Act of 1935, the owners of these tramways are also Indians or they are to be treated as Indians, but they are not really Indians,—and it may be that for the benefit of these people for whom Government has always some solicitude and whose words carry more conviction and weight than all our words put together, they wanted to extend the scope of this Bill in this direction except for that particular route between Comilla and Sylhet by which people can reach Assam. There is no other part of India where these steamships or waterways are absolutely essential for people to travel, and for that one particular service alone there is no need to make this provision. Government have not made out a case to prove how many times had there been any strikes at all on that particular service, how many workers were involved, what was the damage caused to the tax-payer and so on. If there was no damage caused to the public, if there had been no serious strikes, I do not see why for any problematic insurance to be aimed at Government should come forward with this provision and extend it to steamships as well. They may say they have to carry passengers, and straightaway every one of these steamers can be converted into a passenger steamer; they may say "Oh, we have added one cabin here, and one cabin there, and we can carry 8 or 4 passengers". If they carry even one passenger it is enough; only they have to put it down and say that the steamer is intended to carry both goods and passengers. Then it will come within the scope of this Bill, and therefore I do not want this extension at all.

Then, Sir, if Government are really anxious about the welfare of the community and want to safeguard the interests of the public in this country, let them straightaway say that they are not going to restrict these public utilities only to those which are owned, controlled and managed by the State, whether by Provincial or the Central Government or by Local Boards, that they are even prepared to extend them to those public utilities which are in the hands of private employers, but which will satisfy the condition that certain minimum conditions of labour are offered to workers and proper safeguards provided in so far as the interests of consumers and the public are concerned. Government are not prepared to give that assurance; they are not prepared to make these provisions in this Bill, and therefore I do not want this section, at least I do not want an extension of this section.

Then, Sir, there is a big story behind this section 16. They wanted to drop it, because they found it practically useless for them, and therefore they wanted to have something else, and so they brought in clause 8.

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Suddenly they decided to drop this clause 8 also and give the employers sufficient time to create some more mischief for workers. When they said that they were dropping section 16—that is what the Honourable Sir Thomas Stewart said in Simla,—they wanted to have clause 8 in an amended form, so that much of the mischief may be removed so far as labour and other interests were concerned, and the reference in respect of compulsory application to conciliation machinery may be there. They want to drop it now. Therefore, I ask what is there in this Bill left for labour. Every strike as in the past would go on only so long as the workers are able to carry on. Workers are of course welcome to apply for the establishment of a Conciliation Board according to section 3, but Government will not appoint it. We have seen it in Delhi. They say 'Oh you have now your own Governments, they can appoint their own conciliation machinery if they want to'. That is why my European friends and others were responsible for the creation of clause 8. They wanted to see that whenever any particular dispute is referred to a conciliation machinery straightaway it should be made illegal; but that is dropped now. Once it is dropped, even if the Provincial Governments want to appoint a Conciliation Board or anything of that kind, are we quite sure that the workers will be able to get their desert? I do not know.

There is a Bill coming from Bombay which maintains that only when recognised unions apply for such conciliation machinery.

1 P.M. such conciliation boards will be appointed. What is that recognised union? It must be recognised by the employer. Which union will the employer recognise? Not the yellow union. Therefore, it is no good leaving the fate of the workers to the tender mercies of either the Provincial Governments or the Central Government, whether they are Congress Governments or any other Governments. (Interruption by Babu Baijnath Bajoria). You wait until you get your Congress Government in your province, then you will be singing another song. I want the workers to be insured against the vagaries of all Governments. Every Government has its own vagaries, and that is why we want that some provision should be made, if not now, at least as soon as possible, that, as soon as this Conciliation Officer who is going to be appointed now reports that his efforts at conciliation have failed and the strike is there and is going on, there should be appointed automatically a conciliation board to study the whole question and place all the facts before the public. I know that so far it is only the Madras Government, after my friend Mr. Giri has become the Labour Minister, which has tried to work this section freely in its proper spirit. What has happened there? Any number of strikes have come to take place. Why? Not because they thought there was a labour man at the head of the labour department, but because they have realised that there is one Minister who knows his duties towards labour and who will not allow the workers to be exploited by all the employers. And they have gone on strike, not for flimsy reasons but for very good reasons, for an improvement in their economic conditions. Mr. Giri has appointed many more conciliation boards than this Government have done in all these years since this particular section has been there on the Statute-book. Who has gained? The workers have gained. That is why I claim that this Bill, not having any provision at all for compulsory reference of every trade dispute to a conciliation machinery, is more in favour of employers than workers. So, my

charge remains there that Government is more partial towards employers even under this Bill than towards workers.

Then, Sir, the Royal Commission on Labour has recommended that there should be a standing conciliation machinery in order to help workers and employers to settle their day to day ordinary disputes so that these, if not settled earlier, may not lead to a serious strike. Government, only for their own State-managed railways, have recently appointed a Conciliation Officer. We do not know how this officer is going to function. We only know that he has not been recruited from the ranks of the welfare workers for labour in this country, and it is quite possible that in the near future this officer or his successor may prove to be as useless or as harmful as the Government itself to labour. But the Government have not made any provision that the company-managed railways also should appoint their conciliation officers and that all the other public utility companies should similarly do so. And as long as they are not prepared to make that provision, it is not possible for us to agree to workers being victimised by section 15.

I am not so very enamoured of the claim that there should be industrial peace. There can be real industrial peace only when workers come to control the whole machinery of industry, and it is only when workers and other toiling masses in this country come to run this Government that it is possible to dream of any industrial peace. The sort of peace that we are having is only the peace of the dead, of people who simply exist but do not live. Because the masses do not challenge the right of these employers to run the industries as they like and jeopardise their livelihood, there seems to be some sort of peace. What is the sort of peace that the Government wants? That there should be no strikes when employers stipulate whatever conditions they like without giving any notice whatsoever to workers, when employers insist upon paying starvation wages even when they can pay better wages, and when employers are allowed to swallow for themselves millions and millions of rupees without sharing with the workers even a small portion of it, then they say there is peace. But once the workers take it into their head to demand a portion of these profits and ask for better conditions of labour, then they say peace is disturbed, there is strife, there is struggle, there is dispute, and they place before us a frightening array of facts of so many millions of workers having gone on strike, so many millions of days of labour having been lost, and for so many days and in so many industries there was so much stoppage of work and so on. Yes, all this only shows that there is somewhere some sore point in your industrial structure. No engine goes without letting off steam. Only when the steam goes out you know that the engine is going to run and is ready to work. So also, only when there is a strike or some sort of a disturbance you really know that workers have got to live and you begin to think of their welfare. Therefore, I am not one of those who are going to be afraid of the very appearance of a strike. Strikes there are, and in a country like this there must be many more strikes, strikes almost galore, not for ever, but for a short time, in order to improve conditions, at least to reach a particular decent minimum of living conditions. If more and more workers take courage into their own hands and go on strikes and then conciliation boards are appointed, I can assure the House that it will be found in every case that these workers are being starved, are being under-nourished, are being under-paid and are being persecuted in every manner by the employers and their conditions are bound to be improved. Their conditions certainly came to be

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improved because of some legislation undertaken as a result of the report of the Royal Commission on Labour. When it was being appointed, there were employers who said, "No, we do not want any such Royal Commission". When legislation was being undertaken, the employers said, "This Government is going too far. We do not want all this legislation. We are treating this labour very humanely and nicely and every piece of labour legislation is going to help labour". Every conciliation board has really tended to improve the conditions of labour every time it was appointed because the conditions of labour are so very bad in this country and the workers are so hopelessly ill-treated and exploited by the employers. This is why I am not going to discourage, even if they wish to call it, this fever of strikes. When this fever comes, let it be a very useful fever and not a suicidal one. (An Honourable Member: "Can fever be useful?") Yes, it can be very useful. You had better go and ask Mahatma Gandhi. He will tell you that fever is an indication of something wrong in the system. When a strike takes place, when the workers have taken their courage in their hands and when they decide to risk their livelihood, the object is to draw the attention of the community and the people in that particular industry and also the Government and tell them that something should be done to improve their conditions. We should welcome that. We should really congratulate these workers on their being prepared to sacrifice even the little pittance of a livelihood that they are getting in order to improve their conditions. We should welcome that expression of discontent and take the opportunity to explore all avenues and compel the employers to satisfy the minimum conditions as regards labour and wages. That is not the spirit with which the Government is actuated. That is not anyhow the spirit with which the Government have come forward with this Bill. That is why I am not so much in favour of this general consideration of this Bill. I do not want this Bill. I do not want even this particular Act, because I know that if this Act were not there, the Provincial Governments will have absolutely no excuse not to discharge their own duties towards labour and once they are obliged to move in the matter, I am sure they will be obliged to go very much further than this Bill, even very much further than the Bill that is sought to be introduced by the Government of Bombay recently and to do justice to labour. Fortunately, in the provinces, labour has come to have a greater voice than in this House. All the members of the scheduled castes, a good number of my Muslim friends, a good number of Congressites and the special representatives of labour, all of them make a very much more imposing array of friends for labour than a few of us here, one nominated Member and some elected Members. The Government in the provinces is much more responsible and is obliged to be much more responsive to public opinion, and therefore Government have to take up much more radical legislation but they will not do it, because this particular Bill is there to give them an excuse and they say "we have many more urgent things to do". That is why I do not want this particular Act on the Statute-book. If power is given to me today to get rid of this Act, I will certainly do it but if I cannot do it, then I want the co-operation of the House to see that as much mischief as possible is removed from this Bill and if possible to see that this Bill is thrown out.

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

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

Prof. N. G. Ranga: Sir I wish to draw your attention to a few recommendations made by the Royal Commission on Labour. On page 347 of their Report they say:

"We would emphasise the fact that the most useful form of State assistance in dealing with trade disputes is scarcely employed in India. The official outlook, like that of the public, has been concentrated largely on the final stages of disputes. As a rule committees and tribunals have been set up only when disputes had attained considerable magnitude, and when a strike was either imminent or in being. Individual officers, on the comparatively rare occasions when they have intervened, have also waited, as a rule, till the later stages. It is at the climax of a dispute, when the parties have completely failed to reach a common standpoint, that settlement is most difficult. At this stage public opinion tends to demand action. Government, which has been either unaware or a passive spectator of the earlier stages, may be compelled to intervene, and such intervention nearly always partakes more of the nature of arbitration than conciliation....."

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 need of qualified officers to undertake conciliation is greatest in Bengal and in Bombay; but elsewhere also the heads of the labour departments or other qualified officers should undertake the work of conciliation....."

And, Sir, to give effect to this recommendation Government would certainly have established a standing conciliation machinery. What is known as the Whitley Commission in England started on the recommendation and on the initiative of the late Mr. Whitley who was the chairman of this Commission and the same kind of machinery could have been established in this country also, but Government have not done that.

Mr. A. G. Clow: We are precisely doing that, in clause 11 of the Bill.

Prof. N. G. Ranga: Instead of that, they have simply tried to give belated effect to one of the many recommendations made by this Commission that there should be appointed conciliation officers. I say it is rather too late in the day, because the Bombay Government itself has appointed a conciliation officer long ago; the United Provinces Government proposes to appoint one, and now for this Government to say that it will be open to Provincial Governments to appoint conciliation officers is really not going far enough. Conciliation officers there must be at least in every industry which is declared to be a public utility. Even that is not proposed to be done by this Bill. Then, Sir, in regard to public utilities, they say on page 346:

"The principle is accepted in a number of other countries and had found a place in certain other Indian Acts long before the Trade Disputes Bill was introduced; but it is not one which commands by any means universal assent. In our view the weakest point of the Indian provision is that, while it restricts the powers of workers in public utility services to coerce their employers, it gives in return no assurance that their grievances will receive a hearing. We have made elsewhere proposals to alter the position of railway workers in this respect. With regard to the other classes to whom the section applies, we think the question of providing means for the impartial examination of disputes should have early consideration. The danger that must be faced here

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is that the external machinery set up for arbitration may be invoked without adequate cause, *e.g.*, that strike notices may be sent whenever a workman is dismissed, and that there may be a corresponding disinclination to settle disputes internally. This danger can be minimised in various ways, *e.g.*, by making arbitration conditional on a definite failure of the parties to reach agreement in a reasonable time and on a substantial measure of support for an application and by requiring a deposit of money with each application. The deposit required, which could be forfeited if the application proved to be trivial or vexatious, should not be larger than is necessary for the purpose in view."

Lastly, I wish only to state that the Bill, as it is, is not at all in favour of workers, and for the sake of this paltry provision, that is, the last clause of the Bill, it is not fair that the House should be asked to accept this Bill *in toto*, because the Bill on the whole weighs more on the side of the employers and against the workers. I, therefore, request the House not to give its sanction to this Bill as it is placed before the House.

Mr. T. Chapman-Mortimer (Bengal: European): Mr. Deputy President, it is not my intention on this occasion to go into any lengthy examination of the Bill now before the House, nor is it my intention to deal in any detail with the various points of criticism brought against employers by some of my Honourable friends opposite. It is, however, necessary that we, in this Group, should set out our attitude briefly and in broad terms in regard to certain general charges that have been made against employers as a class—and we, as a Group, represent a fairly large section of employers—and also to set forth our general attitude in regard to the motion now before the House.

In regard to the general charge that employers are opposed and have been opposed to any kind of legislation for the amelioration of labour, I think the answer to that is to be found in the attitude of this Group, and of other Groups representing employers, during many pieces of legislation which have been dealt with by this House during the last five years. It has been suggested that very few recommendations of the Whitley Commission have in fact, been implemented by Government. My Honourable friend, the Labour Secretary, will, I feel sure, deal adequately with that charge. So far, however, as I can see, it seems to me that a great number of very useful recommendations of that report have in fact, been implemented under the guidance of a recent colleague of ours, Sir Frank Noyce, and under the guidance of his able Secretary, my Honourable friend, Mr. Clow. As I have said, in our attitude towards these various pieces of legislation introduced in the past will be found, I think, a sufficient answer to those who suggest that employers on this side of the House at all events are unsympathetic to any kind of legislation designed to assist and ameliorate the conditions of labour. Then, Sir, the second and more specific charge is that employers of labour are out generally to crush labour, to impose upon it conditions of work which are intolerable, and to impose wage rates and other conditions which are not calculated to improve or to raise the standard of labour. Well, Sir, I absolutely deny that charge and anyone who knows anything at all about the history of labour conditions in this country during the last 30 years would, I feel certain, agree with me, in denying that charge brought in a general way against all employers, whether European or Indian.

Then, Sir, in regard to our attitude towards the motion now before the House that the Bill to amend the Trade Disputes Act, 1929, be taken into consideration: to that question we answer with an affirmative. We are in favour of this Bill being taken into consideration. In that connec-

tion, I should like to take the opportunity to congratulate my Honourable friend, the Labour Secretary, on the very able analysis he gave when he introduced this Bill. In that connection, too, I should like to say how much all sections of the House,—and I believe I am speaking not only for our section but for others as well,—appreciate his attitude towards this House. He knew very well that in the matter of clause 8, which deals with section 16, very strong feelings have been aroused in different quarters and for quite different reasons by persons approaching the subject from very different angles. Knowing that as he did, he took very great pains to explain his own position and to show how he and the Government he represents tried to approach this problem; why it was that they first put forward a proposed new section 16A; and why it was that in the Select Committee they altered their point of view. Finally, he gave a definite and clear undertaking to the House—at least, if I understood him correctly—that he and the Government realise that it is important that every avenue should be explored to see whether something could not be done to make it possible for the settlement of strikes, and discussions in regard to such settlement, to take place in a better atmosphere than is always possible when you have the bitter feeling aroused, that normally is aroused when men are still on the strike or employers are still in maintaining a lock-out. Therefore, from that point of view as well as from his own general attitude towards this House, I appreciate and I know that we, in this Group, all appreciate the attitude of my Honourable friend, the Labour Secretary. I agree with him—and I feel sure also here again, many others agree with him—in thinking that this Bill is not a very momentous Bill. At the same time, as it has emerged from the Select Committee, it has been improved and is designed to assist in the creation of suitable machinery for dealing with industrial peace. My Honourable friend, the Labour Secretary, very capably pointed out that there is a limit to the possibility of providing by legislation for the promotion of industrial peace. Obviously, that is so and must always remain so even if we live in the paradise that my Honourable friend, Prof. Ranga, looks forward to, because in the last analysis the relationship between the employer and the employee,—whether the employer be the State or an individual,—depends on the personal contact of the individuals concerned and on the way in which these individuals handle any particular problem that comes before them. At the same time, something can be done by legislation to promote industrial peace and it is from that point of view that I welcome clause 10 as it is now (clause 11 as it was in the original Bill) dealing with Conciliation Officers. My Honourable friend, Professor Ranga, quoted at length from the Whitley Commission report for reasons which I find it very difficult to understand; because all he did by quoting, in the way he did from that report, was to prove to the hilt the wisdom of my Honourable friend, the Labour Secretary, in introducing this Bill and to prove how utterly wrong he himself was in his opposition to it! I, therefore, find it extremely difficult to understand why he took the trouble to quote, as he did at such length, from that particular document, because in clause 10 of this Bill there is a definite provision for the setting up of an intermediate type of conciliation machinery between what the report called the heavy artillery of the Trade Disputes Act, 1929, and a situation in which nothing exists at all. It has been suggested in one or two quarters that if this Bill is passed it is going to prevent Provincial

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Governments from implementing their own promises to labour or their other supporters, or in other ways from taking action designed to improve and promote industrial peace. I am perfectly certain my Honourable friend, the Labour Secretary, will deal trenchantly with comments of that kind because they are, of course, quite wrong.

It is, then, suggested that this Bill was promoted by capitalists. One Honourable Member even went so far as to suggest that we, in this Group promoted it. All I can say is I wish he had been present at our discussions on this Bill when it was first introduced a year ago. He would have realised then that so far from having promoted it we did not like it at all. It has now been improved very considerably. In the first place, the obnoxious clause 8 has now been largely deleted and section 16 of the Act, slightly amended, has been restored. In the second place, clause 10 has also been improved. Therefore, we have very adequate and reasonable grounds for changing our opinion. We are not, I think, among those who believe that merely to say the same thing day after day serves any useful purpose or is a mark of intelligence. I feel sure my Honourable friend, the Professor of Economics on my right, being as he is a seeker after truth and learning will agree with that point of view.

Then, Sir, it was suggested, for what reason I could not quite understand, that public utilities will really be only public utilities if they are owned by the State. We may all have—and many of us *do* have—very strong views on one side or the other in regard to State-ownership or State-management or State-control of industry and, in particular, of public utilities. But that fact need not blind us to a realisation of realities, and the reality of the position is that if you are managing an Electricity Supply Corporation or a Water Works or some transport or other facility for the convenience of the public, you are conducting a public utility just as much if you are a private employer as you would be if you were a State employer.

Lastly,—and I have almost finished,—it was suggested in one quarter that the object of this Bill and the underlying intention of this Bill is, in some way or other to, stifle the organisation of labour in this country. Well, Sir, this Bill has directly nothing whatever to do with the organisation of labour, which is dealt with under the Trade Unions Act. At the same time, it is obvious that any Bill relating to trade disputes must, to some degree, affect the development of trade unions. Of that, I need not say more at this stage except to say that I am quite certain that it was far from being the intention of so well-known a friend of labour as my Honourable friend, Mr. Clow, to bring in a Bill designed to stifle the very natural and proper development of trade unions in this country.

Mr. N. M. Joshi (Nominated Non-Official): Mr. Deputy President, when the House discussed the motion that this Bill be circulated to elicit public opinion, I took advantage of the opportunity to express my views on the principles and some of the important clauses of this Bill. I shall, therefore, confine myself on this occasion to examine the changes which the Select Committee has made in the provisions of this Bill.

While moving that the Bill be taken into consideration the Honourable the Secretary for the Department of Labour stated that, on this Bill those who try to represent the interest of labour and those who try to represent the interest of employers differ considerably and he expressed his view also that this is a Bill intended to bring about industrial peace and

we should, therefore, examine it not from the point of view of labour nor from the point of view of employers alone but from the point of view of the community as a whole. In his speech, he also quoted a friend of his in the British Trade Unions movement who expressed the view that a strike is a declaration of war. Now, Sir, on these general remarks of the Honourable Member who represents the Department of Labour, I would make only a few remarks. Let me assure the Honourable the Secretary of the Department of Labour that I agree with his friend in the British labour movement that a strike is a declaration of war. But is the Honourable Member surprised that there should be strikes in a system which is based upon the principle of war, the principle of struggle—we call it by the milder term, the principle of competition. If your whole system is based upon the principle of competition and struggle, what else do you expect except a strike. You may call it by a frightening name, call it war, but you cannot escape strikes, you cannot escape war if you adopt the system which is based upon the foundation of war. I would, therefore, like this House not to be frightened by the use of the word "war" for a strike. Many of us, perhaps most of us, practise the act of strike practically every day in our life. Sir, these acts are individual acts. I go to a shop, the shopkeeper asks for a price, I refuse to pay that price and I return without purchasing the article. This is a sort of strike. What does a man do when he goes on strike? The employer offers him certain conditions, he does not accept them, he refuses to work. Now, what is there frightening in this act of refusing to work. You may call it war, but there is nothing to be frightened about it. Sir, although I have tried my best to represent the interest of labour in this House, let me assure again this House and the Honourable the Secretary for Labour that I am against strikes as much as he can be. Sir, I know that in this war, in this struggle, the side of labour is weaker, labour suffers more on account of the strikes than the employers do. The labourers starve on account of the strikes, the employer may suffer some loss. The employer may lose Rs. 100 out of a thousand, but he does not starve on account of that. I am, therefore, not generally in favour of strikes. But, Sir, if we are against strikes, if we stand for industrial peace as I do, then a Bill merely to settle strikes is not going to bring about industrial peace. The Honourable the Secretary for Labour stated that in order to bring about industrial peace there must be legislation of various kinds. I do not know what he meant.

Mr. A. G. Clow: I did not say it.

Mr. N. M. Joshi: The Honourable Member thought that the Trade Disputes Bill was going to bring about industrial peace. Well, Sir, industrial peace is based upon social justice. If the system under which the workers work is just, you can expect industrial peace. But if your system is such that there must be strikes, then any amount of legislation that you may pass for settling disputes is not going to bring about industrial peace. Therefore, Sir, let us not talk about industrial peace when we are discussing measures for the settlement of disputes. I do not wish to go into the history of this legislation, because, as I have said, I have already spoken on that subject.

The main clause of the Bill is clause 8 which is substituted in place of section 16 of the original Act. Section 16 of the original Act made certain strikes illegal. The first is that the object of a strike is beyond

[Mr. N. M. Joshi.]

the ordinary object of an industrial dispute, the dispute in an industry in which workers were employed, so that if workers in one industry went on strike and the workers in another industry wanted to support them in that strike and went on strike, even the object need not be a political one, that was one of the elements which made that strike illegal. So, Sir, those people who feel that that section 16 was intended only to deal with political strikes are not quite right. Sir, the second element in a strike which made strike illegal was that the strike besides having the object of helping the workers in more than one industry, should also have the object of compelling the Government by doing something which was likely to cause hardship to the community. Well, Sir, my object in going on strike sometimes may be to compel Government, because Government not only deals with political matters but industrial matters too. By doing that causes hardship to the community. Sir, the Honourable Secretary for Labour and the House will agree with me that in any strike if the number of people involved is large, there will be some hardship

to the community. Therefore, it is not with political strikes only that this section 16 deals. If we say that it is only political strikes that this section 16 deals with, then we shall have to examine the meaning of the word "political". I shall give you an example of a strike which in my judgment is not political but will be covered by section 16 of the original Act. Let us suppose that the Government, in a fit of generosity, have established a system of health insurance, and have made it applicable to the mining industry but have not applied it to the textile industry. The men in the textile industry do not like this discrimination and they go on strike. The miners, on account of a feeling of solidarity of labour, join the strike. Sir, this is a strike the object of which goes beyond the industry. This is a strike which is obviously intended to bring pressure upon Government. You may say it is to coerce the Government; but I say it was a strike intended to bring pressure upon Government. The strike of the miners may cause some hardship to the public and the strike will come under the provisions of this section 16. I do not think there are many Members here who will call this strike a political strike. It is, no doubt, a strike intended to coerce Government and to bring pressure upon Government. It is no doubt a strike which extends beyond one industry, but it has absolutely nothing to do with politics or what we generally consider to be a political strike; and this section 16 will apply to that strike. Moreover, Sir, I should like to say one word to those Members who generally do not like political strikes. I may state that I am too generally averse to the method of using political strikes for our ordinary political agitation. But that is a different thing from saying that a strike is an illegal weapon for political agitation. We do not consider non-co-operation as an illegal method of political agitation. A shopkeeper closes his shop as a measure of political agitation. We have no law to punish the shopkeeper.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): In cantonments, Yes.

Mr. N. M. Joshi: But a man can close his shop as a method of political agitation. We have a great service called the Indian Civil Service. Those gentlemen may go on strike and I am quite sure they will cause great hardship to the public. Their object will be political. Is there

any law or any section in the Indian Penal Code which will say that these gentlemen will be put in jail on account of their going on strike?

An Honourable Member: They will get the sack.

Mr. N. M. Joshi: If they get the sack, industrial workers will get the sack too; nobody escapes that sack. The question is whether the act is an illegal act. A whole community may go on strike; we do not consider their going on strike as an illegal act. A shopkeeper may close his shop; the pleaders and barristers may not go to court; that is not an illegal act. But if an industrial worker does not go to his factory on account of a political motive that is an illegal strike. Sir, this section 16 is a discriminatory section. Whether or not you approve of non-co-operation or a strike as a political weapon, you have no right to discriminate between politicians belonging to the middle classes and politicians belonging to the working classes. If you are against strikes and against non-co-operation, let us have a law which will apply to everybody, but it is wrong that there should be one law for the middle classes and another law for the working classes in their political methods. Sir, this is my main objection to section 16 of the original Act; it is a discriminatory piece of legislation,—one law for the middle classes and one law for the working classes. If the Government of India wanted a law or if the members of the European Group want a law or any other Members of this House want a law against political strikes, let them have a separate piece of legislation for dealing with political strikes. Let them include, if they like, the industrial workers in that law; I shall not object. But to have a discriminatory legislation only in the case of industrial workers is wrong, unjust and unfair. Sir, I shall not deal with that aspect of this question. Section 16 of the original Act has been in existence for more than nine years. Now the Government of India have come forward to change section 16 of that Act by removing certain restrictive words in that section. According to section 16 of the original Act, a strike could only be illegal if the hardship that was caused to the community was severe, general and prolonged. Sir, when this Act of 1929 was introduced, Mr. McWatters, who was then the representative of the Government of India in the Legislature, stated very clearly what in his view was an illegal strike. Mr. McWatters stated in the House that some friends of his from Bombay were very glad that the Government of India were introducing section 16 of the Act because his friends in Bombay thought that section 16 would prevent the strikes that generally took place in Bombay. Mr. McWatters made it very clear in the Legislature that section 16 was not intended to apply to strikes that took place in Bombay. The Honourable the Secretary for Labour stated that the object of the Government of India was the same as before. The Government of India have stated in the Notes on Clauses that the object of section 16 has failed. The original object of section 16 was not to apply to strikes like the Bombay strikes at all. I should like to know how section 16 has ever failed. There was a case made in Bombay which, in my judgment, was a very foolish case. After the statement made by Mr. McWatters, to spend public money on a case of a strike in Bombay for an increase in wages or rather for restoration of a cut in wages was a very foolish act. Section 16 could never apply to that strike and Government merely wasted public money. After having committed that folly, that Government approaches the Government of India and states that "your law is not of much use to us. . . ."

Mr. M. S. Aney (Berar: Non-Muhammadan): What was the result of that case?

Mr. N. M. Joshi: The case did not stand: it failed. I should like to know from any one who supports the report of the Select Committee how section 16 of the Government of India Act has failed. Were there any general strikes in this country? How many general strikes took place in this country which caused great hardship to the community? Government failed in Bombay. There was only one case brought under section 16 and Government failed: they failed in a case which was never intended to be covered by section 16, and that the case was not to be covered by section 16 was clearly stated by a representative of the Government of India in this House. There has been no strike in this country which could be covered by section 16. It may be said that the Government of India believes in prevention. My Honourable friend, the Secretary for Labour, stated that prevention is better than cure. I agree with him. But is there any danger or any risk of a general strike in India taking place?

Mr. F. E. James (Madras: European): It is imminent.

Mr. N. M. Joshi: Is it imminent? If it is not imminent, why waste public money and time in passing legislation? There are many dangers against which we have not yet provided. We have not wasted public time and money in fighting imaginary dangers. My Honourable friend, Mr. James, says: 'It is imminent'. He may know my country more. But is the House going to agree with him that there is a general strike imminent in India?

Mr. F. E. James: In South India, Yes.

Mr. N. M. Joshi: He says now: "In South India". Next time, he may say a general strike is imminent on his own plantation. Section 16 of this Act is not intended for these strikes. It is wrong, therefore, to try to pass legislation against imaginary dangers. There is no danger of a general strike in this country, and, therefore, we are wasting public time and money in trying to pass this legislation.

I do not wish to deal with the particular clauses of this Bill. But I hope that the House will examine this Bill from the point of view of the community, from the point of view of fairness and justice, from the point of view of practicability, and I have no doubt the House will come to the conclusion to which I have come.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I fully endorse the observations made by the Honourable Mr. Joshi as also by my friends who have spoken previously that this Bill which is before us for consideration is not a desirable Bill. The Bill, as it has emerged from Select Committee clearly shows that out of 15 members, nine members have given a minute of dissent. Somehow or other both capitalists and Labour representatives have given their minute of dissent. Even there is a note of dissent by the Honourable Mr. Aikman. Under these circumstances I think the Honourable Mr. Clow, the Labour Secretary, should have given up the consideration of the Bill for the present and should introduce a better one hereafter. This

is an amending Bill. I do not see that the amendments proposed have really done anything to improve upon the original Act. As all my friends have pointed out, the importance of this Bill depends on section 16 of the original Act—the right to strike. The original Act says: "Special provision for illegal strikes and lock-outs". First of all, it is a prerogative of organised labour to combine against their employers and to have their legitimate grievances redressed; and a strike is the only legitimate weapon with which the poor helpless labour can organise under the guidance of men who have sympathy for them and who work for them as labour representatives. The Bill under discussion wants to take away that right by introducing these amendments about which every one of the Honourable Members, who spoke before me, has pointed out. Clause 8 of the Bill says:

"in clause (b) the words 'general and prolonged' shall be omitted."

It also says:

"in clause (a) after the words 'other than' the words 'or in addition to' shall be inserted."

By the addition of these two words, it takes away the right altogether; for any purpose a strike may be said to be illegal. So this is not an improvement. It is rather depriving the labour of their legitimate right to combine and go on strike to have their grievances redressed. And what does the proposed omission of the words "general and prolonged" from section 16 mean? A strike may be declared to be illegal as soon as it is on. Even if it be for a day or a very short period, the removal of these two words will take away the right to strike. If these words are really removed, then, I am sure, Mr. Clow will agree that it takes away a very great right and privilege of the poor labourer, and, therefore, he should agree not to press these amendments. The rights of labourers to express their feelings freely and frankly and to ventilate their grievances in an open manner should be freely encouraged if Government is really anxious to provide a peaceful life to labour. Sir, we have been witnessing these days the prosecution and conviction of labour and peasant workers somewhat unjustly on various pretexts. Various sections are being applied for preventing them from working amongst their own countrymen to remove the illiteracy, and ignorance of labour and of peasants and, therefore, we should not be a party to a measure like this which, instead of encouraging labour to improve its condition, seeks to take away the legitimate rights to express itself freely and frankly in regard to their condition generally.

Then, Sir, with regard to the other small amendments, I think, if they are examined rightly, it will be found that they also are not calculated to improve the original Bill. I would, therefore, ask the Honourable the Labour Secretary to reconsider the Bill which has emerged from the Select Committee and postpone its further consideration. If he really means to improve the conditions of labour and bring about peaceful conditions in labour, which it is almost impossible to expect under the present system, he will be well advised to introduce another new Bill and circulate it for public opinion. The present measure is not at all acceptable to any one of us, as it is not calculated to advance the cause of labour. I hope the House will reject this measure.

Mr. Sami Vancatashalam Chetty (Madras: Indian Commerce): Sir, I rise to take part in this debate, not so much as to differ from the several

[Mr. Sami Vencatachelum Chetty.]

Honourable Members who have spoken on this measure in the sentiments they have expressed, but with regard to the relevancy of most of the points raised in the debate. Sir, my friends who have preceded me have referred to very many disabilities from which labour in this country is suffering and would suffer under the proposed amendments. They have accused the Government of being more partial to capitalists as against labour. With all respect to their opinions, I must say that their speeches savour more of special pleading for labour than constructive criticism as legislators on the amendments suggested here. I am not an industrialist, nor an employer of labour. I consider myself to be a white collared labourer

Mr. N. M. Joshi: You are a middleman.

Mr. Sami Vencatachelum Chetty: In fact, except while at Delhi and Simla, I perhaps work for more hours than a labourer is allowed to work under the Labour Union Regulations. I really disagree with my friends if they want to import in season and out of season considerations which are more relevant on political platforms than in legislatures like this. We are today engaged in considering certain amendments to an Act which has already been passed.

Now, Sir, it is the duty of the Legislature to keep the scales even and to see how far we can improve the conditions of labour without affecting the general prosperity and the economic progress of this country. Today it is not only the problems of labour and capital, industry and agriculture, that are the pressing problems of this country, but the most important problem of India, in which every shade of political opinion ought to be engaged, is the economic regeneration of this country, and I am sure my friends, who spoke before me so vehemently on behalf of labour, would be the first to acknowledge that what they really meant by the economic regeneration was the economic prosperity of the masses of this country. That they and I are sitting on the same Benches is an indication. Sir, that irrespective of our personal opinions, we are both engaged in that grand work of the economic regeneration of this country. Therefore, every energy of every political section and of every section of the population of this great country ought to be harnessed to solve that pressing problem. Now, I beg of my friends to examine the conditions and the restrictions which countries like Germany and Japan have imposed in order that those countries might develop economically and materially. Some of my friends have got unalloyed love and affection for Nazism and Communism, and what do these "Isms" mean?

An Honourable Member: Not on these Benches.

Mr. Sami Vencatachelum Chetty: Sir, I personally like Nazism for the economic drive it has got

Mr. N. M. Joshi: You like it because you are quite safe; the Government is also Nazi.

Mr. Sami Vencatachelum Chetty: Therefore, it is not a sin to be an admirer of certain aspects of these two "Isms" which seem to cloud the

whole horizon of this world. What did they do in respect of the industries of their respective countries? Nazis cannot be accused of lack of patriotism or of a disregard for the development of their country when they do not impose restrictions on the development of their industries, nor did they accuse communism when they abolished trade unionism as soon as they got into power. Sir, my point is that, if today we want our industries to compete successfully with foreign countries, it is desirable that the relationship between the industry and labour in this country must be as peaceful as possible so that all may benefit by an arrangement of that sort. My Honourable friends always speak of the industrial labour, which, after all, is not perhaps one-tenth of the whole labour population of this country. What about the nearly 85 per cent. of persons who are dependent on agriculture or labour dependent upon them? I have not heard any words spoken on their behalf. We speak of the industrial labour because it has gained strength by organisation, it has gained momentum by the very fact of collective bargaining with employers, and we would like to keep in the good books more of that section of labour than we attempt to do good in respect of the agricultural labour. In matters like this, it often happens that the community which has got to be benefited is rarely taken note of.

What is it that we are trying to do for labour by the vehement opposition which has been advanced by several speakers on this occasion? The amendment of the Act seeks to provide that in respect of public utility concerns it would be penal to strike without notice. Is that a dangerous provision? I am glad that some speakers, at least, have admitted the justification of a provision of that sort in cases where those public utilities are owned and managed by the State. I, for my part, shall be one with them if they should fight for the nationalisation of such public utility concerns. But, so long as we are not able to succeed in that, the mere fact of our failure in that direction does not change the necessity of safeguarding and protecting the public utility concerns from lightning strikes of the sort that are sought to be prevented. I would ask, if all the milkmen should strike on a particular morning, what would happen to the crying children? And what would happen to the invalids in the hospitals? There would be neither curds for me nor buttermilk for those who are jailed. Apart from that, the electricity concerns, transport concerns, and all those others, which by accident are now in the hands of private persons, are really serving the public and it would be disastrous to have any strike, without notice, in such concerns.

Another point that was raised was that if a particular dispute does not confine itself to a particular grievance in the particular trade and if it should be resorted to on account of something else which does not concern that particular grievance, that is also punishable. My Honourable friend, Prof. Ranga, has taken strong objection to that provision, but he himself refuted his own arguments by openly advocating a general strike of all persons in all trades if it could serve some national purpose. With regard to political strikes being subserved for national purposes, I think one has to protect labour from persons who propound such theories and make use of them for political purposes.

Prof. H. G. Ranga: Then you have to save them from the Congress itself

Mr. Sami Vencatachelam Chetty: Not at all. The Congress has rightly shown the proper quarter to my friends like Prof. Ranga in respect of politics. The Congress is not so irresponsible, nor is it so short-sighted as to think that we could make use of these labour troubles for furtherance of political ends. My Honourable friends have taken objection to the notices being insisted upon in respect of strikes. Supposing the tables are turned and no notice is given for a lock-out of workmen, would my Honourable friends look at that state of affairs with complacency? I am sure they will be the first to condemn an act like that on the part of the employers, and the employers would be rightly condemned in cases of such lock-outs. After all, it is not our intention to foment trouble between labour and industry. It is our desire to see that these two sections consider themselves to be profit-sharers in the undertakings in which they are engaged. I think our attempts must be in order to restore friendly relations instead of putting before them lurid pictures with absolutely no prospect of realisation either in the near or in the remote future. I, therefore, think that we would be doing a great dis-service to labour if we do not tell them that strike is only a last resort in a big dispute and not a first resort as it has been generally used.

My Honourable friend, Prof. Ranga, has mentioned that my friend, Mr. Giri, is satisfied with the labour movement in South India. I think I also know Mr. Giri, if not as intimately as Prof. Ranga, at least sufficiently well to know that he is by no means pleased with the manner in which strikes have been resorted to in South India. As a matter of fact, one complaint of labour in South India against the present Government in Madras is that the Minister of Labour has not encouraged them in their somewhat hasty steps to strike work. My Honourable friend, Mr. Avinashilingam Chettiar, will bear testimony as to how these strikes have been resorted to in Coimbatore where there has been a phenomenal industrial progress during recent years.

Prof. N. G. Ranga: Read the reports of the Conciliation Boards.

Mr. Sami Vencatachelam Chetty: If these grievances were based upon inadequate wages or unsatisfactory conditions of life and surroundings, I am sure employers would consider very favourably indeed those demands, and when they fail to do so, there will be enough persons who would compel them to afford the necessary requirements of a good social life. But, in most cases, they are resorted to for imaginary grievances and with a certain prospect that if they collectively strike and bargain they stand to get the better of their employers.

I am glad that my Honourable friend, Mr. Joshi, has admitted that in almost all these strikes that have occurred in this country, in not one single case have the strikers been benefited. That is the experience of persons who have been in the labour movement. That is exactly the reason why those gentlemen who want to speak on behalf of labour must be very careful and cautious. I am at one with them when they plead for the betterment of the conditions of labour, but I shall certainly not advocate a strike which is a dangerous weapon and which should be resorted to only as a last resort. My friends in the European Group are in the anomalous position of being financiers of industry in this country. If they were not the financiers, they would have been more vehement than Prof. Ranga in asking for impossible conditions for the simple reason that Indian industries may not prosper. We should not fall in

line with the Government, who generally put on the cloak of being benefactors of labour and ask for conditions which in the field of competition can hardly be satisfied by the nascent industries which are struggling for existence in this country. My friend reminds me of protection. It is exactly for the reason that you and I are compelled to pay for this protection that we must see that there is no ill-feeling between labour and industry. Every strike means loss to the person who gives the protection. It means a loss in the development of the industry and it also involves loss by the suspension of the work which a strike naturally involves. There will be time enough for us to try to put a Labour Government on the Government Benches when the Congress comes into power. Till then it is our bounden duty to see that economically we are improved so that we may not go under in the field of international competition. My friend, Prof. Ranga, may perhaps be the Premier of a Labour Government in the future and, I am sure, that if he desires that if a particular industry ought to be developed he would see that all these concessions are withdrawn from labour, so that these industries might develop. I do not think my friend is right in accusing me for speaking on this occasion as if I was speaking on behalf of the capitalists. No such thing. I am merely speaking on behalf of the general community and the general progress of the country. It is not necessary that we must always use this weapon of strike. The offices of the Conciliation Boards must be freely used and the workers must insist upon the Conciliation Boards hearing their side of the case and getting their grievances redressed. If the workers feel that their case is strong, that is an argument why they should approach the employers, before they resort to strike, so that they may retain the sympathy of the general community. So, I think we must proceed in the direction of constituting compulsory arbitration boards in order to resolve the disputes or differences as they arise, so that they may not be magnified into a general grievance so as to justify a strike. With these words, I hope that we shall proceed to the next stage of considering the amendments.

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong; Non-Muhammadan): The object of this small amending Bill is two-fold. It seeks to provide for the settlement of the disputes. In the original Act, we had provision for a Court and a Board but in this Bill by clause 17 we are going to provide for Conciliation Officers. This is supposed to be an improvement inasmuch as Conciliation Officers will be whole-time permanent officials who will go about the industrial areas. I cannot say whether this new device will minimise industrial disputes or the war which is often waged between capital and labour. If I am to judge by the spirit of war that is being displayed in this House by champions of labour and capital I am not much hopeful. Another object of this Bill is to protect the public from the inconvenience caused by a widespread strike. We are going to make a little alteration in the definition of utility services. The Bill seeks to give power to Provincial Governments to declare what steamer services can be brought under the term utility services. This definition of utility service has a bearing on section 15 of the Act. There is no amendment on the order paper by any Member of the House to omit section 15 altogether. There is no evidence in this House that any Member of this House wants to do away with section 15, i.e., with the necessity of giving notice, both on the part of the employer and the employed, if they want to lockout or stop work. It is useless

[Mr. Brojendra Narayan Chaudhury.]

now to say anything for or against sections 15 or 16. Supposing they are bad. We may now only try to choose the lesser evil. We may discuss sections 15 or 16 only to explain the amendments proposed. Now, in this definition of a public utility service, the point to consider just now is whether the stoppage of a steamer service or a trainway service would cause as much dislocation of business and inconvenience to the public as the stoppage of a railway service. In these days of motor transport, I am sure that the strike on a railway would not cause as much hardship as stoppage of steamer service would to the public whether to the rich people who delight to travel in cars or the poor public who can take the bus during a railway strike. So, I say, that a strike on a railway would not cause as much inconvenience to the public as was caused, for instance, in the year 1920 by the strike of Serangs and Lascars in the steamer service, in river Poddah between Goalundo and Chandpur as a result of which the entire area of Eastern Bengal and the lower portion of Assam was cut off from West Bengal for a good many days. I do not mean to condemn that strike. Its object was not gain nor political but the motive was milk of human kindness for the sufferings of the Tea Garden coolies oppressed by the Police at Chandpur. I am only concerned with the fact of stoppage of the only possible transport and I want to press upon the House the fact that steamer services are no less essential than railway services but may in fact be more. Again, I do not mean that every steamer service is very important and indispensable one. There is a provision in the official Gazette, declare to be a public utility service, for the purposes of this Act, any water transport service, etc., etc.". I ask Honourable Members of this House, are they not going to trust the Provincial Governments,—of which there are seven Congress Governments—that any such notification that they may issue will be fair? The next important point is in connection with the amendment of section 16 in clause 8. Sir, I am not a linguist nor am I a lawyer, but it seems to me that the amendment of this section, proposed in the Bill, is more or less verbal. If we do not add the words "or in addition to", the meaning would still be the same.

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

Sir, a strike may have more than one object. If we remember that, the meaning of the original section and the amended clause comes to the same thing. The next important thing and a most serious one is that the words "general and prolonged" are proposed to be omitted. Sir, certainly, the object of the Bill is to protect the community, but the community can expect and deserve only a fair measure of protection and cannot expect full protection. As has already been said in this House, owing to the struggle for existence on which our present society is based, almost every strike and in fact every process of bargaining is a sort of warfare,—and whenever there is a warfare it always happens that the third party suffers more or less. If the community wants to be protected, it ought to see that there are no causes of disputes at all. Since the community has not been able to come to that stage of civilization, it must be prepared to suffer with a certain amount of inconvenience. It is for this reason that I strongly object to the deletion of the words

"general, prolonged and severe". Sir, I am not going to take up the time of the House by discussing the question of the relationship between labour and capital or that of partiality of Honourable Members towards labour or capital; we come here as the representatives of labour as well as of capital and of the general public.

Several Honourable Members: I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

The motion was adopted.

Mr. A. G. Clow: Sir, my task has been made easier by the speeches made by Mr. Chapman-Mortimer and Mr. Chetty, and, as I do not propose to deal with the clauses in detail, for discussing which there will be opportunities later, I shall try to be as brief as possible. My Honourable friend, Mr. Gadgil, who started off the debate, complained that we were making strikes illegal but providing no means of redress for them. I think I got him rightly? Well, I was rather surprised to hear that because it was we who proposed a clause by which no strike could be made illegal unless a tribunal had been appointed to inquire into it, and it was he who opposed that clause.

My Honourable friend, Mr. Gadgil, went on, I think, to say that all strikes were economic

Mr. N. V. Gadgil: I said that every strike has some sound basis of economic fact—it is not purely political.

Mr. A. G. Clow: I accept the correction. But my friend, Mr. Abdul Qaiyum, went on to talk about the purely political strike as a necessity; and he said that it might be a patriotic act and that the nature of political strikes was "to paralyse the machinery of Government". And my friend, Professor Ranga, went on to make a declaration that all Governments were in the same box, that the Congress Government were just as bad as those on this side of the House so that these gentlemen who spoke seem to be out to paralyse the activities of all Governments. I am sure the House will sympathise with me if I say that I am very sorry that on mature consideration it is not a proposition that I can support.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Are you willing to paralyse your Government only?

Mr. A. G. Clow: Not at all; far from it. Then, I think Mr. Abdul Qaiyum or Professor Ranga, I forget which, spoke of the exploitation of labour. Well, there are various ways of exploiting labour and one way, I am quite clear, is to exploit it for political purposes.

Mr. Abdul Qaiyum: Certainly to seize power for the masses is not exploitation.

Mr. A. G. Clow: I have heard of a small oligarchy seizing power by exploiting labour, but it is exploitation all the same.

Mr. Abdul Qaiyum: I was thinking of the rule of labour.

Mr. A. G. Clow: But Professor Ranga with a disarming candour said that he was "not enamoured of industrial peace" but there must be many more strikes. He wanted "strikes galore". After that, he said, we will have conciliation. I have tried to explain to the House that the policy of strikes and the policy of conciliation are really antithetic. My Honourable friend, Mr. Joshi, suggested, that I was trying to frighten the House by calling strikes declarations of war. Not at all. I recognise that strikes, in some cases, are inevitable and that the workers may have no other way open to them, but you cannot have both war and peace. If you are going to resort to a strike, you abandon the idea of conciliation. You must choose between one and the other. I would merely say that, those who want industrial peace will, I hope, vote for the Bill. Those who are "not enamoured of industrial peace" like Professor Ranga, I can hardly hope to convince.

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

"That the Bill further to amend the Trade Disputes Act, 1929, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): clause 2.

Prof. N. G. Ranga: Sir, I move:

"That sub-clause (a) (i) of clause 2 of the Bill be omitted."

Sir, I do not want the extension of sub-clause (g) of section 2 of the Trade Disputes Act to water transport and then to tramways. I know that public utilities must be protected and they will have to be protected, as I have said once before, not only from workers who may be irresponsible but also from employers who may be irresponsible and who may be a sort of grabbing too. They may say that both lock-outs and strikes are intended to be brought within the purview of this sub-clause (g) but we know that in most cases lock-outs really are not a serious matter. The employer can certainly go on until the workers are obliged to go on strike and therefore the workers really take the whole blame for having gone against this particular provision and then they would come within the mischief of section 16. So, it is relevant for our consideration simply to take the question of the strike. As I said this morning, the workers do not wish to go on strike merely for the sake of play. Even when I wanted more strikes and I do want them in spite of the logic of my Honourable friend, Mr. Clow, it is only for the improvement of the conditions of labour. We can have industrial peace only when workers have got satisfaction at least as far as their minimum needs are concerned, and then they can have some patience with the actual conditions of working which may not be to their taste. But we cannot have industrial peace as long as they are not allowed even the minimum conditions of labour. Then, Sir, the argument that the industrialisation of the country should be furthered both by labour and employers does not appeal to me if it were to mean that the workers should be satisfied with their present unenviable condition. That is why we want strikes.

Then, there is the question: why is it that the workers do not want to give sufficient notice? Workers want to give sufficient notice: they are quite prepared to give sufficient notice, but I do not see why you should penalise them and punish them to one month's imprisonment

merely because they may fail to give the prescribed notice of 15 days within the period of one month? Why do you want to penalise them? What is the purpose? It may be that you want to protect the public utilities. If you are so anxious to protect the public utilities, then bring them under the control and the management of the State; nationalise them. As long as you are not prepared to do that and as long as you allow these public utilities to be exploited by the employers, few of them or one of them or all of them, for their own benefit at the expense of the community as well as the workers, I do not see any reason why you should particularly stipulate this condition. If you want to stipulate this, then what is the compensatory advantage that you are showing to labour? There is absolutely nothing. Have you come forward with any proposal that there is going to be a regular conciliation machinery to go into the day-to-day grievances of these people? There is no such proposal. You allow these workers to go on grumbling against the day to day troubles that may be created by the employers. The friction goes on and it culminates in a trade dispute. You cannot expect these workers who are not employed to have such collective sense of responsibility as to be able to take all things into consideration and then come to a decision that they should strike and then give this particular notice in the prescribed form. It is impossible. It is quite imaginable that the employers create so much trouble for their workers and annoy them to such an extent that they have no other choice but to go on strike on the spur of the moment. If they go on strike in that fashion, you do not penalise them if they are employed in any other employment, but you penalise them merely because they happen to be employed in the public utility service. When you make that distinction, you must see to it that the employers do not misbehave themselves ordinarily. You can assure yourself that the employers will behave themselves with a due sense of responsibility only when they are subjected to certain conditions stipulated by the Government. If those employers happen to be the Government themselves, then they can be held responsible to this House or to the various Provincial Legislatures in the country. But as long as that particular condition is not satisfied, I think it is rather unreasonable to insist upon this condition, and bring within the mischief of this section more and more industries. As I have already said, these tramway services are not really such essential services and therefore they need not be included at all in this category of public utility services. As regards steamships, we know who owns them, and how they are being run. We have known to our bitter disappointment, how they have been treating these deck and third class passengers, and when they have treated so badly those who have been paying them, one can only imagine how they must be treating their workers. These workers till now have not gone on any major strikes and I do not know why Government should get into an alarmist mood and try to bring these services also into the category of public utility services; especially where there is no need for such provision. Government are now asking the sanction of this House to extend the scope of this Bill to these two services. First of all I think it is unnecessary and secondly it is mischievous and thirdly it is really against the workers and on these three grounds I hope the House will accept my amendment to delete sub-clause (a) (i) of clause 2 of the Bill.

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

"That sub-clause (a) (i) of clause 2 of the Bill be omitted."

Mr. N. M. Joshi: Mr. President, I rise to support this motion. The provision in the Bill contains three things, namely, water transport, tramway and power. Section 15 of the Trade Disputes Act makes strikes in public utility services illegal when they take place without notice. In the first place, I do not understand why strikes in public utility services should be made illegal even if they take place without notice. If it is said that these strikes should be made illegal on the ground of hardship to the community, I submit, Sir, that hardship to the community may be caused not only by strikes or lock-outs but by the closure of electric work or power house itself. I would like the House to understand which will be greater hardship to the community. Suppose we have got a big electricity work supplying electricity to a city for lighting and for everything. If the workers go on strike without notice, you can get some other workers. Electricity work may be continued after a break of four or five days. But, Sir, supposing a company takes it into its head to close down an electric work altogether, without notice to the public, it will be a greater hardship to the community than a strike which may after all, be settled or may be broken more easily than the erection of a second electricity undertaking. You cannot build another electricity work in less than a year. If we supply electricity to a city like Bombay, we cannot construct another electricity work of like magnitude so as to be able to supply electricity on such a large scale to the city in less than a year's time. What is the punishment for a man who closes down his work? Is he sent to jail? I have not yet seen any law under which a man who closes an electricity work can be sent to jail. Why should poor workers alone who go on strikes be sent to jail?

The Honourable Sir Nripendra Sircar (Law Member): Their licenses will be forfeited.

Mr. N. M. Joshi: It means nothing. Is he sent to jail? It is not a criminal offence. I have not yet seen any law under which the closing down of an electricity work or gas work is made criminal. Why should poor working classes be sent to jail because they resort to strike without notice? Sir, this clause is a discriminatory clause. It is not the working class alone who can create difficulties and hardship to the community. Other people can, but their action is not treated as a criminal offence. It is only in the case of working classes that we treat it as an offence. On that ground it is wrong to go on adding to the list of public utility services. It may be said that these public utility services generally are treated differently from other industries. There is some justification, no doubt, for treating these public utility services differently.

Then, Sir, if you want to put this disadvantage upon the working classes because they are working in public utility services, then is it not reasonable that you should give them some compensating advantage? It is on that ground that the Royal Commission on Labour proposed that inasmuch as there is a disadvantage placed on the working classes who work in public utility services, there should be a compensating advantage, namely, that if workers in public utility services have grievances, they will have the right of having their grievances investigated and enquired into. The Government refuse to give them this compensating advantage. They treat the workers in other industries and in the public

utility services on equal terms, but they are willing to place the disadvantage on the workers in public utility services. I feel it is unjust. It is on this ground that we shall refuse to allow any more services to be added to the list of public utility services.

Then, Sir, it is said that this sort of legislation exist everywhere. It is that in England this disadvantage exists in public utility services. If people in certain industries go on strike, without notice, they are penalised. While it is true that even in England some industries, not all the industries mentioned in our legislation, place this disadvantage on workers who go on strike without notice, but, Sir, the English legislation has provided many restrictions. In the first place, according to English legislation if workers working in public utility services go on strike, you must prove that they went on strike with malicious motive. You have to prove that they have gone on strike wilfully; not only that, but you have to prove in Great Britain that the act of strike is likely to cause inconvenience to the public. Not only that: the English legislation goes still further and says that these workers who are to be penalised must know that their action of strike not only was malicious and wilful but was likely to create public inconvenience and that they knew that their act was likely to cause public inconvenience and there was real likelihood of such public inconvenience. We have absolutely no kind of such restriction in our legislation. If a man goes on strike, we need not prove that his strike is malicious or wilful, we need not prove that this strike is likely to cause public inconvenience, we need not prove that he knew that public inconvenience would be caused thereby. I submit it is, therefore, wrong to go much further than British legislation. It is, therefore wrong to add to the list of public utility services.

I shall now deal very briefly with the public utility services mentioned in this clause. The first is:

"any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam vessels Act, 1917, apply."

Sir, there may have been some time when the only means of transportation for people were inland water transport. In those days some inconvenience may have been caused by the stoppage of this service. We are now living in an age when motor cars go almost everywhere. There is no part of the country, there is not a district in the country where motor cars do not run now very freely. What then will be the inconvenience? There is talk of water. There is no sea in the interior of India. There are rivers whose breadth is not long enough to make a big area

An Honourable Member: You have never travelled in East Bengal.

Mr. N. M. Joshi: I have travelled much more in East Bengal than perhaps my Honourable friend. There is no inconvenience caused to the public, because the public can travel by motor cars now. There are railways; and there may have been a time when the stoppage of these services may have caused inconvenience.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): And there are aeroplanes.

Mr. N. M. Joshi: Yes, there are aeroplanes as my Honourable friend, Sir Henry Gidney, says. The time has gone when you could consider water transport service as a public utility service. Then they talk of tramways. In any case a tramway is not water transport; it is transport on the road. If a tramway can run anywhere, certainly a motor car can also run. Why should we, in the year 1938, create a tramway as a public utility service? The public can go by motor cars or by buses. The real trouble is that these tramways, railways and buses are forming a monopoly. It is not the strikes which are a danger; it is the creation of these monopolies which is a danger to the public. If you are going to pass any law making it an offence, make it an offence to create a monopoly by tramways, railways and buses. It is wrong to create an offence of a strike in a tramway. Take Bombay for instance. In Bombay there may be a tramway strike but there will be no inconvenience. Of course, there will be some inconvenience because every strike is inconvenient, but it is not that kind of inconvenience. In London only about a year ago there was a bus strike. You know, Sir, what the London bus service is and how widespread and useful it is; but nobody thought of making that an offence. In England it will not be an offence if busmen go on strike without notice; and there the bus service is a much greater service than the tramway services in India. It is, therefore, wrong to create a strike in the tramway service an offence. They say that a tramway service will have to be declared as a public utility service but ordinarily if any Government wants to declare any strike as illegal they will do so. They have simply to issue a notification and there is no difficulty. Every Government wants to make its task easy; even the Congress Governments want to do it. Governments do not want trouble. If there is a strike, naturally there is some trouble to Government. Therefore, I am quite sure that as soon as this Bill is passed, every Government will issue a notification that a tramway strike and a steamship strike without notice is illegal. I have no doubt about it because that is the way of Governments, and every Government wants ease.

Then, Sir, comes the question of power. It is absolutely unnecessary according to the original Act. If the power is used for lighting, then the power is covered, because it says that:

"Any industry, business or undertaking which supplies light or water to the public is a public utility service."

If power is intended for lighting it is covered. But why should you include power which is intended to provide electricity for a private factory? Why should you make power industry a public utility industry where the power supplied is to a factory which is intended for private profit?

Mr. A. G. Clow: Sir, on a point of order. I do not think the amendment relates to power. It relates only to sub-clause (a) (i).

Mr. N. M. Joshi: All right; I shall reserve my speech for the next occasion.

I hope, Sir, the House will accept this amendment, inasmuch as, in the first place, our original legislation making strikes in a public utility service illegal goes far beyond any legislation that exists in Great Britain; secondly, our list is long. In Great Britain, as I have said, the bus service or railway service is not regarded as a public utility service because they know

Babu Baijnath Bajoria: What is your definition of a public utility service?

Mr. N. M. Joshi: I follow the English practice, if you like, in this matter. In England railways and buses and tramways are not public utility services, and we should follow their practice.

Then, Sir, there is another small point and that is that if a public utility service has to get some advantage, let it, at least, be a public utility and not a concern for private profit. I can understand your putting restrictions for the sake of the public, but why put restrictions upon the workers for giving larger profits to the employers? It is wrong. If a public utility is to be a public utility, let it be for the benefit of the public and not for the benefit of a few employers. It is, therefore, wrong that we should make the amendment which the Government of India have proposed. I hope the amendment will be carried.

Babu Baijnath Bajoria: Sir, I rise to oppose this amendment. I do not want to follow the English custom as my Honourable friend, Mr. Joshi, wants us to do. As for my Honourable friend, Mr. Ranga, he is opposed to the whole of this Act. He would like the Trade Disputes Act to be torn into pieces and thrown away, and he likes that strikes should be the order of the day and he has also preached today that he wants strikes galore, as my Honourable friend, Mr. Clow, said. I have got nothing to say to him; fortunately I am not of his view. What this clause proposes to do is to include water transport services carrying passengers only—the select committee has excluded goods services from this list—Water transport services carrying passengers only and tramway services are in the list of public utility services. I was surprised to hear from my Honourable friend, Mr. Joshi, that water transport, tramway and railway services are not public utility services. I asked him for a definition as to his idea of a public utility service, but he could not supply one. In my opinion water transport service or a tramway service is undoubtedly a public utility service, and the general public will be greatly inconvenienced if there is a strike all on a sudden in these services. I am not in favour of lightning strikes; if there is a *bona-fide* trade strike that is a different matter. These *bona-fide* trade strikes in a mill or a factory can be easily settled; but they are only made difficult of settlement on account of outside interference of persons like my Honourable friend, Mr. Ranga, or Mr. Joshi. Sir, I oppose this amendment because I think that water transport services and tramway services are really public utility services.

Mr. M. Ananthasayanam Ayyangar: Sir, I am really surprised to see that my Honourable friend, Mr. Bajoria, is opposing this amendment. He has been very anxious to know what the definition of a public utility service is. It is of course true that a public utility service is not defined in the Act, much less in the amendment. Certain categories of service have been put under public utility services. The point for consideration now is whether a tramway service or an inland steamer service should also be included within the definition of public utility service or within the category of public utility services. It is not every service that caters to the public which should automatically become a public utility service. My friend's argument will amount to that. Take a *jutka* service in a village. It is a public utility service. Why should that be differentiated from other public utility services and not included in the Act? Take

[Mr. M. Ananthasayanam Ayyangar.]
the *tonga* service in the city of Delhi. In every big city such a big service is essential.

Mr. N. M. Joshi: That caters to poor people and not to the rich.

Mr. M. Ananthasayanam Ayyangar: Therefore, if really any public utility service is to be brought in, as my friend, Mr. Joshi, has said, let the *tonga* and *jutka* services be brought in. For the information of my friends, I should say that a *jutka* is the southern counterpart of the north Indian *tonga*. So far as tramway services are concerned, we have a tramway service in Madras, but people have to be induced to get into the trams as they are so slow and go through all kinds of lanes and streets before reaching their destination—it is as good as a double-bullock *bandy*, and I cannot imagine how the public in general will suffer if suddenly, without notice, a few tramway people go on strike. There is absolutely no justification for this provision: and, after all, how many tramway services are there in India? I have seen one in Bombay and one in Madras and one in Delhi: probably there is one in Calcutta and perhaps in one or two other places: in the whole of India there may not be more than six or seven cities having trams. Tramways require rails below and wires overhead to carry the electric current; but buses can ply anywhere without rails or wires and in places where trams cannot run. I say it is absurd to include tramway services nowadays within the category of public utility services.

As regards inland steam transport, I am yet to know if there is one such in which a strike could cause such inconvenience as cannot be avoided, if there is a strike without notice. A strike in any major industry can be held to be illegal if this is accepted, and I say it is unnecessary to introduce this.

I want to clear one doubt. The Bill does not make it clear if the Provincial Government's notification is necessary both for water transport services and also tramway services. The words come after the words 'tramway service', and my Honourable friend, Mr. Joshi, naturally understood this to mean that a notification is requisite only with respect to the latter portion, that is, the tramway service, and on that understanding he has tabled amendments here. I would like to know if both for the water transport service and the tramway service the Provincial Government's notification is necessary. I support this amendment.

Mr. A. G. Olow: Sir, I am sorry I have to oppose this amendment. I think there is a good deal of confusion as to what section 15, to which it relates, actually does. I would like just to remind the House briefly of its main provision. It is directed against strikes without notice and strikes in breach of contract. In other words the action taken must be an action in breach of contract and further it must be concerted action. Even an individual who breaks his contract and leaves his work is not punishable under that section, if his act is an individual act. Prof. Ranga asked me what the object of the provision was? The object of the provision is surely fairly clear. It is to give the public a reasonable warning—fifteen days' warning—and to give the Government warning too so that if necessary they could appoint a tribunal under the Act. That is the purpose which we have carried a stage further in this Bill by placing an obligation on the employer to report the notices he receives to the Provincial Government

Prof. N. G. Ranga: In how many cases have the Government appointed a tribunal?

Mr. A. G. Olow: I must ask for notice of that question. They certainly have in public utility services. I can remember two or three on the railways

Prof. N. G. Ranga: What did you do in regard to the Bengal Nagpur Railway? That is one of the public utility services.

Mr. A. G. Olow: Now, we come to the actual services we are going to include. As I say the object is two-fold: it is to give the public reasonable notice and to give Government reasonable notice. My friend, Prof. Ranga, alluded to the fact that Local Governments are now taking more action under the Trade Disputes Act. He alluded to one, but it is true of others. I should have thought that he at least would have had confidence in more than one of the present Local Governments than he had in the past: apparently he has not. I am sorry.

Now, the two forms of service to which this amendment alludes are inland water transport service and trams. My Honourable friend, Mr. Joshi, said that you could drive motor cars everywhere where you needed water transport service. I cannot claim what he said was his exhaustive knowledge of Eastern Bengal, but, I am sure all those who know it will agree that for the most part of the year it is quite impossible in quite a number of districts

Prof. N. G. Ranga: And the Government are stopping the construction of any other railway!

Mr. A. G. Olow: As regards tramways, we have put in the safeguard that it can only be notified by a Provincial Government. Mr. Ananthasayanam Ayyangar asked if the Provincial Government's sanction was necessary to including both inland water transport service and tramways. As I read the clause, it is only in the case of tramways; but my Honourable friend, Mr. Mahadeva Ayyar, has tabled an amendment which will make it essential in the case of both types of services, and I hope that that will allay his apprehension.

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

"That sub-clause (a) (i) of clause 2 of the Bill be omitted."

The motion was negatived.

Mr. N. M. Joshi: Sir, I move:

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam-vessels Act, 1917, apply or' be omitted."

I need not make a long speech on this. I have not heard anything from any authoritative sources yet that there is any part of India where there is no means of transportation except inland steam vessels. It is the people who are interested that have made these statements. But I have not yet had any authoritative statement from any quarter that in India there are parts where there are no roads. (Interruption.) There are not. It is only the men who want to support the Government who make

[Mr. N. M. Joshi.]

that statement. I have not got any statement from any disinterested man that there are parts in India where motor cars do not run. As Mr. Ayyangar has said, the truth is that we are really trying to safeguard a cheap transport service for the rich men: we are not protecting the bulk of transport in this country: we are not making a strike of bullock carts illegal: there may be a strike among such people, but we are not interested in the poor people who use carts: the poor man may suffer and we do not care. But the inland steam navigation companies are controlled by Europeans. It is for their benefit that the Government of India is passing this legislation. (Interruption.) I say you are: so far as my knowledge goes, these companies are all European companies, and it is because there might be inconvenience to this small number of European companies that we are including them in this Bill. Inconvenience may be caused by strikes on bus service and on carts. We are not interested in it, but if inconvenience is caused to one or two European firms, then we must treat inland steamers as public utilities. Sir, it is unfair and wrong.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam-vessels Act, 1917, apply or' be omitted."

Mr. A. K. Chanda (Bengal: Nominated Official): Sir, I only rise to oppose the amendment moved by Mr. Joshi, as he said there were no parts of India where steamers were the only means of transport. I do not know—how he says he has travelled widely in Eastern Bengal. I do not know if he has ever travelled from Goalando to Chandpur and from Chandpur to Narainjanj. If he had ever travelled on that side, he would have seen that steamers are the only means of transport. In 1921, Sir, there was a strike of workmen employed in steamers at Chandpur, and for a week practically the whole of the trade of that part was completely paralysed, I only rose to point out, that my friend, Mr. Joshi, in stating what he says, was speaking about something with inadequate knowledge.

Prof. N. G. Ranga: Sir, I support this amendment. My friend, Mr. Chanda, said that this is the only means of transport between Assam and Bengal (Some Honourable Members: "No, no"), between Goalando and Chandpur. Now, according to his own admission...

Mr. A. K. Chanda: And one other.

Prof. N. G. Ranga: Anyhow, according to you it is the only means of transport between two places. It is not different from the only means of transport between New Delhi and Old Delhi. Who is to blame for this only means of transport? Only the other day a question was raised by my friends from Assam why a particular railway project was abandoned by the Government.

Mr. N. M. Joshi: Because the steamship company wanted a monopoly.

Prof. N. G. Ranga: If the Government had proceeded with the railway project, I am sure there would have been a first class railway communication between Eastern Bengal and Assam, between Assam and the rest of India, but why was that railway project abandoned? It was abandoned because of the representations made by the British steamship companies. The British Government is here of course only for their benefit. There are a few in this House who somehow are able to get everything they want in this country because the Government with its manufactured votes is behind them, and so these public utilities are created by the Government. It is not a public utility, Government have destroyed the public utility. According to this "only means of transport" means "do allow us to treat this as a public utility and then give as much protection as possible for my cousins or blood relatives,—these Europeans,—here". This is a very unfair thing for Government to do. I do not know why my friend, Mr. Clow, has sponsored this. I could have understood if somebody else had introduced this, because my friend, Mr. Clow, is supposed to be a conscientious Christian. Certainly then it does not lie in his mouth to come here and say that we should treat this as the only means of transport and as a public utility and penalise these workers. How does this section read? It reads thus "Any person who being employed.....or Rs. 50 or both". This is a very serious provision. You penalise these people. You threaten them with imprisonment with fine and with all sorts of things. Why? Because they simply fail to give the prescribed period of notice. Why should you place these workers under such great disabilities for the sake of one particular sort of interest in this country? Strictly speaking, they cannot be considered to be Indian employers. We are obliged to consider them as Indian employers because of this infamous Parliamentary Act of 1935, otherwise if we had the same power and the sort of power which Mr. Hitler is utilising in his own country, for which my friend, Mr. Sami Venkatesh Chetty, has so much love, I am sure these people would not have been allowed to carry on this service in this country. They would have been consigned to their own country just as the Jews have been consigned.

Mr. F. E. James: Jews have no country.

Prof. N. G. Ranga: You have created a bogus country for them.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the amendment before the House.

Prof. N. G. Ranga: The Europeans have created vested interests here, and the Government have failed to create any other means of transport equally efficient, equally good and convenient for the public. I personally think that we ought to resist to our utmost this particular provision in the Bill, and by supporting Mr. Joshi's amendment, we should see that Government take the earliest convenient opportunity of creating an equally good, efficient, convenient and useful means of transport to those parts of Assam which cannot be otherwise reached. Therefore, I hope this water transport service will not come to be regarded as a public utility service by this House.

Mr. K. Santhanam: Sir, the real point for consideration is this, whether they want all the water transport services throughout the country to be regarded as public utility service. If the amendment had confined itself to such cases, where they are the only means, then probably it might not have been objectionable, but as it stands, it can be applied not only to cases where the water transport is the only means of transport but it can be applied to other cases also. In Bombay, for instance, the Government can notify all the steamer services to come under this. Therefore, the point is whether they want all such services throughout the country to be protected. I suggest this is a wholly unnecessary and a wholly unwarranted extension of the term "public utility service", and on this ground this ought to be opposed and the amendment supported.

Mr. A. G. Clow: Sir, I should just like to thank my friend, Prof. Ranga, for giving so complete an answer to Mr. Joshi. My friend, Mr. Joshi, suggested that this type of service was nowhere essential, and I think he said earlier they could use aeroplanes. My friend Prof. Ranga's complaint was that it was a complete monopoly, and that people could not travel by any other route. Sir, I oppose the amendment.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any water transport service carrying passengers to whose vessels any of the provisions of the Inland Steam-vessels Act, 1917, apply or' be omitted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): No. 3, Mr. Mahadeva Ayyar.

Mr. N. M. Joshi: Sir, my amendment No. 4 must come before that. If my amendment is carried, then his amendment need not be moved at all.

Mr. A. G. Clow: If No. 4 is in order, a point on which I have some doubt, I think it should come before No. 3. We have already rejected both, and I don't see what we have left now to discuss.

Mr. President (The Honourable Sir Abdur Rahim): What has been rejected now is any water transport service.

Mr. A. G. Clow: And we rejected them both.

Mr. N. M. Joshi: My Honourable friend may have learnt logic but I think he has forgotten it.

Mr. President (The Honourable Sir Abdur Rahim): Amendment No. 1 was a general amendment relating to the whole sub-clause. No. 2 relates to water transport service, and No. 4 relates to tramway service. Amendment No. 4 is in order.

Mr. A. G. Clow: In that case I suggest that No. 4 may be taken up first.

Mr. N. M. Joshi: I am glad that wisdom has dawned on my Honourable friend! I am sorry I have made some remarks about the knowledge of logic of my Honourable friend, but he should have given some credit to me for knowing the Standing Orders of the House.

My amendment is:

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any tramway service' be omitted."

I move that amendment. We have discussed this subject for some time, but still I would like the House to consider this question. Is tramway service, according to the conscience of every one of the Members here, such an essential service that we should punish workers who are working on that service? That by putting tramways in this clause we are punishing workers there, there is no doubt. We do not consider strike as an offence if it is made by us or by several others, but if it is made without notice by tramwaymen then we make it an offence. And that we are punishing people in that service there is absolutely no doubt whatever Mr. Clow may say. Now, is it right to include tramways in this? Is the stoppage of tramways in Bombay, Calcutta, or Delhi going to create such a public hardship that we should penalise them? It is absolutely wrong. And let me tell you this now. Whoever may ask for a division or not ask for a division, I am going to ask for a division. Sir, I want you not to misunderstand me. I am not asking this simply because I want to ask for a division, but I want to test the sincerity of this House. Are there any people here who can lay their hands upon their hearts and say that this stoppage of tramway service in Delhi, Bombay or Calcutta will cause such an inconvenience that this Government should go out of its way and make it a penal offence for people to go on strike?

Mr. A. G. Clow: I think the Honourable Member ought to have prefixed "or" to his amendment, so that it will read like this, "or any tramway service".

Mr. N. M. Joshi: That is a consequential amendment and that is for the Government.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any tramway service' be omitted."

Mr. A. G. Clow: I will merely say that if we were declaring all tramways to be public utility concerns there would be great force in what Mr. Joshi has said. But all that we are doing is to give the Provincial Government's power to declare them as such, and I have no doubt that Provincial Governments will not declare them as such if they are not an essential means of transport. I do believe that in certain places the tramway is a means of transport which is a very valuable means for the poorer classes of the community.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) the words 'any tramway service' be omitted."

18th MARCH 1938.

The Assembly divided:

AYES—5.

Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Joshi, Mr. N. M.

Malaviya, Pandit Krishna Kant.
Som, Mr. Suryya Kumar.

NOES—45.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Ahmad Nawaz Khan, Major Nawab Sir.
Ayyar, Mr. N. M.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghiasuddin, Mr. M.
Gidney, Lieut.-Col. Sir Henry.
Gilbert, Mr. L. B.
Grigg, The Honourable Sir James.
Highet, Mr. J. C.
Ismail Khan, Haji Chandhury
Muhammad.

Jawadur Singh, Sardar Bahadur Sardar
Sir.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Matthews, Mr. V. G.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Soni Rai Bahadur N. C.
Shabban, Mr. Ghulam Kadir Muhammad.
Siddique Ali Khan, Khan Sahib Nawab.
Sircar, The Honourable Sir Nripendra.
Suence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sondaram, Mr. V. S.
Umar Aly Shah, Mr.
Walker, Mr. G. D.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the
18th March, 1938.

LEGISLATIVE ASSEMBLY.

Friday, 18th March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

LAND ROUTE CONNECTING UPPER BURMA WITH ASSAM.

797. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Communications please state:

- (a) if Government's attention has been drawn to the fact that there exists a trade route in the shape of a bridle path from Jirighat, the border of Cachar District (British India) through Manipore (Indian State) to steamer stations of the Upper Chindwin Steamer Service in Upper Burma, and that the path is only a distance of about 150 miles;
- (b) if Government will consider the advantages of connecting Upper Burma with Assam by a motorable road along the above route or any other suitable route; and
- (c) if the project of connecting British India with Burma by Railways is merely in abeyance or definitely abandoned?

The Honourable Sir Thomas Stewart: (a) No, Sir, but I am prepared to accept the Honourable Member's statement.

(b) No. It is for the Provincial Government to consider whether such a road is required and if it can be financed within the resources available.

(c) The project of connecting British India with Burma by railways has not been definitely abandoned. It would, however, be so expensive that there is no likelihood of its being taken up in the near future.

Mr. Brojendra Narayan Chaudhury: Is not a trade route between India and Burma a matter of all-India concern?

The Honourable Sir Thomas Stewart: Sir, it is primarily the concern of the Provincial Government.

Mr. Brojendra Narayan Chaudhury: Have there been any communications between the Government of India and the Provincial Government on this subject?

The Honourable Sir Thomas Stewart: So far as I am aware, I have seen no communication from the Provincial Government.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member kindly communicate with them?

The Honourable Sir Thomas Stewart: No, Sir, this is a matter in which the Provincial Government takes the initiative.

Mr. T. S. Avinashilingam Chettiar: May I know what is the exact situation in the matter,—whether the Government of India have abandoned it or are considering it?

The Honourable Sir Thomas Stewart: You are referring to the railway project?

Mr. T. S. Avinashilingam Chettiar: Yes.

The Honourable Sir Thomas Stewart: The project is in abeyance.

Mr. M. Ananthasayanam Ayyangar: Is any portion of the expenses of the railway construction going to be borne by the Burma Government?

The Honourable Sir Thomas Stewart: That does not arise out of this question.

Mr. Manu Subedar: With regard to clause (b), when the Provincial Government makes a proposal of this kind, would they have to contribute to the road, or would there be any liability at all on India in case such a road is constructed?

The Honourable Sir Thomas Stewart: There will be no liability. It is possible, however, if such a project were put forward, that the Government of India might make a contribution from the Central Reserve in the Road Fund.

Mr. Manu Subedar: Does the Honourable Member propose to approach the Government of Burma on this subject?

The Honourable Sir Thomas Stewart: No, Sir.

BURNING OF THE CONTENTS OF TWO LETTER BOXES IN KASHMIRI GATE, DELHI.

798. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

(a) whether it is true that the contents of two letter boxes in Kashmiri Gate at Delhi were found to be burned on the 23rd February, 1938;

(b) whether they have enquired into the matter; and

(c) if so, what has been the cause of this mishap?

The Honourable Sir Thomas Stewart: (a) The facts are not as stated by the Honourable Member. On the 17th February, 1938, nine letters were received burnt from street letter boxes at Motibagh, Jumna Mills and Subzimandi Bazar, three postcards and one cover from the letter box at the Kashmiri Gate Police Station and three covers from the letter box near the

Dufferin Bridge. Again on the 21st February, 1938, a burnt envelope containing a powder and an empty phial was found in the letter box of the Subzimandi sub-office. No such case occurred on the 23rd February, 1938.

(b) The matter is under enquiry by the Police and postal authorities.

(c) The result of the enquiry is not yet available.

Mr. T. S. Avinashilingam Chettiar: May I know whether this is the first occasion on which such a thing has happened?

The Honourable Sir Thomas Stewart: I must ask for notice of that.

ABSENCE OF LADY TICKET COLLECTORS ON THE METRE GAUGE SECTION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†799. ***Syed Ghulam Bhik Nairang:** Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that there are no lady ticket collectors on the Bombay, Baroda and Central India Railway (metre gauge); and

(b) in case the answer to part (a) be in the affirmative, whether Government are aware that the absence of lady ticket collectors is a source of great inconvenience to female passengers, especially to *purdah* ladies, and whether Government are prepared to direct the Bombay, Baroda and Central India Railway Administration to provide lady ticket collectors at the bigger railway stations; if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information, as this is a matter of detailed administration within the competence of the Agent, Bombay, Baroda and Central India Railway, which is Company-managed. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

ABSENCE OF A TONGA STAND AT THE REWARI RAILWAY STATION.

†800. ***Syed Ghulam Bhik Nairang:** Will the Honourable Member for Railways be pleased to state:

(a) whether it is a fact that there is no *tonga* stand at the Rewari railway station, nor are *tongas* allowed to approach the gate of the platform; and

(b) in case the answer to part (a) be in the affirmative, whether Government are aware that the absence of a *tonga* stand near the platform is a source of great inconvenience to passengers, especially to *purdah* ladies, and whether Government are prepared to direct the Railway authorities concerned to provide a *tonga* stand near the platform?

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply to questions Nos. 800 and 801 together.

† Answer to this question laid on the table, the questioner being absent.

The Honourable Member is referred to the reply given in this House to question No. 424 asked by Mr. Sham Lal on 20th March, 1936.

ABSENCE OF THIRD CLASS ZENANA WAITING ROOM AT THE REWARI RAILWAY STATION.

†801. ***Syed Ghulam Bhik Nairang**: Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that there is no third class *zenana* waiting room at the Rewari railway station; and
- (b) in case the answer to part (a) be in the affirmative, whether Government are prepared to direct the Railway authorities concerned to provide such a waiting room?

CLASSIFICATION OF RAILWAY STATIONS.

802. ***Mr. Amarendra Nath Chattopadhyaya**: (a) Will the Honourable Member for Railways be pleased to state the difference between a regular station and a flag station?

(b) Will the Honourable Member be pleased to state if there is any standard for classification of railway stations?

(c) Is it not a fact that flag stations are transformed into regular better class of stations in accordance with the growing importance of the station from view points of passengers and goods traffic improvement?

(d) Is it not a fact that the stations in the neighbourhood of mill areas and industrial areas have their own importance and are generally equipped with a telegraph office and a larger number of stoppages?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to rule 2 of Chapter I, Part I, of the General Rules for All Open Lines of Railways in British India, a copy of which is in the Library of the House. He will see that a distinction is made between block stations which are those at which the driver must obtain an "authority to proceed" to the next block station, and non-block or flag stations at which an "authority to proceed" is not required.

(c) The conversion of a flag station into a block station depends mainly on whether the number of trains running on the section has increased to such an extent that more block sections are required. The standard of accommodation for passengers and goods is not dependent on the station being a block station or flag station. It would only be in the case of trade increasing to such an extent that traffic would be unduly delayed were no crossing facilities to be provided, that the actual amount of goods and passenger traffic would affect a decision as to the category of a station.

(d) Without a detailed examination of the position in regard to all industrial areas in India, it is not practicable to answer this part of the Honourable Member's question.

† Answer to this question laid on the table, the questioner being absent.
‡ For answer to this question, see answer to question No. 800.

CONTEMPLATED TRANSFORMATION OF KHARDA STATION ON THE EASTERN BENGAL RAILWAY INTO A FLAG STATION.

803. ***Mr. Amarendra Nath Chattopadhyaya**: (a) Will the Honourable Member for Railways be pleased to state if there is a scheme for turning the Kharda station on the Eastern Bengal Railway into a flag station?

(b) Is it not a fact that the Kharda railway station is an important station, yielding good income to the Eastern Bengal Railway?

(c) Is it not a fact that representations by passengers and the public of Kharda have been made to the Agent and the Traffic Manager of the Eastern Bengal Railway regarding this matter?

(d) If so, will the Honourable Member be pleased to state if the contemplated transformation of Kharda station into a flag station has been abandoned?

(e) If not, will the Honourable Member be pleased to state what benefit to the Railway will accrue by this transformation to the detriment of the interests of the local and neighbouring public who have been trying to retain the *status quo* of the Kharda station?

(f) Will the Honourable Member be pleased to state if he will take into his consideration the matter of this station and find out ways and means to meet the wishes of the public concerned and retain the present status of the Kharda station?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration concerned and a reply will be laid on the table in due course.

TERM OF OFFICE OF SIR GUTHRIE RUSSELL AS THE CHIEF COMMISSIONER OF RAILWAYS.

804. ***Mr. T. S. Avinashilingam Chettiar**: Will the Honourable Member for Railways state:

- (a) how long Sir Guthrie Russell, has been the Chief Commissioner of Railways;
- (b) when his term of contract expires; and
- (c) whether there is any proposal to re-appoint him for a fresh term of office?

The Honourable Sir Thomas Stewart: (a) Sir Guthrie Russell was appointed Chief Commissioner of Railways with effect from the 16th October, 1929.

(b) His present term of office expires on the 15th October, 1938.

(c) His term of office has been extended up till the 15th April, 1940, or till the inauguration of the Federal Railway Authority whichever date is earlier.

Mr. T. S. Avinashilingam Chettiar: May I know what is the connection between the inauguration of the Federal Authority and the extension given to Sir Guthrie Russell?

The Honourable Sir Thomas Stewart: The only connection is this, that the present extension must determine on the coming into operation of the Federal Railway Authority.

Mr. T. S. Avinashilingam Chettiar: May I know the reasons for this extension?

The Honourable Sir Thomas Stewart: It is in the public interest.

Mr. Mohan Lal Saksena: Is it because no suitable Indian is available?

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government of India have considered the claims of any suitable Indian who can be appointed to that post?

The Honourable Sir Thomas Stewart: We have considered the claims of all possible incumbents of the post.

Mr. Manu Subedar: Do Government propose to bring in a Bill for the appointment of the Federal Railway Authority?

The Honourable Sir Thomas Stewart: That, I submit, does not arise.

Mr. T. S. Avinashilingam Chettiar: Does the extension granted mean that the Federal Railway Authority is expected to come into existence in 1940?

The Honourable Sir Thomas Stewart: No, Sir; nor can that be deduced from my reply.

Mr. T. S. Avinashilingam Chettiar: Is it in contemplation to continue Sir Guthrie Russell in his present post till the Federal Railway Authority comes into existence?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. M. Ananthasayanam Ayyangar: May I know why during all this tenure by Sir Guthrie Russell of his appointment no attempt has been made by Government to get a suitable Indian to succeed him after he retires?

The Honourable Sir Thomas Stewart: Sir, the Honourable Member's question contains an assumption.

Mr. T. S. Avinashilingam Chettiar: Is any Indian being trained for this post?

The Honourable Sir Thomas Stewart: There are many Indians under training for this post.

Mr. M. Ananthasayanam Ayyangar: Why then is no Indian going to be appointed to this post?

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

CASUALTIES AMONGST THE INDIAN COMMUNITY IN SHANGHAI.

805. *Mr. Badri Dutt Pande: (a) With reference to my starred question No. 20, asked on the 31st January, 1938 and the reply thereto, will the Secretary for External Affairs be pleased to state how the casualties amongst the Indian community occurred in Shanghai?

(b) Have the persons been identified?

(c) Have their relations been informed?

(d) Who were they and what was their status and profession in life?

(e) Have any compensations been given to the families of the deceased?

Sir Aubrey Metcalfe: (a) As a result of the Sino-Japanese conflict. No further details are available.

(b) Yes.

(c) Information was forwarded to the Governments of the Punjab and the North-West Frontier Province and the Honourable the Resident for the Punjab States on the 10th January, 1938, for communication to the relatives concerned.

(d) All the persons concerned were men belonging to Northern India who were serving in Shanghai as policemen, jailors and watchmen.

(e) No, but the question is being taken up with the appropriate authorities.

Mr. T. S. Avinashilingam Chettiar: Who are the appropriate authorities?

Sir Aubrey Metcalfe: That still really remains to be seen,—whether it is the Japanese Government or the Chinese Government.

Mr. Badri Dutt Pande: How did the casualties occur?

Sir Aubrey Metcalfe: I have explained that it was as a result of the Sino-Japanese conflict. I cannot give any exact details because none are available, but the Honourable Member can imagine that when there is a lot of fighting going on, there are bound to be casualties among innocent people.

Mr. Manu Subedar: Have the Government made any attempt to secure compensation from the new Government set up in Shanghai?

Sir Aubrey Metcalfe: The matter is being taken up by His Majesty's Government through the Consul-General, Shanghai, and the diplomatic authorities there.

Mr. Manu Subedar: Have there been any Indian casualties in the French Concession, and has any attempt been made to secure compensation for the parties injured from the French Concession authorities?

Sir Aubrey Metcalfe: I am not aware what the French Government are doing.

DENIAL OF CERTAIN CONCESSIONS TO THE POSTAL STAFF AT KHATMANDU.

806. ***Mr. B. B. Varma:** (a) Will the Honourable Member for Communications be pleased to state if it is a fact that the Nepal Post Office has been established in the British Legation in Khatmandu for the benefit of the staff of the British Legation and His Highness the Maharaja of Nepal only?

(b) Is it a fact that the following concessions are given to the members and the staff of British Legation in Khatmandu, viz.:

(i) special transit for ten days is allowed on occasion of proceeding on and returning from leave from Nepal to Raxaul and vice versa;

(ii) special transit for ten days is allowed on transfer or first appointment from Nepal to Raxaul and vice versa;

(iii) travelling allowance at the usual rate is given to them for the journey made on occasion of proceeding on and returning from leave from Nepal to Raxaul and vice versa;

(iv) the scale of clerical staff is Rs. 50—225; and

(v) rent-free quarters are given to them?

(c) Is it a fact that all concessions mentioned in part (b) are denied to the Sub-Postmaster and clerks of the Nepal Post Office?

(d) Is it a fact that clerks of the Nepal Post Office are in the scale of Rs. 35—5—135 and with Rs. 15 per month as compensatory allowance and the Sub-Postmaster in the scale of Rs. 160—10—250 with no compensatory allowance?

(e) Is it a fact that the rent at the rate of ten per cent. on the emoluments is recovered from the clerks of the Nepal Post Office for the quarters occupied by them?

(f) If the answer to parts (a) to (e) be in the affirmative, will Government state the reasons for such differentiation, and whether they now propose to give all concessions enjoyed by the staff of the British Legation at Khatmandu to the Sub-Postmaster and clerks of the Nepal Post Office also? If not, why not?

The Honourable Sir Thomas Stewart: (a) No, Sir.

(b) (i) and (ii). Joining time of five days, each way, is admissible for journeys between Nepal and Raxaul except in the case of journeys to take up first appointments.

(iii) Travelling allowance is allowed at transfer rates on the occasions mentioned.

(iv) and (v). Yes.

(c) Yes, except that item (iv) of part (b) cannot be described as a concession.

(d) and (e). Yes.

(f) The differentiation is due to the difference in the nature and conditions of service of the two classes of staff.

Mr. T. S. Avinashilingam Chettiar: May I know what the Honourable Member meant by saying 'No' to part (a) of the question? May I know for whose benefit was it established?

The Honourable Sir Thomas Stewart: I suggest that the Honourable Member had better read the question.

Mr. T. S. Avinashilingam Chettiar: May I ask whether it was not established for the sake of the Nepal Government and the British Legation at Calcutta?

The Honourable Sir Thomas Stewart: No, Sir.

Prof. N. G. Ranga: What is the nature of the work done by the employees in these two post offices?

The Honourable Sir Thomas Stewart: One set of staff performs duties in the British Legation and the other performs duties in a post office.

Mr. Badri Dutt Pande: Do the Nepal Government contribute something towards the working of this post office?

The Honourable Sir Thomas Stewart: I must ask for notice.

ESTABLISHMENT OF BROADCASTING STATIONS IN SHILLONG AND GOPALPUR.

807. ***Mr. Kuladhar Chaliha:** Will the Honourable Member for Communications please state whether Government have considered the advisability of starting Broadcasting Stations in Shillong in Assam and Gopalpur in Orissa?

The Honourable Sir Thomas Stewart: No, Sir. The Honourable Member's attention is invited to the reply given to parts (b) and (c) of Mr. M. S. Aney's unstarred question No. 114 in the last Session.

Mr. Kuladhar Chaliha: May I know the reasons for not starting the station?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply to Mr. Aney's unstarred question No. 114.

Mr. K. Santhanam: May I know when this question will be reviewed again?

The Honourable Sir Thomas Stewart: At a guess, I would suggest that within the next year or so the whole of our programme will be reviewed.

DELAY IN CARRIAGE OF MAILS FROM JORHAT TO GAUHATI.

808. ***Mr. Kuladhar Chaliha:** (a) Will the Honourable Member for Communications please state whether he is aware that a letter posted at Jorhat (Assam) is delivered on the third day at Gauhati to the addressee, a distance of only 189 miles?

(b) In view of the inconvenience felt by the public are Government prepared to see that the mail is carried by the petrol express of the Assam Bengal Railway from Upper Assam to Gauhati and Shillong, which will give great facilities to the public and obviate the delay?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. The matter is one with which the Postmaster General.

Bengal and Assam Circle, is fully competent to deal. A copy of this question and my answer will be sent to him for such action as he may consider suitable.

RETRENCHMENT IN THE POSTS OF INDIAN DISTRICT MEDICAL OFFICERS ON THE EAST INDIAN RAILWAY.

†809. ***Mr. M. Asaf Ali:** (a) Will the Honourable Member for Communications please state if it is a fact that while the post of Indian District Medical Officers on the East Indian Railway is being retrenched on the ground of economy the pay of European District Medical Officers is being increased?

(b) What was the pay of the present Chief Medical Officer, East Indian Railway, on the 31st March, 1937, and what is it now in February 1938?

(c) Is it a fact that there is a Sub-Assistant Surgeon in the East Indian Railway with the L.R.C.P., M.R.C.S. qualification, which the present Chief Medical Officer possesses, and what is his pay?

The Honourable Sir Thomas Stewart: (a) There are no posts of Divisional Medical Officers on the East Indian Railway reserved for either Indians or Europeans. I may add that Government have under consideration a proposal submitted by the Agent, East Indian Railway, in connection with the re-organisation of the medical branch of that railway.

(b) The present pay of officiating Chief Medical Officer is Rs. 2,125+£13-6-8 overseas pay. His pay as Divisional Medical Officer on the 31st March, 1937, was Rs. 1,250+£30 overseas pay.

(c) Government have no information.

GRIEVANCES OF THE LOW-PAID STAFF ON THE NORTH WESTERN RAILWAY.

810. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to state if the majority of the station staff, viz., parcel booking clerks, train goods clerks, ticket collectors, generally retire on Rs. 60?

(b) Is it a fact that the maximum grade for class I clerks is Rs. 33-3-60, or Rs. 33-3-50-5/2-60 and class II is Rs. 66-4-90, and both generally retire before the maximum is reached? Has the Honourable Member any statistics for five years from 1930 of such retirements and, if so, will he be pleased to lay them on the table?

(c) Is it a fact that the class I and II assistants working on the line in the North Western Railway are to work even on gazetted holidays and have to work for sixty hours in a week, while their fellow-workers of the same class working in station work for thirty-six hours per week and enjoy all gazetted holidays and Sundays?

(d) Is it a fact that these class I and II clerks get no quarters, while better paid staff get quarters and bungalows?

(e) Is it a fact that the low paid staff do not get the same privilege of passes as highly paid staff get?

† Answer to this question laid on the table, the questioner being absent.

(f) Is it a fact that in Railways staff doing out-door work, like chargemen, ticket collectors, accountants, get less pay and passes than station clerks and assistants?

(g) Is it not a fact that grades of the Chief Accounts Office have recently been amalgamated and will the Honourable Member be pleased to state if there is in contemplation of the Honourable Member any such scheme of amalgamation of the grades of clerks on the line?

(h) Will the Honourable Member be pleased to state if accountants, cashiers, store keepers, representatives, agents clerks and public servants, working on the lines, will have a chance of getting their grades amalgamated?

(i) Is it a fact that the supply of uniforms and passes to these workers has been curtailed?

The Honourable Sir Thomas Stewart: Presumably the Honourable Member is referring to the North Western Railway. If so,

(a) Government have no information.

(b) As regards the first part, the scales of pay quoted by the Honourable Member are correct except that the scale Rs. 33-3-50-5/2-60 should be Rs. 30-5-50-5/2-60.

As regards the latter parts, Government have no information.

(c) The hours of work of the staff mentioned by the Honourable Member are regulated by the Hours of Employment Regulations which have been given statutory effect on that railway since 1st April, 1931. Government have no reason to believe that these regulations are being infringed.

(d) I would refer the Honourable Member to the reply given to part (c) of starred question No. 570, asked by Mr. C. N. Muthuranga Mudaliar in this House on the 2nd March, 1938.

(e) I would refer the Honourable Member to the reply given to parts (b) and (c) of Mr. Muhammad Azhar Ali's unstarred question No. 34 on the 2nd March, 1937. This also disposes of the point in regard to passes to which reference is made by the Honourable Member in parts (f) and (i) of this question.

(f) As regards pay, I would refer the Honourable Member to the reply given to part (a) of starred question No. 233, asked by Mr. Lalchand Navalrai, on the 10th February, 1936, in this House.

(g) and (h). As regards the first part (g), I would refer the Honourable Member to the reply given to part (e) of unstarred question No. 33, asked by Mr. Lalchand Navalrai, on the 21st February, 1936, in this House. As regards the second part of part (g) and part (h), I would refer the Honourable Member to the reply given to starred question No. 569, asked by Mr. C. N. Muthuranga Mudaliar, on the 2nd March, 1938, in this House.

(i) As regards uniforms, Government have no information, as it is a matter with which the Agents of these railways are competent to deal.

