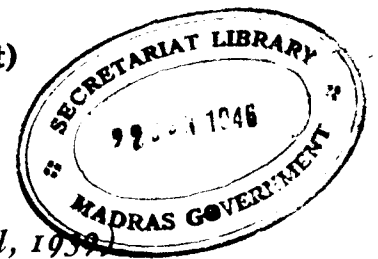


**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume IV, 1939

(30th March to 15th April, 1939)



**NINTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1939**



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1939.

LEGISLATIVE ASSEMBLY.

President :

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

Deputy President :

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

Panel of Chairmen :

MR. S. SATYAMURTI, M.L.A.

DR. SIR ZIAUDDIN AHMAD, C.I.E., M.L.A.

SIR COWASJI JEHANGIR, BART., K.C.I.E., O.B.E., M.L.A.

MR. A. AIKMAN, C.I.E., M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary :

MR. M. N. KAUL, BAR.-AT-LAW.

RAI BAHADUR D. DUTT (*Upto 31st March, 1939*).

KHAN SAHIB S. G. HASNAIN, B.A. (*From 10th April, 1939*).

Marshal :

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

Committee on Petitions :

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

MR. A. AIKMAN, C.I.E., M.L.A.

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

SYED GHULAM BHIK NAIRANG, M.L.A.

MR. N. M. JOSHI, M.L.A.

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- In the Legislative Assembly Debates, Delhi Session, 1939,—
- (1) Vol. I, No. 1, dated the 3rd February, 1939,—
- (i) page 87, line 6 from the bottom, for "apropriating" read "appropriating";
- (ii) page 88, line 21, for "constitutionally" read "constitutionally";
- (2) Vol. I, No. 4, dated the 7th February, 1939, page 329, line 1, insert "on" after "have";
- (3) Vol. I, No. 6, dated the 9th February, 1939,—
- (i) page 573, line 12, insert "is" after "plant";
- (ii) page 607, line 3 from the bottom, for "Indian Store" read "India Store";
- (4) Vol. II, No. 2, dated the 18th February, 1939, page 1080,—
- (i) line 3, for "India Commissioned Officers" read "Indian Commissioned Officers";
- (ii) line 6, for "letter No. 31899/1/Q.-II" read "letter No. 31799/1/Q.-II";
- (iii) line 29, for "23td October" read "23rd October";
- (5) Vol. II, No. 5, dated the 22nd February, 1939, page 1313, line 6 from the bottom, for "rating" read "ratings";
- (6) Vol. II, No. 8, dated the 27th February, 1939, page 1510, lines 1 and 4 from the bottom, insert "is referred" after "The Honourable Member" at both places;
- (7) Vol. II, No. 9, dated the 28th February, 1939, page 1569, last line, for "sittin" read "sitting";
- (8) Vol. III, No. 2, dated the 15th March, 1939,—
- (i) page 2088—
- (a) line 6, for "question Nos." read "questions Nos.";
- (b) line 30, for "possibility or" read "possibility of";
- (ii) page 2135, line 6 from the bottom, for "clock" read "cloak";
- (9) Vol. III, No. 3, dated the 16th March, 1939, page 2163,—
- (i) line 7 from the bottom, for "Railway's" read "Railway" and for "acovered" read "covered";
- (ii) for the existing line 2 of the answer to part (d) of starred question No. 1097, substitute the following :
"Railway Administrations, and the matter is best dealt with through the";
- (10) Vol. III, No. 5, dated the 18th March, 1939, page 2330,—
- (i) line 3 from the bottom, insert "(ordinary grade)" after "division";
- (ii) line 2 from the bottom, insert "as was originally intended" after "examination";
- (11) Vol. IV, No. 1, dated the 30th March, 1939, page 3011, line 20, for "or are they" read "or are the";
- (12) Vol. IV, No. 2, dated the 31st March, 1939, page 3146, line 10 from the bottom, for "revised" read "revived";
- (13) Vol. IV, No. 4, dated the 4th April, 1939, page 3279, in the subject-heading to starred question No. 1510, for "Deputy Secretary" read "Under Secretary";

(14) Vol. IV, No. 7, dated the 11th April, 1939,—

(i) page 3500, lines 4 and 5, for "have been worked out." read "are being worked out for new entrants.";

(ii) page 3530, line 4 from the bottom, delete the comma after "District";

(15) Vol. IV, No. 8, dated the 12th April, 1939, page 3691, line 3 from the bottom, for "Jenhagir" read "Jehangir";

(16) Vol. IV, No. 10, dated the 15th April, 1939,—

(i) page 3774, line 6 from the bottom, for "Stock Yard" read "Stack Yard";

(ii) page 3776, line 6 from the bottom, insert "(a)" after "Mr. C. M. G. Ogilvie. ";

(iii) page 3776, for the existing answer to part (b) of starred question No. 1742, substitute the following:

"(b) Does not arise.";

(iv) page 3791—

(a) line 24 from the bottom, for "is has" read "it has";

(b) line 16 from the bottom, for "Persident" read "President".

LEGISLATIVE ASSEMBLY.

Thursday, 30th March, 1939.

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. Gurunath Venkatesh Bewoor, M.L.A. (Director General, Posts and Telegraphs); and

Mr. Henry James Frampton, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†1363* —1397*.

IMPRESSIONS OF HIS TOUR IN INDIA GIVEN BY COLONEL MUIRHEAD, UNDER SECRETARY OF STATE FOR INDIA.

1398. *Mr. S. Satyamurti: Will the Honourable the Home Member please state:

(a) whether his attention has been drawn to the speech of Colonel Muirhead, Under Secretary of State for India, giving his impressions of his recent tour in India and Burma at the East Indian Association meeting on 16th February, 1939;

(b) whether his attention has been drawn to the following statement in particular:

".....that the antagonism between Muslims and Hindus was an antagonism which he was led to believe was much on the increase. This antagonism seemed to go far beyond the bounds of mere religious feeling";

(c) whether the Government of India took any part in arranging his tours or his interviews;

(d) whether his attention has been drawn to the following statement:

"Colonel Muirhead said that he discussed with an official the possibility of trouble arising in a certain part of India and asked him on which of several lines of cleavage the trouble might arise. The official replied: 'On whatever lines the trouble may start, it will be on a communal basis in 48 hours'; and

(e) whether Government are prepared to find out who this official was and why he gave this opinion to Colonel Muirhead?

The Honourable Sir Reginald Maxwell: (a), (b) and (d). I have seen a report of the speech in question.

†For these questions and answers, see pages 3021—3043 of these debates.

(c) The Government of India only made routine arrangements for the journeys that Colonel Muirhead wished to make, but did not draw up his itinerary, nor arrange for his interviews.

(e) I gather from the speech that the official concerned was speaking of a purely local situation. I do not consider that the enquiry suggested will be useful in relation to the general situation.

Mr. S. Satyamurti: With respect to the answer to clause (e) of the question, may I know whether Government will consider the importance of the statement made by a person of the position of Under Secretary of State for India in England and the possible repercussions on his audience and those who read his speech? Will Government consider the necessity of issuing a contradiction, saying that the official spoke only on behalf of a particular local area and on his own personal knowledge and that it was not intended to represent the general state of affairs in India to any extent?