Mr. President (The Honourable Sir Abdur Rahim): I must point out to the Honourable Member that this is a typical question in which questions that had been answered before are repeated almost verbatim. This is simply wasting the time of the House and, if Honourable Members

who are interested in putting questions to the Government for obtaining information take care to inform themselves whether this information has already been supplied or not, a good deal of time of the Government, of the House and of the Chair will be saved.

RESTRICTIONS AGAINST THE THIRD CLASS PASSENGERS TRAVELLING BY CERTAIN TRAINS ON THE EAST INDIAN RAILWAY.

†811. ***Maulvi Abdul Ghani**: Will the Honourable Member for Railways be pleased to state:

- whether the East Indian Railway have put any restrictions against the third class passengers travelling by the 1-Up and 2-Down mail trains; if so, whether he will be pleased to lay on the table a copy thereof;
- whether the 13-Up (Howrah-Delhi Express B) was late in arriving at Delhi Station on the 1st March, 1938; if so, how much;
- who is responsible for the inconveniences of the third class passengers due to unusually late arrival of the second train at Delhi; and
- whether a bogie for third class passengers is attached with the 1-Up mail at Patna Junction?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply I gave to Mr. Mohan Lal Saksena's question No. 488 on the 24th February, 1938. I am placing on the table a copy of the relevant notification issued by the East Indian Railway.

(b) Yes. Two hours 20 minutes late.

(c) The Agent, East Indian Railway, states that the late running of the train was due to time being lost in finding accommodation for passengers at some stations, to speed restrictions imposed, consequent on engineering works in progress over certain sections and to the train being held up to cross 2 Down Mail and 8 Down Express and to give precedence to 1 Up Mail.

(d) No. The train does not pass Patna Junction.

Copy of a Notification by the East Indian Railway imposing the restrictions on Third Class Passengers by Mail Trains.

"Only those third class passengers excluding servants of first and second class passengers will be allowed to travel by 1 Up and 2 Down Mails who hold tickets from and to Howrah and *via* to and from stations above Moghal Sarai and *via*. Third class passengers between points other than those named above will not be accommodated on these Mail trains."

FREIGHT PAID BY SUGAR MILLS FOR CARRIAGE OF SUGAR AND SUGAR-CANE ON STATE RAILWAYS.

812. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoolah Haroon): Will the Honourable Member for Railways be pleased to state the amount of freight paid by sugar mills to the various State Railways, i.e., East Indian Railway, Bengal and North Western Railway, Rohilkund and Kumaon Railway, North Western Railway, for carriage of (i) sugar and (ii) sugar-cane during the last five years?

† Answer to this question laid on the table, the questioner being absent.

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply given to Seth Govind Das' and Dr. N. B. Khare's question No. 778 on the 30th March, 1937.

Mr. K. Ahmed: The previous question to which the Honourable Member has referred was with regard to the export and not the import. The question here is quite different from the previous question.

(No answer.)

Mr. Mohan Lal Saksena: The Honourable Member has referred to certain answers but in the present case the answer is required for the last five years. I want to know what is the information for the last year?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the reply which was given to the previous question, he will see that there is a reference to a Statistical Volume where the necessary information is obtainable.

Dr. Sir Ziauddin Ahmad: The last answer was given on the 30th March, 1937, and we want the figures for the current year. Nearly a year has passed away.

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

BAN ON MR. D. SARKAR OF BERLIN AND MR. AND MRS. S. MUZAMDAR OF NOWGONG.

813. ***Mr. Kuladhar Chaliha**: (a) Will the Foreign Secretary please state whether they are prepared to lift the ban imposed on Mr. D. Sarkar of Berlin and permit him to visit India and go back?

(b) Will Government please state whether they are prepared to allow Mr. S. Muzamdar of Nowgong (Assam) and his wife, Mrs. Florence Muzamdar, now in Japan, to visit their home in Assam and go back?

(c) Will Government please state the alleged charges against Mr. S. Muzamdar for which he is not allowed to come to India?

Sir Aubrey Metcalfe: This question should be addressed to the Member in charge of the Home Department.

CHECKERS RETRENCHED FROM THE RAILWAY BRIDGE WORKSHOP, JHELUM.

814. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): (a) Will the Honourable Member for Railways and Communications be pleased to state if it is a fact that in 1936 some checkers were retrenched from the Railway Bridge Workshop, Jhelum?

(b) Had they been in Railway service for more than 10 and 18 years?

(c) Were their names sent to the Labour Exchange Office, Moghalpura, for re-employment?

(d) Were the names of such Railway employees sent previously to the Labour Exchange Officer for re-employment?

(e) If the reply to part (c) be in the negative, why were not their names sent?

(f) Are Government prepared to reconsider the cases of these retrenched employees?

The Honourable Sir Thomas Stewart: (a) to (f). This is a matter of detailed administration within the competence of the Agent, North Western Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

GRIEVANCES OF THE CLERICAL STAFF ON THE NORTH WESTERN RAILWAY.

815. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): (a) Will the Honourable Member for Railways be pleased to state the total number of employees over the North Western Railway, the office clerks and the clerks working on the line separately?

(b) What is the average retirement pay of a clerk in the office and on the line?

(c) Are Government aware that the majority of grade I clerks are under debt to various agencies and there are attachments of their pays?

(d) How many of them are indebted to the North Western Railway Co-operative Society, Limited, Lahore?

(e) Has any representation been received for amalgamation of their grades I (Rs. 33—3—60) and II (Rs. 66—4—90)? If so, on which dates, and what reply has been given?

(f) Is it a fact that they work for 24 hours in eight hour shifts, do not enjoy the religious holidays, and work 60 hours a week as compared with 36 hours per week in the office, and have the Railway authorities amalgamated their grades I and II?

(g) Is it a fact that the drivers, guards and firemen get wages and allowance if they work on holidays, but the clerks on the line do not get any such allowance? If so, why?

(h) Is it a fact that most of the guards, drivers and firemen are Europeans or Anglo-Indians?

The Honourable Sir Thomas Stewart: (a) The available information will be found in the statement at pages 234, 235 and 236 of Volume II of the 'Railway Board's Report on Indian Railways for 1936-37', a copy of which is in the Library of the House. Government do not propose to supplement this information as the expense and labour involved in collecting it will not be commensurate with the results likely to be obtained.

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

(e) I would refer the Honourable Member to the reply given to parts (a) and (b) of starred question No. 570, asked by Mr. C. N. Muthuranga Mudaliar, on the 2nd March, 1938, in this House.

(f) As regards the first part, I would refer the Honourable Member to the reply I have just given to part (c) of starred question No. 810 asked by Mr. Amarendra Nath Chattopadhyaya. As regards the second part, the reply is in the negative.

(g) The Hours of Employment Regulations have been given statutory effect on the North Western Railway since 1st April, 1931, and the stationary staff to whom these regulations apply are paid overtime in accordance with section 71 (c) of the Indian Railways (Amendment) Act, 1930. &

copy of which is in the Library of the House. Guards, drivers and firemen get mileage allowance and overtime according to rules in force.

(h) No.

Mr. M. Ananthasayanam Ayyangar: May we know whether after the receipt of this question the Honourable Member tried to correspond with the North Western Railway Co-operative Society which met at Lahore to ascertain if any first class officers were indebted to that Co-operative Society?

The Honourable Sir Thomas Stewart: I do not see that that is the function of the Railway Board or of the Government of India.

Mr. M. Ananthasayanam Ayyangar: I want the Honourable Member to look into the spirit of the question. These people with low salaries get constantly indebted and their salaries are attached and, therefore, if some answer is forthcoming as regards the state of their indebtedness, some effective steps might be taken.

The Honourable Sir Thomas Stewart: The Honourable Member is indulging in argument.

Prof. N. G. Ranga: With reference to part (h), what proportion of these guards, drivers and firemen are Europeans and Anglo-Indians?

The Honourable Sir Thomas Stewart: I submit that does not arise.

Mr. K. Santhanam: With reference to part (g), do the clerks on the line get these allowances?

The Honourable Sir Thomas Stewart: The stationary staff gets overtime allowances in accordance with section 71 (c) of the Indian Railways (Amendment) Act of 1930.

ABSENCE OF THROUGH RAILWAY SERVICE BETWEEN DELHI AND KARACHI.

816. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): (a) Will the Honourable Member for Railways please state if it is a fact that no through service is provided for passengers travelling between Delhi and Karachi?

(b) Have the North Western Railway Administration received any complaint from the public about the inconvenience felt especially by lower class passengers due to the absence of such a service?

(c) Do Government propose to provide such a service for the convenience of passengers?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) The Agent, North Western Railway, states that the matter has been investigated several times and it has been found that there is no justification for the provision of such a service.

RAILWAY CONCESSIONS TO THE SCOUT AND OTHER VOLUNTEER ASSOCIATIONS.

817. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): (a) Will the Honourable Member for Railways be pleased to state whether any railway concessions are given to the Scout Association and other association troops when they go to attend fairs, etc.?

(b) If so, are the same concessions available to other similar associations, like the Sewa Samiti Boy Scouts, Mahabirdals and Sewa Samitis, etc.?

(c) If the answer to part (b) be in the negative, will the Honourable Member state the reasons for this discrimination?

(d) During the forthcoming Kumbh fair in April next, are Government prepared to extend privileges enjoyed by Baden Powell Scouts Associations in matters of railway fare concessions to the Sewa Samiti Boy Scouts, the Mahabirdals and the Sewa Samitis?

(e) Has the Mela Officer requested the Railway Board to extend such privileges to the volunteers, including the abovementioned organisations?

The Honourable Sir Thomas Stewart: (a) to (d). I would refer the Honourable Member to Serial Nos. 13 and 14 of the list of concessions appearing on page 150 of the Indian Railway Conference Association's Coaching Tariff, No. 11, a copy of which is in the Library of the House. The question of extending the concession to other associations, not at present specified, is a matter for Railway Administrations to consider on receipt of representations from such associations.

(e) Yes. He was advised to communicate direct with the Railway Administrations concerned who are fully competent to deal with the matter.

Mr. T. S. Avinashilingam Chettiar: Are the exemptions given generally to all the scouts or to any particular class of scouts?

The Honourable Sir Thomas Stewart: The nature of the concessions will be found if the Honourable Member refers to Serial Nos. 13 and 14 of the list of concessions appearing on page 150 of the Indian Railway Conference Association's Coaching Tariff, No. 11.

Mr. T. S. Avinashilingam Chettiar: My question was whether exemptions are given to any particular class of scouts or to all scouts generally?

The Honourable Sir Thomas Stewart: There are two classes as described in Serial Nos. 13 and 14.

ALLEGED RUDE BEHAVIOUR OF CERTAIN OFFICERS OF THE CALCUTTA BROADCASTING STATION.

1818. ***Pandit Nilakantha Das:** (a) Has the attention of the Honourable Member for Communications been drawn to the editorial comments published in the *Hindustan Standard* of the 13th February, 1938, and the *Kheyali* of the 20th Magh B.S. 1344 about the rude behaviour of some of

† Answer to this question laid on the table, the questioner being absent.

the officers attached to the Calcutta Broadcasting Station, to a band of amateur artistes, including girls and ladies of respectable families?

(b) If not, does he propose to make a thorough investigation into the matter? If not, why not?

(c) Are Government aware that a group of respectable and popular amateur artistes have taken exception to such rude and insulting behaviour of the officials of the Broadcasting Station at Calcutta and have ceased giving any further performances? If not, do they propose to make a thorough investigation by calling for evidence from both the parties concerned? If not, why not?

(d) Is it a fact that one of the alleged accused officers has been exonerated by the Controller of Broadcasting from all charges in the following terms—"I find it difficult to believe that a man of Mr. Mukherji's character and charm could have behaved in a manner which made it necessary for you to leave the studio"? Do Government propose to have a magisterial enquiry into the allegations of rude and insulting behaviour towards the amateur artistes and especially respectable ladies and girls? If not, why not?

(e) Will Government be pleased to state the names of the Broadcasting Stations in India where the Directors are wholetime Government servants?

(f) Is it a fact that the Director of the Calcutta Broadcasting Station is a part-time servant? If so, will Government be pleased to state the number of hours the Director works daily, and the remuneration paid to him for that service per month? Will Government be pleased to state the amount of salary he draws also from Messrs. Marconi Intl. Marine Com. Co., Ltd., and what is the total remuneration he receives?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). The matter was investigated by the Station Director, Calcutta, and the Controller of Broadcasting and the allegations were found to be exaggerated.

(d) The behaviour complained of was in connection with the pauses that occurred between the items given by the Sangha which the station staff considered were too long. Mr. Mukherjee was reported to have been very curt and rude. The Station Director personally discussed the matter with the leader of the Bani Sangha in the presence of Mr. Mukherjee and the latter expressed regret for any remark which may have been considered objectionable. This, however, was not regarded as sufficient. Subsequently, the Controller was asked to look into the matter during his visit to Calcutta. The extract which the Honourable Member has quoted from the last paragraph of the Controller's letter conveys a misleading impression. The Controller also stated that he greatly disapproved of any discourtesy on the part of his staff towards the artistes and offered to discuss the matter further with Mr. Ghosh. The latter did not, however, think fit to avail himself of the offer. The reply to the second part of the question is in the negative.

(e) Peshawar, Lahore, Delhi, Lucknow, Bombay and Madras.

(f) Yes. He works for eight hours daily and is paid Rs. 1,000 per mensem for his services. The amount of salary drawn by him from Messrs. Marconis is not known to Government.

QUALIFICATIONS OF THE STATION DIRECTOR OF THE BOMBAY BROADCASTING STATION.

819. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Communications please state if it is a fact that the present Station Director of the Broadcasting Station at Bombay was appointed as a programme assistant in the department?

(b) What are his special qualifications, if any, for which he has been considered specially fitted for his present post?

The Honourable Sir Thomas Stewart: (a) No.

(b) Mr. Bokhari is the most senior Station Director and has been transferred to Bombay on administrative grounds. The qualifications required for the post of Station Director, Bombay, are not substantially different from those for Station Directors in other places.

Mr. Manu Subedar: Is it not a fact that Mr. Bokhari was in a subordinate capacity in Delhi before his transfer to Bombay?

Mr. President (The Honourable Sir Abdur Rahim): I disallow that question. It does not arise.

Mr. Manu Subedar: With reference to part (b), is it true that the Station Director of Bombay absented himself frequently from Bombay after he was appointed?

The Honourable Sir Thomas Stewart: I submit that the question does not arise.

Mr. K. Santhanam: May I know if this gentleman has got any technical qualifications?

The Honourable Sir Thomas Stewart: Yes, Sir.

Mr. T. S. Avinashilingam Chettiar: What are those technical qualifications?

The Honourable Sir Thomas Stewart: He underwent a special course of training in Broadcasting House in London.

REPRESENTATION OF PEASANT ASSOCIATIONS ON THE RAILWAY ADVISORY COMMITTEES.

820. ***Prof. N. G. Ranga:** Will the Honourable Member in charge of Communications be pleased to state:

(a) if it is a fact that at the meeting of the Central Advisory Council for Railways held on the 3rd and 8th October, 1936, Mr. Giri was asked by the Chairman to submit a note on the constitution of peasant organisations in Provinces where it was considered desirable that such associations should have representation on local advisory committees;

(b) if it is a fact that Mr. Giri submitted such a memorandum in May, 1937, which was acknowledged by the then Honourable Member in charge of Railways;

(c) if it is a fact that I had submitted again another memorandum at the time of the council's meeting during the last Simla session;

(d) if so, what action has been taken so far by Government to implement the assurance given in 1936 that early steps would be taken to provide such additional representation to peasant associations; and

(e) which of the local advisory committees it is proposed to grant such representation during the current year?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Mr. Giri's memorandum was received and acknowledged in March, 1937.

(c) I have not been able to trace the receipt of the memorandum referred to, but understand that the Honourable Member wrote a letter on the subject to Sir Saiyid Sultan Ahmed.

(d) There is no record of any such assurance having been given.

(e) No proposal of the nature referred to is under consideration at present.

GENERATING COST OF THE RAILWAY POWER HOUSE AT KALKA.

821. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): Will the Honourable Member for Railways please state the generating cost of the railway power house at Kalka as per following details separately:

(i) fuel, (ii) oil lubricating, (iii) stores running other than oil, (iv) wages running, (v) repairs labour and material, (vi) supervision, (vii) interest and depreciation and (viii) total?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

COOLY CONTRACT AT THE LAHORE RAILWAY STATION.

822. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): (a) Will the Honourable Member for Railways please state if it is a fact that the supply of coolies at Lahore railway station on the North Western Railway is entrusted to the contractors?

(b) What are the terms of the contract?

(c) Is the contractor required to pay any money to the Railway Administration for enjoying the contract? If so, what is the amount paid by him?

(d) Is it a fact that each coolie has to pay a monthly levy varying from Rs. 6-4-0 to Rs. 11-2-0?

(e) If the answer to part (d) be in the affirmative, what is the authority under which this levy is charged by the contractor from the coolies?

(f) Have the coolies submitted any representation to the Railway authorities against the abuses of the present system? If so, what action do Government propose to take in the matter?

(g) Are Government prepared to abolish the contract system and make recruitment of coolies through some Railway officer?

The Honourable Sir Thomas Stewart: (a) No. A jamadar has been appointed to arrange for the supply of coolies.

(b) I will place in the Library of the House a copy of the form of agreement signed by the jamadar.

(c) The reply to the first part is in the negative, and the second does not, therefore, arise.

(d) No. The maximum charge which the contractor is permitted to recover from each cooly is Rs. 2 per mensem.

(e) Clause 2 of the agreement with the jamadar authorises a charge of Rs. 2.

(f) Yes. Normally, the Administration does not intervene in disputes between the jamadar and the coolies, but does so when it is believed that some useful purpose will thereby be served. The Agent, North Western Railway, states that the majority of representations received have been from coolies who have been either discharged, or who for any other reason, have a grudge against the jamadar.

(g) Government do not propose to interfere with the discretion of the Administration in matters of this kind.

Sardar Sant Singh: With reference to part (b) is the Honourable Member prepared to lay a copy of that draft agreement on the table of this House?

The Honourable Sir Thomas Stewart: I said I would place a copy in the Library of the House.

Dr. Sir Ziauddin Ahmad: When was this agreement signed? On the last occasion during the Budget debate the Honourable Member clearly said there was a contractor for all the coolies at Lahore.

The Honourable Sir Thomas Stewart: On the contrary I did not admit that there was a contractor. I said that the Jamadar system was in existence on the North Western railway.

Dr. Sir Ziauddin Ahmad: For how long has it been in existence?

The Honourable Sir Thomas Stewart: I want notice.

Dr. Sir Ziauddin Ahmad: Is it not a fact that this contract was signed within the last 30 days?

The Honourable Sir Thomas Stewart: I want notice.

Mr. N. M. Joshi: May I ask what is the difference between the Jamadari system and the contract system?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to my speech on the occasion of the Budget debate some weeks back, he will find that I explained it there.

Sardar Sant Singh: With reference to part (d) may I know whether as a matter of fact the contractor charges the same as he is permitted under the rules or charges much more than he is permitted?

The Honourable Sir Thomas Stewart: I cannot answer that without notice.

Sardar Sant Singh: Will the Honourable Member make enquiries?
(No answer.)

Mr. K. Santhanam: With reference to part (d) may I know if the Jamadar gives receipts for the amount he recovers from these coolies?

The Honourable Sir Thomas Stewart: I cannot answer that without notice.

Mr. K. Ahmad: In view of the fact that there is great unrest among the coolies whether they are drawn under the Jamadari system or under the Sardari system, like the tea plantations which have acquired a notorious history, and in view of the fact that the people who engage these coolies are suspected of corruption and bribery, do the Government propose, with a view to the amelioration of the hardship of these coolies, to appoint some respectable gentlemen on the same terms as the Jamadars are working now?

The Honourable Sir Thomas Stewart: It is a matter of regret to me that the Honourable Member was not present during the Budget debates; otherwise he would not have asked this question.

Mr. K. Ahmad: Do I understand the Honourable Member to suggest that it is a disqualification . . .

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

NON-OBSERVANCE OF ORDERS ABOUT COMMUNAL PERCENTAGE IN THE RECRUITMENT OF LABOUR ON RAILWAYS.

823. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): (a) Will the Honourable the Railway Member please state if it is a fact that Railway Board have issued instruction to all Railways that the order regarding communal representation should be allowed in direct recruitment while filling up vacancies in all categories and grades of all departments of the Railways?

(b) Is it a fact that these orders are not being observed in the recruitment of labour in the different grades and categories?

(c) Is the Railway Member prepared to draw the attention of all the Railways to this fact and ask the Agents to issue clear instructions to the recruiting authorities that communal percentage should be observed in all grades and categories in the direct recruitment of labour, as is being done in the case of supervising staff?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the memorandum of supplementary instructions connected with the orders contained in the Government of India, Home Department

Resolution No. F-14/17-B. 33-Ests., dated the 4th July, 1934., a copy of which is in the Library of the House. These instructions apply to class I railways, excluding the Jodhpur and H. E. H. the Nizam's State Railways.

(b) I would refer the Honourable Member to the reply given to part (b) of starred question No. 289 asked by Mr. Lalchand Navalrai in the Legislative Assembly on the 11th March, 1936.

(c) Does not arise.

RATE OF FREIGHT ON WHEAT FROM LYALLPUR.

824. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): (a) Will the Honourable the Railway Member be pleased to state the rate of freight on wheat from Lyallpur to Karachi?

(b) Is this a concession rate?

(c) Is there any similar concession to Calcutta or any other Indian port for the Punjab wheat?

(d) If so, which? If not, why not?

(e) Is he aware that import of Australian wheat in Calcutta has an effect on prices of wheat in the Punjab?

(f) What will be the effect on wheat price per maund in Lyallpur, if freight concession is given for Calcutta?

The Honourable Sir Thomas Stewart: (a) Rs. 0-11-10 per maund. A rebate of 25 per cent. is, however, allowed on consignments exported to countries West of Aden and East of Singapore.

(b) No.

(c) and (d). Do not arise.

(e) and (f). Fluctuations in the price of wheat are due to so many factors that it is not possible to isolate the bearing of one or two of them on the prices ruling in any particular market.

Mr. K. Ahmad: Is it not a fact that Australian wheat coming to Calcutta is much cheaper than the wheat from the Punjab to Calcutta?

The Honourable Sir Thomas Stewart: I suggest that the Honourable Member addresses his question to the representative of the Commerce Department in this House.

Mr. K. Ahmad: Sir, the original answer was given by the Honourable Member and he should answer supplementaries also which arise on that question.

The Honourable Sir Thomas Stewart: The information I gave was in respect of railway freight. The Honourable Member is asking about market prices in Calcutta.

Mr. K. Ahmad: It is the question of freight which decides the cheapness or dearness of a thing. And it is impossible and impracticable that the railway should charge so much for wheat coming from the Punjab to Calcutta whereas the charges for wheat coming from Australia is very much less.

The Honourable Sir Thomas Stewart: Sir, I do not feel competent to quarrel with the Honourable Member's economics.

Dr. Sir Ziauddin Ahmad: What is the freight between Lyallpur and Calcutta and also between Australia and Calcutta?

The Honourable Sir Thomas Stewart: I can give the information if the Honourable Member will give me notice.

SPEEDING UP OF THE TRAIN SERVICE FROM LAHORE TO LYALLPUR.

†825. ***Mr. H. M. Abdullah:** Will the Honourable the Railway Member be pleased to state:

(a) whether he has considered if the speeding up the train service from Lahore to Lyallpur will not check the loss to Railways caused at present by lorry competition and slow railway service;

(b) whether it is a fact that the average time taken by a train to cover a distance of only 90 miles (Lahore to Lyallpur) is more than 3½ hours and the average speed is about 25 miles per hour only; and

(c) whether he is aware that, due to this slow speed, many private owners like to go in their cars rather than by train, specially those who want to return the same day?

The Honourable Sir Thomas Stewart: (a) This is a consideration which every Railway Administration has always in mind when drawing up the time-table for its passenger services.

(b) The figures given are approximately correct. The booked speed of the trains, however, averages about 35 miles per hour. The necessity for providing for halts at practically all stations in order to meet public requirements precludes the possibility of reducing the time of the journey between Lahore and Lyallpur.

(c) No, but I am prepared to accept the Honourable Member's statement, though I do not agree with his view about the speed being low.

RE-EMPLOYMENT OF THE CONSTRUCTION STAFF OF THE NORTH WESTERN RAILWAY.

†826. ***Mr. H. M. Abdullah:** (a) Will the Honourable the Railway Member please state if it is a fact that the construction hands of the North Western Railway, who rendered meritorious services for a number of years, and were thrown out of employment, have not been re-engaged?

(b) Is it also a fact that new persons are being appointed and have been appointed to the same or similar posts which the construction hands held?

(c) Is it a fact that the Railway spends a lot of money in giving practical training to these newly recruited persons?

(d) Are Government prepared to employ the old hands of construction who are willing to be re-employed?

† Answer to this question laid on the table, the questioner having exhausted his quota.

(e) Are Government prepared to take the old staff of construction who are working in construction at present in open line on occurrence of vacancies in preference to outsiders and to those who are under training at present?

The Honourable Sir Thomas Stewart: (a) to (e). This is a matter of detailed administration within the competence of the Agent, North Western Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

HOURS OF DUTY OF THE NORTH WESTERN RAILWAY OFFICES.

1827. ***Mr. H. M. Abdullah:** (a) Will the Honourable the Railway Member please state whether it is a fact that duty hours of North Western Railway offices in the summer are 10 A.M. to 17 hours?

(b) Is it a fact that duty hours in winter are 10 A.M. to 16 hours?

(c) Is it a fact that no arrears in work are caused in winter?

(d) Is it a fact that duty hours in other Government offices where North Western Railway offices are located, are from 10 A.M. to 4 P.M.?

(e) Is it a fact that the office hours of Government of India's offices are 10 A.M. to 4 P.M.?

(f) If the reply to the above be in the affirmative, are Government prepared to reduce the office hours in summer from 10 A.M. to 4 P.M. in Railway offices?

The Honourable Sir Thomas Stewart: (a) and (b). The information available with Government refers only to the Headquarters Office of the North Western Railway situated in Lahore, and is to the effect that the working hours of this office are:

1. From the 1st April to the 30th September:

10-0 A.M. to 5-0 P.M. from Mondays to Fridays (inclusive) with half an hour's recess from 1-15 to 1-45 P.M.

2. From the 1st October to 31st March:

Office hours are the same as in one above, but the half hour break is abolished and the staff are permitted by Superintendents of Branches or Heads of sections, if their work is clear, to leave office at 4 P.M.

The hours on Saturdays, in both cases, are from 10 A.M. to 2 P.M.

Government have no information as regards other officers of that railway.

(c) Government have no information.

(d) and (f). I would refer the Honourable Member to the reply given to parts (b) and (c) of starred question No. 1378 asked by Mr. Lalchand Navalrai in this House on the 23rd March, 1936.

(e) I would refer the Honourable Member to the reply given to Mr. C. N. Muthuranga Mudaliar's starred questions Nos. 1098 and 1099 in this House on the 12th October, 1936.

† Answer to this question laid on the table, the questioner having exhausted his quota.

CRITERION OF EFFICIENCY AND INEFFICIENCY APPLICABLE TO TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

828. ***Mr. B. B. Varma** (on behalf of Mr. Muhammad Azhar Ali): Will the Honourable Member for Railways please state:

(a) the criterion of efficiency and inefficiency applicable to teachers employed in both Indian and European schools on the East Indian Railway;

(b) the period within which a teacher could be adjudged inefficient;

(c) the authority (educational or administrative) who is competent to adjudge a teacher inefficient;

(d) (i) the authority who is competent to remove a teacher employed in both Indian and European schools, from service in terms of agreement, and (ii) whether the information given on the 31st August, 1936, in reply to unstarred question No. 100, asked in this House on the 4th February, 1936, viz., power to remove from service, according to service agreement, can be exercised *only* by an Agent, is applicable to the school staff; if not, why this differential and discriminatory treatment is in existence amongst the non-gazetted staff; and

(e) whether the rules issued under Railway Board's letter No. E.-34/R.G./6, dated the 22nd June, 1935, are applicable to teachers and other school staff of both Indian and European schools; if not, whether he will place on the table a copy of the rules applicable to such staff?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

RECOGNITION OF TRADE UNIONS AND ASSOCIATIONS.

829. ***Mr. B. B. Varma** (on behalf of Mr. Muhammad Azhar Ali): Will the Honourable Member for Railways please refer to answers given to unstarred questions No. 182 and 183, asked in this House on the 29th September, 1937, and state:

(a) the Departments which do not ordinarily enter into correspondence with unrecognized trade unions and associations;

(b) the Departments which generally do not acknowledge the receipt of correspondence from unrecognized trade unions or associations;

(c) whether this differential treatment was laid down in the policy declared in reply to unstarred question No. 398, asked in this House on the 20th March, 1936; if not, the date since when this differential treatment is incorporated in the said policy;

(d) the terms upon which the Government of India in the Railway Department (not the Agents of State-managed Railways) recognise trade unions or associations; if none, why this differential treatment is introduced in the Departments of the Government; and

(c) whether Government propose to remove this distinction and differential treatment; if not, why not?

The Honourable Sir Thomas Stewart: (a), (b) and (c). Departments of Government do not enter into correspondence of any kind with an unrecognised Union or Service Association except in connection with applications for recognition. Government have no reason to believe that the practice in this respect differs in various Departments of Government. The instructions referred to in the reply given to unstarred question No. 398 asked by Mr. Sham Lal, on the 20th March, 1936, are intended to regulate correspondence between Government and associations, commercial bodies, etc., other than Trade Unions or Service Associations referred to above.

(d) and (e). I would refer the Honourable Member to the reply to item (i) of the information laid on the table of the House on the 21st January, 1935, in reply to starred question No. 480, asked by Lt.-Col. Sir Henry Gidney, and the supplementary questions asked in connection with it, on the 14th March, 1934, in the Legislative Assembly.

Prof. N. G. Ranga: With reference to part (a) of the question, what are the departments in which there are no recognised trade unions?

The Honourable Sir Thomas Stewart: If that is an issue which arises from this question, I must have notice; I cannot give details.

CERTAIN COMPLAINTS AGAINST RAILWAYS.

830. ***Mr. B. B. Varma** (on behalf of Mr. Muhammad Azhar Ali): Will the Honourable Member for Railways please refer to my speech in this House on the 17th February, 1938, regarding (i) stoppage of 17-Up Howrah-Punjab Express train at Radauli, (ii) demands of the residents of Amethi; and (iii) reduction in the strength of luggage porters on Ghaziabad-Karnal-Kalka Section of the North Western Railway, and to state the actions taken thereon? If no action has been taken, why not?

The Honourable Sir Thomas Stewart: Relevant extracts from the Honourable Member's speech have been forwarded for such action as the Administrations concerned may consider necessary to the Agent, East Indian Railway, in regard to items (i) and (ii), and to the Agent, North Western Railway, in regard to item (iii).

REFUSAL OF LEAVE TO SUBORDINATES ON THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

831. ***Mr. J. D. Boyle:** (on behalf of Lieut.-Colonel Sir Henry Gidney): (a) Will the Honourable Member for Railways please state:

(i) the number of subordinates on the Great Indian Peninsula and East Indian Railways who were refused leave in 1935-36 owing to shortage of staff; and

(ii) the percentage of officials who were granted leave during 1935-36?

(b) Do Government propose to take steps to ensure that subordinates are not deprived of their privileges on the ground of shortage of staff?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

PROPOSAL TO ABANDON THE COCANADA-KATIPALLI RAILWAY.

832. ***Mr. K. Santhanam** (on behalf of Mr. Thirumala Rao): (a) Will the Honourable Member for Railways state at what stage is the proposal to abandon the Cocanada-Katipalli Railway?

(b) Have Government investigated the plan of maintaining the Diesel car service which is now running on the said line permanently without abandoning it altogether?

(c) Are Government aware of the strong agitation carried on by the people of the area for the retention of the line?

The Honourable Sir Thomas Stewart: (a) The Honourable Member is referred to the reply given in this House to question No. 53 by Mr. Umar Ali Shah on the 2nd March, 1938;

(b) All factors, including utilisation of the cheapest form of traction, will be taken into consideration before a final decision is taken as to whether the line should be closed or kept open;

(c) Yes.

REFUSAL OF PERMISSION TO THE KALKA-SIMLA HILLS MOTOR UNION TO PLY THEIR CARS IN DELHI.

833. ***Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Communications please state:

(a) whether it is a fact that the Kalka-Simla Hills Motor Union, Limited, Kalka, brought their motor cars in Delhi early in November 1937 for plying on hire;

(b) whether it is also a fact that the said Union made personal representations to the Senior Superintendent of Police, the Deputy Commissioner and the Chief Commissioner, Delhi, but they were not permitted to ply their cars in Delhi;

(c) what is the total number of motor cabs plying, or which are entitled to ply, on hire in Delhi, without taximeters fitted to them;

(d) whether the numbers of motor cabs and taxi cabs which can ply in Delhi are limited; if so, what is the number and what are the reasons therefor;

(e) whether there is any rule which empowers the police authorities in Delhi to refuse the grant of a certificate to a motor car not fitted with a taxi meter; if so, what is that rule;

(f) whether he is aware that there are private individuals who bring their motors from the Kalka-Simla road for plying on hire in Delhi for several years past during the winter and they do so and are doing so without being required to fit their motor cabs with taximeters; and

(g) whether there are any special reasons for refusing such permission to the Kalka-Simla Hills Motor Union, Limited, Kalka?

The Honourable Sir Thomas Stewart: (a) Government have no information, but the Managing Director of the Union in a representation made to the District Magistrate, Delhi, in January last, stated that he had brought a number of cars to Delhi in November, 1937.

(b) Yes.

(c) The number of motor cabs permitted to ply on hire without taximeters is 29. This is to meet the needs of hotels and of tourist traffic generally.

(d) The answer to the first part is in the negative, and the second part does not therefore arise.

(e) Yes, Rule 13-A read with Rule 68 of the Delhi Motor Vehicles Rules, 1933.

(f) No.

(g) It would be unfair to add to the number of motor cabs permitted to ply without taximeters, as the taxi drivers of Delhi have repeatedly represented that the existing number is already excessive.

Mr. Manu Subedar: With regard to clause (f), do Government propose to pass an order that all taxi cabs plying in Delhi should be fitted up with a meter?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Manu Subedar: Why not?

Mr. Badri Dutt Pande: Sir, I rise on a point of order. Mysterious and subtle ways of replying to our questions are being adopted by that side of the House. On one day it is said that the information is being collected; on the second day, secretly and silently the answer is laid on the table. I think this is done to avoid supplementaries. I think if the Member cannot answer the question in ten days he may take another four or five days.

Mr. President (The Honourable Sir Abdur Rahim): Can the Honourable Member give an example? Has it happened today?

Mr. Badri Dutt Pande: There is this ghee question. It was a very important question, and the other day the Defence Secretary.

Mr. President (The Honourable Sir Abdur Rahim): What is the question asked today regarding ghee?

Mr. Badri Dutt Pande: I will give one or two instances later on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is absolutely out of order in raising a point which does not arise on any answer which has been given today. His observation casts a serious reflection on Government Members, and if the Honourable Member has any information on which he has based his statement, surely he ought to disclose that at the proper time.

SLOW SPEED OF THE GRAND TRUNK EXPRESS.

833A. ***Mr. K. Santhanam** (on behalf of Mr. Thirumala Rao): Is the Honourable Member for Railways aware of the fact that the Grand Trunk Express takes a longer time than mails on other railways do to traverse the same distance.

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply given to Dr. T. S. S. Rajan's question No. 1211 on the 30th March, 1935.

Mr. K. Santhanam: Is the Honourable Member aware that his replies have had no effect on the time-table of the Grand Trunk Express?

The Honourable Sir Thomas Stewart: That, Sir, is a matter of opinion.

Mr. M. Ananthasayanam Ayyangar: Have Government taken any steps to speed up the train service in view of the fact that there is only one through service between Madras and Delhi?

The Honourable Sir Thomas Stewart: I have answered that question.

Prof. N. G. Ranga: Is there any proposal to increase the speed of this Grand Trunk Express in the near future?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Since that question was answered, have Government written to any of these administrations to speed up the train?

The Honourable Sir Thomas Stewart: I should like to have notice of that question.

Mr. M. Ananthasayanam Ayyangar: What steps have Government taken since that question was asked and answered?

The Honourable Sir Thomas Stewart: The Honourable Member is putting his question in another form for which also I must have notice.

SHORT NOTICE QUESTIONS AND ANSWERS.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH SOUTH AFRICA.

Mr. Manu Subedar: Will the Commerce Secretary state:

- at what stage the negotiations for the conclusion of a formal trade agreement with South Africa are;
- who is negotiating;
- for what period, roughly, the provisional arrangement announced today is to remain in operation; and
- whether the formal trade agreement will be placed before the Assembly before it is concluded?

Mr. H. Dow: (a) The negotiations may be said to be in the embryo or prenatal stage.

(b) Nobody.

(c) As stated in the communique published on the 10th March the provisional arrangement will remain in force until superseded by a more comprehensive commercial agreement 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.

(d) This question has not been considered by Government, and it would clearly be premature to consider it at the present stage.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government will take the Standing Commerce Committee into consultation in this matter?

Mr. H. Dow: I have told the Honourable Member that there are no negotiations going on.

Mr. Manu Subedar: Do I understand that the arrangements which have been made will therefore stand, and that Government do not propose to have any negotiations for the final trade agreement?

Mr. H. Dow: The present *modus vivendi* will go on, as I pointed out in part (c) of my answer, until notice of termination is given by one or the other party.

Mr. Manu Subedar: Do Government propose to have any negotiations for a final trade agreement in which the proper position from the Indian point of view may be examined?

Mr. H. Dow: Government are not considering the initiation of any such agreement.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH SOUTH AFRICA.

Seth Govind Das: Will the Commerce Secretary please state:

- (a) whether the attention of Government has been drawn to the publication in the *Hindustan Times* of the 11th March, 1938, regarding a trade treaty with South Africa;
- (b) the reasons actuating Government to take the initiative of starting the negotiation for a trade agreement with the Government of the South African Union;
- (c) whether the notes were signed in South Africa by Sir Raza Ali, Mr. Rama Rau or by the Secretary; if the latter has signed the notes, the reasons of Government to choose a time for the purpose when Sir Raza Ali was on his way back to India and Mr. Rama Rau not yet settled to his task;
- (d) the special reasons of Government for trying to secure a trade agreement with the Union of South Africa, when the trade balance was in our favour;
- (e) the principal commodities that the Union of South Africa contemplate exporting to this country;
- (f) who discussed the terms of the notes; and
- (g) whether it is a fact that Sir Raza Ali refused to sign the notes prepared for the purpose?

Mr. H. Dow: (a) The *Hindustan Times* of the 11th March published the Press Communiqué on the exchange of notes with South Africa, and also an extremely inaccurate exposition of the same over the name of Mr. Manu Subedar. I am not sure to which of these the Honourable Member's question is intended to refer, but Government have seen both of them.

(b) and (d). The reasons are fully set forth in the Press Communiqué issued by the Government of India on the 10th March last, a copy of which is in the Library.

(c) and (g). The note was signed by the officiating Agent-General for India in the Union of South Africa, Mr. Ridley. As the document was signed on behalf of the Government of India and under the Government of India's instructions, personal questions were in no way involved. As a matter of fact, when the decision was taken that the Agent-General should sign, it was not known who would be the Agent-General at the time the agreement would be ready for signature; but there is no ground for any suggestion that any person holding that office could have any possible reason for refusing to obey the Government of India's instructions. I understand that Sir Raza Ali handed over charge about a month earlier than had been anticipated; otherwise the note would have been signed by him.

(e) There is nothing in the notes exchanged which has any bearing on this question.

(f) The discussion took place by correspondence between the two Governments concerned.

Seth Govind Das: You have not answered part (g).

Mr. H. Dow: I have answered parts (c) and (g) together.

Mr. Manu Subedar: May I ask a supplementary question, Sir, as my criticism has apparently gone home? Will the Government issue a press note refuting my contentions on the subject?

Mr. H. Dow: I am not sure whether it is worth while issuing a press note on the subject; but I am prepared to refute sentence by sentence the criticism which was made by the Honourable Member and to show that every sentence is inaccurate, with the exception of one or two that contradict each other to the extent one of them must be right. I am prepared to demonstrate that to the satisfaction of the Honourable Member.

Mr. Manu Subedar: Is the Honourable Member in order, Sir, in indulging in abuse instead of dealing with the subject-matter of the note? I am challenging him to issue a press note on the subject. Does he propose to do so?

Mr. H. Dow: I have no objection to do so, and I will do so with the greatest of pleasure.

Mr. Manu Subedar: I think it is mean to hit below the belt like that.

UNSTARRED QUESTIONS AND ANSWERS.

PREPONDERANCE OF ANGLO-INDIANS IN CERTAIN LOCO. POSTS ON THE NORTH WESTERN RAILWAY.

80. Mr. N. M. Joshi: (a) Will the Honourable Member for Railways please state the number of Indian Loco. Shed Foremen, Assistant Foremen and Loco. Inspectors employed on the North Western Railway?

(b) Is it a fact that, barring one or two posts, all the posts mentioned in part (a) above are held by Anglo-Indians? If so, will Government please state the number of Indian Loco. Shed Foremen, Assistant Foremen in these posts?

(c) Will Government please state if Indians (excluding Anglo-Indians) were given adequate chances to work as Loco. Shed Foremen or Assistant Foremen or Loco. Inspectors on the North Western Railway? If not, will Government be pleased to state the reasons for not employing Indians in adequate number?

(d) Is it a fact that a special test (T.-13-Course) has been laid down to qualify for promotion in the posts mentioned in part (a) above?

(e) Is it a fact that generally Anglo-Indians are earmarked for qualifying in the aforesaid test on the North Western Railway?

(f) Is it a fact that, although an Indian of the Loco. Shop, North Western Railway, who was qualified as A.M.I.M.E. and A.M.I.E.E. (London), and had qualified much earlier than some of the Anglo-Indians, was not given a chance to work as Loco. Foreman, while some Anglo-Indians, who passed the test in later years, (e.g., 1937), got promotions even though they did not originally belong to the Loco. Department and their training was for quite different jobs?

(g) If the above facts are correct, will Government please state the reasons for giving preference to Anglo-Indians for posts mentioned in part (a) above?

The Honourable Sir Thomas Stewart: (a) and (b). The available information is given in the North Western Railway 'Classified List of Sub-ordinate Staff of all Departments on pay of Rs. 250 and above' a copy of which is in the Library of the House.

(c) to (g). Government have no information, but have asked the Agent, North Western Railway, to examine the allegations of discrimination in the question and to take whatever steps may be necessary to give effect to the policy of the Government in the matter.

DRIVERS, FITTERS-IN-CHARGE AND SHEDMEN NOMINATED TO T.-13-COURSE ON THE NORTH WESTERN RAILWAY.

81. **Mr. N. M. Joshi:** Will the Honourable Member for Railways please state:

(a) the number of drivers, fitters-in-charge and shedmen, who have been nominated on the North Western Railway for the next T.-13-Course;

(b) how many qualified T.-13 Indians and Anglo-Indians are on the waiting list; and

(c) how long it will take to absorb those on the waiting list?

The Honourable Sir Thomas Stewart: Government are informed as follows:

(a) If necessary the next training Course T.-13 will commence in September, 1938, and the staff who will attend this course have not been nominated as yet.

(b) Indian—1.

Anglo-Indians—5.

(c) The number of vacancies which will occur on account of superannuation during 1938, 1939 and 1940 is seven.

COMPLAINTS AGAINST LOCO. FOREMEN AT CERTAIN STATIONS ON THE NORTH WESTERN RAILWAY.

82. **Mr. N. M. Joshi:** Will the Honourable Member for Railways please state if it is a fact that several of the Loco. Foremen at Lahore, Saharanpore, Kundian, Rohri and Jullundur Sheds were found guilty of complaints of a very serious nature? Will Government please place on the table details of these cases, showing also the punishments awarded?

The Honourable Sir Thomas Stewart: I am afraid I am unable to reply to a question couched in such general terms. If the Honourable Member would specify the complaints he is referring to, I shall consider his request.

FREIGHT RATES ON TRANSPORT OF SUGAR-CANE.

83. **Seth Haji Sir Abdoola Haroon:** Will the Honourable Member for Railways specify the rate charged for transport of sugar-cane on the various railways beginning from thirty miles up to hundred miles?

The Honourable Sir Thomas Stewart: The ordinary rate for sugar-cane is 0.38 pie per maund per mile. Several Railways, however, quote for sugar-cane in wagon loads schedule rates, the basis of which vary on the different Railways. Particulars of these rates will be found on pages 529 to 531 of the Indian Railway Conference Association's Goods Tariff (No. 20), a copy of which is in the Library of the House. Special station-to-station rates have also been quoted on some Railways and particulars of these will be found in each Railway's tariff.

PAUCITY OF BENGALI MUSLIMS IN THE BROADCASTING DEPARTMENT.

84. **Maulvi Sikandar Ali Choudhury:** Will the Honourable Member in charge of Communications be pleased to state:

(a) if it is a fact that no Muslims from Bengal have as yet been employed in the Broadcasting Department;

(b) if the reply to part (a) be in the affirmative, whether the Honourable Member proposes to see that Bengali Muslims get a fair share in the Broadcasting Department appointments in the future; and

(c) in the contemplated opening of a Broadcasting station at Dacca and the extension of the one at Calcutta, involving the appointment of new staff, whether the Honourable Member is prepared to see that non-Bengalis do not supersede the claims of Bengalis in getting employment?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The claims of suitable Bengali Muslims for employment in the Broadcasting Department will receive consideration.

(c) I am unable to give any such assurance but so far as the clerical staff is concerned special consideration will be given to local applicants.

ACCIDENTS ON THE DIBRU SADIYA RAILWAY AND ABSENCE OF FENCING.

85. **Mr. Kuladhar Chaliha:** Will the Honourable the Railway Member please state:

- the number of accidents in the Dibru Sadiya Railway within the last three years 1934-35, 1935-36 and 1936-37;
- the number of passengers injured in the derailment of the passenger train on the 29th July, 1937;
- the number of persons run over during the years 1934-35, 1935-36 and 1936-37;
- the number of deaths on account of accidents during the said period of three years;
- whether the Railway line is fenced; if not, why not;
- whether it is a fact that the Dibru Sadiya Railway is demanding one quarter cost of the fencing from the Government of Assam under clauses 4 and 12 of the agreement between the Railway Company and British Government in 1888;
- whether it is a fact that one Legal Remembrancer supported the claim of the Railway Company, while another held the opinion that the Assam Government need not bear the cost as demanded by the Company;
- whether Government are aware that the Railway Company is running motor buses along the road parallel to the line to the injury of the private owners of buses, and whether Government are prepared to take steps to stop this; and
- the number of level crossings on the line; and whether Government have put any gates at the crossings; if not, why not?

The Honourable Sir Thomas Stewart:

	1934-35.	1935-36.	1936-37.
(a) (i) Failure of engines and rolling stock	10	4	Nil.
(ii) Trains running over cattle on the line	17	22	12

(b) I am calling for the information and will lay a reply on the table when it has been received.

	1934-35.	1935-36.	1936-37.
(c) Killed	13	9	6
Injured	2	Nil.	1

(d) Apart from the figures given in my reply to part (c), which are all of trespassers, there was no death.

(e) The line is unfenced, except for a short length at Dibrugarh. It is not considered that any more fencing is necessary.

(f), (g) and (i). Government have no information.

(h) The Railway Company run two buses between Dibrugarh and Tinsukia. Government see no reason to interfere with the action of the Administration in regard to this matter.

COMMUNAL PERCENTAGE IN SERVICES ON STATE RAILWAYS.

86. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to Government of India, Home Department, Resolution No. F-14/17-B/33, dated the 4th July, 1934, and state:

- whether the percentage of each community shall be maintained in each class of employment on State-managed Railways; and

- whether promotions in class to class or grade to grade should be on communal or racial basis on State-managed Railways?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to paragraph 7 (1) (i) of the Home Department Resolution referred to by him in the opening part of the question and paragraph 8 of the memorandum of supplementary instructions connected with the Resolution, a copy of which is in the Library of the House.

(b) No, communal percentages fixed by Government relate only to direct recruitment and not to recruitment by promotion which is made on merit and seniority regardless of communal consideration.

EXEMPTION OF RUNNING STAFF FROM THE HOURS OF EMPLOYMENT REGULATION.

87. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to Government of India, Railway Department, Notification No. 40-L., dated the 31st January, 1931, and state:

- whether the exemption of running staff from the Hours of Employment Regulations has been made on the consideration of the mileage allowance earned by that staff;
- whether the staff defined as running staff under Hours of Employment Regulations has been classified according to the nature of their duties;
- whether the running staff earn the same amount of mileage allowance if regulated within the limits laid down in the Hours of Employment Regulations;
- whether it is a fact that any class of running staff which ceases to earn mileage allowance, shall automatically be regulated within the limits laid down in the Hours of Employment Regulations;
- whether the classification of running staff under the Hours of Employment Regulations was made according to the scales of pay drawn by the staff in each class;
- what the considerations were for exemption of running staff from the Hours of Employment Regulations; and
- on what principles the classes of employees were grouped as running staff?

The Honourable Sir Thomas Stewart: (a), (c) and (f). The Hours of Employment Regulations have not so far been applied to running staff mainly because such staff are paid partly by monthly pay and partly by mileage and overtime allowances and the revision of the rules in order to adapt them strictly to the Hours of Employment Regulations might result in considerable number of staff having their emoluments reduced.

(b), (e) and (g). I would refer the Honourable Member to rule 3 (2) (a) of the Notification referred to by him in the opening paragraph of the question.

(d) On railways to which the Hours of Employment Regulations apply, the hours of work of a railway servant not excluded under Rule 3 (2) of the Notification referred to in reply to parts (b), (e) and (g) above are regulated by these Regulations.

NON-ACCEPTANCE OF CERTIFICATES FROM THE NON-RAILWAY DOCTORS.

88. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to the reply given to starred question No. 117, asked in this House on the 3rd February, 1938, and state the reasons why certificates from non-railway doctors are subject to acceptance by Railway Medical officers, and whether in other Departments of the Government, certificates from non-departmental doctors are subject to acceptance by Departmental Medical Officer; if so, in which Department; and if not, what is the reason for this discrimination?

The Honourable Sir Thomas Stewart: The railway department has its own doctors at most stations who are always within call. Moreover, railway doctors have experience of the conditions under which railway staff work and are in a much better position to say when leave on medical certificate is required than an outsider without the intimate knowledge which a railway doctor possesses. In case a railway servant resides beyond the jurisdiction of a railway doctor and obtains a sick certificate from his own medical attendant, the competent authority may, at its discretion, accept the certificate or refer the case to the District Medical Officer for advice or investigation and then deal with it as circumstances may require. In this connection I would refer the Honourable Member to rule 3 of the rules governing the grant of medical certificates to railway servants applying for leave on medical certificates, a copy of which is in the Library of the House. In other Departments the acceptance without reference to the Departmental Medical Officer of a certificate granted by a non-official medical practitioner is to some extent discretionary with the head of the Office or Department concerned. The full procedure is set out in Rules 220—231 of the Supplementary Rules.

OBSERVERS EMPLOYED IN THE UPPER AIR OBSERVATORY, AGRA.

89. **Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Communications please state:

- what are the scales of observers employed in the Upper Air Observatory, Agra, and their strength in each scale; also, how this strength has been drawn from the various Provinces and States of India;
- whether it is a fact that the services of observers are transferable throughout and even outside India; if so, whether any circles have been formed in order to keep Government expenditure on transfers at a minimum and to give as settled a life to the observers as possible;
- whether any compensation is being given to the observers for their work on Government holidays and for extra observations called of them over and above the normal work;
- whether those observers, who are ordered by their Head office to stay near their office, have been given rent-free quarters; in cases of choice and where ten per cent. rent is charged, whether the accommodation allowed is to the required standard according to the grades; and

- what has been the percentage of promotions made from one ministerial scale to another in the above office each year during the last five years and whether all these promotions have been based on seniority of service; if not, why these were not based on seniority of service in those cases where service was otherwise satisfactory?

The Honourable Sir Thomas Stewart: (a) A statement giving the required information is placed on the Table of the House.

(b) Yes. Observers are liable to transfer anywhere in India and in the Persian Gulf. No circles have been formed, but transfers are made only when necessary in the exigencies of the service and are arranged with due regard to economy and the convenience of the staff concerned.

(c) No, Sir. Work on holidays and outside normal hours is restricted to a minimum, and observers are allowed holidays by turns.

(d) Yes.

(e) A statement giving the required information is laid on the table. Promotions are made with due regard to seniority except in cases where special qualifications or training are required for a particular post.

Statement showing the Scales, Strength, etc., of Observers of the Upper Air Observatory, Agra.

Post and scale of pay.	Total No.	Province to which incumbents belong.	No.
Chief Observer Rs. 150—10—300 (old). Rs. 125—10—275 (revised).	1	United Provinces	1
Senior Observers Rs. 80—5—120—4—172—175 (old). Rs. 70—4—110—5—160 (revised).	36	Bengal	12
		United Provinces	12
		Punjab	5
		Madras	3
		Bombay	1
		Cochin State	1
		Travancore State	1
		Kashmir State	1
Junior Observers Rs. 40—4—120 (old) or Rs. 40—3—70—4—110 (revised).	58	Bengal	16
		United Provinces	23
		Punjab	11
		Madras	3
		North-West Frontier Province	2
		Kapurthala State	1
		Travancore State	1
		Baluchistan	1
Junior Observers. Rs. 40—2—80	18	Bengal	4
		United Provinces	7
		Punjab	4
		Madras	1
		Sirmour State	1
		Pataudi State	1
Junior Observers Rs. 40—2—80.	6	United Provinces	4
		Punjab	1
		Nabha State	1

Statement showing the percentage of promotions from one grade to another in the Upper Air Observatory, Agra.

Grade in which vacancy arose.	No. of vacancies.	Promotions.	
		No.	Per-centage.
1933-34.			
Senior observers or clerks (Rs. 80—175 or Rs. 70—160)	1	Nil	Nil
Junior observers or clerks (Rs. 40—120 or Rs. 40—110)	3	1	33·3
Mechanics (Rs. 50—80 or Rs. 60)	2	Nil	Nil
1934-35.			
Senior observers or clerks (Rs. 80—175 or Rs. 70—160)	5	Nil	Nil
Junior observers or clerks (Rs. 40—120 or Rs. 40—110)	3	Nil	Nil
1935-36.			
Senior observers or clerks (Rs. 80—175 or Rs. 70—160)	5	1	20·0
Junior observers or clerks (Rs. 40—120 or Rs. 40—110)	3	3	100·0
Mechanics (Rs. 70—100)	1	1	100·0
Mechanics (Rs. 50—80 or Rs. 60)	1	Nil	Nil
1936-37.*			
Inspector of Observatories (Rs. 100—200)	1	Nil	Nil
Senior observer or clerk (Rs. 80—175 or Rs. 70—160) and Stenotypist (Rs. 75—150)	6	Nil	Nil
Junior observers or clerks (Rs. 40—120 or Rs. 40—110)	7	Nil	Nil
Mechanic (Rs. 70—100 or Rs. 80)	1	Nil	Nil
* As most of the permanent men on the establishment did not volunteer to serve in Burma after separation, direct recruitment had to be made for service in Burma. Thus, no promotion could be made in 1936-37.			
1937-38.			
Senior observer or clerk (Rs. 80—175 or Rs. 70—160)	2	1	50·0
Junior observers or clerks (Rs. 40—120 or Rs. 40—110)	6	5	83·4
Stores and Supply Assistant (Rs. 125—275)	1	1	100·0
Inspector of Observatories (Rs. 100—200)	1	1	100·0

* As most of the permanent men on the establishment did not volunteer to serve in Burma after separation, direct recruitment had to be made for service in Burma. Thus, no promotion could be made in 1936-37.

GAZETTED STAFF IN THE METEOROLOGICAL DEPARTMENT AND LENGTH OF SERVICE OF THE HEAD OF THE UPPER AIR OBSERVATORY, AGRA.

90. Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Communications please state:

(a) the strength of the gazetted staff, class I, of the India Meteorological Department;

(b) the length of service of the present head of the Upper Air Observatory, Agra, and since what period he had been posted at Agra; and

(c) whether there is any charge allowance attached to the above post, and, if so, since how long the present head has been drawing it?

The Honourable Sir Thomas Stewart: (a) Seventeen.

(b) The Meteorologist-in-charge of the Upper Air Observatory at Agra has nearly 17 years service. He was posted at Agra in April, 1921.

(c) The post carries a special pay of Rs. 150 per mensem. The present incumbent has been drawing it since 1st April, 1928, when it was sanctioned.

ELECTION OF A MEMBER TO THE CENTRAL ADVISORY BOARD OF HEALTH.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Thursday, the 17th March, 1938, the time fixed for receiving nominations for the Central Advisory Board of Health only one nomination was received. As there is only one vacancy I declare Lieut.-Colonel Sir Henry Gidney to be duly elected.

THE MOTOR VEHICLES BILL.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to motor vehicles.

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

“That leave be granted to introduce a Bill to consolidate and amend the law relating to motor vehicles.”

The motion was adopted.

The Honourable Sir Thomas Stewart: Sir, I introduce the Bill.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor Non-Muhammadan Rural): May I know, Sir, when it is likely that the Honourable Member will make a motion for the second stage?

The Honourable Sir Thomas Stewart: It is my intention to move on Monday, the 21st.

THE TRADE DISPUTES (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the Bill further to amend the Trade Disputes Act, 1920, for certain purposes.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I move:

"That for clause 2(a) of the Bill the following be substituted:

"(a) clause (g) of section 2 of the said Act shall be omitted'."

Mr. A. G. Clow (Labour Secretary): Sir, I must take objection to this amendment. I am willing to show all reasonable latitude to Honourable Members who put in amendments without notice, as the House knows. But when I am presented with a list of 34 amendments on the day just when the Bill begins, and I had no possible time to study them and they were not in possession of the House, I cannot accept it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not had two days' notice, is that so? Then I cannot suspend the Standing Orders.

Prof. N. G. Ranga: Sir, I wish to submit one or two matters for your consideration. I posted these amendments on the 14th and I was under the impression that the office was working on the 15th. But I learn now that the office was not working at all on the 15th and on the 16th also; and that is how it has happened that this shortness of notice has come to be complained of: otherwise I was under the *bona fide* impression that I was giving sufficient notice to the House.

Mr. President (The Honourable Sir Abdur Rahim): I understand the office was open on the 15th and it was closed on the 16th.

Prof. N. G. Ranga: In that case I do not know why my notice was not received by them on the 15th. I posted it definitely on the 14th.

Mr. President (The Honourable Sir Abdur Rahim): The notice was not received.

Prof. N. G. Ranga: May we know, Sir, when exactly it was received? It was posted on the 14th.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): When on the 10th the Assembly was adjourned, printed copies were not available. I received it on the 14th. On the same day I posted my amendments, but as the office was closed they were not circulated. I am not asking for a ruling on a technical point, but I suggest that we are entitled to move our amendments.

Mr. A. G. Clow: I believe the printed copies were available on the 10th, and Prof. Ranga himself has put in a list of amendments which were in time.

Mr. K. Santhanam: They were not available on the 10th. I asked the office.

Prof. N. G. Ranga: I happened to be a member of the Select Committee.

Mr. A. G. Clow: Therefore, he is not entitled to any latitude.

Mr. President (The Honourable Sir Abdur Rahim): They were printed and circulated on the 10th.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): May I request you, Sir, to call for the notices by which they were circulated. You can send for the notices.

Mr. President (The Honourable Sir Abdur Rahim): I understand these were posted on the Notice Board. The office is not bound to circulate it to all the Members, but it was in fact circulated. Under the circumstances I cannot waive the Standing Order. All these amendments stand on the same footing.

Mr. A. G. Clow: I don't propose to take objection to amendments of a purely formal nature.

Mr. President (The Honourable Sir Abdur Rahim): If any Member is prepared to deal with any such amendment, I do not want to stand in his way. Then we come to No. 3 on the printed list.

Mr. N. M. Ayyar (Government of India: Nominated Official): Sir, I move:

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) for all the words occurring after the words 'apply or' the following be substituted:

"tramway service, if the Provincial Government by notification in the official Gazette declares the water transport or tramway service, as the case may be, to be a public utility service for the purposes of this Act, or'."

My amendment merely seeks to introduce a drafting change to make it clear that a water transport service conveying passengers would have to be notified by the Provincial Government before it could be regarded as a public utility service. In the sub-clause as it stands all water transport services of the nature described therein would automatically be included in the definition of public utility service. This point was raised by my friend, Mr. Ananthasayanam Ayyangar, yesterday, and the proposed amendment seeks to remedy the defect pointed out. Sir, I move.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) for all the words occurring after the words 'apply or' the following be substituted:

"tramway service, if the Provincial Government by notification in the official Gazette declares the water transport or tramway service, as the case may be, to be a public utility service for the purposes of this Act, or'."

Mr. K. Santhanam: Sir, I welcome this amendment, but if a water transport service joins two provinces, I should like to know which is the province which should notify; should both the provinces notify or only one province should do it to show that this came under the public utility service. I should like to have some light thrown on this.

Mr. A. G. Clow: Sir, that is a question which some of the distinguished lawyers in the House will be able to answer better than I can do; but my reading of it is that the Provincial Government's notification would clearly cover the service only within its own province. A notification by the Provincial Government could not apply, in my opinion, outside its own jurisdiction.

Mr. M. Ananthasayanam Ayyangar: I have given a list of amendments to make the original clause in the Bill more clear. There is an amendment in the supplementary List No. 4.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot move it.

Mr. M. Ananthasayanam Ayyangar: The Honourable Member's objection is qualified, Sir. When I come to that amendment, I shall make my submission on it, and it is open to the other side either to accept it or object to it.

Mr. President (The Honourable Sir Abdur Rahim): That applies to all. I cannot have every one of them moved like that unless there is any particular amendment which the Government Member is prepared to deal with.

Mr. M. Ananthasayanam Ayyangar: At this stage I am merely submitting to you whether this amendment would be disallowed or stand in the way of my amendment in the original clause.

Mr. President (The Honourable Sir Abdur Rahim): None of the amendments on this list can be moved today, because the Government Member in charge has not been given sufficient notice. That is all that I know.

Mr. M. Ananthasayanam Ayyangar: I do not know whether Government will take objection to No. 4.

Mr. President (The Honourable Sir Abdur Rahim): I cannot have that sort of inquiry made now. The Honourable Member can deal with the amendment before the House.

Mr. M. Ananthasayanam Ayyangar: Then I have nothing to add.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) for all the words occurring after the words 'apply or' the following be substituted:

"tramway service, if the Provincial Government by notification in the official Gazette declares the water transport or tramway service, as the case may be, to be a public utility service for the purposes of this Act, or."

The motion was adopted.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I move:

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) after the words 'any tramway service' the words 'which is owned and controlled by a statutory public body or by Government' be inserted."

Sir, the object of my amendment is to provide that if an inland transport service or a tramway service is to be declared as a public utility service by a Local Government, that service should be publicly owned and publicly controlled. I do not want any inland transport service or a tramway service which is owned and controlled by private companies to be declared as a public utility service. Yesterday I pointed out that hardship would be caused to the public not only by a strike on a steamer plying in an inland river or waterway but by the action of the company which owns these steamers by stopping the services altogether. We are not

proposing to make a complete stoppage of the service, not a lock-out, but altogether a stoppage of the service as a criminal offence although we know more hardship would be caused to the public. I am not, therefore, in favour of the course which has been taken by the Assembly so far. My object in making this amendment is that the benefit of this clause, namely, that the service should be regarded as a public utility service, should not be given to private companies. It may be given to inland water transport service or tramway service if it is publicly owned and controlled.

There is another reason for it, and it is this. The Royal Commission on Indian Labour had suggested that if any disadvantage is to be placed or imposed upon the employees of a public utility service, there should be some corresponding advantage given to these workers. If these services are owned and controlled by a private body, there is absolutely no compensating advantage. But if these services are controlled and owned by public bodies or by Government, there is some compensating advantage. If they are owned and controlled by Government we can ask questions in the Legislature, we can pass Resolutions and we can make speeches. Similarly, if the services are owned and controlled by statutory public bodies, they are under the control of the public. There is representation of the public on these bodies, there may be also representation of the working classes on these bodies. Under these circumstances it is quite possible that the workers employed in these services may secure some redress of their grievances and I am, therefore, prepared to agree that if the public utility services are owned and controlled by the Government or by public bodies they should be treated as public utility services for the purposes of this Bill. For these reasons, I hope the House will accept my amendment.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) after the words 'any tramway service' the words 'which is owned and controlled by a statutory public body or by Government' be inserted."

Mr. A. G. Clow: I hope my Honourable friend will indicate which of the tramways are owned or controlled by statutory public bodies or by Government and which are not. My impression is—he will doubtless correct me if I am wrong—that there is no single tramway of that kind. So the effect of his amendment, at present at least, would be to secure in another form the exact change which he wanted to secure last night and which the Assembly rejected. I oppose the amendment.

Prof. N. G. Ranga: Only recently the Madras Corporation has resolved to acquire the tramways there in that city.

Mr. A. G. Clow: Have they acquired them?

Mr. N. M. Joshi: They have resolved to do so.

Prof. N. G. Ranga: And as far as this particular city of Delhi is concerned, either the tramways are going to be scrapped or they are going to be taken over by the Delhi Municipality. I do not know what is going to happen in Bombay. But certainly if we were to incorporate this particular provision, then we would be providing one additional reason why these various municipalities should take over the management of these tramways and thus provide better service for the passengers and better conditions for the workers.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) after the words 'any tramway service' the words 'which is owned and controlled by a statutory public body or by Government' be inserted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): I ought to mention that I have ascertained that notice of the amendments as in the typed copy circulated to Members was received only on the 17th, and I find that some of the very Members who have given notice of these amendments had given notice of other amendments as in the printed list long before that.

Prof. N. G. Ranga: May I submit this, Sir? I do not know where the fault is. It must lie either with the Postal Department or with our own Department here, because I definitely posted it on the 14th and I do not know how this extraordinary thing has come to happen.

An Honourable Member: It was a holiday.

Mr. President (The Honourable Sir Abdur Rahim): I may inform the Honourable Member that the office cannot take notice of when any particular amendment or any particular paper for the Assembly office was posted. They can only take notice of such papers or documents as are received by the office on a particular date.

Prof. N. G. Ranga: Was the office kept open on the 15th?

Secretary of the Assembly: Yes.

Mr. President (The Honourable Sir Abdur Rahim): I have already told the Honourable Member that it was not the fault of the office that the notice was not received earlier.

Amendment No. 6 on the printed list.

Prof. N. G. Ranga: Sir, I beg to move:

"That sub-clause (a) (ii) of clause 2 of the Bill be omitted."

In support of this amendment I have to say that this word "power" is a very mischievous thing. Power by itself is very powerful, and I am afraid that if this particular sub-clause (ii) were to be passed it would be very powerful indeed against workers. The whole clause here is intended to bring three more items within the category of public utilities. It has been admitted on all sides that this definition should be restricted only to public utilities which are ostensibly public utilities and nothing else. But I find that it is possible, by extending this to power also, for various employers who have nothing to do with public utilities or with rendering any sort of public utility to the public to take advantage of the provisions of sub-clause (g) of section 2 of the Act and of section 15. Power is supplied not only to electric supply companies for these various cities but also to various manufacturing concerns which, according to this Act, are not classified as public utilities. I do not know why power supplied to these various private industries should also be classified as public utilities. Power can be supplied to various employers, various concerns

which have nothing to do whatsoever with any of these public utilities that are narrated in clause (g) or that are going to be narrated here in accordance with sub-clause (i) of clause (a) of this Bill. Supposing there is an electric generating station and it supplies light not only to the city of Delhi but it also supplies power to various manufacturing concerns, then these manufacturing concerns have nothing to do with public utility and they should not be brought within the definition of a public utility under the Act or under this Bill. Why should these various concerns be given the benefit of the extension of section 15 of this Act? To obviate that particular difficulty I have one suggestion to make and that is to restrict it to power to public utility services mentioned in this clause. It is one of the supplementary amendments that I have sent in, and if Government have no objection to my moving it I am quite prepared to move it later on.

Mr. A. G. Olow: If I can shorten the discussion, I have no objection to the moving of his amendment if the present amendment is withdrawn. I do not promise to accept it, of course.

Prof. N. G. Ranga: I am quite prepared to accommodate my Honourable friend and I ask leave of the House to withdraw this amendment.

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

Prof. N. G. Ranga: I beg to move No. 5 of the Supplementary List.

It runs as follows:

"That for sub-clause (a) (ii) of clause 2 of the Bill, the following be substituted:

'(ii) to sub-clause (iii) the following shall be added at the end, namely:
power to a public utility service mentioned in this clause'."

This really meets the case of the Government. They only want to consider power supplied to any of those public utility services as public utility, and this amendment seeks to restrict its extension only to power supplied to the public utilities.

I hope Government will find it possible to accept this amendment.

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

"That for sub-clause (a) (ii) of clause 2 of the Bill, the following be substituted:

'(ii) to sub-clause (iii) the following shall be added at the end, namely:
power to a public utility service mentioned in this clause'."

Mr. K. Santhanam: I beg to suggest that a comma be added at the end.

(After a pause.)

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

"That for sub-clause (a) (ii) of clause 2 of the Bill, the following be substituted:

'(ii) to sub-clause (iii) the following shall be added at the end, namely:
power to a public utility service mentioned in this clause'."

I think the Ayes have it.

Mr. A. G. Olow: The Noes have it.

Mr. President (The Honourable Sir Abdur Rahim): I had waited for the Honourable Member to get up.

Mr. A. G. Clow: I understood that other Members wanted to support the amendment but no other Member spoke in support of it.

Prof. N. G. Ranga: Because we thought you were going to accept it.

Mr. M. Ananthasayanam Ayyangar: I was waiting to answer my Honourable friend, the Labour Secretary, if he spoke against the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The amendment will be discussed now.

Mr. M. Ananthasayanam Ayyangar: I do not know whether it is proper that it should be discussed now.

Mr. A. G. Clow: I wanted to see what support the amendment had before speaking on it. I think it was not unreasonable. No other Member supported it at all.

Mr. M. Ananthasayanam Ayyangar: I am prepared to support it with both of my hands.

Mr. President (The Honourable Sir Abdur Rahim): I cannot call upon any particular Member to speak at any particular moment.

Mr. M. Ananthasayanam Ayyangar: Is not my right to speak reserved? I am appealing to the Chair.

Mr. President (The Honourable Sir Abdur Rahim): After the question is put, no Honourable Member has the right to speak. This is an elementary rule of procedure and every Honourable Member ought to know it. I waited to see whether any Honourable Member in the Opposition or the Government side would speak on this amendment. When nobody got up, I began to put the question but I had not finished putting the question. So, if any Honourable Member wishes to discuss the amendment, I am willing in the circumstances to allow it.

Mr. N. M. Joshi: May I ask your ruling, Sir, on a point of order? Is it claimed by Government that whenever an amendment is moved, they will speak last? Some of us want to know what attitude Government is going to take before we speak, and for the proper conduct of the business in this House it is necessary when an amendment is moved that the Government should indicate its approval or disapproval. In my judgment, this is the right procedure for discussion.

Mr. President (The Honourable Sir Abdur Rahim): That is certainly the proper procedure as the Honourable Member has put it but in this case I do not know what happened that nobody got up to speak and I concluded that Government was perhaps inclined to accept this amendment. That is why I started putting the question. Apparently, there was some misapprehension on the part of the Member representing the Government and as I had not concluded the question, I give an opportunity to the House to discuss the amendment.

Mr. A. G. Clow: I am sorry, Sir, if I created any confusion in the minds of the Honourable Members opposite. I would just like to explain that I anticipated that this amendment would evoke more interest and that other Honourable Members would bring forward some stronger arguments than Prof. Ranga has brought forward. I rather wanted to hear what the other Honourable Members had to say. I did not come to this House with a pre-conceived notion. We ought to pay attention to the arguments that are brought forward and Prof. Ranga had been very far from convincing me that his was a sound argument. I thought, therefore, that it would be more courteous to the House if I waited until the other Honourable Members had put forward their views.

I am not convinced that the amendment is a sound one. Apart from pure formalities, if this amendment is accepted it would create considerable confusion. We have to remember that the use of electric power is becoming an increasingly vital matter for the community and we hope that India's resources in the matter of hydro-electric power will be steadily developed. We are now coming in a small way into an electric age in which an immense number of public activities will depend on hydro-electric schemes. We have got a great hydro-electric scheme in the Punjab and there are some other schemes of a similar nature in other provinces. If you are able to cut off the power without any warning—and that is all that matters—you can inflict an extraordinary amount of hardship on the community and I think it is not unreasonable that the community should have 15 days' warning that something of this kind is going to happen so that you can take steps to settle the dispute or to reach at least some solution that will alleviate the hardship that is going to be caused. Sir, I oppose the amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, in my district there is a brass metal factory where brass vessels are made. To that factory power is supplied. My Honourable friend the Government Member in opposing this amendment referred to the electric power. In the case of this factory, a gentleman uses an oil engine and produces power. He has one or two more oil engines and he supplies power and at the end of the month he charges rent. It cannot be said that it is a public utility concern. It will apply even to a private concern where nobody except the private owner is concerned. I do not know why the workers in such a factory should be affected. There are a number of places where power is generated not by any electric power but otherwise than by electricity. That kind of power is used for running a handful of looms here and there in my own province. No doubt, the person that generates the power may also suffer and the same inconvenience will hold good in the case of any other individual. That being the case, why should there be a differentiation made between small concerns and big concerns? That is my objection and it is for this reason that this amendment is sought to be introduced. In this amendment we have tried to exhaust almost all the public utility services and given them a differential treatment from the rest of the industries or other occupations where a number of persons can go on strike. Therefore, power by itself, may not be of much use and it is put at the end. That is the object of this amendment. Now, if the original Bill should stand, the word "power" comes before "light". I do not know what power light is. This amendment, therefore, only seeks to remove the inconvenience created and restricts the scope of the public utility services.

Mr. N. M. Joshi: Sir, I rise to support this amendment. The Honourable the Secretary for Labour said in his speech that electricity is becoming a matter of vital importance to the public. I agree with that statement generally. But the electric power may be used for a public utility purpose or for public convenience or it may be used for an entirely private purpose such as the private production, say of some article of luxury. I am quite sure that if electricity is used as a power for the production of an article of luxury for a few rich people in the country, it cannot be regarded as being a public utility even by the Honourable the Secretary for Labour. We are, therefore, anxious to restrict the use of this power only to public utilities. My Honourable friend, Mr. Ananthasayanam Ayyangar, has already stated that if power is used for light, it is covered because it is light, but if power is used for the production of some article of luxury, there is no reason why it should be regarded as being a public utility service. Moreover, power is not like light and water. Light and water are absolutely necessary for the public, but power is not so necessary unless it is for light,—and power used for light is already covered. The Government of India want to extend the definition of a public utility to a much greater extent than is needed, but simply because the Government of India are quite sure in their mind that this House will pass anything that they propose, I think it is wrong on the part of the Government of India to do so. There is absolutely no reason why power used for the production of an article of luxury should be treated as being a public utility.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I am told there ought to be the word "or" in the amendment moved, before the word "power". The question is:

"That for sub-clause (a) (ii) of clause 2 of the Bill, the following be substituted:
(ii) to sub-clause (iii) the following shall be added at the end, namely:
or power to a public utility service mentioned in this clause."

The Assembly divided:

AYES—45.

Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Ismail Khan, Haji Chaudhury
Muhammad.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Shaukat Ali, Maulana.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Aly Shah, Mr.
Varma, Mr. B. B.

NOES—47.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajoria, Babu Baijnath.
Bewoor, Mr. G. V.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Conran-Smith, Mr. E.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
DeSouza, Dr. F. X.
Dow, Mr. H.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Tahsi, Khan Sahib Shaikh.
Ghiasuddin, Mr. M.
Gilbert, Mr. L. B.
Grigg, The Honourable Sir James.
Hight, Mr. J. C.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin, Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Matthews, Mr. V. G.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Rajah, Raja Sir Vasudeva.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Smith, Lieut.-Col. H. C.
Spence, Mr. G. H.
Stewart, The Honourable Sir Thomas.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Walker, Mr. C. D.
Yamin Khan, Sir Muhammad.

The motion was negatived.

Mr. K. Santhanam: Now that this amendment has been defeated, as the clause stands, in clause 2 (a) (ii), unless you put in a comma, it would not make much sense, because it means, power light or water.

Mr. President (The Honourable Sir Abdur Rahim): I have nothing to do with that now. Prof. Ranga will move his amendment No. 7.

Prof. N. G. Ranga: Sir, before I move my motion, I should like with your permission to make a small change. Instead of sub-clause (a) it should be (a) (i).

Sir, I move:

"That to sub-clause (a) (i) of clause 2 of the Bill, the following proviso be added:
'Provided there is no other equally regular means of transport'."

The Honourable Sir Nripendra Sircar (Law Member): May I know what is the change which has been made?

Prof. N. G. Ranga: Instead of sub-clause (a) it will be (a) (i).

The Honourable Sir Nripendra Sircar: The amendment No. 6 in the name of Professor Ranga was that sub-clause (a) (ii) of clause 2 of the Bill be omitted. We have come up to (a) (ii). Now, we are going back. I shall wait to see my friend explaining his amendment.

Prof. N. G. Ranga: In support of this item first here, it was mentioned that in certain parts of the country, specific mention was made only of one part of the country, steamship travel, is the only means of transport

[Prof. N. G. Ranga.]

available. They made a sort of plausible case that such service should be classified as public utility, because if there were any strike in such a means of transport, without proper notice, then the public may be inconvenienced; but there are very many parts of the country where there is steamship travel available, as for instance between Goa and other places on the West coast such as Calicut, Cochin and Cannanore and also between Bombay and Karachi. To all these places, there is a very good, regular railway service and it is quite possible that if there were a strike in any of these steamships, then the public would avail themselves of railway travel and reach the places conveniently and under those circumstances I do not see why even in those places this means of transport should come to be classified as public utility. That is why I want clause (a) (i) to be restricted entirely, scrupulously and wholly to real public utilities and not to any and every means of transport which the public may avail themselves of and which may be considered to be convenient but at the same time which are not absolutely essential. Where, of course, that is the only means of transport, then my amendment covers that and safeguards it as one of the public utility concerns, in which case the public are safeguarded as against any lightning strikes or strikes that may take place without proper notice in accordance with section 15. Taking again tramways, as was abundantly shown yesterday, it is really a dying service. It is too slow, too inconvenient for passengers and the wages paid there are also very low. In many places they are thinking of abandoning this tramway service, because there are better means of transport than this, cheaper and more expeditious. Now, having agreed to classify this tramway service also as a public utility, I wish to get it restricted only to that tramway service which has no substitute at all in some places. If there is a good, regular and efficient bus service or local train service, then there is no need to classify tramway service as public utility. That is why I want my amendment to be accepted by the House so that this extension of public utilities will be restricted only to real public utilities and not to any other service that may be availed of by the public.

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

"That to sub-clause (a) (i) of clause 2 of the Bill, the following proviso be added: 'Provided there is no other equally regular means of transport'."

Mr. A. G. Glow: Sir, I am extremely confused by this amendment. We seem to have gone back to (a) (i), after dealing with (a) (ii). I do not think it can possibly come in the place where my Honourable friend wants to insert, that is immediately after the word 'or'. I gather his intention is that this should be a proviso to the amendment which was carried, that is No. 3, and that presumably it will come in after the word 'Act' in that amendment.

Even then I am completely in the dark as to what is the intention. Is this to be a direction to the Provincial Governments? In other words, is this merely for their guidance and benefit before they issue the notification? Are they to be satisfied that there is no other equally regular means of transport? If so, I can understand it. But that is not what the amendment says, as I read it. This would be rather a direction to the Courts if a dispute arose. In other words, the Provincial Government

issues the notification, some time later the dispute arises and the Court is then asked to say whether there is any other equally regular means of transport. That, Sir, would create an almost impossible position. You issue this notification; it is presumably binding on the workmen; the workmen have got to give notice to the employers; the employers have got to pass on that notice to the Provincial Governments. It is not until the question comes before the Court that an employer can be certain or that a worker can be certain whether he is complying with the law or not.

Even if that difficulty can be overcome, what is meant by the expression "equally regular means of transport". It can mean what my Honourable friend, Mr. Joshi,—I can only suppose humourously—remarked, namely, that the people can use aeroplanes; for aeroplanes may be running an equally regular service. Is it really reasonable to suppose that because aeroplanes or motor cars or some other form of transport is available which cannot be used by the poorer classes of the community, therefore the tramways should not be regarded as an essential service? I submit, Sir, the amendment makes complete confusion, that the clause would give confusion both to the Provincial Governments and the Courts, and that it is bad on the merits.

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

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

Mr. N. M. Joshi: Sir I support the amendment of my friend, Prof. Ranga. The Honourable the Secretary for Labour had stated that his amendment does not properly fit in with the clause and it is confusing. To my mind there is no reason for confusion arising on account of this amendment. This amendment is intended as a proviso to part (i) of sub-clause (a) of clause 2 of the Bill which deals with water transport and tramways. The amendment makes sure that the Local Government will not declare any tramway service or water transport service as a public utility service if there were other means of transport available.

The Honourable Sir Nripendra Sircar: Who will decide that?

Mr. N. M. Joshi: That can only be decided ultimately by the Court; there is no doubt about that. But the proposal of the amendment is for the guidance of the Local Government that if there is any other means of transport available, they ought not to declare that water transport service and that tramway service to be a public utility service. If they do that while there is another means of transport available, the Court will certainly decide that the Local Government has gone beyond its power. I think there is nothing wrong in giving this power to the Court. The Local Government is free to act but it takes the risk, when it acts, of the Court rejecting what it has done. I cannot see any difficulty in that. If the Local Government publishes or declares a water transport service or a tramway service as a public utility service, it takes the risk and the Court will finally decide whether the Local Government has acted within its rights or not. I, therefore, hope the House will accept this amendment.

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

"That to sub-clause (a) (i) of clause 2 of the Bill, the following proviso be added: 'Provided there is no other equally regular means of transport'."

The motion was negatived.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

Mr. N. M. Ayyar: Sir, I move:

"That in clause 4 of the Bill, in the proposed sub-section (2) of section 4 after the words 'its members' the words 'or any vacancy in its number' be inserted."

Section 4 (2) of the Act as it stands now prescribes that a Court of inquiry having the prescribed quorum could act notwithstanding any vacancy in the number of its members other than the Chairman. This has been interpreted to mean that the Chairman must be present if a sitting is to be held; or in other words, that the Court cannot function during even any casual absence of the Chairman. The object of amending the section is to make it clear that a Court of inquiry having the prescribed quorum can continue its sittings—(1) if the Chairman is temporarily absent, (2) if any member is absent, (3) even if there is a vacancy among members due to death, resignation, etc., and (4) but not when there is a vacancy in the Chairmanship as opposed to a casual absence. Attention has been drawn by some of the Honourable Members opposite to the fact that the section as it stands in the Bill does not clearly provide for the holding of the sittings of the Court when there is a vacancy in the membership of the Court. The words "absence of any of its members" in the substantive portion of the clause would mean the absence of a person who is a member and would not include a vacancy caused by death, resignation, etc., as the non-attendance of a person under those circumstances cannot be regarded as the absence of a member. The addition proposed by me seeks to make provision for cases of this nature when a vacancy in the membership takes place. This is in accordance, I believe, Sir, with the intention of the Select Committee. I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 4 of the Bill, in the proposed sub-section (2) of section 4 after the words 'its members' the words 'or any vacancy in its number' be inserted."

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Sir, I have got another amendment on this clause, and, therefore, I beg to oppose this amendment. My amendment is No. 12 on the Supplementary List. Now, as has been pointed out, the object of the present amendment is to provide for the Court functioning even if there was a vacancy in its number. I think what is aimed at is, even if there was a vacancy among the numbers, the Court should function, but by adding these words, even if there was a vacancy, because of the Chairman's death or resignation, even then the Court can function. Personally I feel that

this clause should be left as it is so far as part (2) is concerned, but in the proviso we may make a provision to the effect that when it is declared or notified that the services of a member of a Court have ceased to be available, the Court shall not function until some other person has been appointed in his place. The Court could carry on its business if there was merely absence and the services of the member concerned have not ceased to be available. Sir, I oppose this amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, this amendment is too general. It means that even if there is a vacancy in the office of the Chairman a meeting could go on with its deliberations. The Chairman is an independent person owing to whose integrity the proceedings are expected to be absolutely impartial. We have also a similar provision later on. Now, I want this amendment that is now sought to be made to be restricted in its scope to the vacancy caused by the vacancy of any member other than the Chairman. If the Chairman is absent, even though it may not be notified to the Court by the Provincial Government, then automatically the proceedings ought not to go on. It may take a long time to notify. If the Provincial Government does not do so, the work can go on. In the later portion there is no obligation imposed on the Provincial Government to notify immediately to the Court on the occurrence of a vacancy. It may or may not do so. But what I want to draw the attention of the Honourable Member is this, that even though there is a vacancy, and not mere absence, the proceedings may go on. That is a contingency which is not contemplated in the original Act. I think there is serious objection to the proceedings going on in the absence of an independent Chairman. Therefore, apprehending this difficulty, I and my friend, Prof. Ranga, have tabled an amendment, which is amendment No. 10 in the Supplementary List. It is no doubt true that I have not been allowed to move it except with the consent of the Mover of the Bill. There I have stated the absence or any vacancy in their number except that of the Chairman be substituted. If the Government sees its way to accept it, there may be no exception taken to the addition of the words "or even if the vacancy is caused by any of its members except that of the Chairman", otherwise we should oppose it.

Mr. A. G. Clow: I think my Honourable friend is either under a misapprehension or is acting a little unreasonably. All we want to do is to ensure first that when a member is temporarily absent, that is when he happens to be unwell on that day or otherwise absent, the proceedings are not interrupted. That is the first object, and that is surely reasonable because a serious situation may have arisen between employers and workers and we do not want to delay the proceedings. As regards vacancies, we recognise the Chairman's right, but we also recognise in the next clause that any members representing the parties, the workers or the employers, must be there. We cannot have the Board over-balanced by having the employers' man and not the representative of the workers or vice versa. They may also have independent members on the Board, and I see no reason why the Board or the Court should not continue to function if one of them happens to retire or die

Mr. M. Ananthasayanam Ayyangar: It includes the Chairman also.

Mr. A. G. Clow: The Chairman must be there.

Mr. M. Ananthasayanam Ayyangar: Your wording is too general.

Mr. A. G. Clow: I think the Honourable Member has overlooked the proviso which says:

"Provided that if the appointing authority notifies the Court that the services of the Chairman have ceased to be available, the Court shall not act until a new Chairman has been appointed."

Mr. Mohan Lal Saksena: If there is a vacancy among its number . . .

Mr. A. G. Clow: The Court will be inhibited from acting, under the proviso, as soon as it receives intimation that the Chairman has died or retired . . .

Mr. Mohan Lal Saksena: Supposing the Government has not notified that the services have ceased to be available; supposing the Chairman dies today, it will certainly take some time to notify to the Court of inquiry that his services have ceased to be available and the Court of inquiry could go on functioning.

Mr. A. G. Clow: I do not think there can be any serious objection on that score. These actual words about notifying were, I think, put in because apprehension was expressed in some of the opinions that the time would be uncertain when the Chairman's services ceased to be available. Actually the report has to be signed by all the members, and this really relates to the interim proceedings. If an independent member disappears, and the Chairman and one of the members representing the parties are present, I see no harm in the Court going on. If the Provincial Government think that the vacancy should be filled, it is at liberty to fill it . . .

Mr. Mohan Lal Saksena: The point is this . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Let the Honourable Member go on.

Mr. Mohan Lal Saksena: I wanted to ask a question, Sir. Suppose the amendment is accepted, it will read like this:

"A Court having the prescribed quorum, may act notwithstanding the absence of the Chairman or any of its members:

Provided that if the appointing authority notifies the Court that the services of the Chairman have ceased to be available, the Court shall not act until a new Chairman has been appointed."

Suppose the Chairman dies today, and there is a vacancy amongst its number, and therefore the Court will continue to function, because the Government will take some time, they will take at least 24 hours or 48 hours between the time of his death or resignation and the issuing of the notification; meantime this Court of inquiry can function. What we want to make clear is that the vacancy should be amongst its number, and that is why I wanted another amendment.

Mr. A. G. Clow: That would render the proviso entirely superfluous. The point is, I see no harm in the Court meeting going on without the Chairman . . .

Mr. Mohan Lal Saksena: We object to that.

Mr. A. G. Clow: If the Chairman dies, I presume the meeting would close as a mark of respect; but supposing he has retired, there is no reason why the Court should not go on acting. The Provincial Government would appoint a new Chairman before the Report can be presented.

Mr. Mohan Lal Saksena: We object to that, and therefore we oppose the amendment.

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

"That in clause 4 of the Bill, in the proposed sub-section (2) of section 4 after the words 'its members' the words 'or any vacancy in its number' be inserted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. N. M. Ayyar: Sir, I move:

"That in clause 5 of the Bill, in the proposed sub-section (3) of section 6, after the words 'its members' the words 'or any vacancy in its number' be inserted."

I need not explain the object of this amendment in detail as the circumstances under which it is proposed to be introduced are exactly the same as in the case of the last section. I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in clause 5 of the Bill, in the proposed sub-section (3) of section 6, after the words 'its members' the words 'or any vacancy in its number' be inserted."

Mr. M. Ananthasayanam Ayyangar: Sir, I oppose this amendment. There may be some justification for the proceedings going on in a Court of law where all the persons are independent judges even in the absence of the Chairman for some time. But where a board is constituted and where the Chairman is the only independent person normally—one or more persons being chosen by the employer and one or more persons being chosen by the other side—if the only person who can bring his independent judgment dies, even in that case this amendment says that the proceedings shall go on. Here are two parties wrangling and there is no intermediary to keep the balance or direct the proceedings properly; and I wonder how in the absence of such a person you can allow the proceedings to go on. It would practically be a travesty of justice. There is no doubt here a proviso saving that if the appointing authority notifies the Board that the services of the Chairman or any such person have ceased to be available the Board shall not act. But what happens if a similar notification is not issued and in the interval these parties want to go on? The quorum may be fixed at three out of the four; and if only two for the employers and one for the employees is present, in the absence of any independent person, the proceedings may go on: that would be a very

[Mr. M. Ananthasayanam Ayyangar.]

unfortunate contingency in case the absence of the Chairman is also condoned or tolerated. I say in that case the proceedings ought not to go on. That is the object with which I proposed my amendment and if that is accepted, I should have no objection to this amendment. Whatever the other difficulties in the case of a Court may be, this difficulty will not be there, since the Chairman is the only independent person in a Board and he should not be absent from the deliberations of the Board. I have tabled a similar amendment to the one in regard to the previous section; and if the Government can see its way to accept it there may not be any objection. I say the words "the services of the Chairman or" in the proposed proviso should be omitted. If the amendment of the Government is sought to be pushed through as it is, without making an exception in the case of the Chairman, I will say that the amendment is opposed to the very object of the conciliation board that is sought to be appointed and I have to oppose it.

Mr. A. G. Olow: Sir, I am sorry I cannot accept this suggestion. (Interruption.) I recognise that the point at issue is a matter of detail and not really one of great importance, and I feel that we are talking a little at cross purposes. When we introduced this Bill the proviso read as follows:

"Provided that if the services of the chairman or, where the Board includes an equal number of persons representing the parties to the dispute, the services of any such person cease to be available, the Board shall not act"

Some of the opinions pointed out that there may be a little uncertainty as to the moment at which they cease to be available and therefore the Select Committee inserted—I think I am right in saying unanimously as there is no mention in the dissenting minutes—the words "the appointing authority notifies the Board". It is not intended that a formal notification need be issued. They would simply send a letter saying that the Chairman or one of the members of the parties have ceased to be available and the Board cannot go on acting if either the Chairman or any of the members whom I may call, without casting any reflection, partisan members, cease to be available. They can go on acting if one of the independent members dies. This is a Board of Conciliation which is trying to meet and settle differences in rather a more informal manner than a Court of inquiry, and the case seems to me stronger than it is in the case of a Court.

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

"That in clause 5 of the Bill, in the proposed sub-section (3) of section 6, after the words 'its members' the words 'or any vacancy in its number' be inserted."

The motion was adopted.

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

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Mr. N. M. Ayyar: Sir, I move:

"That in sub-clause (b) of clause 7 of the Bill for the proposed sub-section (2A) of section 15 the following be substituted:

"(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees."

The clause provides that an employer should report to the Provincial Government the number of notices issued and received by him within five days; but it does not make it entirely clear as to when the period of five days begins when notices are given in batches or are issued in batches. The intention is obviously that the number in each batch shall be reported within five days of receipt or issue. My amendment is intended to make this clear. Secondly, Provincial Governments may prefer that such information as is to be transmitted to them should preferably be sent to some officer or authority of their choice and not to the secretariat. The inclusion of the words "or such authority as the Provincial Government may prescribe" is intended to meet such a contingency. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That in sub-clause (b) of clause 7 of the Bill for the proposed sub-section (2A) of section 15 the following be substituted:

"(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees."

Mr. K. Santhanam: Both in this section and in amendment No. 6 it is said that the employer should report the number of such notices. I suggest that it is not enough. He should report not only the number but also the nature of the notices. The substance of these notices should be reported, otherwise there is no use saying, "I have got a hundred notices". What sort of notices are they? Should he not give particulars to the Government? And for this purpose I have tabled an amendment—No. 20 on the Supplementary List—which I should like the Government to see if they could not accept. Otherwise, there is no meaning in the present amendment. If it is strictly construed, every employer can say, "I have received 50 notices", and it would have satisfied the requirements of the section. It is not obligatory on him to send a copy of the notice. He should inform the Provincial Government of the actual stipulations and conditions made in the notices. It is the substance that matters and not the mere number of notices. In the original section it was said, you must report the receipt of such a notice. In order to improve it, the Select Committee said, you must report the number of such notices. I submit that this is unsatisfactory and I suggest that Government might accept No. 20 on the Supplementary List.

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

"That in sub-clause (b) of clause 7 of the Bill for the proposed sub-section (2A) of section 15 the following be substituted:

"(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees."

The motion was adopted.

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

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): Clause 8.

Mr. F. E. James (Madras: European): I should like to have your permission to move an amendment to clause 8, sub-clause (b). I think that is an amendment that has been agreed upon. It is an amendment which I understand has been circulated to the Leaders of the various Parties.

Mr. K. Santhanam: We have no notice of it. We object.

Mr. Deputy President (Mr. Akhil Chandra Datta): I want to know if there is any objection to this amendment being moved on the ground of notice?

Some Honourable Members: Let us first know what the amendment is.

Mr. F. E. James: May I read the amendment? It runs as follows:

"That for sub-clause (b) of clause 8 of the Bill the following be substituted, namely:

"(b) in clause (b) for the words 'general and prolonged' the words 'and general' shall be substituted."

Mr. N. M. Joshi: On a point of order, Sir. Am I to understand that Prof. Ranga and Mr. Gadgil have withdrawn their own amendments on clause 8, namely:

"That for clause 8 of the Bill the following be substituted:

"8. Section 16 of the said Act shall be omitted."

Is that withdrawn?

Mr. Deputy President (Mr. Akhil Chandra Datta): As the Honourable Member has pointed out, please let me know whether amendments Nos. 14, 15, 16 and 17 are being moved.

Prof. N. G. Ranga: I am not moving No. 14.

Mr. Abdul Qaiyum (North-West Frontier Province: General): I am not moving No. 15.

Mr. N. V. Gadgil (Bombay, Central Division: Non-Muhammadan Rural): I am not moving No. 16.

Prof. N. G. Ranga: I am not moving No. 17.

Mr. Deputy President (Mr. Akhil Chandra Datta): Now Mr. James may go on.

Mr. F. E. James: If this amendment is accepted, section 16 (1) (b) will read as follows " . . . is designed or circulated to inflict severe and general hardship upon the community" instead of the words "is designed or calculated to inflict severe, general and prolonged hardship upon the community". In other words, the words "and prolonged" are being dropped. That is my amendment and I move it.

Mr. Deputy President (Mr. Akhil Chandra Datta): Amendment moved:

"That for sub-clause (b) of clause 8 of the Bill the following be substituted, namely:

"(b) in clause (b) for the words 'general and prolonged' the words 'and general' shall be substituted'."

Mr. N. M. Joshi: I am sorry that I cannot say that by the moving of this amendment and by the passing of this amendment my objection to section 16 disappears. I have no doubt that if this amendment is carried the Bill as it has come out of the Select Committee will to some extent be improved. There is no doubt on that point, but at the same time let me make it clear that my objection to section 16 of the Bill does not disappear. I remain opposed to section 16 of the Bill as before and I also remain opposed to the Bill and to the original Act. While speaking on the motion that the Bill be taken into consideration the Secretary for Labour stated that clause 8 of the Bill was omitted by the Select Committee and Government acquiesced in the omission of clause 8 on the ground that there was opposition to clause 8 and secondly some of us preferred section 16 of the Act to clause 8 of the Bill. It is true that so far as I am concerned I prefer the original section 16 of the Act to clause 8 of this Bill, but it is necessary for me to point out that I did not prefer clause 8 of the Bill as it came out of the Select Committee to clause 8 of the original Bill. The Government of India changed their ground. They acquiesced in the omission of clause 8 of the Bill. At the same time they started on a new career of amending section 16 as it existed in the original Act of 1929. They succeeded in persuading the Select Committee to omit the words "general and prolonged". The omission of these words has widened the scope of section 16 considerably. In my speech of yesterday I pointed out why I am opposed to section 16 of the Bill and if I am opposed to the original section of the Bill I am naturally much more opposed to the change made by the Select Committee. The amendment moved by my Honourable friend, Mr. James, restores one of the two words dropped by the Select Committee. He restores the word "general" and takes out the word "prolonged". There is no doubt that, as I have stated, this

[Mr. N. M. Joshi.]

improved the section from the point of view of labour but at the same time the improvement is not sufficient. In any case, it will be easier to make strikes illegal if the hardship is to be severe and general, and also not prolonged. I am surprised to hear that this amendment has met with the support or been acquiesced in by the Congress Party. I do not know what their view is.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): What is yours?

Mr. N. M. Joshi: I have just stated mine.

Mr. Bhulabhai J. Desai: Then carry on.

Mr. N. M. Joshi: It is my right to criticise any Party in this House. I do not think there is anybody here whom a Member is not entitled to criticise, so long as he is here. I do not know why the Congress Party should have accepted it. If they yielded to force, I can understand it. Let them say so. On account of the Independent Party having joined the Government and the Congress Party not having sufficient votes, they have yielded to force. If that is the argument of the Congress Party, then I can understand it and on that ground also I am prepared to say that this agreement is much better than the original Bill.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): On a point of order. On behalf of my Party, I may point out that we were never coerced and never influenced.

Mr. Deputy President (Mr. Akhil Chandra Datta): That is not a point of order.

Mr. N. M. Joshi: I never said that the Independent Party was coerced by anybody. If we accept this amendment it is not because we consider it to be satisfactory, but because we are forced to accept it as a slight improvement. If the Congress Party accepted it because of the force of circumstances and because they would like to take advantage of whatever little is obtainable, then I can understand it but I am sure that the Congress Party realise that if there are any people who are likely to suffer on account of the taking out of the word "prolonged" it is the Congress Party itself. It is the Congress Party that is in the habit of declaring *hartals*. Men in the labour party do not declare *hartals*. They go on prolonged strikes and in their case the amendment does not introduce a new disadvantage. It is the Congress Party which declares *hartals* and these *hartals* would be newly included within the scope of this Bill. I expressed my surprise because if any Party suffers on account of the omission of the word "prolonged", it will be the Congress Party.

An Honourable Member: We will not suffer; don't worry about that.

Mr. N. M. Joshi: It is my duty to point out to you that it is the people who declare *hartals* who will suffer now while they were free from the disadvantage before. Sir, I have made my attitude quite clear that I do not approve of the original section. I cannot, therefore, approve

of the amended section at all. However, on account of the force of circumstances, on account of the fact that a little improvement is better than no improvement at all, I must agree to this amendment.

Mr. Bhulabhai J. Desai: Mr. Deputy President, I did not intend to take part in this debate, but as I find that the section as it stands, read with clause 8 (a) of the amending Bill, requires some explanation, so that the fears of my friend, Mr. Joshi, in particular, may be allayed, I may say that speaking for the Congress it is a matter of history that when this Bill was first brought before this Assembly some seven years ago, it was undoubtedly our position that section 16 of the Act should not find a place in the Act at all. And the reason, Sir, was obvious,—at least from the point of view of those whom I represent; the reason was that to make what you may call a political strike illegal was a matter on which, so far as we were concerned, we were not prepared to give our assent; and I have seen the debates, which clearly show that a political strike, as a part of one of the weapons of those who are struggling, as we are struggling in this country, for the ultimate attainment of what they feel they owe to themselves, is justifiable; it is one of the weapons which they honestly and frankly and candidly put forward as being the one that they must use; and therefore Government, following I believe in the footsteps of the English Act which was passed in the year 1927 subsequent to the general strike in England, enacted this, and evidently it is that which inspired section 16 which now finds a place in the Act. I wish to call attention to the provision of the English Act to the extent to which it is useful to compare it with the present Act. The English section runs thus:

"It is hereby declared:

- (a) that any strike is illegal if it:
 - (i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged; and
 - (ii) is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community;"

The section 16 as it was passed in 1929 had not the words "or in addition to" as now in clause 8 (a) which are sought to be added by the amending Bill. I have compared the Bill as it was introduced and the reported Bill from the Select Committee and it is clear from the report of the Select Committee that the words "severe, general and prolonged" preceding the word "hardship" were fought for in the Select Committee by those who represented the Party in the shoes of whom stand those for whom I speak now and they succeeded in qualifying the provision of the English Act, which merely talks of inflicting hardship on the community; the Executive here, not being similar to the responsible Executive in England, would be likely to use a section of this kind on any pretence, and would be likely to strain this section and seize any opportunity of a political strike, whether it involved even a slight hardship, and they would be likely to use it for a purpose somewhat different to a purpose which would appeal to the British Cabinet. In so far as the British Executive is concerned, naturally it would not happen, as it does happen in this country, that the use of a weapon of this kind would be infrequent in its very nature. A general strike is an event which must necessarily be rare in their history, except when the socialist or communist elements try to fight measures such as those of the representatives of the European Groups in this country. It is only on these

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occasions that strikes of that kind are likely to come into being. So far as India is concerned, in addition to merely a difference in the ideologies in the very course of our struggle for our cause, it may be possible that what you may call a political strike, that is to say, a strike whose object is other than a mere settlement of a trade dispute, may be undertaken. Therefore, while being reluctant that there should be any restraint or check on our country undertaking a political strike—and I am very glad for the compliment that Mr. Joshi has given—at the invitation of the Congress,—for I believe he understands that any other invitation is not likely to be very seriously accepted—I say, the invitation, therefore, is undoubtedly ours and therefore the responsibility is ours. We, therefore, realized that it was necessary to so qualify the language of the English Statute that at all events its abuse may be mitigated. Hence, the second qualification was added to “illegality”, viz., that the strike would be illegal only if it is designed or calculated to inflict not merely hardship, because of that you may have many different measures. The executive of a particular place may undertake to prosecute a person on account of what they may call hardship, but once the qualifying words were there, viz., that it should be a case of severe hardship, it should be a case not merely of severe, but general, hardship, and it should be a case of a prolonged hardship, the position becomes better.

Sir, I wish to call the attention of the House to a decision of the Bombay High Court where the word “general” and the word “community” became the subject for decision in a very prolonged strike in the textile industry. The strike undoubtedly lasted a little over four months and inflicted an undoubted, severe hardship, at least on the restricted community to which those engaged in the textile industry either as employers or as employees belonged, but the High Court was of opinion that the strike was not illegal, because, even though it was severe even though it was prolonged, and even though it might even be called general, it did not inflict a hardship on the community, that is to say, on the city as a whole. Therefore, they held that in so far as the words “hardship on the community” were concerned, the material words really were “hardship on the community”. Those words are being retained and are not being altered. We are also retaining the words “severe” and “general”. It is true that some of our friends probably pressed the idea that it would be better to omit all the three and bring it into line with the English Act. I see some official amendments given notice of, firstly, that in clause 8 (b) the word that is sought to be retained is merely “severe”. There is also an official amendment to the effect that even that word may be omitted. With those omissions, the result would be that we would be on a par with the English Act, and having regard to the conditions in this country I think it is our duty to retain at least the addition of the three qualifying words qualifying the word “hardship” and we have succeeded in retaining the words “severe” and “general”; and I feel that the true effect of the section, except in one matter which I shall presently explain, still remains so far as the prevention of its abuse is generally concerned. When it is said that it is calculated to inflict a severe, general and prolonged hardship, the only element that is now being omitted is that if at the moment when the strike, for instance, has lasted a week and the question of legality or illegality arises, then it would be up to them as a matter of inference

when facts are put before them by the issue of bulletins or by the very nature of the strike to estimate whether it will be prolonged or not. Of course, if you are going to emphasise every word inasmuch as it pleases or satisfies some of our friends, I do not wish to stress it any further. After all, the word “prolonged”, namely, its length, is certainly not qualified in any way. The word “prolonged”, without reference to its true dictionary meaning, means to an ordinary speaker in English that it must be something very long, but its length, so far as I know, no dictionary has given. Therefore, the word “prolonged” or the word “lengthened” may also be easily capable of an interpretation where a week’s strike may, in the view of one class of thinkers, be a prolonged strike and in the view of another class of thinkers a year’s strike may not be a prolonged one. It depends whether Prof. Ranga is speaking or Mr. Clow is speaking. It is from the point of view of each party that they will use that word which, in a pure dictionary meaning, has no particular defined length. I frankly confess that I am not one of those who are frightened by the word “prolonged” at all because the prosecution would still have to prove that the expected hardship is severe and general and also on the whole of the community even though the hardship may be very severe on the employers and on the employees. The protectors of each appear to have agreed on this matter. If both of them are prepared to suffer, it does not matter. They will make it illegal only if the community also suffers. I am quite content with this position because I am neither the employer nor the employee. I am really concerned with the community as a whole and that is what my Party stands for. We are neither capitalists nor labourers. We are both and it is our intention to reconcile the interests of both in order that the general interest of the community may not suffer in this country. Therefore, the operative words from the point of view of the Party to which I belong still remain in the section, namely, that it has to be proved that it is a strike that is designed or calculated to inflict severe and general hardship on the community. Therefore, the omission of the “prolonged” in the circumstances in which we find ourselves now seems to meet by what I may call a general favour of a vote, and if that meets with a general favour of a vote, then each one probably has decided this matter for himself. If they have done that, I have no quarrel with them. I am only pointing out that their view may not be in accordance with the legal words that are interpreted by the High Court and, as I see the section, it remains as ineffective from the point of view of the purpose that we have in view, though we would wish that the whole of section 16 were omitted, that is to say, a political strike should never be regarded as illegal. While we have to submit to this, we must, as far as it lies in us, see that conditions are introduced in the section which may prevent its abuse, and from that point of view, notwithstanding the fact that the word “prolonged” is omitted, I feel that the mischief of the section—not in its legal sense, meaning what it is designed to strike, but the mischief which is involved in the section meaning thereby its abuse by the other side. This, as I understand it, in a true interpretation, remains as much curbed as it is possible to do so by using appropriate words. Therefore, I support this motion.

Mr. A. G. Clow: Sir, I do not propose to say much on the motion. My Honourable friend, Mr. Joshi, has so often held up to me the English law as a paragon of all that is wise in labour legislation that I could

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almost have expected him to move the amendment which was tabled by my friend, Mr. Mahadeva Ayyar.

Mr. N. M. Joshi: I do not wish to interrupt the Honourable Member but I want to make an offer to him. If he is prepared on behalf of the Government of India to introduce in India all the labour legislation of Great Britain, I am prepared to accept also this legislation of Great Britain.

Mr. A. G. Clow: Sir, I am sure you will not allow me to do that without notice. My Honourable friend, Mr. Joshi, will not expect me to subscribe to his view that the amendment which has been moved represents an improvement on the Bill. I think I could improve the Bill considerably and I could improve this section also but I am afraid I am in fairly close agreement with the Honourable the Leader of the Opposition that this clause is a somewhat ineffective one and it can be used only in very rare cases. I should personally like to see that it have a wider application because I sincerely believe that many of the strikes at which it aims or at which it could be aimed are strikes which bring nothing but sorrow to those who participate in them and to the community at large. I recognise, however, that I have very little prospect at the moment of improving the Bill and therefore I do not oppose this amendment.

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

"That for sub-clause (b) of clause 8 of the Bill the following be substituted, namely:

"(b) in clause (b) for the words 'general and prolonged' the words 'and general' shall be substituted'."

The motion was adopted.

Mr. K. Santhanam: Sir, I wish to make a few observations on clause 8 as a whole. When an existing Act is sought to be changed, there ought to be sufficient reasons for doing so. The Honourable Mr. Clow said that section 16, as it is, has not been of much use and it has not been in operation many times.

Mr. Muhammad Azhar Ali: Sir, the Honourable Member is not talking on any amendment. If he is speaking on clause 8, as it stands, how can he have a general discussion on clause 8?

Mr. Deputy President (Mr. Akhil Chandra Datta): Before I put clause 8, he wants to speak on that clause.

Mr. K. Santhanam: I am opposing clause 8.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions Muhammadan Rural): What is the amendment before the House?

Mr. K. Santhanam: I am opposing the clause as a whole and not any particular amendment. The House is entitled to reject the entire clause. I am pleading for its rejection and I am adducing arguments in support of rejection.

Dr. Ziauddin Ahmad: On a point of order, Sir. When a certain amendment to clause 8 has been carried by the House, is any Honourable Member in order to move that the whole clause be omitted?

Mr. Deputy President (Mr. Akhil Chandra Datta): It can certainly be done, because what is the use otherwise of putting the clause before the House. This is the proper time to oppose the clause.

Mr. K. Santhanam: I hope there will be no more points of interruption. No instance has been brought before the House to show that these amendments are necessary. They have been brought forward on some imaginary pretext. It has been argued as if section 16 of the original Act applies only to political strikes. I submit that it applies not only to political strikes but also to what may be called sympathetic strikes. Suppose there is a tramway strike in Madras today and supposing the busmen in sympathy with the tramway men also strike. That strike is covered by section 16 because it is not in furtherance of a trade dispute within the trade or industry. Whether such sympathetic strikes are desirable or not, it is another question. Sometimes if it is only of a short duration to show sympathy, it may have very good effects. For instance a single day's bus strike in the City of Madras might force both the people and the Government to find a solution for the tramway strike. It may thus be to the benefit of the community as a whole. Therefore it is wrong to imagine that clause 8 applies only to what are called political strikes. As my Honourable friend, Prof. Ranga, put it if it is a question of a general political strike, no law can prevent it. The labourers are still illiterate and Government have not so far taken any pains to educate them. The labourers being illiterate, feelings among them might on occasions run high. There may be sympathetic strikes. I am sure that the addition of the three words to clause 8 will inflict a great hardship on the labourers. When did the Government find that the adjectives used in the original clause of the Bill were not satisfactory? Have they given any instance in which there was a strike which was severe, and which inflicted a hardship on the community and the community wanted to stop that strike, but that the adjective 'prolonged' has prevented them from doing so? Was the existing law proved to be ineffective? As some Honourable Member has already pointed out the Courts will construe the amended section in the light of the old section. They will say that there were three words in the original clause and now there are only two. Why was that adjective omitted? I submit the effect of its omission will be like this. If there is severe and general hardship even for a single day, the section might come into operation. Of course, there might be some doubt as to whether the word "prolonged" covered any particular duration of time. But there could have been no doubt that if there were only lightning strikes for one or two days—sympathetic strikes—they would not have come within the mischief of clause 8. Now, as the amended section stands, it will penalise even spontaneous outbursts of enthusiasm and sympathy in the case of labourers. Of course, if there had been numerous strikes which the Government wanted to prevent and if the existence of this adjective "prolonged" had prevented them from doing so, the Government would then have been entitled to come before the House and it would also have been reasonable for us to give them this

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power. But the Government have not put forward any convincing case, and now we are asked to clothe the executive with more powers.

I submit that executive powers have always been the bane of this country. Even in countries which have got responsible governments, the more the executive has got the power, the greater is the temptation to abuse those powers. Everywhere people have been pleading for restriction of executive powers, but here in India we want to give the Executive enlarged powers. We want to give the Police the power to prosecute the poor labourers and I say this is a wholly unwarranted and unjustified extension of powers which the Government already possess. I submit the whole clause is a most obnoxious one. This is going to inflict unnecessary hardship upon the labour movement which the Government have not tried to foster or develop. I say that if the Government had taken pains to foster this labour movement and to see that every trade union is automatically recognised and that the labour movement is supplied with proper leaders, then I can understand their saying "you must exercise restraint". On the one hand, they are not taking any steps whatsoever to help the labour movement, on the other hand, they are coming down and saying, "you shall not do this, you shall not do that and so on". How are the poor labourers to know the effect of this clause? How are the busmen in Madras to know whether a strike is severe and general but not prolonged? The original adjectives that were put in would make the occasion for the use of the power as restricted as possible. Under the amendment that you have passed, you want to create more occasions for suppression of strikes. I submit you are thereby doing the greatest harm to the labour movement and the result is going to be the exact opposite of what you expect. An amendment like the one which has been accepted by the House is going to put the back of labour up everywhere and as this amendment strikes a blow at labour movement in the country, there are going to be a large number of strikes. I take this opportunity of warning the House of the consequences of a provision like this. You are creating an unnecessary flutter in the labour ranks and possibly create unrest which will have to be paid for dearly by the community at large, by the employers and by the labour, all of us together.

Mr. Abdul Qaiyum: Sir, I rise to support what my Honourable friend, Mr. Santhanam, has said about the harmful effects of this clause. I am opposing the whole clause.

An Honourable Member: You cannot oppose the clause at this stage.

Mr. Abdul Qaiyum: I fail to see these meaningless points of order and these meaningless interruptions. I am perfectly within my rights in taking exception to clause 8 being put on the Statute-book.

As far as section 16 of the original Act was concerned, it was a positively harmful and obnoxious provision, and it becomes all the more dangerous when we find that it will be made use of by the irresponsible Executive in this country. When this new Bill was introduced we all thought that suitable amendments would be made which would be more in the interests of the labourers and which would strengthen their hands

and result in improving their economic condition and in strengthening their organisation. But we unfortunately find that as a result of this amendment this section 16 has been made even more stringent. The position of labour has been considerably weakened as a result of the deletion of the word "prolonged". The presence of the word "prolonged" in this clause was an absolute necessity. After all by the deletion of the word "prolonged" Courts will begin to think that any strike—however short its duration may be—can be declared an illegal strike having a political object. The result will be that the rulings which will follow as a result of this amendment to section 16 will be more against the interests of labour than any previous rulings could have been. It is really a pity that the attitude of the House in the matter of this amendment to section 16 has been directly against the interest of labour and very much in favour of strengthening the hands of the capitalists. We may be in a minority in this House, but we will be failing in our duty if we do not warn the House of the wrong step which the House has taken. I assure this Honourable House that this challenge to organised labour will not be ignored, and that it will be taken up at the first available opportunity. I can certainly say with confidence, that the opinion of this Honourable House on this question is not in consonance with the opinion which is held by a majority of people in the country. A majority of people in this country certainly believe in the cause of labour. They are out to strengthen labour, they are out to improve their conditions. They certainly believe that the force of organised labour in this country must be harnessed for patriotic purposes and that occasions may arise when political strikes may become a necessity in this country. But as a result of this amendment we find that the position of labour has become more insecure and more crippled, and that an irresponsible Executive has been armed by this House with wider and ampler powers to crush labour. Sir, I oppose this clause.

Several Honourable Members: The question may now be put.

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

"That the question may now be put."

The motion was adopted.

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

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Clause 9 was added to the Bill.

Mr. A. Aikman (Bengal: European): Sir, with regard to clause 10 I should like to move the amendment which stands in my name in the typed sheet instead of the one on the printed list.

Prof. N. G. Ranga: I object to that.

Mr. Aikman: The sense is exactly the same. The second proviso as it appears

Mr. Deputy President (Mr. Akhil Chandra Datta): If it is objected to, the Honourable Member had better move it in the form in which it appears in the printed List.

Mr. A. Aikman: I wish to submit that the language of the second proviso in the printed sheet is misleading and not correctly expressed and in the Supplementary List the error is corrected.

Prof. N. G. Ranga: Sir, on a point of order, I object to the moving of this amendment in the typed List.

Mr. Deputy President (Mr. Akhil Chandra Datta): As it is objected to, I do not think the Honourable Member should move the one in the supplementary List. He may move it in the form in which it appears in the printed List.

Mr. A. Aikman: Sir, I move:

"That in clause 10 of the Bill after sub-section (3) of the proposed section 18A the following be added:

"Provided that a conciliation officer shall not disclose any information or the contents of any document obtained under this sub-section if the party to the dispute giving the information or producing the document requests the same to be treated as confidential.

(4) If a conciliation officer wilfully discloses any information or the contents of any document in contravention of sub-section (3) of this section he shall be punishable with fine which may extend to one thousand rupees:

Provided that no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this sub-section except with the previous sanction of the Central or Provincial Government, as the case may be."

The terms of the amendment are, I think, self-explanatory and it merely proposes to place the same restrictions with regard to the disclosing of information on a Conciliation Officer as are placed on the members of a Court of Inquiry or a Board of Conciliation in section 13 of the Act. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That in clause 10 of the Bill after sub-section (3) of the proposed section 18A the following be added:

"Provided that a conciliation officer shall not disclose any information or the contents of any document obtained under this sub-section if the party to the dispute giving the information or producing the document requests the same to be treated as confidential.

(4) If a conciliation officer wilfully discloses any information or the contents of any document in contravention of sub-section (3) of this section he shall be punishable with fine which may extend to one thousand rupees:

Provided that no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this sub-section except with the previous sanction of the Central or Provincial Government, as the case may be."

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I am surprised at this amendment because the Honourable the Mover is trying

to create a new offence for the Civil Services and the Provincial Civil Services under the various Governments. In the Select Committee I asked Government to explain who will be these Conciliation Officers, and I was told that they will be from among the existing servants of the Crown. They may be officers of the Indian Civil Service or the Provincial Civil Service or any of the other services. My Honourable friend, Mr. Aikman, was not a Member of this House when his colleague Mr. James took such active part in safeguarding the rights and privileges of the civil servants before the Joint Parliamentary Committee and the Round Table Conferences. Do I understand, Sir, that the European Group are now amenable to introduce penal clauses whereby the civil servants, however, they may be protected under the Government of India Act, can be penalised and punished, as has been suggested by my Honourable friend, Mr. Aikman? Personally we on this side would welcome such a penal provision if it is not applicable only to this particular Trade Disputes Act but to all actions of Government servants. My Honourable friend, Mr. Clow, will explain it later on but he himself knows how a State servant is immune from any misdemeanour that he may commit and how he cannot be punished under the statutory rules under which he is employed. Sir, we that are accustomed to provincial lives find that the provincial civil servants claim similar exemption and similar status as the Indian Civil Services claim to have acquired by belonging to the heaven-born services. Sir, even Mr. Aikman in his minute of dissent did not suggest that he contemplates to penalise Government servants who will be Conciliation Officers.

I recollect that I told Mr. Clow and the Honourable the Law Member that my province of Orissa being a poor province we cannot have a new class of servants such as Conciliation Officers, and I was told that the existing Government servants will function as such. Does that mean that under this Trade Disputes Act the European Group want the Congress Ministries and the other Provincial Governments to exercise and work this Act in such a fashion that they can punish civil servants? I call it ludicrous and I do not think that at more sober moments Government or the European Group will agree to this principle. If they agree to that principle all along I will join them, but if it is meant only to create trouble for the Congress Ministries in the Congress provinces or to the popular Ministries that are functioning in most of the eleven provinces of India, then the Europeans do not know their own mind and they must have to revise it again.

Mr. K. Santhanam: Sir, as the amendment stands these Conciliation Officers cannot disclose this information even to the Ministers of the Provincial Governments concerned. I do not see how they can work at all because after all these Conciliation Officers are appointed so that they may investigate cases and report to the Minister concerned. Except with the consent of the party concerned, they cannot disclose it. I think it reduces the provision about Conciliation Officers to a *reductio ad absurdum*. I am afraid the Honourable the Secretary for Labour has not heard the point, but anyway the House will see . . .

Mr. A. G. Clow: I have heard the point but am not sure I agree with the Honourable Member.

Mr. K. Santhanam: Thank you. This amendment will mean that the whole provision for conciliation becomes useless and these Conciliation Officers will be father confessors to these employers; and of course no employer wants any information to be revealed to anybody, and so automatically this information given to the Conciliation Officers becomes sterilised altogether and the conciliation work cannot proceed. With these words, I oppose this amendment.

Prof. N. G. Ranga: Sir, I oppose this amendment and that very strongly because even this clause 10 providing for the appointment of these Conciliation Officers is not welcome to organised labour in this country; it has been felt that ordinarily these Conciliation Officers may act more as strike breakers than as real helpers of labour; but in spite of that they have, after having made a thorough-going research into this Bill, if at all there can be any sort of blessing in this Bill, come to the conclusion that this must be the only silver lining in the whole gloomy atmosphere created by this Bill; and even this my Honourable friend, Mr. Aikman, and the European Group behind him want to destroy by getting this amendment passed. If this amendment is passed, what will be the effect? The Conciliation Officer is told so many things by the employers; he has to go to the workers and inform them as much about this information as possible and try to make them take a reasonable attitude. He has again to go back to the employers, indicate the views of the workers and the mood of the workers and try to make these people also to take up a reasonable attitude. Will it be possible for him to play this part and try to tell the workers, in a hypothetical case, that the employers are not in a position to pay any higher wages, that the employers are not able to make any profits, that the employers in fact are losing year after year or month after month, and therefore it will be unwise in the interests of the industry as a whole and also in the particular interests of the workers themselves for them to insist upon their demands for an increase in wages. It will be impossible for him to do this. Therefore, even in the interests of the employers themselves this amendment should not be insisted upon because it prevents the Conciliation Officer from disclosing the facts which are relevant for those particular negotiations and from bringing about a proper atmosphere for a settlement amongst the workers. Similarly, supposing he finds that the employers are making good profits and are really in a position to pay and yet are obdurate and unreasonable, then he must be able not only to argue with them but also ask the workers not to demand all that they want but only a portion and then offer his good offices and go to the employers and say "Look here, you must agree to so much: otherwise it is going to be very unreasonable and very difficult both for you and for the employees and for every body".

Thirdly, there is the Government. What is the object of appointing a Conciliation Officer unless he is allowed to be in constant communication with the Local Government and inform the Government about the true state of things in that industry both in regard to the employers and the employees? Supposing the employers take a highly unreasonable attitude. Then, should it not be permissible for him to go to the Minister concerned and tell him that in such and such an industry so much profits are being made—so much in the previous year and so much in the present year—and, therefore, the employers are in a position and may be expected to pay such and such higher wages or to restore such and such cuts in

wages effected before. Or supposing the workers themselves are unreasonable, should it not be permissible for him to go to the Government and tell them "Here is the position of the industry: the workers seem to be unreasonable: you send for the leaders of the workers and have a talk with them and discuss everything". Therefore, it is a highly unwise provision and if it is passed it will make clause 10 thoroughly useless and, therefore, I oppose it.

The Honourable Sir Nripendra Sircar: Sir, I think I should ask the Honourable the Mover of this amendment to consider the position and to withdraw this—for this reason. I am proceeding entirely on the language of the draft which is before me, and I believe Mr. Santhanam's point is sound and almost unanswerable that this will prevent the officer from making any communication about information anyway, including even disclosure to proper officials. Whether this point is covered by the Official Secrets Act or not is one on which I am not going to make any pronouncement; nor do I say as to whether if so advised Government will or will not consider the possibility of moving something on these lines if later on a defect is felt at a later stage of the Bill. But so far as this particular amendment is concerned—and no other amendment is being permitted to be moved in this House—I would ask my Honourable friend that as possibly he will find that he is unable to meet the points which have been made against him he may withdraw his amendment.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, just before my Honourable friend withdraws this amendment which was proposed in the name of our Group, I should like to explain to the House what our object and intention was. It certainly was not to secure anything such as now transpires from what my Honourable friend, Mr. Santhanam, has suggested would be in fact the effect of this amendment if carried; and that seems to be also the impression of my Honourable friend, the Leader of the House, to whose weighty knowledge in these matters I naturally defer. I just want to make it clear on behalf of this Group that it was certainly not our intention when we proposed this amendment, to make it impossible for a Conciliation Officer to use any information, that he might secure in the proper conduct of his business, in such a way that he could not even tell his responsible Minister what information he had secured. We merely had in mind the same purpose as is put into effect in the Bombay Trades Disputes Conciliation Act, where a very similar clause is, I believe, incorporated.

Mr. A. Aikman: Sir, with your permission, I beg to withdraw this amendment.

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

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

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A. G. Olow: Sir I move:

"That the Bill, as amended, be passed."

[Mr. A. G. Clow.]

I do not want to take up the time of the House by discussing the various questions that we have already gone through in so much detail; but I would just like to say one thing and that is this. We have been discussing in the main restrictions on strikes; and I think there has been a tendency to assume that if you place restrictions on strikes you are necessarily injuring the workers. That is not my conviction at all. We have maintained in my Department a record of strikes for a good many years, and there has been hardly one important strike in India of which we have not seen something; and my experience is that in the great bulk of strikes the workers lose and often lose heavily, and that if a great many of them could have been prevented it would have been all to the advantage of labour. I do not think, therefore, that those who are in favour of reasonable curtailment of the license to strike are necessarily acting against the cause of labour in any way. Strikes there must be unless you are going to have a State on the totalitarian model where all liberty is denied, because in some cases the workers have definitely no other means of redress. But I believe that in many cases checks on strikes would be as much in the interests of the workers as of any other party, perhaps more, for there are such things as strikes that are profitable to the employers.

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

Mr. President (The Honourable Sir Abdur Rahim): Motion moved: "That the Bill, as amended, be passed."

Prof. N. G. Ranga: Sir, I am not at all happy at the turn that this Bill has taken through all its stages. I entirely agree with my friend, Mr. Clow, when he says that strikes inflict a terrible amount of harm and damage to workers. It is quite true, but knowing that when workers go on strike, it only means that the conditions of their labour are so intolerable that they think that even a strike is preferable to continuing to exist and work under those hard conditions of work. In order to show that workers have not really resorted to strikes in a light-hearted fashion, I need only draw your attention, Sir, to some of the statistics which I daresay were compiled and published on the authority of my friend, Mr. Clow, himself. I quote, Sir, from Bulletin No. 62 called "The Industrial Disputes in India". By referring to page 2 we find that whereas in 1928 there were as many as 203 strikes, in 1936 there was only 157, and in 1928 the men involved in the strikes were as many as 507,000, whereas in the later year there were only 169,000. Again, Sir, the number of work days lost in 1928 was as much as thirty one million six hundred and forty-seven thousand, whereas in 1936 the number of work days lost was two million three hundred and fifty-eight thousand. These quite clearly demonstrate that workers, because of their growing organizations though they are developing in a very very slow fashion, are becoming conscious of the fact that they ought not to resort to strikes for anything and every thing but reserve them as their last weapon and use them carefully, sparingly and when adopting them use them as determinately as possible.

Then, Sir, my friend said that to go on strike does not really represent any advancement in the mentality of the workers or something to that effect. I quote, Sir, from the Report of the Royal Commission on Labour from page 333. They themselves say that strikes took

place occasionally on the railways and in other branches of the industry, but to the majority of industrial workers, the use of strike was probably unknown. Lacking leadership and organization and deeply imbued with a passive outlook on life, the vast majority of the industrial workers regarded their return to the village as the only alternative to the endurance of hard conditions of industry. Then the end of the war saw an immediate change. Then they attribute the later development of strikes more to the development of a spirit of self respect amongst the workers and naturally the consequent anxiety to improve their conditions. Sir, many an English economist and many an English philanthropist as well as politician has deplored the apathy and contentment of the Indian working classes, and every one has been anxious to put a match into the workers and create some life among them. But the moment they have begun to think of improving their own conditions, Government are turning round and say "You are not to go on strikes whenever you like, but you can go on strike only conditionally and whenever I like, or whenever I am prepared to permit you to go on strike". I say, Sir, that attitude is not reasonable.

Then, Sir, coming to the question of political strikes, let us see what the Royal Commission on Labour itself says. For what purposes do these people go on strike? This is what they say. They quote that in 976 disputes the principal demand related to the question of bonus or pay and in 425 cases to the question of personnel. In the latter cases the demand was normally for the reinstatement or dismissal of one or more individuals and the proportion under this head appears to us to be high. These are really not grievances for which organized labour in England is obliged to go on strike, because there there is plenty of conciliation machinery by using which the labour is able to get many of their ordinary grievances redressed.

Then, Sir, 74 strikes were primarily concerned with questions of leave or hours of work, and the remaining 382 are unclassified, in respect of demands made, in the official returns. Two thirds of the returns are classified as unsuccessful. This again shows that even though the workers go on strike, they are not able to succeed in inflicting hardship upon employers or even upon the community, but even in gaining a betterment of the conditions of labour. When their own last weapon is not even successful in affording them better conditions of labour, then certainly it is the duty of the Government and the community to come to their rescue and do everything possible to help them. Instead of that, the Government comes forward with this Bill only to make the Act much more rigorous, much more troublesome for the workers and make it more and more difficult for them to go on strike, whether it is sympathetic or a regular strike, and thus improve their own condition and the conditions of their fellow workers.

Then, Sir, behind immediate causes such as these, it is possible to trace the wider influences which have been at work. The great war had obvious economic influence but yet it was possible to stave off these strikes in the post-war days by adopting one very useful method, and that was, "the State, employers and the public co-operated in introducing certain ameliorative measures". It was because of that the number of strikers had gone down, and there was a certain amount of industrial peace. Peace was brought to the country as well as the community by adopting ameliorative measures and improving the conditions of labour.

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but what is it that the Government now proposes to do? They do not want to improve their conditions, but they want to impose more restrictions. When I was told that this last amendment was going to be withdrawn by my European friends, I thought the Law Member was going to say that he was opposed to that amendment on its merits, but to my surprise he only said he was opposed to it because of some legal defect in it, and he would not even give us any assurance that Government's opposition to it would not change at all. In fact, he even threw out a sort of warning that at a later stage Government may think of bringing forward some such amendment in order to give effect to the object underlying that particular amendment. So, if and when that particular amendment comes to be placed on the Statute-book, it will make this Act much more unacceptable, much more obnoxious than it already is.

Then, Sir, I take the House to the last year for which we have got figures, namely, 1936, and I quote these figures from the Report on Industrial Disputes in India. There were as many as 157 strikes. Out of these, in 95 the main demand was for wages, another for bonus, 24 for personnel, leave and hours 6, others 30. So, if any strike can come to be considered as having been resorted to for not a specified cause or anything like it, it could only be these 30 strikes. I do not know how many of them were themselves genuine strikes. I am even inclined to think that there was not even one strike which was resorted to in a light-hearted fashion by the workers because, if there was a sort of a strike which was not taken up for a serious cause, then there would be no chance at all for those workers to resort to another strike in the same industry. I know from personal experience that in this town itself, during the month of last October, there were several attempts by workers to go on strike. Four times some of them wanted to go on strike and had gone on strike, but the majority of the workers refused to go on strike with the result that after four attempts had been made—and I do not think these four could be considered to have been full-fledged strikes at all—the fifth one was successful. That shows that workers usually are not in the habit of going on strike. They really consider the pros and cons of a strike very very carefully. There may be some agitators, some workers amongst these who are really anxious that for a very good reason they should go on strike, but all workers do not agree to go on strike on every occasion although there is a genuine grievance for them to do so, because they want to see that once they go on strike they should be able to maintain themselves, they should be able to make their strike successful and effective and thus bring about some improvement in their own conditions.

Then, coming to this question of political strike, I need only say this. This Bill makes the position of the workers much worse than what it is today. According to this Bill it will be easy for any sympathetic strike to be declared as illegal. It is one thing to give power to Provincial Governments to declare any strike as illegal. Once they declare a strike illegal, then they make themselves responsible to the Local Legislature and to the local public. On the other hand, a strike is considered to be illegal and straightaway the police are there. They become seized of the strike and they can launch prosecutions and cases are taken before Courts, and even in the Local Legislature an adjournment motion cannot be moved.

a resolution cannot be discussed, a cut motion cannot be taken up, and the Local Government will find it impossible to withdraw a case because the question of the *izzat* of its own Indian Civil Service Officers comes up and the Governor will be there behind the officers involved. Therefore, it does not even give a chance to the Local Governments to interfere. It gives away the fate of the workers to the tender mercies of the police and we know what sort of police we have. It may be that we are having Congress Ministries in seven provinces, but we know that the police is not completely under the muzzle of our Ministers but is able to do whatever it likes and whenever it wants. We know only the other day the case of one prosecution in one of our provinces which was ordered by the Governor and not by the Ministry.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): No, nothing of the kind. The Ministry ordered the prosecution.

Prof. N. G. Ranga: It was said so in the Court.

Mr. N. M. Joshi: Why did not the Minister resign?

Prof. N. G. Ranga: We know that the Governor has got that power. He may or he may not exercise it, but unless there is a sort of written assurance or statutory provision by which we know that the Governor is not going to use his power, I am particularly opposed to leaving all this power in the hands of the police. How is it going to be worked,—that is a very important matter. They may go on an industrial strike. They want to improve their conditions, but in stating their own case they may also state some political reasons also. Rightly or wrongly, wisely or unwisely it is for the police to use their discretion whether it is absolutely industrial or whether it is really political. There are always mischief-mongers in this country. I do not know what it is in other countries. Naturally they want to foment trouble. If there are more cases there are more prosecutions, and there will be more convictions and more rewards for the police. It may be news to the House, but it is a fact that policemen get promotions

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really wandering away from the Bill. This is the third reading stage and the Honourable Member must confine himself to the motion that the Bill, as amended, be passed.

Prof. N. G. Ranga: I think it is really unreasonable to leave so much power in the hands of the police especially where the livelihood of workers is at stake. Are we to allow workers to go on a sympathetic strike or not? That is the most important thing. Suppose there is a strike in a textile mill in a town and there are workers there in other industries. They want to strengthen those people, and suppose they go on strike. They have already got their own genuine grievances over which they had not till then preferred to go on strike. Therefore, they give notice to the employers of their intention to go on strike for the redress of their own grievances. But the police come in and say, these people are going on strike just now in order to help other people. The workers may turn round and say, the effect of our strike may be partly also to help those people but we want to gain such and such genuine demands. I do not

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know how the Court is going to decide under those circumstances. I am not concerned about the decision of the Court, but I am more concerned about the attitude of the police, about the activities of the police. Once they catch hold of some of the ringleaders as they are contemptuously termed,—once they catch hold of the leaders and put them into jail and charge them under this Act, the workers' union goes down, the organised life of the workers is disturbed, the morale of the workers is gone and they are obliged to go back again to their employment, and then again they are in danger of being victimised by their employers. Sir, I want such a contingency never to arise, and that is why I oppose section 16 and its further extensions here. What are those extensions?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has dealt with all these matters at length on the second reading and now the only question is that the Bill, as amended, be passed. The Honourable Member should not repeat all that he had been saying before.

Prof. N. G. Ranga: The effect of the amendment that has been passed this afternoon is that the word "prolonged" is dropped with the result that any strike, that may go on for a few days, but provided it is general, provided it is supposed to be severe in the opinion of the police and later in the opinion of the Court, will come to be declared as illegal and the workers would be penalised. And that is why I deplore the omission of this word "prolonged". Our opposition to section 16 stands. Our opposition becomes much more vehement after this word "prolonged" is withdrawn.

Then, Sir, I want to make one suggestion to the Government. Government wants to circularize their suggestion contained in clause 8 of the old Bill to all the Provincial Governments to ascertain their opinion. I want them also to ascertain the opinions of the various Governments in regard to the need and the advisability of establishing forthwith joint standing conciliation machinery in every industry in this country, so that the industrial peace that my Honourable friends on the opposite Benches so much desire may become established at least temporarily not only for the benefit of the employers but also for the benefit of the workers. If they ascertain those views, then let them come back to the House with a suitable piece of legislation. Then there will be time enough for us to consider whether we will at all look at the metamorphosed clause 8 of the old Bill.

I want to make one offer. My friend, Mr. Joshi, has said: Let the Government come forward with a Bill to amend all other labour laws and to enact several other labour laws which will be on a par with the English labour laws. Let the Indian worker be put on the same footing as the English worker and then let them test our party and then see how we are likely to react to it. Instead of that, if they come here with piecemeal legislation like this and try to corner this Party and try to canvass votes and in that way put everybody in great difficulty and have their own way, all the while only satisfying this little Group who are their own cousins, that is not a fair thing to do. For these reasons, I deplore the necessity of the Government to get this Bill passed.

Mr. N. M. Joshi: I am sorry I cannot congratulate the Government of India upon this Bill which they are trying to pass this afternoon.

The Honourable Sir Nripendra Sircar: That is your perpetual song.

Mr. N. M. Joshi: There were many times when I have congratulated the Government on passing some Bills. I cannot, judging this Bill as a whole, feel that this Bill is conceived mainly in the interest of labour. It is true that it provides for the appointment of Conciliation Officers but I have no doubt in my mind that if the Provincial Governments want to appoint Conciliation Officers there is nothing to prevent their doing so either in the Government of India Act or in any other Statute in our country without being empowered to do so by this Bill. However, admitting that some small measure of good may be done to labour on account of this legislation so far as the appointment of Conciliation Officers is concerned, I do not feel that this legislation was necessary. I have already stated that I do not like strikes. Not only that but I would like to have some machinery for the settlement of trade disputes. When the Act of 1929 was passed I was unable to be in the Legislature on account of my illness. The Congress Party at that time was opposing the whole legislation. In spite of the fact that section 16 of the Act was in that Bill, I was anxious that the Bill should be passed. I felt at that time, Mr. President, that in spite of the disadvantage of section 16 of this Bill, if it created a machinery for the settlement of trade disputes, the existence of that machinery and the use of that machinery may do a great deal of good to Indian labour and the disadvantage of section 16 will not be so great as the advantage of the machinery provided by that Act. Unfortunately, I was severely disappointed both by the Government of India and the Local Governments. The Act of 1929 was not given a fair trial especially by the Provincial Governments. The Act was used only half a dozen times during the last 9 or 10 years. There were hundreds of strikes in the country but the Local Governments refused to make use of that legislation. The Royal Commission on Indian Labour will support what I have said in this matter. If that Act had been properly used and often and promptly, many strikes in this country would have been settled. The unrest and the fear that we see today would not have come into existence at all but the Local Governments depended more on their repressive powers than the machinery of the Indian Trade Disputes Act. Even today if the Provincial Governments and the Government of India will change their spirit and make use of the Act of 1929, as it was, that Act will be useful. Unfortunately the Government of India somehow feel that they must do something new. They have not given a fair trial to the Act but on account of the labour unrest that exists in this country and on account of the fact that Governors and Provincial Governments want something to be done, the Government of India must undertake some new legislation. I feel that it is a needless waste of energy and time of this House to have brought forward this measure, without giving a fair trial to the measure that was already on the Statute-book.

I feel that the Government of India during the last few years have got a feeling that their capacity to do good to Indian labour has gone, but unfortunately the Department remains. They have got a department called the Department of Labour. The Department must do something. There are men of great energy and capacity in that Department. Sometimes when I see Bills of this kind introduced by the Government of India, I am reminded of a proverb in some of the Indian vernaculars. At least

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in my own, there is a proverb that if a barber is unemployed, he begins to use his skill on a wall. In some other languages, the proverb says that the unemployed barber shaves a buffalo or a cat. I feel sometimes that the Labour Department is in the position of an unemployed barber. I am not saying that my Honourable friend, Mr. Clow, does not pour over files from 10 o'clock in the morning till 6 o'clock in the evening or even longer, as I am told, but I feel that he is not doing much useful work. I compared the Labour Department to the unemployed barber but the unemployed barber, although he wastes his time, is harmless. If he employs his skill on the wall, it does not do much harm. Sir, the Government of India in the Department of Labour being unemployed are trying to introduce some measures to while away their time and have become dangerous. This is my explanation of the Bill which the Honourable Member in charge of the Department has introduced.

I have no doubt that the Government of India even under the present Constitution, and even after the introduction of Provincial Autonomy, can do a great deal of good if they have courage. Unfortunately they have lost courage and they have lost confidence in themselves. They feel that they cannot introduce important measures in the Central Legislature unless the Provincial Governments agree, and unfortunately they have no confidence in the Provincial Governments also. The Government of India do not realize that in the provinces different sets of Government have come into existence. They are not the Governments which were there two years ago. The Governments now are more popular Governments who are committed to a programme of labour legislation and such Governments have now come into existence. Sir, the Members of the Government of India are able and clever men but they are not good politicians. They cannot realize that the conditions in the country have changed; they are afraid that if they undertake some important legislation beneficent in character, the Provincial Governments may not support them. Sir, they are wrong. I have no doubt in my mind that if the Government of India undertake some really important measures of a beneficent character to labour, they will get the support of the Provincial Governments. What is needed is some courage and some confidence in the Government of India themselves in their own ability and in the Provincial Governments.

Sir, I quite understand that passing measures like health insurance, unemployment insurance, old age pensions or even such a small measure as some legislation for providing for a wage-fixing machinery is quite a different thing from passing legislation for the settlement of trade disputes. The last kind of legislation is the easiest. It does not cost the Government of India anything and it does not cost the Provincial Governments very much. If you try to pass legislation providing for health insurance or for unemployment insurance or for old age pensions, that will cost you something. Therefore, the Government of India try the easiest course because they want to show that they are doing something. They cannot, however, undertake important things. Therefore, they introduce measures of this kind which will not cost them and the Provincial Governments anything. This is natural but it is not the right course. I do not blame the Government of India alone; it is not they alone who try to take this easy course. I am watching some Provincial Governments also. My own Government of Bombay is proposing to introduce legislation for the settlement of trade disputes. That will not cost the Bombay Government anything.

The Honourable Sir Nripendra Sircar: All wise men think alike.

Mr. N. M. Joshi: It will please some people, it will create an impression in the country that the Bombay Government are interested in labour matters,—it does not matter whether they are interested in favour of or against labour. In any case it will not cost the Bombay Government anything. Then, the first piece of legislation which the United Provinces Government is trying to place before their Legislature is again a Bill for the settlement of trade disputes. Sir, we have already got sufficient machinery for the settlement of trade disputes. I feel, however, Sir, that if the Provincial Governments and the Government of India want to do something for labour, if they have got the capacity, if they have got the desire, if they have got the courage and confidence, then let them undertake measures which will be really beneficial for labour. They need not waste their time and the time of the Legislatures in passing measures of this kind. I hope, Sir, that the Government of India will get some more confidence and they will get some more courage and when they come before the Legislature next time, they will introduce measures of an admittedly beneficial character.

Several Honourable Members: I move that the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, be taken into consideration."

Sir, the object of this Bill, as appears from the Statement of Objects and Reasons, is not either to widen the scope of the original bill or to limit it in any way, but to correct a mistake made. The language was very unhappy when we used the words "along with lineal descendants". It was pointed out by many of the law journals in Calcutta including the *Calcutta Weekly Notes* that it is quite capable of the construction that we are giving rights to all lineal descendants,—that is to say, the daughter's daughter, the daughter's son, the daughter's daughter's son, and so forth,—that they are all going to get a share as a result of the enactment of this measure. That of course was not the intention, but the language employed has been very unhappy. It was pointed out in the *Calcutta Weekly Notes* and also in the Bombay and Madras law journals, and we are trying to correct that

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Then the other object, as will appear from paragraph 2 of the Statement of Objects and Reasons, is this:

"As section 2 stands, if a Hindu dies a widower, the right of inheritance conferred on his widowed daughters-in-law by the provisos to section 3 cannot take effect. It was not the intention of the Act that this right should depend on the survival of a widowed mother-in-law."

It might be the case of a widower. It is not the desire of this Act that the right of the other lady will be influenced by the existence or otherwise of a widowed mother-in-law. Then the only other defect which really has been removed is where there is more than one widow, say two widows, we want to make it perfectly clear, (although possibly it might be construed on the original Act as it exists) that the two widows between themselves jointly and together will get what would be the share of one son.

Sir, a number of amendments have been tabled by Messrs. Ananthasayanam Ayyangar and others and I had the opportunity of discussing them with him as well as the Leader of his Group and I may inform the House—I do not say of course that anybody is bound by it—that there has been an understanding that the amendment which will be moved will be No. 6 and I have intimated and I shall adhere to what I told them that I shall accept amendment No. 6. Sir, I do not think there is anything which is controversial in this Bill and I do not propose to take more time of the House.

Mr. President (The Honourable Sir Abdur Rahim): Are there not other amendments which have been given notice of?

The Honourable Sir Nripendra Sircar: Of course there are two notices of amendments handed in by Mr. Kailash Behari Lal, but I shall object to them on the ground that two days' notice has not been given. They were handed in just now only. Sir, I move.

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

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, be taken into consideration."

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, as the Leader of the House has pointed out, this Bill is intended to make clear some of the legal phraseology and not to extend the scope of the Act. I wish to make a few suggestions to the Honourable Member in this connection. Though it may appear that my suggestion seeks to extend the scope of the Act, I submit that it is meant to remove the anomaly that seems to exist in the present Act. In the Act we find that there are two provisos to sub-section (1) of section 3 which confer some right upon the widow of the deceased son governed by the Dayabhag school of the Hindu Law, whereas the widows who are similarly placed under the Mitakshara school of Hindu Law have been left in the lurch. There is no such proviso for them. I think that this apparent injustice is in the nature of an anomaly whose removal would not mean an extension of the scope of the Act. As the Honourable Member has said that he intends only to remove the anomalies, I think perhaps he will take into consideration this thing also and he will find at once that for no fault

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of the widows who are governed by the Mitakshara school of Hindu law, they are given an inferior place as compared to the similarly placed widows who are governed by the Dayabhag school of Hindu law.

The Honourable Sir Nripendra Sircar: On a point of explanation. My Honourable friend is under a complete misapprehension. All that the original Bill has done is to give the widows certain rights in respect of property, namely, separate property, under the Mitakshara law and property under the Dayabhag law. What my friend is now proposing is to change the whole of the Mitakshara law and to do away with the survivorship and with the incidence of the joint family property and so on. I pointed out to my friend before he handed over the amendment to me that it was completely out of the scope of the amending Bill and there is no scope for such discussion now. If any drastic changes are intended to be made later on, they can properly be discussed afterwards but they are beyond the scope of this little amending Bill.

Babu Kailash Behari Lal: What I meant to say was that there was, of course, going to be some change in the present Act and the remedy that I suggest is that the widows governed by the Mitakshara school of Hindu law who were expecting the same relief by the passage of this Bill have not been taken into consideration and they are not entitled to any relief under the present Act, whereas the widows of the pre-deceased son under the Dayabhag school of Hindu law will get some relief. What I want to say is that the widows under the coparcenary family should also have some relief under this Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is discussing his own amendment. Objection has been taken that the Honourable the Law Member has not had sufficient time as required by the Standing Order and in these circumstances he cannot refer to these amendments.

Babu Kailash Behari Lal: Sir, I had expected that this Bill may go over to Monday and then my amendments will be in time.

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

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I move:

"That in sub-clause (a) of clause 3 of the Bill, in the proposed paragraph the word 'such' occurring in the last but one line be omitted and after the word 'property' the words 'in respect of which he dies intestate' be inserted."

[Mr. M. Ananthasayanam Ayyangar.]

Sir, this is not an amendment involving any principle but it is a purely formal one. It appears from the existing Bill that the words 'dies intestate leaving any property' are left alone without the qualifying portion at the end. It will mean that if a portion of the property is governed by a will and with respect to other property there is no will of the deceased, the law of succession as embodied in the original Act may not come into operation, or the entire property, including that covered by the will, may be affected. It is no doubt true that a definition is added under clause 4 but even that definition does not apply completely for the reason that it does not define an intestate property. It only says: "A person shall be deemed to die intestate in respect of all property. . . ." For this reason the words "in respect of which he dies intestate" should be added to clause 3. If a person dies intestate in respect of certain property and if he leaves a will with respect to some other property, then the property with regard to which he dies intestate will not be affected; but that is not the object of the Bill and this amendment is necessary.

Sir, I move.

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

"That in sub-clause (a) of clause 3 of the Bill, in the proposed paragraph the word 'such' occurring in the last but one line be omitted and after the word 'property' the words 'in respect of which he dies intestate' be inserted."

The Honourable Sir Nripendra Sircar: Sir, I accept the amendment.

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

"That in sub-clause (a) of clause 3 of the Bill, in the proposed paragraph the word 'such' occurring in the last but one line be omitted and after the word 'property' the words 'in respect of which he dies intestate' be inserted."

The motion was adopted.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I move:

"That to clause 3 of the Bill the following be added:

'and

(c) in sub-section (4), after the words 'rule of succession' the words 'or by the terms of the grant applicable thereto' shall be inserted'."

I may just explain that sub-section (4) of section 3 of the principal Act provides that "the provisions of this section shall not apply to an estate which by a customary or other rule of succession descends to a single heir". The Honourable the Leader of the House mentioned on an earlier occasion that it was a lacuna that the sub-section as it stands fails to cover the case of an estate descending by the terms of an applicable grant. This amendment is designed to fill that lacuna. Sir, I move.

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

"That to clause 3 of the Bill the following be added:

'and

(c) in sub-section (4), after the words 'rule of succession' the words 'or by the terms of the grant applicable thereto' shall be inserted'."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Next week, Sir, the first business will be the motion for reference to Select Committee of the Motor Vehicles Bill which was introduced this morning. The business entered on today's list has been finished and the next item will be that Mr. Clow will move his Resolution regarding the Draft Convention relating to Safety in the Building Industry. If time permits and if the relevant papers can be circulated in time, certain Supplementary Demands will also be moved in the course of the week.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, we should like to have some more time to look into this Motor Vehicles Bill which was given to us this morning. It is a big Bill with 187 clauses and we must have time to look thoroughly into it.

The Honourable Sir Nripendra Sircar: We are only asking that the Bill be referred to Select Committee. There is no question of notifying amendments.

Mr. K. Santhanam: Still we would like to have more time to study it.

The Honourable Sir Nripendra Sircar: I think Mr. Santhanam can master up bulkier papers within the course of three days.

Mr. K. Santhanam: I am grateful for the compliment, but still I should like to have more time.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st March, 1938.

LEGISLATIVE ASSEMBLY.

Monday, 21st March, 1938.

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

MEMBER SWORN.

Mr. Noel James Roughton, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

Haj Pilgrims from certain ports and railway facilities given to them.

†834. *Maulvi Muhammad Abdul Ghani: Will the Secretary for Education, Health and Lands please state:

- (a) the total number of pilgrims to Hedjaz booked from the ports of Bombay, Karachi, Calcutta and Rangoon, during 1936-37 and 1937-38, i.e., for previous and this year Haj pilgrimage;
- (b) whether any Railway Company issued concession tickets; and
- (c) whether any special train was run by any Railway Company from Bombay, Karachi or Calcutta?

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

(b) and (c). No.

Statement.

In 1936-37, 12,623 pilgrims and in 1937-38, 19,681 pilgrims sailed from Bombay, Karachi and Calcutta. Pilgrims from Burma sail from either Bombay, Karachi or Calcutta as Rangoon is not a pilgrim port and the figures given include those from Burma.

EMPLOYMENT OF THE "DUFFERIN" CADETS.

835. *Seth Govind Das: Will the Commerce Secretary please state:

- (a) the number of situations secured by Government for "Dufferin" cadets in the ships of the Peninsular and Oriental Company during last year;
- (b) the number of situations Government are securing in the Peninsular and Oriental Company's ships during this year for the "Dufferin" ex-cadets;

†Answer to this question laid on the table, the questioner being absent.

- (c) whether Government propose bringing forth legislation, making it obligatory on the part of foreign as well as shipping concerns trading on coastal waters to employ in their ships a fixed number of ex-"Dufferin" cadets;
- (d) whether Government propose by way of passing legislation, or otherwise, to compel non-Indian shipping concerns to take a fixed number of ex-cadets in their services; and
- (e) if not, the reasons of Government therefor?

Mr. H. Dow: (a) and (b). Situations are secured by the cadets themselves with Government assistance. During 1937, no cadet was employed as an officer by the Peninsular and Oriental Steam Navigation Company. During the current year that Company has employed two out of the four which it proposes to take.

(c) and (d). No. There is no occasion to adopt this course.

(e) Because the situation does not warrant the measures suggested.

Mr. N. M. Joshi: May I ask when the two remaining situations will be given by the Peninsular and Oriental Company to the "Dufferin" cadets?

Mr. H. Dow: I cannot answer that exactly, but I imagine that they will be appointed as soon as possible. There are four ships and it is probably impossible to fill these other posts until a vacancy occurs, but I will bring the Honourable Member's question to the notice of the company and make further inquiries.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether he is aware of the fact that there has been considerable reduction in recruitment to the "Dufferin" on account of ships not taking their cadets into their service?

Mr. H. Dow: No; I am not aware of that. I am aware that there has been a considerable decrease in recruitment, and if Honourable Members will cast their minds back they will remember that at the last Session I warned them that this was likely to be the result of the propaganda that was then going on. It is quite untrue that there is any refusal on the part of the ships to take these boys and in fact there is no unemployment whatever amongst "Dufferin" boys at present.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that the Government have found considerable difficulty in getting the P. & O. Company to accept "Dufferin" cadets?

Mr. H. Dow: The Peninsular and Oriental Company had never undertaken to accept "Dufferin" boys. As a result of representations made from time to time by the Government, the Peninsular and Oriental Company have now agreed to accept a certain number of boys.

Lieut.-Colonel Sir Henry Gidney: Will the Government state whether full advantage is taken by shipping companies to recruit these cadets when they need officers and apprentices or is it not a fact that they do not do so and have to be persuaded to do so? If so, will Government stop giving money to them, be it as subsidy, contribution or tribute for services rendered?

Mr. H. Dow: I am afraid that the supplementary question goes far beyond the original question. There is no question of Government giving any subsidy to any of these companies; and, as I pointed out, there is no lack of employment for these boys on the companies' ships.

Seth Govind Das: Is it not a fact that though the Government are not giving any particular subsidy but the Peninsular and Oriental Company is earning so much on account of various contracts with the Government?

Mr. President (The Honourable Sir Abdur Rahim): I am afraid that is going beyond the scope of the original question.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Peninsular and Oriental Company have agreed to take these four people within any time limit?

Mr. H. Dow: No. I have already answered that, I think. There was no time limit, but I have no doubt that the company will employ these boys as soon as opportunity offers, and I have promised to address the company on that matter.

Mr. K. Ahmed: Is it the fact that the Honourable the Commerce Secretary has himself admitted and said just now that there is no understanding between the Peninsular and Oriental Company and they are not bound to take.

Mr. H. Dow: I said no such thing.

Mr. K. Ahmed: What he has said is taken down and there is no getting out of it—may I ask whether the Honourable Member compelled the Peninsular and Oriental Company to take sufficient steps to take these cadets, in view of my Honourable friend, Sir Henry Gidney's question on the subject?

Mr. H. Dow: The Honourable Member asks his question roundly, and I should like to be able to answer it squarely; if he understood me to say that there was no obligation on the Peninsular and Oriental Company to employ ex-"Dufferin" cadets, he has entirely misunderstood me. There is now an obligation on them to employ four cadets, and they have accepted that obligation.

NON-INDIAN CONCERNS ESTABLISHING IN INDIA.

836. ***Seth Govind Das:** Will the Commerce Secretary please state:

- (a) whether Government are aware that during the last few years non-Indian concerns are being established in this country, behind the tariff wall and are in some instances, keenly competing with Indian enterprises and in other cases preventing the growth of Indian enterprises;
- (b) whether Government propose taking any steps to put an end to the non-Indian concerns establishing themselves in this country; and
- (c) if so, what those actions are?

Mr. H. Dow: (a) The answer to the first portion of this part of the question is in the affirmative but the Government of India have no reason to believe that the results on Indian enterprises are undesirable.

In this connection reference is invited to the finding of the External Capital Committee, 1925, that any general measures discriminating against external capital, or penalising it either by way of taxation or by way of control, would, so far from assisting the development of Indian resources or fostering the interests of the Indian investor, be definitely injurious to both, as they would impede the growth of new industries, and restrict the transferability and consequently the market value of the holdings of the Indian investor.

(b) No, Sir.

(c) Does not arise.

Prof. N. G. Ranga: In view of the fact that this External Capital Committee has made its report more than fourteen years ago, will Government examine this question again and see whether this investment of external capital in India is in the interests of India?

Mr. H. Dow: No.

Seth Govind Das: Are the Government aware that fourteen years ago there were practically no foreign companies doing business here and there has been a recent growth and under these circumstances will they investigate the matter again?

Mr. H. Dow: No; the Honourable Member is quite incorrect in making that statement.

Seth Govind Das: Is it not a fact that fourteen years ago there was practically no foreign concern investing its money in India?

Mr. H. Dow: It is entirely incorrect, and indeed the opposite of the Honourable Member's statement which was one of the main reasons, I understand, in appointing this committee.

Mr. T. S. Avinashilingam Chettiar: May I know to which country these non-Indian concerns mostly belong?

Mr. H. Dow: I cannot answer that in detail without notice, but for the most part they are British.

Prof. N. G. Ranga: Are Government watching the situation to see whether the increasing investment of external capital in India is in the interests of India or not?

Mr. H. Dow: I have already answered that. It seems to me that if India wants to develop her industries and indigenous capital is not available, it is to her interest that the development should go on with the aid of foreign capital.

Seth Govind Das: Is it not a fact that within the last five years there has been more of external capital employed in India?

Mr. H. Dow: If that is so, it seems to me that the Honourable Member ought to congratulate himself upon the fact.

Mr. Manu Subedar: Have Government examined the desirability of seeing that every new company which is promoted in India by foreign interests offers to Indian investors reasonable opportunities of taking up its shares?

Mr. H. Dow: That is a matter on which I am not prepared to give a reply by way of answer to a supplementary question.

SHIPPING RATE WAR ON THE KONKAN COAST.

837. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) whether there is prevalent a shipping rate war between various companies in the Konkan Coast;
- (b) whether Government have received any representations in the matter from any of those concerned, and, if so, from whom; and
- (c) what action Government have taken in the matter?

Mr. H. Dow: (a) Yes.

(b) Yes, a representation has been received from the Bombay Steam Navigation Company, Limited.

(c) The Government of India have addressed certain companies operating on the west coast of India asking them whether they are willing to submit all matters in dispute to arbitration. Replies have not yet been received from all the companies addressed.

Mr. Manu Subedar: Have Government power to compel the companies to go to arbitration instead of indulging in rate wars?

Mr. H. Dow: No.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

838. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) whether, by a recent Order in Council, the date of the prevalence of the Ottawa preference to Burma has been changed from 31st March, 1938 to 30th November, 1938;
- (b) whether the Ottawa negotiations are expected to be concluded before that date; and
- (c) whether they will be put before the Simla Session of the Assembly before final ratification?

Mr. H. Dow: (a) Yes; but the only tariff preferences affected are those accorded in the United Kingdom to goods produced or manufactured in Burma.

(b) The negotiations affected by the Order are those understood to be in progress between the Government of Burma and His Majesty's Government in the United Kingdom and in which the Government of India are not participating.

(c) Does not arise.

The Honourable Member will understand that I have answered parts (b) and (c) of his question on the assumption that they are intended to refer to the same subject as part (a). If this is however not so, and the Honourable Member can make his meaning clear, I shall do my best with your permission, Sir, to give him the information he requires as an answer to a supplementary question.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government expect the Indo-British trade negotiations or the revision of the Ottawa Agreement to be finished within the next few months?

Mr. H. Dow: The question, as I have taken it, did not relate to the Indo-British trade negotiations. Does the Honourable Member mean that he intended part (b) to relate to the Indo-British negotiations?

Mr. T. S. Avinashilingam Chettiar: Yes.

Mr. H. Dow: Then will the Honourable Member repeat his question?

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government expect that the Ottawa negotiations would be finished in the near future?

Mr. H. Dow: That depends upon the Honourable Member's idea of what is near future. I think they will be,—Yes.

Mr. T. S. Avinashilingam Chettiar: What is the Honourable Member's idea of near future?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said, Yes.

Mr. T. S. Avinashilingam Chettiar: The Honourable Member used the words "near future". I want to know what his idea of near future is.

Mr. President (The Honourable Sir Abdur Rahim): It is a common expression. The Honourable Member himself (Mr. Avinashilingam Chettiar) used that expression. Next question.

ACTIVITIES OF THE SUPERVISOR OF RAILWAY LABOUR.

839. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will the Secretary for Labour be pleased to state if the Supervisor of Railway Labour is an officer of the Railway Department? If so, has he any special experience of Labour problems? If not, why has he been appointed?

(b) Will Government be pleased to state the places which he has visited during the last eight months?

(c) Has he submitted any inspection report to the Secretary for Labour? If not, why not?

(d) Has he made any recommendations regarding the improvement of labour conditions on railways? If so, what action, if any, has been taken by the Agents of the various railways?

Mr. A. G. Clow: (a) The reply to the first part is in the affirmative. As regards the second part, the Supervisor of Railway Labour has considerable experience of labour on railways. The third part of the question does not arise.

(b) A statement showing the stations inspected by the Supervisor of Railway Labour during the months of July, 1937, to February, 1938, is placed on the table.

(c) No. None has been called for.

(d) The Supervisor of Railway Labour is concerned with the administration of Chapter VIA of the Indian Railways Act and the Payment of Wages Act. His duties do not extend to making recommendations regarding the improvement of labour conditions on railways.

Statement showing Places inspected by the Supervisor of Railway Labour from July, 1937, to February, 1938.

Lahore, Moradabad, Howrah, Calcutta, Sealdah, Trichinopoly, Madras, Bombay, Kalyan, Dadar, Poona, Bina, Simla, Kalka, Lucknow, Gorakhpur, Cawnpore, Rawalpindi, Lalamusa, Bhopal, Wazirabad, Patna, Kasur, Ferozepore, Harsi, Bhusawal, Amritsar, Grant Road, Muttra, Bulsar, Baroda, Surat, Jaipur, Rewari, Ajmer, Mirzapur, Moghalpura, Lillooah, Agra Cantonment, Idgah.

Mr. Mohan Lal Saksena: With reference to the answer to part (a) of the question, may I know what experience he has had?

Mr. A. G. Clow: He is a railway officer of considerable experience and has dealt with railway labour.

Mr. Mohan Lal Saksena: In what capacity had he worked?

Mr. A. G. Clow: I have not a list of the posts which he has held.

Mr. Mohan Lal Saksena: Is it not a fact that he was a D. T. S., or a Traffic Superintendent or something like that?

Mr. A. G. Clow: I think it might be true. I am quite prepared to take the Honourable Member's word for it.

Prof. N. G. Ranga: Is it one of his functions to examine representations that may be made to him from time to time by the labour unions on the railways for which he has been appointed?

Mr. A. G. Clow: Only if they relate to his functions, which are the enforcement of certain statutory provisions relating to railways.

Prof. N. G. Ranga: Will they relate to the employment of labour?

Mr. A. G. Clow: If the allegation be that the labour is being employed in contravention of the law, yes, but not otherwise.

Mr. Mohan Lal Saksena: Has he any experience of workshop labour?

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member has put all those questions.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House as to what exactly this officer has done in the way of labour problems and experience?

Mr. A. G. Clow: I am not quite clear as to what the Honourable Member means. He has been familiar with railway labour in the course of his duties.

Lieut.-Colonel Sir Henry Gidney: In appointing a man as a special Labour Advisory Officer, surely Government would have seen that he possesses special qualifications for the job. What are this gentleman's special qualifications?

Mr. A. G. Clow: If the Honourable Member means 'has he made an academic study of labour questions throughout his career?' then the answer is in the negative.

Lieut.-Colonel Sir Henry Gidney: Not academic but practical.

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

PROPOSED APPOINTMENT OF DR. WRIGHT AS DIRECTOR FOR THE IMPERIAL DAIRY RESEARCH INSTITUTE.

840. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state if Government contemplate the appointment of a Director for the Imperial Dairy Research Institute as recommended by Dr. Wright? If so, is it a fact that Government contemplate appointing Dr. Wright himself?

(b) What is the salary which Dr. Wright is drawing in England, and on what salary is it proposed to appoint him?

(c) Does Dr. Wright possess the qualifications which he himself recommended for the Director?

(d) What are the qualifications of Dr. Wright? What research work, if any, has he done in the Institute regarding Dairy Cattle and Dairy Industry in England?

(e) Is it not a fact that Dr. Wright, who was brought to India to report on the development of dairy industries in India, is a physiological chemist and has had no experience of dairy or animal husbandry?

(f) Is it a fact that there are a number of men in Government service in this country, who have done considerable research work in animal husbandry and in dairying? If so, why was Dr. Wright brought to India and is sought to be appointed as Director now?

Sir Girja Shankar Bajpai: (a) The answer to the first part is in the affirmative and to the second part in the negative.

(b) to (d). Do not arise.

(e) Dr. Wright is a physiological chemist but he is head of one of the most important dairy research institutes in the United Kingdom. The suggestion in the second part of the question is not, therefore, correct.

(f) Dr. Wright was brought out to India for the enquiry entrusted to him on the grounds of fitness. I have already stated that he is not being appointed Director.

Maulana Zafar Ali Khan: Was the appointment advertised?

Sir Girja Shankar Bajpai: No appointment has been made.

Maulana Zafar Ali Khan: Were any applications invited from qualified Indians? If not, why not?

Sir Girja Shankar Bajpai: I have already stated that no appointment has been made.

Mr. Mohan Lal Saksena: Was there any correspondence between Dr. Wright and the Government of India regarding the appointment of an expert?

Sir Girja Shankar Bajpai: There has been no correspondence between the Government of India and Dr. Wright regarding the appointment of a Director.

Mr. Manu Subedar: Is it proposed to supersede any of the officers at present working in the Honourable Member's Department?

Sir Girja Shankar Bajpai: As I have already said, the Government of India have merely decided to create an appointment, but they have not yet considered as to who should be appointed.

Maulana Zafar Ali Khan: Do the Government now propose to advertise for the appointment?

Sir Girja Shankar Bajpai: We have not yet reached the stage of deciding as to how the appointment is to be made.

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

IMPORT OF MILK PRODUCTS.

841. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state the total value of milk products, like preserved milk in various forms, milk foods, butter, cheese, etc., imported into India during the last five years?

(b) What is the quantity of butter imported into India from foreign countries during the last five years?

(c) Have Government received any representation from the butter manufacturers to safeguard their interests? Are the imports stated to have affected the butter industry in India? If so, what action, if any, have Government taken in the matter?

(d) What recommendations, if any, has Dr. Wright made for making India self-sufficient, so far as these products are concerned, and what action do Government propose to take thereon?

(e) What is the total cost of enquiry held by Dr. Wright and Dr. Russell?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the publication 'Seaborne Trade of British India' copies of which are available in the Library of the House.

(c) Only in one representation has protection against imported butter been suggested. Government have had no time yet to examine any of the representations.

(d) The attention of the Honourable Member is invited to chapters IV and VI of Dr. Wright's report, copies of which are available in the Library of the House. The recommendations in the report are under consideration.

(e) About one lakh of rupees.

Mr. Manu Subedar: Have Government in view the reduction of duty on milk powder as recommended by Dr. Wright?

Sir Girja Shankar Bajpai: I want notice of that question.

Maulana Zafar Ali Khan: Is not the cost of the enquiry rather exorbitant?

Sir Girja Shankar Bajpai: No. If my Honourable friend will do the honour of reading their Report, he will find that the cost is by no means disproportionate to the value of the reports.

Mr. Mohan Lal Saksena: When were these representations received?

Sir Girja Shankar Bajpai: They have been coming from September, 1937, and I think the last one was received in December, 1937.

Mr. Mohan Lal Saksena: Am I to understand that since September, 1937, Government have had no time to consider these representations?

Sir Girja Shankar Bajpai: In answer to a previous question I said that the report is a fairly bulky one. Not merely that, but we have also to consult the Local Governments and we have not yet reached the stage of considering individual recommendations.

Mr. Mohan Lal Saksena: May I know how long it will take the Government to come to definite conclusions on the subject?

Sir Girja Shankar Bajpai: I could not predict how long they will take to consider the question.

Mr. K. Santhanam: With reference to the answer to part (d) of the question, will the Honourable Member please place on the table of the House the opinions of the Provincial Governments which he has received?

Sir Girja Shankar Bajpai: I said that Local Governments have been consulted. I did not say that opinions had been received; but my Honourable friend is probably aware of the fact that the report generally was considered by the Imperial Council of Agriculture on which Ministers from all provinces are represented, and the attitude of the Council was one of universal approval of Dr. Wright's report.

PROPOSED APPOINTMENT OF BRITISH EXPERTS FOR RESEARCH WORK IN INDIGENOUS MILK PRODUCTS.

842. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that in pursuance of the recommendations of Dr. Wright, Government are contemplating the

appointment of British experts to do and guide research work in indigenous milk products in India? If so, how many?

(b) What is the total number of foreign experts working in the Agricultural Department?

(c) Are Government aware that dairy farming is the most highly developed industry in Holland? If so, why did not Government consult some Dutch expert?

Sir Girja Shankar Bajpai: (a) The answer to the first part is in the negative. The other part does not arise.

(b) There are no non-British experts working in the Agricultural Department.

(c) It is a fact that dairying is a highly developed industry in Holland. The language difficulty would have been a serious handicap to a Dutch expert.

Mr. Mohan Lal Saksena: Will Government consider the feasibility of sending Indians from India to be trained in Holland?

Sir Girja Shankar Bajpai: The fact of the matter is that the great majority of the appointments that may be created, arising out of Dr. Wright's report, will fall to be made by Local Governments. I am quite prepared to draw their attention to my Honourable friend's suggestion.

Prof. N. G. Ranga: So far as the appointments which will have to be made by the Government of India at the Centre are concerned, will Government consider the suggestion thrown out by my Honourable friend and send Indians to be trained in Holland.

Sir Girja Shankar Bajpai: That will depend upon the urgency with which the appointment is to be filled. If we have to wait for filling an appointment until an officer has been trained, we may have to wait too long.

Mr. M. S. Aney: May I know how many years' course a man has to undergo to become an expert?

Sir Girja Shankar Bajpai: That will depend upon the nature of the work.

Mr. Mohan Lal Saksena: Will the Government draw the attention of the Local Governments to the desirability of sending Indians for training?

Sir Girja Shankar Bajpai: I am quite willing to consider that suggestion.

CORRESPONDENCE BETWEEN THE GOVERNMENT OF INDIA AND ONE MR. SARGENT, DIRECTOR OF EDUCATION IN COUNTY COUNCIL IN GREAT BRITAIN.

843. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state if any correspondence is going on between the Government of India and one Mr. Sargent, Director of Education in County Council in Great Britain? If so, on what subject? Will Government be pleased to lay on the table copies of the correspondence?

(b) Is it not a fact that the status of a County Council in Great Britain is that of a District Board in India?

(c) Will Government be pleased to explain why Educational officers in India, below the rank of the Director of Public Instructions in Provinces, are not considered eligible for appointment as Education Advisers to the Government of India?

(d) What are the respective salaries of Directors of Education of County Councils in Great Britain and Divisional Inspectors in India?

Sir Girja Shankar Bajpai: (a) and (c). I have nothing to add at present to the answers which I gave to the Honourable Member's starred question No. 510 on the 25th February and to the supplementaries arising out of it.

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

Mr. N. M. Joshi: May I know whether the Government of India are waiting for the closure of the Session in order to fill up the appointment?

Sir Girja Shankar Bajpai: The Government are not waiting for anything of that sort.

Mr. Mohan Lal Saksena: From what ranks is the Commissioner recruited? Is it not a fact that persons holding posts lower in rank than that of a Director of Public Instruction are not eligible for this appointment?

Sir Girja Shankar Bajpai: As far as I remember, only people who have held the post of Director of Public Instruction have been appointed to this post.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government propose to follow past tradition in this matter?

Sir Girja Shankar Bajpai: I have already said that while the matter is in the confidential stage of consideration I cannot say how it will be decided.

Mr. Mohan Lal Saksena: Will Government give an assurance that persons lower in rank than that of Director of Public Instruction will not be appointed to this post?

Sir Girja Shankar Bajpai: Every relevant consideration will be borne in mind.

Mr. T. S. Avinashilingam Chettiar: Are there any Indians who are being considered for this post?

Sir Girja Shankar Bajpai: I cannot disclose anything more.

FORMALITIES OF MEDICAL EXAMINATION UNDERGONE BY PASSENGERS FOR AFRICA.

844. ***Seth Govind Das:** Will the Secretary for Education, Health and Lands please state:

- (a) whether Government are aware that emigrants (passengers) for Africa are required to be present at the disinfection shed on

the morning of the sailing day, lined up like prisoners, to stand half naked in the sun at the warm shed for hours and are subjected to a number of difficulties and found unfit to proceed to that country;

(b) whether Government are aware of the corruption prevalent in the rank and file of the officials concerned at the port of Bombay;

(c) whether Government propose making enquiries into the matter and relaxing the rigidity of the formalities of examination of the emigrants entailing many hardships to them;

(d) whether Government are aware that even ladies (families of the emigrants) are subjected to the same formalities and worse indignities, to bear seal on their forearms as if they were parcels, and are required to take particular care that the seals are not obliterated;

(e) whether Government are aware that children of the passengers are subjected to rough handling and nakedness and as a result of the exposure, they get fever on the ship; and

(f) whether Government are prepared to take necessary steps to put an end to this practice?

Sir Girja Shankar Bajpai: (a) A medical examination, before embarkation of all intending emigrants to Africa, is essential if these passengers are not to be exposed to severe quarantine restrictions on their arrival in different parts of East Africa and South Africa. This examination is commenced at an advertised time and is conducted as quickly as the numbers involved permit. The persons to be examined are accommodated in a shed, fitted with fans, and one not exposed to the sun. Passengers are asked to strip to the waist for examination for vaccination marks, skin diseases and so on. No person is rejected for immigration unless he cannot produce evidence of immunisation against small-pox or the condition of his health is such as to expose him to the certainty of quarantine detention in Africa, if he were allowed to proceed.

(b) No.

(c) Does not arise.

(d) A temporary mark is put on the hand for identification purposes as women and children ordinarily have no separate passports of their own that can be used for the purpose. Government will enquire whether some other method of identification can be devised.

(e) No.

(f) Does not arise.

Seth Govind Das: The Honourable Member has said that examination is necessary and no hardship is felt in that respect. If the Honourable Member had gone to that spot, he would have seen that the shed cannot contain even 200 persons, while the number of passengers exceeds 400 and they have to stand in the hot sun outside the shed?

Sir Girja Shankar Bajpai: It is perfectly true that my Honourable friend's visit to East Africa has been more recent than mine but I have been thrice to that country and, therefore, I have had the opportunity of seeing the conditions in that shed. I do not mean to say that in no

case and on no occasion would there have been an overflow but for ordinary purposes the accommodation in the shed is adequate.

Seth Govind Das: Is the Honourable Member aware that even the certificates of Civil Surgeons are not accepted in the matter of vaccination and people are made to strip naked to see their marks?

Sir Girja Shankar Bajpai: I am not aware of that fact. As a matter of fact, my recollection is that instruction to the Post Quarantine officer are that a certificate of a Civil Surgeon and other specified medical practitioners is to be accepted as a matter of course. If my Honourable friend will bring to my notice any specific instances where this rule has not been observed, I shall inquire into the matter.

Maulana Zafar Ali Khan: May I know whether special arrangements are made for first and second class passengers? Why is this invidious distinction made between higher and lower class passengers?

Sir Girja Shankar Bajpai: I think the Honourable Member will appreciate the fact that there is a distinction in regard to several amenities between first and second class passengers on the one hand and third class passengers on the other. It is not peculiar to the quarantine examination at Bombay.

Seth Govind Das: Will the Honourable Member consider the question that if a certificate from any authorised Civil Surgeon or other medical practitioner is shown, then there will not be any need to ask passengers to strip themselves to show the marks?

Sir Girja Shankar Bajpai: I have already said that according to my recollection there are already instructions to that effect. If my Honourable friend has information to the contrary and will bring it to my notice, I shall inquire into it.

Mr. K. Ahmed: In view of the fact that an Honourable Member of this Assembly personally went there, has seen the grievances and brought them to the notice of the Honourable the Secretary, do Government propose for the benefit of themselves as well as the country to send a copy of the question and answer and the supplementaries to the authorities concerned. The sooner this is done the better.

Sir Girja Shankar Bajpai: I may mention for the information of my Honourable friend that Government made an inquiry beforehand by sending a copy of the question to the authority concerned.

Prof. N. G. Ranga: Will Government consider the advisability of putting a partition there and appointing a woman inspector to examine women, when they are asked to remove their clothes in order to show their vaccination marks?

Sir Girja Shankar Bajpai: The medical examination of women is conducted by a woman doctor.

Prof. N. G. Ranga: Is there any partition as a guarantee of privacy between men and women when they are standing there?

Sir Girja Shankar Bajpai: As far as I know women passengers are examined separately but whether there is a partition I could not say.

Seth Govind Das: Will the Honourable Member take it from me that there is no partition and it is desirable to have it?

Sir Girja Shankar Bajpai: I take the Honourable Member's word on that point and I shall certainly have the point examined.

EXPENSES ON THE REPATRIATION OF BRITISHERS.

845. ***Seth Govind Das:** Will the Secretary for Education, Health and Lands please state:

- (a) whether the treasury of the United Kingdom ever reimbursed the repatriation expenses of the British nationals to the Governments of the South African colonies from which they were repatriated;
- (b) whether the British Treasury in England reimburses the Indian treasury when Britishers are repatriated to England from this country; and
- (c) whether it is a fact that the United Kingdom Government does not demand security from its nationals intending to migrate to the mandated or other colonies in Africa?

Sir Girja Shankar Bajpai: (a) and (c). Government have no information.
(b) No.

CONTRACT CONDITIONS FOR BUILDING THE ADMINISTRATIVE BLOCK AT DRIGH ROAD, KARACHI, FOR THE CIVIL AVIATION DEPARTMENT.

1846. ***Mr. Lalchand Navarai:** (a) Will the Secretary for Labour be pleased to state whether tenders were called for building the Administrative Block at Drigh Road, Karachi, for the Civil Aviation Department in 1937?

(b) If so, were the following conditions prescribed:

- (i) that in the elevation of face walls, pillars, etc., of the Ashlar work, all vertical joints were to be in the same vertical line;
- (ii) that stone to be used was to be obtained from Ghizree quarry in Karachi; and lastly;
- (iii) that all steel to be used in the reinforced cement concrete work would be two per cent.?

(c) Will the Honourable Member be pleased to lay on the table the documents providing for these conditions? If not, why not?

(d) How many tenders were received complying with these conditions, and was the contract given to the lowest bidder on the clear understanding that he had to comply with all the conditions so declared in the tender?

(e) Is it a fact that after giving the contract to the lowest bidder, conditions and specifications with regard to all the three items of work mentioned in part (b) or any of them were relaxed in favour of the contractor?

(f) What was the distance of the new quarries from the works from which stones were used? Was the distance of original Ghizree quarry about sixteen miles and the new quarry only about four miles? If so, by whom were these alterations authorised?

+ Answer to this question laid on the table, the questioner being absent.

(g) If the answer to parts (e) and (f) be in the affirmative, will the Honourable Member be pleased to state:

- (i) why the contractor was allowed a change of quarry from about sixteen miles distance to four miles;
- (ii) whether the stones supplied were inferior to the stipulated ones;
- (iii) whether vertical joints in Ashlar masonry were not made in the same line according to the terms of the contract; and
- (iv) whether the percentage of steel used in different parts of the structure was less than two per cent. as provided in the original contract?

Mr. A. G. Olow: (a) Yes.

(b) (i). The relevant portion of the specification stipulates that "all joints shall be in line and close".

(ii) No special quarry was mentioned. On the contrary the specification stated that stone should be obtained from a quarry approved by the Executive Engineer.

(iii) The relevant item in the Schedule of Items included reinforcement as required up to two per cent.

(c) As the Detailed Specifications and the Schedule of Items cover 151 pages of printed foolscap including over a hundred pages in tabular form, I do not propose to lay them on the table. But if the Honourable Member or any other Honourable Member desires to inspect the documents, copies will be available for inspection in the office of the Chief Engineer, Central Public Works Department.

(d) Twelve tenders were received and the contract was given to the lowest tenderer who agreed to comply with the conditions prescribed.

(e) No.

(f) As regards the first part of the question, my information is that the approved quarry from which stones were used is about seven miles off from the Karachi aerodrome. As regards the second part of the question, I am not aware which quarry the Honourable Member is referring to as the Ghizree quarry, as I understand that there is more than one quarry at which stone which goes by this name can be obtained. The third part of the question does not arise in view of my answer to part b (ii) of the question.

(g) (i) Does not arise in view of my answer to part (b) (ii).

(ii) No.

(iii) The contract does not contemplate that vertical joints in ashlar masonry should be in the same line.

(iv) The specification permits a percentage of steel below two per cent. wherever this is considered sufficient.

CONTRACT CONDITIONS FOR BUILDING THE ADMINISTRATIVE BLOCK AT DRIGH ROAD, KARACHI, FOR THE CIVIL AVIATION DEPARTMENT.

†847. ***Mr. Lalchand Navalrai:** (a) Will the Secretary for Labour be pleased to state if it is a fact that contractors brought the facts that the conditions of the contract for building the Administrative Block at Drigh

†Answer to this question laid on the table, the questioner being absent.

Road, Karachi, for the Civil Aviation Department, were broken entailing loss to Government to the notice of the Chief Engineer? If so, what steps did that officer or Government take in the matter?

(b) Is it a fact that Mr. Mahomed Osman Soomro, Member of the Sind Legislative Assembly, made an application bringing these facts to the attention of Government? If so, what steps did Government take to clarify this matter?

(c) Is it a fact that the Executive Engineer, Sind Central Division, refused to give information, copies of plans and certain contract documents in connection with this matter, even on payment, to the aforesaid Member of the Sind Legislative Assembly, and referred him to get the information by interpellations in the Central Legislature? If so, will the Honourable Member be pleased to quote the rule for it?

(d) Is it a fact that Government have suffered a loss in this contract by relaxation of conditions or giving concessions to the contractor? If so, how much?

(e) Have Government received any rebates on rates from the contractor on all or any one of the items mentioned in part (b) of the preceding question? If not, why not, and what steps do Government propose to take in the matter?

Mr. A. G. Olow: (a) One of the unsuccessful contractors complained verbally to the Chief Engineer who informed him that if the complaints were reduced to writing he would investigate them. The contractor did not comply with this request; but the Chief Engineer satisfied himself that there was no truth in the complaints.

(b) Yes. Government made enquiries and came to the conclusion that Mr. Soomro's allegations were without any foundation and informed him accordingly.

(c) Copies of the plans and documents wanted by Mr. Soomro were not supplied to him. It is not the practice to supply copies of such documents, to persons other than contractors whose names are on the approved lists.

(d) As no condition was relaxed, the question does not arise.

(e) The answer to the first part of the question is in the negative. The second part of the question does not arise in view of the answer to part (d) of the question.

ALLEGED LOSS OF MONEYS OF THE INDIAN TEA MARKET EXPANSION BOARD.

848. ***Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Brojendra Narayan Chaudhury): Will the Secretary for Commerce please state:

(a) after inquiry, if any, or all, of the following employees and ex-employees of the Indian Tea Market Expansion Board, at any time reported to the superior officers that he had lost moneys belonging to the funds of the Board:

- (i) E. Turnock, Esq., former Superintendent,
- (ii) C. E. Kearney, Esq., former Superintendent,
- (iii) R. A. Farrell, Esq., Superintendent, Dacca Division, and
- (iv) Mr. Rose, Inspector, Dacca Division;

(b) if so, what are the amounts involved in each case;

- (c) if any moneys were advanced by the Board as temporary loans to cover the whole or any part of the moneys lost;
- (d) the terms for repayment of the advances;
- (e) what amounts have since been recovered in each case;
- (f) if any of these outstanding advances has been put down by the Board as bad debts or written off; if so, how much;
- (g) if any amount is still recoverable from those who have left service; and
- (h) how the Board proposes to recover the amount referred to in part (g) above?

Mr. H. Dow: (a) Of the four employees mentioned, only Messrs. Rose and Farrell reported having lost Board's funds on the 5th July, 1937, and the 7th January, 1938, respectively.

(b) Mr. Rose lost Rs. 200 and Mr. Farrell Rs. 1,408.

(c) and (d). Mr. Rose made good the loss immediately. Mr. Farrell was granted a loan to repay the loss, and this amount is being deducted monthly from his salary in instalments of Rs. 100 each.

(e) Up to date a sum of Rs. 200 has been recovered from Mr. Farrell.

(f) The reply to the first part is in the negative. The second part does not arise.

(g) No.

(h) Does not arise.

Dr. Sir Ziauddin Ahmad: Is it necessary for these persons to have ready money in their pockets all the time?

Mr. H. Dow: I must ask for notice of that question.

Mr. T. S. Avinashilingam Chettiar: May I know how the money was lost?

Mr. H. Dow: I do not know.

INSPECTION OF THE OFFICE AND RECORDS OF THE INDIAN TEA MARKET EXPANSION BOARD.

849. ***Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Brojendra Narayan Chaudhury): Will the Secretary for Commerce please state:

- (a) if Government sent out any officer to inspect the office and records of the Indian Tea Market Expansion Board in Calcutta;
- (b) if so, when;
- (c) if any report was submitted by that inspector,
- (d) if he will lay on the table of the House the report, if any, of the inspecting officer; and
- (e) the total amount of tea cess collected during 1936-37 and in the previous year, and also the amounts spent in India and abroad, separately?

Mr. H. Dow: (a) No.

(b), (c) and (d). Do not arise.

(e) A statement furnishing the information asked for is laid on the table.

Statement showing the amount of Tea Cess collected and the sums spent in India and abroad during the years 1935-36 and 1936-37.

Campaign Expenditure.			
Year.	Nett Cess Receipts.	In India.	Abroad.
	Rs.	Rs.	Rs.
1935-36	23,42,797	12,00,000	8,77,433
1936-37	22,86,507	16,00,000	12,72,944

Mr. T. S. Avinashilingam Chettiar: May I know how the Government check the work of these officers?

Mr. H. Dow: They do not.

Mr. K. Santhanam: May I know who audits the accounts of the Board?

Mr. H. Dow: I am afraid I cannot give the name of the auditors, but I believe the Act itself provides for the appointment of auditors.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that large amounts of money are involved, may I know whether the Government of India have any control over this post?

Mr. H. Dow: Government approve of the budget of the Indian Tea Market Expansion Board.

Prof. N. G. Ranga: May I know what steps the Government take to satisfy themselves that these monies are spent according to their budget and properly?

Mr. H. Dow: The proper control of that is provided for in the Act itself; as I have already pointed out, the Act provides for the appointment of auditors.

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

STAFF IN INDIA UNDER THE INDIAN TEA MARKET EXPANSION BOARD.

850. ***Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Brojendra Narayan Chaudhury): Will the Secretary for Commerce please state:

- (a) the number of employees within India under the Indian Tea Market Expansion Board;
- (b) the amount spent in India in salaries and allowances of those employees;
- (c) the numbers of Superintendents, Assistant Superintendents and Inspectors employed by the Board, separately during 1935-36 and 1936-37;
- (d) the salary grades of the Superintendents, Assistant Superintendents and Inspectors;
- (e) if they receive any special training; if so, the nature and period of training;

- (f) how many are Indians and how many are Europeans in each of the three grades; and
- (g) the total expenditure for the salary and allowances of the three grades taken together in 1936-37?

Mr. H. Dow: I lay on the table a statement giving the required information.

Statement showing the Salaries, Allowances, Grades of Pay, etc., of the Employees of the Indian Tea Market Expansion Board.

- (a) 1,178 (on the 28th February 1938).
- (b) Rs. 5,29,111 from the 1st April, 1937, to the 28th February, 1938.

	1935-36.	1936-37.
(c) Superintendents	7	10
Assistant Superintendents	7	8
Inspectors	13	15

- (d) Superintendents—Rs. 500—25/50—950.

Assistant Superintendents—Rs. 350—15/25—450.

Inspectors—Rs. 200—15/25—300.

- (e) Candidates selected for appointment to the grades of Superintendent, Assistant Superintendent and Inspector are given a preliminary training in practical work under one of the senior Superintendents of the Board, and this training generally lasts for a period of one month to six weeks.

	Indians. (Including Anglo-Indians).	Europeans.
(f) Superintendents	1	9
Assistant Superintendents	4	4
Inspectors	10	5

- (g) Rs. 1,33,257.

PROCEEDINGS OF THE MEETINGS OF THE INDIAN TEA MARKET EXPANSION BOARD.

851. ***Mr. T. S. Avinashilingam Chettiar** (on behalf of Mr. Brojendra Narayan Chaudhury): Will the Secretary for Commerce please state:

- (a) if the proceedings, or summary thereof, of the meetings of the Indian Tea Market Expansion Board are published; if not, why not;
- (b) if the proceedings of the meetings held in the years 1935-36 and 1936-37 will be made available to the members of the Central Legislature as soon as possible; and
- (c) if the Commerce Secretary will lay on the table of the House a copy of the statement of income and expenditure of the Board for the years 1935-36, 1936-37 and 1937-38 as laid before the Board for its approval?

Mr. H. Dow: (a) The reply to the first part is in the affirmative. The second part does not arise.

- (b) Copies are available in the Library of the Legislature.

(c) The Statement of Income and Expenditure of the Board which was constituted only in 1936-37 will be found in its Annual Report for that year. A similar statement for 1935-36 for the Indian Tea Cess Committee which functioned before the Indian Tea Market Expansion Board was formed will be found in the Committee's Annual Report for that year. Copies of both of these reports are in the Library. A similar Statement of the Board for the year 1937-38 is not yet available.

Prof. N. G. Ranga: Do Government obtain annual reports from this Board to indicate as to how this particular statement of income and expenditure is really carried out in actual practice, and if they have not been receiving it in the past, will they ask the Board to submit such a report in the future?

Mr. H. Dow: I would refer the Honourable Member to the annual reports about which I have just given him information: they are in the Library of the House.

STANDARDISATION OF QUALITY AND INCREASE IN QUANTITY OF ORANGES FROM ASSAM.

852. ***Mr. Kuladhar Chaliha:** Will the Secretary for Education, Health and Lands please state whether the Imperial Council of Agricultural Research have been financing schemes for the standardisation of the quality of oranges and the increase in the quantity of oranges from Assam?

Sir Girja Shankar Bajpai: The reply is in the affirmative.

STEPS TO PRODUCE LONG STAPLE COTTON.

853. ***Mr. Kuladhar Chaliha:** Will the Secretary for Education, Health and Lands please state whether any step has been taken to produce long staple cotton in India? If so, where is the experiment made?

Sir Girja Shankar Bajpai: Yes. For particulars the Honourable Member is referred to Appendix IX of the annual report of the Indian Central Cotton Committee for 1936 and to section 3 of chapter I of Agriculture and Animal Husbandry in India, 1935-36. Both publications are available in the Library.

REPORT OF MR. WRIGHT ON THE DAIRY TRADE OF INDIA.

854. ***Mr. Manu Subedar:** Will the Secretary for Education, Health and Lands state:

- (a) whether Government have considered the recommendations of Mr. Wright, the dairy expert, with regard to the possibilities of production of butter and other milk products on an economic basis;
- (b) whether Government have invited the views of any representative associations engaged in any branch of the dairying trade, or any leading firms therein, on points contained in Mr. Wright's report;
- (c) whether Government have received any representations from any leading firms engaged in any branch of the dairying trade, or any associations of such firms;

- (d) what the decision of Government is with regard to the recommendation of Mr. Wright for the creation of the post of Director of Imperial Dairy Research Institute; and
- (e) whether Government have any proposals on hand for importing any officers in connection with research or expansion of dairying in India, and if so, whether Government will place their proposals before this House before taking any such action?