The Honourable Sir Reginald Maxwell: Colonel Muirhead was only quoting the opinion of the official in question and that opinion cannot alter the facts. If the opinion expressed by an official makes the situation different, well, then, the Honourable Member's repudiation of it supplies the cure.

Mr. S. Satyamurti: I did not address the audience that Colonel Muirhead addressed. May I know whether Government will get into touch with Colonel Muirhead and tell him that he ought to correct the impression likely to have been created on his audience?

The Honourable Sir Reginald Maxwell: I do not think the speech will have conveyed any wrong impression. He was simply quoting it as an illustration of the opinions he got during his tour.

Mr. S. Satyamurti: May I know who the British official was?

The Honourable Sir Reginald Maxwell: I have no information.

Mr. S. Satyamurti: Will Government find out who the British official was, and let the House know as to where he is serving?

The Honourable Sir Reginald Maxwell: That lies entirely between Colonel Muirhead and the official.

Mr. S. Satyamurti: Will Government take steps to bring to the notice of Colonel Muirhead and those who shared his impressions that the creation and perpetuation of separate communal electorates is the real cause of these communal troubles and nothing else and not of any peculiar nature of communalism in this country?

The Honourable Sir Reginald Maxwell: That goes beyond the scope of the question.

REVISION OF THE PENSION RULES.

1399. *Mr. Lalchand Navalrai: (a) Will the Honourable the Finance Member be pleased to state whether Government have under consideration the revision of the pension rules for employees of the Central Government?

(b) If the reply to part (a) above be in the affirmative, how long have these proposals been under consideration and when is a decision likely to be reached?

The Honourable Sir James Grigg: (a) and (b). The question is still under consideration, but as the Honourable Member is no doubt aware a warning has already been issued that persons recruited after 1st October, 1938, will be governed by the revised pension rules.

Mr. Lalchand Navalrai: May I know if the Honourable Member will try to leave a good impression for himself on this question before he leaves?

The Honourable Sir James Grigg: There are lots of things on which I have been asked to leave good impressions.

Mr. Lalchand Navalrai: May I know whether on this point it will be possible for the Honourable Member to decide it before he leaves?

The Honourable Sir James Grigg: If the Honourable Member means "finally" I am doubtful.

Mr. S. Satyamurti: May I know whether Government are reducing the pensions, apart from making pensioners liable for fraud or negligence during their terms of office?

The Honourable Sir James Grigg: I am not sure.

Mr. K. Santhanam: The Honourable Member is not speaking loud enough. We cannot hear him properly.

EXEMPTIONS GIVEN UNDER SECTION 262 OF THE GOVERNMENT OF INDIA ACT.

1400. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member state:

- (a) whether any persons other than British subjects have been given exemption under section 262 of the Government of India Act to hold any office in the Government of India;
- (b) if so, how many such exemptions have been given; and
- (c) for what appointments?

The Honourable Sir Reginald Maxwell: (a), (b) and (c). Yes. Declarations under section 262 (1) of the Government of India Act have been made by the Government of India in respect of the subjects of a number of the Indian States, tribal areas, and foreign territories adjacent to India. The Secretary of State has also issued some individual declarations under section 262 (3) of the Government of India Act. All declarations issued by the Government of India are published in the *Gazette of India*, but it is

not possible without an elaborate enquiry to state the precise number of persons who hold office under the Crown in India under these declarations, nor to specify the appointments they hold. Broadly, however, the intention of these declarations is to regularise the position of persons already in the service of the Crown who would, otherwise, be ineligible to continue in that service.

Mr. T. S. Avinashilingam Chettiar: May I know whether any new appointments have been made with this exemption?

The Honourable Sir Reginald Maxwell: I cannot find that out at the present moment.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government do not have a list of the number of people getting exemptions under this section?

The Honourable Sir Reginald Maxwell: No, because the exemptions are not by name under section 262 (1). You cannot exempt a name but only a certain category.

Mr. Abdul Qaiyum: With reference to part (a) of the question, may I know whether the people in the tribal areas do need exemption before they can take up service under the Crown in India?

The Honourable Sir Reginald Maxwell: Yes.

Mr. T. S. Avinashilingam Chettiar: May I know whether, with regard to new appointments, Government consider each application for exemption on its merits?

The Honourable Sir Reginald Maxwell: I do not know if the Honourable Member refers to cases under 262 (1) or 262 (3)?

Mr. T. S. Avinashilingam Chettiar: I refer to 262 (3).

The Honourable Sir Reginald Maxwell: It is only under 262 (3) that a named subject of an Indian State can be declared eligible for appointments under the Crown. In the other case, the declaration is a general one.

Mr. S. Satyamurti: With regard to these general declarations in so far as the subjects of an Indian State are concerned, may I know whether it is on a basis of reciprocity, that is to say, the British Indian gets the same treatment in these States?

The Honourable Sir Reginald Maxwell: Reciprocity has not entered into the matter so far.

Mr. T. S. Avinashilingam Chettiar: Section 262 (4) reads: "No person who is not a British subject shall be eligible to hold any office under the Crown in India, provided the Governor General may authorise." etc., etc. May I know whether any exemptions have been given by the Governor General under section 262 (4)?

The Honourable Sir Reginald Maxwell: I am not aware of any such cases.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government will collect the information and place it on the table of the House as to how many exemptions have been given under this section and the nationality of the people to whom it has been given.

The Honourable Sir Reginald Maxwell: If the Honourable Member will put down a question, I will try to find out, but I do not think it will be possible as it would need a very elaborate inquiry.

MAJORS IN THE INDIAN ARMY.

1401. *Mr. T. S. Avinashilingam Chettiar: Will the Defence Secretary state:

- what is the total number of Majors in the Indian Army (fighting section);
- what percentage of them is Indian;
- what percentage of the command of the Indianised section of the Army is still in British personnel; and
- in how many years that portion will be completely officered by Indian officers?

Mr. C. M. G. Ogilvie: (a), (b) and (c). I refer the Honourable Member to the current Indian Army List, a copy of which is in the Library.

(d) It is not possible at present to answer this question with any degree of accuracy.

Mr. T. S. Avinashilingam Chettiar: May I know what is the proportion of Indian majors to English majors?

Mr. C. M. G. Ogilvie: If the Honourable Member will refer to the Indian Army List, he will find it there.

Mr. T. S. Avinashilingam Chettiar: The Army List contains the whole list of persons. The Honourable Member can work out the proportions and let us know.

Mr. President (The Honourable Sir Abdur Rahim): Why does not the Honourable Member put down a question to that effect?

Mr. T. S. Avinashilingam Chettiar: My specific question is—what percentage of it is Indian?

Mr. C. M. G. Ogilvie: I think the Honourable Member might do his arithmetic himself; the material is there for him.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, if he has the information, might give it.

Mr. C. M. G. Ogilvie: The information is—7 per cent.

Mr. T. S. Avinashilingam Chettiar: So is that the reason why the Honourable Member wanted me to do it myself. . . .

[80TH MARCH 1939.]

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may draw any inference he likes.

Mr. T. S. Avinashilingam Chettiar: With reference to the answer to clause (c), in regard to the regiments which have been promised to be Indianised, what is the proportion of European majors in the Indianised regiments?

Mr. C. M. G. Ogilvie: I must again tell the Honourable Member that he can find all that out from the Army List; and I fail to see why I and my office should engage themselves in working out the number of officers which the Honourable Member can easily work out for himself. I have pointed out the place where the information exists.

Mr. K. Santhanam: Sir, the question was, "has he the information"—he has not said that he has not got the information, but refers us to the Army List . . .

Mr. President (The Honourable Sir Abdur Rahim): He said he has not worked it out.

Mr. K. Santhanam: Cannot the Honourable Member work it out?

Mr. C. M. G. Ogilvie: I could work it out extremely easily, probably just as easily as the Honourable Member, but I have not done so.

Mr. S. Satyamurti: With reference to the answer to part (c) of the question, may I have some idea of the approximate time or number of years when these posts will be filled completely by Indians?

Mr. C. M. G. Ogilvie: As an approximate guess, by about 1950.

WAR PREPARATIONS FOR DEFENCE IN INDIA.

1402. ***Mr. S. Satyamurti:** Will the Defence Secretary please state:

- (a) whether any special preparations for defence are being made by the Defence Department in India today which are not confidential;
- (b) if so, what they are and what their cost is; and
- (c) whether these special war preparations are made by the Defence Department of the Government of India in co-operation with or at the instance of the War Office in Great Britain?

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

(b) Dose not arise.

(c) To some extent independently and to some extent in co-operation with His Majesty's Government.

Mr. S. Satyamurti: With reference to the answer to part (a) of the question, may I know if there are any preparations which are being made which are not confidential, or no preparations at all are being made?

Mr. C. M. G. Ogilvie: The question itself is very clear and the answer was equally clear. The question was "whether any special preparations, which are not confidential", and the answer was "no".

Mr. S. Satyamurti: With reference to the answer to part (c) of the question, in which the Honourable Member says "partly by the Defence Department and partly in co-operation with the British War Office", may I know, with regard to the latter part, whether these preparations are made by the Defence Department of the Government of India on their own responsibility, that is to say, they consider them to be necessary and essential in their judgment, or are they being made at the instance of the War Office in Great Britain?

Mr. C. M. G. Ogilvie: The matter is one for mutual co-operation; and information which is in the possession of the War Office is interchanged with the Government of India and *vice versa*. It is hard to say whether it is made at the instance of one or the other.

Mr. S. Satyamurti: With regard to the exchange of information between His Majesty's War Office and the Defence Department here, may I know whether the Defence Department here has any discretion in the matter, or they get and carry out the directions of the War Office?

Mr. C. M. G. Ogilvie: The Defence Department have certainly discretion in the matter.

Mr. S. Satyamurti: May I know whether these preparations are undertaken by the Government of India on their own responsibility or are they preparations carried out merely on the information supplied by the War Office in England?

Mr. C. M. G. Ogilvie: I very much doubt whether that arises from the question, but in any case I cannot answer him.

REPORT ON THE POSSIBILITIES OF THE LEVY OF DEATH DUTIES.

1403. ***Mr. S. Satyamurti:** Will the Honourable the Finance Member be pleased to state:

- (a) whether the Government of India have received the opinions of the Provincial Governments regarding their proposal for the levy of death duties;
- (b) whether Sir Alan Lloyd has submitted his report on this question;
- (c) whether Government have come to any conclusion in the matter, and if so, what it is; and
- (d) whether Government will lay on the table of the House copies of the opinions of the Provincial Governments, of Sir Alan Lloyd's report and of their own conclusion?

The Honourable Sir James Grigg: (a) The Provincial Governments have not been formally consulted but Sir Alan Lloyd has had informal discussions with Ministers of all the Provincial Governments except those of Assam, Sind and Orissa. These discussions were confidential in character but the Government of India have obtained the authority of the Governments consulted to give publicity to the opinions which they have expressed on

the question whether the introduction of death duties in India is generally desirable. I lay on the table a statement containing a summary of these opinions.

(b) He has practically completed a detailed report of the results of his enquiries, and this document has been seen by the Government of India.

(c) In view of the generally unfavourable reception which the proposal for legislation has met with, as exhibited in the statement laid on the table, the Government of India have decided not to proceed with it.

(d) The Government of India are unable to publish the records of Sir Alan Lloyd's confidential conversations with Ministers. As regards his report the Government of India have decided not to publish it for the following reason. The adaptation of any system of death duties to Indian conditions involves serious difficulties of such a nature that any attempt to surmount them must raise issues which would be certain to provoke considerable controversy as between different interests and different sections of the community; and there is nothing to be gained by precipitating such controversy at a time when, owing to the opposition of the Provincial Governments, all discussion of the subject has become academic. Copies of the report will, however, be supplied to Provincial Governments for their official use, so that they may have the results of the present enquiry at their disposal if, at any time in the future, they should contemplate either a revival of the project for Central legislation in respect of succession to property other than agricultural land or the introduction of Provincial legislation in respect of succession to agricultural land.

Summarised replies to the question whether the introduction of death duties in India is generally desirable if special local difficulties can be surmounted.

- (1) *Madras.*—The Government are not at present in a position to commit themselves to a definite opinion.
- (2) *Bombay.*—The Government do not think that the matter is one which should be taken up pending the establishment of a popular Government at the Centre.
- (3) *Bengal.*—The Government are opposed to the proposal on the ground that special difficulties exist in this country which make the imposition of death duties a form of taxation which is not suited to Indian conditions.
- (4) *United Provinces.*—The Government, while in sympathy with the proposal generally, are not prepared to commit themselves to a definite opinion for want of full information regarding certain relevant points and also owing to the desirability of conferring with other Provincial Governments before taking a final decision.
- (5) *Punjab.*—The Government are opposed to the proposal. They consider :
 - (i) that the yield would not be commensurate with the serious difficulties in the way of introducing such a measure and the great unpopularity attaching to such a form of taxation;
 - (ii) that it is far from certain that the Punjab would be able to secure its fair share in any scheme of distribution; and
 - (iii) that such a tax would trench upon potential taxable capacity which would otherwise be available for provincial taxation.
- (6) *Bihar.*—The Government do not think that the matter is one which should be taken up pending the establishment of a popular Government at the Centre.
- (7) *Central Provinces.*—The Government are of the opinion that the matter may be dropped for the present.
- (8) *North-West Frontier Province.*—The Government, though approving of death duties in principle, is opposed to legislation for their introduction in India because of the relative smallness of the yield, having regard to the serious practical difficulties involved and to the unpopularity which such a measure would arouse.

Mr. S. Satyamurti: With reference to the reasons which my Honourable friend gave for the non-publication of Sir Alan Lloyd's report, may I take it that the Government of India themselves have come to the conclusion on the merits of the case, apart from the opinions received from Provincial Governments, that they need not proceed even with the process of initiating a public discussion, so as to educate public opinion in this behalf?

The Honourable Sir James Grigg: I consider that the Government of India have done as much as they were called upon to do, by initiating a semi-official discussion with the Provincial Governments and, as the Honourable Member knows, Sir Alan Lloyd was put on special duty for this purpose for six months.

Mr. S. Satyamurti: May I know whether, when the report of Sir Alan Lloyd is sent to the Provincial Governments, it will be permissible for those Provincial Governments to convey that report to their Legislatures?