Sir Girja Shankar Bajpai: (a) The recommendations in the report are under examination.

(b) and (c). The attention of the Honourable Member is invited to the reply given to parts (a) and (b) of his question No. 614 on the 3rd of this month.

(d) Government have decided to create a post of Director.

(e) I would invite the Honourable Member's attention to part (a) of Mr. Mohan Lal Saxena's question No. 842 and the answer given to part (e) of his question No. 614 asked on the 3rd March, 1938.

Prof. N. G. Ranga: Is there any sub-committee of the Imperial Council of Agricultural Research to examine the recommendations of Dr. Wright in great detail and submit their views to the Government of India?

Sir Girja Shankar Bajpai: I think that the Advisory Board did make a detailed examination of the recommendations of Dr. Wright and it was on the basis of that examination that the Imperial Council of Agricultural Research was approached.

Mr. Manu Subedar: May I know what progress has been made with negotiations with firms with regard to the possibility of the production in India of condensed milk and milk powder?

Sir Girja Shankar Bajpai: As far as I know, the plan is to examine the question with the aid of the Director when he is appointed.

Mr. Manu Subedar: With regard to the answer to clause (d), may I know whether one of the existing officials will be appointed, or whether a man will be imported from abroad?

Sir Girja Shankar Bajpai: Sir, I answered that question earlier; I said that the manner of recruiting for this post has not yet been settled.

PRICE PREFERENCE GIVEN TO INDIAN MATERIAL BY THE INDIAN STORES DEPARTMENT.

855. ***Mr. Manu Subedar:** Will the Secretary for Commerce state:

- (a) what the highest preference given in price to Indian material by the Indian Stores Department was;
- (b) in which case this was given; and
- (c) the reason why particulars of price preference, when given, are not published?

Mr. H. Dow: (a) and (b). The Honourable Member is referred to the answer already given to his starred question No. 340 on the 17th February, last.

(c) Because, both for strategical and financial reasons, it is not in the public interest to do so.

Mr. Manu Subedar: Will the Honourable Member please tell this House what steps the Government are taking in order to inform suppliers and the public of Government's policy of giving price preferences to Indian material?

Mr. H. Dow: The principle is laid down in the Indian Stores Rules which are published. The information is well known to those people who have to tender.

Mr. Manu Subedar: Do Government propose to supply still better and more complete information in future by some other method?

Mr. H. Dow: No, Sir.

SCHEME PROPOSED BY THE SHRADHANAND DEPRESSED CLASSES MISSION TO ESTABLISH A DEPRESSED CLASSES SETTLEMENT IN DELHI.

856. ***Bhai Parma Nand:** (a) With reference to the answer to starred question No. 1176, asked on the 12th March, 1936, will the Secretary for Education, Health and Lands please state whether it is a fact that the Chief Commissioner gave a list of the depressed classes in his letter No. 830, dated the 9th February, 1926?

(b) How many plots were granted to persons not belonging to those classes? How were these plots allotted by the authorities to persons not belonging to those classes?

(c) Is it a fact that the authorities did not bring to the notice of the Hindu Depressed Classes Mission the irregularity of recommending any person not included in the list of the depressed classes, before withdrawing the privilege of recommendation from the Mission? If not, why not?

(d) What are the names of the communities, other than the depressed classes, to whom plots were irregularly granted?

(e) Did Government investigate the allegation that the holders of certain plots recommended by the Mission are Rajputs? If so, has the allegation been proved to be a fact?

(f) If Government have not investigated, what are the reasons for the Government's statement that the Mission recommended persons not belonging to those classes?

(g) Will Government please state the names of holders of the plots who, it has been established, are Rajputs?

Sir Girja Shankar Bajpai: (a) Yes.

(b) 36, and on the recommendation of the Mission.

(c) The irregularity was brought to the notice of the Mission.

(d) Rajput, Rajkumar, and Mali.

(e) The reply to both parts is in the affirmative.

(f) Does not arise.

(g) Enquiries have been made and the result will be communicated to the House in due course.

MONEY SPENT ON SUGAR RESEARCH.

857. *Maulvi Muhammad Abdul Ghani: Will the Secretary for Education, Health and Lands be pleased to state:

- the amount of money that has been spent on sugar research during the years 1934-35, 1935-36, 1936-37, and allocated for 1937-38;
- the various directions in which these sums have been spent; and
- the development made so far in promoting sugar research both on the agricultural and on the manufacturing side?

Sir Girja Shankar Bajpai: (a) and (b). A statement giving the information required is laid on the table.

(c) Presumably the Honourable Member requires details of the information asked for in part (b) of the question. He is referred to the annual reports of the Imperial Council of Agricultural Research for the year 1936-37 and previous years and the pamphlet "A summary of some practical results of sugar-cane research in India" published by the Imperial Council of Agricultural Research. Copies of both publications are available in the Library.

STATEMENT.

Part I.—Amounts spent by the Imperial Council of Agricultural Research on Sugar Research.

Year.	Amount spent. Rs.	Directions in which spent.
1934-35	4,01,346	1. Production and testing of new varieties of sugarcane. 2. Devising and testing systems of cultivation and manuring. 3. Study and combating of insect and fungus pests. 4. Research into the use of molasses as manure and cattle food.
1935-36	4,79,088	
1936-37	3,88,627	
1937-38	3,72,000 (Budget estimate)	

Part II.—Grants sanctioned out of the allotments made from the Sugar Excise Fund, and the approved schemes on which they are being spent.

To	1934-35 and 1935-36.	1936-37	1937-38	Approved schemes.
	Rs.	Rs.	Rs.	
U. P.	5,40,000	4,17,300		1. Administration of the Sugarcane Act, 1934, and the Rules framed thereunder. 2. Co-operative marketing of sugarcane. 3. Renewal of seed in areas affected by frost. 4. Development of cane cultivation in tube-well areas.
Bihar	1,51,383	67,664	2,46,500	1. Working of the Sugarcane Act, 1934, and the Rules framed thereunder. 2. Improvement of sugarcane cultivation. 3. Organisation and operation of Cane-growers' Co-operative Societies. 4. Expansion of the Sugarcane Improvement Scheme. 5. Acquisition and working of Musherri Station as a sugarcane seed nursery.

To	1934-35 and 1935-36.	1936-37.	1937-38.	Approved scheme.
	Rs.	Rs.	Rs.	
Bombay	15,466	7,734	12,458	1. Organisation of Co-operative Societies for the supply of sugarcane to factories. 2. Grant to these Societies of subsidies for the entertainment of expert staff and purchase of improved types of seed. 3. Financing a portion of the Padegaon Research Scheme.
Punjab	21,160	10,580		1. Establishment of Cane-growers' Co-operative Unions for improvement of cane cultivation and co-operative marketing.
Burma	15,415	27,835		1. Free supply of improved Java cane varieties to selected cultivators. 2. Free supply of fertilisers. 3. Propaganda on improving methods of cultivation.
Orissa		10,000	10,000	Improving the standard and quality of cane by introducing improved methods of cultivation.
Bengal			22,880	Organisation and operation of Co-operative Societies among the cane-growers.
Madras			44,897	Organisation of Co-operative Societies and improvement of varieties of cane grown in factory areas.
Imperial Council of Agricultural Research.			2,50,000	For sugar research.
Indian Institute of Sugar Technology		17,500	35,000	Recurring grant made to to the Institute.
Agricultural Marketing Adviser.			10,000	For sugar marketing survey.

Part III.—Amounts spent on the Imperial Institute of Sugar Technology, Calcutta.

Year.	Amount.	Object.
1936-37	1,10,026	Research on Sugar Technology and training of students.
1937-38	2,86,000	Ditto.

SUGAR EXCISE DUTY MONEY ALLOCATED TO PROVINCES FOR IMPROVEMENT OF CULTIVATION AND MARKETING OF SUGAR-CANE.

858. *Maulvi Muhammad Abdul Ghani: Will the Secretary for Education, Health and Lands be pleased to state:

- the amount of money that has been allocated to the various Provinces out of the sugar excise duty in the years 1934-35, 1935-36, 1936-37 and 1937-38, and proposed to be allocated in 1938-39, for improvement in the condition of the cultivation and marketing of cane; and
- whether any reports have been received from any of the Provincial Governments about the amount of work that has been done and the progress made in the improvement of cultivation and marketing of cane; if so, whether Government propose to publish a summary of those reports?

Sir Girja Shankar Bajpai: (a) A statement showing the allocation of the Sugar Excise Fund to the various provinces in the years 1934-35 to

1937-38 is laid on the table. The allocation for the year 1938-39 has not yet been decided.

(b) No reports have been received from the Provincial Governments.

Statement showing the allocation of the Sugar Excise Fund to the Provinces.

Province.	1934-35 and 1935-36.	1936-37.	1937-38.
United Provinces	5,40,000	4,76,000	7,20,000
Bihar	2,90,000	2,46,500	3,42,000
Orissa	5,000	5,000	6,000
Madras	57,500	31,500	42,000
Punjab	30,000	25,500	18,000
Bombay	30,000	25,500	42,000
Burma	30,000	17,000	..
Bengal	20,000	25,500	30,000

Prof. N. G. Ranga: Has any decision been arrived at with regard to the utilisation of the five lakhs grant that was made last year for the improvement of sugar-cane marketing, and if so, what is that decision?

Sir Girja Shankar Bajpai: As far as I know, that grant is not made out of the proceeds of the Sugar Excise Fund, and the question does not arise out of this.

COST OF PRODUCTION OF SUGAR-CANE.

859. ***Maulvi Muhammad Abdul Ghani:** Will the Secretary for Education, Health and Lands be pleased to state the actual cost of production of sugar-cane in India, in the various Provinces and the measures taken by them to reduce the cost of cultivation of sugar-cane with a view to bringing it in conformity with the cost in Java, Hawaii, etc.?

Sir Girja Shankar Bajpai: The enquiry undertaken by the Imperial Council of Agricultural Research into the cost of production of sugar-cane has been completed and the report will be published shortly. As for the latter part of the question the Honourable Member is referred to the pamphlet 'A summary of some practical results of sugar-cane research in India', which is available in the Library.

COST OF PRODUCTION OF SUGAR-CANE.

860. ***Maulvi Muhammad Abdul Ghani:** Does the Secretary for Education, Health and Lands propose to publish the report of the enquiry undertaken by the Imperial Council of Agricultural Research for determining the cost of production of sugar-cane, and will he state whether the results

of the enquiry have been of any assistance in determining the cost of production of sugar-cane?

Sir Girja Shankar Bajpai: I would refer the Honourable Member to the reply I have given for to his question No. 859. It is not possible to anticipate the results of the enquiry at this stage.

Mr. President (The Honourable Sir Abdur Rahim): As question No. 861 is the sixth question standing in the name of the Honourable Member, that question cannot be put and answered orally.

AREA UNDER SUGAR-CANE.

1861. ***Maulvi Muhammad Abdul Ghani:** Will the Secretary for Education, Health and Lands, be pleased to state the total area under sugar-cane, particularly under improved varieties from 1931-32, up to 1938-39, and the reasons for the fall in the area during 1937-38?

Sir Girja Shankar Bajpai: A statement is laid on the table. In the United Provinces and Bihar the fall in the area in 1937-38 was due to over-production of sugar-cane in 1936-37, in the Punjab it was due to climatic causes. Definite information regarding the other Provinces, where there has been a decrease in the area under cane, is not available. Planting for the 1938-39 season is still in progress.

Statement showing area under Sugar-cane.

	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
Total area under sugar-cane .	30,76,000	34,35,000	34,33,000	36,02,000	41,41,000	44,40,000	38,15,000
Area under improved varieties .	11,70,478	18,45,788	22,95,257	24,45,719	30,71,153	34,59,000 (approximate.)	Not yet available.

STATISTICS FOR SUGAR CONSUMPTION.

862. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoola Haroon): Will the Commerce Secretary be pleased to state whether Government have prepared any statistics showing the total and *per capita* consumption of sugar in India, for the various years beginning with 1931-32? If so, will Government be pleased to state whether the consumption of sugar in India has been increasing since 1932-33 and at what rate? How does India's *per capita* consumption compare with other countries, like the United Kingdom, the United States, Germany and Japan?

Sir Girja Shankar Bajpai: No figures of *per capita* consumption either in this or any other country are available. Figures of the total amount

[†]Answer to this question laid on the table, the questioner having exhausted his quota.

of sugar available for consumption in India will be found in issues of the Review of the Sugar Industry of India for the years mentioned by the Honourable Member. Copies of the Review are available in the Library of the House.

FRESH MARKETS FOR INDIAN SUGAR.

863. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoolah Haroon): Has the attention of the Commerce Secretary been drawn to the Indian Sugar Industry, 1937 Annual, by Mr. M. P. Gandhi, wherein he has suggested the possibility of capturing fresh market for Indian sugar in Burma, Nepal, Afghanistan, Ceylon, Tibet, Kashmir, etc.?

Mr. H. Dow: Yes, Sir.

Prof. N. G. Ranga: I wish to know what decision has been arrived at by Government in regard to the expenditure of the five lakhs of rupees which was allocated last year for a period of five years for the improvement of the marketing of sugar-cane and sugar in this country?

Mr. H. Dow: I cannot see any relevance of this question to the question I have answered just now.

Prof. N. G. Ranga: This question asks as to what steps are being taken for examining the possibility of fresh market for Indian sugar.

Mr. H. Dow: It does not. It asks whether the attention of the Commerce Secretary has been drawn to a certain passage in a certain book, and I have replied that it has.

Mr. T. S. Avinashilingam Chettiar: Have the Government examined these proposals?

Mr. President (The Honourable Sir Abdur Rahim): The answer has been given fully to the question as it was put. Next question.

BAN ON THE EXPORT OF SUGAR.

864. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoolah Haroon): Will the Commerce Secretary please state:

- whether Government have put a ban on the export of sugar to all countries except Burma for a period of five years;
- whether Government are aware of the opposition of the sugar interests and also of the adverse vote of the Indian Legislative Assembly; and
- whether Government are prepared to take suitable steps by instituting immediate enquiries and devising measures for promoting the sale of Indian sugar in Ceylon, Afghanistan and Nepal markets?

Mr. H. Dow: (a) Yes.

(b) Government are aware of the disapproval of certain sugar interests, and also of the Resolution passed by the Legislative Assembly.

(c) No. Government think the trade can be trusted to take advantage of such opportunities as offer in these markets.

Mr. K. Ahmed: Is not the ban on the export of sugar by India to the foreign countries detrimental to the interests of the majority of the agriculturists who are 90 per cent. in numerical strength in India?

Mr. H. Dow: Sir, this question relates to the export of sugar not by sea, but over the land frontiers to Nepal, Afghanistan and so on. There is no ban on export over the land frontiers.

Mr. K. Ahmed: In view of the fact that Burma has been exempted and also in view of the fact that there is no definition stated in the question, does it not follow that the ban on the export of sugar by India to the foreign countries is detrimental to the interests of the masses among the Indian people? I want the answer in 'Yes' or 'No'.

Mr. H. Dow: My reply to that is "No". If the Honourable Member wants a full discussion on the subject, I must refer him to the debates in this House which took place last Session.

STEPS FOR PRODUCTION IN INDIA OF ARTICLES REQUIRED FOR DEFENCE PURPOSES.

865. ***Mr. Manu Subedar:** (a) With reference to his reply to a supplementary question to starred question No. 389, put on the 17th of February, 1938, will the Commerce Secretary please state what enquiries are in progress with regard to articles which are required for defence purposes, but which are not at present produced in India?

(b) Is any negotiation going on between Government and business firms, or, have the views of commercial associations been invited on any subject, or, has any statement on the proposals at present under consideration, been issued?

(c) Are Government considering the proposal for issuing a review of the position in consultation with the Principal Supply Officers' Committee?

Mr. H. Dow: This question should have been addressed to the Defence Secretary.

FALL IN THE PRICE OF INDIAN WHEAT.

866. ***Mr. Sham Lal:** (a) Will the Commerce Secretary be pleased to state whether there has been a fall in the price of wheat?

(b) Are Government aware that this fall is due to the importation of Australian wheat in India?

(c) Are Government aware that Australian wheat is being imported on account of reduction of import duty from Rs. 1-8-0 to Re. 1 per hundred-weight?

(d) Are Government aware that there is an apprehension among the public that if this reduction of duty continues, there would be a further fall in the price of the wheat?

(e) Are Government prepared to restore the old import duty, i.e., Rs. 1-8-0 per hundred-weight?

Mr. H. Dow: (a) Yes, Sir.

(b) No, Sir.

(c) No, Sir. The Honourable Member is a year behind the times. The protective import duty on wheat expired in March, 1937.

(d) No, Sir.

(e) It is not the custom of the Government of India to give notice in advance of their intentions with regard to the imposition of duties.

Prof. N. G. Ranga: Is it not a fact that the Australian wheat is being imported into this country in larger quantities?

Mr. H. Dow: Larger than what?

Prof. N. G. Ranga: Larger than last year?

Mr. H. Dow: Yes, Sir, that is a fact.

Sardar Sant Singh: May I ask what is the quantity of wheat that was imported during the last year from Australia?

Mr. H. Dow: I have not got complete figures but it is somewhere in the neighbourhood of 15,000 tons. The exports of Indian wheat during the same period were in the neighbourhood of 450,000 tons.

Maulana Zafar Ali Khan: Is it not the duty of Government to protect the interests of Indian wheat growers and, if they are not prepared to impose an import duty on wheat, may I ask what other steps do they propose to take in this connection?

Mr. H. Dow: That is a tough nut for somebody to crack, but not for me.

Sardar Sant Singh: Is it not a fact that the prices of wheat began to fall as soon as the Australian wheat began to be imported in Bombay and Calcutta?

Mr. H. Dow: That is not a fact.

Mr. K. Ahmed: Do Government propose to take steps to ameliorate the conditions of the agriculturist by giving more facilities to the Indian wheat to be exported from one province to the other for the benefit of the people rather than give facilities to foreign wheat such as the Australian wheat?

Mr. President (The Honourable Sir Abdur Rahim): That is not asking for information.

Mr. K. Ahmed: No, Sir, that is a definite question.

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

TRADE NEGOTIATIONS BETWEEN THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA.

867. ***Mr. Manu Subedar:** Will the Commerce Secretary state:

- (a) whether Government have been in communication with His Majesty's Government with regard to the Trade Treaty now being negotiated between the United Kingdom and the United States of America;

(b) whether Government have secured particulars of the general basis on which these negotiations are taking place; and

(c) whether Government have considered the effect on the trade position of India, directly and indirectly through any such treaty?

Mr. H. Dow: (a) Yes.

(b) Yes.

(c) The matter is under examination.

Mr. Manu Subedar: Will Government take this House into their confidence and give a statement of some of the information which they may have received on this subject?

Mr. H. Dow: They will certainly not do so at the present stage.

Mr. Manu Subedar: Will they do so at the earliest possible moment when they think it proper?

Mr. H. Dow: That is a question which Government have not yet considered.

RATE WAR BETWEEN FOREIGN AND INDIAN SHIPPING COMPANIES.

868. ***Mr. Abdul Qayum:** (a) Has the attention of the Commerce Secretary been drawn to a statement appearing in the *Bombay Chronicle* of the 1st December, 1937, to the following effect:

"At a recent meeting of the Directors of Messrs. Turner, Morrison and Company who are running the Mogul Line, it was decided to enter into a rate war".

(b) Has the attention of Government been drawn to the report appearing in the *Bombay Chronicle* of the 1st December, 1937, that Mr. French, M.L.A., connected with the Mogul Line, in a statement, stated:

"We are determined to carry on this rate war since we cannot help it and we will carry it with all our resources."

(c) Are Government aware of the fact that this decision of the Mogul Line to carry on a rate war against an Indian shipping company has been put into effect and rates were reduced by it when the steamers of the Scindia Company were on the berth in Karachi?

(d) Will Government be pleased to state what action they propose to take in order to prevent such a ruinous rate war against an Indian shipping company?

Sir Girja Shankar Bajpai: (a) and (b). Yes.

(c) Government have seen statements to this effect.

(d) Government have received a representation from one of the Shipping Companies concerned and will consider the matter.

Mr. J. D. Boyle: Have Government any information as to which of the Companies, in fact, initiated the ruinous rate war to which reference is made in the question?

Sir Girja Shankar Bajpai: The Government of India have not had an opportunity of inquiring into the matter and, therefore, I cannot say which Company began the trouble.

Mr. Manu Subedar: Do Government propose to recommend them to go to arbitration on this subject?

Sir Girja Shankar Bajpai: My Honourable friend is asking me to anticipate the result of an examination which has not yet commenced.

MANUFACTURE OF TRANSMITTING EQUIPMENT FOR BROADCASTING.

869. ***Prof. N. G. Ranga:** Will the Commerce Secretary be pleased to state:

- (a) if any attempt is made by the Indian Stores Department through its Industrial Research Bureau to manufacture transmitting equipment for broadcasting?
- (b) if so, what is the result; and
- (c) if not, whether an experiment is proposed be made in the near future for such manufacture by the Industrial Research Bureau?

Mr. H. Dow: (a) No, Sir.

(b) Does not arise.

(c) The Industrial Research Bureau has at present no proposal before it to undertake investigation into the manufacture of transmitting equipment for broadcasting.

Prof. N. G. Ranga: In view of the fact that large sums of money are today spent upon these imports, why is it that Government are not prepared to make investigations or experiments to see whether their manufacture is possible in this country? If so, how soon and by whom?

Mr. H. Dow: I think that is probably a question which should be addressed to the Honourable Member for Communications. The only reason why I took this question was that the Honourable Member referred to the activities of the Industrial Research Bureau. I understand that certain researches are being undertaken by the All-India Radio, but I have no detailed information on the subject.

Prof. N. G. Ranga: Is it not a fact that it is the Industrial Research Bureau which makes these researches into the possibilities of new industries in this country and that on the application of the various Departments concerned?

Mr. H. Dow: The research programme of the Industrial Research Bureau is decided in consultation with the Industrial Research Council which meets annually in order to decide what matters shall be taken up for investigation. This particular subject is simply not one of the matters which the Industrial Research Bureau is taking up.

Prof. N. G. Ranga: Will Government consider the advisability of placing this suggestion before the Industrial Research Council at its next meeting for its consideration?

Mr. H. Dow: I think this is a question which should be addressed in the first instance to the Honourable the Communications Member. If he wishes to enlist the co-operation of the Industrial Research Bureau, I have no doubt that he would find us prepared to consider it.

Prof. N. G. Ranga: Will the Honourable Member pass on this question and his answer to the Honourable the Communications Member?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will give notice of his question.

Prof. N. G. Ranga: No, Sir; the Honourable the Communications Member is here.

Mr. Manu Subedar: Will the Honourable Member tell this House whether an annual report of the activities of the Industrial Research Bureau is published?

Mr. H. Dow: Yes, Sir.

FALL IN THE PRICE OF INDIAN WHEAT.

870. ***Mr. H. M. Abdullah:** Will the Secretary for Commerce please state:

- (a) the total quantity of wheat imported into India in 1937;
- (b) if he is aware that the import of large quantities of wheat has resulted in the fall of price of the Indian wheat;
- (c) for how many years an import duty was levied on foreign wheat and wheat flour;
- (d) if he is aware that the price of Indian wheat has fallen appreciably and, if so, what steps Government propose to take to raise the price of Indian wheat; and
- (e) whether Government are prepared to re-impose the import duty on foreign wheat and wheat flour?

Mr. H. Dow: (a) The Honourable Member is referred to the Sea-borne Trade Accounts, copies of which are in the Library.

(b) No, Sir.

(c) Protective import duties were imposed on wheat and wheat flour in March, 1931, under the Wheat (Import Duty) Act, 1931. The protective duties expired in March, 1937. Thereafter, wheat flour has been liable to the revenue duty of 25 per cent. *ad valorem* while there is no import duty on wheat.

(d) The answer to the first part of the question is in the affirmative. The question whether it is necessary for Government to take action is under consideration.

(e) The Honourable Member is referred to the reply given today to a similar question by Mr. Sham Lal.

Prof. N. G. Ranga: What is the difference between the import price of Australian wheat and of the price of local wheat in this country?

Mr. H. Dow: That is a question of detail for which I must ask notice.

Mr. T. S. Avinashilingam Chettiar: When do Government expect to give consideration to this matter of re-imposing the import duty on wheat?

Mr. H. Dow: It is a matter which Government have constantly under their consideration. Government are always watching the price of wheat, and they are prepared to take action when necessary.

Seth Govind Das: Now that the prices have fallen so much, do Government consider that the time has arisen for re-imposition of the duty?

Mr. H. Dow: That is a matter which is still under consideration.

Prof. N. G. Ranga: Do Government propose to consult the Wheat Sub-Committee of the Imperial Council of Agricultural Research in regard to this matter?

Mr. H. Dow: No, Sir.

Sardar Sant Singh: May I know if it is a fact that the import of Australian wheat was less during the time when the Import Duty Act was in force and as soon as it was taken away last year, the import has increased?

Mr. H. Dow: I have already answered that in reply to a supplementary question on an earlier question.

Mr. K. Ahmed: In view of the fact that the Australian wheat is getting preference over Indian wheat, do Government propose to raise the duty on Australian wheat specially in the town of Calcutta and thus relieve the condition of the peasants in India and do Government propose to allow the Punjab wheat to come to Calcutta cheaper than Australian wheat?

Mr. H. Dow: The Honourable Member's premises are quite incorrect; not that there is any particular connection between them and the conclusion that he draws. But at present there is no discrimination in the treatment of Indian wheat and foreign wheat. There is no preference given to foreign wheat over Indian wheat.

Mr. K. Ahmed: The Honourable Member has admitted that Australian wheat does not pay anything extra in the shape of import duty. In view of the fact that Indian wheat cannot compete with the wheat coming from Australia, do Government propose, for the amelioration of the condition of the peasantry in India, to levy an increased rate of duty on Australian wheat coming into India and thus give preference to Indian wheat so that the masses might appreciate the benefit conferred by the Honourable Member remaining as Commerce Secretary?

Dr. Sir Ziauddin Ahmad: May I put it in another form?

Mr. K. Ahmed: Let it be answered in the form I have put.

Dr. Sir Ziauddin Ahmad: While fixing the price of wheat imported into Calcutta from Australia and the wheat taken from Lyallpur, will the Government consider both sides of the problem and fix a reduced rate of freight for the wheat from Lyallpur which will have the effect of increasing the duty on Australian wheat?

Mr. H. Dow: I have no doubt that in considering the amount of any duty that might be found necessary, Government would take all relevant matters into consideration.

IMPORTS OF COTTON.

871. ***Mr. H. M. Abdullah:** Will the Commerce Secretary be pleased to state:

- the total amount of cotton imported into India during the years 1935, 1936 and 1937;
- the effect of this import on the cotton prices in India; and
- whether Government are prepared to levy a duty on all imported cotton?

Mr. H. Dow: (a) Imports of raw cotton into India during the calendar years 1935, 1936, and 1937 amounted to 87,055 tons, 53,930 tons and 1,07,480 tons, respectively.

(b) It is not possible to estimate in isolation the precise effect of these imports on the prices of Indian cotton.

(c) Yes, Sir, Government are already doing so. Cotton is already liable to an import duty of six pies per lb.

Prof. N. G. Ranga: Have Government received any representations from the Government of Bombay in regard to putting an embargo on imports of cotton?

Mr. H. Dow: We have received a communication from the Government of Bombay asking us to consider an increase in the amount of duty on certain types of cotton. Is this what the Honourable Member means by an embargo?

Prof. N. G. Ranga: Yes, Sir. Have Government come to any decision in regard to that proposal?

Mr. H. Dow: The matter is still under consideration.

Sardar Sant Singh: Is it a fact that India lost tremendously in cotton slump during the last three months?

Mr. H. Dow: I imagine that that is so. But I do not quite see how it arises out of this question.

Sardar Sant Singh: What steps have the Government of India in the Commerce Department taken to put a stop to the loss incurred by the Indian cultivator as well as by traders in this respect.

(No answer.)

Mr. M. Asaf Ali: Before question No. 872 is answered, I wish to point out that there is a slight clerical error. In part (b) of the question, last line, it should be 33 (3) (a) and (f) and not 33 (a) and (f)?

The Honourable Sir Nripendra Sircar: I have received intimation about this error.

VIEWS OF THE CENTRAL LEGISLATURE RE DISCUSSION OF NON-VOTABLE
ITEMS OF EXPENDITURE.

872. *Mr. M. Asaf Ali: (a) Will the Honourable the Leader of the House please state whether Government have communicated to the Secretary of State the result of the proceedings of a meeting of the Legislative Assembly held on the 2nd March and that of the Council of State held on the 4th March, 1938?

(b) Are Government prepared to convey to His Majesty's Government the views of this House in regard to the growth and extension of conventions in the matter of submitting certain token amounts of expenditure not covered by section 33 (a) and (f) to the vote of this House?

The Honourable Sir Nripendra Sircar: (a) No.

(b) I am not aware that the views of this House have been expressed in regard to the matter mentioned in this part of the question.

Mr. M. Asaf Ali: With reference to part (a) why are Government not prepared to convey to His Majesty's Government the state of affairs in the Central Legislature? Considering the fact that the protest was entered by both Houses of Legislature against the omission of certain items of expenditure from the Budget, was it not expected of the Government to convey to His Majesty's Government and find out what they felt about it?

The Honourable Sir Nripendra Sircar: For one reason that His Majesty's Government must be well aware of what has taken place here, judged by the answers which have been given to questions in the House of Commons.

Mr. M. Asaf Ali: How can they possibly be aware of the exact state of affairs if the Government have not taken the trouble to convey it to His Majesty's Government. The replies that have been given in the House of Commons, as they appeared in the Press, are certainly extremely insufficient. His Majesty's Government do not seem to be aware of the strength of protest that has been registered against the action taken by the Government.

The Honourable Sir Nripendra Sircar: I do not understand what my Honourable friend is asking me. Is he asking me how can they be aware unless we communicated it. I have answered his question with reference to what he has already asked me. The answer to the question whether the proceedings were communicated is in the negative and I can give no further answer.

Mr. M. Asaf Ali: Are Government prepared to convey to His Majesty's Government all that took place in this and the other House?

The Honourable Sir Nripendra Sircar: The proceedings as a matter of fact are, in the ordinary course, regularly sent to the India Office.

Mr. M. Asaf Ali: With regard to clause (b), I understood the Honourable Member to say that the views of this House have not been expressed in words but expressed by action. Will this fact be conveyed to His Majesty's Government?

The Honourable Sir Nripendra Sircar: My Honourable friend's question was whether the views of this House have been conveyed to His Majesty's Government, and I answered that I am not aware that the views of this House have been expressed. Now my Honourable friend's question is whether the action which was taken has been communicated. No, Sir.

Mr. M. Asaf Ali: Are Government prepared to convey to His Majesty's Government that this protest has been registered?

The Honourable Sir Nripendra Sircar: It is absolutely unnecessary because they know everything from the proceeding which are sent.

(b) WRITTEN ANSWERS.

VETERINARY SURGEONS AT THE IMPERIAL VETERINARY RESEARCH INSTITUTE,
IZZATNAGAR AND MUKTESWAR.

873. *Syed Ghulam Bhik Nairang: (a) Will the Secretary for Education, Health and Lands be pleased to state the number of Veterinary Surgeons employed in the gazetted and non-gazetted permanent posts at the Imperial Veterinary Research Institute, Izzatnagar and Mukteswar?

(b) Will he state the number of the members of the different communities employed in the above posts, and if the percentage of Muslims employed is less, whether Government are prepared to take necessary action to have proper representation of Muslims at this Institute?

Sir Girja Shankar Bajpai: (a) and (b). Information has been called for and an answer will be furnished in due course.

NEGOTIATIONS FOR INDO-BRITISH TRADE AGREEMENT.

874. *Mr. T. S. Avinashilingam Chettiar: Will the Commerce Secretary state:

(a) whether the news on page 1 of the *Hindustan Times*, dated the 6th March, 1938, that good progress is now being made in the talks regarding the Indo-British Trade Agreement, is true;

(b) whether Government are in touch with the Honourable Sir Muhammad Zafrullah Khan, and whether agreement has been reached on salient points; and

(c) when the agreement is expected to be completed?

Mr. H. Dow: (a) Yes, Sir.

(b) The answer to the first portion is in the affirmative. As regards the second portion, Government regret that they cannot disclose the nature of the progress made so far.

(c) Government are not in a position to say whether there will be an Agreement and, if there is one, when it is likely to be completed.

ACTION ON RESOLUTIONS PASSED BY THE CENTRAL LEGISLATIVE ASSEMBLY.

875. *Sardar Mangal Singh: (a) Will the Honourable the Leader of the House please state how many Resolutions were carried by this House during 1935, 1936 and 1937?

(b) What action was taken on those Resolutions which were carried?

(c) Are Government prepared in future to issue a statement at the end of every year as to the action taken on the resolutions which are passed by this House?

(d) What is the procedure for the consideration (by the Government of India) of the resolutions passed by this House?

The Honourable Sir Nripendra Sircar: (a) Nine Resolutions were carried in 1935, nine in 1936 and eleven in 1937.

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

(c) Government see no occasion to depart from the previous practice under which they await a specific question before supplying information of this nature.

(d) A copy of every Resolution passed by the Assembly is forwarded to the Governor General in Council in accordance with Rule 24 of the Indian Legislative Rules. On receipt thereof Government decide whether any, and if so what, action should be taken on the Resolution. I am not prepared to disclose the procedure followed in reaching any such decision.

ALLEGED CORRUPTION IN THE HEALTH DEPARTMENT OF THE DELHI MUNICIPALITY.

876. ***Mr. Akhil Chandra Datta:** Will the Secretary for Education, Health and Lands please state if it is a fact that a representation signed by more than 420 *mehbars* (sweepers) of the Delhi Municipality, was sent to the Municipality in May, 1937, in which they requested the Municipality to appoint an officer to check the corruption and bribery in the Health Department of the Municipality? If so, is it a fact that no such officer has been appointed?

Sir Girja Shankar Bajpai: Information has been called for and an answer will be furnished in due course.

LEVY OF A PROTECTIVE DUTY ON COFFEE IMPORTED INTO BRITISH INDIA.

877. ***Dr. F. X. DeSouza:** (a) Will the Commerce Secretary state what quantities of coffee in the manufactured state, whether roasted and/or ground were imported into British India from foreign countries during the years 1935-36, 1936-37 and 1937-38?

(b) Do Government propose to consider the advisability of checking the growing volume of such imports by levying a heavy protective duty on manufactured coffee imported into British India? If not, why not?

Mr. H. Dow: (a) Information has been called for and a reply will be laid on the table in due course.

(b) In view of the large export trade in coffee a protective duty in imports does not appear to be a suitable method of assisting the Indian coffee industry. It is, however, open to that industry to make out a *prima facie* case for reference to the Tariff Board in accordance with the terms of the Government of India, Commerce Department Resolution No. 8748, dated the 10th July, 1923, in case it desires to be protected in the local market.

PROVISION OF MORE QUARTERS FOR DAFTRIES IN NEW DELHI.

878. ***Mr. Lalchand Navalrai:** (a) Will the Labour Secretary please state whether the record sorters and daftries of the Imperial Secretariat have for years been asking for daftries' quarters in New Delhi?

(b) Are Government aware that the number of daftries' quarters so far available in New Delhi for the Government of India Secretariat and attached offices is 220 and the demand is for 424?

(c) Will Government please state when more quarters will be available for daftries?

Mr. A. G. Glow: (a) Representations have been received from time to time for the provision of additional accommodation for daftries in New Delhi.

(b) Yes. The number of quarters available at present is 220. The demand for the current winter season was 424, but it fluctuates from year to year, last year it was 376 and 361 in the year before.

(c) Fourteen new quarters are under construction and will be ready within a month or two.

RESTRICTIONS ON THE ENTRY OF INDIANS INTO CANADA.

879. ***Sardar Mangal Singh:** Will the Secretary for Education, Health and Lands please state:

(a) whether there are any restrictions imposed on the entry of Indians into Canada; if so, what those restrictions are;

(b) whether Government have made representations to the Canadian Government or to the Colonial Office with a view to remove those restrictions; and

(c) whether there are any restrictions imposed on the entry of Canadians into this country?

Sir Girja Shankar Bajpai: (a) The entry of Indians into Canada, for permanent residence, is restricted to the wife or unmarried child under 18 years of age, of any Canadian citizen legally admitted to and resident in Canada, who is in a position to receive and care for his dependents. There are, however, no restrictions in regard to temporary visits for purposes of business, pleasure or study.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 13th February, 1936, to part (b) of Mr. Muthuranga Mudaliar's starred question No. 355.

SUGAR FACTORIES.

879 A. ***Seth Haji Sir Abdool Karim:** Will the Commerce Secretary be pleased to state the number of sugar factories working in 1937-38 in the various Provinces and Indian States, the number of factories situated on the Bengal and North Western Railway, the Eastern Bengal Railway, the East Indian Railway, the Rohilkund and Kumaon Railway, and the various other Railways of the country?

Sir Girja Shankar Bajpai: Statements giving the number of factories actually working in 1936-37 and the number projected for 1937-38 Province and Railway wise are laid on the table.

I.—Number of Sugar Factories in the various Provinces and Indian States in India.

Provinces.	Number of sugar factories working in 1936-37.			Projected sugar factories in 1937-38.
	Cane factories.	Gur factories.	Total.	
Punjab	4	3	7	..
United Provinces	73	4	77	2
Bihar and Orissa	36	..	36	1
Bengal	7	..	7	1
Madras	10	3	13	..
Bombay	7	..	7	..
Sind	1	..	1	..
Indian States	7	..	7	3
Total	145	10	155	7

II.—Number of Sugar Factories on the various Railways in India.

Railway.	Number of sugar factories working in 1936-37.			Projected sugar factories in 1937-38.
	Cane factories.	Gur factories.	Total.	
North Western Railway	15	3	18	..
East Indian Railway	19	2	21	1
Shahdara Saharanpur Light Railway	2	..	2	..
Rohilkhand and Kumaon Railway	11	..	11	..
Bengal and North Western Railway	68	1	69	1
Bombay, Baroda and Central India Railway	2	1	3	..
Great Indian Peninsula Railway	6	..	6	1
Arrah Sasaram Light Railway	1	..	1	..
Eastern Bengal Railway	4	..	4	1
Assam Bengal Railway	3	..	3	..
Madras and Southern Mahratta Railway	6	1	7	..
Bengal Nagpur Railway	1	..	1	1
South Indian Railway	3	2	5	..
Bihar Light Railway	1	..	1	..
Gaekwar Baroda State Railway	1	..	1	..
Jodhpur Bikaner Railway	1	..	1	..
Mandya Mysore Railway	1	..	1	..
Nizam's State Railway	..	..	..	1
Bikaner State Railway	..	..	..	1
Total	145	10	155	7

INDIAN LABOURERS WORKING IN JAPANESE IRON MINES IN JOHORE, MALAY STATES.

870 B. *Mr. Abdul Qaiyum: Will the Secretary for Education, Health and Lands please state:

- whether he has pursued a news item in the *Hindustan Times*, dated the 8th March, 1938, on page 2, under the heading "Indian Workers as Blacklegs";
- whether Chinese labourers have boycotted the working of Japanese iron mines in Johore, Malay States;
- whether Indian labourers have been substituted for them; and
- if so, who is responsible for the bringing in of Indians?

Sir Girja Shankar Bajpai: (a) Yes.

(b)–(d). Enquiries have been made and the information will be communicated to the House in due course.

UNSTARRED QUESTIONS AND ANSWERS.

PRICE OF SUGAR-CANE PAID TO CULTIVATORS AND UNSKILLED WORKERS EMPLOYED IN SUGAR FACTORIES.

91. Seth Haji Sir Abdoola Haroon: Will the Secretary for Education, Health and Lands state:

- the average price per maund of sugar-cane paid by the sugar factories to the cultivators since 1931-32 till 1936-37;
- the total amount of money paid for cane by the factories to the cultivators during the years 1931-32 to 1936-37;
- the number of unskilled workers employed; and
- the total amount paid to them annually during these years?

Sir Girja Shankar Bajpai: (a) The average net price per maund of sugar-cane paid by the sugar factories to the growers during the years 1935-36 and 1936-37 was annas -/5/- and -/4/5 respectively. Information in respect of earlier years is not available.

(b) to (d). The information is not available.

SUGAR-CANE USED FOR VARIOUS PURPOSES.

92. Seth Haji Sir Abdoola Haroon: Will the Secretary for Education, Health and Lands state the quantity of sugar-cane crushed in sugar factories, the quantity of cane used for gur manufacture, the quantity of cane used for Khandsari, and for chewing and planting setts, etc., during 1931-32 to 1936-37, along with the official estimate of the total cane crop for these years?

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

Year.	Cane used in factories.		Cane equivalent of Gur used in refineries.		Cane used for Gur manufacture.		Cane used for other purposes.†		Total cane crop.	
	Quantity Tons.*	Per cent.	Quantity Tons.*	Per cent.	Quantity Tons.	Per cent.	Quantity Tons.	Per cent.	Quantity Tons.	Per cent.
1931-32	1,783,000	4.1	1,262,000	2.9	28,777,000	66.4	11,495,000	26.6	43,316,000	100
1932-33	3,350,000	6.5	1,513,000	3.0	33,097,000	64.7	13,169,000	25.8	51,129,000	100
1933-34	5,157,000	9.8	1,073,000	2.0	34,357,000	65.5	11,868,000	22.7	52,455,000	100
1934-35	6,672,000	12.3	676,000	1.2	35,846,000	66.0	11,152,000	20.5	54,346,000	100
1935-36	9,774,000	16.0	730,000	1.2	39,018,000	63.8	11,680,000	19.0	61,202,000	100
1936-37	10,751,000	16.0	730,000	1.1	43,723,000	64.9	12,118,000	18.0	67,322,000	100

*Figures given here are to the nearest 1,000 tons.
†Cane used for chewing, setts and Khandasari Sugar.

TOTAL CARRY OVER OF STOCKS OF SUGAR.

98. **Seth Haji Sir Abdoola Haroon:** Will the Commerce Secretary state the total carry over of stocks of sugar in the country at the beginning of each cane crushing season during the last six years?

Sir Girja Shankar Bajpai: Accurate figures are not available. A statement giving approximate figures is laid on the table.

Statement.

Approximate figures showing total carry over of Stocks of Sugar in India at the beginning of November.

Year.	Tons.
1931	32,000
1932	19,000
1933	9,000
1934	30,000
1935	23,000
1936	159,000
1937	180,000

RECOGNITION OF THE MEDICAL DEGREES OF THE ANDHRA UNIVERSITY BY THE INDIAN MEDICAL COUNCIL.

94. **Mr. Thirumala Rao:** (a) Will the Secretary for Education, Health and Lands please state at what stage is the question of according recognition to the medical degrees of the Andhra University by the Indian Medical Council?

(b) Are Government aware that the Madras Government made a budget provision of about three lakhs for building construction on the lines suggested by inspectors of the Medical Council?

(c) Are Government aware that the inspectors did not find fault with the standard of teaching in their report?

(d) Are Government prepared to urge on the Indian Medical Council to accord recognition?

Sir Girja Shankar Bajpai: (a) The Medical Council has recently requested the University to show to what extent defects revealed by previous inspections have been rectified. The University has also been requested to say whether it is prepared for an inspection on behalf of the Council.

(b) Government are aware that the Government of Madras has sanctioned a scheme costing Rs. 3,15,000 in this connection. The budget provision in respect of this scheme is actually Rs. 1,50,000 for the year 1938-39.

(c) This is not the case. The inspectors expressed the opinion that arrangements at the Medical College, Vizagapatam, are still inadequate in certain respects for the training of students to the M.B.B.S. standard.

(d) In virtue of the answer to (a) this does not arise.

NON-GRANT OF SCHOLARSHIPS FOR SCIENTIFIC RESEARCH TO INDIAN SCHOLARS BY THE LONDON EXHIBITION TRUST OF 1851.

95. **Mr. Thirumala Rao:** (a) Will the Secretary for Education, Health and Lands state whether Government have seen the ninth report of the Commissioners of the Exhibition of 1851, London, covering the period 1911-35?

(b) Are Government aware of the fact that the princes and people of India originally contributed nearly one-third of the funds of the exhibition when it was started in 1851?

(c) Are Government aware that there is not a single Indian scholar so far among the six hundred research scholars that received scholarship for scientific research from this trust since 1891?

(d) Are Government aware that this Exhibition trust of 1851 has been giving scholarships to scholars from other Empire countries like Canada and Australia except India?

(e) Have Government made any effort to impress upon the Commission the injustice they have done to Indian scholars in excluding Indians from the benefit of the fund?

(f) Do Government propose to make efforts to secure a larger number of scholarships with a view to making up for past neglect?

Sir Girja Shankar Bajpai: (a) No.

(b) Information as to what portion of the total amount collected for the Exhibition was contributed by the Princes and people of India is not available.

(c), (d), (e) and (f). The Royal Commission for the Exhibition of 1851 did not award any scholarship to Indians until last year. Since last year they have allotted one scholarship annually to India. The question of requesting them to allot more scholarships to India is under consideration.

SCHEME OF SCHOLARSHIPS FOR SCIENTIFIC RESEARCH.

96. **Mr. Thirumala Rao:** (a) Will the Commerce Secretary please state whether Government have seen the suggestion made in the issue of the *Science and Culture* of the 9th February, 1936, pages 480-82, that the newly created Bureau of Economic and Industrial Intelligence of the Government of India may consider the scheme of scholarships for scientific research?

(b) Have Government any proposals under consideration for instituting a number of research scholarships in science commensurate with the varied needs of this country?

Mr. H. Dow: (a) Yes, Sir.

(b) No, Sir.

NON-GRANT OF TATAS SCHOLARSHIPS FOR RESEARCH TO INDIANS.

97. **Mr. Thirumala Rao:** (a) Will the Commerce Secretary please state whether Government are aware that the Tatas scholarships for research in foreign countries are given mostly to non-Indians?

(b) Do Government propose to use their influence with Tatas on the need of encouraging Indian talent in this direction?

Mr. H. Dow: (a) The matter is not primarily the concern of the Governor General in Council and the Government of India have no information.

(b) Does not arise.

BUDHA GAYA TEMPLE.

98. **Mr. Satya Narayan Sinha:** Will the Secretary for Education, Health and Lands please state:

- (a) who is in charge of the Budha Gaya Temple at Budha Gaya;
- (b) whether this temple is a private property; and
- (c) if so, whose; if not, whether Government will state the reason?

Sir Girja Shankar Bajpai: (a)–(c). The Government of India have no precise information.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I beg to move:

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

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

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

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, nearly three years ago when a similar motion was moved in this House some of the Members expressed a wish that opportunity should be given to this Committee to meet more often than once as had been till then the case. Only for one year I think it met twice. Last year and this year I learnt it has met only once a year, and not sufficient notice has been given of the meetings and the agenda to the members. Naturally some of the members at least felt that they were very seriously inconvenienced in discharging their duties as members of this Committee. Secondly, Sir, I have been pressing all along that representation should be given on these Committees to various interests, specially the peasants; and an assurance was given that it will be examined in close detail. Two years ago the Central Advisory Committee for Railways discussed this question and suggested that the Honourable Member in charge should go into it and see if adequate representation could not be provided for those peasants' associations on these various local Advisory Committees. Then Sir, I do not know what happened. Last year it was again brought up

The Honourable Sir Thomas Stewart: Sir, if I may intervene, I am afraid that the Honourable Member is referring to an entirely different Committee. I have moved for the appointment of members to serve on the Standing Finance Committee. The Honourable Member's remarks evidently refer to the Central Advisory Committee and to local Advisory Committees.

Prof. N. G. Ranga: No, Sir; I am just referring to what happened before the Central Advisory Committee itself.

Mr. President (The Honourable Sir Abdur Rahim): This motion does not relate to the Central Advisory Committee but to the Standing Finance Committee.

The question is:

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

The motion was adopted.

ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I beg to move:

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

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

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

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Sir, I simply want to know why it is that no action has so far been taken on the recommendation made by the Central Advisory Committee for Railways nearly two years ago to the effect that the Honourable Member in charge of Communications should examine the advisability or otherwise of providing representation for peasants' associations on these local Railway Advisory Committees. Last year it was again sought to be raised, but it was claimed at the last minute that they did not have sufficient notice. And I do not know what happened to the letters I had written to the Honourable Member but anyhow the thing was not taken up for consideration; and I was told by some of the members that that particular question was being referred to the Provincial Governments and so on. I should like to know at what stage the discussion at the Railway Central Advisory Council in regard to providing representation for peasants' associations on these local Railway Advisory Committees is today, and what steps Government propose to take through this Council to see that adequate representation is given to all interests, including peasants, on these local Railway Advisory Committees with a view to improving and increasing the contact between the railways and the users of the railways, particularly the peasants.

The Honourable Sir Thomas Stewart: Sir, I do not know whether the Honourable Member's complaint is entirely relevant to his motion, and he is referring again not to the composition of the Council which this motion seeks to set up, but on the contrary to local Advisory Councils. This Council is a Council composed of Members of the Legislature. The

local Advisory Councils are not exclusively composed of Members of the Legislature, and I fail to see the relevance of his remarks to the motion that stands in my name.

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

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

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of members to the Standing Finance Committee for Railways and the Central Advisory Council for Railways the following dates have been fixed for receiving nominations and holding elections, if necessary, namely:

	Date for nominations.	Date for election.
Standing Finance Committee for Railways	23rd March.	25th March 1938.
Central Advisory Council for Railways	28th March.	30th March 1938.

The nominations will be received in the Notice Office up to 12 Noon on each day appointed for the purpose. The elections which will be held between the hours of 10-30 A.M. and 1 P.M. in the Assistant Secretary's Room on the abovementioned dates will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE IMPORT OF DRUGS BILL.

APPOINTMENT OF MR. N. C. CHUNDER TO THE SELECT COMMITTEE.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That Mr. N. C. Chunder be appointed to the Select Committee on the Bill to regulate the import into British India of drugs and medicines *vice* Mr. George Joseph deceased."

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

"That Mr. N. C. Chunder be appointed to the Select Committee on the Bill to regulate the import into British India of drugs and medicines *vice* Mr. George Joseph deceased."

The motion was adopted.

THE INDIAN COFFEE CESS (AMENDMENT) BILL.

Mr. H. Dow (Commerce Secretary): Sir, I move for leave to introduce a Bill to amend the Indian Coffee Cess Act, 1935, for a certain purpose.

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

"That leave be granted to introduce a Bill to amend the Indian Coffee Cess Act, 1935, for a certain purpose."

The motion was adopted.

Mr. H. Dow: Sir, I introduce the Bill.

THE MOTOR VEHICLES BILL.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I beg to move:

"That the Bill to consolidate and amend the law relating to motor vehicles be referred to a Select Committee consisting of Mr. J. A. Mackeown, Sardar Bahadur Captain Dalpat Singh, Lieut.-Colonel M. A. Rahman, Mr. F. E. James, Mr. P. J. Griffiths, Sir Muhammad Yamin Khan, Mr. Suryya Kumar Som, Mr. Muhammad Azhar Ali, Khan Sahib Nawab Siddique Ali Khan, Mr. Sham Lal, Mr. Satya Narayan Sinha, Mr. K. Santhanam, Pandit Sri Krishna Dutta Paliwal, Mr. N. C. Chunder and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, this is the third occasion within the past two years on which the Government of India have brought forward in this House an amending Bill of major importance, and when I apply the term "major" to this Bill, it is not because of its size but because of its subject matter and it is that which makes it comparable with the Companies Act and the Insurance Act amending Bills which have recently been put on the Statute-book. The Bill is, I confess, a formidable document, and I must ask the indulgence of the House if I take up some little time in my endeavours to explain what has been its origin, what is its structure and design and the background against which we must view it.

It will be seen from the Statement of Objects and Reasons that the Bill has two main objectives: one, to codify and bring up to date the law regulating motor vehicles in India, and secondly to make possible the co-ordination of the various forms of transport which for so long has been considered to be desirable. It is not possible to keep these two aspects of the Bill entirely separate, and in the following summary of the events which have led up to the introduction of the Bill, I shall confine myself to a chronological statement of what has happened and will make no attempt to separate out the emergence of problems of one sort or the other.

The basic law in regard to the regulation of motor vehicles is the Act of 1914. This is a comparatively short measure of 20 sections only, and its brevity is easily understandable when one thinks back to what was the state of development of motor traffic 24 years ago. But the Act of 1914 does not constitute the entire corpus of motor vehicle law in India. The various Provincial Governments have from time to time taken advantage of the powers given by section 11 of the Act and have framed rules and these rules form a very considerable volume of subsidiary law. It is somewhat surprising that only one or two Local Governments have taken advantage of the opportunity that was afforded by the constitutional changes of 1919 to pass legislation supplementary to the existing Act.

In the period during the war there was little development of motor traffic. One of the principal reasons was that it was very difficult to get delivery of motor cars; but by the middle of the 1920's, the road problem had become very acute and as a result of a Resolution passed in the Council of State in February, 1927, there was appointed the Indian Road Development Committee under the chairmanship of Mr. M. R. Jayakar. This was a Committee of both Houses of the Legislature and it was asked to examine the desirability of developing the road system of India and in particular the means by which such development could be financed. The main recommendations of the Jayakar Committee were these; that road

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development was eminently desirable, but adequate measures for its development were beyond the ordinary resources of the Local Governments and local bodies who were responsible for the maintenance of roads and for their development. The Committee therefore suggested that it would be reasonable to consider that the development of a road system was a matter of national concern and that such development should be, to some extent at least, a fair and reasonable charge upon central revenues. They went on to suggest that in order to finance road development a special tax should be imposed and, contrary to usual practice, the proceeds of this tax should be applied to the one specific object of road development. It was suggested that a proper tax would be a surcharge on the existing duties, excise and customs, on motor spirit. The committee realised that if a fund was to be raised from central taxation it was constitutionally desirable that the Centre should have control over the distribution of this fund and the Committee recommended that distribution should be made to the provinces in accordance with principles laid down by the Central Government and after a Standing Committee of this House had approved of the individual schemes to which it was proposed to apply the provincial contributions. They did not suggest that the whole of the money should be distributed to the provinces but that a certain portion should be retained at the Centre to be applied for research, for intelligence and, in necessitous cases, as grants-in-aid to the provinces. They also put forward the proposal that the activities of the Centre and of the Provinces in regard to road development should be co-ordinated and they suggested that there should be frequent meetings between representatives of the provinces and those Members of the Government at the Centre who were concerned with communications. But, while they were considering the question of road development, the Committee also considered the question of motor regulation. They found that as they went from province to province there was no uniformity and they very strongly recommended that steps should be taken to evolve some harmonious scheme of codification which would remove the difficulties under which the users of motor cars suffered as they moved to and fro in India.

The first step to implement the recommendations of the Jayakar Committee was taken in the Finance Act of 1929 when there was imposed an additional duty of two annas per gallon on motor spirit. It was somewhat more difficult to secure agreement with the Provincial Governments as to the principles that were to be applied when the road fund was distributed. At a conference that was held the provincial representatives pressed for the recognition of an unconditional right to utilise their share of the road fund as they chose. This was a position that the Central Government could not accept, though in deference to the very strong expressions of opinion by the Provincial Governments, the Government of India were prepared to limit their interference with Provincial Governments to an examination of the schemes which the Provincial Governments proposed to undertake.

As regards the codification of motor rules and regulations there was much more unanimity and in a conference held in 1931 between the representatives of the provinces and of the Government approval was given to a draft set of model rules. When, however, this draft came under scrutiny in our Legislative Department, it was found that the law of 1914 could not support so comprehensive a code, and, therefore, the project

[Sir Thomas Stewart.]

was necessarily held in abeyance until some more substantial basic law was passed. What we did do was to send to the Local Governments so much of the code as we thought was justified by the 1914 Act and left it to them to make such use as they could of the material we had supplied. Meanwhile, we had been seeking to give a more concrete definition to the principles upon which the distribution of the road fund should be based, and in the budget Session of 1930 there was adopted by both Houses of the Legislature a Resolution which set out in definite terms the conditions on which the provinces were to share in the Road Fund. The main provisions of this road Resolution were these. In order to provide some degree of continuity the duty was, in the first place, to remain in operation for five years. Out of the total proceeds of the duty, ten per cent. was reserved as a central reserve to be applied as I have just described, and the remaining 90 per cent. was to be distributed amongst the provinces, minor administrations and States in the same ratio as the petrol consumption in these areas. All schemes in respect of which expenditure from the road fund contribution was to be incurred required the previous approval of the Government of India, acting on the advice of the Standing Roads Committee. We had just at that time got into the great economic depression and in 1931 our scheme required some modifications. On the credit side of the account we had the surcharge imposed by the Supplementary Finance Act of the autumn of 1931 which meant that the Road Fund increased by 25 per cent. On the other hand, we were faced with the position that the provincial shares, instead of being, as they should have been, applied to develop provincial roads, in fact, became the only means that the provinces had in order, not to develop their roads, but to maintain them with even moderate efficiency. The fact was that a new road at that time, because of its maintenance charges, was a liability and not an asset or an advantage to some of those provinces, and it was with some reluctance and only because of the sympathy for some of the more needy provinces that the Government of India agreed to a temporary diversion of the Road Fund to purposes of ordinary maintenance, and these diversions were treated as temporary, non-interest bearing loans, which had to be returned in due course to the Road Fund. Several of these loans were given but all of them have since been repaid.

From what has been said, I think it will be apparent that by 1931 steps had been taken to bring about a co-ordination of the rules and regulations governing motor vehicles. There had also been steps taken to bring about a co-ordination of road development policy, but it then became apparent that co-ordination had to go one step further. Road development had been pushed on without any very great regard to existing means of communications, and, I fear, without any very great regard for the interests of our railway systems. There was raised then the problem of road-rail competition and that we regarded as a matter of national interest since it affected our greatest national asset. It was felt that it was desirable to carry out an examination of the nature and intensity of this problem, and in July, 1932 two officers of the Government of India, Mr. Mitchell and Mr. Kirkness, were placed on special duty in order that they might investigate the problem. The Mitchell-Kirkness report was received in January, 1933, and in April of that year there was summoned to Simla the Road-Rail Conference. The meeting of this Conference was a significant event in the transport history of India. It consisted of

representatives of the Central Government, representatives of the Local Governments,—the Ministers or Members who were charged with administration of roads,—representatives from the railways, whether Company-managed or State-managed, representatives from the river transport companies, and, finally, from road development interests. It may be claimed, therefore, that any decisions taken by that body are decisions that are entitled to respect. When so many divergent interests have expressed themselves in agreement, that agreement must carry with it some considerable authority. The Resolutions are interesting and those who want to read them will find them in the appendix at the end of the printed proceedings of the Road-Rail Conference. But I should like to read over to the House the first of their Resolutions because it seems to me that it constitutes the confession of faith of those varying interests. The Resolution reads as follows:

"This Conference is of opinion that, in the general public interest, the time has come for increased co-operation and a more intelligent co-ordination of effort between the various authorities and interests concerned, in the matter of:

(a) future Railway development, and of

(b) the future development of road communications, whether used for motor transport or other purposes,

so as to secure a more comprehensive and uniform plan of general development than at present exists.

In areas where uneconomic competition between railway and road transport has been proved to exist, such increased co-operation and co-ordination may necessitate the adoption, by mutual agreement, of measures designed to reduce such uneconomic competition to the minimum compatible with the maintenance of healthy competition.

Any comprehensive or uniform plan of general development must sooner or later involve a gradual expansion of facilities for rural motor transport, complementary to the railways and to other existing arterial forms of transport, but as internal district communications—apart from the main arteries—are largely controlled by local bodies, and intra-provincial co-ordination of effort must necessarily in the first instance be a matter for the Local Governments and Legislatures, who, in such matters, should consult and, to the best of their ability, co-operate with the Railway and other interests concerned."

I venture to think that few Members here will deny that in essentials this statement of the Road-Rail Conference is correct. I should also like to make a very brief mention of two other Resolutions which were adopted at the Road-Rail Conference and I do so because they have a very direct relevance to what will come later on. Firstly, the Conference was of opinion that the Road Fund should be continued permanently and at the same time that there should be a reconsideration of the classes of roads to which it should be applied. Previous to the Conference, there had been a tendency to concentrate on trunk roads and to refrain from the development of feeder systems. Secondly, the Conference recommended that there should be set up both in the provinces and at the Centre some machinery which would ensure the permanent co-ordination of the efforts that were being made in regard to traffic control and to road development.

The immediate results of the recommendations of the Road-Rail Conference were two. The Government of India accepted the recommendation that the Road Fund should be continued and they started again, in consultation with provincial authorities, to consider whether it was necessary to make any changes in the principles laid down to govern the distribution of the Fund. The same arguments as had been put forward in 1930 on behalf of the provinces were again pressed and again the Government of India had to refuse to the provinces the unconditional right to dispose of their share of the Road Fund as they wanted. On behalf of the

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smaller provinces, the more backward provinces so far as road development was concerned, the plea was put forward that the basis governing the distribution of the Fund was unfair. The larger provinces and especially those with large cities in them naturally consumed a very considerable amount of petrol. Those smaller provinces who had very little in the way of roads and therefore very little in the way of motor traffic were relatively in a very much worse position than the more highly developed provinces. To meet the case of these smaller and less developed provinces it was decided that the Central reserve should be 15 per cent. of the realisations instead of 10 in order that there might be available a larger fund from which grants-in-aid to provinces like Bihar, Orissa and Assam might be given. The rules were to a certain extent liberalised in that the Government of India agreed that expenditure need not be confined to works expenditure but that it would be a legitimate charge upon the fund to pay the cost of tools or plant required in order to carry out any particular scheme of construction. The Central Government were also at that time willing to allow the provincial share of the Road Fund to be used for the service of loans that might have been contracted in order to carry out schemes of road development. These results were embodied in the Road Resolution of the 21st April, 1934.

The second result of the recommendations of the Road-Rail Conference was the setting up in the provinces of Boards of Communications and at the Centre of the creation of the Transport Advisory Council. This latter body consists of the Members of the Government of India who are concerned with communications and the provincial Members, or Ministers as they now are, in charge of roads. It was brought into being so that there might be afforded an opportunity to those of us at the Centre and the concerned authorities in the provinces to discuss freely and informally the problems of transport that were of mutual interest and concern. The first meeting of the Council was held in January, 1935, and there emerged from the discussions of the Council a concise statement of policy. This was an agreed statement but it was not of course in the nature of a protocol binding on the various Provincial Administrations. On the contrary, it was agreed that it was subject to ratification by the Provincial Governments and for that purpose it was circulated to all Local Governments and has to a greater or lesser extent been ratified by them all. The recommendations of the Conference were shortly these, that all available resources should be utilised for the development of communications which did not duplicate existing means of transport, should be utilised on providing transport facilities where these did not exist, and on the construction of feeders to main roads and railways so as to promote the movement of agricultural produce towards markets. At the same time the Conference was of opinion that steps should be taken towards traffic control. They suggested the possibility of the limitation of the number of buses and the prescription of the routes on which buses might run. They wanted to set up reasonable standards of maintenance of vehicles. They suggested the medical inspection of drivers, and insurance against passenger and third-party risks. While these questions were under the consideration of Government, it became very strikingly and painfully apparent that the development of motor transport was out-running any steps that had been taken towards its control and co-ordination. The railways, already hard hit by the economic depression, were faced with still further

and more serious losses, were steps not taken to control or stop the rot that was setting in. The Government of India felt that they must reconsider their position. They could not afford to contribute from their own resources indefinitely towards a development which was ruining their railways. They thought that two things were desirable. Firstly, that there should be a very early initiation of closer control over motor transport, so that uneconomic competition might be eliminated. Secondly, they thought that the extension of the general system of communications so as to provide new access to railways and to open up areas inadequately served should be expedited. At that time, too, it was noticed that some of the Provincial Administrations had failed to utilise the contributions paid to them, in the way in which it was intended that they should be utilised, and that these sums, and considerable sums too, were remaining unspent and were really being utilised in order to maintain the ways and means position of the provinces rather than for the purpose of road development. The Government of India, therefore, placed before the Transport Advisory Council in 1936 their proposals for tightening up the administration of the Road Fund contributions to the provinces. Their proposals were naturally not very heartily welcomed, but ultimately the new régime was accepted and was given form in the Road Resolution of 1937. The main differences that are shown in the later Resolution are these. First of all, in order to prevent the accumulation of large unspent balances in the hands of provinces, it was decided that the provincial contributions should be retained at the Centre until such time as the provinces were in a position to spend the money. Provision has also been made in the latest Resolution that the whole or part of any balances standing to the credit of a province may be resumed if that province fails to take adequate steps for the control of motor vehicles or even if it delays unreasonably in the utilisation of the funds that have been placed at its disposal. Any such sums as may be resumed will in due course be distributed to the provinces that have shown co-operation. I may state, in passing, that there has been no instance of resumption in regard to those grants which have already been sanctioned. At the same time, in order to make the control over expenditure more effective, the Government of India withdrew the permission that they had before given in respect of the service of loans from the provincial contributions.

I have departed for a minute from the chronological sequence in order to bring the Road Fund story up to date but I now come back to the second Transport Advisory Council which met in July 1936. They made four very important recommendations. First, that immediate steps should be taken to amend the Indian Motor Vehicles Act, 1914. It was their opinion that an interim measure should be passed pending the possibility of carrying out their second recommendation, viz., that a complete overhaul of the Indian Motor Vehicles Act, 1914, should be undertaken in consultation with the Local Governments. Their third recommendation was that a committee should be appointed to investigate the desirability of compulsory motor insurance. And fourthly, they recommended that the incomplete road code which had been prepared and then abandoned should again be taken up. Action was at once taken on the first of these recommendations and in the September Session of 1936 there was introduced into the Assembly a Bill to carry out the interim amendment of Motor Vehicles Act. This Bill it was intended to send to a Select Committee, but the Bill was somewhat hardly handled in the course of debate and Government accepted a motion for its circulation. I do not

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propose to recapitulate the arguments that were used in the course of the debate on that make-shift Bill, but I have no doubt that the Bill would have been proceeded with in due course but for two important happenings. In the cold weather of 1936 there was appointed the Indian Railway Enquiry Committee and the terms of reference to that Committee laid special emphasis on the question of rail-road competition. Again in that year we accepted the recommendation of the Transport Council in regard to the insurance inquiry and a Committee under the chairmanship of Mr. Roughton also carried out an inquiry in that cold weather. The Government of India decided, therefore, instead of going on with the make-shift Bill, that they should wait until they had an opportunity of seeing what had been recommended by the Wedgwood Committee and by the Roughton Committee and at the same time they decided to attempt the complete overhaul of motor vehicles legislation which had been recommended by the Transport Advisory Council. The result is the Bill which is now before the House.

It is a very far cry from the Act of 1914 with its 20 sections to the present Bill with 137 clauses and 11 schedules. I should like to tell the House how we set about the drafting of the Bill. We had before us a very considerable amount of material. We had the recommendations of the Jayakar Committee, of the various Transport Conferences that had met; there was the Road-Rail Conference and the subsequent meetings of the Transport Advisory Councils and on the top of this we had the Wedgwood Report and the Roughton Report. But these recommendations were all in general form and we had to consider how to give practical effect to these general recommendations. The problem was tackled in this way. Mr. Mitchell, our Consulting Roads Engineer, to whose share in the production of this Bill I should like to pay tribute here, and Mr. Reynolds, a Police officer with very considerable experience of traffic control in the Bombay Presidency, set themselves to examine the steps that had been taken in the various provinces and in other countries in order to meet those problems with which we are faced. Drawing particularly on the experience of the United Kingdom, they drew up a summary of the heads on which legislation seemed to be desirable and that preliminary summary was circulated to all Local Administrations last July. We asked them to send us as soon as possible their criticisms and their advice after consideration of the summary. In order to assist the Provincial Administrations still further, we sent Mr. Mitchell and Mr. Reynolds on tour for three months. They saw the representatives of every Provincial Government and discussed with them the proposals of mutual concern and mutual interest. They came back to us with rather heartening news. They found in every direction a readiness to co-operate and to assist and their impressions were confirmed when we began to get the replies to the references which we had made to the Provincial Governments in July of last year. The general opinion appeared to be that a complete overhaul of the existing Act was called for and that in broad outline our summary of heads on which legislation was proposed was acceptable to them. This opinion, of course, was accompanied by a most reasonable reservation. No Provincial Government was prepared to commit itself absolutely until it had an opportunity of seeing our legislation in its final form. They also made the very natural reservation that, whatever the form of the legislation, it must

not trench upon Provincial Autonomy. Having got the opinions of the Provincial Governments, we then proceeded within the Department to draft a Bill which might be laid before the Transport Advisory Council which met in December of last year. This Bill, which was, of course, purely a departmental draft, was considered by a Sub-Committee of the Transport Advisory Council which modified it and changed it in certain respects. The full Council met thereafter and considered the Bill and accepted the modifications which had been made by the Sub-Committee. At the same time, it was made clear by all representatives attending the Transport Advisory Council that their acceptance of all or any part of the Bill was subject to further opinion when they had an opportunity of studying the Bill as a whole. I want to make it clear that I am not trying to convince the House that there has been complete unanimity on all sides about the provisions of this Bill. It would be, I think, too much to hope for that in a Bill of this size and of this scope there would be complete agreement. There have, no doubt, been one or two differences of opinion that may certainly be regarded as serious and to these I shall refer later on.

Now, I turn to the Bill itself. I do not propose to take Honourable Members clause by clause through this Bill. It is in its nature a highway code and must necessarily be made up very largely of detailed and complicated provisions. If these have to be discussed, I suggest that the appropriate time for that discussion is at the Committee stage. But I should like to draw attention to the general structure of the Bill and to refer to some particular clauses where there has been any departure from the past practice or where any particularly important matter of principle is involved. The first Chapter is, of course, preliminary. It consists mainly of definitions and I think it is unnecessary that I should refer to any of those. I would, however, invite the attention of Honourable Members to sub-clause (3) of clause 1. It will be seen that whereas it is intended to put the main part of the Bill into operation at once, the insurance provisions need not come into operation until a period of five years has elapsed after the commencement of the rest of the Bill. That is a recognition of the difficulties which might be experienced in suddenly putting into operation so revolutionary a proposal as compulsory insurance. It will be remembered that early in my speech I referred to the two main objectives of the Bill, the regulative aspect and the co-ordination aspect.

In Chapter II, we find the regulative aspect. In framing these provisions we have been concerned to provide that no person who is in charge of a motor car on a public highway should, by reasons of defects of physique or of discretion or of competency, be a danger to other users of the public road. We have made provision for the issue of licences and for their revocation or suspension when circumstances have shown that the owner of the licence is no longer fit to hold a licence and, more particularly, in cases where his unfitness to hold a licence has been exhibited by a neglect of the responsibilities which are inherent in the possession of a motor driving licence. It may appear at first sight that we have introduced a very high degree of regimentation of the individual and that we are interfering with his elementary rights. Apart from the fact that the individual has no elementary right to be a danger to other people, we have provided in clause 13 some protection for the individual against the arbitrary refusal of licences. Clause 13 gives a right of appeal. Though it may be true that there is some considerable degree of

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regimentation of the individual. I should like to point out that the regimentation will be not by the Centre but by the Provinces who will be charged with the carrying out of these provisions. We have left them very wide rule-making powers in order that they may, according to their own wishes, regulate their licensing system.

Whereas Chapter II dealt with the man, Chapter III deals with the machine and lays down the conditions which must be fulfilled in order to secure registration of motor cars. The most important change of substance, and one that I trust will be welcomed, is to be found in clause 28 which provides that registration in any one Province will be recognised as valid for the whole of British India. This is a proposal that has sometimes been looked at with a certain amount of suspicion because of the close association that there has always been between registration and taxation, but we make it quite clear in the clause that though registration in one province means universal validity, it does not convey any exemption from provincial taxation. We have also laid down special conditions in regard to transport vehicles. In their case, we insist that their registration certificate must show what is practically the maker's specification of the vehicle and the load for which it is designed. The importance of this provision should be viewed in relation to later provisions of the Act which are aimed at the prevention of overloading of vehicles. If the controlling officer is in a position to see at a glance what is the permissible load for the particular vehicle he is then in a position to determine whether the overloading has taken place or not.

In Chapter IV, we move from the regulative to the co-ordination aspect and here we are breaking entirely new ground. There was in the 1914 Act no provision for the control of transport vehicles. The justification for introducing these control provisions, I think, must be obvious. It has been accepted as axiomatic that there should be co-ordination of all forms of transport. Now, Sir, co-ordination without control is an impossibility. Our scheme is this. No transport vehicle may use the roads unless under the authority of a permit issued by a transport authority. It will be incumbent on Local Governments to appoint Regional Transport Authorities who will operate within specified areas within the province, and if they so wish they may also constitute a Provincial Transport Authority to co-ordinate the activities of the various regional authorities. The provinces will of course have the widest discretion as regards the composition and the jurisdiction of Regional Authorities. In the clauses from clause 43 onwards, we lay down the general principles which should be followed by the Regional Transport Authorities. The considerations to be kept in mind vary according to the nature of the vehicle for which the permit is asked and for that purpose vehicles are put into four classes. First of all the stage carriages; that means really motor buses on recognised and regular routes. The second class is contract carriages represented mainly by taxis. The third class is the private carrier and the fourth is the public carrier. As regards the first two and the last of these classes, the considerations which we expect will be borne in mind by the Regional Authorities are these. First of all public necessity and public convenience, the prevention of uneconomic competition and the suitability of the roads to carry traffic for public carriers. There is the further consideration that while short distance traffic and the carriage of perishables by road should not be interfered with, long distance transport should ordinarily be left

to the railways. We make a distinction in favour of the private carrier. He is not required to justify his application as the public carrier may be called upon to do and provided the roads are fit to carry extra traffic, it should be the case that the private carriers permit will be issued as a matter of course.

In this Chapter, in clause 61, we have introduced what I think is probably entirely a new provision. We have laid down limits for the hours for which the drivers of motor transport vehicles might work. It is well known that a very frequent cause of accident is the weariness of the driver who has been overworked and has been driving for too long a period. I have informed the House that the intention of the Bill is that it should be obligatory on the Provinces to set up Regional Transport Authorities. To this proposal exception has been taken and it has been proposed that the Bill should be permissive and should not be a mandatory measure. The Government of India, I may say, attach the very highest importance to the mandatory character of this particular provision. We are very happy to acknowledge the spirit of co-operation that is being shown in many of the provinces. We feel, however, that unless the control of transport is on a secure basis there seems little hope of carrying out successful and complete co-ordination, and we cannot think that control could ever be on a secure basis unless this particular provision is made mandatory.

Chapter V imposes on the owners of motor vehicles the obligation to maintain these vehicles in proper repair and in an efficient state, and we have given very wide powers to Provincial Governments to make rules to ensure that all motor cars operating within their jurisdiction should conform to standards which make for public safety and which make for public convenience.

In Chapter VI we provide for the control of traffic. First of all, we seek to lay down speed limits and in the Eighth Schedule will be found the speed limits which have been suggested for various categories of vehicles. These limits have been reached after discussion with traffic authorities and after consideration of the safe speed in each case. The chapter goes on to lay down the limits of weight for vehicles using the roads. This is to some extent a safety provision but its value is greater to those who are concerned to maintain the roads. It is of the utmost importance to them, with their limited resources, that such vehicles should not be allowed on the roads as will rapidly cause them to deteriorate. We lay down these maximum limits of weight and speed, but we give Provincial Governments full power to vary them should the particular circumstances of any or all the roads in their provinces necessitate a modification. The rest of the chapter resembles very much what is called the Road Code in the United Kingdom, that is to say, provides for the erection of traffic signs, for the giving of manual or mechanical signals, definition of parking places and so on. These are all matters of detail.

Again Chapter VII is not of any considerable importance. It merely seeks to give effect to an international Convention for the circulation of motor vehicles. It covers the case of tourists arriving in this country for temporary sojourn. An international driving pass and international license will be recognised under this law as an effective substitute for a local license and registration.

Chapter VIII requires somewhat longer mention. This is a chapter which deals with compulsory insurance.

Mr. President (The Honourable Sir Abdur Rahim): Perhaps the Honourable Member would prefer to continue his speech after Lunch.

The Honourable Sir Thomas Stewart: Certainly, Sir.

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

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

The Honourable Sir Thomas Stewart: Sir, when the House rose for lunch, I was proceeding to a consideration of Chapter VIII of the Bill. This Chapter relates to the compulsory insurance of motor vehicles. Our proposals in this connection are based on the recommendations of the Motor Vehicles Insurance Committee. In the course of the ensuing debate Honourable Members will have an opportunity of hearing Mr. Roughton who was Chairman of that Committee and he will set out the case for insurance with greater authority and greater ability than I can do. But I can only say this; that the Government of India were very greatly impressed by the facts that were revealed by the investigations of Mr. Roughton's Committee; and they have felt it incumbent on themselves to put forward proposals for the protection of that unfortunately too large number who are the victims of motor accidents. It was somewhat appalling to read that the death rate from motor vehicle accidents in India is twice as high as that in any other country in the world. Whereas in New Zealand there are killed each year just over 7 people per 10,000 vehicles on the road, the corresponding figure for India is 100; and when we consider that perhaps the majority of the victims of these accidents here are poor and uneducated and—it may be—the sole support of a family, on humanitarian grounds alone there appears to be an overwhelming case for compulsory insurance. I recognise the strong arguments that can be advanced against it. Insurance means additional operating cost and the owners of motor vehicles who depend on them for their livelihood have very often very little margin on which to work. But the findings of Mr. Roughton's Committee have encouraged us to think that the burden that will be placed on the bus owner will not be heavy. One anna per passenger for a hundred miles or two annas per ton of goods for a whole day does not, I think, represent a very heavy incidence. The proposal has received very widespread support and though all Provincial Administrations are not in agreement with us as regards the necessity for making these provisions compulsory, we feel strongly that we must put our view before the House and ask for the support of Honourable Members.

I do not think that I need detain the House with a description of Chapters IX and X—these refer to offences, penalties and procedure. If in the opinion of Honourable Members any of these provisions are inadequate or unnecessary then the committee stage will, I submit, provide the opportunity for putting matters right. At this stage, however, I do not think they require our further consideration.

That, Sir, is an outline of our Bill. However detailed and however complicated it may seem, it may, I think, be briefly described as a measure which is designed to give effect to certain general principles the propriety of which has long been acknowledged, general principles moreover which have been debated on the floor of the House on the

occasion of the motion on the Bill which we have now dropped. In pursuance of the decision of this House, the 1936 Bill was circulated for opinion and the opinions received have been given to all Honourable Members. This new Bill has been drafted after long and close consultation with provincial authorities and there will be available to the Select Committee and to all Honourable Members further opinion of Provincial Administrations and of other interests before the Select Committee meets. It is not our intention that the Select Committee should meet in the present Session. It appears preferable that it should meet some two or three months hereafter. I cannot at this moment suggest any definite date; but it will probably be in the month of July.

I commenced my speech this morning with a reference to the amending Acts in connection with Company law and Insurance law. Those Bills were debated on the floor of this House in no party spirit but in the realisation that they were for the common good. I trust that Honourable Members will regard the present Bill in the same light. It promotes the interests of no particular party, or of no particular section of the community and, Sir, that being the case I feel that I may confidently commend my motion to the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That the Bill to consolidate and amend the law relating to motor vehicles be referred to a Select Committee consisting of Mr. J. A. Mackeown, Sardar Bahadur Captain Dalpat Singh, Lieut.-Colonel M. A. Rahman, Mr. F. E. James, Mr. P. J. Griffiths, Sir Muhammad Yamin Khan, Mr. Suryya Kumar Som, Mr. Muhammad Azhar Ali, Khan Sahib Nawab Siddique Ali Khan, Mr. Sham Lal, Mr. Satya Narayan Sinha, Mr. K. Santhanam, Pandit Sri Krishna Dutta Paliwal, Mr. N. C. Chunder and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Am I right, Sir, in understanding that the Honourable Member has agreed to circulate the Bill to the various interests concerned besides the Provincial Governments, as an executive measure, before the Select Committee meets?

The Honourable Sir Thomas Stewart: Yes; that was my intention.

Mr. T. S. Avinashilingam Chettiar: Then I do not move the motion for circulation.

Mr. B. Das (Orissa Division: Non-Muhammadian): When I saw this omnibus Bill which the Honourable Member has introduced for the purpose of controlling traffic of omnibuses in India, my first impression was that it was designed to put further halts round the necks of those innocents—the provinces, that are trying to function under the so-called Provincial Autonomy devised by the new Government of India Act. The more we attempt to get responsible government in this country the more are we denied the United Kingdom system of government here by the Honourable Members of the Treasury Benches. And yet the Honourable Member for Communications was pressing for everything that was good in the United Kingdom, and he wants to introduce the United Kingdom system of control of motor vehicular traffic in India. He says that everything that is prevalent in the United Kingdom as regards such transport system is good and must be introduced. But my Honourable friend conveniently forgets that, while the *per capita* income of the United

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Kingdom people is somewhere in the neighbourhood of £100, in India it is limited to Rs. 50, and the costly paraphernalia, the costly system of administration that is the inherent characteristic of this Bill will not permit the provinces and various local administrations to carry out such control with the same meticulous standard as the United Kingdom does in practice.

My Honourable friend is not the author of this Bill; he is rather the foster-father, because his predecessor, not in the Department of Railways but in the Department of Industries and Labour, was in charge of the Road Fund. The Honourable Member, though he is the Member for Communications, has to bear in mind that he has a very heavy responsibility because primarily he is the Member for Railways and any step-motherly treatment towards the newly acquired departments which have been transferred to his portfolio from the Department of Industries and Labour will react very unfavourably and he will have to handle them very carefully and very impartially. I never expected that the Honourable Member for Communications would control the Road Fund. I expected that it would be under the Member for Industries and Commerce, but the very fact that the Governor General in Council decided to hand over the control of the Road Fund to the Member for Communications throws on the latter an additional responsibility of trying to be impartial to that system of transport which he may forget as the controller and boss of the mighty Indian railways which has got a capital investment of Rs. 800 crores.

The Honourable Member's predecessor in the Industries Department was not very happy when he moved his Resolution in 1937. That Resolution was passed in this House when most of us were absent. When I read through the speeches made on that occasion, two of them struck me, and they were the speech of our former friend, Mr. George Morgan, and also that of you, Sir. Both of you strongly criticised the policy underlying the control of the Road Fund, whereby the Government of India wanted to control further the Provincial Governments in their discretion as to how to build the roadways, as how to control the road traffic and as to how to control the motor vehicles. If there was any idea that there was autonomy in the provinces, that Resolution took away the last vestige of right of the Provincial Governments.

The Honourable Member was referring to the Transport Advisory Council Conferences. I was looking in the Library and I found there the Road-Rail Conference Proceedings of 1933, but the documents relating to the conferences held thereafter are not published. In the Library I found a cyclostyle copy of the Minutes of the Second Meeting of the Transport Advisory Council, July, 1936, on which the Resolution of Sir Frank Noyce was based and on which perhaps the main clauses of this Bill are based.

Mr. M. S. Aney (Berar: Non-Mohammadan): Is it signed as a true copy?

Mr. B. Das: It is a true copy. If it is not, the Honourable the Member for Communications might say which part is not true. Sir, at that time most of us were agitated as to the behaviour of the Government of

India in the matter of their relation with the provinces. I find that most of the provinces dissented from the subject matter under discussion. I find on item No. 1:

"The representatives of the Governments of the United Provinces, the Punjab and Bihar dissented."

Further on, it says:

"The representative of the Government of the United Provinces did not accept the skeleton system proposed in their case."

As regards Part II, control of traffic on which my Honourable friend talked so much, I will only quote what is indicated here. I have not got with me the exact view of the provinces because the Honourable Member has not thought it fit to publish it:

"The representative of the Government of the Punjab dissented . . . The representatives of the Governments of the Central Provinces and the North West Frontier Province could not undertake to give immediate effect to this."

Further about the application of money

The Honourable Sir Thomas Stewart: Would the Honourable Member be so good as to tell me what he is reading from? Is it a press note?

Mr. B. Das: "Concise Statement of Policy adopted at the Second Meeting of the Transport Advisory Council, July, 1936".

An Honourable Member: Is it a newspaper report?

Mr. B. Das: No. It is a copy of the proceedings kept in the Library by the Industries Department. It is a cyclostyle copy. They did not publish it and circulate it to Honourable Members. About the administrative machinery about which some of the clauses in the Bill give such detail I find:

"To this end it is desirable that wherever possible Secretaries to Boards of Communications should be appointed who have adequate leisure to carry out their duties thoroughly. In certain provinces it may be necessary to have a special Road Engineer acting also as Secretary to the Board of Communications.

(The representative of the Government of the United Provinces dissented.)"

Mr. M. S. Aney: What did Bihar and Orissa say?

Mr. B. Das: As regards Miscellaneous, I find that the representatives of the Governments of Madras and the United Provinces dissented.

Mr. M. S. Aney: Let us know who agreed.

Mr. B. Das: Only the Government of India and the Railway Board presumably!!

By the conditions attached to the Road Fund, the freedom of the Provincial Governments has been taken away. I find here that four or five conditions had been discussed in that Advisory Council of which, I believe, Sir Frank Noyce was the Chairman. On proposal part I, Madras, Bombay, Punjab, Assam and N.-W. F. P. dissented. About part 2, Bengal, United Provinces and the Central Provinces dissented. Then about 3 and 5.

[Mr. B. Das.]

Bengal, United Provinces and Bihar dissented and about 3, the United Provinces and Bihar dissented. I am not going to analyse this and make a long speech on the subject of the conditions on which the Road Fund grants were made.

My Honourable friend referred to the Jayakar Committee. Mr. Jayakar was then the Leader of the Opposition in this House and those of us who were his colleagues on the floor of the House welcomed this Road Fund, that petrol should be taxed and that provinces should get more money so that they can have extra roads in their territory, but then there was no issue of the rail-road competition. Then the mighty bosses of the railways did not bring influence through the Railway Member and applied pressure on the Member for Industries so that the Road Fund should be so distributed that provinces instead of being free agents become nothing but handmaids of the Government of India. We were no parties to that Resolution. I know my friends of the European Group did not like that Resolution. We would have thrown that Resolution to the winds, especially that part which is an obnoxious part, namely, that if a Provincial Government does not agree to control of the Government of India, the Government of India will withdraw the share of that particular province and distribute it to other docile provinces. The paragraph of the Resolution says that if any province delays without reasonable cause the application of the Road Fund and the allocation or the re-allocation as the case may be, then the Governor General in Council will withhold the money and my Honourable friend now controls the functions of the Governor General in this matter. The whole idea was that the railways should not have road traffic as competitors and therefore they passed this Resolution whereby the Provincial Governments were directed "not to spend any money which will create parallel traffic to the railway traffic in this country". Well, Sir, the House has passed it and the Government of India have given effect to it. As a result of this Resolution, we expected that the Government of India would introduce a motor traffic control Bill but we never thought that the Bill would tax the Provincial Governments so heavily. Some of my friends think this is a good Bill but it gives the Government of India power to make rules, bye-laws and fix licencing fees and so on, even to say what badges and uniform shall be worn by drivers. Of course, they say "may" do so and so. I am not a lawyer but I know that in these cases "may" means "must". Every vehicle whether it is a stage carrier, public carrier or private carrier can be weighed at the instance of an officer. There will have to be weighing machines in every district headquarters. I am glad to know that my Honourable friend, Sir Thomas Stewart, is going to pay.

The Honourable Sir Thomas Stewart: On a point of explanation. We have already paid for a considerable number of weighing machines.

Mr. B. Das: There are 250 districts in the provinces. Is it the intention of my friend that there should be a weighing machine in every district headquarters and if he takes sub-divisional headquarters also, he will want more than a thousand weighing machines. Representing as I do the districts of a deficit province, I know how the provincial staff are hard worked and the Ministers in the provinces are planning out rural development and such other work as will benefit the masses. If this Act comes into operation, every district must have one or two whole time officers in the Indian Civil Service or the Provincial Civil Service and one or two

police assistants who may be eventually called traffic inspectors and these will be busy to administer this Act and to catch hold of every motor car, lorry, etc., that may be plying and levy a penalty. The provinces cannot stand this strain, unless the Government of India provide a subsidy from the Railway Department or enhance the petrol cess from two annas to three annas, so that the provinces can get additional fund for the administration of this Act. The Resolution that I referred to a few minutes ago does not permit the provinces to spend money on the maintenance of roads except in certain specific cases referred to by my Honourable friend, Sir Thomas Stewart, this morning. After 1929 the Provincial Governments went into constructing a large number of long roads but the Government of India does not finance anything towards the maintenance of those roads and those of us who have some experience of the maintenance of our own houses know how much it costs these Provincial Governments to maintain these roads. My Honourable friend may ask why these provinces take the money if they can't maintain new roads. That is a pertinent question. I would refer my Honourable friend to the Government of India Act where the Governor General in Council or the Governor General reserves to himself the right to develop road communications in the partially excluded areas and excluded areas and my Honourable friend who administers the Road Fund knows it how funds are ear-marked to build roads in these partially excluded areas. The officials may thus incidentally have good shooting. So I did express my views on the floor of this House in 1929 and I again repeat, my suspicion, viz., that the too much encouragement that the Government of India wanted to give to road construction was really a military policy. They found that the railways were costing them more. Therefore they wanted a net-work of roads and bridges all over India. Most of us on this side are very familiar with the situation in the country that commenced in 1928-29 and that went on thereafter up to 1934. Fortunately, we are living in a quieter time. (Mr. M. S. Aney: "Are we?") Yes, comparatively, we are not being arrested and hunted as we used to be. Naturally, the Government of India wanted roads all over India so that their armoured motor-cars could go from one district to another and from one province to another,—from, say, Bombay to Delhi and from Delhi to Calcutta. Sir, that was the grain of suspicion in my mind in 1929 and it still persists. I try to put it away but I cannot. There, Sir, it is. So it would have been better if we had the views of the full-fledged Provincial Governments, because now with a year's experience of administration they could have known how they could utilise the Road Fund,—whether they can take the full responsibility for maintaining these new roads that they have built either at the instance or at the suggestion of the Government of India, and how much extra financial burden they would have to shoulder in order properly to administer this Bill. Sir, I have suggested, and I do hope the Select Committee will take it into their consideration, whether the time has not come when the Select Committee should recommend that there should be a three annas excise duty on petrol rather than two annas and which should go to the Road Fund, and also whether the Road Fund should not be so distributed that money should be spent on the annual maintenance of those roads which have been built from the Road Fund. And besides I do hope that the Select Committee will also look into it that all cost of the extra expenditure incurred by any province for the administration of this Act for the control of motor vehicles, for licensing and so forth should be met from the Road Fund. Every item of it, even the publication of these ten or twenty forms at the end of this book, and even

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the cost of these beautiful road signs that are given in this Bill should be so met from the Road Fund. Sir, this is the one instance of a Bill that during my fifteen years' acquaintance with measures in this House I have come across where we have got such beautiful illustrations appended, and I hope it will be practised in future. But who is going to pay for them? Most of us have had the good fortune or the bad fortune to visit the United Kingdom and we know those costly and elaborate road traffic signals. Now, who are going to pay? I think the provinces can ill-afford expenditure on these luxuries. You can compel an Indian State to imitate or ape the United Kingdom but you cannot compel the provinces, that are living from hand to mouth and that cannot spend money upon education or upon the development of small industries or upon cottage industries, to spend money upon unjustifiable objects so that your motor-cars can go through at high speed and so that they may not meet with any accident. I do not mind these luxuries, these sign-posts, etc., being provided, but the Government of India must pay every penny of the cost.

Sir, this omnibus Bill has got many facets, as has been already alluded to by the Honourable the Mover, but I was particularly nettled when I read clause 28 which was also referred to by my Honourable friend, the Member for Communications. Clause 28 of course provides for motor vehicles registered in one province going safely through other provinces but I cannot understand what clause 28 (2) means. Clause 28 (1) says that:

"a registration certificate issued in respect of such vehicle shall be effective throughout British India."

Clause 28 (2) says:

"Subject to the provisions of section 23 and to any prescribed conditions, a motor vehicle registered by a competent authority in any Indian State or in the French or Portuguese Settlements bounded by India shall not require to be registered in British India, and any certificate of registration issued by any such authority in respect of such vehicle shall be effective throughout British India as if it were a certificate of registration issued under this Act."

Sir, I want to know where is the reciprocity that vehicles registered in British India will pass through Indian States and French and Portuguese colonies? Why make the Bill applicable to British India and bring the Indian States in under disguise? If Indian States are foreign territories to us and I do want them to be treated as foreign territories, why this compassion for them, and why allow their vehicles to go all over India? If the Honourable Member wants to be large-hearted or large-minded, why not apply this Bill throughout India? Why call it British India? Sir, the catch is in the Government of India Act. All legislation must be for British India. There are British officials that work in Indian States and there are those Indian Princes and their hangers on and the idea is that they can have their free rides in India but Indians who go there from this side must have to suffer. I do not want even to have reciprocity with Indian States. If they have been treated so long as foreign countries, let that be so. Now I will take up another section to which I have great objection.

My Honourable friend said that clause 44 (2) is designed in justification of co-ordination scheme. It may be a good co-ordination scheme

theoretically, but I want the Honourable Members of this House to read sub-clause (2) of clause 44 where power is given to the Regional Transport Authority. Then, I want the House also to bear in mind what the proviso says. It says that the maximum or minimum fares should be so designed that they do not exceed in any way the railway maximum or minimum fares. Sir, to me this is one of the biggest surprises that has come from the Honourable Member for Communications. When he was the Secretary for the Commerce Department and the Commerce Member used to speak, how often this House attempted to co-ordinate all means of communications under a Communications Member and to fix maxima and minima rates for all traffic? How often have we discussed the maxima and minima rates of the inland and external navigation and also of coastal traffic. I remember my Honourable friend, Mr. K. C. Neogy, had a Bill passed a few years ago which was thrown away by the Government afterwards whereby he wanted to fix the maxima and minima rates for inland steam navigation. My Honourable friend has assumed the garb of the Member for Communications but it is very difficult to justify the mantle which he has assumed. I think the Honourable Member for Communications has forgotten that there is such a thing as inland steam navigation or coastal navigation and he has quietly handed over that function to the Commerce Member. I am glad my Honourable friend, Mr. Dow, is here and we will be glad to have a speech from him on the subject. I ask the Members of the Treasury Benches this question: Why is it that the roads have suddenly become a part of the functions of the Member for Communications and inland or coastal navigation has been ignored by him? Why is it that the Member for Communications wants to fix the maximum and minimum rates for motor vehicle traffic only? And why is it that my Honourable friend, Mr. Dow, fights so shy as not to fix the maxima and minima rates in inland or coastal traffic? That is the point which the Government of India will have to answer. Honourable Members might be thinking that human memory is short and the Members of this House have forgotten those Herculean battles we had with the Treasury Benches to fix the maxima and minima rates on the river traffic and canal traffic. Sir, I am only trying to point out some of the lacunae of this Bill, thereby showing that all is not gold that shines.

Then, Sir, I want to refer to another clause, clause 70. As I have already mentioned, this clause gives power to have vehicles weighed. My Honourable friend, Sir Thomas Stewart, is so generous that he said that he would supply weighing machines to all provinces. I have also one observation to make on clause 14 of the Bill about licensing. Sub-clause (3) says:

"A licence issued under this section shall not entitle the holder to drive any motor vehicle except a motor vehicle which is the property of the Central Government."

Sir, I do hope that all vehicles owned by Provincial Governments and the Central Government will pay the licensing fee. These vehicles should be treated as ordinary commercial or private vehicles are treated and they should pay the licensing fees. My Honourable friend, the Member for Communications, said so feelingly that in India the number of accidents has gone up. I find the Defence Secretary is not here, otherwise, I would have asked him why these unlicensed Government vehicles cause so many accidents? Why there had been so many joy-rides after the war? Most of us can take back our memories 10 or 12 years when

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we used to find motor cars damaged on road sides throughout India which were driven by officers and their sweet friends. I do not know if the Government of India being the sovereign power in India want to give their officers unbridled licence to do anything they like at the cost of the poor tax-payer and to ply these unlicensed vehicles on the King's highways and create more accidents. Of course, it does not matter if the Army Department loses 100 motor cars because the Finance Member will give them another 5 lakhs to buy better motor cars of better design and the latest model. Let the law be uniform. We are not living in war times; we are living in normal times. Therefore, every motor vehicle belonging to the Provincial Government or the Police officer or the Army officer must be licensed and if the Government of India or the Provinces have to pay for it, let them pay for it. Most of us who belong to the countryside know very well how the Government officials do not pay their licensing fees on motor cars. I think many of us can remember cases where a District Magistrate or a Sub-divisional Magistrate or a Superintendent of Police never pays the licensing fee to the municipal authorities. I hope, Sir, my Honourable friends who are members of the Select Committee will see that no lacuna is left and no loophole is left and that officials do not evade the law and do not deprive the District Boards and Provincial Governments of their legitimate licensing fees which they would otherwise have to pay. The officials would not pay and the municipalities are afraid of them.