The Honourable Sir James Grigg: I should think not without the permission of the Government of India.

Mr. S. Satyamurti: May I know if the Government of India have considered the reasons that have been given by the various Provincial Governments expressing their opposition to a Central legislation in this matter, and whether they have come to the conclusion that those opinions of the Provincial Governments are so convincing that they must drop it forthwith?

The Honourable Sir James Grigg: The Honourable Member knows that legislation under this particular section 137 has to be undertaken by the Central Government, but the whole of the proceeds are to be handed over to the Provinces. Quite naturally, in the crowded state of business of this House, no Central Government is going to undertake legislation on behalf of the Provinces unless it is assured of a general measure of support in this House. Quite clearly there is no such assurance before them at present and therefore the Government of India are not going, merely for the sake of having an academic discussion, to waste the time of this House when it is quite certain what the result of the introduction of such a legislation will be.

Mr. S. Satyamurti: In view of this anomalous state of things, will the Government of India consider the amendment of the Act, leaving this matter entirely to Provincial Governments?

The Honourable Sir James Grigg: The last time when I suggested to the Provinces the amendment of the financial provisions of the Act, I was told that the Provincial Governments would have no part or lot in the amendment of the Act for this purpose.

Mr. K. Santhanam: With reference to the answer to part (b) of the question, may I know whether Sir Alan Lloyd's term on special duty has terminated?

The Honourable Sir James Grigg: He has not quite finished his report.

FINANCIAL IMPLICATIONS OF THE FEDERATION.

1404. *Mr. S. Satyamurti: Will the Honourable the Finance Member be pleased to state:

- (a) whether the attention of Government has been drawn to the speech of the Chancellor of the Chamber of Princes, wherein reference is made to the financial implication of the Federation;
- (b) whether any questions concerning federal finance in relation to the States are now under active consideration by the Government of India;
- (c) if so, what they are;
- (d) whether, in respect of these questions, in so far as they affect the other units of the Federation, *i.e.*, the Provincial Governments, they will be consulted before final decisions are taken;
- (e) if not, why not; and
- (f) whether Government intend to move His Majesty's Government for an amendment of the Government of India Act, 1935, in respect of its financial provisions, and, if so, in which direction?

The Honourable Sir James Grigg: The question should have been addressed to the Honourable the Leader of the House.

Mr. S. Satyamurti: May I ask for a little elucidation? May I know if the Honourable the Finance Member has anything to do with the problems of federal finance *vis-a-vis* the different units of the Federation, particularly the Indian States?

The Honourable Sir James Grigg: Yes, Sir, in various capacities, but I understand the practice in this House has been that on all questions connected with Federation, whether financial, political or of any other category, they are canalized into the capable hands of the Leader of the House.

Mr. S. Satyamurti: I should be glad of your ruling, Sir. I am asking questions especially about finance with which my Honourable friend is connected. I should like to know whether I am bound to ask a question of this kind, which deals only with finance and no other subject concerning the Federation, of the Honourable the Law Member.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that the question of finance is connected with the other question also. Undoubtedly it has an intimate bearing on the question of the Federation generally, but the practice of the House being that all questions relating to Federation have to be answered by the Leader of the House, the Chair does not think any inconvenience is caused to the Honourable Members. They have only to ask the question from the Leader of the House.

Mr. S. Satyamurti: Will the Honourable the Leader of the House answer this question?

The Honourable Sir Nripendra Sircar: On the usual day.

†1405 *.

PREPARATIONS FOR INDIA'S DEFENCE AGAINST EXTERNAL AGGRESSION.

1406. *Mr. S. Satyamurti: Will the Defence Secretary be pleased to state:

- (a) whether the Government of India have recently received any orders to prepare for any imminent war near the borders of India, or sea or land, from His Majesty's Government;
- (b) whether the Government of India are being consulted at all in respect of the preparation of this country to defend herself against external aggression; and
- (c) if so, what are the matters on which they are so consulted?

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

(b) Yes.

(c) None can at present be divulged.

Mr. S. Satyamurti: With reference to part (b) of the question, may I know whether my Honourable friend can share with this House the information as regards the country or countries against which we have to defend ourselves, that is, against their external aggression?

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

Mr. S. Satyamurti: May I know whether those countries are enemies of the British Government now, or whether they are supposed to be potential enemies?

Mr. C. M. G. Ogilvie: I cannot answer any question of that kind at all. The matter is entirely hypothetical inasmuch as it is concerned with the general state of preparation for war against any power against which we may find ourselves at war at any time.

Mr. S. Satyamurti: With reference to clause (b) of the question, may I know whether the Government of India have addressed His Majesty's Government and have expressed their own views as regards any possible external aggression against this country, or have they merely taken the conclusions of His Majesty's Government as binding upon them in this matter?

Mr. C. M. G. Ogilvie: I cannot understand the trend of the Honourable Member's question as to who should be consulted about what danger and whether we consult them or they consult us. The question is one simply of general preparations for war in which naturally consultations are mutual.

Mr. S. Satyamurti: I am asking whether India, as a Government and as a unit, has any voice in deciding the nature and the extent of an external aggression against which we will have to prepare ourselves, or are they merely to carry out the orders of His Majesty's Government?

Mr. C. M. G. Ogilvie: Neither India nor any unit of the Empire has the power to determine the nature or extent of an external aggression.

†This question was withdrawn by the questioner.

Mr. S. Satyamurti: Is that true of all self-governing Dominions? Has the Honourable Member seen the speeches of so many Premiers of the self-governing Dominions who have said that they do not accept this position.

Mr. C. M. G. Ogilvie: There are two parties to this question, and the enemy will probably have the deciding voice.

Maulana Zafar Ali Khan: May I know whether in order to meet the totalitarian danger, Government contemplates the possibility in case a war breaks out of introducing conscription?

Mr. C. M. G. Ogilvie: The matter has not arisen.

Mr. Lalchand Navalrai: Are any preparations being made at Karachi?

Mr. C. M. G. Ogilvie: I cannot disclose what particular preparations are being made.

APPOINTMENT OF REGISTRAR OF THE FEDERAL COURT AND HIS STAFF.

1407. *Mr. Kuladhar Chaliha: Will the Honourable the Home Member be pleased to state:

- whether the Registrar of the Federal Court and his staff are going to be appointed; if so, when;
- what the necessary qualifications for the Registrar will be, and whether the appointment will be made from the legal or judicial profession; and
- whether consideration will be given to Provincial representation in the appointment of the Registrar's staff of the Federal Court?

The Honourable Sir Reginald Maxwell: The question should have been addressed to the Honourable the Leader of the House.

DISBANDMENT OF THE MADRAS REGIMENT.

1408. *Mr. T. S. Avinashilingam Chettiar: Will the Defence Secretary state:

- whether the Madras Regiment has recently been disbanded;
- what were the reasons for the disbandment; and
- whether the Government of Madras had opposed the disbandment, and whether the matter was reconsidered in view of their opposition?

Mr. C. M. G. Ogilvie: (a) No. The 3rd Madras Regiment was disbanded between 1923 and 1928.

- A reduction in the number of units as a measure of economy.
- Yes.

Mr. T. S. Avinashilingam Chettiar: May I ask how many Madras regiments are there still in existence?

Mr. C. M. G. Ogilvie: The Honourable Member can again refer to the Army List.

WIDE FRANCHISE FOR THE CENTRAL LEGISLATURE.

1409. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Home Member please state:

- whether his attention has been drawn to the following passage of the speech of the Honourable the Home Secretary in the Council of State, reported at page 363 on the 20th February, 1939, suggesting that the Provincial Governments should be considered as more representative of public opinion even with regard to matters of legislation before the Central Legislature than the members thereof:
"Provincial Governments are now drawn from the Provincial Legislatures and they are men who have been elected on a much wider franchise than at present is the case with members of the Central Legislature"; and
- if so, whether Government intend to take steps to ensure in future for the Central Legislature as wide a franchise as that of the Provincial Legislature?

The Honourable Sir Reginald Maxwell: (a) I have seen a report of the Honourable Mr. Puckle's speech to which the Honourable Member refers and the passage in it which he quotes. I do not, however, draw from it any such inference as has been suggested by the Honourable Member.

- Does not arise.

TRANSFER OF THE HEADQUARTERS OF THE EASTERN COMMAND FROM NAINI TAL TO DEHRA DUN.

1410. *Mr. Badri Dutt Pande: (a) Will the Defence Secretary be pleased to state whether it is a fact that the headquarters of the Eastern Command are to be transferred from Naini Tal to Dehra Dun? If so, when and under what circumstances?

- What will be the cost of building new headquarters at Dehra Dun, and how will this be met?

(c) In case abandonment is decided and approved of by the Army Headquarters, what will happen to the many and spacious buildings that exist in Naini Tal and how will they be utilised?

(d) Will the General Officer Commanding-in-Chief of the Command also move to Dehra Dun and remain there throughout the year, and will the winter seat of the General Officer Commanding which is at Bareilly at present, be also abandoned?

(e) What are the reasons for this change and extra expenditure to the exchequer?

Mr. C. M. G. Ogilvie: (a) — (e). No decision to move the headquarters of the Eastern Command has been taken. The matter is merely being tentatively considered as a possibility.

Mr. Badri Dutt Pande: May I inquire when the decision on this question is likely to be arrived at?

Mr. C. M. G. Ogilvie: The matter is only a very tentative possibility and I cannot say when it will be either accepted or dismissed.

Mr. Badri Dutt Pande: What are the reasons for this proposed transfer during this financial stringency?

Mr. C. M. G. Ogilvie: There has been no transfer.

ISSUE OF SALT FROM SAMBHAR.

1411. *Mr. K. Santhanam (on behalf of Mr. Manu Subedar): (a) Will the Honourable the Finance Member please state what was the manner in which salt was issued from Sambhar under the agency system? When was the agency system modified or abolished? Why was this done?

(b) Is it true that salt is now sold departmentally?

(c) Is it true that it is sold on condition that if a certain number of wagons is purchased for local consumption one wagon is issued for Bengal?

(d) How many of these additional sales for Bengal have taken place during the months of November, December and January last, and how many took place under the old system during the same months of the previous four years?

(e) What is the total quantity of Sambhar salt issued during eleven months of this year and eleven months of the previous four years?

The Honourable Sir James Grigg: (a) The agency system adopted in 1935 for the sale of reshta salt and extended to pan salt in 1936 was that local agents were appointed in the consuming districts and they were given the monopoly of sale in the districts allotted to them on the condition that they would endeavour as far as possible to develop the trade in the particular kind of salt for which the agency was granted. This system was introduced as an experimental measure to try whether these salts could find a market. The grant of sole agencies, which carried big profits, to a few selected dealers exposed the Salt Department to charges of favouritism and the agency system was, therefore, abolished with effect from 1938-39 and the right to indent for reshta and pan salts was thrown open to all traders in ordinary Sambhar salt.

(b) and (c). A trader can now obtain one wagon of reshta or pan salt to every ten wagons of ordinary salt on the conditions that these salts are consigned only to railway stations in Bengal, Bihar and the Ballia District of the United Provinces.

(d) and (e). A statement is laid on the table.

Despatches of reshta and pan salts from Sambhar to Bengal.

	Maunds.
1934-35 (November to January)	78,204
1935-36 (November to January)	1,93,751
1936-37 (November to January)	1,49,596
1937-38 (November to January)	87,318
1938-39 (November to January)	

Total issues of Sambhar Salt.

	Maunds.
1934-35 (April to February)	61,81,680
1935-36 (April to February)	52,65,684
1936-37 (April to February)	58,65,216
1937-38 (April to February)	55,89,219
1938-39 (April to February)	63,02,794

CONDUCT OF A EUROPEAN MILITARY OFFICER AND HIS WIFE TOWARDS THAKUR KALYAN SINGH, AIDE-DE-CAMP TO HIS HIGHNESS THE MAHARAJA OF JODHPUR, WEARING A DHOTI, WHILE TRAVELLING IN THE FRONTIER MAIL.

1412. *Mr. Brojendra Narayan Chaudhury: Will the Defence Secretary please state:

(a) whether a European military officer and his wife objected to Thakur Kalyan Singh, Aide-de-camp to His Highness the Maharaja of Jodhpur, wearing a *dhoti* while travelling together in the Frontier Mail and reported him to the station officials at Lahore;

(b) whether, as a consequence of the complaint, the said Thakur Sahab was prosecuted for doing an indecent act under section 120 of the Railway Act;

(c) whether European military officers and soldiers are taught by circular or otherwise that they should respect the culture, civilisation and habits of the people of this country; if so, whether he will place a copy of the circular on behaviour with Indians on the table;

(d) the position of the military officer;

(e) the steps taken to admonish him for his own conduct; and

(f) whether since the event any special warning has been circulated to Europeans in the Army as to how to behave towards people wearing a *dhoti*?

Mr. C. M. G. Ogilvie: (a)—(f). I am collecting the information and will lay it on the table in due course.

Mr. S. Satyamurti: May I ask what is the reason for this delay? This incident happened some time ago and this question was given notice of ten days, and it raises some fundamental issues. Why could not the Honourable the Defence Secretary get the information in time and place it on the table of the House?

Mr. C. M. G. Ogilvie: The reason is that the matter came before the court and was the subject of a judgment and I am not prepared to answer this question until I have seen the judgment. I have sent for a copy but it has not yet been supplied to me.

Mr. S. Satyamurti: That is a different matter, Sir. If the matter is *sub judice*, nothing further can be said about it. What I am asking is why the actual facts could not be given, apart from the result of the judgment.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is thoroughly justified in sending for a copy of the judgment and to see what its findings are.

Mr. Brojendra Narayan Chaudhury: After all, the question relates to an incident and we want to know what the facts are?

Mr. C. M. G. Ogilvie: I imagine that the whole of that is dependent upon this alleged occurrence. At present I am not in a position to say whether it took place or not and whether any facts stated are correct or not.

Mr. Brojendra Narayan Chaudhury: May I ask whether the Honourable Member himself has known that there has been any circular issued on the subject?

Mr. President (The Honourable Sir Abdur Rahim): Honourable Member's personal information cannot be asked for.