I am glad to welcome my Honourable friend, Mr. Roughton, on the floor of this House once again as a Member. I would be glad to hear his views on motor insurance. I do not want the country to go insurance mad. If the country is forced to insure motor vehicles, then why, I ask, the Members of the Treasury Benches should not heed the request of my Honourable friends, Mr. Joshi and Prof. Ranga, for introducing old age pensions and insurance for industrial workers. I think that is a bigger liability on any Government that wants to call itself a civilised Government than compulsory legislation for insurance on motor vehicles that are to be worked by the Provinces. If it is to be applied five years hence, what right have the Government of India to impose on the Provincial Governments their will and still call it Provincial Autonomy and say that the Provinces are controlled by Minister and that Ministers can do anything they like. Sir, only last year this House was maddened by the agitation of insurance people at Simla and Delhi. Nobody now likes to hear about insurance. The insurance magnates might come again and might pester Honourable Members outside this House that this insurance provision must remain in the Bill so that in anticipation of large premiums business five years hence, some of them might be thinking of spending a few lakhs more than they are spending today. I submit, Sir, insurance is necessary to a certain extent, but I cannot agree that it should be made compulsory. Have you got compulsory education in India? Today the Government of India say they have abdicated, they say "we are nobody, we make this law and the Provinces will administer". I submit, Sir, the Government of India sit here as grandfather or granduncle or grandmother and they want the provinces to administer this Act and thus throw the whole responsibility on the provinces. What business have the Government of India got to saddle the provinces with this responsibility which they are not prepared to shoulder themselves.

Mr. N. M. Joshi (Nominated Non-official): What about the people who suffer?

Mr. B. Das: Perhaps my Honourable friend, Mr. Joshi, did not listen when I was saying a few minutes ago supporting his claim for old age pensions, otherwise he would not have made this interruption. I want the Members of the Select Committee to make sure that this word "may" in these different clauses is not made binding or compulsory on the provinces. It is the mailed fist under the smile of the Government of India, because the mailed fist is the Resolution on the distribution of funds and there the Government of India control the actions of every Provincial Government. So, Sir, I am not very happy that this Bill has been introduced. I hope my colleagues in the Select Committee will examine every aspect and I do hope the Provincial Governments will examine all aspects underlying the purpose of this Bill, hidden as well as revealed. I do hope the debate that we are having on this motion will be circulated to the Provincial Governments so that they might know what the representatives of the people have spoken here and what were agitating their minds here. I do not want simply a circular from Messrs. Kirkness and Mitchell on the lines of United Kingdom pattern of safety on roads. We could profitably have many United Kingdom patterns. When there is no chance of the United Kingdom pattern of Government here, we are not to be forced to have this United Kingdom pattern of luxury. Sir, this Bill will create additional expenditure in the provinces and I am, therefore, averse to it.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this Bill, as the Honourable Member for Communications has made it clear, has two aspects, firstly, regulative and secondly, co-ordinative. Regulation and co-ordination are in the abstract excellent words. But when translated to the concrete, they may give rise to many difficulties of a serious character. I myself believe that within certain limits regulation and co-ordination are desirable objects, and they are necessary; but there are various dangers which it is our duty to guard against.

Sir, I will take these two aspects, seriatim. As regards the first, it has been pointed out that the Act of 1914 is now a quarter of a century old and during the intervening period motor locomotion has made a great deal of progress. In order to grapple with the problems which have come along with the tremendous increase in motor locomotion, various Committees and Conferences have been held. Now, Sir, we do not object to regulation; but with regulation comes control. Control is also desirable, but differences arise as to the proper measure of control and the right methods thereof. Now, Sir, we all know it to be a notorious fact in India that very large powers are vested with the police whenever any legislative measure is passed. We also know how oppressive the police are in many of the Provinces. At the present moment, I am glad to be able to say, that in the Congress provinces a very great improvement has taken place in the attitude of the police towards the general public.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Why not in Bengal?

Dr. P. N. Banerjee: No such improvement has become appreciable in the non-Congress provinces. So far as my own province, Bengal, is concerned, I have not yet discerned any improvement at all. I should, therefore, hesitate to vest very large powers in the hands of the police.

Coming to the second aspect of the Bill, namely, co-ordination, I should like to ask in whose interests is this co-ordination to take place? If this co-ordination was to be made in the interests of the general public, I would most gladly welcome it. But the Honourable Member in charge of this Bill observed that this was to be in the interest of the railways. He went so far as to say definitely that long-distance traffic should be left with the railways, whereas only short distance traffic should belong to motor cars and motor buses. Sir, I do not think the general public in India will agree to this solution of the problem. The general public in India want alternative modes of locomotion and transport and they will never agree to give away the more convenient methods of transport in favour of the railways. If Government want to increase their railway earnings they will have to take various measures in order to improve the railways. They will have to increase the comforts on the railways; they will have to reduce the fares of the passengers and take other necessary steps, so that there may be a free and unrestricted competition between the railways and motor traffic and still the railway revenue may prosper. To seek to restrict competition by artificial means would be doing a great injury to the public. I hope, therefore, that the provisions of the Bill will be so amended as to secure the general interests of the public.

Sir, there are many provisions of the Bill which are of an important character. One of these provisions is that once a car is registered, the registration will be valid throughout British India. Also there are provisions relating to the improvements of motor-cars, buses and lorries, and I hope these improvements will be insisted on in order to serve the convenience of the travelling public and not in order to improve these means of locomotion and transport out of existence. Sir, I welcome the provision relating to insurance, although it is doubtful whether it will be practicable to enforce this provision compulsorily within the next five years.

Sir, this Bill is a very complex measure and it is clear that all the provincial Governments have not agreed to the various clauses of this Bill. There have been considerable differences of opinion and in view of this fact I would have supported the motion for circulation of the Bill if it had been moved. Unfortunately, this motion which appeared on the agenda was not moved and the Bill has to be referred to a Select Committee. I hope the Select Committee will take the utmost care to rid this Bill of its undesirable features and make it a beneficent measure. In this connection I wish to lay down a number of principles which should guide the deliberations of the Select Committee. In the first place, nothing should be done to encroach upon Provincial Autonomy. Some of the Provincial Governments, as has already been made clear by my Honourable friend the Member in charge of Communications, have expressed the fear and the apprehension that Provincial Autonomy was going to be jeopardised. This fear should be laid at rest. Secondly, we should see that the convenience of the public in the matter of rail-road competition should be our watchword. We are all interested in the revenues of the railways but the railways should not secure large revenues by stifling competition. Thirdly, I urge that in the matter of exercise of

control only so much of control should be vested in the different authorities as is absolutely necessary, so that there may not be any opportunity for the exercise of excessive and oppressive powers. With these few words, Sir, I support the motion that the Bill be referred to a Select Committee.

Mr. T. S. Avinashilingam Chettiar: Sir, this problem of road-rail competition has been engaging our attention for some time past. There is no doubt that there has been a great deal of wasteful and uneconomic competition. There is not only competition between rail and road but in the road itself, because it is unregulated, and there is more competition than there is business. In the report submitted by Messrs. Mitchell and Kirkness they have given a somewhat indifferent calculation of the losses suffered by the railways on account of road traffic. On pages 12 and 13 they have calculated that from passenger traffic alone the railways are suffering to the extent of about 186 lakhs. Apart from that, there is the goods traffic from which also the railways must suffer to a considerable extent. As between the motor-car and the rail, Sir, I would certainly choose that the buses and the cars should go away, and for a very good reason. Even though the control of this House will be to a certain extent taken away with the establishment of the Federal Railway Authority, it continues to be somewhat of a national asset. But every pie that we put into a motor car goes to the foreigner. The plug, the screw,—in fact every part of it goes to the foreign countries and nothing is made here. The petrol on which it runs and the mobil oil which is necessary for running it,—even that comes from the foreign countries. In fact, as a friend of mine used to say, every motor car bought in this country means about 20 acres of land sold to a foreigner without a price. That is, we have to give the produce of 20 acres of fertile land to keep up and maintain a motor-car in this country, and every bit of it goes to a foreign country. As far as the railways are concerned, except the purchase of locomotives and the purchase of boilers and certain other things which we are not able to produce in this country, I believe a great deal of the profit that accrues to the railways remains in this country.

An Honourable Member: It is less than half per cent.

Mr. T. S. Avinashilingam Chettiar: In my opinion if cent per cent. goes to a foreign country in one matter and if there is something remaining in this country by another alternative, I would rather choose the alternative. And for that reason I would think, apart from the avoidance of the wasteful competition that exists today, that wherever it is possible it is good that we give some business to the railways. But that does not mean that I am against competition. Competition is very good and without competition the railways deteriorate a good deal. I know how with this competition the railways have somewhat improved recently. On page 30 of their report, Messrs. Mitchell and Kirkness have given measures that the railways have taken because of the road-rail competition. The measures that they have taken are, cheaper tickets, cheap return tickets, running of more trains and the speeding up of trains. It is my experience and I hope it is the experience of all of us that competition sharpens our outlook and the railways have been all the better for the competition that has existed recently. The civility of the officers today, their catering to the needs of the people and to the third class passengers in particular is not a little due to the competition of

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the buses with the railways. Apart from the value of competition to the railways, I would urge upon the Railway Administration and upon the Government that the introduction of this Bill should not mean that with the help of this Bill they will coerce road transport and try to eke out an existence for railways even where the railways are not efficient. I know many railway lines which are not efficient today. In my own district there is a good example: from Podanur to Pollachi is a distance of 24 miles and the rail takes nearly two hours and more, and sometimes even 2½ hours to do this distance which the bus does in an hour and a half.

Mr. M. S. Aney: You are sure to reach?

Mr. T. S. Avinashilingam Chettiar: We are sure to reach. In these circumstances, unless the railway authorities make up their minds to better themselves, there is no justification for their competing with the road traffic. I hope the Government have appreciated the view that what we want by co-ordination is not that everything should be sacrificed to the needs of the railway, but that the transport of the people will be improved much more than it is today. The Mitchell-Kirkness report says that the present need today is for closer co-ordination of various means of transport, as that maximum efficiency may be achieved. In guarding the efficiency, we should have regard to the time and other conveniences of the passengers and also of the goods traffic. I would refer the House to clause 44 (1) (c) which says:

"A Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regard to the following matters, namely:

"the adequacy of existing passenger transport services between the places to be served, the fares charged by those services and the effect upon those services of the service proposed."

So also in clause 47 (a); and clause 50 (b) talks of the "desirability of limiting long distance transport of goods by road where reasonable facilities for such transport already exist". Clause 52 (c) and (d) also deal with the adequacy of existing transport services for the carriage of goods upon the routes or within the area to be served and the effect upon those services of the service proposed. I hope these sections will not be interpreted to mean that wherever there are railways the road traffic should not be allowed. Road transport should not in any way be made to serve only the purposes of the railways. The main consideration should always be the convenience of the passengers and the public concerned. Clause 41 also says:

"A Regional or Provincial Transport Authority shall be constituted in one of the following manners, namely:

(a) as a tribunal consisting of one or more members being officials in the service of the Provincial Government; or

(b) as a body of officials and non-officials, including at the discretion of Provincial Governments representatives of persons or undertakings engaged in the business of transport:

Provided that, where such representatives are included, equal representation shall be accorded to the business of motor transport, railway transport and, where necessary, inland water transport."

I would like to know whether in the authorities controlling the railways any representatives are allowed to represent road transport. I would

also like to know whether in those authorities which control inland water transport, road representatives are allowed. As far as I am aware there are no representatives of road transport in the authorities which control the railways or inland water transport. And if that is the case, I do not see any reason why it should be made obligatory that equal representation should be accorded to representatives of rail and inland water transport on these road boards.

At the same time I want to make one thing clear, which has also been mentioned by my friend, Mr. B. Das. We are seeking to fix maxima and minima rates for the roads but not any maxima and minima rates for the competing services. I dare say that inland water transport and coastal transport services do form competing agencies; and when no maxima and minima rates are fixed for them, I do not see any reason why such rates should be fixed for the roads: that would lead to driving the road transport off the field. If the Government gives an assurance that they will come forward with a provision in this or some other Bill for fixing maxima and minima rates for other forms of transport which may compete with this road transport, it will be good; otherwise, it will injure greatly the road transport if this provision in the Bill becomes law.

The next point I would like to urge is this: so many restrictions have been imposed by clauses 44, 47 and 52, which govern the procedure to be followed by Regional Transport Authorities; in all these sections I find one thing common and that is—that the Regional Transport Authority shall have regard to the character, qualifications and financial stability of the applicant before granting the application. This is a great danger to the smaller owners. Today most of the buses, as both the Government and we are aware, are owned not by very rich people or very rich companies but by individual owners who own one or two or three buses, who eke out a living by that means; but today if the Government wants them to satisfy the Transport Authority that they should have character, qualifications and financial stability, I do not know what financial stability will mean; but of this we are quite sure, that it will affect adversely the smaller owners. As far as my district is concerned, I know many small investors with Rs. 5,000 or Rs. 6,000 who run a single bus in union with others with their own timings. There is an opportunity for small investors, where a driver and a conductor in partnership may invest a small amount and run a bus. But after this Bill as it stands is passed into law, I think it would affect the small investor rather hard and entrust this business also into capitalist hands or big companies.

Another matter I have not been able to understand in this Bill, and that is the differential treatment meted out in every particular between buses and cars owned by private hands and cars and buses owned by the Governments, either Central or Provincial. I have not been able to get at the reasons, and as far as I see, I do not know why there should be any difference in the treatment. It would form a separate caste of its own if such differentiation is maintained, and I do not see any difficulty in the cars and buses owned by Governments undergoing the same formalities as are undergone by the ordinary people. After all, if they have to make any payment, what they give with one hand will be received back with the other, but the formalities which they should go through must be uniform for both the people and the Government.

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One more point I would like to refer to. In clause 9, sub-clause (2)—I shall not read the whole sub-clause, as it is a long one, I will read only the last sentence.—we have:

"... a licence issued by a competent authority in any Indian State or in the French or Portuguese Settlements bounded by India shall be effective throughout British India so long as the holder is a *bona fide* resident in the Indian State or in such Settlements, as the case may be."

So also in clause 28, sub-clause (2), we have:

"Subject to the provisions (that refer to registration) of section 23 and to any prescribed conditions, a motor vehicle registered by a competent authority in any Indian State or in the French or Portuguese Settlements bounded by India shall not require to be registered in British India, and any certificate of registration issued by any such authority in respect of such vehicle shall be effective throughout British India as if it were a certificate of registration issued under this Act."

May I know whether those Governments and those States concerned have promised to consider the issue of licences in the British Indian provinces in the same way as we have under these two clauses promised to consider theirs? As far as I have gone through the provisions of the Bill, I have seen nothing to that effect, and unless this matter is reciprocal I do not think we are justified in having two clauses to this effect as regards registration and licences. We in South India have got States in our adjacent territories, and when we go—I know as far as Mysore is concerned,—I have gone many a time there,—we have been asked to pay taxes and they make distinctions in other respects also. I do not see any reason why, when they do not give us these concessions, we should give the same to them. In my opinion, they should be made reciprocal, and a proviso should be added that they should come into effect as soon as they agree to give those concessions to us. Sir, I support the motion.

(At this stage, three Members from the Congress Benches rose to speak.)

Mr. Deputy President (Mr. Akhil Chandra Datta): In calling Members of the Congress Party, I have to go by the official list submitted by the Secretary of the Party. Mr. Abdul Qaiyum.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, the Honourable Member in charge of Communications has a very non-violent method of putting his case, and he has thereby succeeded to a very considerable extent in disarming opposition. There is no doubt that the efforts made by him and his predecessors for co-ordinating the law about road transport deserve praise, and these efforts have culminated in this bill which seeks to bring some sort of order in road transport where so far chaos has been the rule. But there are certain dangers lurking in the proposals which have been embodied in this Bill to which I would like to draw the pointed attention of the Honourable Member for Communications, and I hope that when the Bill goes before the Select Committee due consideration and regard will be paid to these objectionable features or at least to those features which appear to me as objectionable.

The Honourable the Communications Member has given us a very graphic description of the history of the origin of this Bill,—how the idea originated about 20 or 22 years ago, how the idea has developed and how road-rail conferences took place, and how Messrs. Mitchell and Kirkness

published their momentous report on the questions of motor transport and road-rail co-ordination. This is all very well. But the fact remains that the real reason which has prompted the Honourable the Communications Member and the Government of which he constitutes a part is obvious. The competition of the motor transport had become so intense that the Railway Department could not hold its own against the new competition any longer. The Honourable Member for Communications was placed in charge of roads. He has been forced to bring a Bill which, though outwardly it aims at co-ordinating road and rail services, in fact, if this Bill is allowed to be enacted into law, will, instead of co-ordinating, most certainly result in subordination of the road services to the railway services. This thing is so obvious that it may be easily inferred from a mere glance at the provisions embodied in Chapter IV of the Bill.

There are some very good provisions in the other Chapters of this Bill but I shall not refer to them. In my speech I shall confine myself to Chapter IV which I consider is a very important chapter of this Bill. We start with the principle which is laid down in clause 40, that nobody will be allowed to drive a motor bus or a stage carriage or a motor vehicle engaged in carrying goods unless he is granted a permit by the Regional Transport Authority which will be set up under this Bill, and the said permit will have to be countersigned by the Provincial Transport Authority which will supervise the activities of the various Regional Transport Authorities in the province. This is the first important provision laid down in Chapter IV. When we come to clause 41 we find that there are provisions about the constitution of the Regional and Provincial Transport Authorities, and here the objection which I have to urge to this Bill becomes very obvious. Had the Honourable the Communications Member brought forward a Bill co-ordinating all the various transport services—railways, motor transport, inland steam navigation—and had set up a central board in India for the whole of India and provincial and regional boards working under it, aiming at the co-ordination of all these services in the interests of the general public in this country, no sane or sensible person could possibly have taken any exception to it. But we find that the co-ordination which is aimed at in this Bill is a sort of one-sided co-ordination: it is a co-ordination in favour of the railway services at the expense of the motor transport. If we examine clause 41, sub-clause (3) we find:

"A Regional or Provincial Transport Authority shall be constituted in one of the following manners, namely:—"

Part (a) says that Provincial Government will have the right to appoint certain officials on these Regional Transport Authorities. Of course, as far as this part of the clause is concerned, there can be no possible objection, because one can imagine and one can readily believe, that the officers who will be called upon to act on these transport bodies will be public servants who will have the good of the community at heart and who will be able to hold the scales even between the various competing transport services in this country. But when we come to sub-clause (b) of this Bill we find that the Regional Authority shall be "a body of officials and non-officials, including at the discretion of Provincial Government, representatives of persons or undertakings engaged in the business of transport". This, Sir, to my mind, is a very objectionable feature

4 P.M. of this Bill. There is no doubt that a temptation has been placed before this side of the House by leaving the matter to the Provincial

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Governments concerned, but I think that even though the Provincial Governments have been constituted on democratic lines, we cannot surrender the interests of the general public in this way even to such Provincial Governments. After all, the fact remains that an attempt is made here to smuggle the railway authorities through the back door and to set them up as members of these Regional and Provincial Transport Authorities. The result will be that they will have a say in the affairs of the motor transport industry in this country. We find that no corresponding provision exists like the provision laid down in sub-clause (b) of clause 41 in favour of the motor transport. This is an objectionable feature of the Bill. If there is going to be co-ordination, let there be an all round co-ordination. It is highly dangerous to transform one of the parties to a case into a judge, because it would be very unfair to the other party. The result is obvious. The motor transport will suffer because the railway interests will be supreme in these Regional and Provincial Transport Authorities. Further on, we find the following proviso:

"Where such representatives are included, equal representation shall be accorded to the business of motor transport, railway transport, and, where necessary, inland water transport."

Now, two-thirds of the transport will sit in judgment on motor transport. They are the interested parties who have forced the Government to bring this measure. Though outwardly this Bill aims at co-ordination, it really means subordination of the motor transport. This is a very objectionable feature.

Then there are other objectionable features. There will be contract carriages and stage carriages under this Bill. Very elaborately definitions have been set out in clause 2 of the Bill. In clause 44, we find that:

"A Regional Transport Authority shall, in deciding whether to grant or refuse a stage carriage permit, have regard to the following matters,"

I shall only refer to Sub-clause (c):

"the adequacy of existing passenger transport services between the places to be served, the fares charged by those services, and the effect upon those services of the service proposed."

Now, these various authorities shall have a very strong railway element and an element representing the inland water transport service. Whenever there is a question of the extension of motor service they will have a say in that matter and we cannot expect them to encourage motor transport which has hit them very hard. Then further on we find:

"and shall also take into consideration any representations made by persons already providing transport facilities along or near the proposed route or routes or by any local authority or police authority within whose jurisdiction any part of the proposed route or routes lies."

This is very unfair indeed. The motor business has absolutely no say in the affairs of the railways. When you are going to open a new line or change the fares or to attract a particular line of goods traffic, you simply do it. But when it comes to an extension of motor transport, there you give an effective voice to the railways and the inland water transport. This is far from being a fair and equitable method of dealing with this problem,

and it confirms me in my view that this is an attempt to subordinate the motor transport to other forms of transport. Then in sub-clause (2) of clause 44, we find:

"If it appears to the Regional Transport Authority that it is necessary or desirable in the public interest that the Regional Transport Authority should fix the maximum or minimum fares for any service which the applicant proposes to provide under the permit, the Regional Transport Authority may, after due enquiry, fix such fares and make it a condition of the permit that fares shall be charged accordingly."

By this provision, you are giving railways and inland navigation authorities a say in the matter of fixing the maximum and minimum fares of the motor transport business. It does seem to me that this is a highly unfair and an inequitable method of dealing with this problem.

No doubt there are abuses in the road transport. The system is absolutely chaotic, and some sort of order and codification of laws is absolutely necessary. The Act of 1914 is certainly out of date. 23 years have elapsed and motor transport has made rapid progress in the last quarter of a century. I again contend that this is not the proper method of dealing with this problem. You give the railway authorities a powerful weapon with which to crush their enemies. This will result in hitting an industry which provides a large amount of employment for a considerable number of people in this country, it also gives ample scope for investment of capital, not only to large capitalists but also to small investors. There are thousands of people in this country who own one or two buses and their livelihood depends upon running that particular bus. If these are the methods by which Government seeks to co-ordinate the system, it will certainly have a disastrous effect on motor transport in this country.

I now come to another important aspect of the Bill, namely, the contract carriage permit and in this connection clause 47 becomes very important. There are, I know, very dangerous provisions in this clause and I hope that the Select Committee will very carefully look into them. If this clause is placed on the Statute-book in the form in which it appears in the Bill, it will simply crush the motor transport industry of this country.

Sub-clause (b) of clause 47 says:

"the needs of the region as a whole in relation to the provision of passenger carrying transport (including the provision of adequate, suitable and efficient services and the elimination of unnecessary services) and the co-ordination of all forms of passenger carrying transport";

—and it proceeds thus:

"and shall, ~~also take into~~ consideration any representations which may then be made, or which may be made, by persons already providing passenger transport facilities of any sort of clause that local authority or police authority in the region to the effect that to another if contract carriages for which permits have already been granted is sufficient for transport within the region."

Now, very dangerous powers are being placed in the hands of these authorities. They will not only have the power to decide whether a particular transport company should be allowed to ply their buses or their motor-cars on a particular route; but whether it is desirable, according to the view of that particular transport authority, that such service should be allowed to function at all. You do not have any corresponding provision of law when you come to deal with the railways or the inland water transport system. Sir, as I have submitted at the very outset, this is a measure

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which aims at restricting the competition on the part of the motor transport industry and when in the Bill we find mention of uneconomic competition, it is obvious that it means the very keen competition which the railways have been experiencing at the hands of the motor transport industry in this country.

Then in clause 48 we find:

"A Regional Transport Authority may, after consideration of the matters set forth in section 47,—

- (a) limit the number of contract carriages
- (b) fix in the case of motor cabs the fares which may be charged . . . etc., etc.

Now, this is certainly killing all manner of competition.

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

There is no doubt that the motor transport in this country is providing very cheap fares and a very easy method of transport from one place to another not only for passengers but for goods. This has been a move in the right direction and it has been a sort of eye-opener to the railway authorities that a more efficient and cheaper way of moving goods and passengers has been evolved by the motor transport business in this country: and now if you are going to fix fares in the case of the motor-car, you are interfering in the normal inter-play of competitive economic forces. It is only these competitive forces which can bring about a healthy competition as between the various transport industries in this country, and it is only as a result of this open competition that the public at large can hope to benefit. But if you are going to interfere in this manner with the motor transport business, you are killing an industry which has been developing very rapidly and you are thereby putting the general public to a great loss, because they will be placed at the mercy of the railways. They will have to put up with incivility; they will have to put up with higher fares, and they will have to pay higher freight for their goods. Then in sub-clause (d) we find:

"restrict the use of a contract carriage as a stage carriage;"

Now, many complications have been introduced by these definitions which have been brought into this Bill. Stage carriages and contract carriages will practically be performing the same kind of duty, but the stage carriage will not be allowed to function as a contract carriage, and vice versa. These are meaningless distinctions to encourage no reality in fact, and the result of these fine hairs further on we find: that are sought to be brought into this Bill will be for many representatives as great handicaps on the motor transport services. The two distinctions which are very obvious to any thinking man are these. There are motor vehicles which take passengers to and fro and there are motor vehicles which take goods for reward or payment. These are the two logical definitions. But you go on dividing motor vehicles into those that take passengers in stage carriages and those that do so in contract carriages. You again divide those vehicles which are used for taking goods into private carriers and public carriers, and you are thereby only creating complications, and as a result of these complications you are placing great handicaps on the development

of this important national industry. This is not all. When we come to private carriers we find in clause 50 the same principle at work which aims at strengthening the position of the railways *vis-a-vis* the motor transport service in this country. By the way, a Regional Transport Authority will have representatives of the railways and of inland transport upon it because provision has been made for that without there being any corresponding provision for the unfortunate motor transport service having any voice in the affairs of the railways. Sub-clause (b) runs thus:

"the desirability of limiting long distance transport of goods by road where reasonable facilities for such transport already exist."

Now, "long distance transport of goods" has not been defined in that very elaborate section 2 of Chapter I where so many other definitions have been laid down; we do not know what "long distance transport of goods" means; and we know very well that there are transport facilities provided by railways practically in all parts of India for carrying goods over long distances. Does the Honourable Member in charge of Communications by inserting this sub-clause mean that he wants these public carriers to absolutely give up the business of taking goods to and fro,—which I think is a very legitimate business on their part which they have developed in a very efficient manner during the very short span of twenty-three years? Sir, it is obvious that this is not co-ordination. Any man will see that it is directly an attempt on the part of the authorities to crush the motor transport and to create a sort of monopoly for the railways. The railway system was being run in a very inefficient manner. It had so many defects which were only brought to light when the healthy competition of the motor transport exposed them to the public eye.

Then we go on to clause 52 dealing with public carriers. We find:

"A Regional Transport Authority shall, in deciding whether to grant or refuse a public carrier's permit, have regard to the following matters, namely:

- (a) the interests of the public generally, including those of persons requiring and of persons providing facilities for the transport of goods;
- * * * *
- (c) the adequacy of existing transport services for the carriage of goods upon the routes or within the area to be served and the effect upon those services of the service proposed;
- (d) the desirability of limiting long distance transport of goods by road where reasonable facilities for such transport already exist."

Now, in this particular Bill you are providing a very elaborate system of control,—registration, licenses, permits, the medical examination of drivers, the limitation of hours of work—a very desirable thing no doubt—the periodical examination of drivers, and compulsory insurance,—all these things are going to cost a good deal of money: and after creating all these complications and placing all these restrictions on this industry, you do not even allow it to handle goods freely from one place to another. You lay down a very ambiguous sort of clause that they shall not be permitted to take goods from one place to another if, according to the Regional Transport Authority or Provincial Transport Authority, such a distance is considered to be a long distance and if these authorities hold that there is a system of transport, *viz.*, the railways, already in existence. You create so many rules and regulations and then on the top of that you do not even allow them their right to freely carry goods from one place to another. Now, this is not co-ordination. It is a direct blow aimed at this industry with a view to crush it. In the same clause you find that the same authority shall also take into consideration any representation made by persons

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already providing transport facilities along or near the proposed route. This is also a one-sided provision. The railways will be given an opportunity to make their objections, and after their objections have been heard even then it will not be possible for this unfortunate motor transport business to handle a very legitimate and lucrative business, namely the carriage of goods over long distances.

Now, in clause 53 we find that even more onerous conditions have been inserted. I invite the attention of this Honourable House and of the Honourable Member in charge of Communications to this very dangerous clause where it is laid down:

"The Regional Transport Authority may, after consideration of the matters set forth in section 52:

(b) attach to a public carrier's permit all or any of the following conditions, namely:

(i) that the vehicle shall be used only on specified routes or in a specified area."

Another complication. You are specifying the route and you are demarcating and narrowing those areas. After these people have paid so much for this new registration, for these permits, for all these medical tests and for compulsory insurance, even then you considerably circumscribe their sphere of activities. You make it so narrow as to create complications for them. Then we find "that certain specified classes of goods only shall be carried". Now, this is a very dangerous provision. These various transport authorities will be vested with powers to decide what particular goods should be carried by these unfortunate transport companies. Now, in the case of railways and inland steam navigation, no such restrictions exist. I believe they can carry all manner of goods from one place to another for which there are people who are willing to pay, but in the case of the motor transport business you are making it impossible for them to carry certain types of goods and you are laying down a law on the point making it absolutely criminal for them to handle particular kinds of business which may be very lucrative indeed. Then, there is another onerous restriction, namely, "that goods shall only be carried for specified persons". This is the worst possible provision of all. In the case of railways you do not place this restriction as to the persons who will have the right to use the railways for carrying their goods from one place to another, but you bring in this very objectionable provision in the case of motor transport in the name of co-ordination and after stating in so many words that there was chaos in this industry and that you want to improve it and that you want to place it on a sounder footing. Then it is sought to be laid down:

"Any other condition appropriate to the service to be provided by the vehicle which the Regional Transport Authority thinks proper to impose in the public interest or with a view to prevent uneconomic competition."

Now, this is a very general clause. These new autocratic authorities which are intended to be set up have been invested with so many powers whereby they can crush the activity of the motor transport business. Not being satisfied with what you have done you lay down a final clause giving these authorities power to place further impediments and to heap further restrictions on this unfortunate motor transport business.

Now, there is one more clause of the Bill to which I wish to refer and then I shall have done with it. It is clause 59. It says:

"(7) Except as may be otherwise prescribed, a permit granted by the Regional Transport Authority of any one region shall not be valid in any other region, unless the permit has been countersigned by the Regional Transport Authority of that other region."

This is also a very annoying restriction. It is a well-known fact that buses ply between one province and another, and buses also ply between different parts of the same province. This Bill contemplates Regional Transport Authorities for various parts of the province and Provincial Authorities for different provinces. Now, supposing a bus takes on certain goods which have to be taken from Peshawar to Rawalpindi or from Peshawar to Attock or to Campbellpore, which is only 60 or 70 miles from Peshawar. Now, if this Bill becomes law, the unfortunate carrier, will not be able to take goods beyond the Attock bridge, because he will find that a new Regional Transport Authority and even a new Provincial Transport Authority is functioning. Now, if this dangerous provision is allowed to stay, the inter-provincial carriage of goods will be absolutely stopped once for all, because it will be very difficult for people to go from Peshawar to Lahore, a distance of 300 miles, to obtain permit from a Provincial Transport Authority of a neighbouring province.

Now, I have gone into certain provisions of Chapter IV with a view to show what I stated at the very outset of my speech that this is not co-ordination but a deliberate attempt at crushing motor transport. I have proved it by quoting chapter and verse and by citing all these various clauses and sub-clauses that so many restrictions are sought to be placed on the motor transport in this country. I wish to draw the attention of the Honourable the Communications Member to one thing. There is too much of doctoring in this Bill, too many pills which the patient may not be able to swallow, and too many clothes for the baby. You may find that while you are seeking to co-ordinate these various services, while you are attempting or aiming at placing motor transport in this country on a sounder and more efficient footing, you may end up by killing this very desirable and very important form of transport in this country. This is not the way to improve the condition of the motor transport business. It is not fair to bring in so many restrictions all at once. By all means have some restrictions which you consider absolutely necessary in the interests of efficiency, in the interests of economic competition, and in the interests of the general public in this country, but it is not fair in the name of co-ordination to crush a very important business which provides employment for thousands of people in this country, which gives considerable scope for investment of money on the part of the small investors as well as big investors in this country and which contains in itself the germs of considerable and even more rapid development in the near future. I hope that when this particular Bill comes out of the Select Committee, it will really be a Bill which will be workable and which it will be possible for human beings to understand. I request the Government not to impose so many restrictions all at once because it will be impossible for any human being to observe all the rules and regulations which are sought to be imposed under the provisions of what my Honourable friend, Mr. B. Das, described as an omnibus Bill. With these remarks, Sir, I resume my seat.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): Sir, the Honourable Member in charge of this Bill gave us a long

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and interesting history of this legislation. But what we are more concerned with today are the actual contents of the Bill before us and the probable effects of this Bill. This is not the occasion to enter into an exhaustive analysis of the various and detailed provisions of the Bill. I wish to concentrate on some of the major issues raised by this piece of legislation.

First of all, this Bill deals with a subject included in the concurrent list. Under the present constitutional dispensation, we, the elected Members, are bound to be reluctant about any legislation in this list, because there are the responsible Provinces which are empowered to legislate about these subjects, but this House, at least those in charge of legislation, are irresponsible. According to the provisions of the Government of India Act when this House passes a Bill, the Provincial Legislatures are prevented from passing legislation in any way repugnant to the provisions of the Central Legislature. Therefore, we should be careful in giving our consent to any such legislation and we should scrutinise the provisions of such legislation very carefully indeed. In this connection we should be very particularly careful in matters where this legislation takes away the powers from the Provincial Governments and vests them in the hands of the Central Executive. To some extent at least, this Legislature is representative. It has got a majority of elected representatives but the Central Executive is wholly irresponsible and therefore whatever powers are given under this Bill must be exercised by the responsible Provincial Governments and as few powers as possible should be given to the Central Executive. I gladly admit that this is also the principle which has largely been adopted in the framing of this Bill. But all the rules to be made under Chapter VIII are to be made by the Central Government. Perhaps this is due to the fact that matters concerning insurance and insurance business being under the jurisdiction of the Central Legislature, it is thought fit to entrust the framing of the rules to the Central Executive. Still, as a matter of principle, I would object to handing over the framing of these rules to the executive of the Central Government and I would suggest that public opinion should be concentrated on this issue whether the Central Executive should have this power of framing the rules under this Chapter and not the Provincial Governments.

Another constitutional point I would like to emphasize is this. Though this Bill at the end of every Chapter empowers the Provincial Government to make rules on various important matters, by implication it takes away the powers of the Provincial Legislatures to deal with these matters. For instance, at the end of Chapter IV, which is the vital Chapter of the Bill, the constitution of the Regional Transport Authorities and the constitution of the Provincial Transport Authorities have to be made by rules made by Provincial Governments, that is to say, Provincial Governments are to act as agents of the Central Government and the Central Legislature and they are not to act as agents of the Provincial Legislatures. Of course, the Provincial Legislatures have got the power to throw out their Ministry, but they have no power to introduce a Bill regulating the constitution of these regional boards and their functions. We should see that these powers are not taken away from the Provincial Legislatures. After all what is the importance in Provincial Autonomy is not so much the ministerial responsibility as the powers of the Provincial Legislatures. Ministers may come and Ministers may go. They might be there for a short

time. Sometimes irresponsible Ministries might be installed just as in the case of the last interim Ministries about whom we had such bitter experience. These interim Ministries might make rules and these rules will be binding. The Provincial Legislatures may be powerless to deal with the rules in any way. We should not allow such a state of affairs to continue. Therefore, whatever rules are made under this Act must be made on principles settled by the Provincial Legislatures and by the Provincial Governments as agents of their Legislatures. They should indicate principles and provisions on which the Provincial Legislatures are expected to legislate.

Now, Sir, coming to the substance of the Bill, much has been spoken about road-rail competition. It is no doubt one of the main objects of the Bill that it will be able to effect co-ordination of rail and road transport. I am not one of those who think that the railways can be allowed to deteriorate. Though they may not be under popular control, yet railways form one of the most valuable national assets and in the hope that some day India will get Swaraj, I want to preserve this national asset quite intact. Will this Bill help co-ordination? I submit the conditions under which this Bill is being enacted are not favourable for this co-ordination. On the one hand railways have been allotted to the Central Government, and though the provinces stand to gain a little by the prosperity of the Indian railways for the next three or four years and their interest in the financial prosperity of the railways is very strictly limited and is likely to vanish, on the other hand the provinces are bound to look to motor transport to supply their finances more and more. If prohibition is to be enforced, if other schemes are to be taken in hand, the provinces have to look to industrial enterprises, they have to look to commercial enterprises either directly or in some subsidised form to replenish their revenues. They have no scope for direct taxation. They cannot increase their land revenue, they cannot increase their court fees or registration fees or any other tax. They must only look to industrial undertakings, like electricity, they must look to commercial undertakings like motor transport in order to increase their revenues. I submit that motor transport has got a future which no Provincial Governments can afford to neglect. I think it is quite possible for a Province like Madras to get an income of a crore or so out of this motor transport, if it can only be properly developed. I do not think our Congress Ministries are going to allow the opportunity to be wasted.

Mr. F. E. James (Madras: European): Is the Honourable Member suggesting that he can get a crore of rupees out of motor transport in the Madras Presidency through taxation alone? Is that his suggestion?

Mr. K. Santhanam: If they would accept my advice, they are sure to get that income. I would like them to nationalise, i.e., provincialise motor transport or in the alternative to float a public service company from which they will take for provincial funds a major share of profits. By systematic exploitation of motor transport, I do think that it is quite possible for them to get a crore of rupees to make up for the loss which they incur on the prohibition scheme. At any rate such ideas are bound to move them. It does not matter whether they will get them or not. These are ideas which are actually spreading everywhere and they will be acted upon by the Provincial Governments. You are giving these powers of co-ordination to Provincial Governments. Where the Provincial Governments stand to gain by competing with your railways,

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would you think they are likely to be in great earnest about this co-ordination? So far as road and rail co-ordination is concerned, this Bill is going to be a failure. I think the railway authorities must take wider and better measures, they must enter into negotiations with Provincial Governments by which they could help the exploitation of motor transport, at the same time preserving the solvency of the railways intact. I would, for instance, suggest that they should tell the provincial authorities "we are prepared to raise capital and finance you by all means. Let us have a triangular board in which you will put some capital, the railways will put some capital and the public will put some capital. We shall have a national transport board which we shall run jointly and we shall divide the profits in some fixed ratio". I submit that under some such scheme it is possible to evolve co-ordination. But if you hand it over to the Provincial Governments and ask them to look after the interest of the railways, well, if there is any profit for the railways, the Central Government will take them away, if there is profit in the road transport, it will go to the Provincial Governments, and under the circumstances, I do not think it is human to expect that any real co-ordination will be achieved.

Another omission I find in this Bill is that there is no provision for local bodies conducting motor transport. I find from the reports about the United Kingdom that motor transport by local authorities forms an important part, though not the major part. I understand that about 25 per cent. of the motor vehicles are owned by local authorities like the County Councils, municipalities and such bodies.

Mr. N. M. Joshi: How is it prevented by this?

Mr. K. Santhanam: It is not prevented, but my complaint is that this Bill does not indicate that the Government Member in charge even contemplated the problem. The Government did not decide whether they should encourage it or discourage it or do anything with it. They have simply left the local bodies to be treated as private owners of motor vehicles. I suggest that is not reasonable and not scientific. Local bodies have got a separate standing and they ought to be treated in a separate manner; you may decide either way. For instance, I should like to encourage them because so long as the provinces do not take it up directly, at least the district boards and municipalities should take up these things. In big cities like Madras and Calcutta, etc., there are alternative agencies like tramways. Those who run the tramway companies are bound to be affected by the bus services. It is to the advantage of these cities that all these things should be unified as in London. The Bill has not made any provision for facilities for such amalgamation or co-ordination or unification.

Then, Sir, what will be the general effects of the provisions of this Bill? I have been reading a book about the results of public control of road and passenger transport by Chester. It is a recent book published in 1936, and it states that the following results have followed in the United Kingdom; and as this Bill is closely framed on the analogy of the Road Traffic Acts of 1930 and 1934, the same results are likely to follow in this country also. One of the consequences is that new entrants into this trade in England find it very difficult, not because the service does not warrant a new entry but because the procedure becomes very compli-

cated and the existing vested interests, even though the traffic may vary, find it very hard to welcome a new competitor. It means a lot of expenditure of money and much wire-pulling for any new entrant to get into this service. And an even more serious consequence of those Acts was the elimination of the smaller man. In all disputes the bigger man has got a great advantage. If you create more and more authorities and whenever there is a dispute before those authorities the parties will be represented by big lawyers and the bigger firms have always got a greater advantage and the smaller man always finds it difficult. And in this Bill I find that there are special provisions to penalise the smaller man. Take for instance Chapter VIII, clause 92. If a rich man pays to the Accountant General one lakh of rupees, all his vehicles need not be insured. He need not spend anything on insurance premia and he will be getting a snug interest on his investments; while if it is a smaller man he will have to pay year by year the insurance money. Of course, the justification for this clause 92 is that once a man deposits one lakh of rupees, third parties are guaranteed of their compensation. The smaller man has no money to guarantee and, therefore, he has to insure. Of course, from the point of view of the public this seems to be reasonable enough. But what about the smaller man? You give to the richer man an advantage in terms of operating expenses. Is it the purpose of this Bill to eliminate the smaller man and put in the larger man? If that is the objective, we must make it more clear. It is better to define that a man must be worth ten lakhs of rupees before he enters the enterprise; then at least the smaller people will be saved from the bother of buying motor vehicles and trying to run them. If that is not the objective, steps should be taken to put the larger men and the smaller men in the same category. That should be done probably by requiring higher fees or in some way putting the smaller men on the same level as the richer men. And everywhere it is said that one of the considerations should be the financial stability or the standing of the gentlemen concerned. Of course, from one point of view it is good that these buses are run by rich people, but that means a further exploitation of the poor by capitalists. In India the poor are so poor that there is little scope for exploitation; and wherever we can find new earnings, they should be secured to them as far as possible, if necessary, by giving some preferences to the smaller people.

Thirdly, Sir, these regulations create powerful vested interests. Whether they are good or not, each will have to judge according to his preferences; but there can be no doubt that as a result of all these regulations and regulations these motor vehicles will become concentrated monopolies in particular areas. Unless we want to develop those monopolies, special provisions have to be inserted and special steps have to be taken to prevent them and see that there is real competition.

Now, I wish to say a few words about the several Chapters of the Bill. Though the Chapters seem to have been arranged logically, I am afraid that the clauses within each Chapter are not so logical and there are numerous drafting errors. We have not had much time to look through it carefully, but still either the Bill has been prepared in a hurry or those who have been in charge of this have not taken as much care as they should have. Perhaps, in the language of the Second Schedule on page 47, the strain of work had created in the draftsman some sort of mental disorder or defect as a result of which the persons found on

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inquisition to be of unsound mind and incapable of managing himself and his affairs". I will only say that such obvious things as "Inquisition" have escaped notice.

Now, Sir, take the definitions. They have been arranged alphabetically. That might have been convenient for getting the mechanical aspect of it, but if you want to understand them you find almost insuperable difficulties. If the definitions had been arranged systematically and on some logical plan, it would have been easy. Take, for instance, definition 33,—“transport vehicle”. Does it include a motor cab or not? From part IV I am inclined to think it does include a motor cab, but comparing it with definition 24,—“public service vehicle”,—you are inclined to think it excludes a motor cab. Again, take the definitions of “goods vehicle” and “transport vehicle”. A goods vehicle is something which is “constructed”, while a transport vehicle is something which is only used or adapted to be used. All these discrepancies occur and would have been corrected if some logical arrangement had been adopted.

I am afraid I am not able to agree with my Honourable friend, Mr. Abdul Qaiyum, that the Bill has made too many distinctions about the stage and contract carriages. I am rather inclined to think that it would be better if a further distinction were made between stage and express carriages. This distinction is made in Great Britain. A stage carriage there, by definition, relates only to short distance vehicles which go only three or four miles and serve any town while an express vehicle is something which goes long distances. In India buses go 50, 60, 100, 200 miles. There should be special protection for passengers who travel in these long distance buses, while short distance vehicles do not require so much protection. Especially in regard to villagers, sometimes a lady passenger or other ignorant folk gets into a bus in some remote village or rural area, and the liability should be fixed on the driver and conductor for the safety of these passengers. Similar regulations are not necessary in an ordinary stage carriage. I think the Government should seriously consider whether that distinction is not necessary in this country. It may not perhaps be necessary immediately, but as the business expands that distinction will become more or less vital. While all the towns are fully served by the bus services, many of the rural areas are still not served, and as these services expand the need for the distinction will become more and more clear. This Bill is not only for the present but is a sort of skeleton structure by which future interests of our people will be served. It will not be of any use saving after ten years “There has been a further development and therefore we want an amendment.” It is better to anticipate developments that might happen and provide for them.

I would now like to say a few words about Chapter IV which is after all the vital part of the Bill. There is a curious mistake—I do not know whether it is intended or unintended. It is said that every province shall by notification constitute Regional Transport Authorities. There is no provision by which these Regional Authorities shall cover the entire province, because unless they do so, this “shall” has no meaning. What is the use of constituting one Regional Transport Authority which might cover one district and leave all the other districts alone? I am afraid

this probably is an unintended mistake. Secondly, while there is compulsory provision for the constitution of Regional Authorities there is an optional provision for the constitution of Provincial Transport Authorities. I think it is wholly illogical to constitute a large number of Regional Transport Authorities without having a central authority in each province to coordinate them; leaving this Provincial Transport Authority in the air while compulsorily constituting Regional Authorities will make way for all sorts of confusion and trouble.

Then, Sir, various principles to be considered for issuing permits have been prescribed. It is not quite clear from the Bill how these principles are intended to be used. If a Transport Authority does not conform to these principles, will there be any action in the Courts? From the cursory reading that I have been able to give, I presume that it is not intended to make such a resort to Courts possible. It is perhaps intended to give an appeal only to the Provincial Government or to the Provincial Transport Authority; but, unless resort to Courts is positively prevented I do not see how any one can be prevented from going to these Courts, because when a law has been made there is always a remedy according to the principles of jurisprudence. It is always possible for somebody to ask for the issue of a writ for mandamus or some such thing—I am not quite conversant with these technical formulae—some way or other the persons will resort to Courts in order to enforce these conditions. It should be specifically prescribed whether they should go to Courts or whether they should be prevented from going to Courts. On the whole, I am inclined to think that Chapter IV is not well digested. The whole scheme should be formulated by provincial legislation; the constitution of the Regional Transport Authority is, if I may say so, very unreasonable. It says that they shall if necessary include representatives of inland water transport. I cannot imagine a compulsory law which will be resorted to if necessary. Who is to decide if it is necessary or not? Is it necessary in Madras to include an inland water transport representative? Of course, you can say in some places there are small bits of inland water transport. Therefore, the section as it is drafted is not capable of being acted upon; and then it is possible that the Regional Transport Authority is in an area where there are no railways. Simply because some representative of the bus services is included in that authority, why should a representative of railways be automatically included? The section says that wherever a representative of motor transport is included a railway representative must be included; and only where necessary a representative of inland water transport is to be included. When there are no railways in competition why should the regional authority include a railway representative? This seems to be also a matter to be considered. There are numerous other small things which have to be corrected in this Chapter and I would suggest to the Government to consider from now whether they should not recast the whole Chapter, leaving it to the Provincial Legislature and simply indicating the means by which this co-ordination is to be effected.

Many Honourable Members have spoken about third party insurance and I have no desire to take the time of the House in regard to it. On the one hand, it is no doubt necessary that third parties, passengers as well as those non-passengers who may be injured by the buses, should be protected; but it should be left to the Provincial Governments to seek methods. They may, for instance, increase motor taxation by say, 10

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per cent., and make it into a fund for the purpose of paying compensation. It would be much more easy for the ordinary bus-owner to pay each time he pays the tax, one or two rupees which will be funded by the Provincial Governments for this purpose.

Mr. N. M. Joshi: State insurance?

Mr. K. Santhanam: State insurance or something like that. It should not be said that only a registered insurer can issue these insurance policies: if this is to be compulsorily accepted after five years it will not be possible even for the Provincial Governments to have their own insurance schemes: or it may be to provide that local bodies may make a deposit with the Provincial Government for the purpose, or that they may be forced by legislative provision to make good this compensation. Why should such an authority be asked to insure their vehicles? It may be that such forms can be thought of and this Bill may reasonably say that each Provincial Government shall take steps to insure third parties: the actual method by which this insurance is effected should be left to the Provincial Legislatures, because after all the Provincial Legislatures contain a majority of representatives of the poor people and they can be expected to safeguard the interests of the poor people. There is no reason why we here should interfere and enforce particular provisions.

There are many other points about age-limits, requirements for getting licences, etc., which require close scrutiny. I am also afraid that sufficient provision has not been made for the protection of passengers. We have been hearing so much about the enforcement of civility on railways; and I thought that when the Member for Railways brought in his Bill he would have put in a provision for enforcing civility to passengers on buses. But he has apparently forgotten to do so: they have given powers to Local Governments to prescribe rules and the Provincial Governments may say in their rules that these requirements of civility must be observed. But I do not see why a specific provision should not be included in this Bill. It should always be the right of every passenger to get the name of the driver and the conductor whenever he has got any complaint. I would also suggest that every bus should carry a complaint book in which every passenger shall have the right to record any complaint so that these things may be inspected periodically by the Transport Authorities or the Licensing Authorities.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to continue his speech?

Mr. K. Santhanam: I will finish in a minute if you do not mind. What

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I have said is enough to convince the House that the whole Bill requires much recasting and thorough scrutiny and I hope that the Government will see to it that the Select Committee proceedings are not hurried. I am afraid in such big legislation you get no time to look into every provision, every clause in the Select Committee, and all

the papers are supplied just when the Select Committee meets. You do not have time to read them. The Government should see that Members are well equipped so that the Select Committee may go thoroughly into the Bill and give the country a Bill which, while not offending Provincial Autonomy, will serve the interests of co-ordination and also the development of motor transport.

THE SIND SALT LAW AMENDMENT BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I present the Report of the Select Committee on the Bill to amend the law relating to salt as at present in force in Sind.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 22nd March, 1938.

LEGISLATIVE ASSEMBLY

Tuesday, 22nd March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

PRECAUTIONS AGAINST AIR-RAIDS AND GAS ATTACKS.

880. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member state:

- (a) whether the Committee referred to in his answer to question No. 81 of this Session has submitted its report;
- (b) what steps they have recommended for the protection of the people of this country from air-raids; and
- (c) what steps Government have taken in the matter of taking precaution against air-raids?

The Honourable Sir Henry Craik: (a) Yes.

(b) and (c). The report is still under consideration, and I am not in a position to make any statement on the subject at present.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government propose to publish this report?

The Honourable Sir Henry Craik: I cannot say at present.

Mr. T. S. Avinashilingam Chettiar: May I know whether it will cost any fresh amounts of money to put this report into practice?

The Honourable Sir Henry Craik: I have nothing to add. I cannot make any statement on the question of finance.

Mr. T. S. Avinashilingam Chettiar: May I know when the Government expect to finish consideration of the report?

The Honourable Sir Henry Craik: It will probably involve consultation with Provincial Governments.

RULES FOR REGULATION OF CLEARING HOUSES ESTABLISHED BY THE RESERVE BANK OF INDIA.

881. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- (a) whether the Reserve Bank have framed rules under section 59 (2) of the Reserve Bank Act for the regulation of Clearing Houses for the Scheduled Banks; and
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- (b) if so, whether he will place a copy of the rules on the table of the House; and
- (c) how many clearing houses have been established and in which places?

The Honourable Sir James Grigg: (a) No. The Bank has hitherto not found it necessary to exercise this power.

(b) Does not arise.

(c) The information is given in the Reserve Bank's Report on Currency and Finance of which copies are available in the Library of the House.

Mr. T. S. Avinashilingam Chettiar: May I know the meaning of the phrase that they do not find it necessary. Is it because there are sufficient rules to guide them?

The Honourable Sir James Grigg: I understand that the Reserve Bank are of opinion that as there are already in existence autonomous clearing houses with satisfactory regulations of their own there is no need for the Bank to frame any rules.

Mr. T. S. Avinashilingam Chettiar: May I know whether any clearing houses have been started after the Reserve Bank came into existence?

The Honourable Sir James Grigg: Yes, one in Delhi.

Prof. N. G. Ranga: Is it one of the functions of the Reserve Bank to watch the operations of these clearing houses?

The Honourable Sir James Grigg: I presume it is and to see that they have satisfactory regulations on the subject.

Prof. N. G. Ranga: Do they review the operations of the clearing houses once a year?

The Honourable Sir James Grigg: I do not know about once a year but they are continuously under review.

CENTRALISATION OF THE ADMINISTRATION OF CENTRAL EXCISE WORK.

882. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- (a) what will be the financial effect of the centralisation of the administration of Central Revenues (Reference his answer to starred question No. 253, dated the 15th February, 1938);
- (b) what will be the additional cost of the scheme and details of the additional expenditure; and
- (c) whether Government expect to get additional income out of this reorganisation?

Mr. A. H. Lloyd: (a), (b) and (c). It is not possible yet to work out in detail the exact financial effect of the centralisation of Central Excises work, but it is hoped that the extra revenue to be obtained from the measures to be adopted will more than outweigh any extra cost which may be involved.

Mr. T. S. Avinashilingam Chettiar: May I know whether it is not possible to give a rough idea of the amounts that will have to be spent more?

Mr. A. H. Lloyd: We have now reached a stage when it ought to be possible to work it out approximately correctly. I think the Honourable Member had better put down a question. By the time it comes up for answer, I shall be in a position to give a reply on that point.

Prof. N. G. Ranga: Have Government definitely decided upon the centralisation of the administration of the Central Revenues? Are they examining the question whether it will be profitable to the Central Government or not?

Mr. A. H. Lloyd: I presume the Honourable Member is referring to the administration of the Central Excises. The answer was given in reply to the earlier question quoted in the one which I have just answered.

Prof. N. G. Ranga: Has it been decided upon?

Mr. A. H. Lloyd: It has been decided upon.

BAN ON THE RETURN OF CERTAIN INDIANS TO INDIA.

888. ***Mr. Badri Dutt Pande:** (a) With reference to my starred question No. 166, asked on the 7th February, 1938 and the reply thereto, has the attention of the Honourable the Home Member been drawn to the letter published in the *Hindustan Times* of the 20th February, 1938, page 11, of Raja Mahendra Pratap to Prof. K. Chandra, expressing his desire to return to India and live in peaceful retirement and service of his country?

(b) Will the Honourable Member be pleased to state if, under the circumstances, Government are prepared to allow him to come to India and live peacefully at his home?

The Honourable Sir Henry Craik: (a) I have seen the Press report to which the Honourable Member refers.

(b) Mahendra Pratap Singh's case was dealt with very fully in Mr. Maxwell's speech in the Council of State on the 15th September last, and I have nothing to add to what was stated in regard to him on that occasion.

Mr. Badri Dutt Pande: If he applies, will there be any ban on his landing in India or is there any case which will go against him?

The Honourable Sir Henry Craik: That aspect of the matter was fully dealt with in Mr. Maxwell's speech.

Mr. T. S. Avinashilingam Chettiar: If he gives an assurance that he will lead a peaceful life, will Government reconsider the matter?

The Honourable Sir Henry Craik: The press report to which the Honourable Member refers does not, so far as I can see, contain any assurance that he will lead a peaceful life.

Mr. T. S. Avinashilingam Chettiar: If he now writes to say that he will . . .

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

MR. DARLING'S REPORT ON THE CO-OPERATIVE MOVEMENT.

884. *Mr. Manu Subedar: Will the Honourable the Finance Member state, with reference to his budget speech in February, 1935:

- whether Mr. Darling's report referred to on page 11, therein was received by the Government of India;
- whether it was published;
- whether individual copies will be made available to Members of the House; and
- what action Government recommended to the Provincial Governments generally with reference to the report, and what action Government took with reference to the Rs. 15 lakhs earmarked for the purpose of helping the co-operative movement?

The Honourable Sir James Grigg: (a) Yes.

(b) No.

(c) and (d). The report was primarily intended for the consideration of the Reserve Bank and was forwarded to the Bank by the Government of India. Since the Bank has now formulated its views on the subject in the Statutory Report submitted to the Governor General in Council, under section 55 of the Reserve Bank of India Act, it is considered that no useful purpose would be served by publishing Mr. Darling's report. As regards the special grant of Rs. 15 lakhs I lay on the table a statement showing the preliminary allocation and the amounts so far paid to the Provincial Governments for expenditure on approved schemes.

Statement.

Province.	Preliminary allocation.	Amount so far paid.
	Rs.	Ru.
Madras	2,95,600	98,539
Bombay	1,74,203	69,638
Sind	34,697	..
Bengal	3,15,750	70,450
United Provinces	67,309	38,449
Punjab	1,42,550	79,047
Burma	22,990	38,850
Bihar	88,258	41,300
Orissa	42,747	..
Central Provinces	30,750	16,483
Assam	28,400	9,466
North-West Frontier Province	5,300	8,495
Ajmer-Merwara	7,700	3,720
Coorg	6,400	13,892
Delhi	3,450	1,300
Reserve	2,34,000	..
	15,00,000	5,04,158

Mr. Manu Subedar: Will Government place a copy of Mr. Darling's report in the Library of the House, so that it may be available for the use of the Members?

The Honourable Sir James Grigg: No, Sir.

Mr. Manu Subedar: What are the reasons?

The Honourable Sir James Grigg: I gave the reasons in my reply to parts (c) and (d).

Mr. T. S. Avinashilingam Chettiar: Is it against the public interest to put it in the Library?

The Honourable Sir James Grigg: I would refer the Honourable Member to the replies to parts (c) and (d) of the answer.

SHOOTING OF BIRDS NEAR THE SECRETARIAT BUILDINGS, NEW DELHI.

†885. *Mr. C. N. Muthuranga Mudaliar: Will the Honourable the Home Member please state:

- whether shooting of birds is permissible in New Delhi in the area occupied by the Secretariat, and if so, the conditions under which it is permitted and by whom;
- whether there was shooting of birds from the terrace of the Secretariat, the North and South Blocks, by a party of men on the 28th February, 1938;
- whether they had the requisite permission; and
- whether steps are proposed to be taken for the prevention of these occurrences in or near the Secretariat?

The Honourable Sir Henry Craik: (a) Yes. Ordinarily no person may let off firearms within the New Delhi Municipality without first obtaining the permission of the Secretary, New Delhi Municipal Committee, the granting of which is subject to the concurrence of the Superintendent of Police, New Delhi. This restriction does not apply to the letting off of firearms under the authority of Government.

(b) Yes.

(c) Yes, from Government.

(d) The question of granting permission, in future, will be considered when occasion arises.

INDIAN CIVIL SERVICE OFFICERS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

†886. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Honourable the Home Member please state the total number of Indian Civil Service officers in the Secretariat Departments on the 1st April, 1937, and on the 1st February, 1938, and how many of them were Indians on the respective dates and how many Europeans?

†Answer to this question laid on the table, the questioner being absent.

(b) Has work in the Central Government as a whole increased since the 1st April, 1937, the date of the introduction of Provincial Autonomy, and if so, in what directions and respects and why? If not, what is the justification for the increase in the number of the Indian Civil Service officers?

(c) What are the subjects in respect of which Government had responsibility before the introduction of Provincial Autonomy? Have any of those subjects been since transferred to the control of Provincial Governments? If so, what is the extent of reduction of work represented by reduction in the strength of officers and staff?

(d) Are Government prepared to consider the desirability of examining the question of the present requirements of the Central Secretariat in the light of the constitutional changes which have been brought about by the Government of India Act, 1935, in consultation with a representative committee of this House? If not, why not?

The Honourable Sir Henry Craik: (a) In order to avoid delay in the collection of figures, I give in my reply figures for the 1st January, 1937, and for the 1st January, 1938. On the first date there were serving, in the Secretariat Departments, 43 officers of the Indian Civil Service, 31 of them being Europeans and 12 Indians. On the second date the total figure was 51, 35 being Europeans and 16 Indians.

(b) Yes, in so far as my own Department is concerned and I understand that the same is the case in other Departments, but it is impossible for me within the scope of this reply to give details of the increase.

(c) I would refer the Honourable Member to the old Government of India Act and the Devolution Rules and to the new Government of India Act and the Seventh Schedule thereof. As I have already stated there has over all been no reduction of work.

(d) I have nothing to add to the reply given by the Honourable the Finance Member on the 25th August last to the Honourable Member's question No. 109.

SPECIAL PAYS ATTACHED TO POSTS RESERVED FOR THE INDIAN CIVIL SERVICE OFFICERS IN THE CENTRAL SECRETARIAT.

†897. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Honourable the Home Member please state the existing and accruing privileges in respect of emoluments attached to the various posts in the Central Secretariat borne on the cadre of the Indian Civil Service?

(b) Is the special pay attached to posts of Under and Deputy Secretaries protected by the Secretary of State under the Government of India Act in the sense that it cannot be altered without his sanction? Was the question of the reduction of this special pay ever considered, and if so, with what result?

(c) Is it a fact that almost all special pays attached to other posts not borne on the cadre of the services to which recruitment is made by the Secretary of State, have suffered reduction since 1931? If so, what is the justification for the retention of the special pay of Under and Deputy Secretaries?

†Answer to this question laid on the table, the questioner being absent.

(d) What is the pay of the posts of Joint Secretary and Secretary in the Central Secretariat? Why is it pitched so high? Has its revision ever been considered and, if so, with what result?

The Honourable Sir Henry Craik: (a) I would refer the Honourable Member to Schedules I, VIII and IX of the Superior Civil Services Rules, a copy of which he will find in the Library of the House.

(b) I would refer the Honourable Member to sub-section (1) of section 247 of the Government of India Act, 1935. I have nothing to add to my reply given on the 26th January, 1937, to the Honourable Member's question No. 323.

(c) and (d). The special pays attaching to certain posts on the cadres of Central Services have been reduced for future entrants. As regards the pay of the posts of Joint Secretary and Secretary I would refer the Honourable Member to my reply to part (a) of this question. The reduction of the pay, including special pay, attaching to posts on the cadre of the Indian Civil Service is part of the general question of revising basic rates of pay. In this matter I have nothing to add to Mr. Mudie's reply, dated the 30th September last to the Honourable Member's question No. 998.

COMPETITION BETWEEN THE SALT INDUSTRY AT ADEN AND IN INDIA.

888. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Finance Member state:

- whether there is rate war and unequal competition between the salt industry at Aden and the salt industry in India;
- whether the salt industry in India has suffered in consequence; and
- whether Government have received any representations in the matter, and if so, what action they have taken in the matter?

The Honourable Sir James Grigg: (a), (b) and (c). The Government of India have received representations from Indian salt manufacturing interests to the effect that the position is as stated in parts (a) and (b) of the question. They have as yet taken no action in the matter.

Mr. T. S. Avinashilingam Chettiar: Have the Government examined these representations and seen whether there is any truth in them?

The Honourable Sir James Grigg: They are examining the representations, yes.

Maulana Shaukat Ali: Is the Honourable Member aware that some of the factories for the manufacture of salt in Aden are being owned and run by Indians and they were established at a time when Aden was a part of the Bombay Presidency?

The Honourable Sir James Grigg: Yes and one of them is owned by Italians.

Mr. T. S. Avinashilingam Chettiar: May I know when they expect to finish consideration of the matter?

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

OPERATION OF THE SALT (ADDITIONAL IMPORT DUTY) ACT, 1931.

889. *Mr. Manu Subedar: Will the Honourable the Finance Member state:

- (a) what decision Government have arrived at with regard to the Salt (Additional Import Duty) Act, 1931, which terminates on 30th April, 1938;
- (b) whether Government have received any representations with regard to the operation of this Act, of difficulties arising for salt works located in the mainland of India through the price-cutting indulged in by salt works at Aden for the Bengal market;
- (c) whether it is the intention of Government to take any steps to prevent such price-cutting; and
- (d) whether, owing to the change in the political status of Aden, and Aden being now definitely cut off from India, it is intended to leave out Aden from the operation of this Act?

The Honourable Sir James Grigg: (a), (c) and (d). I am not in a position to make any announcement.

(b) Yes, Sir.

Mr. Manu Subedar: With regard to (a), (b) and (c), will the Honourable Member indicate when he will be in a position to make an announcement? Will it be before the end of the Session?

The Honourable Sir James Grigg: That is the question I have just answered. I cannot say.

PROTECTION AGAINST DUMPING OF IMPORTED SALT IN BENGAL.

890. *Mr. Kuladhar Chaliha (on behalf of Mr. Amarendra Nath Chattopadhyaya): (a) Will the Honourable the Finance Member be pleased to state the quantity of salt imported from Aden into Bengal during the year between 1st April and 31st January, of 1937 and 1938?

(b) Will the Honourable Member be pleased to state the quantity of salt manufactured in Bengal during the aforesaid period?

(c) Will the Honourable Member be pleased to state the total quantity of salt consumed in Bengal during the aforesaid period?

(d) Will the Honourable Member be pleased to state if he is ready to take any steps for the amelioration of salt manufacture in Bengal and protection against dumping on account of imported salt in Bengal?

(e) Will the Honourable Member be pleased to state if he is aware that protection given to Aden salt acts against the interest of the salt manufacturer in Bengal and influences the enhancement in price?

(f) If so, is the Honourable Member prepared to take steps to enable the salt manufacturers to stand against competition with salt manufacturers of Aden?

The Honourable Sir James Grigg: (a), (b) and (c). I lay on the table a statement giving the latest readily available information.

(d) and (f). I am not in a position to make any announcement.

(e) This seems to be a matter of opinion.

Statements.

(1) Imports and Clearances of Aden Salt in Bengal:

Calendar Year.	Imports. Mds.	Clearances. Mds.
1936	69,90,339	65,58,775
1937	81,09,336	74,42,244

(2) Issues of Aden Salt in Bengal on payment of duty:

Period.	Quantity. Mds.
1st April 1936 to 31st January 1937	57,92,012
1st April 1937 to 31st January 1938	68,28,291

(3) Salt locally manufactured in Bengal:

Financial Year.	Quantity. Mds.
1936-37	1,371

(4) Total quantity of salt issued for consumption* from Bengal:

Financial Year.	Quantity. Mds.
1935-36	13,754,839
1936-37	14,380,043

*This salt is consumed not only in Bengal but also in Orissa and Assam. Small quantities pass also to the Central Provinces and United Provinces.

Prof. N. G. Ranga: Is this question being examined?

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

Mr. Kuladhar Chaliha: May I know what is the cost of manufacturing salt in Bengal?

The Honourable Sir James Grigg: I am very sorry; I have nothing to do with the cost of manufacture of salt in Bengal.

Mr. T. S. Avinashilingam Chettiar: May I know if the manufacture of salt in Bengal and other places has gone down on account of the competition of Aden salt?

The Honourable Sir James Grigg: I cannot say.

OMISSION OF THE DEMANDS FOR THE DEFENCE, EXTERNAL AFFAIRS AND POLITICAL DEPARTMENTS FROM BEING PLACED BEFORE THE CENTRAL LEGISLATIVE ASSEMBLY.

891. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Finance Member state:

- (a) whether Government got the advice of their constitutional advisers in the matter of the omission of the demands for the Defence and External Affairs and Political Departments from among the demands placed before the Assembly;

- (b) who are the constitutional advisers whose advice was taken; and
 (c) whether the matter was discussed by the Executive Council before this omission was finally decided upon?

The Honourable Sir James Grigg: (a) The External Affairs and Political Department Secretariats were classified as non-votable in the 1937-38 Demands for Grants in the ordinary process of budget compilation. The Defence Department Secretariat was classified in the 1938-39 Demands for Grants in accordance with the advice of the constitutional advisers of the Government of India.

(b) It is not the practice of the Government of India to specify the individual officers who advise the Government of India in particular matters.

(c) The Government of India are not prepared to reply to this part of the question.

Mr. T. S. Avinashilingam Chettiar: May I know who are the Government's constitutional advisers?

The Honourable Sir James Grigg: That is a question which I have already answered.

Mr. T. S. Avinashilingam Chettiar: May I know whether these constitutional advisers advise you on all points of the constitution, or the Government have particular constitutional advisers to advise them on particular matters?

The Honourable Sir James Grigg: I think they vary in accordance with particular aspects of the constitution.

Mr. N. M. Joshi: May I ask if it is not true that the Honourable the Law Member is the highest constitutional and legal adviser of the Government of India?

The Honourable Sir James Grigg: I am not one of the constitutional advisers in the broadest sense; I cannot answer that.

Mr. N. M. Joshi: May I ask whether the Honourable the Law Member is not the constitutional and legal adviser of the Government of India?

The Honourable Sir James Grigg: Not the only one certainly; anyhow the Honourable Member proposes to put under one hat two different heads.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government take the advice of the constitutional advisers in this matter themselves direct, or through the Secretary of State?

The Honourable Sir James Grigg: I am not prepared to answer that question.

Mr. T. S. Avinashilingam Chettiar: Why not?

Mr. President (The Honourable Sir Abdur Rahim): What passes between the Government of India and the Secretary of State he is not bound to disclose.

Mr. Sami Vencatachalam Chetty: May I know if the constitutional advisers here referred to are those outside the Executive Council of the Government of India?

The Honourable Sir James Grigg: I am not prepared to distinguish between the various parts of the Government of India.

Mr. K. Santhanam: May I know whether the Government of India propose to reconsider the matter?

The Honourable Sir James Grigg: No, Sir.

Sardar Mangal Singh: May I know when the advice of the constitutional advisers was received?

The Honourable Sir James Grigg: The Honourable Member had better put that down.

TRANSFERS TO AND EXECUTION BY BURMA COURTS OF BRITISH INDIAN DECREES.

892. ***Mr. Abdul Qayum:** Will the Honourable the Home Member please state:

- whether British Indian decrees can no longer be transferred to and executed by the Courts in Burma;
- if so, since when this obstacle has arisen and the reasons therefor; and
- whether Government have taken any steps to set this right?

The Honourable Sir Henry Craik: (a) The reply is in the affirmative.

(b) Since 1st April, 1937, when Burma ceased to be a part of India. This is the result of the constitutional changes brought about by the Government of India Act.

(c) As the Honourable Member is aware, the Code of Civil Procedure (Amendment) Act, 1937 (VIII of 1937), has been passed with a view to the reciprocal enforcement of judgments between the Courts in the United Kingdom and other parts of His Majesty's Dominions and those in British India. This Act has not yet been brought into force in British India. The 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 are to be declared as superior Courts for the purposes of new section 44-A 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 arrangements with Burma.

Mr. Abdul Qayum: May I know—in view of the fact that suitable amendments have been made in the Burma Civil Procedure Code—whether it is now possible to transfer Indian decrees to Burma after that amendment? This arises out of part (c) of my question.

The Honourable Sir Henry Craik: That seems to be purely a legal question and I do not know that I am competent to answer it. I have explained that as soon as we decide, in consultation with Provincial Governments, what courts are to be classed as superior courts for the purposes of this new Act, we shall take steps to bring Act VIII of 1937 into force.

Mr. T. S. Avinashalingam Chettiar: May I ask if the Government of India have received any communication from the Government of Burma in the matter?

The Honourable Sir Henry Craik: We have been in correspondence with the Government of Burma.

Mr. K. Ahmed: May I ask what will happen if the decree is barred by limitation in the meantime?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is himself a lawyer and he can answer that.

RESOLUTION OF THE NORTH-WEST FRONTIER PROVINCE LEGISLATIVE ASSEMBLY *re* PROVISIONS OF THE ARMS ACT.

893. ***Mr. Abdul Qaiyum:** Will the Honourable the Home Member please state:

- (a) whether the Legislative Assembly of the North-West Frontier Province, at its September, 1937, Session at Abbottabad, passed a resolution that the provisions of the Arms Act should either not apply to the North-West Frontier Province, or that the said provisions be considerably relaxed;
- (b) whether the said resolution was passed unanimously;
- (c) whether the Government of the North-West Frontier Province have written to the Government of India, supporting the said resolution;
- (d) whether any reply has been sent to the Frontier Government; if so, what is the nature of the said reply;
- (e) whether the Government of India has come to any decision on the point; if so, what is the decision; and
- (f) what is, or what is likely to be, the response of the Government of India to the above resolution?

The Honourable Sir Henry Craik: (a) and (b). I have no information. (c) No.

(d), (e) and (f). Do not arise.

Mr. Abdul Qaiyum: May I know if—apart from this Resolution—the Government of India have considered the question of relaxing the restrictions on the Frontier, in view of the recent raids and kidnappings?

The Honourable Sir Henry Craik: Not that I am aware of.

Mr. Abdul Qaiyum: May I know if it is a fact that recently shot guns were also brought under the purview of the Arms Act?

The Honourable Sir Henry Craik: I have no information about that.

Prof. N. G. Ranga: Is there any proposal to amend the Arms Act in the near future with a view to relaxing the rigour of its provisions? Is there any proposal to bring forward an amending Bill in connection with the Arms Act with a view to relaxing the rigour of its provisions?

The Honourable Sir Henry Craik: Not that I am aware of.

Mr. Abdul Qaiyum: May I know whether one of the reasons which have led to trans-border raids has been the complete absence of arms in these areas?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument.

ASSOCIATION OF GOVERNMENT OFFICIALS WITH BUSINESSES AFTER RETIREMENT.

894. ***Mr. Manu Sabedar:** Will the Honourable the Home Member state:

- (a) whether Government have a considered policy with regard to the activity of Government servants after retirement generally, and, in particular, their association as directors or otherwise in businesses, whose manufactures become the subject matter of purchases for Government purposes;
- (b) if the reply to part (a) be in the affirmative, what is that policy;
- (c) whether a circular has been issued to Government servants generally, or, whether a circular is being issued to every Government servant about to retire, stating this policy; and
- (d) if the reply to part (c) be in the affirmative, whether a copy of the circular will be placed on the table?

The Honourable Sir Henry Craik: (a), (b), (c) and (d). I lay on the table a copy of the Resolution No. 1140, dated the 21st April, 1930, which explains the Government's policy.

RESOLUTION NO. 1140.

Simla, the 21st April, 1930.

Resolution by the Government of India in the Home Department.

The attention of the Government of India has been drawn to a rule laid down by the Colonial Office that an officer who has retired from the Colonial Service may not accept a directorate of a company the principal part of whose business is directly concerned with the Colony or Protectorate in which he has served, or employment in the Colony or Protectorate under such a company, without obtaining the previous approval of the Governor; and they have had under consideration the question whether it is necessary to lay down some similar rule for retired officers of the Indian services.

2. After consultation with local Governments and careful consideration of their views, the Government of India have come to the conclusion that, while it is not necessary at the present time to lay down a definite rule, it is desirable that retired Government servants, especially gazetted officers, before accepting directorships, partnerships or agencies of, or employment by any company or firm or individual engaged in commercial business or associated with the management of land in India, should either obtain the consent of the Government of India, or if the company is managed in London, the consent of the Secretary of State. The Government of India believe that this procedure will conduce alike to the interests of the officers concerned and to those of the services generally, and are prepared to leave it to the good sense and loyalty of their officers to observe the procedure now suggested.

ORDER.—Ordered that a copy of this Resolution be forwarded to local Governments and Administrations, to all Departments of the Government of India for information, and that it be published in the Gazette of India for general information.

Mr. Manu Subedar: Have Government found any cases, after the Resolution was issued, which come within the scope of the prohibitions made by them?

The Honourable Sir Henry Craik: That arises out of the next question.

ASSOCIATION OF GOVERNMENT OFFICIALS WITH BUSINESSES AFTER RETIREMENT.

895. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member state how many cases have come to the notice of Government in the last ten years, when high officials, who, at the time of their retirement, were getting not less than Rs. 2,000, have returned to England and become directors, or, in other ways, associated with businesses?

(b) In how many of these cases are the firms such that they were manufacturing goods which came to be supplied for Government purposes before the retirement of the said officials?

(c) Is it obligatory on a firm, or their agents in India, when they send their tender, to state that such-and-such retired Government servant is on their board?

(d) Has any case been found, in which this sort of association involved an evil, either of excessive price paid before retirement, or of favourable consideration being given to such tenders on account of the association of a retired high official?

(e) Has any action been taken by Government in any case to prevent an abuse?

(f) Have any representations been received by Government on the subject?

(g) Will Government lay on the table a copy of the rules on the subject and the policy of Government on this subject in the United Kingdom?

The Honourable Sir James Grigg: The Government of India are not prepared to undertake a heresy hunt in regard to the past. On the other hand they think that the existing rules, etc., in the matter might very well be subjected to a re-examination. Perhaps, however, I should warn Honourable Members that the great difficulty in questions of this kind has always been the absence of an effective sanction and my recollection is

that in their most recent consideration of this subject, His Majesty's Government have confined themselves to formulating general principles of conduct while leaving their application to the individual sense of what is right and wrong.

Mr. Manu Subedar: Have any actual cases come to the notice of the Government, and did they examine the point whether any action could be taken?

The Honourable Sir James Grigg: The Honourable Member knows very well that he himself asked supplementaries on the individual case out of which this question arises.

NON-SUBMISSION OF APPLICATIONS OF POOR PERSONS FOR EXEMPTION FROM TAXES TO THE LAHORE CANTONMENT BOARD.

896. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that all applications from poor persons for exemption from taxes are not placed by the present Executive Officer before the Lahore Cantonment Board?

(b) Is it a fact, that unlike the past, he has himself rejected many applications, and not allowed them to come before the Board?

(c) Is it a fact that when the elected members agitated this matter before the Board, the official President and the Executive Officer declared that the Executive Officer had the right to withhold such applications from the Board, if he thought that they should not be granted?

(d) What step or steps do Government propose to take to allow all applications from poor persons to come before the Board?

Mr. C. M. G. Ogilvie: (a), (b) and (c). No.

(d) Does not arise.

DENIAL OF OPPORTUNITY TO VICE-PRESIDENT OF THE LAHORE CANTONMENT BOARD TO OFFICIATE AS PRESIDENT DURING HIS ABSENCE.

897. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether, when the permanent President of Lahore Cantonment Board (Brigadier B. T. Wilson), went on leave to England during summer, and also when he was transferred, and till the new permanent President arrived, the elected Vice-President was not allowed to preside over the meetings of the Board and carry on Executive Administration?

(b) Is it a fact that the next senior military officers who took over the command of troops were installed as Presidents of the Board, and not the elected Vice-President?

(c) Is it also a fact that in October and December 1937, no meeting of the Lahore Cantonment Board was called? Is it obligatory on the President to do so every month?

Mr. C. M. G. Ogilvie: (a) and (b). No. The officiating Officer Commanding the Station was a member and President of the Board under the provisions of section 18 (3) (a) and 20 (1) of the Cantonments Act, 1924.

(c) The ordinary monthly meeting for October was held on the 1st November and owing to the Xmas holidays that for December was held on the 4th January. It is not obligatory for the Board to hold a meeting every month.

FAILURE OF THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT BOARD TO COMPLY WITH A REQUISITION FOR A SPECIAL MEETING OF THE BOARD.

898. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that although more than one-fourth (all elected) members of the Lahore Cantonment Board gave a requisition in writing to the official President for calling a special meeting, he did not do so?

(b) Is it a fact that instead of calling the meeting, the Executive Officer wrote a letter to the elected Vice-President that the matter was not of urgent public importance and hence the meeting could not be called?

(c) Is it a fact that one-fourth members, whether elected or nominated, have got a statutory right to call a special meeting, and the Executive Officer, (Secretary, Cantonment Board) has no right to determine the urgency, or otherwise, of the matter?

(d) What step do Government propose to take to stop such actions of the Executive Officers?

Mr. C. M. G. Ogilvie: (a) to (d). I am collecting the information and will lay it on the table as soon as it is received.

PAY OF EXECUTIVE OFFICER OF THE AMBALA CANTONMENT.

899. ***Mr. N. V. Gadgil:** (a) Will the Defence Secretary be pleased to state whether it is a fact that the whole of the pay of the Executive Officer of Ambala Cantonment is being debited to the Cantonment Fund?

(b) What is the amount of pay per month of the Ambala Cantonment Executive Officer?

(c) Is it not a fact that, at the time of last Cantonments Amending Bill it was decided to debit only half the pay of an Executive Officer to the Cantonment Fund?

(d) Is it a fact that before the present Executive Officer was transferred to Ambala, the whole pay of the Executive Officer of that Cantonment was paid by Government and not by the Cantonment Fund?

(e) What step, or steps, do Government propose to take to refund the amount overpaid from the Cantonment Fund?

Mr. C. M. G. Ogilvie: (a) The whole of his allowance for officiating as Executive Officer is being paid from Cantonment Funds in accordance with Rule 33 of the Cantonment Executive Officers Service Rules.

(b) The present incumbent is an officer appointed under Rule 33 and receives an allowance of Rs. 100 per mensem. His pay as an officer is borne by Government.

(c) Yes, subject to the proviso to sub-section (2) of section 12 of the Cantonments Act, 1924.

(d) No.

(e) None.

RECRUITMENT OF MEMBERS OF DEPRESSED CLASSES IN THE GOVERNMENT OF INDIA SECRETARIAT.

900. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable the Home Member please state the number of members of the Depressed Classes in the Government of India Secretariat appointed since 1934 (i) by nomination in accordance with the Home Department Resolution No. F-14/17-B./33-Ests., dated the 4th July, 1934, and (ii) by open competition?

(b) Is it a fact that the abovementioned resolution requires Government to nominate Depressed Classes' candidates to public services, recruitment for which is made by competition? If so, have they declined to do so? If so, why?

(c) Is it a fact that the system of nominating Depressed Classes' candidates to public services, by requiring them first to appear in the competitive examination, is not laid down anywhere in the Home Department Resolution of the 4th July, 1934, or any subsequent Resolution governing communal representation in public services?

(d) Do Government propose to issue detailed and clear instructions to the different departments to ensure that the Depressed Classes' candidates are recruited by direct nomination to public services, recruitment for which is made by competition?

The Honourable Sir Henry Craik: (a) Since the issue of the Resolution one candidate of the Depressed Classes who qualified in the examination for recruitment to the Ministerial Establishment of the Government of India Secretariat and Attached Offices has been nominated to a permanent post.

(b) and (c). The instructions in paragraph 7 (1) (vi) of the Resolution do not contemplate that members of Depressed Classes may be appointed without examination when one is prescribed for recruitment to a particular service. If a candidate fails to secure a place high enough to be selected on his merits but, nevertheless, attains a qualifying standard, then the desirability of nominating him is considered.

(d) Government do not propose to eliminate examination altogether, since examination serves the purpose of a qualifying test for such candidates.

REPRESENTATION OF DEPRESSED CLASSES IN PUBLIC SERVICES.

901. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable the Home Member please state what percentage of the public services is considered by Government to be "a fair degree of representation for the Depressed Classes", as laid down in the Home Department Resolution of the 4th July, 1934, relating to communal representation in public services?

(b) What steps do Government propose to take to ensure a fair representation of the Depressed Classes in public services?

The Honourable Sir Henry Craik: (a) The Honourable Member will find that paragraph 3 of the Resolution explained the difficulty of reserving a definite percentage for members of the Depressed Classes. That difficulty still exists.

(b) The progress made in recruiting members of the Depressed Classes is constantly examined, and I can assure the Honourable Member that everything possible will be done to obtain employment in the public services for such candidates as are found suitable.

HIRING OF "MALANJAR" FOR THE FAMILIES OF BRITISH TROOPS AT LANDOUR.

902. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state since when "Malanjar", a building belonging to Messrs. Mansa Ram and Sons, has been hired for the families of the British troops at Landour?

(b) What is the rate of rent per month? Is it Rs. 27,000 a year?

(c) What was the rent that Government paid for small bungalows before they hired "Malanjar"?

Mr. C. M. G. Ogilvie: (a) Since the 1st March, 1934,

(b) Rs. 27,500 a year.

(c) The rent for small bungalows suitable for one to six families varied from Rs. 380 to Rs. 2,300 a year per bungalow.

Mr. Badri Dutt Pande: With reference to part (b) of the question, is it not a fact that the cost of the whole building called "Malanjar" would not exceed Rs. 27,000?

Mr. C. M. G. Ogilvie: I have no idea.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government knew what rent was paid for this house before they took it on rent?

Mr. C. M. G. Ogilvie: I cannot inform the Honourable Member.

Seth Govind Das: Will the Government kindly inquire whether the cost of this building is Rs. 27,000 or more?

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

ABOLITION OF THE LANDOUR CANTONMENT AND CONSTRUCTION OF QUARTERS FOR EUROPEAN TROOPS IN CHAKRAUTA.

903. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state if Government are going to abolish the Landour Cantonment? If so, why?

(b) Are more quarters for European troops being built in Chakrauta? If so, how many and what is their cost?

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

(b) 64 quarters are being built at Chakrauta at an estimated total cost of Rs. 5,66,958.

Mr. Badri Dutt Pande: Are they married quarters or single quarters?

Mr. C. M. G. Ogilvie: I presume they are married quarters.

CULTIVATED LAND HELD BY CULTIVATORS IN THE SAUGOR CANTONMENT.

904. ***Seth Govind Das:** Will the Defence Secretary be pleased to state:

(a) whether it is a fact that about 1,700 acres of cultivated land is held by cultivators in Saugor Cantonment from the Military Estates Officer;

(b) whether it is a fact that these cultivators are required to pay Rs. 11-4-0 per acre as rent to the Military Estates Officer;

(c) whether it is a fact that these cultivators are liable to ejectment after every four or five years, and the Military Estates Officer may refuse to renew their leases;

(d) whether it is a fact that these cultivators have improved these lands by constructing sheds, embankments and by digging wells; etc.;

(e) whether he is aware that these cultivators have incurred debts as a result of improving the lands;

(f) whether Government propose taking steps to give these tenants rights of occupancy and security and reduce their rents;

(g) whether Government are aware that these cultivators are required to pay additional taxes for keeping carts, dogs, etc.; and

(h) whether Government propose taking action to give relief to these cultivators?

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

(b) The rent for irrigated and non-irrigated lands varies from Rs. 11-4-0 to Rs. 5 per acre per annum.

(c) The cultivators are liable to ejectment after the expiry of their leases which are in some cases after four years and in some cases after 15 years.

Agricultural lands are leased in accordance with the Cantonment Land Administration Rules, and there is nothing to prevent fresh leases being executed in favour of the same tenants.

(d) Some cultivators who hold land on 15 years' leases have made some improvements.

(e) Government have no information.

(f) Under the Cantonment Land Administration Rules rights of occupancy cannot be granted but the tenants enjoy a security of tenure under the terms of their leases. The existing standard rates of rent are now being revised and will be reduced if found too high.

(g) Vehicle and dog taxes are levied in the Cantonment by the Cantonment Board.

(h) Does not arise.

Seth Govind Das: Since how long these rents have been fixed at the present rate?

Mr. C. M. G. Ogilvie: I must have notice.

Seth Govind Das: Because the prices of food-stuffs have gone so low, will the Government consider the advisability of reducing these rents?

Mr. C. M. G. Ogilvie: I have answered that. I have said that the rents are now being revised and if they are found too high, they will be reduced.

Seth Govind Das: Is this revision for enhancing the rent or for reducing it?

Mr. C. M. G. Ogilvie: It may operate either way; whichever way affects these classes.

Prof. N. G. Ranga: Are not the land revenue rents charged by the Provincial Governments much lower than those charged in the cantonment area?

Mr. C. M. G. Ogilvie: I am not aware of that.

Prof N. G. Ranga: With reference to part (d) of the question, whenever a peasant is evicted from the land that he had been cultivating, is it the practice of the cantonment authority to pay him compensation for any sheds or embankments or wells that the cultivators may have constructed on this land?

Mr. C. M. G. Ogilvie: There is no question of eviction. The man takes a lease for a certain period and at the end of that time the lease expires. It may be renewed in his favour if he wants it or it may not.

Seth Govind Das: Will the Government consider the question of amending the law in such a way that the cultivated land may be given to tenants on occupancy rights?

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

Prof. N. G. Ranga: Is the Honourable Member aware of the fact that almost in every province in India the practice of compensating the ryots for any buildings or sheds or embankments or wells constructed by them on the lands of which they are tenants is being obtained?

Mr. President (The Honourable Sir Abdur Rahim): The question need not be answered: it is an argument.

Prof. N. G. Ranga: Will the Government be pleased to consider the advisability of instituting the practice of paying them compensation for any of these structures built at the expense of these tenants on these lands?

Mr. C. M. G. Ogilvie: They are not tenants. They are holders of short term leases, which is a different matter.

RESIGNATION OF MR. PHILLIPS, ADDITIONAL DEPUTY DIRECTOR OF PUBLIC INFORMATION.

905. ***Mr. Abdul Qaiyum:** (a) Has the attention of the Honourable the Home Member been directed to a news item in the *Daily Gazette* of Karachi, dated the 23rd February, 1938, about the resignation of Mr. Phillips, additional Deputy Director of Public Information?

(b) Has Mr. Phillips in fact resigned?

(c) Is he being relieved on the 1st April, 1938?

(d) Is it proposed to fill the post by recruitment or promotion?

(e) Do Government propose to appoint an Indian to the post?

The Honourable Sir Henry Craik: I have seen the press report.

(b) Yes.

(c) No. Mr. Phillips will probably vacate his appointment about the beginning of May.

(d) and (e). I have nothing to add to the answers given to parts (e) and (f) of Mr. Avinashilingam Chettiar's question No. 764 on the 17th March.

Mr. Abdul Qaiyum: With reference to part (e) of the question, will the Government state whether, since they last answered the question, they have made up their mind that they would appoint an Indian?

The Honourable Sir Henry Craik: I have already answered that question. I have said that we are advertising in India and I cannot give any undertaking till I have seen the replies to the advertisement.

EXTENSIONS GRANTED TO CIVILIAN SUBORDINATES SERVING IN CERTAIN CORPS OF THE ARMY.

906. ***Mr. Mohan Lal Saksena:** With reference to the reply to starred question No. 461, dated the 23rd February, 1938, will the Defence Secretary please state:

(a) whether orders were issued by Government sometime back not to allow ministerial officers to serve beyond the age of 55; if so, what action was taken by Government to see that these orders are complied with by the various heads of corps and departments;

(b) whether it has been customary for Government not to allow civilian subordinates to serve in the various Corps, viz., R. I. A. S. C., I. A. O. C., Farms, etc., beyond the age of 55?

(c) whether it is a fact that there have been a large number of efficient ministerial officers available for service beyond 55 years, but they were not allowed to serve beyond that age;

(d) if the reply to the above be in the affirmative, the reasons for deviation from the established policy;

(e) whether the subordinates who are due for transfer to pension establishment are now drawing old rates of pay which are much higher than those to which the new entrants will be entitled, and that they also get increased rates of pension;

(f) whether Government are prepared to issue instructions for civilian subordinates to retire at the age of 55, as was already done;

(g) the names of those men who have been or are being granted permission to remain in service beyond the age of 55 years during the years 1937-38 and 1938-39 in the various corps and the reasons in individual cases necessitating the grant of the same;

(h) whether Government now propose to cancel all such permissions; and

- (i) whether Government are considering the question of reducing the superannuation age limit; if so, what the special reasons are under which they are allowing certain individuals, if any, even to serve beyond 55?

Mr. C. M. G. Ogilvie: (a) The reply to the first part is in the negative. The second part does not, therefore, arise.

- (b) No.
(c) No.
(d) Does not arise.
(e) Yes.
(f) No. It was never done.
(g) I refer the Honourable Member to my answer to part (a) of his question No. 461 of the 23rd February, 1938.
(h) No.
(i) The reply to the first part is in the affirmative. As regards the second part I refer the Honourable Member to my reply to part (f) of his question No. 461 of the 23rd February, 1938.

DEFENSIVE MILITARY STRENGTH OF THE GOVERNMENT OF INDIA.

907. ***Mr. Brojendra Narayan Chaudhury:** Will the Defence Secretary please state:

- (a) if Government are aware of the apprehensions of the public regarding attack from outside in view of recent military and political events and changes in China and in Abyssinia;
(b) if Government propose to allay the apprehensions of the public by stating the present defensive strength of the Government of India (i) in aircraft and (ii) in the North-East frontier and also the additions to defensive strength proposed, if any;
(c) if the attention of Government has been drawn to the report of appearance of air-craft over Dibrugarh in Assam, appearing in the *Amritabazar Patrika* of the 27th December, 1937, and
(d) if Government have inquired into the correctness of the report and inform this House about its conclusions?

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

(b) The strength of the defence forces of India may be ascertained from the Navy, Army and Air Force Lists which are on sale to the public. Copies of these are in the Library of the House, and in addition, there is the Actual Strength Return of the Army and the Royal Air Force in India.

In referring to the North-East Frontier I presume that the Honourable Member has the Northern and Eastern Frontiers of Burma in mind. These are no longer the responsibility of the Government of India. The distribution of the Indian defence forces is shown in the Lists referred to.

(c) Yes.

(d) Government have made enquiries, but without positive result.

Prof. N. G. Ranga: Are Government aware that Indians in this country are not afraid of being conquered by any other Empire, because the present Empire is bad enough?

Mr. C. M. G. Ogilvie: It depends, I think, on the Indians.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

908. ***Bhai Parma Nand:** Will the Honourable the Finance Member please refer to the Honourable Sir George Schuster's answer to Mr. Jagan Nath Aggarwal's question No. 418 (b) and (c) of 9th March, 1934, regarding the discharge of nine Deputy Assistant Controllers of Military Accounts, in which it was stated that officers Nos. 8 and 9 were retired on account of 'neglect of duty' as distinguished by Sir George Schuster from the 'impaired efficiency' on account of which the other officers mentioned therein were retired at the same time and state:

- (a) whether Article 465 A (Note 1), Civil Service Regulations as interpreted by the Finance Department on 1st November, 1933 was the rule applicable to the case of the former; and
(b) whether the Finance Department have interpreted that this rule was intended to be enforced *only* against an officer whose efficiency was impaired but against whom it was not desirable to make formal charges of inefficiency or who had ceased to be fully efficient but not to such a degree as to warrant his retirement on compassionate allowance?

The Honourable Sir James Grigg: The answer to both parts of the question is in the affirmative. As explained in the replies given to Mr. Jagan Nath Aggarwal's starred questions Nos. 781 to 791, dated the 22nd August, 1934, and to Mr. Sham Lal's starred question No. 597, dated the 15th September, 1937, the two officers referred to by the Honourable Member were retired not only for proved negligence on their part which had facilitated the perpetration at Rawalpindi of two frauds, but also on grounds of general inefficiency. The investigation into the work of these officers indicated that their efficiency was seriously impaired and that they were no longer fit for retention in the service.

2. In this connection I should like to make an appeal to Honourable Members. Questions relating to the retirement in 1933 of these Deputy Assistant Controllers of Military Accounts have been asked in this House on no less than seven occasions during the recent years. In the replies it has been repeatedly stated that their cases had been fully investigated and that the Government of India are satisfied that their retirement was not only entirely justified but carried out in accordance with the rules on the subject. The constant reiteration of these questions, besides occupying the time of the House, throws unnecessary work on the departments concerned and, moreover, this is perhaps the most important consideration, forces Government to state publicly over and over again the shortcomings of the individuals to whom the questions relate.