STATEMENT CONTAINING THE MEMORANDUM OF "NEW EXPENDITURE".

1413. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Finance Member please state:

- (a) whether there is any report or statement containing the memorandum of "New Expenditure" for the coming year, department by department, available to Members of the House which they may utilise for the discussion of the Budget; and
- (b) if not, whether he is prepared to consider the advantage of printed statements as above circulated to Members just after presentation of the Budget, or oral statements from the Honourable Members in charge of Departments after the Honourable the Finance Member has presented the Budget?

The Honourable Sir James Grigg: (a) and (b). No separate statement is prepared but all new items of expenditure are shown in thick type in the Book of Demands which would appear to be sufficient for the object in view.

ANTI-AIRCRAFT STATION IN THE UPPER DISTRICTS OF ASSAM.

1413A. *Mr. Kuladhar Chaliha: Will the Defence Secretary please state:

- (a) the nearest anti-aircraft station from the upper districts of Assam;
- (b) whether the station is within reasonable distance of access from the factories of Assam and whether effective help can be rendered in case of emergency;
- (c) if not, whether Government propose to establish an anti-aircraft station in upper Assam or in the North Eastern Frontier for effective help;
- (d) whether the factories in the districts of Silsagar and Lakhimpur in Assam are within bombing distance from the Chinese Frontier; and
- (e) if so, what steps have been taken to protect the factories and the civil population?

Mr. C. M. G. Ogilvie: (a), (b) and (c). The nearest anti-aircraft station in peace is Peshawar. Government are unable to disclose their war plans in respect of anti-aircraft defence.

(d) This would entirely depend on the development of aerodromes and landing grounds on the Chinese frontier and the types of aircraft which might operate from them.

(e) I refer the Honourable Member to the reply given by the Honourable the Home Member to his starred question No. 1144 on March, the 18th and the supplementary questions arising therefrom.

Mr. Kuladhar Chaliha: May I ask what is the distance from Peshawar to Assam?

Mr. C. M. G. Ogilvie: The Honourable Member can look that up in the map.

Mr. Brojendra Narayan Chaudhury: What is the latest information regarding the development of aircraft in China?

Mr. C. M. G. Ogilvie: That, I am afraid, I cannot possibly give. I can only say about the landing grounds, but more than that I cannot tell.

Mr. Kuladhar Chaliha: Is there any air station at Rima on the Chinese frontier?

Mr. C. M. G. Ogilvie: The nearest Chinese aerodrome to Assam is at Yunnanfu.

TRANSFERRED QUESTIONS AND ANSWERS.†

APPOINTMENT OF INDIAN AGENTS IN BRITISH COLONIES.

1363. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state:

- (a) whether Government have come to a conclusion in their negotiation with His Majesty's Government with regard to the proposal of appointing Indian Agents in some of the British colonies; and
- (b) if so, to which colonies Agents will be appointed and when?

Sir Girja Shankar Bajpai: (a)—(b). There have been no developments since I replied to the Honourable Member's starred question No. 189 and the supplementaries arising therefrom, earlier in this Session.

CONSUMPTION OF SUGAR IN INDIA.

1364. *Mr. S. Satyamurti: Will the Honourable Member for Commerce please state:

- (a) whether Government have in their possession any reliable figures of the *per capita* consumption of sugar in India; if so, whether the consumption has been increasing or decreasing since 1932-33, and at what rate; and
- (b) what is the total carry over of stocks of sugar in the country at the beginning of each sugar-cane season for the last three years?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The Honourable Member's attention is invited to

- (i) the reply given by me to starred question No. 581 and

†The meeting of the Assembly that was to be held on the 29th March, 1939, having been cancelled, the answers to starred questions for that day were, in pursuance of convention, laid on the table of the House today.—E. of D.

- (ii) the statement laid on the table of the House by Sir Girja Shankar Bajpai in reply to part (b) of starred question No. 582 asked by Seth Haji Sir Abdoola Haroon on the 21st February, 1939.

NOTICE TO BURMA FOR THE TERMINATION OF THE INDO-BURMA TRADE ORDER.

1365. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- (a) whether Government have concluded their consideration of the question of giving notice to Burma of the termination of the Indo-Burma trade order before 1st April, 1939; and
- (b) if so, whether they have decided to give notice; if so, when; if not, when they hope to come to a conclusion on this matter so that the trade relations between the two countries may be placed on a basis of mutual advantage and the interests of the Indian nationals in Burma may also be protected?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I would refer the Honourable Member to the questions and answers arising from the statement made by me in this House on the 21st instant after replying to his question No. 1203.

GRIEVANCES OF BINDERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

1366. *Dr. P. N. Banerjee: Will the Honourable Member for Labour be pleased to state:

- (a) whether it is a fact that after the piece-system was introduced in the Government of India Presses in 1875 all profitable and non-profitable work was done by the binders in the employment of those Presses;
- (b) whether it is a fact that up to the year 1924 all the profitable work, such as, the preparing of maps, diagrams and plans, was paid according to the hour rates, in consequence of which the binders were profited much;
- (c) whether it is a fact that since 1924 the binders of those Presses have been losers in the preparing of maps, plans, and diagrams under the piece system;
- (d) whether it is a fact that in reply to question No. 8, asked by the Honourable Mr. G. S. Khaparde on the 18th August, 1926 in the Council of State, the Honourable Mr. A. H. Ley replied that a certain portion of the printing work required by the Government of India was given out on contract, because the Government Presses had not sufficient staff, accommodation or machinery to undertake all the Government printing work;
- (e) whether it is a fact that the authorities of the Government of India Press, Calcutta, are at present having the unprofitable work, which was done before by contractors with the help of machinery, done by binders by hand, as a result of which binders' earnings are decreasing day by day;

- (f) whether it is a fact that profitable work, such as, the preparing of standard file boards, file cover cases, etc., which was done before by the binders of the Government of India Press, Calcutta, are now being given out on contract and consequently the binders are having less income;
- (g) if the reply to parts (a) to (f) be in the affirmative, whether any steps have been taken in this matter; if not, why not; and
- (h) the number of binders in the service of the Government of India Press, Calcutta, and also the earning of each of them in the month of January 1938 and January 1939?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. There is no such classification of work in the Presses as profitable or unprofitable.

(b) Piece rates were introduced, with effect from the 5th June, 1925, for certain bindery operations in respect of charts, maps, tables, etc., previously paid for by the hour. These rates were introduced as the hour rates were excessive for the work involved.

(c) The piece rates are considered adequate for the work performed.

(d) Yes.

(e) Government are not aware of any such instances. If the Honourable Member can refer me to any specific cases, I shall look into them.

(f) A contract for such items of work, which will take effect from the 1st April, 1939, has been arranged. There has been a reduction in the earnings of some of the binders but it cannot be said at this stage that this is due to the withdrawal of the work in question.

(g) Government do not propose to interfere in the matter as they are assured that the arrangement is not unfair to the binders and will at the same time result in a substantial saving to Government.

(h) A statement is laid on the table.

Statement showing the binders in service in the Government of India Press, Calcutta, in January, 1938, and January, 1939, and their earnings.