Mr. President (The Honourable Sir Abdur Rahim): I know that many questions like this are too often repeated and I have tried to impress upon Honourable Members in the House itself and also through the Department that it is extremely undesirable that so many questions like this should be asked and repeated.

RETURN OF THE *KALGHI* OF GURU GOVIND SINGH TO THE SIKHS AND THE
RELICS OF THE PROPHET TO THE MUSLIMS.

909. *Sardar Mangal Singh: With reference to his reply to my starred question No. 388, answered on the 18th February, 1938, will the Honourable the Home Member please state:

- (a) whether his attention has been drawn to the following passage in "Lady Login's Recollections" on page 80:

".....I wish you could walk through that same *Toshakhana* and see its wonders; the vast quantities of gold and silver; the jewels not to be valued; so many and so rich; the Koh-i-Noor far beyond what I had imagined; Ranjeet's golden chair of State; silver pavilion; Shah Shoojah's ditto; relics of the Prophet; *Kalgee* plume of the last Sikh *Guru*; sword of the Persian hero Rostum; sword of Holkar, etc.....";

- (b) whether Government are prepared to make enquiries as to where these valuables now are; and
(c) whether Government propose to return the *Kalghi* plume of Guru Govind Singh to Sikhs and the relics of the Prophet to the Muslims?

The Honourable Sir Henry Craik: (a) I have seen the passage in question.

(b) I am not quite clear what enquiry the Honourable Member contemplates, but I am prepared to consider any suggestion he may care to make to me as to the probable sources of information.

(c) It appears from lists compiled in 1849 that a certain number of plumes were taken over at Lahore but there are no details in the records as to the origin of these plumes, or evidence that one belonged at any time to Guru Govind Singh, nor is there any reference to any other religious relics.

Mr. Sri Prakasa: With reference to part (a) will the Honourable Member enquire of the authorities of the Tower of London to find out whether the Kohinoor is not still there?

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

LANDSDOWNE INSTITUTE TRUST, RAWALPINDI.

910. *Mr. Govind V. Deshmukh (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that the Rawalpindi Cantonment Board is a trustee of the property known as Landsdowne Institute;
(b) what are the purposes for which this trust has been created;
(c) whether it is a fact that the Board has utilised some of the trust property for its own use, and built its office within the compound of the trust property;
(d) whether it is also a fact that the Institute buildings meant for free use of the public, are proposed to be rented to a cinema house where entrance fee will be charged; and
(e) if the answer to part (d) be in the affirmative, what steps Government propose to take so that the Board discharges its obligations in the terms of the trust?

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

(b) As a place of entertainment and instruction, and for the establishment of a library. In 1897 the Trust was transferred to the Cantonment Committee with no reservation and on the sole condition that the Committee kept the building in good repair.

(c) No. The Trust relates to the Institute building only.

(d) The building has been used as a cinema since 1920. A second building has, however, been erected by the Trust on Government land adjoining the existing building and is used as a free public library. The original building is leased as a cinema to provide the Trust with funds for the upkeep of the library and maintenance of both buildings.

(e) The Cantonment Board as Trustees of the Institute have every right to use the buildings in whatever way appears to them to be in the best interests of the public to whom the Trust is dedicated, and in their position as Trustees they are not subject to the control of the Government of India.

Prof. N. G. Ranga: Is this library thrown open freely to the public of Lahore or only to the public of the Cantonment area?

Mr. C. M. G. Ogilvie: As far as I know to the public of Rawalpindi.

COMPULSORY APPOINTMENT OF MILITARY SUB-ASSISTANT SURGEONS IN
CANTONMENTS.

911. *Mr. Govind V. Deshmukh (on behalf of Mr. Sham Lal): (a) Will the Defence Secretary be pleased to state whether it is a fact that Cantonment Boards are not allowed by Government to appoint their own doctors in the hospitals meant for civilians and are compelled to employ military Sub-Assistant Surgeons?

(b) Is it a fact that the pay of those military Sub-Assistant Surgeons is much higher than the rate of pay given by even Provincial Governments to Assistant Surgeons (M. B. B. S.)?

(c) If the answer to parts (a) and (b) be in the affirmative, what steps do Government propose to take to give power to Boards to employ their own personnel?

Mr. C. M. G. Ogilvie: (a) Appointments of Assistants to medical officers in charge of Cantonment hospitals are generally reserved for military sub-assistant surgeons.

(b) Government have no information.

(c) Government do not consider that any change in the existing system is desirable.

Mr. T. S. Avinashilingam Chettiar: Why do the Government think that the change is not desirable?

Mr. C. M. G. Ogilvie: Mainly because it is desired to have a war reserve of Sub-Assistant Surgeons and this is one way of obtaining it.

NON-MAINTENANCE OF A PRIMARY SCHOOL BY THE JHELM CANTONMENT.

912. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Shain Lal): (a) Will the Defence Secretary be pleased to state whether no primary school is maintained by the Jhelum Cantonment Board for the education of the children of civilian inhabitants? If so, why?

(b) Is it a fact that income from lands hitherto allotted to the Jhelum Board has been taken away and that it has not been re-allotted?

Mr. C. M. G. Ogilvie: (a) Yes, owing to lack of suitable accommodation and funds and to the fact that the bazar population is extremely small.

(b) Yes. Attention is invited to the answer to part (d) of starred question No. 288 asked by the Honourable Member on the 15th February, 1938.

Mr. K. Santhanam: With reference to part (a) may I know what is the population of the Cantonment area?

Mr. C. M. G. Ogilvie: I do not know the exact population.

Mr. K. Santhanam: Then how does the Honourable Member say that the population is extremely small.

Mr. C. M. G. Ogilvie: I know it is small, but I do not know the number.

Mr. K. Santhanam: Without knowing the actual facts, how does the Honourable Member say it is small?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot argue now.

NON-DELIVERY OF THE FINANCE MEMBER'S SPEECH TO NEWSPAPERS IN MADRAS.

913. ***Mr. K. Santhanam:** Will the Honourable the Finance Member be pleased to state:

- (a) whether he is aware that his budget speech was not delivered to the newspapers in Madras on the evening of the 26th February, 1938;
- (b) who was responsible for the failure;
- (c) whether it was the practice to deliver the speech to them through the Accountant General, Madras;
- (d) whether the Accountant General, Madras, intimated the Finance Department about the non-receipt of copies; and
- (e) whether prompt steps were taken to wire out the speech; if so, when and, if not, why not?

The Honourable Sir James Grigg: (a) Yes.

(b) Information was received from the postal authorities that letters posted in Delhi on the 23rd of February would reach Madras on the evening of the 25th and be delivered on the following morning. The budget papers for Madras were accordingly posted on the 23rd, but I have to acknowledge that owing to delay in the Issue Branch of the Finance

Department they did not catch the Madras Mail of that date and did not, therefore, reach Madras until the evening of the 26th. Suitable action has been taken against the persons responsible.

(c) and (d). Yes.

(e) The telegram from the Accountant General, Madras, was not received until it was too late to take such action.

Mr. K. Santhanam: Is any action being taken against the Accountant General, Madras?

The Honourable Sir James Grigg: No. I said that the primary delay was in the Issue Branch of the Finance Department and that is where suitable action has been taken.

Mr. K. Santhanam: Did the Accountant General, Madras, intimate to the Finance Department the non-receipt of the copies of the Budget speech?

The Honourable Sir James Grigg: I said, yes.

Mr. K. Santhanam: What action does the Honourable Member propose to take against this neglect of duty on the part of the Accountant General?

The Honourable Sir James Grigg: What neglect?

Mr. K. Santhanam: For not intimating early enough the non-receipt of the copies of the Budget speech?

The Honourable Sir James Grigg: He did intimate it.

Mr. Sri Prakasa: What harm was done by the non-receipt of this precious document?

The Honourable Sir James Grigg: That is a matter of opinion.

BAN ON THE IMPORT OF CERTAIN BOOKS IN INDIA.

914. ***Mr. N. V. Gadgil:** (a) Will the Honourable the Home Member please state whether it is a fact that books published by the Left Book Club in London, are confiscated by the Collector of Customs, Bombay?

(b) Is it a fact that the International Book Depot, Poona, complained to the Collector of Customs, Bombay, that the books published by the Left Book Club, London, which were ordered by the said Book Depot, were confiscated, and are those books confiscated under the orders of Government?

(c) Is it a fact that the import of the following books is prohibited in India:

- (1) John Starchy's Theory and Practice of Socialism,
- (2) John Starchy's Red Star over China,
- (3) John Starchy's Hitler the Pawn, and
- (4) John Starchy's Trial of Redek?

The Honourable Sir Henry Craik: (a) The fact that a book has been published by the Left Book Club does not in itself render the book liable to confiscation. Books published by the Club would only be confiscated

if their entry into India were prohibited under the provisions of the Sea Customs Act or if the provisions of section 168 of that Act apply and are enforced.

(b) I have no information regarding the complaint in question.

(c) No. 1 is prohibited under the Sea Customs Act. There is no restriction on Nos. 2 and 3. The fourth book has not come to the notice of the Government of India, and I am not aware that any copies have been confiscated.

Mr. N. V. Gadgil: Are Government aware that John Starchy's Theory and Practice of Socialism is allowed free entry into Burma?

The Honourable Sir Henry Craik: I am not aware of that.

Prof. N. G. Ranga: Has the Honourable Member himself had an opportunity of reading this book?

The Honourable Sir Henry Craik: No, Sir.

Prof. N. G. Ranga: Will he take my suggestion and read it, because he will find that it is not such a dangerous book as he seems to think?

Mr. N. M. Joshi: Are Government aware that on account of the banning of some of the books of the Left Book Club, some honest citizens are compelled to smuggle these books into India by various methods?

The Honourable Sir Henry Craik: I would not call anybody who smuggled a book into India an honest citizen.

Mr. Sri Prakasa: Who are the final judges as to whether a book is desirable or not?

The Honourable Sir Henry Craik: The Government of India.

Mr. Sri Prakasa: When the Home Member himself does not read these books, who advises the Government of India on such subjects?

The Honourable Sir Henry Craik: The Honourable Member is perfectly well aware that it is not the practice to give the names of the people who advise the Government of India.

ANIMALS SLAUGHTERED FOR THE FEEDING OF BRITISH TROOPS IN INDIA.

915. ***Mr. Sri Prakasa:** Will the Defence Secretary state:

(a) the average number of animals of each description slaughtered on an average per month for the feeding of British troops in India;

(b) if Government are aware that there is a sentiment among different classes of people against the slaughter of particular animals; and

(c) what steps, if any, Government take to respect the feelings of the people in this behalf?

Mr. C. M. G. Ogilvie: (a) 6,250 cattle.

(b) Yes.

(c) Government take all possible precautions to avoid injury to the feelings of the people.

RELEASE OF MR. RAM CHANDRA BAPAT, A POLITICAL PRISONER.

915-A. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Home Member be pleased to state whether Mr. Ram Chandra Bapat was sentenced to ten years rigorous imprisonment for an attempt on the life of Mr. Gibson? If so, when, and when does his sentence expire?

(b) How long has he been in the Sabarmati jail, and, was he placed in the 'B' class? If so, why has he been transferred to 'C' class again?

(c) Is it not a fact that all the political prisoners are placed in 'B' class in the Bombay Presidency? If so, has Mr. Bapat been placed in 'C' class at the instance of the Ajmer administration, or the Government of India?

(d) Are Government prepared to place all the political prisoners in 'B' class, as is the practice in the United Provinces, Bihar and Bombay?

(e) Has Mr. Bapat written any letter to the Bombay Government abjuring terrorism and affirming faith in Congress methods? If so, what action, if any, do Government propose to take to expedite his release?

(f) What is the total period of remission to be granted to him?

The Honourable Sir Henry Craik: (a) Yes. Ram Chandra Bapat was sentenced on the 21st May 1932. His sentence, excluding remissions, will expire on the 20th May, 1942.

(b) He was transferred to the Sabarmati Jail in March, 1933. He was temporarily placed in 'B' class pending enquiries regarding his social status, education and habit of life, and as these enquiries showed that he was not accustomed to a superior mode of living, he was finally classified as a 'C' class prisoner.

(c) Government have no information whether all the so called political prisoners in the Bombay Presidency have been given 'B' class. As explained in reply to part (b) above, Bapat was placed in 'C' class by the Ajmer Administration, after taking into consideration his social status, education and habit of life.

(d) Government have no information as to the practice regarding classification of prisoners prevailing in the United Provinces, Bihar and Bombay. They have no intention of placing all political prisoners automatically in 'B' class.

(e) The Government of India have not received any communication to that effect from the Government of Bombay.

(f) A well-behaved and industrious prisoner is ordinarily entitled to 63 days remission per year.

UNSTARRED QUESTIONS AND ANSWERS.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

99. **Pandit Sri Krishna Dutta Paliwal:** (a) Will the Defence Secretary be pleased to state if it is correct that temporary civil personnel entertained to complete field service requirements are entitled to military disability pensions in the same way as permanent and pensionable hands detailed for service with the field forces, if suffering from disease medically certified

to have been contracted from field service. (Authority: Recommendation No. 12 of the War Pensions Committee) (India Army Order No. 560 of September, 1933.)?

(b) Do non-permanent, non-pensionable and non-continuous service in India entitle any man of the above category to any ordinary pension for such services?

(c) Is the verification of non-permanent, non-pensionable and non-continuous services necessary and covered by any rule or regulation?

(d) Is it correct that all the recommendations of the War Pension Committee, as published in India Army Order No. 560, dated the 25th September, 1933, are applicable to the following classes:

(i) all combatants and non-combatants disabled or who contracted diseases during the Great War 1914—18;

(ii) all non-combatants who contracted incurable diseases whilst on field service and were drawing the following substantive salaries at the time of their final invalidation later on in India from the service:

Substantive salaries on Field Service.

(1) Rs. 50 per month.	(1) Rs. 30 per month.
(2) „ 80 „	(2) „ 40 „
(3) „ 120 „	(3) „ 50 „
(4) „ 160 „	(4) „ 60 „
(5) „ 200 „	(5) „ 70 „
(6) „ 260 „	(6) „ 80 „
(7) „ 310 „	(7) „ 90 „

Mr. C. M. G. Ogilvie: (a) Yes, under the specific rules laid down for them.

(b) and (c). No, except in exceptional cases.

(d) (i). Yes.

(ii) The recommendations of the War Pensions Committee lay down the general principles, irrespective of pay, etc., of the individuals concerned.

The Committee confined themselves to an examination of the rules and regulations affecting Indian non-commissioned officers and other ranks who served in the Great War.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

100. **Pandit Sri Krishna Dutta Paliwal:** Will the Defence Secretary be pleased to answer my unstarred question No. 127, parts (a), (b), (c) and (e), asked on the 8th October, 1936, regarding disability pension to military employees invalided during the Great War for general information and guidance, as the same does not appear to have been answered up to date?

Mr. C. M. G. Ogilvie: The previous question to which the Honourable Member refers concerned only with one individual whose claims had not been settled as was stated by my predecessor in reply to Seth Haji Sir Abdoola Haroon's unstarred questions Nos. 25, 26 and 27 of the 15th

of September, 1936. This case has since been settled. The individual is to receive, in addition to his existing invalid pension, a permanent disability pension of 22 shillings per week together with an addition of 20 per cent. thereof and also a wife's allowance at 8 shillings per week.

This was to have retrospective effect from the 16th of December, 1930.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

101. **Pandit Sri Krishna Dutta Paliwal:** Will the Defence Secretary please state if it is a fact that with reference to recommendation No. IX of the War Pensions Committee, disability pension claims of those retiring on a pay of Rs. 200 per mensem or over are payable in sterling and that they are to be converted at the rate of one shilling four pence to the rupee if the pensioner was in Government service before the present ratio came into force in 1921?

Mr. C. M. G. Ogilvie: I refer the Honourable Member to the information laid on the table of the House on the 9th September, 1937, in reply to question No. 407.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

102. **Pandit Sri Krishna Dutta Paliwal:** (a) With reference to my unstarred question No. 127, part (e), asked on the 8th October, 1936, regarding disability pension to military employees invalided during the Great War, will the Defence Secretary be pleased to state the rule or regulation under which the birth certificates were called for from the Collectors or Deputy Commissioners of districts for the admission of children to children's allowance of the individuals concerned?

(b) Having once decided and accepted in principle the admission of children to children's allowance of the individuals concerned, will the Defence Secretary be pleased to state the reasons which led to a change?

Mr. C. M. G. Ogilvie: (a) Pension Regulations for the Army in India.

(b) Children's allowances are always given where admissible. In the absence of specific instances, it is not possible to answer this question more precisely.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

103. **Pandit Sri Krishna Dutta Paliwal:** Will the Defence Secretary be pleased to state the weekly rate of allowances admissible respectively to an individual, his wife and two minor sons of a civil officer retiring with the relative rank of a lieutenant under three years' service and assessed 100 per cent. disability on account of field service?

Mr. C. M. G. Ogilvie: In the absence of full particulars of the case, it is not possible to furnish the required information.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 463 asked by Maulvi Muhammad Abdul Ghani, on the 10th September, 1937.

PILGRIMS TO HEDJAZ.

- (a) 9,870 during the 1936-37 pilgrim season.
- (b) No such concession was made by any Railway Company.
- (c) The personnel is shown in the list below.
- (d) No such special trains were run. Additional bogies were attached to regular trains at Victoria Terminus when the number of pilgrims exceeded 100.

List of Members of the Standing Committee on Pilgrimage to the Hedjaz and of Provincial Haj Committees.

(1) Standing Committee on Pilgrimage to the Hedjaz.

Chairman.

The Honourable Member in charge of the Department of Education, Health and Lands or an officer deputed by him to act as Chairman on his behalf.

Members.

Official—

The Secretary or Joint Secretary in the Department of Education, Health and Lands as may be decided from time to time by the Honourable Member in charge of the Department.

Non-official—

- The Honourable Khan Bahadur Syed Ihtisham Hyder Chaudhury.
- The Honourable Haji Syed Mohamed Husain.
- Maulvi Syed Murtuza Sahib Bahadur, M.L.A.
- Khan Bahadur Shaikh Fazl-i-Haq Piracha, M.L.A.
- Qazi Muhammad Ahmad Kazmi, M.L.A.
- Syed Ghulam Bhik Nairang, M.L.A.
- Maulana Shaukat Ali, M.L.A.

Secretary.

The Deputy Secretary or the Additional Deputy Secretary in the Department of Education, Health and Lands as may be decided from time to time by the Honourable Member in charge of the Department.

(2) Port Haj Committee, Bombay.

(Nominated.)

- Mr. W. R. G. Smith, C.I.E.
- Dr. R. K. Mhatre.
- Lieut.-Col. A. C. L. O's Bilderbeck, I.M.S.
- Mr. J. H. F. Raper.
- Mr. F. A. Borissow.
- Mrs. Khadija Shafi Tyabji.
- Khan Saheb Haji Haiderali Haji Bachoo Ali.

(1970)

STATEMENTS LAID ON THE TABLE.

1971

(Elected.)

- Haji Alimohamed Jalaluddin.
- Mr. Mohamed Ebrahim Serang.
- Mr. Abdulkader N. Valiulla.
- Haji Hasanally Peermohamed Ebrahim.
- Mr. Mahomed Suleman Cassam Mitha, M.L.A.
- Mr. Syed Munawar.
- Mr. Ghulam Husein Ebrahim Matcheswalla.
- Mr. Abdul Kader Mohamed Shaikh.

(Co-opted.)

- Haji Ahmed Haji Mohamed Bhiwandiwalla.
- Haji Abdul Latif Curtay.
- Haji Ebrahim Yusuf Zainul Ali Reza.
- Mr. Yusuf Abdulla Fozan.

(3) Port Haj Committee, Calcutta.

(Nominated.)

- The Deputy Commissioner of Police, Port Police, Calcutta.
- The Port Health Officer, Calcutta.
- The Executive Officer of the Port Haj Committee, Calcutta.
- Mr. Abdul Aziz Khan.
- Mr. Abdul Raheem, C.I.E.
- Mr. J. Morshead.
- Maulvi Muhammad Muzammul Huq.

(Elected.)

- Mr. I. S. K. Ghuznavi.
- Khan Bahadur Muhammad Abdul Momin, C.I.E. (Chairman).
- Mr. Amin Ahmed.
- Sir Abdul Halim Ghuznavi.
- Maulvi Shaiduddin Muhammad.
- Maulvi Abdul Hakim.
- Mr. Mohamed Rafique.
- Maulvi Shamsuddin Ahmed.

(Co-opted.)

- Haji Badi Ahmed Chowdhury.
- Haji Abdur Rashid Khan.
- Khan Sahib Maulvi Choudhuri Fariduddin Ahmed Siddiqui.
- Haji Abdur Razzak

(4) Port Haj Committee, Karachi.

(Nominated.)

- Mr. E. Gawan Taylor, I.C.S.
- Dr. Burjor Framji Khambatta.
- Dr. H. P. Billimoria.
- Mr. H. N. Young.
- Lieut.-Col. D. S. Johnston, C.I.E.
- Mrs. Mariam Hatim Badruddin Tarabji.

(Elected.)

- Haji Mahomed Yusuf Mowla Bux.
- Syed Mahmood Shah Ghazi.
- Mr. Mahomed Hashim Gazdar.
- Mr. Abdul Majid Lilaram.
- Mr. Shamsuddin Khan Abdul Kabir Khan.

(Elected.)
K. S. Allah Bakhsh Khudadkhan Gabole.
Pir Ghulam Hyder Shah Sahibdino Shah Bulri.

(Co-opted.)
K. S. Haji Fazal Ellahi Jawaherdin.
Maulvi Mahomed Usman.
Seth Haji Imam Bakhsh Haji Chandu.
Seth Haji Nur Mahomed.

(5) Provincial Haj Committee, Malabar, Calicut.

(Nominated.)
The Additional District Magistrate, Malabar.
The Sub-Divisional Magistrate, Malappuram.
District Superintendent of Police, Malabar.
Deputy Superintendent of Police, Cannanore.
Khan Bahadur P. M. Attakoya Thangal Sahib Bahadur (Chairman).

(Elected.)
M. Kutti Hassan Kutty Sahib Bahadur.
Khan Bahadur Haji Ali Berami Sahib Bahadur.
Khan Sahib K. Kunhamad Koya Sahib Bahadur.
Khan Sahib C. K. P. Mammad Keyi.
Janab C. N. Soopikutty Sahib Bahadur.
A. P. Ahmad Kutty Moulavi Sahib Bahadur.
Puducherry Assankutty Kurikkal Sahib Bahadur.
K. C. Alavi Sahib Bahadur.
Kudakkil Puthanikkat Veeran Haji Sahib Bahadur.
Ullathodiyil Koyamoo Sahib Bahadur.

(6) Provincial Haj Committee, United Provinces.
(Elected.)

1. Hafiz Muhammad Yunus.
2. Maulvi Muhammad Said Abdul Razzaq alias Muhammad Mian.
3. Maulana Abdul Majid Daryabadi.
4. Khan Bahadur Haji Saiyid Zain Uddin Sahib.
5. Dr. Abdul Ali Nizami.
6. Haji Saiyid Ghulam Husnaini.
7. Maulana Abdul Wahid Usmani.
8. Maulana Haji Karam Ali.
9. } Vacant.
10. }

(Nominated.)
The Deputy Commissioner, Lucknow.
The Divisional Superintendent, East Indian Railway, Lucknow.
Raja Sir Muhammad Ejaz Rasul Khan, K.C.I.E., C.S.I.
Begam Sheikh Muhammad Habib Ullah, M.L.A.
Khan Bahadur Muhammad Mushtaq Ali Khan, Deputy Secretary to Government in the Local Self-Government Department.

(7) Provincial Haj Committee, Punjab.

(Elected.)
Sheikh Abdul Ghani.
Al-Haj Maulvi Farzand Ali.
Sh. Mohammad Zahir-ud-din.
Khan Bahadur Haji Sh. Rahim Bakhsh.
Agha Ghulam Hasan Khan.
Khan Sahib Ch. Fazal Din, M.L.A.

(Elected.)

Maulvi Siraj-ud-din Ahmad.
Sh. Mohammad Din Jan.
Maulvi Abdul Haq Abbas Khan.
Nawabzada Faiz Mohammad Khan.

(Nominated.)

Nawab Shah Nawaz Khan of Mamdot, M.L.A.
Khan Bahadur Nawab Haji Mohammad Hayat Qureshi, C.I.E.
Maulvi Sana-ullah.
Haji Sayed Afzal Ali Hasni, M.L.A.
Khan Sahib Sh. Fazl-i-Ilahi, P.C.S.

(8) Provincial Haj Committee, Assam.

Senior Moslem Magistrate (including the Additional District Magistrate posted at Sylhet Sadr, *Ex-Officio* Secretary).
Senior Moslem Magistrate posted at Habiganj, Sylhet.
Senior Moslem Magistrate posted at Silchar.
Senior Moslem Magistrate posted at Dhubri, Goalpara.
Senior Moslem Magistrate posted at Nowgong.

(Elected.)

Khan Bahadur Maulvi Md. Mashraf.
Maulvi Abdul Waheb.
Maulvi Md. Mofiz Choudhury.
Maulvi Haji Md. Shofqul Hoque Choudhury.
Maulvi Syed Ramjan.
Khan Saheb Maulvi Rashied Ali Laskar.
Maulvi Abdul Majid.
Maulavi Wazid Ali.
Maulvi Eradat Hussain.
Maulvi Md. Shafi.

(9) Provincial Haj Committee, North-West Frontier Province.

Khan Sahib Haji Arbab Shams-ud-Din Khan—President.
Mr. Saadullah Khan—Vice-President.
Mr. Pir Bakhsh Khan, M.L.A.—General Secretary.
Haji Muhammad Barkat Ali—Joint Secretary.
Khawaja Safdar Ali Mohammad—Treasurer.

And

in each district, under his supervision, the representative of the Provincial Haj Committee will privately, form a District Haj Committee, for the necessary services of pilgrims. The Representative will be designated "Rafiq-i-Haji". The following "Rafiq-i-Haji" are appointed in each District:—

Peshawar—Haji Muhammad Barkat Ali.

Kohat—Mr. Saadullah Khan.

Bannu—Mr. Muhammad Jan.

D. I. Khan—Khan Bahadur Maulvi Haji Ahmaduddin.

Haripur—Mr. Miri Wab-ulah.

Mardan—Mr. Pir Muhammad Khan.

Working Committee.

Khan Sahib Muhammad Shah Khan of Ismaila.

Malik Zureb Gul of Ziam.

Khan Sahib Haji Ghulam Haider Khan of Sher Pao.
 Khan Bahadur Muhammad Rafiq Khan of Gumbat.
 Dr. Mehr Dil Khan of Bannu.
 Haji Atta Muhammad Khan of Pardha.
 Khan Mir Zaman Khan of Hazara.

Information promised in reply to starred questions Nos. 539 to 542 asked by Mr. Abdul Qaiyum on the 1st March, 1938.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

Starred question No. 539.—(a) No; from the earliest days of British rule, the Peshawar Cantonment, which has increased considerably in size and population and consequently in demand for water since that time, has been held to be entitled to 2 "mills" (or ten cusecs) of water for irrigation as well as domestic use from Bara river.

(b) No.

(c) Since the supply is variable, seasonal fluctuations must be reflected in the supply to the Khalil Tappa.

(d) No. Of the average daily output of the Bara River, the Cantonment (including Jamrud) takes 1/54th only. As regards right and title to drinking water, please see answer to part (a) above.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

Starred question No. 540.—(a) No records of any such agreement are now available.

(b) Does not arise.

(c) Yes, but it was based on information which is now recognised by Headquarters, Peshawar District and Headquarters, Northern Command to be inaccurate.

(d) Yes. It is now known, however, that less than 10 cusecs are taken for all purposes. The necessity for providing an alternative irrigation water supply no longer exists.

(e) Yes, subject to the answers to the preceding parts (c) and (d).

(f) Yes, but the statement was incorrect. The Cantonment draw off up to 10 cusecs which is their entitlement by inheritance.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

Starred question No. 541.—(a) Yes. The Executive Officer, Peshawar attended the conference.

(b) The conference was not empowered to make any decisions on behalf of the Government of India. Certain proposals were made, but the information on which they were based is, however, now known to have been inaccurate.

(c) Yes; but all claims on the Government of India in this respect have since been abandoned by the Local Government.

(d) Yes.

(e) It was represented to the North-West Frontier Province Government in 1928 that the supplies in the Bara River were diminishing. The demands of the Peshawar Cantonment have remained unchanged since a cantonment was first established at Peshawar.

USE OF THE WATER OF THE BARA RIVER BY THE MILITARY AT PESHAWAR.

Starred question No. 542.—(a) Whatever the opinion of the Government of the North-West Frontier Province previously was, they have since abandoned all claims to the surrender of water by the Army and Cantonments. The local military authorities are not in favour of the relinquishment of their entitlement to 10 cusecs.

(b) Yes, subject to the reply to part (a) above.

(c) and (d). In view of the preceding replies, these questions do not arise.

Information promised in reply to parts (b) and (c) of starred question No. 588 asked by Dr. Sir Ziauddin Ahmad on the 2nd March, 1938.

SUB-CONTRACT OF THE HINDU TEA STALL AT LUKHSAR.

The Agent, East Indian Railway, states that Messrs. S. L. Kapoor and Company, the contractors for the Hindu tea stall, were instructed to arrange for Joti Pershad to vacate the tea stall, which the latter did.

Information promised in reply to starred question No. 785 asked by Mr. H. M. Abdullah on the 17th March, 1938.

EXPENDITURE ON THE ARMY REMOUNT DEPARTMENT AND MECHANISATION OF DEFENCE.

(a) The following approximate expenditure was incurred by the Army Remount Department on account of feed and keep of donkey stallions:

	Rs.
1929/30	915
1930/31	1,470
1931/32	2,190
1932/33	2,200
1933/34	1,825
1934/35	1,780
1935/36	1,630
1936/37	1,250

(b) The accounts are not maintained in such a form as to make the information readily available and its compilation would entail an expenditure of time and labour disproportionate to the result.

MOTION FOR ADJOURNMENT.

ATTACK ON A TAXI DRIVER BY BRITISH SOLDIERS IN DEHRA DUN.

Mr. President (The Honourable Sir Abdur Rahim): I have received notice of a motion of adjournment from Pandit K. K. Malaviya. I am told that the notice was handed in to the Assembly Department only one or two minutes before 11 A.M. This is hardly fair to the Chair and I trust that Honourable Members will in future hand in their notices of adjournment motions sufficiently long before 11 A.M. so that the Chair may have an opportunity of considering them.

Mr. M. Asaf Ali (Delhi: General): Sir, may I say a word about it? I quite realise that it would be unfair to the Chair if notice was not given in good time. But the rule says that notice must be given before the House meets. If the House meets at 11 A.M. and notice is given a minute before that, it is certainly within the rules. Further than that, objection is over and over again taken by Honourable Members on the Treasury Benches that they did not receive notice of an adjournment motion in time. If they are going to stick to their rules, why cannot we?

Mr. President (The Honourable Sir Abdur Rahim): I did not rule the motion out of order. That speech of the Honourable Member was absolutely uncalled for. I do say still that whenever any Honourable Member wishes to give notice of a motion of adjournment, if it is possible for him he ought to give it in sufficient time for the Chair to consider it.

Mr. M. Asaf Ali: I did not say anything about ruling it out of order.

Mr. President (The Honourable Sir Abdur Rahim): The notice is to the effect that the Honourable Member wishes to discuss a definite and specific matter of urgent public importance of recent occurrence, namely, the misconduct of some British soldiers in Dehra Dun in attacking a taxi driver and driving off with the taxi as reported in today's *Hindustan Times* showing the increase of indiscipline of British troops of late.

What is the real gist of the motion? Is it the offence against the taxi driver or the increase of indiscipline among British troops?

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): I want to discuss the increase of indiscipline among British troops.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I object to this motion being allowed. I am not referring to the point of time, that is, that notice was received at 11 A.M., and I do not want to raise the general question as to whether adjournment questions can be based on newspaper reports at all or not. That is a big question which I do not intend to discuss on the present occasion. But in this particular case what has happened is this. A report has been published in one of the papers today. Beyond that statement in the press the Honourable the Mover is not backed by any facts whatsoever. He has received no information from the locality or from any person that such an incident has happened. We have done our best and as soon as the notice was served at 11 A.M. we telephoned to the headquarters of the Meerut District which are at Dehra Dun, and at 11-15 we received the information that nothing is known in the headquarters about this incident and that if such an incident has happened and the culprits can be traced they will be placed before the Magistrate. We are now going to discuss the growing indiscipline among the British army. That of course like the lady's postscript is the main part and the incident is only subsidiary. But as to the facts, nobody knows anything about them except a statement in the press and I submit it will be quite inexpedient to allow an adjournment motion in the circumstances of this case merely on a newspaper report about the veracity of which no one can vouch. And it has been published in one newspaper only.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, this is the first time during the last three and a half years that I have heard an objection raised on the ground now stated: in fact I have always heard the contrary

The Honourable Sir Henry Craik (Home Member): Certainly not; I have done it more than once.

Mr. Bhulabhai J. Desai: You may have done it: I shall not take any notice of what the Honourable Member says unless he rises in his seat with an answer. The only question before the House is this: I take it—and I think there are rules to this effect—that when information is contained in a newspaper report and notice of an adjournment motion is given the following day, the objection has been taken by my Honourable friend himself reading out the newspaper of the previous day and stating that it

was not a matter of urgent and public importance within the meaning of the rule, meaning that the matter should be brought to the attention of the House, if at all, within the time when it was possible for the Members so to do on the information being received. If the meaning of the objection is, and should you so uphold it, then we submit that the rule should be laid down that attention should be called and the Honourable the Leader of the House or the Member concerned should undertake to answer a question and not lodge a complaint in the meantime so that the matter may be made *sub-judice*, so that it may not be argued here. Therefore, we submit that the motion is entirely in order. The Government are unable to have the correctness of the information tested and propose to act upon the information

The Honourable Sir Nripendra Sircar: May I make a statement on that observation? We are prepared to undertake to answer a short notice question and not to raise the point of the matter being *sub-judice* at all. We shall make the statement as full as possible.

Mr. President (The Honourable Sir Abdur Rahim): The position is this: there is no objection *per se* to the notice being given of a motion of adjournment on a matter of public importance within the meaning of the rules simply because it happens to be based on a report in a newspaper. But the Chair has always endeavoured to ascertain how far that report can be relied upon to justify the motion for adjournment. In this particular case the Honourable the Leader of the House has informed the House that as soon as this notice was received Government got into communication with the authorities in Dehra Dun in order to ascertain how far there was any truth in the statement that has appeared in the press; and they were informed that as a matter of fact the army authorities at Dehra Dun have reported that they are not aware of the happening of any such incident. That being the position, the Chair will not be justified in accepting this motion for adjournment unless the Chair is in possession of further facts. I, therefore, allow this matter to stand over till tomorrow, till we have further information. As regards any short notice question being put, that depends upon the Members of the House.

The Honourable Sir Nripendra Sircar: I submit, Sir, my Honourable friend cannot have it both ways. If they wish to have their motion for adjournment we shall meet it as best as we can. In that case, the other undertaking does not continue that if a short notice question is put I shall not raise the objection of *sub-judice*, or shall accept short notice.

Mr. President (The Honourable Sir Abdur Rahim): The short notice question cannot be put today.

The Honourable Sir Nripendra Sircar: No. If it is put tomorrow I undertake not to raise that question at all, whether I give the answer tomorrow or the day after. But I do not want my friends to have it both ways; let it be understood that if my friend puts a question tomorrow and we give an answer to him tomorrow or the day after or even the day after that, I shall raise no question of *sub-judice*. I am quite willing to do that. But, if on the other hand my friends are not satisfied with that, if they are going to take their chance on an adjournment motion tomorrow, then my other agreement is off.

Mr. Bhulabhai J. Desai: The point that I sought to raise was not about objecting to answer the question as a short notice question: my objection was, having regard to my experience on the previous occasion, that on the ground—and it may be a perfectly honest ground—that information had not been received, whether from the source from which it has come—how the information is received is another question—that on that ground and in the meantime by having a *chalan* or some such proceeding on that account we are told in this House that this House cannot discuss it: the point I meant to raise and do raise is this: that where the Honourable the Leader of the House under the circumstances under which he is placed desires and puts it to the Chair that the proper time for raising this is not yet and that it may be raised later on on sufficient information being received, that under such circumstances the right which we have today when the matter is not *sub-judice* and therefore can be the subject of an adjournment motion, should not be destroyed by any move on their part making it *sub-judice*; that is all I am trying to say; and what we now ask, therefore, is that the matter should stand over till tomorrow: our intention in putting a short notice question is not that the matter should be treated as if the motion had not been moved today and should not be treated as a ground that the matter is *sub-judice* and, therefore, cannot be discussed. It is only that objection that I want you to waive as a condition of adjournment on the ground that the information is not available.

The Honourable Sir Nripendra Sircar: I want to prevent misunderstanding. It is perfectly open to the Chair to allow this matter to be taken up tomorrow. To that I have nothing to say. It does not depend on anybody's consent. But let it not be said afterwards that I consented not to raise the question of *sub-judice* if the adjournment motion is taken up tomorrow and if the man is hauled up before the Magistrate tonight or tomorrow morning we shall certainly take objection.

Mr. President (The Honourable Sir Abdur Rahim): The point which has been raised now by the Leader of the Opposition is this: that although the motion could not be moved today because there was not sufficient information in possession of the House, upon which the Chair would be justified in accepting this motion, since this notice has been given today it ought to have the effect of barring any objection being raised on the ground that the matter has, since notice of the motion was given, been referred to a Court or is under investigation with a view to its being referred to a Court of justice. On that point the rules are quite clear. If at any stage it appears that the matter is *sub-judice* it is for the Chair to stay its hand altogether.

THE CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I beg to present the Report of the Select Committee on the Bill to control the Coastal Traffic of India.

THE MOTOR VEHICLES BILL.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of motion that the Bill to consolidate and amend the law relating to motor vehicles be referred to a Select Committee.

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): Sir, the Honourable Sir Thomas Stewart has given a long history of the Motor Vehicles Act. From the history it appears that the Bill is the result of more than one conception and of the labours of several years. It is clear, therefore, that it cannot be called a legitimate issue of only one couple, but a bastard Bill born of several parents. That is why its looks and formations and all the elements composing the body of the Bill look very very awkward and do not deserve consideration. I therefore, do not like the Bill and strongly oppose its reference to the Select Committee.

Sir, the Honourable Member for Railways and Communications has said that the Bill has two aspects, one regulative and the other co-ordinative. So far as the description of the Bill goes, it is all right, but may I know what is the necessity that has compelled the authorities to bring forward this measure before the House? When any Bill is presented before a House of Representatives in any country, the necessity of that measure has to be proved to the hilt. Here the persons concerned are the motor drivers, motor owners and the people at large. May I ask the Honourable Member, has he received any representation from the drivers of motor cars or the owners of motor cars or from any section of the people, as to the necessity of this Bill? The Honourable Member may come forward and assume a paternal air and say that these people are most ignorant, they do not know their own interests, we are in charge of them, we are to look after their interests and hence this measure. Leaving this question of necessity apart, may I ask who is going to be benefited by this measure? Will the motor drivers get more pay? Will this measure bring in more profits to the motor owners, and may I ask whether this measure is going to bring more convenience and more comfort to the people at large? Nothing of the kind. Of course, I know the necessity. The measure is brought forward to save the tottering condition of the income of the railways in this country. In every country it is the duty of the State to encourage private enterprise, but here in this unfortunate country the State is going to ruin private enterprise. It is said that the Bill is meant to co-ordinate all sorts of transport available in this country. Is it going to co-ordinate so many means of transports in this country, or there is a hidden attempt to kill motor transport which has been so progressive in recent years? Although I do not want the Bill and I oppose it, so far as I understand, it will go to the Select Committee. I hope that Honourable Members of the Select Committee will manage to see that at least the destructive portions of this measure are taken out of it.

Clause 41 provides for the formation of Regional Transport Authorities. May I ask what is the use of these Regional Transport Authorities? In every district we have got district boards, local boards, etc., and these institutions may be authorised to deal with the matters which are intended to be dealt with by the Regional Transport Authorities. What is the use of having so many institutions which may, later on, prove to be rival to one another? Further, in the same clause a suggestion has been given as to how to form these Transport Authorities. So many interests will be represented, and besides that, the railway concern also is to be represented on the Committee. Everybody knows that they are going to have a Statutory Railway Board for the control and management of the railways in this country, and in that Board even the

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Central Legislature will have no voice. Even the highest Legislature of the country will have no voice in the railway administration, but the railway administration is given representation even on the district authorities, the provincial authorities, and so on. I do not know what sort of justice there is for doing that.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): How do you know this? What is the source of your information?

Mr. Ram Narayan Singh: As many of my Honourable friends have said, as regards permit to run a stage carriage or any other carriage, the Regional Authority will consider along with so many other things, the character, qualifications and financial stability of the applicant. I do not know what to say about this. Character? We know what character is. We know how many Government servants have got character. By character I mean truthfulness and honesty. They are the chief elements of character. How many servants of Government have got character?

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow the Honourable Member to make a reflection like that wholesale on Government servants because they are Government servants.

Mr. Ram Narayan Singh: I bow to your ruling, Sir. But it is proposed that they will demand a certificate of character, when the motor owner will apply to them for permit. They will consider the character of the man who will apply to them for permit to keep and run a motor car.

Mr. M. S. Aney (Berar: Non-Muhammadan): Everybody has to show good character before he gets a permit, although he may or may not have good character.

Mr. Ram Narayan Singh: They talk of the qualifications of the man who will apply for permit. We know what qualifications they will have regard to. We have got experience, and rather bitter experience of how these people consider character, consider qualifications, consider financial stability. In short, it means loyalty to the bureaucracy. If a person is loyal, faithful and subservient to the British bureaucracy, he is supposed to have good character, good qualifications and financial stability. It is no good deceiving the world by a mere mention of those words.

Again, they want that long distance transport should be reserved for the railways; not only that, but a licence issued by one provincial authority will not be valid in another province. It is not right. A licence once issued ought to be valid throughout the country. Supposing I am a resident of Bihar and want to travel up to Delhi. I shall have to take the permission of so many authorities. This is all absurd.

In one of the provisions, it is said that a lad of 18 years will have a licence to drive a delivery van and a man below 21 years of age will not be allowed to drive lorries or stage carriages. Suppose a lad who has got a licence to drive a delivery van by chance drives a lorry, which he is not allowed to do, how is it possible for the authorities to find that out? This is a distinction which cannot be worked in practice.

Then clause 117 says:

"Whoever while driving or attempting to drive a motor vehicle in any public place is under the influence of drink or a drug to such an extent as to be incapable of exercising proper control over the vehicle, shall be punishable for a first offence with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both, and for a second or subsequent offence with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees, or with both."

Here, why are they so very lenient? I think intoxication ought to be severely penalised. I know a bit of driving. It requires lot of concentration. Even a slight absent-mindedness or diversion of mind may end in great disaster. So, I feel that if anybody is found intoxicated, his license ought to be cancelled once for all and he must not be allowed to drive a car in future.

This is not the occasion when I should deal with the Bill in detail. I hope this will be remodelled in the Select Committee, but the chief thing is I do not want to invest this Government with additional powers. Everybody knows that this Government in this country is an incarnation of all evils. All laws are the means of oppression to the people. We, the representatives of the people, will not be justified to give them additional power to oppress us. We have got a Motor Vehicles Act passed in 1914 and I know how it was used in 1932. When the Civil Disobedience Movement was started in 1932, no man with *khadi* dress was allowed to get into a lorry. We, Congressmen, could not get any taxi, except a police van when we were under arrest. India is not yet free. We shall have to fight another battle once more. My Professor, Dr. Banerjee, assumes that in Congress provinces the police may have improved but I do not want to conceal the truth. There is a proverb in Hindustani which says:

"Door Ka dhola sohawana hota hai."

It means "the drum sounds sweeter from a distance". I know we have got our own Ministers and Parliamentary Secretaries but the system which is prevailing is so dilapidated and so rotten that it is a thing which cannot be reformed. It is so rotten that it has to be demolished and then reconstructed. So far as my experience goes, no amount of reform can mend this Government. If you take the general attitude of the Government servants, we find that not a single Government servant is there to serve the people. From the *Chowkidar* up to the Viceroy, every one is to serve his own interest or the interest of his country abroad. I, therefore, request and hope and pray in this House and outside that this measure should be thrown out. It will be a disgrace to us if this measure is placed on the Statute-book of the country. With these words, Sir, I most strongly oppose the motion.

Mr. J. D. Boyle (Bombay: European): I should like to start by paying a tribute to the Honourable the Communications Member for what I think can best be described as meritorious service to the general public. I should also like to pay a tribute on behalf of the Group to which I belong to Mr. Roy for his unfailing courtesy and assistance to all those who consulted him. The Bill shows clearly all the way through his desire to meet the wishes and intentions of all those who use the road either in an individual capacity or who are interested in the transport business.

Now, Sir, the law relating to motor vehicles was certainly urgent in need of complete revision. There are many cases where what should

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have been important provisions of the Act were somewhat loosely covered by rules. On the general principles, therefore, of this Bill which entail co-ordination and scientific control and codification of laws which will, we hope, give us for the first time something in the nature of a highway code, I wish to support the motion that is before the House. Several speakers who have preceded me have referred to this control. I think it was Mr. Abdul Qaiyum who referred to it not as control but as subordination. Now, in my opinion that is not a correct statement of affairs. Control in so far as vehicle is concerned is in my opinion sufficiently elastic to enable provincial authorities so to mould the regulations as to make them easily applicable to their particular difficulties. And as to what the Honourable Member in charge referred to as to the regimentation of the individual, I am afraid I do not agree at all. There is no one, I venture to think, in this House who is more interested in maintaining the rights of the individual than every member of the Group to which I belong, but that liberty must never be interpreted as license, and so long as accidents remain at their present high level, and so long as the standard of driving remains as low as it is at present, so long I say must we agree to some form of regimentation.

As has been said by many speakers, Chapter IV is undoubtedly the kernel of the Bill. We have always regarded it as a cardinal principle in all motor vehicle legislation that there should be a classification of vehicles under various heads. In our opinion that is the only method by which control can be made effective and also, inversely, the laws relating to those vehicles made the most elastic—elastic in a way that would not be possible if all vehicles were lumped together under one head. With the principle of third-party insurance we are entirely in agreement; and I think that the provision by which the application of that section is not made effective for a period of five years should go a long way to overcoming the objections of individual interests.

This is perhaps a suitable moment to say something about the small man. He is a person who has figured rather largely in recent speeches. (An Honourable Member: "Just like the legitimate drinker?") I agree that it is the small man who was the pioneer of what we may roughly call the bus service. I agree he is still the backbone of that service. On the other hand, we must, in fairness, admit that it is also true that a great number of evils exist today in that business. The small bus owner spends every penny that he has in buying his bus. In order to make his investment pay, he tends to over-crowd the bus. He cannot afford to take that one bus of his off the road for periodical overhauls. In order to compete with more up-to-date services, he has to race from one place to another. His driver has to drive inordinately long hours. All these things tend towards danger to the public and it is, I think, undoubtedly clear that it is the interest of the general public that forms the basic principle of this Bill. For all these reasons, while we should do everything in our power to safeguard his interests, we must not overlook that basic principle that individual interests must, if necessary, be sacrificed to the general interests of the public. The incidence involved by third-party insurance has been given by the Honourable Member in charge in his opening speech and I think he will agree that if the owner of a bus service is unable to afford that fairly low incidence, how much less is he able to face the expenses and the legal liabilities that an accident would involve?

We fully agree, in connection with the Chapter dealing with the Regional Transport Authority, that these clauses should be mandatory and not permissive. We feel that it is only by these means that the present chaotic conditions will give place to a properly constituted control.

There are one or two other points with which I shall deal briefly. We are very much in favour of clause 28 which makes effective throughout British India a registration taken out in any one province. We are also in support of clause 61 which restricts the hours of work for drivers. A more general point is in connection with the application of this Bill. We realize that at present its application must be confined to British India. But one of the main objects of the Bill is clearly to facilitate the easy flow of traffic throughout India and we hope that Government will not overlook, and will continually press for, reciprocal action by the State so as to make the main provisions of this Bill applicable throughout the whole of India.

I must also make a mention of the paragraph which deals with the fixing of maxima and minima rates. The House is well aware that we in this Group have always considered such action as a very dangerous principle. We quite appreciate the difficulties which the clause is drafted to deal with and it may even seem impossible that the fixing of these maxima and minima rates would go a long way to overcoming them; but we cannot get over our objection of principle and we very much hope that in the Select Committee some suitable alternative may be found which will effectively deal with the points.

As to the question of road-rail competition, I think the views of my Group are already well known to the whole House. We have felt, so far as railways are concerned, that opinion must turn from the word "restriction" to the word "regulation", and we have felt, in so far as road interests are concerned, that the reasonable liberty of the user of the road must not be interpreted as unfettered license. That is still our opinion today and it is on those lines that our representatives on the Select Committee will work.

In conclusion, may I say that there are many points in this Bill with which our representatives on the Select Committee will have to deal but it is obviously impossible for me at this short notice to deal with them here, nor in fact would it be desirable: and I should only like to repeat that on the general principles of the Bill the Group which I represent are in entire agreement and I, therefore, support the motion that is before the House.

Mr. N. J. Roughton (Government of India: Nominated Official): Sir, I propose to confine my remarks very largely to the question of compulsory insurance. The first thing that must have struck anyone who has listened to this debate is the paucity of the criticisms of the proposals in this respect. The criticisms have been much less serious than those which I have heard outside the House in the past few months and much less than I expected to hear in the House. This may be due to the fact that the majority of the speakers belong to a Party which takes a particular interest in the welfare of the poor men—a Party which I have every confidence will do its utmost to promote a measure which is so obviously intended for the benefit of the victims of undeserved misfortune. It may also be that

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now that the public have had more time to familiarise itself with the question, with the obvious benefits of compulsory insurance and the comparative lack of weight in the objections to it that much of the opposition to this measure has disappeared with fuller knowledge of the question.

I will deal first with one or two objections that have been put forward. I am obliged to my old friend, Mr. B. Das, for his kind reference to me. I am also obliged to him for supplying me with a very potent argument. He said: "If we have compulsory insurance, why not have old-age pensions and other beneficent social activities". Sir, I quite agree that old-age pensions, like compulsory insurance, fall into the category of beneficent social activities. Unfortunately, old-age pensions are very expensive and, we cannot, at present, afford them. Compulsory insurance is a beneficent social activity and its cost is very low and there is no reason, whatsoever, why we should not have it. The next argument is that we are encroaching on the provincial sphere. So far, of course, as insurance is concerned, it is a Central subject and we have given Provincial Governments as much margin as possible in imposing a five years' time-limit within which to enforce it. But it is a Central subject, and, I think, every one will agree with me that in the interests of the uniformity it should be Central. I need not harp upon that point. It is obvious that the business of insurance is spread from province to province and that provincial variations are most undesirable. The only effect of them can be to hamper the business of insurance and to increase its cost which, in the long run, of course, is borne by the travelling public. One Member went as far as to say that it was encroaching on the provincial sphere because the rule-making power under clause 110 is reserved to the Central Government. I do not think he can have read that clause. It deals with such matters as forms, issue of duplicate certificates, records to be maintained by insurers and other trifling administrative details. No Provincial Government can possibly feel that it loses any of its essential prerogatives if these matters are prescribed by rules of the Central Government. On the general question of provincial prerogatives, the question is very comparable to that of workmen's compensation. Now that workmen's compensation is in force throughout India, no province feels itself in any way aggrieved because the legislation is Central, and the reasons for legislation being Central in that case are much the same as they are in the case of compulsory insurance, namely, the desirability for uniformity in provincial standards and practice.

Before I close, I will indicate briefly the main arguments in favour of compulsory insurance. They are, firstly, the appalling mortality from motor accidents. I need not give the full list of figures which are to be found in the report of the Motor Vehicles Insurance Committee. But I will quote the countries in which there is the largest incidence of death. In Germany, it is 46.6 per 10,000 vehicles per year; in Switzerland it is 50; in Italy it is 59.4; and in India it is at least 98. In some of these countries human life is not considered particularly sacrosanct and that perhaps is the reason why certain countries appear at the bottom of the list with a very heavy mortality. It is a great shock to me and to all of us to find that India has by far the worst record in this respect and, I think, it is up to us to see that this black-mark is removed. The second

argument is the almost complete failure at present of the victims to obtain the compensation which is legally their due. The Committee on which I had the honour to serve examined the question and studied the available evidence. I hope Honourable Members will read carefully Chapter V of the report in which that evidence is summarised and, I think, they will come to the same conclusion as we did. All that is necessary for me is to quote that conclusion and these are our words:

"Our conclusion is that compensation sometimes is paid without recourse to legal action in the case of minor accidents by public vehicles though it is generally inadequate but that such payments are rare for serious accidents."

This conclusion, with the correctness of which, I think, every one will agree, speaks for itself. The third argument is the smallness of the cost. This has been estimated, as the House is already aware, from statements of previous speakers, at one anna per passenger per hundred miles and for goods at two annas per ton per day. I need not comment on these figures because every one will agree that they represent a very very small extra cost, a cost which is well worth paying to attain the object we have before us. These are the three main arguments: the necessity for protection, the absence of protection at present and the small cost of that protection. I submit that these three arguments, taken together, give us an unanswerable case.

Finally, I wish to emphasise one aspect of the case which has received considerable attention in our report. This is emphatically a case in which "prevention is better than cure". From the purely technical point of view, obviously the fewer the accidents the smaller is the cost of insurance and the smaller is the cost to the travelling public. From the humanitarian point of view there can be no two opinions. We do a far greater service to the public if we prevent one fatality to a bread-winner than if we secure monetary compensation for his death to his unfortunate dependants. For this reason, our Committee paid a great deal of time and attention to the question of prevention. One of the members of the Committee is a representative of the motor trade and, I myself come from a province in which, owing to the smaller number of motor vehicles on the road, the evils of unrestricted competition are not so apparent. I also, like the colleague that I have mentioned, have a lingering prejudice against Government control of private enterprise when it can be avoided. Therefore, Sir, our Committee started with an open mind on the subject and indeed there was a bias in the minds of a majority. I may say, of all the Members in favour of non-intervention and free competition. What we learnt in the course of our enquiries made us completely change our minds. Many Members here must have seen, as we saw, at the starting places of motor vehicles on popular routes—I speak of areas where competition at present is unrestricted, there are other areas where it is not—many Members must have seen, as we did, hundreds of buses waiting to take their turn on the road. It is obvious that this system should not continue. Such vehicles only get their turn on the road every two or three days and for the rest of the time, they and their staff are idle. The overhead charges are high because of the idle capital and when they do get on the road in order to make both ends meet, they have to compete for every passenger they get. They must, as my Honourable friend marked just now, be overfitted and they must race. They race along dusty roads with poor visibility in order to be the first to get to the passenger.

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The result is inevitable. The toll of death and accident is enormous. I can find, Sir, no more apt comparison than to compare them to a mechanised car of Jugannath crushing to death as it passes, its unwilling victims. I would earnestly ask every Honourable Member of this House, before he condemns the enforcement of regulation of motor traffic, to stop and consider what will be the deplorable results if unrestricted is allowed to continue until the number of vehicles on the roads has doubled, trebled or quadrupled. Surely, Sir, we must seize the opportunity now before us before the evil increases and multiplies and on humanitarian as well as practical grounds, put our house in order before it is too late to do so. Sir, I support the motion for reference of this Bill to the Select Committee.

Dr. F. X. DeSouza (Nominated Non-Official): Sir, I should like to intervene in this debate for a few minutes with a few observations in the hope that they will be taken into consideration by the Select Committee. To my mind a serious defect in the Bill is the absence of any comprehensive provisions for communication between province and province and between province and State and between State and State. To a coffee or tea planter living on the west coast of India working his plantations, say in Mysore or Coorg, the absence of such provisions is a very serious matter. Such a planter has to depend considerably on motor vehicles for the purpose of transporting his labour from the coast to his plantations and then repatriating them during the slack season, for the purpose of carrying his manure to the plantations from the coast to his estate and then again for carrying his produce from the estates to the coast for curing and shipping. There is of course railway communication between some of these plantations and the coast, but then the communication is so long and so tedious and so expensive that hardly anybody uses it nowadays. Although working under very great difficulties, an efficient motor service of public as well as private carriers has been inaugurated. I say this service works under very great hardship and under very serious difficulties. I will give some of the difficulties. The registration certificate obtained in a British province say in the Madras Presidency hitherto was not accepted as valid in Mysore or in other British provinces. But that defect has been remedied and very rightly so and I must thank the Honourable the Communications Member for this advantage. Clause 28 of the Bill gives an all-India validity to the registration certificate issued in any other part of British India and in some cases Indian States also. But, Sir, the next part of clause 28 (1) is a very serious hardship. It perpetuates a grievance which is still in force today. It says:

"* * * and a registration certificate issued in respect of such vehicle shall be effective throughout British India but shall not exempt the vehicle from liability to any tax imposed in any Province in which the vehicle is used."

Has any Honourable Member of this House an idea as to how this clause operates? I will tell you. A private carrier, what we generally call a private lorry, has to pay in the Madras Presidency a taxation to the Provincial Government to the extent of Rs. 150 per quarter or Rs. 600 per annum. Added to that there is the district board tax and the municipal tax.

Mr. F. E. James (Madras: European): The district board tax has now been abolished.

Dr. F. X. DeSouza: That is merely a trifle. This tax takes the carriers only to the frontier—say 50 miles in a total journey of about 150 miles. When you go to Mysore, you have to pay a heavy toll and if you stay there for anything more than a week, you have to pay another tax of Rs. 120 per quarter or Rs. 480 per annum. That is not all. Sometimes it happens that a private lorry has to take a detour to Coorg. What happens at the frontier is this. They ask you, "where is your licence?" I say that I have a licence for Madras and Mysore. They say "No, you have to go 20 miles into Coorg territory and so you have to pay full quarter's tax". I, therefore, submit that by way of provincial taxation alone, a private carrier has to pay as much as Rs. 1,200 per annum. Is it possible, Sir, to carry on traffic under those conditions? Yet the planters on West Coast are obliged to undergo this ruinous scheme of taxation in order to maintain communications with their estates. To my mind there can be no satisfactory motor legislation of this kind unless the licence issued by a British province will enable a private or a public carrier to travel from one end of India to the other. While speaking of this Bill my Honourable friend, Mr. Boyle, described it as a highway code and I submit it really becomes a highway robbery Code because at each frontier the frontier guard stops you and shouts "Stand and deliver". Sir, I wish that this legislation should be effective and should do real good to a large class of the community and make all the Indian roads national highways through the whole of Federal India under one system of taxation so that a carrier holding a licence starting from Peshawar can go down to Cape Comorin without let or hindrance from the tax collector.

Mr. M. S. Aney: What about the treaties between the States and the British Government?

Dr. F. X. DeSouza: I understand from the Statement of Objects and Reasons that the Honourable the Communications Member did not want to interfere with the fiscal autonomy of the provinces. Fiscal autonomy or no autonomy, I am interested in my business, and if you cannot provide me with sufficient means for going from my home to my estate, I say, your legislation is no good. That has been the difficulty hitherto, but, as I said, planters living at the coast have been able to surmount that with great inconvenience to themselves. But this legislation introduces a fresh danger. It provides for constituting what they call a Regional Transport Authority whose jurisdiction extends only up to that region and no further. But what about the next province or State? The permit issued by that authority will not enable the carrier to go any further. He has to apply to the Regional Authority of the Indian State or the other province. The whole system has been so arranged to my mind as to make it impossible to enter from one province into an Indian State or another province. It is a crude way of retaining all the long-distance traffic for the railways and depriving motor cars of all the traffic which so far they have been enjoying. I earnestly hope it is not so. But it is, it will be the last nail on the coffin of a dying industry.

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Sir, Provincial autonomy is a bogey that has been trotted out in another connection. I refer to clause 40, sub-clause (2) (b), where a distinction is drawn between carrying goods for hire or reward or as a private carrier. It is a very correct definition. Sub-Clause (b) says:

"The delivery or collection by a person of goods which have been or which are to be subjected to a process or treatment in the course of a trade or business carried on by him.....shall not be deemed to constitute a carrying of the goods for hire or reward."

That is a very correct definition. If a planter, for instance, carries his own private produce from his estate to the coast for the purpose of being cured or subjected to the ordinary processes of curing and shipping, that carriage is not for hire or reward, but for a private purpose. But what have Provincial Governments done? One Provincial Government has classified licences into licences for trade purposes and licences for private purposes, the tax on the former being much heavier than on the latter. But how is private purpose defined? It is said that if you carry the produce of your field or farm down to the coast for the purpose of curing and sale, it is a trade purpose although the produce is your own. I do not know if this Bill authorises the Central Government to tell the Provincial Governments that their interpretation is wrong; but if the Central Government has no authority over the Provincial Governments to correct them when they go manifestly against the provisions of the Bill, this legislation is a positive danger.

Sir, I have one more point to make and it is this. Sub-clause (1) of clause 41 describes how a regional authority is to be constituted, and clauses 44, 47 and 52 describe the principles subject to which the licenses or permits of public and private carriers have to be issued. I for one certainly agree that there should be a control over unrestricted motor competition. It is unnecessary for me to elaborate the reasons for that. But on the other hand I respectfully ask that the persons who shall be appointed as members of this Regional Authority must be men who have the main benefit to derive from motor traffic. I see provision has been made for representatives of the Provincial Governments, representatives of the railways, representatives of other inland transport and steamship traffic; but the persons most vitally concerned are not included, that is, the agriculturists. About 80 or 90 per cent. of the population living upon agriculture nowadays depends on the motor service for marketing their produce, and yet we find that in the constitution of this body no provision is made to have a representative of that class of people. I earnestly trust that the Select Committee will insist upon including representatives of the agriculturists in the constitution of this Board.

Finally, nobody can help giving a meed of praise to the Honourable the Communications Member for the elaboration with which this Bill has been prepared and for the lucidity with which he has explained the principles to this House. He will be the representative of the Central Government on the Select Committee, and as such I presume it will be his duty to stand up for the rights of the railways. On the other hand there will be representatives of the Congress Party and I take it they will stick up for the rights of the Provincial Governments. But while those two great bodies are fighting, one for the cream of the traffic for the railways and

the other for the cream of the traffic for the motor buses, who is there to fight for the public? I say, whoever has the cream, give a small part of the cream to the public also and do not let the public be content with sour milk only.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I listened with keen interest to the speech of the Honourable the Communications Member in introducing the Bill yesterday. In his speech he could not make any appeal as to the reason why this Bill has been brought forward by him. He could not tell this House if any of the Provincial Governments have urged upon him the necessity of making an enactment of this nature. He could not tell us that any of the Provincial Governments consulted any motor vehicle board or board of individual motor drivers and that they urged upon the Government the necessity of bringing forward a Bill of this nature. It is apparent that this Bill has been taken up by the Government of their own sweet will and let us see what is the reason behind it. I marked with keen interest the abnormally cool and unemotional speech of the Honourable the Communications Member in moving this motion. Whenever there is anything abnormal it sets people thinking why it is so; in fact, it set me thinking why the Honourable the Communications Member was so cold and unemotional in his speech. I searched and ultimately found out that there is something in it. In reading the aims and objects of the Bill I find there is something for which this Bill has been brought forward; it is the recommendation in the Wedgwood Committee's Report—let me read from the Statement of Objects and Reasons:

"The Legislature decided that the Bill should be circulated and this was done; but before further action could be taken on it, the reports of the Motor Vehicles Insurance Committee and of the Wedgwood Committee were received. Government decided that in the circumstances it was preferable to drop the partial measure and to present a more comprehensive Bill. The present Bill incorporates the main recommendations of both these Committees."

That is, the present Bill incorporates the recommendations of the Wedgwood Committee so far as this rail-road competition is concerned. So far as the report of the Wedgwood Committee is concerned, it has been discussed both in the press and on the platform and on the floor of this House. It has been universally condemned. All the elected Members of this House have condemned the recommendations of the Wedgwood Committee. The Government did not listen to our condemnation. One by one they have been accepting the recommendations of the Wedgwood Committee and acting upon them. Now they have gone further and they want to make an enactment embodying the recommendations of the Wedgwood Committee. I appeal to the sense of this House if they want to be true to what they have said once, if they want to be true to the principle that they opposed the recommendation of the Wedgwood Committee once, should they not oppose the recommendations of the Wedgwood Committee to be incorporated in this Bill? I think on this ground alone this Bill deserves to be rejected at this stage.

Then, I find that every province—at least the province from which I come—has got a Motor Vehicles Act of its own. We in Assam passed a Motor Vehicles Bill embodying the provisions of many of these clauses in this Bill. For instance, we provided in that Bill for registration, we provided for renewal of licences, for control and for many other things. I do not know what will be the effect of this Bill on the different provinces

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which have got their own Motor Vehicles Acts. For instance, we have got in Assam a renewal fee of Rs. 2 for licenses; this Bill provides for a renewal fee of Rs. 3 and in some cases Rs. 5. When this Bill is enacted, will the Provincial Governments work their own Acts or will they throw them out and work this Bill passed by the Central Government? There will be overlapping in many cases, overlapping of provisions, overlapping of matters and things like that. Then again Provincial Governments are so to say autonomous bodies—although in fact they are not but formally the Provincial Governments are autonomous bodies. The Central Government is not. Whether the present Central Government can pass an enactment which can be enforced on autonomous provinces I cannot say. Lawyers will perhaps be able to express an opinion on that point. In practice, I find that there will be a great deal of confusion, if this Bill is passed, for the Local Governments.

Coming to the Bill proper, I must say first that in dealing with rail-road competition, we must bear one fact in mind and that is, we must consider that the railways are a great national asset of India. We want to keep that intact so long as we can, so that when the time comes we may derive the best advantages out of it. But in keeping that intact, we cannot subordinate the interests of road competition to the interests of rail competition. Secondly, we must also see that we do not put any interference on or hinder the expansion of motor transport business. These are the two main things which we must concentrate upon. Under no circumstances can we allow the motor transport business to be restricted or killed; and under no circumstances can we allow the motor transport business to be subordinated to that of the railway concern. These are the two main things.

Now, let us see whether this enactment is intended to keep the motor transport business intact or whether it will kill that business. There are certain good points in the enactment—we cannot deny that: as for instance, third party risk insurance; that is a thing which all of us must welcome. There are the provisions regarding the taking and renewal of licences and registration of motor vehicles. We do not object to these things, but what is the meaning of Chapter IV of the Bill? If we critically examine Chapter IV we find that it is intended simply to throw obstacles in the way of expansion of motor transport industry. Under the existing arrangements in every province, especially in the province from which I come, there is an arrangement for renewal of licences; there is an arrangement for registration and for collection of licence fees, registration fees and control and so on, and things are going on quite nicely. We do not find that the existing arrangements are bad. Superseding the existing arrangement we are going to thrust on these provinces clause 41 of the Bill. That is, the clause lays down:

"The Provincial Government shall.....constitute Regional Transport Authorities....."

The powers given to these Transport Authorities exceed those of even the modern dictators in the world. The transport authorities have been made absolute autocrats with power to do anything and everything they please. As regards the constitution of these authorities there are two alternative methods by which they may be constituted. I do not see why there should be any alternative methods for the constitution of such committees. If these alternative methods remain there will be anomaly. One

province will adopt one method, and another province will follow another, and there will be so much anomaly and chaos which cannot be easily described. Again, the clause says:

"A Regional Transport Authority shall be constituted in one of the following manners, namely:

(a) as a tribunal consisting of one or more members being officials in the service of the Provincial Government:"

A tribunal generally means a body which hears appeals from the orders of others. I do not know how these transport authorities having the character of a tribunal will exercise executive functions so far as the regulation of transport matters is concerned.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

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

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

Maulvi Abdur Rasheed Chaudhury: I was speaking of the alternative method of the constitution of the Regional or Provincial Transport Authority. It is always better to have a uniform system of constitution. As I said before, if we have alternative methods, different Governments will choose different methods and there will be confusion and chaos throughout the whole country. Then again, the first method is the method of tribunal consisting of Government officials. The constitution is quite clear but so far as the executive function of the tribunal is concerned, I have got some doubt in my mind. The tribunal simply deals with appeal cases and I have not seen any tribunal dealing direct with executive measures. As to the second alternative, I find there will be a body of officials and non-officials including at the discretion of the Provincial Governments representatives of the motor transport business. If the provision ended here, there would not have been much objection but the most objectionable thing is in the proviso. That proviso shows the real state of affairs. That is if the Provincial Government takes any representative of the business of transport, they will have to take an equal number of representatives from the railway and inland water transport. If there are five members in that body, there will probably be two Government officials, one representative each of the motor transport and railways and inland water transport. When the time for voting comes, the motor transport man will be singled out very easily and the others will combine against him. So this proviso makes the motor transport representative subordinate to the railway and inland water transport representatives. I have already made it clear that in no circumstances we can agree to make motor transport subordinate to the railway and inland water transport services. This is a very objectionable thing.

Then again, I do not understand why in a Motor Vehicle Act the interests of inland water transport and railways should be brought in. If it was the intention to bring them in, then this Bill ought to have been named Motor, Inland Water Transport and Railways Bill.

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Then, Sir, let us come to the function of this authority. It is said in clause 44 (g) that the Regional Authority will consider the qualifications, character and financial stability of the applicant. Previous speakers have spoken about character and qualifications. I will speak about financial stability. It is a very delicate question. The Government of India in the past in their homicidal mania have killed all our industries. This is an indication that they are going to apply the same mania to the motor transport business. India was prosperous half a century ago, as prosperous as people in Japan and Canada, but thanks to the administration of the steel frame of Mr. Lloyd George, that prosperity has been killed. Countries like Japan have advanced economically as compared with 50 years ago. They have increased the *per capita* income but in India instead of increasing the economic condition of the people it has been allowed to go down. This is like trying to milk a cow without giving it proper nutrition. They don't give the cow enough to feed.

Mr. Deputy President (Mr. Akhil Chandra Datta): This is going too far away from the Bill.

Maulvi Abdur Rasheed Chaudhury: I want to say that so far as financial stability is concerned, we have none. If we take the history of the motor business, we will find that it is the poor people who have built up this industry. They first learn driving and then get employment as drivers and then buy a second hand motor bus and they go on adding to it and so on. They eke out a precarious existence, their business is not very lucrative, and it has not expanded as it was expected to do, and now to put a restriction that the authority will look into the financial aspect of the applicant will, I am sure, kill the industry. No poor people will be able to go into the industry any more and the industry will remain at a standstill, or, as we have got our own experience, it may go down further than at present. Then section 52 says:

"A Regional Transport Authority shall, in deciding whether to grant or refuse a public carrier's permit, have regard to the following matters, namely:

- * * * * *
- (c) the adequacy of existing transport services for the carriage of goods upon the routes or within the area to be served and the effect upon those services of the service proposed."

Now, I have pointed out that according to the constitution of the authority the road transport representative will have practically no voice in arriving at a decision of that authority because he will always be outvoted. Take, for instance, the case where a single railway line runs, or where there is a single steamer line. The authority, in order to protect the interests of the shipping concern or the railway, may at once say, "no, we will not give any permit for the use of carriages on this route; the existing transport is sufficient for the purpose". The poor representative of the road transport will be nowhere and he will not be able to have his voice carried. Then this is another dangerous thing. The authority may at once, if they like, prohibit any area for motor transport and give preference to the railway and the steamer concern. This is not to the interest of the motor transport.

Then section 53 says:

"The Regional Transport Authority may—

- (a) limit the number of transport vehicles or transport vehicles of any specified type for which public carrier's permits may be granted in the region or any specified area within the region; or
- (b) attach to a public carrier's permit all or any of the following conditions, namely:
 - (i) that the vehicle shall be used only on specified routes or in a specified area"—

—that is, as I have said before, they may not allow motor transport in a particular area if they like—

"(ii) that certain specified classes of goods only shall be carried . . ."

Now, that is a most dangerous thing. For instance, the motor transport is engaged in carrying fish. Fish in Assam is carried by motor to very long distances. Now, if the authority takes it into its head, "we will not allow fish to be carried by motor", they can easily have it done because the road transport man will be out-voted. So these are some of the objectionable things under Chapter IV; in fact that Chapter is intended to be a check on the expansion of the existing motor transport business; they have invented this constitution of a Regional Transport Authority so that the road transport may always remain subservient and subordinate to the railway and shipping industries. Sir, we do not like all this. As I have already said, we will never agree to road transport being made subordinate either to the railway or shipping transport.

I come now to clause 59. This clause has been very comprehensively dealt with by my Honourable friend, Mr. Abdul Qaiyum, yesterday, so I do not like to speak upon that. This is objectionable because, suppose, there is a motor service between Lyallpur and Peshawar. Well the man, having his license at Peshawar, will have to take out another license as soon as he crosses the Kabul river. This will cause a great deal of inconvenience and annoyance to the public. At present things are going on smoothly and I do not understand any reason why the matter should be complicated, as has been put in this clause.

Then in clause 60 there is a provision that this all-powerful Transport Authority's decision will be subject to appeal. But what the sort of appeal is I cannot say. They simply say that any person aggrieved may appeal to the prescribed authority. I do not know what authority will be prescribed by rules under their rule-making power. Will it be the District Magistrate, as has been done in the case of Chapter III? Then of course it will be no appeal.

Then I come to clause 92: necessity for insurance against third party risks. I do not understand why a distinction is made between the Government vehicle and the non-Government vehicle. The third-party risk is everywhere. For instance, take the driver of, say, the Governor's bus; the Government pays Rs. 50 for the Governor's driver. Now, if that man is involved in any accident, why should not his life be covered? I fail to understand why those who are associated with the Government should be deprived of the benefit of this insurance.

Then, Sir, there is another peculiar thing that strikes me. I find that in almost every Chapter rule-making power has been given to the Local

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Governments, but so far as Chapter VII is concerned it has been given to the Government of India and not to the local Governments. I do not understand why the Local Governments should not be trusted with the rule-making power in this case as they have been trusted to make rules under other Chapters. Many other aspects of the Bill have already been touched by other speakers and I do not want to waste the valuable time of the House by simply dilating upon those matters which have already been dealt with.

But there is one fact which I must place before the House. We in this House universally condemned the Wedgwood Committee's report and in order to be consistent, I think, the House should refuse the recommendations of the Wedgwood Committee being incorporated in this Bill. In the Statement of Objects and Reasons it has been distinctly said that the recommendations of the Wedgwood Committee have been incorporated in the body of this Bill. This alone is a sufficient ground to throw out the Bill. I hope the Leaders of various Parties will remain consistent in throwing out the recommendations of the Wedgwood Committee and as this Bill contains some of those recommendations, they will also throw it out.

Then, Sir, the motor transport business has not gone very far in this country. In comparison with other countries we have got much fewer motor cars in this country. I understand that there were some 39 million motor vehicles in use in the whole world in 1930. Out of these, 28.8 million vehicles are used in America, that is, one person out of every five has got a motor car there. In the case of Great Britain, one out of every 20 persons possesses a car and in the case of India it is one in every 1,300 who owns a car. If all these obstacles that are mentioned in the Bill are put in the way of the motor transport, then, I am afraid, even this small percentage will go down very rapidly. So, Sir, in comparison with other countries this industry is still in a nascent stage and it should be handled carefully lest it may be killed before it is developed. Then, Sir, this motor transport business is not a very lucrative business so far as India is concerned. It is only the poor driver-owner who can make a few pies out of it, but the capitalists have not been able to make anything out of it. I find that in 1930 India imported 32,000 cars and buses worth about 7½ crores of rupees. In that year 7½ crores of India's money went out for this business and I do not know what percentage of profit the Indian people could make out of this sum which they invested on this motor transport business. It is our daily experience that it is not a very lucrative business and it is only those who work hard and who drive themselves that are able to make a few pies out of this business; others do not make anything. So, I request the House to consider this Bill in all its aspects and not to injure our industry which has a future before it. If we put any obstacles in the way of this industry, we do hurt our respective provinces because the Provincial Governments are looking forward to some sort of taxation on motor vehicles in the near future. If we kill this motor transport business at this stage, Provincial Governments will have no scope for extending their revenues. That is another aspect which this House should consider. I think I have made out a case against this Bill. The very fact that the recommendations of the Wedgwood Committee have been incorporated in this Bill is, in itself, a sufficient ground to throw it out at this stage. I oppose this Bill.

Sardar Sant Singh (West Punjab: Sikh): Sir, I support this measure for being referred to a Select Committee. There is no doubt that it is high time when some control for the better management of motor transport should have been brought before this Legislature. I agree with the principle which has been stated to be the basis of this measure, namely, co-ordination between motor and rail transport. This measure, so far as I have been able to study it during the last few days at my disposal, really has done great service to the motor traffic by classifying the various matters under different heads and thus providing suitable rules and regulations and provisions for those heads which require separate treatment. At the same time, there is no doubt that there have been accidents on the roads which do not compare favourably with the accidents in other parts of the world and it is high time that some sort of control should be practised upon those who are plying on the roads without adequate training or who are using vehicles which are not road-worthy. But knowing as we do the administrative side of our country, I think it will be in the fitness of things if I drew the attention of the Honourable Members to the fact, whether we like it or not, that the traffic administration in this country is not such that we can place too much discretionary powers in their hands without doing harm to the system which we propose to introduce in the country. I would have much liked a Bill which should have been simpler in its nature and which could have been easily understood by those who are engaged in motor transport business and which could have been capable of simple administration. The provisions of this Bill, some of them at any rate, are so complicated that they will hamper the free use of the motor vehicle either as a means of passenger transport or as a goods transport. Then there are provisions in this Bill which limit the hours of work and the distance over which they can travel 3 P. M. and these are likely to hamper the trade when that trade tries to be developed by means of motor transport, as apart from the railway transport. I do not propose to go into the details of the various clauses of this Bill at this stage because we are not sure in what form the Bill will come out of the Select Committee, what provisions will be retained and what changes the language of the Bill will undergo there. But there are certain important aspects which I want to bring to the notice of this House and for the guidance of the Select Committee.

The scheme of the Bill, as has been so ably described by the Honourable Member in charge of the Bill, is two-fold. It consists of two parts; regulative and co-ordinative. In the regulative part, he has dealt with the man, with the machine and the constitution of the authority that will control the man and the machine. Now, looking to the regulative side, we find that there are four authorities that have been given the power to decide whether a particular individual is fit to drive a public vehicle or not. The first is mentioned in clause 12, that is the licensing authority, the second is the Provincial Government and the third is the Regional Transport Authority and the fourth is the judicial authority. Now, as regards the licensing authority, the licensing officer has been given the power to revoke the license at any time he likes. This is too wide a power, but the saving grace of this arbitrary power is given in clause 13 when an appeal is allowed and he is compelled to give his reasons for using his power for revoking the license. But as regards the Provincial Government and the Regional Transport Authority, no reason need be recorded and they have been given drastic

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powers to revoke the license of any person. As regards the Provincial Government, power is given in clause 15 of the Bill and it says:

"A Provincial Government may in its discretion make an order declaring any person disqualified either permanently or for a specified period, for holding or obtaining a license in the province."

One cannot see through the reasons as to why this power should be vested in a Provincial Government when the officers or the agents of that Government or the authorities to be constituted by that Government exercise that power. Against the act of the Provincial Government there is neither appeal nor any reason to be assigned. So is the case with Regional Transport Authorities. One can understand when the power is given to a judicial authority. When a judicial authority determines a prosecution or the commission of an offence by a driver, it can also adjudicate upon his ability or lack of ability to driver or to hold a licence. But one cannot understand why the number of authorities should be multiplied to use the same power. Will it not be better if the authority ultimately rests with the Court and after the offence has been committed? If it be necessary that some preventive action should also be provided for, licensing authority may be given that power. The Provincial Government and the Regional Authorities should entirely be eliminated from having any such powers. This multiplicity of control is likely to lead to unmitigated corruption. In order to succeed in obtaining a license, the applicants will find out ways and means to control these controlling authorities. If mutual control is to be exercised, in that case, we will be introducing another form of corruption in the body politic of the country.

Then come, Sir, the portions of the Bill which deal with, I should say, the purse of the intended owner of the motor vehicle. He has not only to pay provincial taxes, the tax and super-tax levied on motor spirits, not only has he to pay huge sums of money as a duty on import of vehicles from foreign countries, because no vehicles are being manufactured in this country and no provision seems to be made for encouraging the manufacture of motor cars in this country, he has to pay registration fee, he has to pay renewal of licensing fee, he has to pay renewal fee after the license has been cancelled or suspended for some time and then he has to pay insurance money, he has to pay permit fee. May I ask why his purse is being attacked like that? Why not make it some simpler rule? When he pays his motor tax and his registration fee, why this licensing fee, why this renewal licensing fee and why this permit fee? One fails to understand these new taxes under the garb of Motor Vehicles Bill. I certainly deprecate the multiplication of so much fees and so much machinery to control this license.

Next comes the control of the machine. That control is exercised by the Registration Officer. Here again, we find a multiplication of control for registration. First the power is given to the Registration Officer to refuse registration. Under clause 27 a registering authority may decline to register any motor vehicle on the ground that the motor vehicle is mechanically defective. One can understand such power, that if a motor vehicle is not road-worthy, it may be refused to be registered. But why the same power is given to the prescribed authority later on, one fails to understand it. If it is registered and if the mechanism of the motor vehicle has been examined and it has satisfied the registering authority

that it is fit and road-worthy, why should the same power be given to the Inspecting officer who has to countersign or sign his certificate as in Form H attached to the Schedule? There you see another officer, the Returning officer who has to certify that it is road-worthy and then after the Returning officer has certified it to be road-worthy, then come the provisions of clause 37. Under clause 37 the prescribed authority has the power to disallow it on the ground that it is not road-worthy. Here again, one can appreciate the point that if a motor meets with an accident or its engine is spoiled and no longer remains road-worthy, the inspecting authority or prescribed authority or any person in charge of traffic can report that the same should no longer be allowed to ply on the road. One can understand the report-making power so that the person affected may have the right to say before some superior authority whether the report is correct or not. But one cannot understand this duplication of power and multiplying the difficulties of the motor traffic. The same is the case with regard to the issue of the permits, but before I come to that I want to deal briefly with the constitution of the control and the procedure of the control as contemplated by the provisions of this Act. My Honourable friend, Mr. Chaudhury, who spoke before me tried to show what sort of constitution has been given. This constitution makes me think that supposing an alternative scheme as adumbrated in clause 41 of the Bill is decided upon by a Provincial Government and a Regional Authority and Transport Authority has been constituted on the alternative basis,—Government officials and representatives of those who are engaged in the trade of transport,—in that case it will be the duty to bring in an equal number of the representatives of the railways. Naturally the railways will have a predominating voice in such an authority and the control exercised will be much stricter than is desirable. Similarly, in regard to matters which are to be considered by this Regional Authority before they grant a permit to a company or to an individual who desires to engage in this carrying business. Some of these matters are really such to which most serious objection will be taken by this side of the House. In clause 44 those matters are enumerated. The first is:

"the interests of the public generally, including those of persons requiring and of persons providing facilities for the transport of passengers;"

I think I am right to interpret this sub-clause to mean that not only the interest of the public is to be considered but the interests of the railways also are to be considered. "Providing facilities for the transport of passengers" refers to railways and in addition it may refer to those who are already plying for carrying of passengers on the same road. If those interests are to be considered, naturally this will tend to create a monopoly. This will not be co-ordination; it will be elimination of competition from the road. I have not yet come across any business-man who is generous enough to allow a competitor to come into the field. Naturally the railways will not like competition to be carried on by motors. Similarly, if some license or permit has been given to a particular company or to a particular set of individuals to carry on the work of transport of passengers and goods on a particular line, they will not like that an additional partner should be added to divide the earnings with them and with the railways. So this criterion will be most dangerous to go upon. Then comes (b):

"the advantages to the public of the service to be provided, including the saving of time likely to be effected thereby and any convenience arising from journeys not being broken;"

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This means, as I interpret it, that the breaking of journeys by a vehicle which is plying on a road will not be permitted. This is made clear further on too by reference to other provisions as well. Then the other criteria are most dangerous to put in this Bill, e.g.,—

“the adequacy of existing passenger transport services between the places to be served, the fares charged by those services and the effect upon those services of the service proposed;”

Here the competition is not co-ordinated; it is attempted to be eliminated. A railway service is provided between two stations, say, one hundred miles apart. The Regional and the Provincial Transport Authorities will take into consideration that if a competitor is provided on the road, naturally the competition will tend to reduce the fares and thus the running of the railways may become uneconomic in that sense. I think I will not be far wrong if I were to remind the Honourable the Communications Member of the fact that before road competition came in the railways were acting in a manner which was taken exception to by most people. For the carriage of goods no goods wagon was available unless there was money to pay to the goods clerk; and then too he would be pleased to register your name and your turn would come after a long time. Similarly, in the case of the carrying of passengers, the third class bogies were overcrowded and in times of fairs like the *Kumbh mela* now going on at Hardwar, passengers were herded together in goods wagons and also in wagons used for buffaloes and cattle, and thus carried from one place to another. Before we condemn the prevailing motor system we cannot overlook the fact that in spite of all its defects,—and there are many,—motor transport has done a lot of good in bringing a realisation of the real situation to those who are in control of the railways now. They have learnt that before they can proceed further with the railways and make them a paying proposition, it is necessary for them to attract custom. At first they did not attract custom, custom was forced upon them. Today they employ persons who go round and induce customers to go by train and not by lorries. This change in the mentality is an invaluable asset for those poor classes who use the railways. And if these criteria are adopted as are given in clause 44 of the Bill, I am afraid it will take us back 20 years and we will have to face the same old conditions which prevailed when there was no road competition at all.

Now, coming to clause 45, I may point out that another power is given to the Regional Transport Authority that in the event of the service not being performed to the satisfaction of that authority the holder of the permit shall be liable to a specified fine. This is again another raid upon the powers of the poor companies. No such conditions are to be found in the Railway Act. The Railway Act has been passed by this Legislature, but no such conditions are laid on the railways. Railways have been overcrowded: the railways have been doing things which are against the provisions of the Railway Act, and yet no authority has yet been established to punish the railways or the railway administration in that manner. If the real object of the Bill is to bring about co-ordination between the two means of transport in the country, why should not the penalties and the limitations be the same between the two and why should there be any difference? The provisions relating to the carriage of goods are so drastic that it will be impossible under this Bill to have public carriers carrying goods for long distances. I thought it is recognised in

the Bill too that long distance carrying of goods is to be left to the railways alone. I quite appreciate the fact and I am not ignorant of the fact that the railways represent the best assets of the country and we all like that the railway should be a paying concern, but at the same time we cannot close our eyes to the fact that the getting of a reform from the railways is very costly; and even if the expense be no consideration, it is so difficult and dilatory that private public carrier becomes a necessity.

Here again, I may give some illustration. At present I know of persons who are carrying goods from Lyalpur to Calcutta—a long distance. We are exporting our oil seeds, vegetable ghee, cotton and other things from Lyalpur to Calcutta. Under the proposed provisions it will become impossible—it will not be permitted. Here is an apt illustration. The railway was approached to reduce the cotton freight from a place near Lyalpur to Cawnpore. They at once offered an alternative—of approaching the Rates Advisory Committee to reduce the rates. To ask the Rates Advisory Committee to go into the question would have meant the expense of many thousands of rupees, and the time taken would have been a year or two. So the importer was faced with two alternatives: he wrote to the railway and the railway gave him that reply; and he said “If you do not listen to me I will import from Lyalpur by lorries”. The lorries transported 15,000 or 20,000 tons of goods from that station to Cawnpore, which caused a loss—I am not sure about the exact amount—of something like a lakh of rupees to the railways. When the railways saw that this carriage of goods was being taken over from them, they at once approached that firm and told them “If the goods are carried by us, we will give you a rebate of 20 per cent.” Without going to the Rates Advisory Committee this competition helped them to come to a conclusion which otherwise would have taken years and thousands of rupees to come to. But this was only on the condition that the goods should be carried by continuous journey without break from the place of despatch to the place where the goods were imported: the continuous journey condition was there. If the railways are not so easy of approach or flexible enough to change their rates to the requirements of the times, why should this competition be killed and why should not this alternative scheme be provided for? After all, you do not want to do away with the competition: you want to co-ordinate the two systems of transport. Either say “We want to eliminate the competition entirely with the railway”. Then you will be justified in making such provisions. But if you come and say and plead that you want to co-ordinate these two systems, in that case it is absolutely essential that fair and reasonable competition should be permitted so that both the controlling authorities, the owners of the transport vehicles and the railways, should know that in case they become rigid in their rates and in the manner of their treatment of passengers, they will be suitably dealt with. That aspect of the case should not be lost sight of.

Now, in the Notes on Clauses appended to the Bill, we find the following which corroborates what I have been saying:—

“Clauses 44, 47 and 52 lay down the general principles which should guide transport authorities in granting permits for stage or contract carriages or to public carriers. These embody the accepted principles of public necessity and convenience, the prevention of uneconomic competition, and the suitability of the mode of transport for the forms of transport requiring the permits. In the case of public goods traffic, the

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principle adopted is that, while the transport of perishables by short distance transport by road in order to avoid delay and damage caused by terminal transshipment should not be interfered with, long distance traffic should be left primarily to railways."

I submit that this is a principle to which I am sure Honourable Members of this House will not subscribe; and the Select Committee should take very good care to eliminate this. A reasonable competition should be permitted and should not be eliminated; that is the principle which should be kept in mind when framing these provisions.

As regards the compulsory insurance, and the provisions relating to the insurance of the different vehicles, I am not against such provisions. I know that in the case of accidents the poor victims are left without any compensation or remedy; and surely something will have to be done to make the owners of the vehicles pay to the passengers in case of accidents to them.

Lastly, I will say a word or two about the general policy behind this Bill. I would much like that the unity of India should not be interfered with in a legislation of this sort. Inter-provincial relations about motor vehicle passages should be so established that if a person wants to carry goods from one end of India to another he should rather be given facilities than be hampered at the frontiers of every province. So should be the case with the carriage of goods by motor. It is not good that an Indian living in India, carrying on legitimate lawful trade, should find himself at the mercy of constabulary at the frontier of each province or State. There should be co-ordination between the different provinces and States and permits should be given to carry goods or passengers throughout India in a lawful manner, by lawful means, and consistent with the safety of the traffic. One should not be made to feel that he is a foreigner and undesirable in his own country. The fundamental principle of Federation, the idea behind Federation is unity, and those who are in favour of Federation are so because they want to establish the unity of India as a whole. The same principle should be observed in legislating on this matter. I hope the Select Committee will make the necessary changes in order to bring that principle into operation.

Mr. Thirumala Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, Like the proverbial curate's egg this Bill is good in parts. My Honourable friend here suggests that it is rotten on the whole. Anyhow, as a measure in which I see some good for motor transport business we should welcome it and try to improve it as far as we can through the Select Committee and this House. It has a very comprehensive range in its operation, it touches the interests of the nation in its vital spheres. Both as a business that provides livelihood for a large number of our people and as a transport service that affects the trade and commerce of the country the motor bus and the motor lorry have come definitely to stay in this country. This Bill is the result of cogitations on the part of the Government of India and the Railway Board for several years. When we go through the report of Messrs. Mitchell and Kirkness, we find that they have started their work with the definite purpose of somehow controlling the motor traffic which had been making year by year a large hole in the income of the railways.

About the handicaps and the difficulties that are sought to be imposed upon this motor traffic through Chapter IV my Honourable friends who have spoken before me have elaborately dealt with them. The authorities want to create obstacles at every step. They want to control the motor business from beginning to end, from issuing licence to the driver, from giving permits, to fixing of routes and all sorts of things like that. But if there is any business in India which has come into prominence recently and in which the bulk of the middle class people and the lower middle class people are earning their livelihood, and the masses even, as my Honourable friend here says, and over which the foreigner has not yet laid his deadly grip, it is the motor transport business. Now, Sir, one is tempted to suspect if foreign interests are in league with the Government of India in shaping the course of this Bill. It is a fact that a large number of middle class and lower middle class people have taken to this business. Taking the statistics of people that travel on the railways, it comes to about 4½ crores out of a population of 35 crores; only 4½ crores use the railways, and as regards the rest of the people who are far away from the main lines of railway communication and who are distributed in the vast number of villages in this country, it is the motor bus which has brought them into contact with civilisation and improved their prospect of trade and selling of their produce. For this development the middle class and lower middle class people are responsible to a large extent, and when Government come forward with a Bill that affects the fortunes of this class of people, it is for this House to closely examine what the effect of these clauses of the Bill will be on the fortunes of this industry.

I do not propose to go into great detail at this stage of the Bill, nor, had I the time to study all the clauses of the Bill with the carefulness that it deserves. But let me say with regard to the motor driver, he is the man into whose hands the moment a man or a passenger enters a bus surrenders his life and all. It all depends upon whether a driver is a good man or a sober man or a careful man, and the destinies of the passengers that board a bus depend upon that. Unfortunately, there seems to be a family likeness, a striking undercurrent of sameness in the motor driver community all over India. After a man has failed to settle down in any other walk of life or profession where sedateness, sobriety, perseverance and patience are required, he comes down to this trade or profession of motor driving.

Some Honourable Members: No, no.

Mr. Thirumala Rao: At any rate, that is, unfortunately, my experience of a large slice of the country that I have seen. (Interruption.) The North-West Frontier Province has got the largest number of casualties to its credit as seen from the statistics, and it cannot claim sobriety, with all apologies to my Honourable friend from the North-West Frontier Province. When I see certain provisions that aim at improving the general standard of conduct of these motor drivers and when a medical examination is sought to be imposed upon them I welcome that aspect of the measure. But with regard to clause 16, they have clothed these Regional Transport Authorities with power to permanently disqualifying drivers from exercising their licence. In that connection I submit there should be a

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Court of law or some appropriate judicial tribunal to go into these matters and see that the licences are removed only as a consequence of some act that has been proved deserving of such punishment.

Over and above this Regional Transport Authority, we have the Provincial Transport Authority, licensing authority, and other bodies. So many authorities have been created, some issuing licenses, some permits and fixing routes. From a hurried study of the Bill I do not know how these several authorities will function without overlapping or without one coming into conflict with the other. Let us see the Fifth Schedule. Under this schedule they have imposed certain disabilities on these people. The 4th item is, taking part in unauthorised race or trial of speed. They have divided the offences into two classes,—one where the endorsement will not be afterwards expunged, and the other where the endorsement may be expunged after a period of three years in which no further endorsement is recorded. Item No. 7 says, driving a vehicle not covered by an appropriate policy of insurance against third-party risks. It may be that the bus owner has not insured his vehicle, the mistake will be that of the bus owner, and why should you penalise the driver permanently and stamp his licence with that penalty? That must be removed. The next item is, failing to stop on the occurrence of an accident. That may work hardship upon the poor drivers, and it may be included in Part B under which after three years you may exempt him from that stigma.

With regard to the private car, I want to bring this to the notice of the Honourable Member. There are a certain class of private cars which are plied surreptitiously for hire. A person purchases a rickety second-hand or tenth-hand car and plies it cheap for hire. Such cars should be scrapped. When a man, whether he be a private owner or a public bus owner, purchases a car, the authorities should know the status of the man owning the car, the purpose for which he is buying the car. There are certain road hogs which are responsible for very serious accidents. In the streets of Delhi, you will see certain private cars which are a public danger. They may collapse at any moment and cause serious injury to its occupiers. Even in the case of privately owned cars, we must expect a certain standard of efficiency and there should be a certificate of fitness. There should be periodical medical examination of these car drivers also.

Then again in clause 130, you have given power to the police to interfere in cases where licences have been taken by creditors and have them restored. I welcome the provision that protects the driver from the creditor who seeks to take away his licence which is the only means of earning his livelihood. But why should the police come in to give this protection?

In India you know the extraordinary powers which the police enjoy. I do not know whether they are legal or extra legal. With regard to bus owners and bus drivers, they are particularly licentious in exercising their powers. I find that in the Bill too much confidence is reposed in the police to carry out the orders of the executive authority and I think that some suitable modifications should be brought about in the Select Committee to see that the powers of the police are definitely defined within certain limits.

With regard to third-party insurance, I thought my friend, Mr. Abdur Rasheed Chaudhury, would touch upon it but he has left it to me. Clause 92 (2) says:

"This section shall not apply to any vehicle owned by or on behalf of the Central Government or a Provincial Government, nor shall it apply to any vehicle owned by any person who has deposited with the Accountant General, Central Revenues, or the Accountant General of a Province the sum of one hundred thousand rupees, at any time when the vehicle is driven by the owner and so on."