Serial No.	Name.	Earnings.	
		January 1938.	January 1939.
		Rs. A.	Rs. A.
1	Totakhan	85 10	114 2
2	Mohiuddin Ahmed	101 10	119 6
3	Saiduddin	101 5	100 10
4	Mosser Khan	107 12	99 0
5	Amiet Khan	133 5	134 6
6	Abdul Hassein, 2nd	103 9	104 3
7	Saifuddin	84 15	77 6
8	Abdul Sahed	144 15	109 11
9	Amjed Meah	120 3	107 3
10	Golam Sarwar	112 9	87 13
11	Golam Mowla, 3rd	83 10	96 4
12	Abdul Khaleq, 2nd	116 7	97 6
13	Azaharuddin	111 0	93 2
14	Hummat Khan	125 13	106 7
15	Abdul Monaf, 2nd	112 4	104 3

Serial No.	Name.	Earnings.	
		January 1938.	January 1939.
		Rs. A.	Rs. A.
16	Golam Goffur Khan	119 1	102 6
17	Ali Ahmad	113 3	92 5
18	Inseruddin	125 7	95 7
19	Adalat Khan, 1st	67 3	94 3
20	Fazla Haq, 2nd	117 10	99 0
21	Azahar	119 1	92 4
22	Aliar Khan	125 7	115 3
23	Abdul Rashid Kazi	54 11	111 12
24	Haroon Rashid	122 8	109 6
25	Ismail Khan	137 3	143 3
26	Torfun Ali	67 3	99 4
27	Ramjan Khan	148 6	110 0
28	Arfauddin	104 13	91 5
29	Gagon Kazi	114 3	100 14
30	Zendad Bux	117 14	99 3
31	Narendra Sircar	127 7	45 0
32	Shaik Rastamali	115 4	95 8
33	Wazuddin, I	117 11	91 4
34	Barhan	100 9	76 12
35	Maulali	119 3	72 10
36	Esrafil Khan	101 4	79 13
37	Abdul Rezak, II	102 12	93 11
38	Abdul Rehim, II	69 12	61 12
39	Noor Bux	119 5	100 13
40	Esag Bhuia, 2nd	62 0	101 7
41	Tofeluddin	101 6	84 7
42	Abdul Motaleb Chowdhury	87 13	92 11
43	Sameeruddin	116 1	104 12
44	Keim	139 4	134 12
45	Abdul Rohim, I	138 13	138 2
46	Abdul Rezak, I	122 4	101 7
47	Mir Yasuf Ali	89 13	100 13
48	Abdur Rahman Khan	115 9	91 1
49	Raisuddin	62 0	73 10
50	Mojibar Rahman, I	115 0	97 10
51	Mohiuddin, III	75 9	89 12
52	Titoo Khan	122 10	93 14
53	Amjed Ali	110 15	97 9
54	Safiuddin	105 1	95 13
55	Abdul Monaf Khan	98 14	79 8
56	Moniruddin Gazi	85 10	86 6
57	Tobarak Ali	129 1	154 0
58	Mir Esanally	120 2	94 5
59	Abdul Rahman	127 6	62 0
60	Abdul Ali, 3rd	66 3	119 3
61	Faizdar Khan	88 9	32 0
62	Abdul Mobarak Khan	84 14	89 2
63	Montazuddin, 2nd	98 9	56 15
64	Sona Mea, 1st	97 3	86 10
65	Ehear Rahman	66 15	93 11
66	Abdul Wahid	103 5	101 9
67	Wazuddin, 2nd	118 0	96 12
68	Protap Khan	140 12	151 9
69	Sona Mea, 2nd	114 4	95 9
70	Fazla Karim Kazi	115 14	96 12
71	Kobir Mea	107 8	62 0
72	Moslem Khan, 2nd	115 9	103 5
73	Mir Sajed Ali	98 4	100 11
74	Borhanuddin	115 0	93 2
75	Kobbad Khan	62 0	98 14
76	Ab. Rohoman, II	104 13	99 1
77	Pabanuddin Kazi	71 8	107 12

Serial No.	Name.	Earnings.	
		January 1938.	January 1939.
		Rs. A.	Rs. A.
78	Borhan Kazi	120 13	101 4
79	Bechu Mea	118 11	82 13
80	Md. Kaloo, II	73 9	83 0
81	Sk. Methu	117 15	104 9
82	Sulaiman	98 8	86 8
83	Abdul Mazid Khan, I	62 13	91 12
84	Khandaker Ab. Monaf	97 1	96 2
85	Choono Kazi	112 5	84 8
86	Ibrahim Khan	124 7	93 2
87	Golam Mowla, IV	62 0	88 3
88	Shaik Jamir	53 12	50 6
89	Abdul Monaf	110 15	76 9
90	Azizar Rahman, II	99 13	102 10
91	Manoo Khan	59 6	97 7
92	Sorhabuddin	109 0	75 14
93	Abdul Rashid 2nd	95 1	87 8
94	Motzel Hossain	85 1	76 14
95	Sk. Rajab	76 4	70 5
96	Monal Haque	105 9	95 2
97	Subdar Ali	84 4	60 15
98	Abdul Shukur Khan	47 4	89 4
99	Abdul Sattar Khan	106 14	93 12
100	Nasiruddin Khan	110 5	84 13
101	Abdul Halim Khan	66 2	57 11
102	Mir Alauddin	90 11	88 1
103	Ansaruddin	100 0	93 4
104	Subdar Khan	111 4	77 13
105	Jalaluddin Ahmad	99 4	80 14
106	Mir Amjad Ali	60 11	102 15
107	Mir Abdul Karim	108 8	80 1
108	Afezchuddin	117 4	77 10
109	Mohiar Khan	96 3	79 6
110	Abdul Karim	123 5	105 1
111	Abdul Sattar Gazi	83 11	76 15
112	Muktajul Khan	112 0	80 11
113	Sujat	84 0	68 7
114	Samsuddin	73 15	81 7
115	Ab. Khaliq	62 13	82 4
116	Adalat Khan, II	108 10	63 7
117	Hari Charan Mandal	43 12	65 3
118	Motihar Rahman Khan	100 15	81 15
119	Gagon Lasker	101 15	87 10
120	Golam Nobil	84 11	103 14
121	Aolad Hossein	70 14	70 10
122	Ab. Motaleb	72 14	62 0
123	Abdul Majid Khan Khan, II	27 2	43 0
124	Sudhir Ch. Naug	71 9	36 8
125	Ful Khan	86 8	79 9
126	Sivapada Dey	68 0	101 1
127	Mofizar Rahman Khan	96 0	70 12
128	Mahendra Nath Sircar	90 2	66 3
129	Subodh Chandra Roy	21 7	74 12
130	Tara Nath Mitra	29 6	32 2
131	Promode Kumar Sircar	17 3	30 5
132	Mohiruddin	88 10	68 0
133	Golam Rouff	95 9	57 4
134	Golam Goffar Choudhry	86 5	56 5
135	Arhamuddin Khan	56 15	47 10
136	Shahazuddin Ahmad	45 10	38 8
137	P. R. Silas Sham	105 6	67 3
138	Md. Yasin	50 3	83 9
139	Surendra Nath Pipali	30 1	47 6
140	Sunil Kumar Bose	47 15	40 8

GRIEVANCES OF BINDERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

1367. *Dr. P. N. Banerjea: (a) Will the Honourable the Labour Member please state whether it is a fact that the binders of the Government of India Press, Calcutta, sent a petition to the Controller of Printing and Stationery on the 18th January, 1939?