That means that if a man is rich enough to deposit one lakh of rupees, he can ply the buses. A rich syndicate can come into existence and monopolise the whole business. Our fears are actually centred round this item. Some time ago the Bombay Government, before the Congress Government came into power, announced that all bullock carts having pneumatic tyres would be exempt from paying tolls. There we saw the hand of the British mercantile community behind it. Government came to the aid of the industry in order to encourage the use of rubber tyre. When the Burma Shell Company, the motor industry and the tyre industry evince great interest in the road development of this country, we know that they have got a monopoly of all these things. Petrol and oil are in the hands of the foreigners; the motor industry and the motor accessories are in their hands and now this third-party insurance business also will be in their hands. This deposit of one lakh of rupees will drive the motor industry into their hands. The irksome conditions as regards routes, distance, condition of the buses and so on will eliminate the present middle class man who cannot compete with the powerful British capitalist and added to that, this insurance is another handicap. Why is Government so solicitous of this third-party insurance? From the railway casualty figures I see that the railways had nearly 3,000 casualties. From the figures given to the Motor Vehicles Insurance Committee we find that there were 93 casualties for every ten thousand motor vehicles. From the figures we find that accidents due to motor vehicles come to nearly 1,400. Now, the railways are very rich. They are owned by the nation and they can be sued against for damages. Money can be got from them and they are able to minimise the casualties on their lines. Why are Government anxious about insurance of risk for motor travelling public? Have they ever thought of instituting sickness and unemployment insurance for thousands of their own employees? To argue that by providing third-party risk and insurance you will be minimising the accidents on the roads is not quite correct. Therefore, this is an additional burden on the poor consumer. It is the lower class who are accustomed to travel by this bus. You will be depriving the poor man of his bus travel if you make it as costly as the railway travel by imposing all sorts of conditions. I do not say that insurance is a bad thing but at the present stage of the industry it is not conducive to its development in an intensive and extensive manner. Therefore, I do not think that this question of having a third-party insurance is in any way designed to improve the lot of the passengers, nor is it conducive to the improvement of the business itself. Therefore, we have to receive this measure with a certain amount of reservation and see that all the objectionable features are removed in the Select Committee and see that this industry not only caters to the needs of the people at large but that it continues to help those sections of the people who belong to the middle class and lower class who have been depending on this industry for nearly a quarter of a century. With these words, I support this measure.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Division: Muhammadan Rural): A salesman was crying at the top of his voice "Cholera pills". People went to ask him about it, whether they were intended to cure cholera or bring on cholera, or like homœopathic medicines, they will cure a disease if there is a disease or they will bring on the disease if it did not exist. After a good deal of discussion, they decided that the whole thing depended upon the personal equation of the salesman. If a chemist is selling the pills, then it is intended to cure cholera but if he is a swindler, then it is the other way round. The same is the case with this Bill. The question here is whether this Bill is intended to mend or end the motor industry in this country. I should like to mention that this Bill is not of the same type as the Insurance Bill or the Companies Bill. In the case of the Companies Bill and the Insurance Bill, the shareholders had to be protected from the managing agents who were really feeding on the blood of the poor shareholders. Now, here the case is different. Here the poor people,—the drivers, the private owners of motor cars—will have to suffer. Therefore, the public will suffer and not gain if this Bill is passed into law. Therefore, this is the enormous difference between this Bill and the two previous Bills which we passed during the two previous Simla Sessions.

Now, there is one point which I should like to emphasize, *viz.*, that in this great competition between the road and rail, between the railway authorities and the bus companies, there are the poor classes of people who really suffer enormously.

One thing we have overlooked entirely, and that is the case of the owners of private cars. Now, in these days cars are no longer luxuries but are articles of necessity. Every officer of Government or every public man finds that in these days one has to keep a car. It is not desirable to increase the cost of cars for private owners, and their interests have been entirely overlooked in this particular Bill; and though there may be competition between two big concerns—the railways on the one side and the buses on the other side—we find that the interests of private individuals seriously suffer. In the first place, there is an enormous increase in the price of petrol. Now, there was a cinema shown on some occasion. There was a Railway Member—not necessarily belonging to India—and he was watching actions with great interest. First came the Finance Member who said, "I come to your relief; I have put the duty of five annas on the petrol". The former said, "bravo" and he hailed it with great satisfaction. But that was not all. Then came another Member and he said, "in order to improve the roads, an additional duty of two annas is necessary". The Railway Member said, "bravo". Then, the Finance Member came on and he suddenly increased the tax by 25 per cent. in the year 1931 so that it came to ten annas per gallon. Then he says, "bravo, it is still better for the railways". But that was not all. There should be some other things, and then we have these men coming and saying, "the roads are so bad, for which we pay so much, that they are exceedingly uncomfortable; there is an enormous wastage in motor cars and that has added to the troubles of the service". So, though we have been paying at present enormous rates for the petrol, its sale price in fact is about Rs. 1-11-0,—several times greater than the sale price in several other countries—and this has very much added to the troubles of the motor transport and has gone in favour of the services by means of rail.

This is not all. There is an additional disadvantage. There is a kind of combine in the case of petrol sale. Now all the companies combine together and they fix fancy prices and these are dictated by themselves. Now, whenever there is a competition from outside in a particular locality, then temporarily the price of petrol goes down, and as soon as the competition disappears the price goes up. We had occasion to put several questions on the floor of this House to the Honourable the Commerce Secretary but he could not tell the reasons why the prices were going up and down even in the same locality. So, this artificial raising of the price of petrol also helps the railways in this competition between road and rail. So, taking all these factors together, the road traffic is suffering enormously compared with the traffic by means of rail.

One thing I should like to emphasize. If you are going to help in such high prices being charged for motor cars, then it is also desirable that you should also give them good roads. There are several places that you should also give them good roads. There are several places here in India where we have separate roads for fast traffic and those for slow traffic, for instance, the roads between Delhi and Shahdara, the district of Gorakhpur, etc., where they have separate fast traffic roads and slow traffic roads. In Germany, for instance, they are a good deal separated, so also in several other countries. Now, this separation of roads is really useful in two ways. In the first place, the traffic is faster, because there is no disturbance, there is no hindrance, and the second thing is that the chances of accidents are always minimised. Thus if two motor cars pass together at the same speed, there is very little chance of accidents, but these will always occur when there is slow traffic and fast traffic moving together. All kinds of animals, carts, etc., pass along, they are unfamiliar with the rules of the road, and it is exceedingly difficult for the motor driver to go about. Now, unfortunately whenever there is an accident, everybody will say, "the motor driver is invariably at fault", but that is not always so: the blame often lies at the door of those who do not observe the rules and those who are engaged in slow traffic, and sometimes they are more at fault than the motor-car driver. If you really want to avoid accidents and if you want to provide facilities for the prices which the motors will have to pay, then it is exceedingly desirable that you should take immediate steps to have separate roads for fast traffic and for slow traffic. That is really an exceedingly important point.

Mr. N. M. Joshi (Nominated: Non-Official): Who will pay?

Dr. Sir Ziauddin Ahmad: My friend asks: "who will pay". Motor Cars. I am going to lay down certain principles. In the first place, it is exceedingly desirable that private enterprise should not be stifled. I hope my friend, Mr. Joshi, will agree to this principle—one which has been agreed upon nearly by all the countries in the world.

Mr. N. M. Joshi: If they make private roads, I have no objection.

Dr. Sir Ziauddin Ahmad: In the first place, the principle is that the private enterprise should not be stifled. In the second place, the motors should pay the cost of the road, proportionately. Thirdly, the Legislature should not stifle the free development of the road traffic, and a settlement should be obtained by mutual consent. By means of legislation, we should not cripple the free development of the road services,—and this is rather a very important thing. It should be decided by mutual

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consent. This is an important point, and we find in this particular Bill that they are making every effort to cripple the development of the road service.

Sir, reference was made to the Bill of the United Kingdom. I read very carefully this particular Act, the Road Traffic Act of 1930, and I find that it is entirely different from the Bill which we have before us. This Road Traffic Act of 1930 of the United Kingdom practically controls the licenses of the drivers. It is not intended to cripple the free development of the road service. Besides, the conditions in the United Kingdom are very different from the conditions in this country. When they passed their Bill they brought together all the railways in the United Kingdom by means of their Act of 1930 under one administration. We have got in this country a very large number of railways called Class I, Class II and Class III and we have not brought all of them under one administration as has been done in the United Kingdom. Besides, they have got other forms of traffic under one control which we have not done. Therefore, we cannot apply the conditions of the United Kingdom straightaway to the conditions of this country which are exceedingly different. The next point which is very important is that the United Kingdom spends a good deal of money to keep the roads in good condition for motor traffic. In India, with the exception of a few roads, the roads are not good. I had the occasion to travel by one road and I found on the middle of the public road a big hole about 12 yards wide, so that if a motor car is coming in good speed it is bound to fall in. In fact, I myself did fall in that pit but fortunately I did not injure myself. So, the roads really require a great deal of improvement. When you ask the motor cars to pay Rs. 1-9 or Rs. 1-11 per gallon for petrol and when you charge a very heavy customs duty on these motor cars and additional licence fee to be paid to the provinces, is it unreasonable for the motor owners to request that they should also be provided with decent roads?

The next point to which I would like to refer is the fixation of the maximum and minimum fares. Here I cannot understand the mentality of the Government. In the year 1934, I moved a motion in which I requested that the maximum and minimum fares ought to be fixed in the case of the steamers plying between Chittagong and Rangoon and I then pointed out some of the cases that happened during the rate war when some companies in order to destroy the Indian companies altogether took passengers free and they also distributed sweets and handkerchiefs to their passengers. I noticed that this time also the people who went to Haj were treated in the same way. The return tickets were distributed in the end for Rs. 10. The point that I wish to make is that if you object to the fixation of the maximum and minimum in one case, why do you bring in this particular point in this Bill? Either fix the maximum and the minimum throughout at an average rate or do away with it altogether. But to allow it in one case and to refuse it in another case is exceedingly unfair and, instead of improving the road traffic, it will in the end destroy the road traffic.

The next point to which I would like to draw the attention of the House is the one which was also referred to by my Honourable friend, Mr. B. Das. It is about the registration in the Indian States. Nowadays

we have to pay a very heavy fee for the licence and if this Bill goes through most of us will find it convenient to have our cars registered in an Indian State by driving about 100 miles in the State territory and then bring back our cars to Delhi where we can enjoy them for our life time. Once the car has been registered in an Indian State, you can keep it indefinitely in British India. There is a great loophole in this particular provision and that requires to be looked into. That loophole will be of the same nature as in the case of customs. If you allow the Indian States to bring their cars in the British territory, there ought to be some kind of time-limit. They may bring their cars for three months or six months and in case they want to keep their cars for a longer period, then registration in British India ought to be made compulsory.

The next point that I wish to make is about the compulsory insurance. This is a point to which I will never subscribe. There are some people who want to insure their lives, insure their cars and insure everything but there are others who do not care much for this insurance. There are some people who look upon insurance as an act of gambling and it is prohibited by the religion of Islam. Therefore, they seriously object to insurance. This compulsory insurance, therefore, should not be insisted upon. Compulsory insurance will increase the cost of travelling by road and it is very desirable, in order to encourage road travelling, the cost should be minimum. The point that I should like to emphasise is that this compulsory insurance ought to be dispensed with altogether. If you like, you can introduce the system which is prevalent in many countries that when a man purchases his ticket he can also purchase the insurance ticket for a penny or twopenny, so that in case he suffers on account of this traffic he is paid for his damages and so on. A thing of this kind can possibly be encouraged in this country. At the motor terminus there may be the agents of the insurers who may sell these tickets to any person who may care to buy them and they will be available only for the journey which he has undertaken. In that case, the cost will fall upon the traveller and every one of them will not have to pay but only a few of them would like to buy them.

I now come to the criticism which has been levelled against the use of the recommendations of the Railway Inquiry Committee. The Railway Inquiry Committee on page 99, paragraph 164, says:

"We have described the two conditions which are, in our view, essential antecedents to any attempt to co-ordinate rail and road transport, namely, that a proper system of regulation of road transport should be set up and the railways should be given powers to engage in road transport on an equal footing with the other operators."

The question of allowing the railways to have their own road service is a very serious one. It will seriously affect the road service in this country and I think we should think many times before we can allow them to undertake this particular undertaking. The railway companies in several places made this attempt and failed. This permission is not given very freely in many countries. Of course, in some places they are allowed to have some shares in the companies but not greater than 49 per cent. of the shares as a whole and they are allowed to share the profits and losses of these road companies. But, I think, it is not desirable to have this system in this country at this stage. In this country a large number of middle class people purchase a lorry, which they drive themselves and thus earn their living. As soon as this Bill is

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passed into law, then a large number of the people will be thrown out of employment and there will be a great dislocation of work in this country. The other thing that will happen will be that the prices will go up and a large number of the poorer people who travel now from their villages to the headquarters of the district will have to forego the pleasure of these visits and it will also affect their trade.

There are a few other points to which I would very much like to draw attention. In fact I do not like that the Bill should go straightaway to the Select Committee. It ought to have been circulated and we ought to have invited opinion of the people, not the opinion only of the big companies, but the opinion of the smaller people, that is the owners of one or two buses. Their opinion is very desirable. We ought not to hurry up this particular question as it will seriously affect our means of communication. I am all for co-ordination, but I am not in favour of killing the one particular form of traffic at the expense of the other. What is needed most is the improvement in railway traffic. We ought to provide greater comforts and amenities for third class passengers, we ought to provide greater facilities to businessmen so that they may take their goods from place to place within the minimum time and with the minimum expense. We are doing nothing of the kind in that direction. What we are doing is to destroy the competitors. At one time the railways had the monopoly, now they have not got the monopoly. Instead of trying to improve the conditions internally, they are making every effort to destroy their competitors so that the railways may have the monopoly. With these words, I resume my seat.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadian Rural): Sir, I am in general agreement with the principles which are embodied in this Bill. Once before in 1936 when the amending Bill was introduced in the Assembly, I had an occasion then to say that public opinion was not sufficiently prepared to accept the regulation and restriction in this transport industry. But from the opinions received so far, and if the House permits me to say, I have made my own investigation and I have come to the conclusion that the time has arrived that this uneconomic wasteful competition ought to be restricted in the interest of the small man for whom so much care was shown by one of the Members of the European Group. The motives with which the small man is to be saved and which are entertained by those who have to deal in motor machinery and petrol and insurance are different from my own motives. I want to save him, for I have found that the small man has been ruined so much in the course of the last 10 years that in my own district of Poona, I know at least hundred cases of well-to-do agriculturists who were so much tempted by the cash they would get every evening if they were to ply this business of motor, that they plunged into this business and after six months, they all came to grief, they had to mortgage their lands and ultimately sell them away, with the result that they lost their cars, they lost their lands and their livelihood. Therefore, as I have stated, I have come to the conclusion that this transport business must be regulated, firstly, in the interest of the small man himself. Now, Sir, it is not that our country is the first in asking for such a regulative system.

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

It has been in practice in almost all the modern countries. It is in America, it is in England, it is in Canada and it is in South Africa and in almost all European countries, and if we today plead against any regulative system, all it means is that we have not yet grasped the wider ideas that ought to govern a country which aspires to have some place in the world situation today. In 1931, in England the Royal Commission reported at that time that the approach should be slow, but at the same time they admitted that the problem in England was greater after the war. Many soldiers were demobilised after the war and many of them took rushingly to this business with the result that in the absence of any regulation, in the absence of any restriction, many of them came to grief. So, in 1931, not only it was in the interest of the motor transport industry as such but even in the interest of the railway system, the Royal Commission reported that those conditions must be imposed upon motor transport industry which are imposed on the railway system itself in an equitable manner. In India matters are still better, because in England the railway system is not a nationally-owned system, but in India fortunately for us it is a national asset owned by the State. I am not afraid of the fact that today it is under the control of a foreign Government, but those who run that Government may go tomorrow but the railways will remain. Therefore, when I propose to discuss this question, I propose to do so without any reference to context of the political circumstances of today, and in as dispassionate a manner as possible. Therefore, Sir, if we have to look at this problem, we have to look at it from four different points of view. Firstly, from that of the passenger himself; secondly, from that of the bus owners or the bus industry; thirdly, from that of the State and fourthly, from that of the other competitive systems of transport, not necessarily railways.

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): Provincial Governments, and local boards.

Mr. N. V. Gadgil: They are all included in the category of State. My Honourable friend, Mr. Chetty, interrupts me and reminds me that there are Provincial Governments and district and local boards. I am conscious of them. But I refuse to believe that there is such an irreconcilable conflict of interest between the Centre and the provinces that no *via media* can be found out whereby if there is any conflict according to some and if there is no conflict according to some others, that conflict, if there is one, can be eliminated. If you grasp the full significance of the central and cardinal fact that the railways are our national asset, (Interruption.)—then, you are not very anxious to have them as profitable concerns. Why did you agree to the separation convention? You can make the financial position of the railways so helpful as to get some money to the general finances so that you may get some money from the Centre to the provinces. I understand the political prejudice against the railways. But as I have said, I have decided to discuss it dispassionately and, therefore, whatever interruptions I may have for the first time in my life from this side of the House, I have decided to respect them, but not to pay any attention to them, today.

Therefore, Sir, I am taking the first point of view, namely, the bus owner himself. I want to remind the House that two years ago, my two friends, Professors Gadgil and Gogate made extensive investigation into all aspects of motor transport in six districts of Maharashtra, namely,

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Poona, Satara, Sholapur, Ahmednagar from the Deccan proper and the two Konkan districts of Ratnagiri and Kolaba. The two Konkan districts by themselves presented a problem different from that of the four districts which formed a different category. Their investigation into these six districts has led them to several conclusions. They have studied this problem from all the four points of view which I have stated before the House. Taking the first, the problem of the bus-owner himself, they have first made a complaint about the general lack of sufficient statistics, and that is a complaint I want to repeat here. For any scientific approach to this problem the first essential condition is that there must be accurate information and correct observation of facts and phenomena. I regret to say that even in the Bill that has been presented to this House no adequate provision has been made in order to secure complete and full supply of all kinds of statistics necessary for this purpose. And the necessity of this will be more and more clear when you institute what you are pleased to call the Regional Authorities and the Provincial Authorities and you lay down certain general principles which ought to guide them in determining whether licenses should be granted or whether they should not be granted. Naturally, questions as regards the density and statistics they have for their guidance? Absolutely nothing. But that is a matter which I hope the Select Committee will go into. But taking the point as stated we found that in these six districts in the year 1932 there were about 1,400 buses licensed, according to police reports. Now, if we look to the ownership, nearly 40 per cent. of those were owned in this way, that the owners usually operated the service with a fleet of anything from three to six; and in other respects the single motor owner dominated. And that is, I understand, the conclusion to which the Mitchel report also comes, that the single owner generally dominates. That is not the peculiar feature of India; that is also the case in America where for the year 1932 out of 3,996 registered companies, nearly 3,476 more than 100 as their fleet. In spite of great concentration of finance operated the service with less than six buses and only 18 operated with more than 100 as their fleet. In spite of great concentration of finance in England, even there ownership is considerably diffused. But that is not an aspect which should stand in the way if we decide otherwise that restriction and regulation are necessary. Now, going further with this point, we found that on the lines on which these 1,400 buses used to operate, most of them were owned by people who got their buses on the system called hire and purchase. These two hard working economists made extensive inquiries even of the selling agents and the distributors, and they found that 50 per cent. of these buses go back to the sellers because of the defaulting clause in hire-purchase contract. Like the budget of the Government of India which goes back to the Finance Member and like a bad coin which goes back to the owner, these buses go back to the sellers within six months. What is the result? The man who has paid anything from Rs. 1,200 to Rs. 1,800 in the initial stage, when he takes the car after having entered into an agreement, he agrees to pay Rs. 200 as a monthly instalment.

I will give you a concrete case. The distance between Poona and Junnar is approximately 55 miles. A bus can go once to Junnar and come back and thus cover 110 miles a day. What were the rates prevalent fifteen years ago when I was just a struggling junior lawyer? I

used to pay Rs. 5 for a seat and today I can go for four annas. And if the competition is more, I can get an additional cup of tea free! For these 110 miles you can work out the cost. The bus can hardly accommodate 16 people but you have to keep two seats for the Government officers. That is the finding of this report, thus 10 per cent. of the income you have to deduct; that is the tribute we have to pay to your rule. But with the coming of the Congress Government the first circular they issued was that no Government official should travel in a motor bus without a ticket and a purchased ticket. Now look at the income side of this bus-owner. If you look at the income you will find that this man gets hardly Rs. 20 a day, and if you look at the cost you see that nothing is left. How will he pay the instalments? He will pay by borrowing. He will mortgage his land and sell it; and in our part of the country mortgage ends in sale. And after six months the bus goes back to selling companies in which some of our friends here are interested,—though not on this side. So you find that at the end of six months it has gone. I have unfortunately not got the mortality returns of these bus companies, but I am in a position to say that their life is shorter than the life of a French Cabinet. What does he get after all? He has no expert advice to guide him. He thinks that by evening he gets about Rs. 20, it is all right. It is a crop that grows every day, not like a crop on the land which grows once a year. That is the temptation, and within six months he is finished. These are the tragedies of small owners, small men running one bus or two buses. I have been intimately connected with half a dozen associations of motor owners, motor drivers, motor cleaners and all those labourers for pleading whose cause I have become notorious in this House. And I have uniformly found, Sir, that no man has succeeded in this. It is the financier who succeeds and not the man who conducts the service.

I did my best during the course of the last ten years to develop a sort of co-operative effort. I was successful to some extent, but the moment a line was found to be working with some profit a new entrant came and everything went *phut*. We approached the district authorities; they say there is nothing in the law which can prevent a man from running a competitive service there; he has got a good car and all those accessories which the police regulations and the motor regulations require are there. He cannot be prevented and if he is a shrewd man he knows how to manage things. Not only is he finished but he has finished the combined effort and the co-operative effort of all of them. Is this not a case in which Government, whichever it may be, ought to step in even for the protection of the small man, even for the protection of the bus service or the bus transport as such?

I am coming to the other aspects of the thing, but I want to go into this more carefully with more details if possible, because it seems to be in the minds of some of our friends that if this regulation comes in it will ruin the small man. I say it will save the small man. If I were to make out a case for a big combine or for a trust, I will be untrue to myself and to my country, but I am not making out that case. I want a transport system with reasonable Government or public control and economic and commercial management,—rationalisation with the utmost use of all economic possibilities available and with benefit to the public and industry and trade and without loss to the State. That is my ideal; and if I can secure it, well, the endeavour is worth making.

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Now, the small bus owner or the combined bus owners—if there is no restriction, what happens? Except for a day or two in a year when we have a fair either at Alandi or at Pandharpur, if the accommodation is for 16, there are hardly four or five passengers in a bus, and it is altogether uneconomical. The same quantity of petrol will have to be spent, the same amount of bribery has to be given to the police, the same amount of time is spent. Look at the other aspect. I as a passenger go to the motor stand; half a dozen agents come and say “Our car will go first; our car will go first”. I find that in a particular car there are about 5 people and I go and become the sixth: the agent then wanders off and makes us wait two more hours and then in the end comes and says “It is not profitable, however we will take you; give us an additional four annas”. That is another trouble. But if under a regulated system we have a scheduled time table and if you have compulsion that at a particular time the bus must leave, whether it has one passenger or ten or no passengers at all, just as bus contractors who have additional contracts for carrying postal service do, then I think this is something which the community ought to welcome. It is just like a comparison of two things: if by keeping the system as it is we come to the conclusion that the balance of convenience is there, I agree; I have an open mind. But having studied closely this problem in six districts I have come to the bitter conclusion that my own people cannot combine and co-operate and therefore there must be restriction.

Now, there are limitations in the situation itself. If we can find out the normal volume of traffic—although there are no statistics I have to regret that once more—but we have to take the other conditions also into consideration: we must have some standard of availability of roads. According to a very high American authority, Mr. Jones, he has laid down how much mileage per square area there should be for each kind of area, from a desert area to a manufacturing area. So far as the desert area is concerned, he has laid down 3 and for the manufacturing area he has laid down 2.3: that is the standard. With that standard I have judged the roads available in these six districts. As I said, the two districts from Konkan form one category: they are “hilly tracts”, land of which we are proud, myself and Mr. Joshi and most of us: it is heaven: for our opponents it is undoubtedly hell. Therefore, if judged by this standard the roads available have already come up to it—it is .094, and the standard would be for the “hilly tracts” according to the authority I have just mentioned .098. Now, if you increase 20 buses or 200 buses it is no good: taking these factors, population, length of roads available and the general nature of the country, we have reached the maximum. What shall we do then? Tell me. Shall we leave the whole thing unrestricted without any regulation and ruin the passengers, and the general public, a reference to whom was made by my Honourable friend, Mr. Thirumala Rao, as being accustomed to a cheaper fare. I understand that. But if in the regulated system you lay down minimum and maximum fares, I think the same benefit is secured. Taking this category, it is impossible; nothing can be done except by regulating. If you want to save those who are already in the industry, unrestricted competition is an impossible solution of the problem; and those who still bank on it are, I can only say, blind to world conditions and economic factors operating in this country as well as outside. Therefore, taking this aspect, namely, the owner of the buses, it is not in his interest that matters should be left as they are.

I come now to the political question. How much do we pay to the foreigners for importing motor cars and accessories and petrol? The figure will run into crores. One of my friends said that in England there is a car for one man in 20, in America one car for one man in five, and in India only one car for one man in 1,300. As it is we have not got enough money to pay, but if we increase this number, I leave it to mathematicians to calculate—it will run into hundreds of crores: crores of rupees will go out of India

An Honourable Member: Manufacture cars here.

Mr. N. V. Gadgil: If you do that, then I will reconsider my own position. But in the absence of any manufacturing plant today, we have to take things as they are: that is the scientific approach as I say. Therefore, taking the first aspect, so far as the bus owner is concerned, it is absolutely necessary that this restriction or regulatory system must be there. How it ought to work is a different proposition. I do not accept all those principles laid down in clauses 43 to 46. They undoubtedly are capable of great improvement in the directions suggested by various speakers. But let us make it absolutely and abundantly clear that, unless the House accepts that restriction and regulation are necessary, it is no good proceeding with the Bill. That is my humble view.

Now, for the other aspect—passengers. I think anybody who has had the fortune or misfortune of using these buses will find that it is absolutely necessary. It will be said from the passengers point of view and that of merchants or traders or industrialists who want to transport their goods, this system as it is should continue. We have here tables in which we have found the average rates and the general conclusions we have come to are these: for a short distance it is profitable, but for a long distance, both for passengers and goods, the operating costs and consequently the rates are higher and apart from the security of the goods long distance transport by bus, is uneconomic both for the trade and the bus industry itself. You can transport vegetables and perishable articles in motor cars. But heavy goods cannot be transferred without detriment to the road system. Now, who pays for the roads? If we take into account whatever we get from the motors, the buses, and also take into consideration the expenditure the Provincial Governments will have to incur and have incurred, we find that the motor people pay less, considerably less and the extra expenditure is borne by the poor agriculturist. Go into that aspect a little more carefully and in a little more dispassionate spirit and you will find that unless the road system is greatly improved, you cannot have heavy trucks running long distances.

Then I take the remaining two points of view,—the State, and the other competing systems of transport. Our investigations showed that where a pucca road runs parallel to the railway, for short distances the railway has to suffer, and usually the inclination, so far as long distances are concerned, is to make use of the rail. It is, I think, necessary to bear in mind that it is not my intention that this restriction or this regulatory system which I am just discussing should in any way stabilise the motor transport industry at a particular point without any hope of development. That is not my point. If that were so, then it would be, as my Honourable friend, Mr. Abdul Qaiyum, said, not co-ordination but subordination, and I would go a step further and say, it would be elimination of the motor transport industry. That is not what I am for. I want that as the roads develop the motor transport industry must expand and ought to expand,

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but the speed, the tempo of expansion will necessarily depend upon how much we are able to spend on these roads. At this stage, I would like to call the attention of those who represent the mofussil areas to the mischief this motor transport has caused to our bullock cart. I will only refer to a few figures from the Bombay City proper where some of our agriculturists usually come in off season and do some sort of work. In 1910, the number of carts was 9,834; in 1933, 1,387; and in 1937, they are about 500, and two years hence they will all disappear. When we take into consideration the possibility of expanding this transport industry by having a well thought out, well planned road system, I want this House not to neglect this aspect of the question. There must be certain roads reserved for transport by bullocks, or animal transport—I would put it in a general category. Otherwise, you will seriously endanger the rural economy which is already going from bad to worse. Therefore, I want to repeat once more so that I may not be misunderstood. When I say that there must be a regulatory system governing the motor transport industry, I am saying with emphasis that it is not to be stabilised at a particular point, but it must be regulated today in the circumstances available, with a provision that in due course it must so expand as not to be competitive in a wasteful manner with other means of transport including the railways and the animal transport.

Therefore, if we judge the question dispassionately from these four points of view, I am convinced that the principle behind this Bill, namely, of regulation, is good. That does not mean that I agree with all the provisions in the various clauses of the Bill. How the Regional Authorities should function how they should be constituted, what principles over and above those that are enumerated in the clauses should guide them in issuing licences, are things which can be very properly gone into in a Select Committee. At this stage, without going very critically and in a detailed manner into the various provisions I have only just referred to the main ideas that are, in my opinion, somewhat embodied in the Bill. I do not want to say anything more now except that I hope that all those interests to which I have made reference will be properly safeguarded in the Select Committee.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): I am glad that the Honourable Member for Communications has taken courage to introduce this Bill for consolidating the law relating to motor vehicles and for co-ordinating the transport facilities afforded by both road and rail. This is a complex problem which has been agitating the minds of both the Government and the various other bodies for a large number of years, and I am glad that this Bill has not been drafted in a hasty manner. The provisions of this Bill are based on the reports of several committees to which reference has already been made by the Honourable Member in his speech. I would have liked if Members of this House had been furnished with a copy of the Mitchell-Kirkness report, a copy of the proceedings of the Road-Rail Conference of 1933, and also copies of the proceedings of the First, Second and Third Transport Advisory Council, with a copy of the Report of the Committee on Motor Vehicles Insurance presided over by my Honourable friend, Mr. Roughton, and also of the Cassell's Committee's report, because it is on these reports that this Bill

has been based and it would be fair to Members of this House to have a copy of these reports so that they may be able to judge properly this Bill.

An Honourable Member: They are all in the Library.

Babu Baijnath Bajoria: But I want them to be supplied to Members of this House so that we can read them at home and use them when this Bill comes up for final discussion in the Simla Session.

In my opinion, there is a field for both road and rail in this country. Both should develop. In this vast country there are still various tracts in which there is neither the one nor the other, and I would like that those tracts should be developed in one way or the other. My opinion is that these facilities should be complementary to each other. They should not cut each other's throats as they are now doing in certain areas. I would like that fresh roads should be opened in the interior so that goods from the interior may come to the stations and thereby help both the railways and the motor. It will be a profitable business for the motor bus to bring the agricultural produce from the villages to the stations by, which is called in technical language, feeder roads. These feeder roads should be opened out in large numbers in all the provinces. Sir, as regards the money which is to be spent on these roads, we are already paying two annas per gallon as petrol tax and this money is distributed to the provinces for the development of roads. Ten annas is the total amount of petrol tax but all is not given to the provinces. Only 2½ annas goes to the provinces for road development. I am very sorry to note, I speak subject to correction, that the money which has been distributed to the provinces in the past was not utilised for the purpose for which it was given. I am not blaming the present Governments in the provinces. So, I do not want my friends to think that I am having a jibe at the Congress provinces. This vast amount gathered from the petrol tax was distributed to the provinces for road development but I am sorry to say that this money was used for balancing the budget and for balancing the ways and means position in the provinces. I think it is most unfair on the part of the provinces and I hope that the present Governments—whether Congress or non-Congress—will make it a point to see that the money which is being given to them for road development is spent on road development. In Bengal there is a dearth of good and long roads. Bengal is a big province with 50 million heads of population and the condition of communications there is very backward. It may be called a backward province so far as communications are concerned and it is high time that we had good roads there. I would like to know if the Honourable Member can give me the figures as to what amount Bengal did receive on account of this petrol tax and what amount it spent in the last five years and also I want the Government to take steps to force the present Bengal Government to spend money on road development.

Then, Sir, we want the Reports on which this Bill has been based. It is such a big and comprehensive Bill that I have not had the time to read through the whole of it and so I am not in a position to criticise it clause by clause but I would make some general observations. The first thing is about the minimum age limit for drivers. It is provided in this Bill that 21 years should be the minimum age limit for drivers of transport vehicles and 18 years for drivers of motor cars. I would like that the age should be 21 years for all motor vehicles because in my opinion drivers of immature age are very hasty and cause many accidents. Another thing

[Babu Baijnath Bajoria.]

is about medical certificates. It is provided here that medical certificates should be made obligatory for drivers of transport vehicles. In my opinion the licensing authority should demand such certificates whenever necessary but it should not be made compulsory as it will mean an extra cost unnecessarily to thousands of drivers. Then we know for what value these medical certificates can be obtained—by paying merely a small fee. Another thing is about the registration. I am glad that the registration of vehicles should have all-India validity and provision has also been made here that a car or a vehicle which remains in another province for more than 12 months will have to be re-registered there and have to pay taxation to that province, which will amply safeguard, in my opinion, the financial interest of the other provinces. I do not like the words “stage carriages and contract carriages”. They are very high sounding words which the ordinary layman cannot understand. I would request the Honourable Member for Communications to find suitable easier words. Unfortunately I have got no words in my mind at the present moment.

It has been said that long distance traffic should be left primarily for the railways. I do not subscribe to this view. In my opinion it should be the case of the survival of the fittest. The public must have the benefit of both road and rail, wherever they exist, so that they may choose whichever is more suitable to them. There should not be any rules or regulations which will cripple the motor traffic and will restrict its use for only small distances. Another thing that has been provided is that there should be uniform speed-limit throughout India. I heartily endorse this rule because at the present moment much inconvenience and confusion occurs when speed limits vary in different provinces and a new person who goes for the first time to another province may find himself committing an offence and being prosecuted for no fault of his own.

Then, I would like to point out some of the defects which exist at the present moment in the case of motor vehicles. As regards railways we have ample opportunities of ventilating our grievances here in this Assembly in the course of our budget debates and also in the provinces in the local advisory councils, but I am glad to have this opportunity of ventilating some of the grievances from the public point of view so far as motor vehicles are concerned. As regards compulsory insurance, I would like to know which Governments are in favour of compulsory insurance and which not. As regards compulsory insurance, I think that unless and until the cost of insurance of a car or a vehicle comes down, it is not a business proposition to have all cars and all vehicles insured. At the

5 P.M. present moment the cost of insuring a vehicle is between Rs. 125 to Rs. 250 per car and it is a very big sum. Sir, that is an amount which an ordinary motor vehicle-owner or a private owner of a car can ill-afford to pay. I would like, Sir, that the Government should take some steps so that the cost of insurance should be reduced. I would like that the double deckers, which are run in Calcutta and I think in some other cities also, and which are a positive danger to the public safety, should be prohibited altogether.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to continue his speech, he can do so tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd March, 1938.

LEGISLATIVE ASSEMBLY.

Wednesday, 23rd March, 1938.

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

MEMBERS SWORN.

Mr. James Cochrane Highet, M.L.A. (Government of India: Nominated Official); and
Mr. Dharendra Nath Mitra, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

SEATING AND SLEEPING ACCOMMODATION FOR LOWER CLASS PASSENGERS IN TRAINS.

916. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Railways please state:

- (a) if the accommodation allowed for lower class passengers in long-distance night trains provides for sufficient space for reclining;
- (b) if Government are prepared to consult experts whether the space allowed in such trains is not so small as to be injurious to the health of passengers; and
- (c) if Government are prepared to consider the question of provision of sleeping carriages for intermediate class passengers charged at slightly increased fares, say, fifty per cent.?

The Honourable Sir Thomas Stewart: (a) No. Sleeping accommodation is not provided in lower class coaches. In modern long distance coaching stock, luggage racks upon which passengers may recline when the racks are not occupied by luggage are, however, provided.

(b) No. The scale of accommodation provided for passengers has been considered from all aspects and Government have no reason to believe that the scale now laid down is inadequate to the extent of being in any way injurious to the health of passengers.

(c) No. Examination of similar proposals in the past has shown that economic considerations prohibit the provision of guaranteed sleeping accommodation for passengers paying less than second class fares.

Mr. Brojendra Narayan Chaudhury: The Honourable Member has not replied to my question. My question is not about the accommodation for sleeping but the accommodation for reclining?

The Honourable Sir Thomas Stewart: I cannot say what is the difference in the space required for a man sleeping and that for a man reclining.

Mr. N. M. Joshi: May I ask if the first and second class passengers pay an economic price for the accommodation they receive for sleeping?

The Honourable Sir Thomas Stewart: I should require notice of that question.

Mr. T. S. Avinashilingam Chettiar: May I ask what is the calculated space for an ordinary third class passenger according to this calculation?

The Honourable Sir Thomas Stewart: I believe it is 19 inches.

Seth Govind Das: Is it not a fact that in foreign countries sleeping accommodation is provided to third class passengers on paying some extra fare?

The Honourable Sir Thomas Stewart: In certain cases, yes.

Seth Govind Das: Is it not desirable, under the circumstances, to introduce the same system in India?

The Honourable Sir Thomas Stewart: That is a question which has already been examined as I have said in my answer.

Seth Govind Das: The Honourable Member knows that in this country the distances are great and the passengers have to travel for a long time. In these circumstances, does not the Honourable Member consider it desirable to introduce the same system in India?

The Honourable Sir Thomas Stewart: The Honourable Member is asking for an expression of my personal opinion.

Mr. K. Santhanam: Will the Honourable Member consider whether the width of the seats is sufficient for comfortable travelling during nights?

The Honourable Sir Thomas Stewart: If there are any such defects in the railway carriages, it is open to the local Advisory Committees to make representations to the Administrations concerned.

BAD CONDITION OF LATRINES OF LOWER CLASS RAILWAY CARRIAGES.

917. ***Mr. Brojendra Narayan Chaudhury:** (a) Will the Honourable the Railway Member please state if Government are aware that:

- (i) in certain types of lower class carriages the latrine is ill-lighted or not at all lighted;
- (ii) ill-lighting is one of the causes of the complaint that the latrines become dirty;
- (iii) the position of the water tap, which when opened wets the shoes, is one cause of complaint; and
- (iv) insufficient flushing due to the taps closing as soon as hand pressure is released is another cause of complaint?

(b) Are Government prepared to look to the above complaints?

The Honourable Sir Thomas Stewart: If the Honourable Member will let me know to what railway or railways the complaints relate, I will make enquiries.

PAUCITY OF ASSAMESE IN THE POSTAL DEPARTMENT IN ASSAM.

918. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Communications please state:

(a) if in the territory comprised within the Province of Assam there are in the Postal Department the number of appointments as stated below:

Gazetted rank 4—including one Railway Mail Service Postmaster (grade Rs. 250—350) 2; Postmaster, Deputy Postmaster, Sub-Postmaster (Rs. 160—250) 13; Inspector and Clerk to Superintendent 12;

(b) how many of these appointments are held by people of Assam, including Surma Valley; whether the number is not only 2; and that they are in the last grade mentioned in part (a);

(c) the reasons for such low representation of the people of Assam in appointments in their own area;

(d) if any examinations are held for these posts; if so, who are the examiners and if they are non-Assamese;

(e) if the grade Rs. 160—250, Postmaster, Deputy Postmaster and Sub-Postmaster in appointments in the City of Calcutta is reserved for the people of Calcutta; and

(f) if Government propose to apply the reservation rule in Calcutta to Assam also; if not, why not?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) I have no information.

(c) and (d). The posts of Superintendents of Post Offices are on an all-India cadre and are filled up to the extent of 50 per cent. by direct recruitment of candidates through an open competitive examination held by the Federal Public Service Commission, the remaining 50 per cent. being filled by departmental promotion. The posts of Postmasters in the grades of Rs. 250—350 and Rs. 160—250 are filled by promotion. The posts of Inspectors and Head Clerks to Superintendents are filled by selection on the basis of a departmental examination held by the Heads of the Circle from the Circle cadre. The examiners are departmental officers.

(e) These posts are filled by promotion of clerks working under that General Post Office only, but they are not necessarily natives of or domiciled in Calcutta.

(f) No, Sir, because it would be administratively inconvenient and against the interests of clerks serving in Assam.

Mr. Brojendra Narayan Chaudhury: With regard to part (d) of the question, is it not a fact that the departmental examiners are always non-Assamese?

The Honourable Sir Thomas Stewart: It depends entirely on the people who happen to be in the Circle at the time.

Mr. Brojendra Narayan Chaudhury: I am asking what is the actual fact? Is it not a fact that the examiners have not been Assamese?

The Honourable Sir Thomas Stewart: I take it that it is highly probable that this is the case.

TRAIN SERVICE BETWEEN SYLHET AND SILCHAR ON THE ASSAM-BENGAL RAILWAY.

919. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Railways please state:

- (a) when the through train service between Sylhet and Silchar on the Assam Bengal Railway (train Nos. 263 Up and 266 Down) was started;
- (b) if these trains are intended for court passengers and others who want to return on the same day;
- (c) if these trains were put to meet bus competition between Sylhet and Karimganj;
- (d) the train fare between Sylhet and Karimganj for third class;
- (e) if the bus fare for the same is less than annas twelve only;
- (f) if the administration has calculated the additional cost of running these trains and the additional income from them; if these two trains by themselves are a paying or losing concern, taking into consideration the depreciation of stock and permanent way;
- (g) if he is aware that it is usual for passengers to travel from Silchar to Karimganj by train and thence to Sylhet by bus;
- (h) the time taken by these trains from Sylhet to Karimganj and in the opposite direction; and
- (i) if the time taken by buses to cover the same distance is within one and half hours and by private cars less than one hour?

The Honourable Sir Thomas Stewart: (a) From the 1st June, 1935.

(b) Yes.

(c) The Agent, Assam Bengal Railway, states that these trains were introduced on a proposal made by a member of his Advisory Committee.

(d) Re. 1-5-9.

(e) The usual fare is twelve annas.

(f) The Agent states that the matter was examined, and it was decided to continue running these trains.

(g) A considerable number of passengers so travel.

(h) Two hours and 37 minutes, and two hours and 54 minutes respectively.

(i) By bus about two hours and by private cars in less time: particulars regarding the latter are not available.

Mr. Brojendra Narayan Chaudhury: With regard to part (b) of the question, I have not yet been told whether there is an actual loss on the working of that train?

The Honourable Sir Thomas Stewart: The Agent has inquired into the matter and considers that it is worth while to continue the running of the train.

Mr. Brojendra Narayan Chaudhury: My question is whether the train is paying or not and I want a specific reply to that question?

The Honourable Sir Thomas Stewart: If the Agent has decided to continue the running of the trains, I think it may be assumed that there is no loss.

Mr. Brojendra Narayan Chaudhury: That is a matter of opinion and inference. I want facts?

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

AIR-CONDITIONED CARRIAGES ON RAILWAYS.

920. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- (a) what percentage of accommodation actually provided in air-conditioned carriages has been utilised in traffic;
- (b) what percentage of the first class traffic has taken to the air-conditioned carriages;
- (c) if Government have considered whether the cost of air-conditioned carriages can be reduced further; and
- (d) whether there is any chance of introducing these carriages for the lower classes?

The Honourable Sir Thomas Stewart: (a) About 34 per cent. of the accommodation provided in air-conditioned coaches was utilised in the months of December, 1937, and January, 1938.

(b) The Honourable Member's attention is invited to the reply given to part (b) of question No. 725 asked by Mr. Mohan Lal Saxena in this House on the 9th March, 1938.

(c) This question is under investigation.

(d) The Honourable Member's attention is invited to the reply given to part (c) of question No. 467, asked by him in this House on the 24th February, 1938.

Mr. T. S. Avinashilingam Chettiar: May I know whether the first class traffic has lessened as a consequence of these air-conditioned coaches?

The Honourable Sir Thomas Stewart: I shall require notice of that question.

Mr. T. S. Avinashilingam Chettiar: May I know what percentage of first class traffic is necessary to make the air-conditioned coaches profitable?

The Honourable Sir Thomas Stewart: Of that, too, I shall require notice.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the recent statement made in the press that the air-conditioned coaches are running at a profit and that within a few years they will get back the capital invested on them is true?

The Honourable Sir Thomas Stewart: I have no information as to whether it is an authoritative statement or not.

Mr. B. Das: May I enquire whether it is a fact that the air-conditioned passengers after they leave the coach catch cold?

The Honourable Sir Thomas Stewart: Our object is to air-condition the coaches and not the passengers.

Mr. K. Santhanam: With reference to part (a), may I know whether the Railway Board have evolved any definite percentage which they consider reasonable for running air-conditioned coaches?

The Honourable Sir Thomas Stewart: The process is at the present time in an experimental stage and, therefore, no definite percentage has been evolved.

Mr. T. S. Avinashilingam Chettiar: In the meanwhile will the Government consider the advisability of limiting the making of fresh first class carriages?

The Honourable Sir Thomas Stewart: Yes, Sir.

RADIO LICENCE-HOLDERS AND PROGRAMMES.

921. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- what is the ratio of Indians to Europeans in the number of radio licence-holders in Bombay, Delhi and Calcutta;
- what is the ratio of money spent on Indian as opposed to European music spent in Bombay, Delhi and Calcutta; and
- whether there is a great deal of difference in the two ratios; if so, whether Government have considered arranging programmes to suit the large number of licencees?

The Honourable Sir Thomas Stewart: (a) The attention of the Honourable Member is invited to the reply given by me on the 3rd February, 1938, to part (b) of Mr. Manu Subedar's starred question No. 121.

(b) and (c). A statement giving the required information for the three months ending 31st January, 1938, is laid on the table of the House. All-India Radio are constantly endeavouring to arrange programmes which will suit the tastes of the largest possible number of listeners in India.

STARRED QUESTIONS AND ANSWERS.

Statement showing Expenditure on Indian and European Music during the three months ending 31st January, 1938, at the Bombay, Calcutta and Delhi Stations of the All-India Radio.

Name of the Station.	Amount spent on Indian music.	Amount spent on European music.	Ratio.
	Rs.	Rs.	
Bombay	12,393	8,375	3 : 2
Calcutta	10,235	5,160	2 : 1
Delhi	15,459	5,145	3 : 1

Mr. T. S. Avinashilingam Chettiar: If I remember aright, the figures were not given on that date.

The Honourable Sir Thomas Stewart: For the very good reason that I was not in a position to give the number.

Mr. T. S. Avinashilingam Chettiar: Will the Government collect the figures, please?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. T. S. Avinashilingam Chettiar: Why not, Sir?

The Honourable Sir Thomas Stewart: Because the trouble and expense of collecting the figures will be wholly disproportionate to the purpose which it will serve.

Mr. T. S. Avinashilingam Chettiar: Are the Government satisfied that the number of Indians is by far greater than the number of Englishmen?

The Honourable Sir Thomas Stewart: I am prepared to take the Honourable Member's word for it.

EXTENSIONS OF THE ASSAM-BENGAL RAILWAY LINE FOR CONNECTING CERTAIN STATIONS.

922. ***Mr. Kuladhar Ohaliha:** (a) Will the Honourable Member in charge of Railways please state whether there is any proposal to connect the Khowang station of the Assam-Bengal Railway with the Dibrugarh town (in Assam) by an extension of the Assam-Bengal Railway line to Dibrugarh?

(b) Have Government received any representation from commercial interests to that effect? If so, do Government propose to take the matter up and connect the line?

(c) Has the Honourable Member in charge of Railways been considering the advisability of connecting Badulepar station with Jakhlabandha station on the Assam-Bengal Railway?

(d) If not, are Government now prepared to consider the proposal and connect the two stations as it will facilitate the transport of commercial commodities in that area?

The Honourable Sir Thomas Stewart: (a) Not at present. A survey was made in 1917 but the project was dropped in 1920 in view of its unattractive prospects.

(b) Not in recent years. There does not appear to be any demand for this line.

(c) No.

(d) The prospects of a railway close to and parallel to the river are not likely to be good, and such a line would almost certainly require a subsidy from the Provincial Government. Should the Provincial Government be prepared to pay a subsidy, they will, no doubt, approach the Government of India.

FINANCIAL FAILURE OF THE BOMBAY BROADCASTING STATION.

928. ***Mr. Manu Subedar:** Will the Honourable Member for Communications state:

- (a) whether he has seen in the *Statesman* of the 27th February, 1938, a statement by the Controller of All-India Radio to the effect that "the Bombay station is, in fact, a losing proposition";
- (b) the number of licencees in Bombay City and what is the number in the territory served by Bombay Station, and the percentage of these to the total number of licencees in India;
- (c) whether the All-India Radio is helped by a financial adviser;
- (d) the nature of the financial control exercised over the activities of the All-India Radio, and whether any responsible official of the Finance Department has given the opinion that Bombay is a losing station;
- (e) whether the statement made by Mr. Fielden was sanctioned by Government, or approved by them subsequently, and whether that is the official view;
- (f) if the reply to part (e) be in the negative, what steps Government propose to take to prevent unauthorised statements being made on financial issues by the Controller; and
- (g) whether Government have considered the advisability of appointing a committee to suggest measures for overhauling the finances of the All-India Radio and to see whether any greater results could be obtained from the money spent?

The Honourable Sir Thomas Stewart: (a), (e) and (f). I have seen the article in the *Statesman* of the 27th February, which is a comment on an article from the pen of the Controller of Broadcasting which appeared in the *Times of India* of the 16th February. The Controller's object was to emphasise the fact that in the long run broadcasting must depend upon receipts from licencees which, taking the Bombay Presidency, are not sufficient to cover the cost of programmes and programme staff of the Bombay station. The article referred to was not seen by Government before publication, but they do not see any reason to take exception to it.

- (b) The number of wireless licencees in the Bombay Presidency at the end of December, 1937, was 16,500, a little over 33 per cent. of the total number in British India. Of these, about 12,000 were in Bombay City.
- (c) No.

list

(d) The accounts of All-India Radio are checked by the Audit Officers and proposals for fresh expenditure are examined by the Department of Communications in consultation with the Finance Department in the ordinary way. The reply to the second part of the question is in the negative.

(g) Government do not consider the appointment of such a committee to be necessary.

Mr. Manu Subedar: Which centres in India are fulfilling the requirements as to returns by way of licence which Bombay has failed to fulfil according to the Controller whose opinion the Government of India have now accepted?

The Honourable Sir Thomas Stewart: No area is at present fulfilling the condition of paying for its programme through licence fees.

Mr. Manu Subedar: Then why was Bombay singled out?

The Honourable Sir Thomas Stewart: If it were possible, I would refer the Honourable Member to the writer of the article.

Mr. Manu Subedar: May I take it then from the Honourable Member that the all-India Radio, as a whole, is not fulfilling the requirements of covering its cost by means of fees receipt? Is that so?

The Honourable Sir Thomas Stewart: I do not think that arises out of this question.

Mr. Manu Subedar: If no other centre has fulfilled

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Government Member need not answer, as it is a matter of inference to be drawn.

Mr. Manu Subedar: In order that these vague and unjustifiable charges may not be flung about in the Press by the Controller would the Government appoint a small departmental committee to look into the matter and give us an authoritative statement on the subject?

The Honourable Sir Thomas Stewart: I cannot say that any charge has been made.

Mr. Mohan Lal Saksena: Are Government officials permitted to make contributions to the Press without the approval of the Government?

The Honourable Sir Thomas Stewart: The rules governing contributions to the Press by Government servants are set out in the Government Servants' Conduct Rules to which the Honourable Member may refer.

Prof. N. G. Ranga: Has the Honourable Member satisfied himself that the Controller of Broadcasting who is contributing these articles to the Press is not paid for his contribution that he is making?

The Honourable Sir Thomas Stewart: I have no information on the subject.

Prof. N. G. Ranga: Will the Honourable Member enquire?

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

Prof. N. G. Ranga: This is a very important question, Sir. The Controller of Broadcasting is a Government servant and I want the Government to make enquiries whether he is paid for his contributions to the Press.

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

RAILWAY FREIGHT RATES ON CEMENT, MATCH AND COAL.

924. ***Mr. Manu Subedar:** With reference to his remark in the House, in introducing the Railway Budget, that material assistance had been given by the Railways in respect of rates to the cement, match and coal industries, will the Honourable Member for Communications state:

- when the rates were reduced (along with a statement of the old and new rates in each case);
- whether this was done at the request of the trade; and
- whether the Railways lost any revenue by doing this?

The Honourable Sir Thomas Stewart: Reference was not made in my speech introducing the Railway Budget to the point to which the Honourable Member refers, but in my reply to the debate on a cut motion relating to railway freight policy, cement and matches were referred to as some of the commodities for which Railways had reduced their freight rates. In regard to the specific point to which the Honourable Member now refers:

(a) The special rates quoted by Railways appear in their respective tariffs, but the compilation by each Railway concerned of the particulars required by the Honourable Member will involve a considerable amount of labour incommensurate with any use to which the information could be put.

(b) I have no doubt that this was the case.

(c) Without a detailed investigation of each case, it is not possible to answer this part of the Honourable Member's question.

Mr. Manu Subedar: My object in asking this question was to see what are the general principles on which requests for reduction of rates could be made which requests would be granted by Government and to what extent the railways would go to assist the industries. This was the claim made by the Honourable Member in his speech the other day. May I ask the Honourable Member whether he can throw any light on those general principles either now or by a subsequent communication to the Chamber of Commerce?

The Honourable Sir Thomas Stewart: If there is any industry which requires special consideration in regard to freights, I suggest that it should make direct reference to the administration concerned.

Prof N. G. Ranga: Will it not be a repetition of the reply that was made by the Railway Board to the cotton trade interests?

The Honourable Sir Thomas Stewart: Not necessarily.

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ASSISTANCE TO INDIAN INDUSTRIES BY RAILWAYS.

926. ***Mr. Manu Subedar:** With reference to the statement of the Chief Commissioner for Railways in his speech, introducing the Railway Budget, as follows:

"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".

Will the Honourable Member for Communications state what industries have been established and where, and what orders such industries have received from the Railway Board during 1936-37 and 1937-38 (up to the end of December)?

The Honourable Sir Thomas Stewart. Government are not aware of any new industries connected with the standardisation of railway equipment that have been established in India during the periods referred to by the Honourable Member. Evidence of the development of existing industries is provided by the additions to the firms registered as approved contractors to the Indian Stores Department for the supply of different classes of standardised railway equipment and by the value of such equipment of Indian manufacture purchased through the Indian Stores Department for State-managed Railways between April 1st, 1936, and December 31st, 1937. A statement giving this information is laid on the table.

Statement.

Firms registered since April 1st, 1936, as approved contractors to the Indian Stores Department for the supply of standardised railway equipment.

Vacuum brake fittings, metallic.

- Messrs. United Engineering Corporation, Bombay.
- Messrs. Howrah Engineering Company, Howrah.

Permanent-way fittings.

- Messrs. National Iron & Steel Company, Limited, Belur.
- Messrs. Steel Equipment & Construction Company Limited, Howrah.
- Messrs. Howrah Engineering Company, Howrah.
- Messrs. Gobindo Sheet Metal Works, Calcutta.
- Messrs. Singh Engineering Works, Cawnpore.
- Messrs. Yule Engineering Company, Calcutta.

Track Tools.

Messrs. Indian Tool Manufacturers Limited, Bombay.

India Rubber Fittings.

Messrs. Indian Rubber Manufacturers Limited, Calcutta.

Value of purchases of standardised railway equipment of Indian manufacture made by the Indian Stores Department between 1st April, 1936, and 31st December, 1937.

	Rs.
Vacuum brake fittings, metallic	2,62,698
Permanent-way fittings and track tools	33,36,082
India rubber fittings	4,69,231
Points and crossings	13,15,808
Signal and interlocking (materials) equipment	4,28,973

*This question has been postponed to be answered on the 8th April, 1938.

Mr. Manu Subedar: Will the Honourable Member give us some particulars of any negotiations which may be on for the production of standardised articles for railways for new articles which have not been hitherto produced?

The Honourable Sir Thomas Stewart: The question of negotiations, I take it, does not arise out of this question.

CONTROL OF THE ALL-INDIA RADIO.

927. ***Mr. Manu Subedar:** Will the Honourable Member for Communications state:

- (a) whether Government consider the All-India Radio a commercial department of Government;
- (b) whether there is a single official in the department, or in control thereof at the top, who can claim to have had any business experience;
- (c) whether Government have considered the necessity of having a businessman in control of this department; and
- (d) if the reply to part (c) be in the negative, whether Government will state the reasons?

The Honourable Sir Thomas Stewart: (a) It is a commercial department in the sense that Government expect that in due course the income from license fees and other receipts will cover the cost of the department.

(b) Yes.

(c) and (d). No. Government consider that experience of broadcasting, especially of programmes is the most important qualification for the post of Controller.

Mr. T. S. Avinashilingam Chettiar: At present what percentage of the expenses is met by the licence fees?

The Honourable Sir Thomas Stewart: I shall require notice of that question.

Mr. Manu Subedar: With reference to the answer to clause (b), will Government be pleased to give the name of the official who claims to have any business experience in the department?

The Honourable Sir Thomas Stewart: It is the Editor of the *Indian Listener*.

Mr. Manu Subedar: Is he in charge of the business arrangements of this All-India Radio?

The Honourable Sir Thomas Stewart: No, Sir; he is in charge of the business arrangements of the *Indian Listener*.

Mr. Manu Subedar: How does the business experience of a man who is in charge of nothing except a journal affect the business administration of the whole department?

STARRED QUESTIONS AND ANSWERS.

The Honourable Sir Thomas Stewart: I never suggested for a minute that it affected the business administration of the whole department.

Mr. Manu Subedar: Do I take it then that there is nobody . . .

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument. The Honourable Member can draw his own inference.

Mr. N. M. Josni: When Government say "in due course", can they give any estimate of the period?

The Honourable Sir Thomas Stewart: No, Sir; I can give no accurate estimate of the period.

Mr. N. M. Joshi: Can the Honourable Member give a rough estimate?

The Honourable Sir Thomas Stewart: If the Honourable Member will give me notice of the question I shall attempt to make an approximation.

Mr. Lalchand Navalrai: May I know if the All-India Radio is now doing better work, commercially and financially, than the company from which Government took it over?

The Honourable Sir Thomas Stewart: We do believe that matters have improved.

RADIO PROGRAMMES.

†928. ***Mr. Sami Vencatachelam Chetty:** Will the Honourable Member for Communications state:

- (a) whether, in view of the fact that the majority of licencees are Indians, Government have considered the proposal for giving four evenings (after dinner) out of seven at every broadcasting station in India to Indian music; and
- (b) whether Government are prepared to appoint a committee to fix the general categories of programmes and particularly to fix the distribution between Indian and English music at all stations?

The Honourable Sir Thomas Stewart: (a) The demands of listeners are not the same everywhere, and it is not, therefore, possible to adopt a uniform policy for all stations. Indian music is usually broadcast after the dinner hour from Delhi, Lahore and Peshawar every day, and there are Indian items on most days in the programmes broadcast from Calcutta and Bombay up to 9 P.M. With the improvement of studio accommodation it is hoped that it will be possible to increase Indian programmes.

(b) There is already an advisory council for the Delhi Station of the All-India Radio and Government are considering the question of establishing similar councils for other stations.

†Answer to this question laid on the table, the questioner being absent.

INDIA'S PARTICIPATION IN THE TRADE NEGOTIATIONS BETWEEN THE UNITED KINGDOM AND THE UNITED STATES OF AMERICA.

929. ***Mr. Badri Dutt Pande:** Will the Secretary for External Affairs state:

- (a) whether Government are in communication with His Majesty's Government in regard to the participation of India directly or indirectly in the provisions of the Trade Treaty now being negotiated between the United Kingdom and the United States of America;
- (b) whether Government have at all written to His Majesty's Government with regard to the disabilities of Indian businessmen in the United States;
- (c) whether Government have received any representations regarding such disabilities; and
- (d) whether Government are considering the desirability of participating in the Trade Treaty?

Sir Aubrey Metcalfe: (a) and (d). The Government of India have received information from His Majesty's Government in the United Kingdom in regard to that Government's proposals for a Trade Agreement with the United States of America, and their effect on India's trade is being examined.

(b) Yes.

(c) Yes.

Mr. Manu Subedar: With regard to the answers to clauses (a) and (b), after the examination is concluded, will Government take this House into their confidence and tell us the main provisions of the treaty and how Indian trade is being affected?

Sir Aubrey Metcalfe: I am not in a position to answer that at present.

Prof. N. G. Ranga: What is the answer to part (d)?

Sir Aubrey Metcalfe: That is included in the answer to part (a).

Mr. T. S. Avinashilingam Chettiar: May I know whether Government propose to have a separate treaty with the United States of America or propose to have it as a part of the present negotiations between Great Britain and the United States of America?

Sir Aubrey Metcalfe: I have not said that the Government of India propose to have a treaty at all.

Mr. T. S. Avinashilingam Chettiar: May I know how they mean to attempt to remove the disabilities of Indians in America?

Sir Aubrey Metcalfe: That is a matter which is now under consideration. I am not in a position to give any further information about it.

RADIO PROGRAMMES OF INDIAN MUSIC.

930. ***Mr. Badri Dutt Pande:** Will the Honourable Member for Communications state:

- (a) whether Government are aware that Mr. Fielden, the Controller of Broadcasting, is unacquainted with Indian music altogether; and
- (b) whether Government have considered that Indian music is getting a fair deal in the programmes at present?

The Honourable Sir Thomas Stewart: (a) No.

(b) Yes.

Mr. Manu Subedar: Are not Government aware that Mr. Fielden knows nothing of Indian music and that he has publicly declared that Indian music is piffle?

The Honourable Sir Thomas Stewart: That seems to suggest that he has some acquaintance with it.

Mr. Manu Subedar: When Government put such a man at the top of the administration of the department, did they consider whether he can do proper justice to the requirements of good Indian music?

The Honourable Sir Thomas Stewart: The fact that this particular individual is Controller of Broadcasting does not affect the question at all.

Seth Govind Das: Does he at all understand any song in Indian music?

The Honourable Sir Thomas Stewart: I have replied to the question in part (a), where I said, "No". The Honourable Member may draw his own deduction from that answer.

Mr. Badri Dutt Pande: Does he know Hindustani?

Mr. President (The Honourable Sir Abdur Rahim): The question deals with Indian music.

Mr. Manu Subedar: Will the Honourable Member himself take a little interest in this subject in order to see that the genuine grievances of lovers of Indian music are rectified in the programme which are being given?

The Honourable Sir Thomas Stewart: Does the Honourable Member suggest that I am not taking interest in a subject in my portfolio?

Mr. Manu Subedar: May I suggest that he should deepen and widen that interest and put a little more of it?

Mr. President (The Honourable Sir Abdur Rahim): I am sure the Honourable Member's suggestion will be considered.

MUNICIPALITIES AND NOTIFIED AREAS IN BALUCHISTAN.

931. ***Mr. Abdul Qaiyum:** Will the Foreign Secretary please state.

- (a) the number of municipalities and notified areas in Baluchistan;
- (b) when the Quetta Municipal Committee was first set up;
- (c) whether any elective element has been introduced in the local bodies in Baluchistan; if not, why not; and
- (d) whether Government propose to introduce such elective system; if so, when?

Sir Aubrey Metcalfe: (a) There is only one Municipality in Baluchistan, viz., that of Quetta town. Precise information with regard to the number of notified areas is not readily available.

(b) In 1896.

(c) No. So far as Government are aware, there is no local demand for the introduction of any such elective element.

(d) Government are willing to consider the introduction of an elective system when a local demand for it manifests itself.

Mr. Abdul Qaiyum: May I know if Government will introduce the elective system on their own initiative?

Sir Aubrey Metcalfe: No. If there is no local demand for it, there is no reason why Government should themselves move in the matter.

Mr. Lalchand Navalrai: May I know whether the local demand has not been made up to now or whether representations have actually been made and rejected?

Sir Aubrey Metcalfe: My information is that no such demand has manifested itself at all.

Mr. Abdul Qaiyum: Is it the policy of Government to train these people in local self-government in Baluchistan or will they wait till Doomsday for a demand which may never be forthcoming?

Sir Aubrey Metcalfe: It is not their policy to disturb a system which gives general satisfaction to the local people.

Mr. Abdul Qaiyum: Is the Honourable Member aware that the local authorities always discourage people from coming forward with these demands?

Sir Aubrey Metcalfe: Certainly not.

Mr. Abdul Qaiyum: Is the Honourable Member aware

Mr. President (The Honourable Sir Abdur Rahim): I do not think the Honourable Member can carry it any further. Next question.

ABOLITION OF SECOND CLASS ON THE ASSAM-BENGAL RAILWAY.

932. ***Mr. Kuladhar Chaliha:** (a) Will the Honourable the Railway Member please state if there is any increase of revenue on account of the abolition of second class on the Assam-Bengal Railway and the reduction of the first class fare by creating an upper class from the date of abolition of the second class?

(b) If not, will Government please state what the reason was for the abolition of the second class on the Assam-Bengal Railway?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply I gave to Mr. Brojendra Narayan Chaudhury's question No. 295 on the 16th February, 1938.

(b) The Honourable Member's attention is invited to the reply given to his unstarred question No. 99 on the 19th March, 1937.

Prof. N. G. Ranga: As a consequence of the abolition of the second class on the Assam-Bengal Railway, has there been any appreciable reduction in the fares charged for first class travel?

The Honourable Sir Thomas Stewart: No, Sir. The first and second class were abolished and an upper class was instituted the fare for which was roughly an average of second class and first class fares.

Mr. Kuladhar Chaliha: Has the revenue increased by the abolition of the second class?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the reply to which I referred him he will find the figures given therein.

Prof. N. G. Ranga: Is there any proposal to follow up this practice on other State Railways?

The Honourable Sir Thomas Stewart: The question of amalgamating the two classes is, I believe, being considered by other administrations.

Mr. Kuladhar Chaliha: Will the Honourable Member think of restoring the second class now?

(No reply was given.)

APPOINTMENT OF OFFICERS TO THE MILITIA AND THE SCOUTS.

933. ***Mr. T. S. Avinashilingam Chettiar:** Will the Foreign Secretary state:

- (a) the authority that appoints officers to the militia and the scouts;
- (b) whether the advice of military authorities is taken in the matter of these appointments; and
- (c) why no Indians have been appointed till now to these offices?

Sir Aubrey Metcalfe: (a) The appointments are made by the Local Administration concerned in the case of the North-West Frontier and Baluchistan Corps and by the Resident in Kashmir in the case of Gilgit Scouts.

(b) Yes.

(c) Only four Indians have applied for such appointments. Of these three were not selected. The fourth was selected but subsequently refused the appointment.

Mr. T. S. Avinashilingam Chettiar: May I know how many Indians and how many Europeans are there in the militia and the scouts?

Sir Aubrey Metcalfe: I do not understand the question. Does the Honourable Member mean in the ranks or among the officers?

Mr. T. S. Avinashilingam Chettiar: Among the officers.

Sir Aubrey Metcalfe: There are no Indians.

Mr. T. S. Avinashilingam Chettiar: Why is there not even a single Indian officer.

Sir Aubrey Metcalfe: I have already explained that only four Indians have ever applied for such appointments. Of these the first two applied in 1923 and were not selected presumably because they were not senior enough for selection. The other two applied in 1936, of them one was not selected and the other was selected but refused to take up the appointment.

Mr. Abdul Qaiyum: How many officers were selected who did not apply?

Sir Aubrey Metcalfe: Every officer has to apply for this appointment before he can be selected.

Mr. Abdul Qaiyum: Is it the policy of the Government to keep out Indians from the militia and the scouts?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise.

RAILWAY CONCESSION DURING THE *Urs* AT PIRAN KALIAR SHARIF, ROORKEE.

934. ***Mr. H. M. Abdullah:** Will the Honourable the Railway Member please state:

(a) whether a concession was given at the *Urs* of Dargah Khwaja Saheb, Ajmer, to passengers from the Punjab and the North-West Frontier Province last year; and

(b) whether Government are prepared to consider the feasibility of extending the same during the coming *Urs* of Piran Kaliar Sharif (Roorkee) as well?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the information published in the Legislative Assembly Debates of the 24th September, 1937, in connection with the reply given to part (e) of Mr. Abdul Qaiyum's unstarred question No. 39 on the 31st August, 1937.

(b) The matter is one for consideration by the Railway Administration concerned to whom the Honourable Member's suggestion will be communicated for such action as may be considered necessary.

SLOW SPEED OF THE GRAND TRUNK EXPRESS.

935. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

(a) the average speed per hour of the Grand Trunk Express compared with the East Indian Railway, Great Indian Peninsula Railway and the Bombay, Baroda and Central India Railway trains;

(b) whether they have recently considered the matter of speeding up the train; and

(c) what are the obstacles, if any, to this train being speeded up?

The Honourable Sir Thomas Stewart: (a) The through speed per hour, including the time taken for booked stoppages, averages approximately as follows:

Grand Trunk Express—	
Madras to Delhi	28 miles
Delhi to Madras	29 miles
East Indian Railway—	
7 up and 8 down Express between Howrah and Delhi	38 miles
Great Indian Peninsula Railway—	
197 Down Express Bombay to Delhi	31 miles
198 Up Express, Delhi to Bombay	30 miles
Bombay, Baroda and Central India Railway—	
19 Up and 20 Down Express between Bombay and Delhi	27 miles

(b) and (c). I would refer the Honourable Member to the reply given to Dr. T. S. S. Rajan's starred question No. 1211 on the 30th March, 1935. Railways have recently been asked to examine the question of speeding up trains generally.

Mr. T. S. Avinashilingam Chettiar: I know the reference, Sir. May I know if Government have taken up this matter and seen if these difficulties cannot be overcome?

The Honourable Sir Thomas Stewart: I have said that Railways have recently been asked to examine the question of speeding up trains generally.

Prof. N. G. Ranga: In view of the fact that the up journey is done at an average of 28 miles per hour will Government see that the journey from Delhi to Madras is also speeded up from 25 to 28 miles per hour?

The Honourable Sir Thomas Stewart: The figures from Madras to Delhi and from Delhi to Madras are 28 and 29 miles respectively.

Mr. T. S. Avinashilingam Chettiar: May I know whether it is a general circular to speed up trains or whether they have sent a special circular to the railways concerned to speed up the Grand Trunk Express?

The Honourable Sir Thomas Stewart: Speeding up trains generally.

Mr. T. S. Avinashilingam Chettiar: Will Government address the railways concerned to speed up particularly this train, because it is the only direct connection between Madras and Delhi?

The Honourable Sir Thomas Stewart: There is no reason to believe that this particular train will not receive the consideration of the railways concerned.

Seth Govind Das: What are the reasons for the great difference between the speed of one train and that of another? One train runs at 28 and another at 38 miles.

The Honourable Sir Thomas Stewart: Without being a railway expert, I should suggest that the number of stops between the terminals of a train is an important consideration.

Mr. Thirumala Rao: Is the Honourable Member aware that between Madras and Bezvada the train runs as a passenger, and that between Bezvada and Balarshah it is a mixed train stopping even at places where there are no stations.

The Honourable Sir Thomas Stewart: I shall endeavour to corroborate the Honourable Member's statement from the time-table. When I can expect to get a reply from the administration I can give no idea.

MONEY SPENT ON AND TIME GIVEN FOR EUROPEAN AND INDIAN MUSIC IN BROADCASTING.

936. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- the amounts of money spent on European and Indian music in broadcasting at Delhi, Bombay and Calcutta;
- the amount of time given to European and Indian music in the above stations after 7 p.m.; and
- the proportion of Indians and Europeans among the licencees of receivers at the above three stations?

The Honourable Sir Thomas Stewart: (a) and (c). The attention of the Honourable Member is invited to the replies given by me today to his starred question No. 921.

(b) The attention of the Honourable Member is invited to the fortnightly issues of the *Indian Listener*, which are available in the Library of the Legislature.

Mr. T. S. Avinashilingam Chettiar: May I know if the time allowed is uniformly the same on all days and weeks in the year?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the *Indian Listener* he will get all the information he requires.

Mr. T. S. Avinashilingam Chettiar: Government have to supply the information.

Mr. President (The Honourable Sir Abdur Rahim): In the case of a publication like that it is just as easy for the Honourable Member to find the information he wants as it is for the Government Member.

Mr. T. S. Avinashilingam Chettiar: I must submit this, Sir. We must go through the whole of the *Indian Listener* to find the information whereas Government have got their Secretariat and officers to help them, and they are here to supply information to us.

Mr. President (The Honourable Sir Abdur Rahim): Where information is available quite easily I do not think there is any need for quoting even.

Mr. Manu Subedar: Will the Honourable Member please tell the House whether Government have reached any decision on the question of giving at least four evenings a week at every station in India to Indian music. The Honourable Member a little while ago said in reply to a supplementary that the matter was receiving consideration.

The Honourable Sir Thomas Stewart: The Government of India will see that there is a reasonable distribution of the programmes but I cannot commit myself to any particular proportion at this moment.

Mr. Manu Subedar: The question was about four evenings after 9 o'clock.

REBUILDING OF THE COIMBATORE RAILWAY STATION.

†937. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

- whether the Coimbatore station is being rebuilt, and an overbridge is also constructed to facilitate traffic;
- what is the estimate of this rebuilding and overbridge; and
- when the rebuilding is expected to be completed?

The Honourable Sir Thomas Stewart: (a) Coimbatore station is being rebuilt and an under-bridge provided.

(b) The estimate for the work at present sanctioned is Rs. 8.43 lakhs. The detailed estimate for the second stage has not yet been received, but the further improvements to the station will probably cost about Rs. 2 lakhs.

(c) Work already sanctioned is expected to be completed in 1938-39.

CONSTRUCTION OF THE BRIDGE ON THE BRAHMAPUTRA NEAR PANDU IN ASSAM.

938. ***Mr. Kuladhar Chaliha:** Will the Honourable Member for Communications please state:

- whether the scheme for the construction of the bridge on the Brahmaputra near Pandu (Assam) has been approved by the authorities;
- if so, what will be the approximate cost of the bridge, and when it is likely to be completed;

†Answer to this question laid on the table, the questioner having exhausted his quota.

- (c) whether Government have received any representation from the public that the bridge should be sufficiently wide to allow other wheeled traffic to pass;
- (d) whether the Government of Assam have given any suggestion on the above representation; and
- (e) whether the Railway authorities have asked the Provincial Government for any monetary help for constructing the bridge; if so, why?

The Honourable Sir Thomas Stewart: (a) Approval of the scheme will depend on the results of the survey now in progress.

(b) An estimate of the cost is now being made. It is not yet possible to say when the bridge will be completed.

(c) No.

(d) Does not arise.

(e) It is understood that the Eastern Bengal Railway and the Assam Government are discussing the question of a combined road and rail bridge. Should a combined bridge be built, the Assam Government will be asked to bear such part of the cost as is usual in these cases.

Mr. Kuladhar Chaliha: May I know from the Honourable Member when the bridges at Delhi and Allahabad on the Jumna were constructed whether any contribution was received by the Railway authorities from any other fund?

The Honourable Sir Thomas Stewart: I must ask for notice of that question.

Mr. Abdur Rasheed Chaudhury: May I know when the construction of the bridge commenced?

The Honourable Sir Thomas Stewart: I cannot tell you that. The survey is not even completed.

RAILWAY FREIGHT ON CERTAIN COMMODITIES ON THE DIBRU SADIYA RAILWAY.

939. ***Mr. Kuladhar Chaliha:** Will the Honourable Member in charge of Railways please state the railway freight charged per maund per mile for the following goods on the Dibru Sadiya Railway? Are the rates about the highest in India? If so, are Government prepared to see that the rates are reduced to facilitate internal trade:

- (A) (a) paddy;
(b) rice;
(c) flour;
(d) pulses;
(e) ghee;
(f) milk;
(g) vegetable;
(h) piece-goods; and

- (B) (a) bamboo (please state per maund and also per wagon load);
(b) thatch (please state per maund and also per wagon load);
(c) ikra (please state per maund and also per wagon load);
(d) timber:
(i) fuel;
(ii) sawn timber?

The Honourable Sir Thomas Stewart: I am placing on the table a statement showing the rates for the articles referred to. Higher rates than those shown in this statement are charged for the same commodities on the Jorhat Provincial Railway and on certain Hill Railways. I will communicate the Honourable Member's suggestion for a reduction in the existing rates to the Railway Administration for consideration.

Statement.

The rates per maund per mile (except where otherwise specified) ordinarily chargeable over the Dibru-Sadiya Railway are as follows:

(A) Paddy	1.15 pie.
Rice	
Pulses	
Flour and Vegetables	1.25 pie.
Ghee, Milk and Piecegoods, in bales, presspacked or in boxes or cases, at owner's risk	1.88 pie.
(B) Bamboos	1.73 pie.
Thatch and Ekra	Rs. 12 per wagon between any two stations.
	1.15 pie.
	1/3 pie, subject to a minimum of 250 maunds per wagon.
	1/4 pie, subject to a minimum of 200 maunds per wagon.
Timber, both wrought and unwrought	1.15 pie.
	Two annas per maund between any two stations, when in wagon loads.

NEW SCHEME OF WORK IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

940. ***Sardar Sant Singh:** (a) Will the Honourable Member for Railways please state whether it is a fact that in the Railway Clearing Accounts Office, Delhi, with the introduction of a new scheme of work called 'the Grand Summary Method' the volume of work for the clerical staff has greatly increased?

(b) Is it a fact that the staff is made to sit late hours and attend office on Sundays and other holidays without being compensated for it?

(c) Will Government please lay on the table a statement showing the number of clerks who had to work late hours, showing at the same time the last hour in the evening up to which each clerk worked, during, say, the last 15 days ending with the 7th March, 1938?

(d) Is it a fact that in some of the Goods Sections of this office the staff has been made to work continuously for weeks without a single off day?

(c) If the answers to the above parts be in the affirmative, do Government propose to increase the staff, or revert to the old system of work?

The Honourable Sir Thomas Stewart: (a) The answer is in the negative except for a purely temporary increase during the first month of the change-over.

(b) No. Compulsory attendance on holidays is invariably compensated for by extra casual leave.

(c) No order was issued asking the clerks to work late hours, and no record is kept as to the time when each clerk leaves office. The Director has personally observed that very few clerks are present in office when he leaves at about 5 P. M. daily.

(d) The answer is in the negative but three clerks are reported to have attended office of their own accord during holidays to overtake their own arrears.

(e) Adequate arrangements have already been made to cope with the extra work during the transition by sanctioning such extra staff as was found necessary.

Mr. K. Santhanam: With reference to the answer to part (c), may I know whether the clerks are allowed to take records home for completing their work?

The Honourable Sir Thomas Stewart: I am unable to answer that without notice.

CANCELLATION OF ARRANGEMENTS FOR BROADCASTING THE PROCEEDINGS OF THE INDIAN NATIONAL CONGRESS.

941. ***Mr. Manu Subedar:** (a) With reference to his reply to starred question No. 662 on the 5th March, 1938, will the Honourable Member for Communications state whether the political character of the Congress was one of the reasons, which induced Government to cancel the programme for broadcasting the Congress proceedings at Hariपुरa?

(b) What is the policy of Government with regard to the reporting by broadcast of important statements of great interest to the country by His Excellency the Viceroy or other high officials or by Mahatma Gandhi and leaders of the people at important functions?

The Honourable Sir Thomas Stewart: (a) The special arrangements made were cancelled because they conflicted with the declared policy of Government not to allow the microphone to be used for purposes of political propaganda.

(b) Statements of the nature referred to are treated as items of news and are broadcast as part of the ordinary news service of the All-India Radio.

Mr. Manu Subedar: Was the broadcasting by His Excellency the Viceroy in defence of General Baden-Powell political or not? Did it come within the restrictions of Government policy not to allow political use of the microphone?

The Honourable Sir Thomas Stewart: No; it did not come within the four corners of the prohibition.

Seth Govind Das: Do the Government not consider certain resolutions passed by the Congress as part of news?

The Honourable Sir Thomas Stewart: That does not arise out of this question.

Prof. N. G. Ranga: Has any action been taken against the authorities who were responsible for committing this mistake of first agreeing to broadcast in contravention of Government's policy and subsequently forcing the Government to cancel it?

The Honourable Sir Thomas Stewart: Any action that it was necessary to take has been taken.

Mr. K. Santhanam: May I know what action has been taken and against whom?

The Honourable Sir Thomas Stewart: The broadcast was cancelled.

Prof. N. G. Ranga: I wanted to know what action Government had taken against the officer concerned who was responsible for committing that mistake and then causing so much of discontent in the country: why he forgot the established policy of the Government and in contravention of it accepted this contract with the Congress Reception Committee and afterwards forced the Government to cancel it.

The Honourable Sir Thomas Stewart: I am unaware that any contract was entered into with the Reception Committee.

Mr. Mohan Lal Saksena: Are the Government aware that in view of the announcement of the Broadcasting Department that the Congress proceedings would be broadcast a number of persons did not go to Hariपुरa?

The Honourable Sir Thomas Stewart: I am unaware of that.

INSTITUTIONS IN INDIA FOR THE TRAINING OF GLIDER PILOTS.

942. ***Pandit Krishna Kant Malaviya:** Will the Honourable Member for Communications please state:

- whether there is any institution in India for the training of glider pilots as are prevalent in Western countries;
- if so, the number of such institutions and the extent to which Government subsidise them; how many of these are Indian; how many are not getting any subsidy; which are these;
- whether he is aware that the British Government in England is spending five to ten thousand pounds annually on the training of glider pilots and to make flying popular; and
- whether he is aware that the French, Italian and German Governments are spending lakhs annually in their countries to popularise gliding and flying in the air?

The Honourable Sir Thomas Stewart: (a) No.

(b) Does not arise.

(c) I understand that the British Government have allocated a subsidy up to a maximum of £ 5,000 annually for five years to the British Gliding Association to assist gliding clubs.

(d) I have no precise information.

Prof. N. G. Ranga: Is there any proposal that the Government should adopt the same practice as is being adopted in England which is mentioned in part (c) of the question?

The Honourable Sir Thomas Stewart: If the Honourable Member will wait a little longer until I have finished my answers to the series of questions that are being asked, he may not require to ask this question.

Pandit Krishna Kant Malaviya: With regard to part (a), may I know if there is a gliding association in Bombay?

The Honourable Sir Thomas Stewart: I am informed so, but I do not regard that as an institution.

SCHEME FOR ENCOURAGING FLYING AND GLIDING.

943. ***Pandit Krishna Kant Malaviya:** Will the Honourable Member for Communications please state:

- (a) whether Government propose preparing a scheme for making the youngmen of this country air-minded; and
- (b) whether it is a fact that gliding is cheaper and at the same time instructive?

The Honourable Sir Thomas Stewart: (a) Government have spent nearly 11½ lakhs during the past ten years in subsidies to Flying Clubs which are intended to provide facilities for flying to the people of this country.

(b) Gliding and soaring are cheaper than power flying and are, within their limits, instructive.

Pandit Krishna Kant Malaviya: With regard to part (a), is the amount spent on aerodromes and wireless and all that sort of thing, or merely to encourage flying?

The Honourable Sir Thomas Stewart: No; the amounts to which I referred were paid as subsidies to flying clubs.

Mr. N. M. Joshi: May I ask whether the Government of India propose to take any steps to make the Members of the Assembly air-minded?

Pandit Krishna Kant Malaviya: Will the Honourable Member please tell the House whether the money paid as subsidy is spent on purchasing aeroplanes or getting instructors to train them for flying?

The Honourable Sir Thomas Stewart: The subsidy is expended by them in providing machines for training and in employing instructional staff.

Mr. Sri Prakasa: Do the Government realise the danger of allowing air-minded young men to go about gliding cheaply all over the country?

(No answer was given.)

MANUFACTURE OF GLIDERS AS A COTTAGE INDUSTRY.

944. ***Pandit Krishna Kant Malaviya:** Will the Honourable Member for Communications please state:

- (a) whether Government have considered that the manufacture of gliders can be started as a cottage industry;
- (b) whether it is a fact that to learn gliding is easier than flying and that one who is a good glider could be good in the art of flying also; and
- (c) whether he is aware that school children in western countries partake of flying instructions on gliders?

The Honourable Sir Thomas Stewart: (a) No. Government do not consider that gliders can be manufactured as a cottage industry.

(b) This is a matter of opinion, but it is generally recognised that training as a glider pilot is an advantage for the training of a pilot of power aeroplanes.

(c) I am prepared to take the Honourable Member's word for it.

Pandit Krishna Kant Malaviya: With regard to (a), what are the difficulties in the manufacture of gliders here in this country? Are the materials not available here?

The Honourable Sir Thomas Stewart: I am unaware whether the materials are available in this country, but a glider is a rather delicate hydro-dynamic instrument and I do not believe, nor do I think any one with any knowledge of it believes, that it is an instrument that can be constructed in a cottage.

Pandit Krishna Kant Malaviya: May I know what are the materials needed for the manufacture of a glider?

The Honourable Sir Thomas Stewart: I must have notice of that.

TRAINING OF INDIANS IN FLYING AND GLIDING.

945. ***Pandit Krishna Kant Malaviya:** Will the Honourable Member for Communications please state:

- (a) whether he is aware that the institution known as *Osaviachim* in the U. S. S. R. which is intended to give training both in flying and gliding, and the chemical defence of the country, provides for the admission of all youths of the country on their attaining the age of 14 and that children of 7 to 14 years of age are admitted as friends of the association;
- (b) whether Government have considered that some 20,000 youths of this country could be trained in gliding and made air-minded at an expense of, say, ten lakhs of rupees; and

- (c) if not, the approximate estimate of expenditure to make 20,000 Indian youths trained in gliding and making them air-minded in this country?

The Honourable Sir Thomas Stewart: (a) Government have no information.

(b) and (c). Government have made no investigation and are unable to say what the cost of training 20,000 youths in gliding would be if they had to meet the whole cost. I may, however, add that training in gliding will not in itself enable them to fly power machines.

Pandit Krishna Kant Malaviya: Will the Honourable Member kindly make an inquiry and find out what would be the cost of training about 20,000 young men?

The Honourable Sir Thomas Stewart: In view of the answers I have given and propose to give, I think it would be an entire waste of time and money to make an inquiry.

TRAINING OF INDIANS IN GLIDING.

946. ***Pandit Krishna Kant Malaviya:** Will the Honourable Member for Communications please state:

- (a) whether it is a fact that gliders can be had at a cost ranging between Rs. 800 and Rs. 3,000;
(b) whether Government propose preparing a scheme for training sufficient number of Indian young men in this country in gliding; and
(c) if not, what are their difficulties?

The Honourable Sir Thomas Stewart: (a) Gliders and soarers can be purchased in Europe at prices ranging from Rs. 1,500 to Rs. 4,000.

(b) and (c). No, Sir. Government consider that the funds available are spent to much better advantage in providing the facilities for training which are now being provided, but if voluntary organisations for gliding were established on a sound basis as in other countries, Government would be prepared to consider in what manner they might be encouraged.

Mr. M. S. Aney: Are the Government aware that in other countries Governments themselves are making some efforts to train young men and boys in gliding?

The Honourable Sir Thomas Stewart: I have already said that in the case of the United Kingdom a subsidy is paid.

NON-RECRUITMENT OF THE MEMBERS OF DEPRESSED CLASSES AS AERODROME CLERKS.

947. ***Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable Member for Communications please state whether the attention of Government has been drawn to a letter entitled "Anomalous Recruitment in the Civil Aviation Directorate" published in the *National Call* of the 3rd May 1937?

(b) What was the number of vacancies of Aerodrome Clerks filled in by selection in April 1937?

(c) Is it a fact that several candidates from the Depressed Classes also applied for the posts of Aerodrome Clerks?

(d) Is it a fact that while the claims of the minority communities were duly considered, the claims of the Depressed Classes candidates were absolutely ignored?

(e) How many of the candidates from the Depressed Classes were called for interview? What was the number of Depressed Classes candidates who were not even invited for interview by the authorities, and why?

(f) Is it a fact that the candidates from the Depressed Classes possessed the minimum standard of qualifications expected of them in accordance with the terms of the Supplementary Instructions to the Home Department Resolution of the 4th July, 1934, relating to communal representation in Government services? If so, what were the reasons for not appointing them to the posts of Aerodrome Clerks?

(g) What steps do Government propose to take to ensure that duly qualified members of these classes are not deprived of a fair opportunity for appointment, as required by the Home Department Resolution of the 4th July, 1934?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The Selection Committee drew up a list of approved candidates in April, 1937, from which 22 appointments have so far been made.

(c), (e) and (f). Only one of the candidates mentioned in his application that he belonged to the depressed classes. He was not called for interview as he did not come up to the standard of qualifications required of candidates selected for appointment.

(d) No.

(g) I invite attention to the answer given yesterday by the Honourable the Home Member to part (b) of question No. 901 asked by my Honourable friend.

REPRESENTATION RE PROMOTIONS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

948. ***Syed Ghulam Bhik Nairang:** (a) Will the Honourable Member for Railways be pleased to state if there is any association known as Clerk, Class I Association in the Railway Clearing Accounts Office, and if so, whether any representations were received from that body by the Director, Railway Clearing Accounts Office, on the subject of out of turn promotions?

(b) If the answer to both parts of part (a) be in the affirmative, will the Honourable Member be pleased to state what action the Director, Railway Clearing Accounts Office, has taken on the said representations?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The Director, Railway Clearing Accounts Office, has told the Association in reply that he has made these promotions after careful consideration and in accordance with the rules for promotion laid down by the Financial Commissioner of Railways.

OFFICIATING PROMOTIONS TO THE SUB-HEADS GRADE IN THE RAILWAY
CLEARING ACCOUNTS OFFICE.

949. ***Syed Ghulam Bhik Nairang**: (a) Will the Honourable Member for Railways be pleased to state what basis is adopted in the Railway Clearing Accounts Office for giving officiating chances in sub-heads grade?

(b) Will the Honourable Member be pleased to state whether the basis of promotion in the sub-heads grade now in force in the Railway Clearing Accounts Office is the same as was in force in the year 1928 to 1936? If not, under whose orders was the new basis adopted, and what is the basis for similar promotion in other Accounts Offices?

The Honourable Sir Thomas Stewart: (a) The basis adopted is that of merit, due regard being also paid to seniority.

(b) The reply to the first part of the question is in the affirmative. The basis of similar promotion in other Railway Accounts Offices is the same as given in reply to part (a) of the question.

GRIEVANCES OF CERTAIN CLERKS IN THE RAILWAY CLEARING ACCOUNTS OFFICE

950. ***Syed Ghulam Bhik Nairang**: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that the memorials submitted by the senior selected candidates for sub-headship in the Railway Clearing Accounts Office have been rejected by the Controller of Railway Accounts? If so, on what grounds?

(b) Is he also aware that the rejection has created a great resentment amongst the senior men in particular and the other staff in general?

(c) Is the Honourable Member prepared to take suitable steps to examine the cases personally and redress the grievances of these men? If not, why not?

The Honourable Sir Thomas Stewart: (a) Yes. The request of the memorialists that promotions should be made strictly in order of seniority could not be accepted.

(b) and (c). As promotions have been made strictly in accordance with the orders on the subject, no further action is considered necessary.

CHOLA POWER HOUSE OF THE GREAT INDIAN PENINSULA RAILWAY.

951. ***Mr. K. Santhanam**: (a) Will the Honourable Member for Railways be pleased to state the total cost of the Chola Power-house of the Great Indian Peninsula Railway?

(b) How many turbines and boilers does it consist of?

(c) How many turbines and boilers at a time have been steaming?

(d) What is the average cost per unit?

(e) Is it proposed by the Great Indian Peninsula Railway to take power from the Tatas?

(f) What is proposed to be done to the Chola Power-house?

(g) What is the expected saving from taking power from the Tatas instead of working the Chola Power-house?

(h) What is the number of the staff now employed in that power-house?

(i) What arrangements will be made to absorb that staff when the power-house is closed?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

RECOMMENDATIONS OF THE ASSAM FLOOD INQUIRY COMMITTEE RE RAILWAY
EMBANKMENTS.

952. ***Mr. Brojendra Narayan Chaudhury**: Will the Honourable Member for Railways please state:

(a) if his attention has been drawn to part (c) of the statement laid on the table on the 3rd April, 1935, referred to in the reply to starred question No. 720, dated the 9th March, 1938, particularly to the following portion:

"Observations made during the years 1931-1934 go to show that no openings are required at these places";

(b) if the Honourable Member's attention has been drawn to recommendations Nos. (7) and (10) at page 6 of the report of the Assam Flood Inquiry Committee, 1929, and also to the chart at the end explaining the level of normal high flood (not 'normal rainfall');

(c) if it is the recommendation of the Committee that water passages should be provided for "normal high flood" and not merely for "years of normal rainfall" as stated in part (d) of the statement of the 3rd April, 1935;

(d) if the fact that 'normal high flood' was not reached during a course of twelve continuous years 1917 to 1928, attracted the attention of the Honourable Member in the chart;

(e) if the 'observations' referred to in part (d) of the statement were stopped after 1934, or continue till now; if so, what are the findings on those observations between 1934 and now; and

(f) if Government propose not to close this matter of opening further water passage and continue the observations at least for twelve years?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

Mr. Brojendra Narayan Chaudhury: My question asks whether the Honourable Member had read a portion of a certain report, namely, the report of the Assam Flood Inquiry Committee and there is no need of a reference to the Railway Administration. If the Honourable Member had read the report he could have answered my questions.

An Honourable Member: He has not read the report.

Another Honourable Member: The Honourable Member is flooded! (No answer by the Honourable Sir Thomas Stewart.)

Mr. Brojendra Narayan Chaudhury: May I expect an answer or at least an explanation?

Prof. N. G. Ranga: The Honourable Member has not answered.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can form his own idea. Next question.

APPOINTMENT OF AN INDIAN AS DIRECTOR OF RAILWAY FINANCE.

953. ***Mr. Thirumala Rao:** (a) Will the Honourable Member for Railways be pleased to state if it is a fact that the present Director of Railway Finance is going to retire shortly?

(b) Is it a fact that Government intend to fill up the vacancy of the Director of Railway Finance, which is now filled up by an Indian, by a European?

The Honourable Sir Thomas Stewart: (a) No.
(b) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know how long the present incumbent is officiating? Is the present incumbent retiring very shortly?

The Honourable Sir Thomas Stewart: No.

LICENCE FEE FOR TOY RADIO SETS.

954. ***Mr. Ramayan Prasad:** Will the Honourable Member for Communications be pleased to state:

- whether Government are aware that a large number of students make toy radio sets—known as Crystal sets—as scientific experiments;
- whether Government are aware that this set is capable of receiving only local programmes on a medium wave length with the head phone;
- whether Government are aware that considerable doubts exist in the minds of the holders of these sets—regarding the payment of licencing fees for those sets;
- what Government's policy in this matter is; and
- if Government are imposing the usual licencing fee on all sets, and whether they are prepared to exempt it from the holders of the Crystal sets?

The Honourable Sir Thomas Stewart: (a) and (c). No.

(b) Yes.

(d) and (e). Government's present policy is to charge the same licence fee for all kinds of receiving sets, including crystal sets.

CONDUCTOR GUARDS ON THE BENGAL NAGPUR RAILWAY.

†955. ***Mr. K. S. Gupta:** (a) Will the Honourable Member for Railways be pleased to state how many Conductor Guards are there on the Bengal Nagpur Railway? How many are Europeans, Anglo-Indians and Indians?

(b) What is their duty?

†Answer to this question laid on the table, the questioner being absent.

STARRED QUESTIONS AND ANSWERS.

- How many hours do they work at a stretch?
- What is the initial pay for each?
- What allowance does each get while on duty?
- What is the special qualifications for these passenger Guards?

The Honourable Sir Thomas Stewart: (a) to (f). These are matters of detailed administration on which Government have no information. I may add for the information of the Honourable Member that the staff employed on this railway are not Government servants but are the servants of the Bengal Nagpur Railway Company.

APPOINTMENT OF TRAVELLING SCAVENGERS ON RAILWAYS.

†956. ***Mr. K. S. Gupta:** (a) Is the Honourable Member for Railways aware that no scavenger is available to the third class passengers on the trains running from Calcutta to Madras?

(b) Is it a fact that scavenging is only attended to in first and second class compartments on the Bengal Nagpur Railway and Madras and Southern Mahratta Railway?

(c) Does the Honourable Member propose to see that travelling scavengers like Travelling Ticket Inspectors are appointed on all Indian Railways, and that third class carriages and lavatories are kept clean?

The Honourable Sir Thomas Stewart: (a) and (b). No. I would refer the Honourable Member to the reply give to Professor Ranga's question No. 579 on the 19th February, 1936.

(c) I have no reason to believe that the existing arrangements for ensuring cleanliness in carriages and lavatories are inadequate. Local Advisory Committee, on each one of which there is a member of the Central Advisory Council for Railways, can bring to the notice of the Administrations they are concerned with, any condition indicating the need for special attention.

INCONVENIENCES OF THE TRAVELLING PUBLIC ON THE VIZIANAGRAM RAIPUR BRANCH OF THE BENGAL NAGPUR RAILWAY.

†957. ***Mr. K. S. Gupta:** (a) Is the Honourable Member for Railways aware that the lavatories in the third class carriages on the Vizianagram Raipur Branch of the Bengal Nagpur Railway are not spacious enough for free ingress and egress of the passengers?

(b) Is it a fact that carriages used on the Vizianagram Raipur Branch are generally old, dirty and dingy to the great discomfort of the travelling public?

(c) Is the Honourable Member aware that cushions in the intermediate compartments are very old, torn and dirty? If so, is he prepared to see to the good keeping of them on this Branch?

(d) Is it not a fact that ladies compartment of the intermediate class is generally used for both males and females for want of sufficient accommodation on this Branch?

(e) Is the Honourable Member aware that the overbridge at Vizianagram station is so very steep, slopy and slippery, that it is very dangerous for old people, pregnant ladies and children to ascend and descend?

†Answer to this question laid on the table, the questioner being absent.

(f) Is it not a waste of energy and time to cross the overbridge for passengers who entrain and detrain from the City side? If so, will it be remedied?

(g) Is the Honourable Member aware that both up and down mails and several passenger trains and shuttles arrive and depart between 10 A.M., and 4 P.M., at Vizianagram station and that the passengers feel it most troublesome to go up and down the overbridge in summer, since there is no cover to the overbridge?

The Honourable Sir Thomas Stewart: The information is being collected and will be laid on the table of the House in due course.

PAY OF LOWEST GRADE STATION MASTERS ON THE BENGAL NAGPUR RAILWAY.

†1958. ***Mr. K. S. Gupta:** (a) Will the Honourable Member for Railways please state whether it is a fact that the highest grade Assistant Station Master gets more than the lowest grade Station Master who is senior in service on the Bengal Nagpur Railway?

(b) Is the Honourable Member aware that there is discontent and disharmony existing at a station where the Station Master gets much less salary than the Assistant Station Master on the Bengal Nagpur Railway?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. The staff referred to are not Government servants but are the servants of the Bengal Nagpur Railway Company.

NON-ISSUE OF PASSES TO DEPENDANTS OF SUBORDINATE STAFF ON THE BENGAL NAGPUR RAILWAY.

†1959. ***Mr. K. S. Gupta:** Is the Honourable Member for Railways aware that there is a lot of discontent and dissatisfaction prevailing amongst the subordinate staff on the Bengal Nagpur Railway due to non-issue of passes to their dependants like parents, widowed sisters and dependent unemployed brothers? If so, is he prepared to make necessary arrangement to see that the grievance is redressed?

The Honourable Sir Thomas Stewart: The reply to the first part of the question is in the negative. The question of what pass rules should apply over the Bengal Nagpur Railway is one for determination by the Railway Administration. I will, however, send a copy of the Honourable Member's question and of my reply to the Agent of that railway for such action as he may consider necessary.

WORKING HOURS OF CLERKS IN THE BENGAL NAGPUR RAILWAY OFFICES.

†1960. ***Mr. K. S. Gupta:** (a) Will the Honourable Member for Railways please state if there is any time limit to work for a clerk in the Bengal Nagpur Railway offices?

(b) Is Sunday a holiday for the clerical staff on the Bengal Nagpur Railway?

†Answer to this question laid on the table, the questioner being absent.

(c) Is the Honourable Member aware that A. E.'s office of Bengal Nagpur Railway, Vizianagram was working on the 1st January, 1938?

The Honourable Sir Thomas Stewart: With your permission, Sir, I will answer questions Nos. 960, 961 and 962, together.

Government have no information. I may add that the staff employed on this railway are not Government servants but are the servants of the Bengal Nagpur Railway Company.

NON-PROVISION OF QUARTERS TO CLERKS ON THE BENGAL NAGPUR RAILWAY.

†1961. ***Mr. K. S. Gupta:** Will the Honourable Member for Railways please state if, it is a fact that all clerks are not provided with quarters on the open line of the Bengal Nagpur Railway?

NON-FIXATION OF GRADES OR SCALES OF PAY FOR CLERKS ON THE BENGAL NAGPUR RAILWAY.

†1962. ***Mr. K. S. Gupta:** Will the Honourable Member for Railways please state if it is a fact that several permanent clerks are kept in service without grade or scale for several years on the Bengal Nagpur Railway?

SHORT NOTICE QUESTION AND ANSWER.

AEROPLANE CRASH NEAR DATIA.

Mr. Abdul Qaiyum: Will the Honourable Member for Communications please state:

- whether it is a fact that a plane of the Air France crashed near Datia on Monday, the 7th March, 1938;
- what is the total loss of life;
- whether Government are satisfied that the necessary rescue measures were available in good time;
- what is the cause of the crash;
- whether any timely warnings were given to the ill-fated plane before it started on its last journey; and
- whether Government will hold an enquiry into the causes of this air disaster?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The number of lives lost was six, three passengers and three crew.

(c) No rescue measures were possible. The aeroplane burst into flames immediately on impact with the ground. The most prompt steps for all subsequent necessary action were taken by the Datia Durbar in co-operation with the Government of India.

(d) So far as can be ascertained the primary cause of the accident was the failure of one engine. The pilot apparently decided to land on a suitable piece of ground. On the approach to land the aeroplane lost flying speed, fell to the ground and burst into flames on impact.

†Answer to this question laid on the table, the questioner being absent.

†For answer to this question, see answer to question No. 960.

(e) Does not arise.

(f) In accordance with invariable practice an investigation under the Indian Aircraft Rules was put in hand immediately. The investigation is being concluded jointly with the representatives of the French Air Ministry and the Company.

Mr. Abdul Qaiyum: May I know if the Honourable Member has seen the first Press report that the cause of the disaster was an air pocket brought about by the stormy weather then prevailing between Allahabad and Jodhpore?

The Honourable Sir Thomas Stewart: I have endeavoured to give the Honourable Member the story of the crash as it appears after investigation.

Prof. N. G. Ranga: Why have the Government of India not appointed their own representative on that Enquiry Committee which is investigating?

The Honourable Sir Thomas Stewart: The investigation is being carried out by a member of the Civil Aviation Directorate.

UNSTARRED QUESTIONS AND ANSWERS.

TRAVELLING ALLOWANCES OF MEMBERS OF TRADE UNIONS.

104. **Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please refer to the replies given to starred questions Nos. 989, 990, 991, 992, 993 and 994, asked in this House on the 9th October, 1936 and state the reasons for the differential treatment amongst the members of the trade unions of employers and employees in respect of travelling allowances and duty?

The Honourable Sir Thomas Stewart: Presumably, the Honourable Member is referring to the Indian Railway Conference Association which is not a 'Trade Union of Employers' as would seem to be implied in the question. The question of differential treatment, therefore, does not arise.

COLLISION OF SPECIAL MELA TRAINS AT KALAT RAILWAY STATION, NORTH WESTERN RAILWAY.

105. **Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please refer to the replies given to starred questions No. 1050, asked in this House on the 10th October, 1936 and No. 411 on the 16th September, 1936 and state the result of the judicial trial and whether the Assistant Station Master was exonerated from the charges by the judicial court of an offence under section 47 (e) of the Indian Railways Act, 1890 and, if so, why he was removed from service?

The Honourable Sir Thomas Stewart: I have called for the information required by the Honourable Member and will place a reply on the table when it has been received.

RULES GOVERNING SENIORITY OF NON-GAZETTED STAFF ON STATE-MANAGED RAILWAYS.

106. **Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please place on the table of this House a copy of the rules governing seniority of non-gazetted (superior and inferior) staff on State-managed Railways?

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply to unstarred questions No. 106 and No. 107 together.

Agents of railways have full powers to deal with questions of seniority and promotion of non-gazetted staff. Government have laid down no rules regarding these but general orders regarding normal channels of promotion for various categories of subordinate staff are contained in the rules for the recruitment and training of subordinate staff on State-managed Railways, a copy of which is in the Library of the House.

Increments to non-gazetted staff are governed by rules 24 to 27 of the Fundamental Rules, a copy of which is in the Library of the House.

RULES GOVERNING PROMOTIONS AND INCREMENTS OF NON-GAZETTED STAFF ON STATE-MANAGED RAILWAYS.

†107. **Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please place on the table of this House a copy of the rules governing promotions and increments in time scale of pay of non-gazetted (superior and inferior) staff on State-managed Railways from one grade to another grade, from one class to another class, from one branch to another, from one group to another, from one post to another, both normal channel and abnormal channel of promotion and increments?

ALLOWANCES PAID AND AMENITIES GIVEN TO THE GAZETTED STAFF ON RAILWAYS AND OF THE POSTS AND TELEGRAPHS DEPARTMENT.

108. **Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please place on the table of this House a comparative statement of the allowances paid to the gazetted staff on Railways and to the same class of staff of the Posts and Telegraphs Department and the amenities given to them by the Departments?

The Honourable Sir Thomas Stewart: I am afraid I am unable to reply to a question couched in such general terms. If the Honourable Member will specify the particulars of allowances and the amenities regarding which he requires information, I shall consider his request.

DISCHARGE OF LUGGAGE PORTERS IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

109. **Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please state:

- (a) whether the North Western Railway discharged 27 luggage porters of Delhi Division in October 1937 on reduction of establishment;

†For answer to this question, see answer to question No. 106.

- (b) whether their work is now being performed by watermen;
- (c) whether the passengers go thirsty from station to station;
- (d) why those luggage porters were not provided in vacancies of peons, Station Masters' porters, shunting porters, van porters, instead of gang men; and
- (e) what were the good and reasonable grounds for their reduction?

The Honourable Sir Thomas Stewart: (a) to (c) and (e). I would refer the Honourable Member to the reply given to starred question No. 830 asked by Mr. Muhammad Azhar Ali in this House on the 18th March, 1938.

(d) Government have no information. This is a matter within the competence of the Agent, North Western Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

DISCHARGE OF VAN PORTERS IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

110. Maulvi Syed Murtuza Sahib Bahadur: Will the Honourable Member for Railways please state:

- (a) whether the North Western Railway summarily discharged nine van porters of Delhi Division in February, 1938;
- (b) whether their offence was that they claimed rest after 16 hours of work,
- (c) whether they asked for an inquiry by the Supervisor of Railway Labour;
- (d) why this inquiry was denied to them;
- (e) whether they perform duty generally more than 60 hours a week on the average; and
- (f) whether Government propose to cancel the order of discharge of those nine van porters and institute an inquiry by the Supervisor of Railway Labour into their hours of work; if not, why not?

The Honourable Sir Thomas Stewart: Government are informed as follows:

- (a) Nine van porters were discharged from service from the forenoon of the 20th February, 1938.
- (b) They claimed rest at Doraha station while working 501 up of 23rd January, 1938, which left Saharanpur at 1.29 hours and reached Doraha at 15.30 hours.
- (c) Yes.
- (d) The enquiry asked for was not agreed to, as van porters do not come within the scope of the Hours of Employment Regulations.
- (e) The duty hours of van porters employed on Delhi-Saharanpur-Ludhiana section vary generally from 12 to 17 hours a day and average from 63 to 70 hours a week.
- (f) In view of the replies to parts (b) and (d) above this does not arise.

DISCHARGE OF WATCHMEN IN THE DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

111. Maulvi Syed Murtuza Sahib Bahadur: Will the Honourable Member for Railways please inquire and state:

- (a) whether the North Western Railway summarily discharged several watchmen of Delhi Division during January 1938;
- (b) whether they were discharged on an adverse report by the police;
- (c) whether the police failed to bring a charge against them in a court of law;
- (d) whether the adverse report against them was signed by the Superintendent of Police, or by the Assistant Inspector General of Railway Police;
- (e) whether it is a fact that the Inspector, Watch and Ward, Delhi Division, North Western Railway, recorded their statement at the police station under coercion; if not, whether he will lay on the table the telegram and petitions of these watchmen to the Divisional Superintendent; and
- (f) whether these watchmen applied to the Divisional Superintendent, for copies of charge sheets; if so, whether they were supplied with them; if not, why not?

The Honourable Sir Thomas Stewart: (a) Five watchmen were discharged.

(b) The police reported against two watchmen who were discharged after a departmental enquiry held by the Inspector, Watch and Ward, who found them guilty. The other three were found guilty on a departmental enquiry made in a different case.

(c) The police reported the matter to the Divisional Superintendent, Delhi, as it was considered that departmental action would meet the case.

(d) The police report, against the two watchmen, was signed by the Station House Officer, Government Railway Police, Delhi, and was received through the Assistant Inspector General, Railway Police, Lahore.

(e) The reply to the first part is in the negative.

As regards the second part, the documents mentioned by the Honourable Member are for departmental use only and are not intended for publication.

(f) The reply to the first part is in the negative. The latter parts do not arise.

SYSTEM OF ASSESSMENT AND LEVY OF LICENCE FEE ON INDIAN REFRESHMENTS ON THE NORTH WESTERN RAILWAY.

112. Maulvi Syed Murtuza Sahib Bahadur: Will the Honourable Member for Railways please refer to paragraph 11 of the Report by the Railway Board on Indian Railways for 1936-37, Volume I, and state:

- (a) whether it is a fact that the North Western Railway has adopted a system of assessment and levy of license fee on Indian refreshments;
- (b) whether the said system was suggested by the Central Advisory Council for Railways;
- (c) what amount the North Western Railway expects to realise from the said system;

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- (d) whether European refreshments are assessed in the same manner as the Indians; if not, the reasons for this discrimination;
- (e) whether the Agent, North Western Railway, decided the adoption of the said system before the reply to starred question No. 877, given in this House on the 29th September, 1937;
- (f) whether the said system has the approval of the Honourable Member; if so, when the approval was given; and
- (g) whether the Honourable Member will consider the desirability of cancelling the system; if not, why not?

The Honourable Sir Thomas Stewart: (a) No.

(b) The general view of the Council was that stallholders should be charged a reasonable licensing fee.

(c) to (g). Do not arise, in view of my reply to part (a) of the Honourable Member's question.

AUTHORITY COMPETENT TO FORFEIT THE PAY OF RAILWAY STAFF FOR BREACH OF CERTAIN RULES.

113. **Maulvi Syed Murtuza Sahib Bahadur:** Will the Honourable Member for Railways please refer to section 134 of the Indian Railways Act, 1890, and state:

(a) who is the competent authority to award punishment of forfeiture of one month's pay for committing a breach of any rule made under clause (e) of sub-section (1) of section 47 of the said Act; and

(b) the notifications required under section 134 of the said Act empowering the Railway Administrative officers to try such offences and to constitute a court of law; if none, whether Government will prevent the Railway officers from exercising such authority; if not, why not?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply given to Mr. Ram Narayan Singh's unstarred question No. 134 on the 21st September, 1937.

(b) The notifications contemplated in section 134 have reference to the place of trial of offences and not to the conferring of powers on any officers.

FLOOD LEVEL GAUGES PUT UP ON THE KULaura-SYLHET BRANCH OF THE ASSAM BENGAL RAILWAY.

114. **Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Railways please state:

(a) if any flood level gauges have been put up between mile 280 and 292, Sylhet Kulaura Branch of the Assam Bengal Railway; if so, when; whether they are still there; what their number is; and

(b) the readings of all these gauges from the time they were put up till now during the monsoon months?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

MOTION FOR ADJOURNMENT.

ATTACK ON A TAXI DRIVER BY BRITISH SOLDIERS IN DEHRA DUN.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. With reference to the notice of adjournment motion that stood over till today, I have received an order from His Excellency the Viceroy and Governor General by telegram disallowing the motion on the ground that the motion cannot be moved without detriment to the public interest. The authenticity of that order is certified by Mr. C. M. G. Ogilvie.

THE MOTOR VEHICLES BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume further consideration of the motion relating to the Bill to consolidate and amend the law relating to motor vehicles.

Babu Bajinath Bajoria (Marwari Association: Indian Commerce): When the House adjourned last evening I wanted to ventilate some grievances of the general public against motor vehicles. I make these observations not with a view to cripple the motor industry, but to improve it and make it run on sound lines. The first grievance is about the absolute lack of cleanliness. The buses are, as a rule, very shabby and dirty. I want that something should be provided to see that the buses are clean. The passengers in a bus are overcrowded to such an extent that the rush beats hollow even the third class passenger rush which we find on the railways. Another thing is that a bus owner will not drive his bus until and unless he gets the full complement of passengers; it is only when the bus is thoroughly overloaded that the owners drive their vehicles. I think that is unfair and there should be some regularity of time table. When a passenger goes to a bus stand sometimes he finds that there is no bus available, on other occasions he has to wait for a considerable time before he can proceed on the vehicle as it is only when the bus owner gets a full number of passengers that he will start the bus. Both these things require considerable attention by us. The third thing is about the misbehaviour of the drivers and conductors. I do not make a general charge against all the bus drivers or conductors, but there are a sufficient number of instances which warrant our taking action in this direction. At present an aggrieved passenger has got no person to whom he can complain against the activities or misactivities of these conductors and drivers. He has nobody to appeal to but is at the mercy of these drivers and conductors. (Interruption by Mr. K. Ahmed) I think we must provide that there should be somebody at the motor bus stand to whom passengers can complain when necessity arises. At the present moment there is great racing between buses and buses. In Calcutta you will see that they race against the tram also. It is almost an hourly occurrence in Calcutta to find a bus cut across a tram just to pick up passengers at the next junction. It is very dangerous and leads to several accidents. The motor buses run a go-as-you-like race that we see in some of the athletic sports meetings. There should be some regulation about this.

I mentioned yesterday about double deckers or two storied buses which run in Calcutta, and I think also in other big cities like Bombay. They must be absolutely prohibited; they are positive dangers to society. (Interruption). If persons like my friends, Mr. Kabiruddin Ahmed or Mr.

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Abdul Qaiyum, were to board on the upper storey, the roof is bound to fall. These double deckers are very very risky and I know of some accidents which were very dangerous and loss of life resulted. I would like some provision to be made prohibiting these double deckers. Another thing is about body building. The body of the buses should be built to certain specifications approved by some authority. I know of a certain accident in which a roof fell as a result of over-loading and several very respectable persons were killed. So, in my opinion, the bodies of these buses should be thoroughly examined by the licencing authority before permits are issued.

Again, in my opinion, drunkards should not be given licences for motor driving. I know that provision is made that if any driver is in a drunken state he is liable to punishment, but I would suggest that those who are drunkards should not be given licences at all. Those who drink wine, cocktail and other kinds of wine can be intoxicated. As regards railway drivers also, those who are habitually drunk should not be allowed to be in charge of trains. I also make this suggestion on behalf of the cause of prohibition. My friends on the right and also on the left want that prohibition should be enforced in this country and I also heartily endorse that and I think that if we stop the issue of licences to drunken drivers, that will help the cause of prohibition. Then Government must provide inspectors at the different halting places of the motor buses so as to have general supervision of the passengers who go into the buses and they should also see for the comforts of passengers. Then there is cut-throat competition among the bus owners themselves. This can be checked in my opinion if licencing is regulated and the number of buses on a certain route is just according to the requirements of that route.

I come now to compulsory insurance. I mentioned something about it yesterday, that in my opinion compulsory insurance cannot be brought into being and will not be a practical proposition until the cost of insurance is considerably reduced. I think the improvements which I have suggested about motor traffic just now will help in the avoidance of overloading and it will regulate the service in such a way that the number of accidents will be reduced to a minimum and this will reduce the insurance charges as well. I would request the insurance companies that they, in their own interest, should unite together and evolve a new basis of insurance charges, so that compulsory insurance may be within the purse of every motor car owner and become an accomplished fact.

Now, Sir, I will say something about the rules and regulations. In this Bill, ample provision has been made which gives the power of making rules and regulations to the provinces and I think that every Member of the House will agree with me that a good deal of the utility of this Bill, the success or failure of this Bill depends on these rules. These rules can make or mar the provisions of this Bill. I know that complete unanimity of rules is not practicable, because different conditions prevail in different provinces but, at the same time, our aim should be to obtain uniformity as far as possible and for that purpose I would suggest that a joint conference of Provincial Ministers in charge of roads with the representatives from the Central Government should meet and frame rules in consultation with themselves. I find that power has been given to the

Provincial Governments and the Regional Transport Authorities to disqualify persons from holding or obtaining a licence to drive a public service vehicle in the province; and also the Regional Transport Authority is empowered to grant permits for transport of vehicles under Chapter IV. At the present moment when the wave of provincialism is running high in several provinces and I regret to say, also in my province of Bengal, these Regional Transport Authorities might like to curb licenses and disqualify drivers and may not grant permit to run transport vehicles to persons, who are not born or domiciled in the province. I would like that this Bill should make provision that no provincialism would be tolerated and that there would be no discrimination on this score and that the only test should be qualification of the drivers and whether the prospective bus owner has got the necessary respectability and financial status and other necessary requirements. What I plead for is that there should be fair field and no favour to anybody. For political reasons or for any other reasons nobody should be debarred from getting these licenses and permits for motor vehicles, if otherwise he satisfies the test which is prescribed in the rules.

Then there is a comparatively minor matter but I would like to draw attention to it. That refers to the registration marks as provided in the Sixth Schedule. It is provided that for Bengal the marks will be BLA, BLC and so on and for Bengal 8 groups of these letters are provided. If it is not more than four figures in 8 groups, not more than 8,000 cars can be registered. I know that in Bengal there are many more than 10 or 15 thousand cars and then again if there are three letters, the policeman on duty or any other officer who wants to take note of the number will be in a great puzzle. At the present moment only five figures are given and I would suggest that there should be only one letter for each province, and if that is not possible, not more than two letters, and five figures should be adopted. Sir, I quite realize that unanimity in a measure of this nature, with a diversity of interests, cannot be expected but our motto should be "the greatest good of the greatest number". On the one hand, we must provide for the opening out of new roads, the development of motor traffic on sound and healthy lines for the benefit not only of the motor industry and their employees but also of the general public,—the passengers, who after all by their patronage made this service possible. On the other hand, we must protect the interest of our greatest national asset, I mean the railways, in which we have sunk Rs. 750 crores and which are the largest employers of labour in this country. Both should develop for the good and betterment of this country. Sir, in my opinion this Bill is an honest effort for a good cause and I support the motion.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions; Non-Muhammadian Rural): Sir, I must confess quite candidly at the very outset that I am generally suspicious of all laws; and when we have a voluminous measure like this before us, my suspicion becomes all the more acute. Laws that are not based on the limitations of human nature, that do not take into consideration the social and psychological conditions of the people among whom they are to operate, are bound to remain dead letters. My Honourable friend who has moved this Bill should have known during his long experience in India that we are not like his own people, a law-abiding people; that we do not like standing like so many stupid idiots in long

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be punished under some other law, the presence of such clauses in a Bill like this will warn them that they are being watched and that their secrets are being known and that they cannot play the fool any longer. In any case, it will prove the *bona fides* of the Government that it is not going to punish the non-officials only but it is also going to punish the official who misuses his authority.

The most important thing in our country is that the Government at its headquarters must make up its mind to weed out all corruption from its services; and unless it does that, it will never succeed. It is all very well to say that everybody in India is dishonest. It is all very well to excuse men in service if they are dishonest because men out of service are dishonest. But we cannot forget the fact that when the Government recruits for its services it takes care or it ought to take care that it recruits the best and most desirable men, men who are under its discipline. Though you cannot make a code of morals for all mankind, you can at least make it for those who are under you and who are in subordination to you and who are bound to follow your discipline at the risk of losing their jobs. Therefore, I should like that the Honourable Member opposite should consider very seriously the desirability of putting some such provision. When a Motor Bill was introduced in the Assembly some two years back and which was later on dropped, I spoke to my Honourable friend's predecessor in office, Sir Frank Noyce, on this subject; and he said that it should not be difficult to have some such clause. I hope that if the draftsmen agree and if it does not go against the prestige of the Government, who would naturally like us to believe that everyone in their service is perfect, then some such clause should be added. If Government were strict in this behalf, then even the old Act would have done.

I will now give the House a couple of illustrations from the Imperial City of Delhi itself where policemen and others function under the very nose of the Honourable gentleman. Last year I hired a taxi to take me out for purposes which the Honourable Member may not like, *viz.*, Congress propaganda in a neighbouring district. The Government and the taxi seemed to have conspired on that occasion, for, by the time I got to Ghaziabad, one wheel was flung off and I was almost flung out. Then, Sir, only the other day I hired another taxi for the self-same purpose. I saw the driver fumbling with the gear and using the hand-break, constantly. I asked him: "What is all this? Have you not got your foot-break?" He said it is all right. I said: "You try the foot-break and let me see whether everything is really all right". He put both his feet on the foot-break and pushed as far as he could, but the car did not stop. I said: "Well, this car will never take me to my destination though it might take me to my ultimate destination rather early". He said: "Don't be afraid, I shall take you safely to your destination". But we had not proceeded far when the car crashed over a cyclist; the man was saved, but his cycle was destroyed; and strange to say the policeman standing there did not even move a muscle. Well, Sir, if it had been my province, I might have spoken to the policeman. I would have been assured if matters went further, the Prime Minister would not regard me as a liar. Here, I dare not speak to the policeman. So I left the car, hired a tonga and came back.

Now, Sir, as long as the taximan and the motor-man know that the policemen are indirectly in their pay, the brakes will not work, the gear will be out of order. In such circumstances, to all those who use or want to use a motor, I should like to tell a story that might have a useful lesson to teach. The story is that a philosopher got into a ferry boat and as the boat passed along smiling fields, the philosopher asked the boatman if he knew any botany. The boatman said that he had never even heard the word. The philosopher said: "I am sorry for you, for you have wasted a third of your life". As the boat proceeded further, and the darkness of the night descended and stars began to shine in the firmament, the philosopher asked the boatman if he knew any astronomy. The boatman again replied in the negative and wondered what the word meant. The philosopher then said, "I am very sorry for you, for you have wasted another third of your life". Later on as the boat proceeded a little further a storm broke out, and the waters rose high and the boatman asked the philosopher: "Do you know how to swim". "No", said the philosopher, whereupon the boatman exclaimed, "You have wasted the whole of your life". So, Sir, those who want to use motors must know something about motor mechanism, otherwise they are in constant danger of losing the whole of their lives. I have often caught taximen and motor-men fumbling at their gears and handbrakes and as soon as I find them doing that, I ask them to stop the car and let me get down. My other friends who do not know what gears or brakes or other things mean, blissfully continue their journey and endanger their lives greatly. Therefore, Sir, not all your knowledge of every section of this law, not all your admiration for the pictures that are printed at the end is going to save you when the taxi or the motor vehicle you are in, is not in good working order. It is better to know how to drive or to check reckless drivers than to know the whole of this Bill.

Sir, if laws are broken; if life is endangered; if brakes and other accessories go wrong; if lorries are dirty—and they are very very dirty; if speed is exceeded; what is wanted is constant inspection and constant inspection by honest men, men who will be as hard as steel when they are performing their duties and men who will insist on the law being fulfilled; and unless you do that and unless you make full provision for all these necessities, not all your laws will be of any avail. Therefore, Sir, so far as the principle is concerned, namely, the codification of the law regarding motor vehicles, however important it may be, the most important thing to do is to go into the very fundamentals of the problem and to tackle the root of the evil and to see where exactly the shoe pinches and to make provisions that the law will be really followed in practice. It is no use being wise after the event. I find a provision, for instance, for punishing a man who is found in a drunken condition while driving a vehicle. Drink, I submit, is a habit that is not acquired in a single day. When a man wants to take out a license, he must have been a bit of a drunkard already. You do not give licenses to any one much before the age of 18; and all bad habits—and even good ones—are acquired before that time. Therefore, Sir, drunkards must be stopped at the start. Though one or two of my honourable friends were against an investigation into the character of a person applying for a license, I am all for that investigation. If that man were to endanger his own life, I would not care,—I am not very much against suicides as many people are—but

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when he endangers the life of other passengers in his vehicle, when he endangers the lives of the passers-by or the lives of those who are using other vehicles on the same road, then I submit a strong check has got to be put.

The method of granting a license is very simple at present and I do not know what rules the Provincial Governments are going to make in tightening up the system. Just as there is the system of *khushamad* (flattery) and *sifarash* (recommendation) in Government service, so is there also a great deal of all these things in the matter of obtaining a license. As this Government system is run, the man on the top is usually a signing machine. I have often felt that if rubber stamps were placed in the place of these high officials, things will go on as well or as bad as they are today and effect much saving besides. When a clerk brings up a heap of papers for signature, the officer simply asks: "Is everything all right?" and because the clerk has been properly tipped beforehand, the clerk says: "Yes, everything is all right"; and the officer simply signs his name at the place pointed out by the clerk, without looking into the contents of the document.

I should insist upon the licensing authority certifying that he has personally examined the man who is to be granted the license. Two young boys, near relatives of mine, got licenses while I was absent in Delhi. I do not know by what simple process they got the license. When I got back to Benares, I found them driving a car. I asked: "How did you obtain a license, you are not yet 18". They said: "We have obtained a license all right". When I asked them how they managed it, they simply said: "We managed it all right". Well, Sir, if young boys of 15 and 16, near relatives of a legislator to boot, are able to get the license on the sly, others who are professionally inclined must find things easier. I, therefore, like that this important provision should be incorporated in the Bill at once, and we should not leave the matter to be thought out by the Provincial Governments. If we have a provision that a man issuing a license should himself verify every particular required under the law, then I think things will be better. A mere recommendation from a driver can get a license for another man today who does not know the distinction between a brake and a gear, who does not perhaps know what a steering wheel is! While such things are prevalent, it is time we took some serious steps to put an end to them. I say all this because I am myself anxious that we should have a proper law on the subject and also see to it that the law is followed in every particular properly. It is because I find that though we have heaps of laws they are not followed out in actual practice, that I am particularly suspicious of all laws, as I said in the beginning.

Then, Sir, I come to the second principle which my Honourable friend enunciated: and that was about the co-ordination of transport. With the frankness that characterises him, he confessed that he was out for the safety of the railway system. Though the railways are not mentioned anywhere in the Bill, he still did say that he did not want this great national asset to be destroyed because of unfair competition. Now, Sir, as he has mentioned that, I hope it will be relevant for me to speak something about the railways also and the way in which railways are not deliberately co-ordinating their services. If my Honourable friend will give me only ten minutes of his valuable time in the lunch interval

and study with me the time table of the East Indian Railway between Moghulsarai and Benares, I shall be able to prove to him that despite all the pretensions of the railways, they seem deliberately to be helping the motor trade. There are few convenient connecting trains with the main line from Moghulsarai, which is an important junction on the East Indian Railway, to Benares which is one of the most important places in the world.

An Honourable Member: Because Mr. Sri Prakasa lives there!

Mr. Sri Prakasa: No, not because Mr. Sri Prakasa lives there but because some of the greatest men have lived there at all times and some of the best brocade is produced there, as the Honourable President himself said in a famous speech at Aligarh many years ago. Now, Sir, trains that should be connecting trains leave the station ten or fifteen minutes before the important expresses and mails arrive. There is a ten miles nice stretch of the Grand Trunk Road between Moghulsarai and Benares; and therefore the motor people have a merry time. Those who are in charge of the railway time tables seem to be less anxious about this co-ordination than my Honourable friend is; and whenever we put any questions in this House about railway timings the invariable reply is that the matter is within the competence of the local authorities; that Government at headquarters are satisfied that the time tables are the best that human ingenuity can draw up. In the face of such facts it becomes rather difficult for us to accept the statement that one of the main principles underlying this Bill is the co-ordination of transport and the ensuring of the safety of the railway system. I personally think that railways, if they were properly run on a business footing, can take care of themselves. I thought, Sir, that with the coming in of the present Finance Member of the Government of India we were in for a period of *laissez faire*, of free competition of the days of John Stuart Mill and Adam Smith. But I see when it comes to any private trade or industry seriously competing with a State trade or industry, this principle is not much in evidence; and we have proposals about the maxima and minima rates and all such things. But I can say that this will not help unless the railways themselves are run on proper business lines. When the top-heavy administration of the railways is abolished; when men serving the railway will serve in much the same spirit as men who run the motor vehicles service; when the servants of the railways will be as polite, as inviting, as accommodating as these motor men are, then the railways will certainly get the benefit of all the provisions that we may make for them; but not till then.

Then, Sir, the Honourable Member also mentioned the subject of roads; and with your permission I shall take a few minutes of the time of the House in discussing the problem of roads as well. How did this motor transport really come into existence? It came into existence because some very high officials of Government,—a Governor in my province,—were more fond of motoring than going by trains. And when a Governor of a province takes it into his head to motor about the country, you may be sure that the roads are going to improve; and the roads immediately started improving. And now we have come to a position where a certain amount of "deprovement" is necessary because all our roads are now being made fit only for motor traffic. Horses cannot go safely on them; bare-foot people find it difficult to negotiate these roads; the side-paths

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are not taken care of at all. We are getting almost everywhere long stretches of roads as hard as stone for the sole purpose of enabling motors to travel on them in comfort. When you want to go by motors yourselves; when you make the roads fit only for motors; it ill-becomes you to propose a law in order to prevent other people from doing the same. Example is always better than precept. If high officials of Government decide to travel by the railway and not unnecessarily by motors, then a lot of other people, who are always anxious to imitate men in authority in manners and dress and food and everything else, will also be tempted not to invest their money in motors but will go by railways. And humble folk who also like to imitate—and having only two annas to spare get into a motor lorry for they cannot hire a taxi—will also use the railway thinking that it is just as respectable to go by railways as by motor cars. First of all you encourage motor journeys; then you make roads fit for motors; and then you come out with a complaint that there is unfair competition! This is scarcely fair and reasonable. Sir, this so-called improvement of roads has had its revenges also because it is known to all that the iron shoes of horses cannot stand these roads and they are dropping off much quicker than they used to when I was a boy. The result is that motors going at an enormous speed get one of these cast-off shoes into their tyres, and then something happens which makes people inside jump and people outside think!

I suggest, Sir, that a problem like this should not be seen only from one angle; nor only should a part of that problem be examined; the problem should be seen in all its aspects. If from now Government were to decide to have softer roads and not these hard roads

Mr. M. Asaf Ali (Delhi: General): Soft roads!

Mr. Sri Prakasa: My Honourable friend only knows Delhi, and so cannot realise our difficulties. If we have only concrete roads as we have in many places instead of ferro-crete and cement roads, we shall be much safer. You will not be killing out the horse trade and the other vehicular trade; you will be ensuring safety for the motor cars; and you will not be unnecessarily encouraging motor transport. (Mr. M. Asaf Ali: "What about cruelty to animals?") It is more cruel to drive horses on roads like those that you have in Delhi than it is to drive them on softer roads that I am recommending. This can be proved by the fact that the high and mighty have a separate fine riding track made for them here, but such tracks are not available everywhere; and surely, Sir, it stands to reason that it is not only the high and mighty who should be given facilities in every possible way so that they may both motor and ride in comfort: but that humbler folk like myself and others who live in the country should also have some facilities. I propose a *via media*, namely a concrete road, good both for motors and horses.

Mr. M. S. Aney (Berar: Non-Muhammadan): Is there any provision?

Mr. Sri Prakasa: There is no provision, but I want some provision to be made, and I thought I might just as well tell my Honourable friend what I think about the matter, so that if he thinks it right—and that Department is also within his jurisdiction—he might take proper steps to right a great wrong. If, Sir, we have better railway timings, better treatment of passengers on railways, cheaper and more comfortable travel, if we have

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): If we are not carried in wagons.

Mr. Sri Prakasa: Wagons may suit my Honourable friend: they do not suit me. And if we have proper rates and fares, then only we can have co-ordination. The replies my Honourable friend gives in the Assembly about railways are not very assuring. Only this morning, Sir, when there was a question about inclination and sleeping, my Honourable friend said he did not know the difference; but I may say for his information that at the present moment he is inclining and not sleeping. If my Honourable friend had seen Dr. DeSouza yesterday afternoon, he would have known what is sleeping: that is the difference between inclining and sleeping. My Honourable friend from this side wanted that inclining room should be provided for third class passengers, and I suggest they should have the amount of room that my Honourable friend is occupying just now. In the lorries we have inclining room, even sleeping room; and we are given other facilities and conveniences; and that is why the motor has become so popular. All sorts of persons are using the motor for all sorts of purposes. If my Honourable friend will only go to the roots of the matter it would not be difficult for him to find out the remedies that are necessary.

Then, Sir, I should like to refer to the class of persons that go in for this motor trade. They have not got a lakh of rupees to spare to hand over to the Accountant General. They cannot honestly pay as much as they will now be required to pay under this law. What happens is this. Poor men borrow some money from friends and others and go in for the motor trade. They are not such keen mathematicians as the Vice-Chancellor of the Aligarh University, and they do not make proper calculations. They do not take into consideration the interest and the depreciation costs nor the necessity for replenishing their machines from time to time. They borrow Rs. 3,000 or so, buy a bus and put it on the road. They are satisfied with the day to day income and suffer serious losses at the end. I have a letter here that I received from a friend of mine only three days back. It was a curious coincidence. This friend of mine belongs to Benares. He went into the motor trade by borrowing money from some of us. We discouraged him from going into that trade, but he said he would be all right. His original idea was to run his bus from Peshawar to Calcutta. When he got to Peshawar something happened, and he decided to run the bus from Peshawar to Bombay instead. He tells me, Sir, that nearly Rs. 400 had to be paid to the policemen on the way before the bus was through. There is another letter also with me. These may be called "unsolicited testimonials". It speaks of a demand for Rs. 50 in the town of Cawnpore—unfortunately in my own province—and as that Rs. 50 was not forthcoming, a prosecution followed, and the man has been put to many difficulties. I can hand over these letters to my Honourable friend if only he can read them. Now, Sir, these things deserve the consideration of Government and my Honourable friend in particular.

I am all for railways, I am their friend; but we cannot enthuse about the railways as a national industry unless it really becomes national. And so far as the motor transport trade is giving some employment to a large number of persons we are bound to support it, with proper safeguards of course: not the safeguards of the type provided in the Government of India Act, but reasonable and equitable safeguards so that there

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may be safety to those in the trade and those they seek to serve. Sir, I have a proposal to make regarding speed control, for instance. The Honourable Member is envisaging in his Bill the possibility of speed governors—of course a speed governor is a different thing from a provincial Governor. But just as we do not need Governors in the provinces so we do not need speed governors at all, if only we make it unlawful for any one to import into this country or make in the country—if that day should ever dawn—a motor car that can be driven at a rate higher than is desirable. (The Honourable Sir Nripendra Sircar: "What is desirable?") If my Honourable friend, the Law Member, will look into the schedules he will find the desirable rates for the various types of motor cars given in detail. Ordinarily a car can be run upto, I believe a 100 miles an hour, at least the speedometer says so. I have myself tried only up to 52 miles. But that is dangerous enough; for, when you are going at that rate and a cast-off horse shoe gets into one of the tyres, the car almost invariably topples over. Now, why not have some such provision that no car should be brought into the country that can possibly be driven at a higher speed? You will eliminate the speed governor and you will eliminate also the possibility of any driver manipulating this speed governor in order to suit his own whims. Anybody who has driven a car knows very well the natural desire to go faster and faster and your foot presses further and further on the accelerator before you know where you are. Why not eliminate the possibilities of such temptation if really our friends are serious?

My Honourable friend, Mr. Bajoria, was mentioning the dangers from double deckers in Calcutta. I rather like them because they make you air-minded and there are all these double deckers safely running in the streets of London without any danger to any one; that is so because the policemen on duty there are strict and know their duty; and the men at the wheel also know what is expected from them. I remember an incident in London: I was going up for the law examination and started from home a little late: unfortunately the double decker in which I was going just happened to touch slightly the double decker in front, and both the double deckers had come to a dead stop: a policeman suddenly appeared as if from nowhere at that early hour and took down the names and numbers. I became fairly nervous lest I should be late for the examination—not that that would have mattered. Here, Sir, no policeman is available who knows his duty properly, no driver is available who knows his duty properly; and between the lack of knowledge of duties of these two individuals, all persons using not only these double deckers but other vehicles also are in danger. My friend, Mr. Bajoria, need really have no fear from double deckers: what he can legitimately fear is that the policeman may not be doing his duty and the driver may be drunk . . .

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): They do their duty all right in Calcutta!

Mr. Sri Prakasa: They might have been all right when you were the Sheriff, but I know they are not all right now. I know from personal experience as a traveller that both the taxis and buses in Calcutta go too fast. I am glad not to see any Punjabi round here, so, I can safely whisper that the Punjabi drivers in Calcutta are a positive danger. (Mr. M. Ghiasuddin: "Danger!") I do not refer to the beardless Punjabi variety of my friend, Mr. Ghiasuddin, but

to the venerable variety of my friend, Sardar Jogendra Singh. They go at a reckless rate and even in Harrison Road I have seen them touch 40 miles an hour. These Punjabis cannot be restricted: they have always been a danger to India; and the only way to restrict them and their activities is not to allow them to use motors that can possibly go at a rate higher than that prescribed in the rules.

The difficulty with this Government is that it suffers from the traditions of the East India Company. It cannot forget that it is a trading corporation; and I am sometimes much grieved to find such gentlemen as adorn the front Benches opposite speaking as if they were Bond Street traders. They should rise higher than the limitations and the requirements of mere trade and money-making. The tradition to make money seems to be so strong that they want a monopoly in everything; the East India Company was chartered, if my history is not wrong, to have a sort of monopoly in the pepper trade. (An Honourable Member: "Pepper!") Yes, pepper, the stuff which makes the tongue smart when you put it in the mouth. They came to trade in pepper and remained to rule. We tried to drive them away with salt but we failed. Now, this tradition is so strong that whenever they are thinking and talking of the industries of the country, they always take into consideration only rupees, annas and pies, even cowries, that a particular trade may bring. Just as they had the monopoly of pepper then, they want to have the monopoly of everything now. When they find anybody competing with them in anything, they fight shy and make laws so that the competitor may be gagged. Sir, I recommend very strongly that instead of trying to make such laws with so many penal provisions, they should take a more paternal interest in the industries of the country, and they should show more concern for the unemployment and sufferings of the people over whom they are set to rule and so to manage things that the country may be happier and better. I propose that they should encourage the establishment of motor unions: they should establish these motor unions which should be taught the duties they owe to the drivers, as well as to the passengers. Men engaged in the trade can be encouraged to meet and discuss matters, they can settle equitable rates and fares; they can settle the timings and look to the comfort of the passengers. They can be made to understand the necessity of keeping their vehicles clean and to run punctually. All these civic virtues they can learn if only the Government will take steps to encourage the formation of these unions at the various centres so that they may be able to fulfil the duties that devolve upon them. And not till they are able to establish such trade unions, not till they are able to teach the generality of our people simple lessons in civic duties, not till they tell us how man should accommodate man and what our social obligations are towards each other—not till then can this Act or a thousand other Acts serve the purpose which my Honourable friend seeks to serve.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): My jovial friend, the last speaker, started by saying that he is suspicious of all laws. That is personal no doubt, and I think he has got experience of it. The law has dealt with him many a time . . .

Mr. Sri Prakasa: I have dealt with it also . . .

Mr. Lalchand Navalrai: and found it too bad. So there must be justification from his point of view for suspicion. But I may assure the House that there is a real and genuine suspicion with regard to this Bill, and it is lurking in the minds of not only the motor drivers but also of the general public. That suspicion is that the object of this Bill is the ruination of the motor transport business and motor transport industry. Events have happened which give some support to this suspicion. It is well known that when this motor business came into existence there was nothing done by the Government or by the railways to checkmate it. On the contrary, I should think they realised that it was in the interests of the public that this motor transport business should go on and it was also recognised by the public that except for very long distances, for going into the interior and into the rural places it was very necessary that the motor service should come into operation. It was only when the motor transport business proved to be very useful and people began to travel by it rather than by rail that the Government thought of formulating this Bill and placing it before the House for being made into law. When the motor business began to prosper the railways became funky about their own railway traffic.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after lunch.

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

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

Mr. Lalchand Navalrai: I submitted that there is a suspicion in the minds of the people that this Bill is intended to harm the motor industry. That is not my own suspicion. The Press also gives its own reasons and gives the events which have led to this suspicion. When the motor service came into existence it absorbed many young men and relieved a great deal of unemployment. If stringent laws like this are made, the result will be that people will be thrown into the streets and unemployment will become rampant. On that account it is necessary to think twice over to see whether this Bill is intended for the benefit of the railways or for regulating the motor service. This Bill has been introduced by a rival party, namely, the railways. I want to put this question seriously whether the motor industry is or is not a serious rival to the railways? If the intention is to benefit the railways indirectly, then I say that this is bad law, but if the intention is that the motor people should be regulated, then I think the Bill should not have come from the Railway Department. It should have come from the Provinces themselves. Under the Police Acts, the Provinces are regulating somewhat but in the worst manner as has been described by my friend, Mr. Sri Prakasa. If it is the object to develop the motor industry, then everything should be done to encourage it. We should also see that the railways also put their own house in order. Our suspicion is this. This Bill has come in immediately after the complaint of competition has come in. Who would not think that this is merely to put the motor industry down? The railway finances went down and there is no doubt about it, but it is not solely and mainly on account of this

competition. It was the world condition that was responsible and at that time the competition also came in and for that purpose it would be wrong and indeed suicidal to enact a statute which puts so many restrictions and rigid limitations upon the motor industry, for the purpose of increasing the revenue of the railways. It is not by creating this kind of statute that you can impede the development of the motor industry. The first thing is to see why railways have lost their revenues and whether there is any good-will on the part of the people with respect to railways. I think three-fourths of the questions in this House relate to railway inconveniences. Why is it so? People feel that they are subjected to great inconveniences. (Interruption by Sir Abdul Halim Ghuznavi.) If you travel by train you know how they stop at any place they like and how much time they lose. When one guard hands over charge to another, they go on talking. (Interruption by Sir Abdul Halim Ghuznavi.) I think you might have known about the motors but not about the railways. The point is that the railways should do two things in order to increase their revenue. Their top-heavy services should be revised and their fat emoluments should be decreased. That is one of the ways of having more revenue and not disturbing the industry which has come in and which has proved very useful. It has become popular. It cannot be killed, I know, but it will be disturbed and discouraged. It may be that many of the motor people will stop their business but the service will not go away though I would not like that the railways should use their own motors and ply them in competition with private enterprise. Why? What is the necessity? They should stick to their own railways and they should not put out their own motor cars and other vehicles to compete with these people. •

Sir, I would submit that the conveniences that are being given on the railways also require to be improved. If one were to go and see the third-class latrines, he would see how very dirty they are. Some one has said that the motor cars are dirty. That is true, they are dirty also, but what about the railway third-class latrines, and what do we find? When we stop at junction stations, what happens? The sweepers go to clean the first class and the second-class toilet rooms, but they do not go to the third-class latrines at all. And from whom are they having their greatest revenues? From the third-class passengers. But the third-class passengers are not cared for. Why then should people care for the railways? Why should people take to these railways unless and until that becomes very necessary and unless and until one has to perform very long distance journeys. Now, when the roads are improved, people will some day be running from Karachi to Delhi and from Delhi to Calcutta by motorcars. Therefore, the railways have to beware and to afford all conveniences, and to please people in that sense, and not to treat third-class passengers as chattel as they do at present.

Then with regard to the question of compulsory insurance, I submit that that question is at present premature. One has to wait and see, because at present one cannot say that the motor industry has got so very well-founded that they can put up with any and every condition or restriction that you impose. You have to wait. I would say, therefore, that this measure of compulsory insurance is a premature measure.

Then with regard to the question of regulating the motor service, I am in full agreement with those gentlemen who say that there is irregularity amongst them, and that there are many defects which require to be improved; but then at present there are some regulations also, these are the

[Mr. Lalchand Navalrai.]

police regulations, but they are not well utilised. Now, policemen go out of their way, give all sorts of conveniences to the motor people but you know for what they do it! Therefore, the point is that the police regulations require to be done away with and the Provincial Governments should be given powers to make their own rules, suitable to the conditions of their own provinces, and what is required will be remedied in that way, and not by making laws from here in order to see that the motor transport service is improved. Now, there ought to be an investigation into the manner in which these defects could be removed. For instance, one defect is with regard to over-crowding. There is no doubt that these policemen themselves are responsible for it as they take something and connive at that over-crowding, and that over-crowding can be tackled and some regulation made for it, and that is no doubt very necessary.

Mr. Sri Prakasa: Policemen themselves overcrowd, sometimes.

Mr. Lalchand Navalrai: I have seen that overcrowding also takes place sometimes because policemen themselves go into a motorcar, in numbers, without paying any fare. Tonga-drivers also are often called upon by these policemen to admit them, and the policemen are always given preference. Then with regard to rash driving, there are so many instances of that. They say "the motor skidded" or "that it struck a tree". Well, that can only be on account of rash driving or bad driving. There is no regulation for that. Now, there are accidents on the railway also. We see very horrible and pitiable accidents upon the railways, but there are some regulations there, and those regulations do exercise some control, and those drivers are under the charge of the Railway Department. Therefore, there is nothing to find fault with the railways for that. These motorcar people won't start their motors unless a certain number of people get there, and that may take two or three hours. No one knows when they will start. They will often say, "two more men are needed". Now, that sort of thing should be regulated by some suitable rules. Then with regard to rates, they charge rates at their own sweet will and pleasure and that is also not desirable. Then there is the question of the soundness of the motor vehicles. Sometimes the lorry is all right as it starts, but after going only a few miles the passengers are held up and then there is no other way but to walk or to go by bullock-carts. All these things require regulation. Of course, there is unequal fight. Government are making rules and regulations and making it hard for these motor enterprises which they cannot stand by, especially at this time when they are not yet fully established. I submit, Sir, that the suspicions of the people are well founded unless and until you take away all stringent provisions dominating motor service and leaving the kindred questions to the Provincial Governments. With these few words, I have done.

Sir Abdul Halim Ghuznavi: Mr. Deputy President, the criticisms so far levelled against this Bill that we have heard for the last two or three days (*Voices:* "Louder, please") have been largely born of the suspicion that this is an attempt to throttle the road competition rather than to improve the conditions of road transport and remove its defects. That suspicion arises because the Bill has been introduced by the Honourable the Communications Member. The Bill was long overdue, and we must realize that the Communications Department has to deal with roads as well

as railways. Therefore it is not purely in the interest of the railways that this Bill has been introduced. I shall presently show how motors ply and compete with the railways and how these matters could be dealt with . . .

Mr. Lalchand Navalrai: Put it in the hands of Provincial Governments.

Sir Abdul Halim Ghuznavi: My friend says, "put it in the hands of Provincial Governments"—he can certainly say that only out of his colossal ignorance.

Mr. Lalchand Navalrai: That is the word you always use for everybody.

Sir Abdul Halim Ghuznavi: My friend, Mr. Sri Prakasa, has reminded me of a particular word but I shall not use it. Now I will give you concrete cases to show how motors ply and compete unfairly with the railways. The House must remember that a sum of rupees eight hundred crores is invested in our railways and we must call it therefore national assets. (*Voices:* Question!) Of course I will answer your question.

In the seven provinces today the Government is a national Government. You cannot deny it. In other provinces also you are very likely to succeed. There is no question about it. Then remains the Centres which will also be yours in a few years' time. So, I can say that the railways are a national asset.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Then we can do without these advisers.

Sir Abdul Halim Ghuznavi: Quite so. You have to bear in mind that the loss to the railways is the loss to the public revenues. Nevertheless, I am not one of those who say that the railways must earn money at the expense of road motors. What I say is this and I will demonstrate it by facts. Motors have been running at a tremendous loss to themselves. They do not know what they are doing and ultimately they find that they have lost everything. At the same time, they are injuring the railways in this sense that they are reducing the freights to such an extent that the railways cannot do so economically. Now, I will give you an instance. It is not often realised why transport by road is cheaper than that by rail. It is cheaper because of the existence of the railways. That is the first reason. Do away with the railways and the cost of the road transport will immediately rise. Take, for instance, the North Western Railway. The transport of pressed cotton in the Punjab is a well-known instance. The haul for 500 miles by a lorry licensed to carry 42 maunds costs Rs. 1/8/11 per maund of pressed cotton, which means 60 pies per maund or 2 annas and 1 pie for 42 maunds per mile. I worked out these figures last year and I have brought them out today to demonstrate my point. (*Interruptions:*) Interrupt as much as you like but these are the facts which you cannot deny.

Mr. Deputy President (Mr. Akhil Chandra Datta): Honourable Member—had better not take notice of these interruptions and not allow himself to be side-tracked.

Sir Abdul Halim Ghuznavi: A 42 maunds lorry service would ordinarily cost about 4 annas and 6 pies per mile. To work profitably, the load has to be increased to 6 tons, representing 300 per cent. over-loading. Therefore, the rates must be increased by 300 per cent. if the lorries are to make a profit. On this figure, the lorries could not compete with the railways although they are carrying pressed cotton which is a higher price traffic.

The next point which I wish to mention is this. The road service can select any traffic they like to carry and refuse others whereas under the Railways Act it is not open to the railways to do so. For instance, lorries would not carry coal because it will not pay them. I will illustrate this point also. The average earning of the North Western Railway for carrying one ton of coal per mile is 2.40 pies and for pressed cotton about 17 pies per ton per mile. The road service carries pressed cotton at a much lower rate of freight and refuses to have anything to do with the coal. That is the position.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions; Muhammadan Rural): What is the position?

Sir Abdul Halim Ghuznavi: The position is this that the lorries by over-loading can earn; but if they do not overload, they cannot compete with the railways.

Now, Sir, what is this Bill? This Bill is to regulate the motor service. The Honourable Member for Communications will have to bear in mind that there is a suspicion in the minds of the people that this Bill is designed not to allow the motor traffic to go on with their legitimate purpose. Everyone here has acknowledged the dangers of the motor cars. My friend, Mr. Sri Prakasa, gave instances of corruption and bribery and he limited them to his own province. I am proud to say that Calcutta does not possess what U. P. possesses. Calcutta police is not so corrupt as the U. P. police as the Honourable Member himself has shown from the letters he produced. Then, my Honourable friend referred to the dangers of riding in a taxi driven by a Sikh. I agree with him that it is dangerous. Whenever I require a taxi, I never attempt to get into a taxi that is driven by a Sikh because life is not safe. Therefore, this Bill is quite welcome. (An Honourable Member: "What do you want?") I want that every province should be autonomous and we should be able to drive out from our province those people who do not belong to our province. That will be my proposition. Bengal is for every province and other provinces are for themselves. That has been the position. You have driven us out from all the provinces and you have posted yourself in Bengal. Who are the members of our police? The Biharis. Who are the motor and lorry drivers in Bengal? The Punjabi Sikhs. All the Bengalis have gone out of the province because the other provinces are going to establish themselves there. Men from other Provinces are having all the jobs. We have been cleared out of Central India, we have been cleared out of the Punjab and the United Provinces and now we have been driven out of Bengal too in the matter of employment. Even the *panwalas* and *biriwalas* and even the sweetmeat sellers are non-Bengalis.

Mr. Deputy President (Mr. Akhil Chandra Datta): Let us now discuss this Bill.

Sir Abdul Halim Ghuznavi: The employment has been monopolised by others. In not even a single service is a Bengali taken now. The Government and the Honourable Member for Communications must bear this in mind. The Government should remove the apprehension in our minds that this Bill is intended to throttle motor service and establish that the Bill is really meant to improve the condition of motor industry. This industry is still in its infancy and you have to devise ways and means to put it on an economic basis. That is all we have to see when the Bill goes to the Select Committee. I personally welcome this Bill. I believe this Bill was long overdue. I have read this Bill and I am satisfied that very great pains have been taken in drafting this Bill. I hope when the Bill comes from the Select Committee, it will give satisfaction to everybody. Sir, I wholeheartedly support the Bill.

Mr. K. S. Gupta (Ganjam *cum* Vizagapatam; Non-Muhammadan Rural): Sir, the other day the Honourable Member for Communications said that this Bill has got a national character. May I ask whose national character it has got? Is it the British or Indian? It has neither the features nor the character of Indian to say that it has a national character. It is devoid of everything that is Indian. It does not hold its long arm to protect the pedestrian, the passenger or the pedlar. It does everything else. For all outward appearance, it is good to say to the driver that he should be medically examined, that he should be of a certain age, that he should be this and that he should be that. He also says that the car should be of a particular pattern. That is all very good. But the Honourable Member does not look at things from the other stand point of view. The Honourable Member says that the Bill is intended for regulation and co-ordination. With a view to co-ordination, it is said that the railways should have a voice or should have a strong hand in the administration of this motor traffic. I can give two or three instances where the railway system offers a step-motherly treatment, when bread is asked, it offers a stone to the child. For instance, there is a station called Vizianagram in Madras Presidency. From Vizianagram one has to go to Salur, a distance of 40 miles. The passengers used to be carried for 12 annas by motor buses. At once the railway thought it wise to bring down the railway fare from 12 annas to six annas. Then what happened? The poor buses also had to reduce the fare from twelve annas to six annas, with the result that many of small owners, for whom so many people were shedding crocodile tears, were obliged to go into insolvency. One of my Honourable friends said the other day that many agriculturists became paupers because they mortgaged their lands, bought motor buses out of the sale proceeds of lands with a view to get daily income and in the long run owing to the acute competition from railways, several busmen lost their trade and went into liquidation.

Now, Sir, in this question of co-ordination in the regional arrangement, the railways have a voice to fix the maximum and minimum rates. I submit this is highly dangerous to motor traffic. As I already said about the railway fare from Vizianagram to Salur, a distance of 40 miles, it is six annas. There is an intermediate station called Bobbili which is about 30 miles from Vizianagram. One has to go to Bobbili and then to Salur. For Bobbili, the fare is 10 annas. So people thought it wise to purchase a ticket from Vizianagram to Salur and get down at Bobbili. But the busmen would not allow them to do so. There was trouble on this account. There was similar trouble in another place, called

[Mr. K. S. Gupta.]

Chipurapalli which has railway connection. Before the bus competition came, the train fare from Chipurapalli to Vizianagram was eight annas. Now, the railway has reduced the fare to four annas simply with a view to kill motor traffic which is plying for six annas from Chipurapalli to Vizianagram and back. Because of the recent shrinkage in the incomes of railways—I am talking with special reference to B. N. Railway—the railways are out to kill and stifle motor traffic. Not only is motor traffic in danger, but also bullock cart traffic. There is trouble with regard to carrying of goods from Vizianagram to Vizagapatam. About 3,000 carts were engaged to carry oil seeds from Vizianagram to Bimlipatani, at the rate of two annas per maund, whereas the railways were charging $2\frac{1}{2}$ annas per maund. So people took advantage of the cheaper rates by bullock carts. At once the railway administration came to know of this and reduced the rates to $1\frac{1}{2}$ annas a maund. Now, Sir, 3,000 carts are lying idle, 6,000 bullocks and several bullock cart drivers have been thrown out of employment. There is a great paucity of employment for these poor people. People are suffering and many representations have been made to the Local Government and also to the Central Government. I, therefore, submit that if the railways have a hand in determining the maximum and minimum rates of motor traffic, it is certainly injurious and deleterious to this traffic. What are the public needs and how are we to meet them? That should be the question. People talk of accidents, but accidents are due to several causes. It is often due to over-crowding. People sometimes hang on to the rods of these buses as flying foxes. The police also are responsible to a certain extent for this state of affairs.

Mr. M. S. Aney: Not the bus driver and owner.

Mr. K. S. Gupta: The police are primarily responsible because they always have a free drive. They do not pay a single pie towards fare even if they are asked by the conductor. Very often no charges are demanded by the conductor for fear of being victimised by the police. The people who are already in the bus after paying the necessary fares are put to inconvenience. A policeman comes and says he wants a seat in the bus, so, one who is holding a ticket is asked to get down so that the policeman can get in. There is naturally over-crowding, and thus police are encouraging over-crowding in certain respects. On account of the police trouble—sometimes policemen travel with their families—there is a loss of revenue to these people. If the police who are responsible for so many misdeeds are now to have the power of regulation, the bus-owner or the driver or the conductor will be placed between the railway authorities on the one side and the police on the other, i.e., between the deep sea and the devil.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Which is the devil?

Mr. K. S. Gupta: More often the railways. Sometimes accidents are due to the bad condition of roads (the inadequate and ill-kept roads). If after 150 years of British rule in India our roads are not fit for motor traffic it is no credit or congratulation to Government, and the sooner it gets out the better. Rash and negligent driving is certainly a penal affair under

the penal code, but this rash and negligent driving is not only of the driver engaged by the bus-owner. Sometimes I say the officers, specially police officers, military officers, medical officers, when they go on driving, if they find a bullock cart obstructs their passage, they get down and whip the bullock cart drivers. I know and I have seen this and have protested, but my protestations were of no avail. In this connection I would say no officer should be given a permit to drive. He must engage a driver. It is better that he should not be permitted to have a free licence or to have a licence at all to drive a car. Sometimes cartmen would ask these people not to sound their horns because some bulls are terrified by these horns, buses and cars, but in spite of that these people persist. The drivers must be well trained and well experienced, before they are given permits or licences to drive cars. Permits are granted to old, tottering and sometimes condemned cars. This should be immediately stopped.

About compulsory insurance of cars and buses, this is in a way advantageous to the third party, that is, the unfortunate victims of these accidents, but it would certainly be a burden to the bus-owner who is already overtaxed. He is paying something like Rs. 1,400 a year towards taxes and other charges, and if he is asked to pay Rs. 360 more towards insurance, that is a rupee a day, as the industry is in its infancy, this additional sum of Rs. 360 will be a great hardship, and it should be taken into consideration before it is made compulsory.

There are some matters connected with things like stage carriages, contract carriages and long distance travel and so on and so forth. These are terms which are inexplicable. These throw a suspicious light on this Bill. Not only should motor unions be formed, but schools should be established to train at least for six months young men of good character to enable them to get driver's licences. There are a few private schools, but they are not under the control of Government. Some people get driver's licences who are cleaners, they get training incidentally. There should be well organised training schools for the drivers to avoid many of the pitfalls and accidents that are a sad lot of pedestrians and also of passengers. So, before the Bill is passed into law, many things are to be amended with the best interests of these people at heart, that is the pedestrian, the pedlar and the passenger. The Bill ought to be made into law with the necessary amendments to safeguard the interests of the public and then only it would satisfy the needs of the small men for whom so many tears have been shed. With these words, I resume my seat.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, on reading the Statement of Objects and Reasons we find that the rapid growth of motor transport, the safety and convenience of the public, closer control and co-ordination of transport are the main reasons for the introduction of this Bill. Sir, the previous Bill of 1914 and the amended Bill of 1936 were very small and were confined to a few sections. Undoubtedly the volume of this Bill consisting of 136 clauses and Schedules is a big jump. It is not commensurate with the stride the motor industry has done during this period.

An Honourable Member: Ten Chapters and 11 Schedules.

Mr. Amarendra Nath Chattopadhyaya: Ten Chapters consisting of these 137 clauses clearly point out the anxiety of Government about motor transport business and the industry that has grown up. Sir, since 1933, Government have been trying to find out the best means of bringing this under control. In 1933 Messrs. Mitchell and Kirkness emphasized the importance of early action. In the same year the Rail-Road Conference recommended control of public and goods motor transport. In 1935, we find, the Transport Advisory Council recommended the same. For the second time in 1936 they recommended a thorough overhauling of the Act of 1914. The object is all right and is laudable; but from the history of the desire of Government for control of the industry and the clauses in the Bill it seems that the intention of the Government is not what it should be. The real incentive to this Bill is to render help to the railways, as the railways have been losing for some time, and this loss is ascribed mainly to this growing industry of motor transport. But that is not true. The Honourable Member in his introductory speech said that it was for the benefit of India and for the common good that he introduced and laboured over this Bill. Whatever the British Government does, it does for the benefit of India, and India alone but the Indians, ungrateful as they are, do not appreciate it. There are hundreds of things to be done for the benefit of India by the Government and it is strange that the Government has taken up a matter which requires more care for its success than care for its destruction. The motor transport industry is an infant industry and no one can deny this: of course, every one will have to confess that this industry has come to stay and is growing healthier. Having introduced this Bill, the Honourable Member in the same speech has apologetically confessed that Chapter II was practically indicating an attempt on the part of the Government at regimentation, which means restriction and control, by bringing the motor transport industry under the control of the Government by some regulating laws. We have been accustomed to all sorts of restrictions in our lives that being the bane of subjugation, and therefore this comes not as a surprise to us but as a matter of course. We know that all the industries that we start require some care and if the Government really want to help this industry it has to take some care about it. That there is ample scope for improvement in the industry there can be no doubt. Really speaking, I fully endorse what my Honourable friend, Mr. Gadgil, said, that the way in which the motor transport business is now carried on requires overhauling, but not with an idea of crippling its scope or hampering its further progress, but to strengthen it by such steps as would enable it to grow from its present pigmy stage to the stage of a giant. The railways are now practically conducted and managed by the Government and if the railways think this small infant industry to be a competitor, I think there is something wrong with the whole management of the railways. It is a competition between a giant and a pigmy.

I do not understand why there should be any such anxiety on the part of the Honourable Member for Communications to bring out a Bill which on the face of it seems to be extremely complex and is difficult to be understood by ordinary men. In the first Chapter, in clause 2, he has introduced definitions of various types and classes of vehicles and also of authorities. I do not know why a man who has attained legal age and takes up the appointment of driver of a motor car, a man who has been found competent to hold a licence, should not be allowed to drive any car that he chooses. We have in this clause definitions of motor cars,

motor cycles, motor vehicles, private carrier, public carrier, public service vehicle, etc., etc. All these vehicles belong to the same category and a man who has earned the skill to know a machine and also the motor mechanism—why should he be asked to take out licences for driving different cars? The definition of vehicle is another vehicle of oppression. I, therefore, suggest to the members of the Select Committee to take into consideration this Chapter II—Licensing of drivers of motor vehicles—and particularly the clauses relating to issue and revocation of licences. Another peculiar clause is that with regard to the differentiation between driving of private cars and of cars belonging to the Central Government. I do not understand why there should be any such difference between the drivers and between the cars. The next thing that suggests itself to me is the different authorities created. I see here Provincial Government Authority, then Regional Transport Authority, and the Court, and also I find the difficulty created in the permit clause. We know that at present those who own cars and those who drive cars are small men, men of small means. Anyhow they get some money to purchase a car on the hire purchase system mostly and want to eke out their living out of that. So, to impose all these hindrances upon them in the shape of licences, in the shape of issue and revocation of licences, permits, different authorities to issue such licences or permits,—all these are really hardships. I would request the members of the Select Committee to see that laws which are intended to regulate the smaller transport business must be based on justice, equity and fairness and not on absurd restrictions legalised and licensed to create hardship to anybody.

The next Chapter is the Chapter on registration of motor vehicles. There is no question about the need for registration, but this registration must be made easy. So long as a car has been found to be in good condition I see no reason why the registering authority should not register it easily. But, Sir, one difficulty we have felt—and we have been approached by those who feel the difficulty—and that is that taxis which come to the stations from villages have to go to the district town or to Calcutta for registration, so far as Bengal is concerned. I think the same applies to other provinces too. It is a great difficulty. They cannot get a car registered on the day they go there. They have to go and come back and take their chance again and again and so they feel difficulty in getting the registration of their cars. Then, again, the man who certifies the car as to its efficiency has to be satisfied with some tips; otherwise the car will not be registered readily. So, it is necessary in the matter of registration that there should be vigilance on the part of superior officers over those who register. It is generally the drivers who go and get the cars registered and they should be able to do so without any worry and without being required to spend more than what is legal. I request the members of the Select Committee to consider this suggestion of mine. Those who are working in the district towns should be able to get their cars registered there, those who are in the sub-divisional towns ought to get the cars registered in the sub-divisional towns, and similarly for local areas, why should not the municipality be permitted to register cars in that area? This system can very easily be adopted, and those who want to go and work in other districts can get their cars registered in a certain place where registration for all India can be given. It may be the district or divisional or the Presidency town. For local purposes only the local *thana* and the municipality are competent bodies to register these cars. The registration will be sufficient for the purposes of work. Once a car is registered, in any place fulfilling all conditions, it will be good for all purposes.

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In that case the driver who gets the licence may not be a man who is a stranger, and a certificate from the local people as to his character, as to his habits, may be ample guarantee against any possible fault on his part with regard to driving a car which he gets registered. A car which will be declared unfit for use should be given a mark at the outset so that neither by bribery nor owing to the favour of any officer can that car be used as soon as that mark is given.

The Honourable Member has left the rule-making power to the provinces. Having made stringent laws, if the provinces are asked to make rules, they cannot make rules suited to their convenience; they will have to adapt themselves to the restriction already made and to the powers of the Central Government. This clause 39, which on the surface seems to be very tempting, will be of no avail. The best thing would have been for the Honourable Member to send out this Bill to the provincial Ministers and get their opinions first and then introduce this Bill here.

I have spoken already about the permits. When once a permit is given to a transport from the starting station, I do not see why there should be permits required at the end of a district or a province or just at the entrance of another district or province. That will be only harassing both the passengers and the drivers. So, the members of the Select Committee should pay attention to the clause regarding permits.

As regards clause 61, which refers to the restriction of hours of work of drivers, I agree with the author of this Bill that the hours of labour should be fixed. Railways have their rules regarding labour and hours of work although honoured in their breach. In the case of transport, the driver has not to work so hard at a stretch. He gets some time for rest and so he can be spared to work for six hours at a stretch.

As regards Chapter V, Construction, Equipment and Maintenance of Motor Vehicles, I believe if the driver or those who conduct the motor transport, if they are trained men, they can keep the machine going and if there is any difficulty on the way, they can themselves repair it. In other cases, there should be Inspectors on the way to look after these machines. With regard to speed limit I believe they used to have certain tests formerly in the route from Ballykhal to Howrah and a device to bind the speedometer with a tape and that device could be successful only if the police were vigilant. It is the police who allow the driver or the owner to indulge in all sorts of breaches of rules. He can take as many men as he likes. He can cut the tape round the speedometer and commit all sorts of breaches of the rules with the help of the police. With the best wishes of the Honourable Member in charge, nothing can be done if more power is not given to somebody to check the police. The more power is given to the police the greater is the possibility of corruption and in order to avoid that, there should be some means for supervising the action of the police. The Government can appoint suitable men to supervise this transport and control the police. (An Honourable Member: "Good men do not care to join that service.") I find good men can join the Government.

Then, Sir, I will say something about compulsory insurance. With regard to that, I will say that whatever is compulsory is bad. We should not compel these bus owners to insure twice. They insure their bus and are to insure again against third party security. This is not reasonable. Where is the security of life and property in railway travel? Accidents

have occurred during the last two years. What is the compensation that the railways offer for those who have been killed and injured? Why should the Honourable Member for Communications insist upon insurance of buses? All small men cannot afford to invest the money unless they borrow. So long as the public do not demand this insurance, I do not see why this Bill should give this clause so much importance. The Honourable Member has said that this will have effect after five years, but I would ask him not to insist upon this. Let things take their own course. With the development of this industry, if passengers and public want it, they can have it. But not at present. This Bill does not require this Chapter at all.

Sir, Chapter IX deals with offences, penalties and procedure. The offences as detailed are of various types,—disobedience to order, obstruction, etc. Once this industry is organized, just as the railways have been organized, there shall be regular rules and regulations which they themselves will make. I know, from my township to Calcutta, at the start, there were unorganized motor buses running and there was competition between them, but now-a-days we find they have, of themselves, framed their own rules and they have set times for starting whether they get passengers or not, and without any difficulty and inconveniences to passengers, they are plying their buses. So things, if left to themselves, naturally settle down and rules or laws come out of necessity. The Government have no reason at all at present for creating difficulties in the way of the natural evolution of this industry. This industry has already called for crores and crores of rupees,—belonging not to rich men but collected by men of slender means, and it is the duty of Government to see that they thrive and do not lose this enormous money that they have invested.

Sir, before the railways were introduced into India, India had her inland trade and commerce with the outside world, and India being a land of rivers, water-ways formed the means of transport, and there were also trunk roads before the railway route was started. There were feeder roads from the countryside and consequently there was not much difficulty in carrying men from place to place and doing business from the countryside to different places in the provinces. There was no such need of hurried business. India had maritime activities also. But even when the John Company came to India and started their trade and factories, they were using these waterways for their trade and commerce. The Company, however, found it necessary, particularly for the exploitation of India's raw materials, that railways should be set up. Really speaking, the Government felt the greatest need for changing the aspect of the whole country by constructing railways for administrative purposes,—thus, after the revolt of 1857, for the mobilisation of the army from one province to another, from north to south and east to west. The country was chained with railroads. Then all railways led to the ports. Today we find the starting-points of all railways,—Karachi, Calcutta, Bombay, and Madras, all port towns,—and they built the railways not only for administrative purposes but for carrying raw materials and importing manufactured goods—an easy means of exploitation. Sir, we cannot deny that railways have been useful asset to us. But it has become old. The new systems of transport are coming up one by one. The motor transport is one. Sometimes later on we shall hear aeroplanes flying over our heads not very high up and consequently the old will have to yield place to new and there is no way out of it,—just as an old man loses his strength, so all old systems

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will have to lose their strength and new ones will have to be accepted. So when this Bill wants to regulate the motor transport, I would like to ask the Honourable Member that he can do that by regulation, by all proper means, but not by bringing in hardships upon them by laws; it is only by proper supervision, proper inspection and by proper care, that, that can be done, and if he does that, he will find no necessity for what is now called co-ordination. Sir, co-ordination between an infant and an old man is impossible: co-ordination between railways and motor transport is not at all possible, unless the Government decide to nationalize all means of transport. I do not know if the British Government in India will take up this question of nationalization.

Mr. M. S. Aney: We will take it up.

Mr. Amarendra Nath Chattopadhyaya: Before we can do it, we should see Government do certain things, which will not destroy what we have. Without that a proper co-ordination cannot be possible. All transports have to be co-ordinated creed that is possible by nationalisation only.

Sir, I belong to Bengal and so I want to speak here generally for the conditions in Bengal. It is a land of rivers subject to inundation. Every year we find East Bengal is under water, and in many places West Bengal also becomes flooded. Railway construction has changed the whole drainage system. Bengal Presidency is 77 million sq. miles in area, and its population is 50/51 millions. The total mileage of railway is 3,450/3,500 miles. In Bengal we have four railways—East Indian, Eastern Bengal, Bengal Nagpur and Assam Bengal. These are main railways, but there are several branch railways. With regard to roads we have got municipal roads covering 3,700 miles of which 3,000 are metalled. 1,234 miles of metalled road run parallel to railways within ten miles of them. There is a large tract of land served by waterways on which steamers ply. Metalled roads are unevenly distributed and there is a very great necessity for development of roads in Bengal. The countryside roads are not worth the name. Whatever roads have been made for motor transport are only due to the money that has accumulated out of petrol duty. Busowners and drivers have purchased motors at their own risk and started this industry and developed it, and these roads are therefore there made by themselves. In these circumstances, if in the way of this industry there are hindrances legalised, and it is forced to go down, under such pressure of restriction how can you expect further development of roads or further development of this industry. Sir, if we go into the details of this matter in Bengal, we shall be bound to come to the conclusion that at present within Bengal, if railways and motors have to compete, railways will find it difficult to continue because in the railways passengers or merchants have to suffer a good deal from various inconveniences. The motors go into the countryside. They get passengers on their very roads. Also we find that from Barakar, Asansol and Burdwan commodities are brought by motor to Calcutta and from Calcutta to these places. This is because not only it is cheaper, but because it is more convenient, because there is no delay there is no risk of loss, and things are delivered at the very doors of the merchants. If the railways want to compete with these buses, they will have to reorganise their whole system. I do not feel or think that this is a simple matter. Buses, no doubt, partly cause

loss of money and income to the railways. Railways work under a top-heavy administration. They work under a system which cannot avoid corruption, and it is growing or has grown to a shape and size which cannot be controlled by the organisation as it stands now. The difference between the topmost official of the railway and lowest man thereon is so great, that all the officers between the two cannot bring them together and cannot make it possible for the lowest man to put up his grievances before the topmost man without risk. That is another difficulty. In the case of bus, that is not the case. I am familiar with many of the complaints from educated workers on the railways who give stories of corruption which if the Honourable Member will care to see for himself, I can give him an opportunity, if he guarantees that railway staff will not be punished. With corruption and all this expensive administration and this distance between men on the top and those at the bottom, the railways will never be able to kill this growing infant industry unless Government make it a point of strangling it to death. With these words, Sir, I beg to suggest to the Select Committee that when they sit and discuss these clauses they might go very deeply and carefully and cautiously before they bring the Bill into the House again.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, I rise to take part in this debate for reference of this Bill to the Select Committee. After the long speech of my Honourable friend who has just sat down, I think the patience of the House must have been taxed. I promise to be short. I am doubtful if I shall be able to give them something new because most of the things that could be said have already been said. I feel that the result of this discussion is a foregone conclusion and this Bill is sure to be referred to the Select Committee and, therefore, I also wish to add my views about this Bill. The description of the Bill as it has been given in this House leads me to compare it with the description of an elephant that was given in the country of the blind. Those who touched the elephant's leg said that the elephant is like a log of wood. Those who touched his trunk said that it is something like a thick bamboo. Those who touched his tusks said that it is something like a big stick and so on and so forth. I find that this is the attitude of most of the Members in this House towards this Bill. Of course, I was taken aback when I heard my friend, Mr. Gadgil, say that the railways are a national industry. I was also not a little surprised when I heard my friend, Mr. Sri Prakasa, speaking in the same vein about the development of the roads because of the encouragement given by big officials by driving their motor cars on them. Although I could not understand so clearly the sense of it, I think perhaps he meant that the roads have been given an impetus by the officials as they use them for their motor cars. Both these views are so conflicting in this House that one is bewildered and it becomes difficult to come to any conclusion regarding these matters. (Mr. M. S. Aney: "How will you vote?") As I have said, there is no need of voting now. The result of the discussion is a foregone conclusion and there is no need for vote. As the controversy about the description of the railways as the national industry and decrying the development of the motor industry has been going on in this House, I think that a *via media* can be found between the two.

Nobody can challenge the statement that the railways of a country are a national industry but in the present state of the railways in this country

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no man with any sense in him can say that they are our national industry. We have seen in this very House discussions going on as to how the money earned by the railways is being distributed amongst the foreigners. If it is a national industry in that sense, of course, I can join my friends in calling it a national industry. (An Honourable Member: "In that sense, the army is also national".) Just as my friend reminds me that we have got a national army in the country for our defence. In that sense everything can be said to be national. I hope I am not offending my friend, the Honourable Member in charge of this Bill, by saying this because so far as his personality is concerned. I regard him as a very honest man. I also mentioned during the Railway Budget that he feels that there are some persons who are inclined to call the railways the enemy of the country and I had told him that I was one of those who believed in that theory. I frankly admit that there is a large volume of opinion in this country which regards the railways as anything but a national industry or the friends of the people. It is quite a different thing that a large number of Indians are employed in the railways. It is simply due to the fact that so many men could not be imported from outside. But their first concern is to provide as many foreigners as possible and to give them as fat salaries as possible. It has been pointed out that Indians with much less salary can be found to serve in the place where Europeans with much more salary are being appointed. Under those conditions, perhaps it will be more proper for the Honourable Member to think whether in the name of co-ordination between rail and road he cannot say that it is a measure for the subordination of the road to railways. As has already been pointed out by several other speakers, so long as the railways are not run on economic lines and so long as they are not able to earn their profits by their own exertion, it should not be proper to look upon the road transport as the enemy of the railways. Whatever be the outward cloak in which to garb this Bill for the safety and the convenience of the people, the outstanding facts are that people feel a sort of suspicion regarding this Bill, that it is more for the help of the railways than for the safety and convenience of the people.

I am not oblivious to the fact that conditions regarding the motor transport also exist in the country which call for some action. Nobody can be blind to this side of the picture. We find that the main concern of the Bill, as has been given out in the Statement of Objects and Reasons, is that it should serve for the safety and convenience of the people and help in the co-ordination of the road and rail. But if it were so, I do not find why so many restrictions are put on motor transport business. It has been admitted on all hands that it is a baby industry. Whatever be its merits or its demerits, people have taken to this business and they are developing it and, under these circumstances, I do not think that in the name of catering to the convenience and safety of the people, so many restrictions and so many impediments should be placed in the way of the industry. As has been characterised by my Honourable friend, Mr. Abdul Qaiyum, the baby is being too much clothed so that it may be strangled to death. As my Honourable friend, Mr. Sri Prakasa, has said, I feel that the Bill has been so nicely and so thoroughly drafted that very little loophole can be found in it. It is true. I find that no objection can be taken to any of its clauses there. Although it requires some improvement, yet on principle little objection could be taken to the Bill as it has been drafted.

I am not concerned with the draft of the Bill so much as with the motive behind it. I feel that the motive behind it is not so pure as its language seems to imply. Even those who advocate that in the interest of the motor industry and in the interest of the safety and convenience to the public such a Bill is necessary, even they have not concealed the fact that it has not been brought forward with a clean motive. It is under those circumstances, I feel that whatever might be the good that is embodied in the Bill, it is quite clear that so long as the motive is there and so long as it is not pure, it will be very hard for the people to believe that it is mainly for the convenience and safety of the public that the Bill has been brought forward.

I think a bait is also given there. The bait is in the shape of delegation of rule-making powers to the Provincial Governments. It is urged that as the Provincial Governments are ours, there need be no apprehension of any kind. But I feel that even if the Provincial Government be ours, we should not place too much power in their hands lest they should be abused under circumstances which have been very nicely dealt with here by my Honourable friend, Mr. Sri Prakasa. There can be no doubt as to whether it be the Congress or the bureaucratic Government, they cannot do much now so long as the Central Government is irresponsible. We can claim to our satisfaction that there is Provincial Autonomy in the provinces, but it is not real Provincial Autonomy because there is the bureaucratic Centre controlling them. Under these circumstances, there is very little for us to enthuse over this Bill. If powers are given to the Provincial Governments, we should not be elated over it. We should never allow a law that is likely to be abused.

Things stand, I do not feel how people will be more safe and more benefited by the enactment of this law. As a practical thing before that there are roads running parallel to railways and the motor traffic is beating down the railways in that respect. It has always been contemplated to curb the traffic on the road which is running parallel to the railway. I can only understand by co-ordination that motor traffic will be diverted to some other road and free scope will be given to the railways. That may mean in any way convenience or safety to the public. I can only mind two instances in my own district where the road runs parallel to railway lines from Bhagalpur to Bansi and from Bhagalpur to Patna. There, for all practical purposes, people experience greater convenience by taking the motor rather than the railway. I do not think that such a law is enacted and if such powers are given to the Provincial Governments and if the Provincial Governments in their wisdom think that such roads should be closed to motor traffic and should be given over to the railways alone totally, how can it be a convenience to the people. When people feel that it will be more convenient to travel by motor, any amount of legislation regarding the safety and convenience cannot convince them. The reason behind all such special pleading is that it will benefit the railways. So, under the cloak of convenience and safety to the public, such measures are contemplated for the benefit of the railways. I submit that the Government should think twice before embarking on such measures. I think perhaps that when the Bill becomes law and is actually put in working operation, it will show whether it will tend to the convenience of the public or to their disadvantage. As regards other restrictions, such as licensing regulations, overloading, insurance and other things, these are all high sounding words meant to be in the interest of the people and

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and you want to drive the motor van out of the field, how can we feel satisfied that you will not mete out stepmotherly treatment to it and kill it outright? So this Bill is defective in reserving for the Government the right of fixing maximum and minimum rates.

I have made up my mind not to contribute anything to the discussion in connection with this Bill, which is redundant or which has already been said by other Members; what I have said is, I think, something. With these words, I resume my seat.

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

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, the vice of uniformity is a British vice and wherever they go they carry the institution with them, we see it in the buildings in Delhi, this dull uniformity—there is an architectural dullness about it without any variety in beauty in construction. They have carried it to the roads—the law-grasses have the same dull uniformity with nothing to relieve the level of dullness. Now, these little adventurous fellows, the Sikhs with beards like our friend Sardar Jogendra Singh, wanted to introduce a variety and an aesthetic way of dealing with this matter, an artistic way of carrying people; but then we find the Communications Member who combined railways with him and who is going to combine motor along with him also, is going to kill that artistic variety of carrying passengers and make it a dead level for third class passengers and callily bring them back to the same position where they can neither sleep nor stretch nor sit comfortably. The buses used to pick up and set down passengers from their homes to their destination, but under traffic regulations and control, the third class passengers will not enjoy those conveniences at all. Let us consider for what reason we considered that there should be public control of the industry, we consider whether it is desirable or practicable to impose public control, what methods are going to be adopted for that control, what are the accrue to the people, and also what effect it will have on the engaged in that traffic.

First, let us see what are the reasons. It is said in the Kirkness report that they have found that the railway is losing and made a loss of about Rs. 185 lakhs—that is their estimate. I should like to challenge the Honourable the Communications Member as to how the estimate has been arrived at. I find from the report itself that it is a conjectural estimate. They have not taken into consideration that these bus services, these taxi drivers have brought more traffic to the railways through feeder roads from places where there was absolutely no conveyance before. Therefore, taking that into consideration, I submit that the railways which are getting 29 crores out of an investment of 800 crores have been paying to the British investors more than 4 per cent. leaving a surplus of more than one crore. So, the railways are not working at a loss, as no industry can make more than 6 per cent. now days and the suspicion will not be amiss if we say that your interest to safeguard the public is not so much for the people of India but for the British investors who are far away from here; it is more for the creditors and not for the safety of the people or for the convenience of the Indian public. The suspicion is deepened by the fact that you have never encouraged any roads,

you have never built any feeder roads to the railways. It is the bus that has improved the traffic of the railways by bringing commodities from out of the way places like Assam where there are indifferent and bad roads. I asked this morning whether the Honourable Member for Communications can build a line from Jakhlabandha to Badulipar station, a distance of eighty four miles, and he said that he will not do it as there are steamer stations or answered to that effect. He does not know the road condition at all of Assam. There is no public conveyance in that part of the country. It is the bus that has done something, there is not even a steamer ghat there except possibly one in an inaccessible place. The Honourable Member for Communications would not have replied in the way he has done if he would have been aware of the exact state of things. It is the bus that has done a little in the way of carrying commodities from Nowgong to Jorhat, Dibrugarh, and Upper Assam. If he had known the condition a little better he would have given a reply different from the one that he gave this morning.

By the creation of this Regional Transport Authority you are going to restrict the limit of activity the distance, the routes to be undertaken by the vehicles. The term long distance is a comparative term. It was a long distance thirty years ago to travel 30 miles, but by motor today even 300 miles is not a long distance. If you want to restrict in that way, you would be killing those very people who are engaged in bus business and have invested all their monies in it and have tried their best to serve the people who had no other conveyance, who had no other way of carrying their goods, who had no other way of carrying their produce to the nearest market. There are other parts of the country where similar conditions prevail. There is one reason which is assigned for introducing this Bill, and that is, that deaths from accidents in Assam, in the Punjab, and the North-West Frontier are about 160 to 200 per ten thousand vehicles. I can understand the anxiety but the other side of the question has been totally forgotten,—the road conditions in those places are so bad, the roads have been so neglected for many, many years, that the fault is due more to the state of the roads themselves than that of the taxi drivers. One of our Finance Ministers, Mr. Bothan when we wanted to have a Road Board in the province, said that if anybody deserved a Victoria Cross it was the taxi driver in Assam, because of the very bad roads that he had to negotiate and which he did so successfully. That gentleman was a very successful Minister. If such is the case, you ought to consider whether by the passing of this Bill you are going to expand the road traffic or you are going to curtail it. I can say for my own province, that as soon as you pass this Bill, the effect will be that in ninety cases the motor transport men will be thrown out of the business and there will be a standstill. The traffic there mostly consists of lorries of tea estates which are almost private, and there are a very few who serve from Sylhet to Shillong, from Shillong to Gauhati and from Gauhati to Nowgong and Upper Assam. If you put this Regional Authority to restrict the number of vehicles and to limit the distances to which the buses will go and to control it in the way you are going to do so that it may not compete with the railway in Assam, then I can say that the bus owners will not be able to serve the people as they did formerly. Who will be responsible for this? The railway train from Gauhati to Jorhat used to take about 18 hours, whereas the bus takes about 10 to 12 hours. The other day they have speeded up a little bit because the bus owners did it quicker. We

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[Mr. Kuladhar Chaliha.]

know that we have in Assam the Assam Bengal Railway which is one of those railways that do not deserve praise. For a short distance from Golaghat to Jorhat it takes 2 to 2½ hours, whereas by bus you can do the same distance in an hour and ten minutes. Therefore, the real cure for this evil that the railway is losing money is not to kill the bus owners but to improve the railway service and speed it up and give the third class passengers, more comfort so that it can render the maximum service possible to the people and especially to the third class passengers.

As regards insurance I shall speak very shortly as it is getting late and I do not want to be long. You have tried to bring in insurance into India because it prevails in England. In 1931 the Road Traffic Act came into force in England. Before the Act was enacted 90 per cent. of the vehicles were already insured. There they helped the process. Here you are going to force an institution which is not wanted by the people or the bus owners. It is stated in the Motor Vehicles Insurance Committee's report that 50 per cent. of the vehicles in India are insured. That is a wrong statement. It may be true in the case of cities like Bombay, Karachi, Delhi, and Calcutta, but as regards vehicles outside these cities, they are not insured, and what will be the effect of the insurance on them? They say that it obviates accidents. Let us see whether it is so. The Punjab, Bihar and Orissa, and also, I think, the United Provinces, Baluchistan and the North-West Frontier Governments have spoken against it. The others support that insurance should be there, but the Punjab Government has pertinently asked the question whether insurance will obviate accidents, whether insurance will continue the life of a man who is dead. If it is not, why bring in insurance as a new institution which was not in existence before simply for the sake of uniformity. I think this is a new idea and it will be a very heavy burden on the people who own buses and lorries. The whole question should be looked at not from the point of view of whether the railways are losing. On the contrary the more traffic there is on the roads the more money it will bring to the coffers of the Indian exchequer. Import taxes and excise duties on motor goods have already brought 7½ crores and will bring in more and more revenue with road traffic expansion. As such why should you get jealous of a traffic in which Indians are concerned, for the sake of the safety of British investors? We are looking at it from the point of view as to how many men will be ruined and thrown out of employment. We find that numerous people have invested their money and they will be ruined and thrown out of employment. It is for the interests of British shareholders that this Bill has been framed. So, I think, this requires drastic changes before it can be supported.

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadian Rural): During these three days when the debate has been continued on this Bill, the discussion has centred round one idea and several Members including the Mover of this Bill have been obsessed with this idea of the importance of our national asset, namely, the railways and they have pointed out that it will be seriously affected unless the Bill is pushed through. I would ask Honourable Members to bear with me for a few minutes while I deal with this question of the motor industry. We are not the producers of motor cars or any of the accessories to it but it has been directly or indirectly contributing to the general revenues of the Central Government and also the revenues

of the Provincial Governments, besides giving employment to a large number of men in this country. The last may not be a matter which might be very important to the matter at issue. So far as the railways are concerned, the main point is that it contributes to the general revenues and it is also a national asset in which about 800 crores of the nation's money has been invested. If a similar calculation is made of the amount spent on the construction of roads, I do not think there is anything to choose between the one and the other. For the upkeep and maintenance of roads, it is necessary to get some source of income without imposing additional taxation on the taxpayers who have to contribute to various other purposes. To the extent that we lose on the railways, there will be, no doubt, to that extent additional imposition on the general taxpayers. Now, it is expected that the railways should contribute one per cent. to the general revenues. That might come to about eight crores. But the motor cars and accessories that are imported, between them they pay one crore of rupees in the shape of customs duty and then from the excise duty we get nearly 4½ crores. In addition there is a special duty of two annas per gallon on petrol and that has to be distributed to the provinces. The Central Government gets to the extent of five to seven crores from motor cars and parts that are imported as excise duty. As regards the Provincial Governments, they get incomes by way of provincial taxation, that is, licence fees that are charged by the local bodies. Those are the two sources of revenue which are now available to the provinces. I am speaking with special reference to Madras. Then there is the contribution of 15 per cent. or nearly 15 lakhs from the special petrol tax. Barring that 15 per cent. from the Central Government the other two available sources of income are the provincial taxes and the local cesses.

Now, Sir, I shall take only the province of Madras. In Madras we have nearly 25,000 miles of metalled road. The broad gauge, the narrow gauge and the light railways, all of them taken together do not cover more than 4000 miles. I have read carefully the report of Messrs. Mitchell and Kirkness where it is said explicitly in some cases and in other cases in an indirect manner that it is idle to think that the railways should be extended in any part of India consistently with economic management and they even report that so far as light railways and branch lines are concerned, it might be desirable to close many of the branch lines and light railways and to give a monopoly of the roads which run parallel to these lines to the railway. If the railways take up a monopoly and work them, sooner or later the railways may be abandoned and the railways even if they continue may be used only to carry heavy transport from one place to another, which cannot be carried by the ordinary buses. That is the recommendation they make. Therefore it will be too much to expect that the railway should be extended throughout the length and breadth of the country, any more than what they have done already and, therefore, that mode of transport has shrunk or is going to shrink. I will take the statistics available so far as Madras is concerned. Madras has now one mile of railway line for every 50 square miles, whereas in Bengal, there is one mile of railway line for every 20 square miles and in Madras there is one mile of motor road for every 4½ square miles. Therefore the road is more easily available and at the very door of the individual. The motor is available to take either the passenger or his goods to the nearest market and to the railway station. Besides there are many hilly places which are not covered by the railway line. Not only in Madras but in various other Presidencies,

[Mr. M. Ananthasayanam Ayyangar.]

there is more and more scope for the extension of the motor transport roads. Addressing ourselves particularly to marketing facilities and other facilities that have to be afforded to the villagers, the need is all the greater. The same report also says that in six districts of the Madras Presidency where a calculation was made villages with more than a thousand population are far away from the roads and 1400 such villages have no communication to the nearest roads and no attempts have been made till now for want of funds to connect such roads to the nearest main roads. There are various other difficulties and on account of want of funds in the provinces it is impossible to get anything done. Now, the position in Madras is that from the general provincial taxation on motors, we get only 25 lakhs per year. From the license fees which the district boards impose we get not more than a lakh of rupees per district. This is about 26 lakhs. So, the provincial taxation as well as the licence fees give only 50 lakhs of rupees. The annual recurring expenditure for the maintenance of these roads is 60 lakhs and if any improvements have to be effected or new roads have to be laid, that comes on an average during the last six or eight years to nearly a crore. So, we are spending 2½ crores a year in the Madras Presidency.

Mr. F. E. James (Madras: European): My Honourable friend will recollect that the Madras Government threw away 30 lakhs when they abolished the toll for bullock carts.

Mr. M. Ananthasayanam Ayyangar: I think the Madras Government acted rightly in not throwing this into the hands of the capitalists. I would ask my friend in all modesty if the tolls were not taxing the poor agriculturist, when he does not benefit from any road. He knows it. At any rate he has now tried to acquaint himself with the conditions there.

5 P.M. but I would ask him to answer this question. Are there any decent villages there which are connected by road? Does he realize what difficulties there are? I would ask my Honourable friend, instead of standing for a European constituency for which there is no election, let him take steps to stand for my constituency if that is possible, and then let him see if he will find support. Sir, if he has to go to these villages for canvassing votes, it would be impossible for him to hold those opinions and I am sure he will break his neck

Mr. President (The Hon. Sir Abdur Rahim): The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th March, 1938.

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