(b) If so, has any action been taken in this matter? If not, why not?

(c) Is it a practice that a contractor, who has been given contract for some Government work, cannot have the work done by a sub-contractor?

(d) Is it a fact that if a contractor acts against the practice, his contract is at once cancelled?

(e) Is it a fact that the contractors, who were given a contract by the authority of the Government of India Press, Calcutta, for preparing standard files, boards bands, case covers and slip blocks had the work done by sub-contractors?

(f) If so, has any action been taken by Government in this matter? If not, why not?

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

(c) and (d). The contracts usually prohibit sub-letting without the prior consent of the Controller of Printing and Stationery. No instance of sub-letting, other than that referred to in part (e) of the question, has come to notice so far.

(f) The Controller of Printing and Stationery is looking into the matter.

GRIEVANCES OF BINDERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

1368. *Dr. P. N. Banerjea: (a) Will the Honourable the Labour Member please state whether it is a fact that the authorities of the Government of India Press, Calcutta, are decreasing the number of binders and increasing the number of supervising staff, clerks and report writers?

(b) If so, what is the reason for it?

(c) Will Government be pleased to state the number of binders and other classes of officials (in the binding department) of the Government of India Press, Calcutta, in 1921 and also in 1939?

(d) Is it a fact that Government become a loser due to the fact that much material is given by Government to contractors (for binding works) without any calculation?

(e) If so, has any step been taken, or is intended to be taken, in this matter? If not, why not?

(f) Will Government state the amount of material supplied by the authorities of the Government of India Press, Calcutta, to contractors for the preparation of standard files, boards bands, case covers and slip blocks?

(g) What is the amount of work for which the material was given, and according to what calculations was it given?

(h) Was there any excess of material after the finishing of the said work?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Two appointments of binders have been kept temporarily vacant as an economy measure. Six additional appointments, chiefly clerical, were created in 1937 to cope with the extra work due to the coming into force of the Payment of Wages Act, 1936.

(c) 440 on the 1st March, 1921, and 172 on the 1st March, 1939.

(d) No.

(e) Does not arise.

(f) and (g). The material has been supplied by the Central Stationery Office, and not by the Government of India Press, Calcutta. Two statements showing the particulars required are placed on the table.

(h) No. The exact quantity of the material required after allowing for wastage has been calculated and supplied.

Statement I.

Statement of supplies of materials made to the Contractors for the manufacture of File Boards, File Covers Blank, File Bands with tape, Slip Pads and Cloth-lined File Bands without tape in the quantities specified.

Description of form and quantity.	Materials to be used.	Quantity supplied.
File Boards 2,00,000.	{ Straw Boards 14" x 9" 8dxx	1,37,800 pieces.
	{ 40 lbs. Brown Wrapping Double Foolscap	205 reams.
	{ 30 lbs. Brown Wrapping Super Royal	134
	{ 24 lbs. Brown Wrapping, Double Foolscap	100 reams, 250 sheets.
	{ Cloth Grey Domestic, 30" wide	19,774 yds. 11-ins.
File Cover Blank 2,00,000	{ Tape, White, 5/8" wide	2,51,250 yds..
	{ 100 lbs. Kraft Super Royal	201 reams.
	{ Long cloth 36" wide	4,497 yds., 25-ins.
File Bands with tape 2,00,000.	{ 24 lbs. Brown Wrapping, Double Foolscap	201 Reams.
	{ 97 lbs. Manilla Double Super Royal	9 reams, 403 sheets.
	{ Tape red Broad 1/2"	28,715 skeins.
	{ Cloth Grey Jaconet 30" wide	17,774 yds., 11-ins.
Slip Pads 70,000.	{ 16 lbs. Semi-bleached Double foolscap	1,172 reams, 250 sheets.
	{ 72 lbs. Brown Wrapping Double foolscap	11 reams, 363 sheets.
	{ Long Cloth, 36" wide	366 yds., 15 Ins.
Cloth-lined File Bands without tape 10,000.	{ 30 lbs. Brown Wrapping Super Royal	1 ream, 218 sheets.
	{ Cloth Grey Jaconet 30" wide	409 yds. 16 Ins.

* Out of the demand for 2,00,000 Straw Boards, only 1,37,800 pieces, as available have been supplied, leaving a balance of 62,200 pieces to be supplied later.

Statement II.

Statement showing the calculations according to which material was supplied to the Contractors for preparing file boards, file bands, etc.

File Boards with flap and tape.

Nature of work . . . File Boards to be made of straw board 14" x 9" pasted over front with Brown Paper, making flap 4" x 24" of Brown Paper centre lined with pasted Grey Domestic Cloth, glueing flaps to back of board, fixing tape 45" long through 2 slits 5" apart in centre of board, leaving ends of equal length, pasting back of board with Brown paper sheet 13" x 9" and covering tape at front of board with pasted slips of Brown paper.

Materials required showing scale per single copy . . .

One Straw Board, 14" x 9", 8dxx.
 $\frac{1}{2}$ sheet of 40 lbs. Brown Wrapping Double Foolscap.
 $\frac{1}{3}$ sheet of 30 lbs. Brown Wrapping Super Royal including paper for the strip pasted over tape at front.
 $\frac{1}{4}$ sheet of 24 lbs. Brown Wrapping Double Foolscap for pasting of the outer sheet.
 $4\frac{1}{2}$ " x 25" of Grey Domestic Cloth.
 45" long of White Unbleached Tape 5/8" wide.

Packing of supplies under the contract . . .

The manufactured file boards with tapes shall be supplied in bundles containing 25 boards in each.

File band with tape.

Nature of work . . .

File Bands with tape to be made by pasting Cloth Grey Jaconet between two sheets of Brown Wrapping Paper, fixing red tape of 36" length through 2 slits $6\frac{1}{4}$ " apart across centre covering tape at front with pasted strip of manilla paper. The size of the band should be 24" long but when folded should be 9" long.

Materials required showing scale per single copy . . .

$\frac{1}{2}$ sheet of 24 lbs. Brown Wrapping Double Foolscap.
 $4\frac{1}{2}$ " x 25" of Cloth, Grey Jaconet.
 $\frac{1}{41}$ sheet of 97 lbs. Manilla Double Super Royal Red Tape 36" long.

Packing of supplies under the contract . . .

The manufactured file bands with tapes shall be supplied in bundles containing 100 file bands in each.

Cloth-lined file bands without tap —

Nature of work . . .

File Bands to be made of Brown Wrapping Paper with cloth, Grey Jaconet mounted inside. The size should be exactly 10" x 2" when folded and joined by pasting ends.

Materials required showing scale per single copy . . .

$\frac{1}{14}$ sheet of 30 lbs. Brown Wrapping Super Royal
 22" x 2" of cloth, Grey Jaconet.

Packing of supplies under the contract . . .

50 copies of manufactured cloth-lined file bands shall be banded with paper and 500 such banded cloth-lined file bands shall be bundled in a packet.

File Cover, Blank.

Nature of work . . .

Blank file cover to be made with Kraft Paper and a strip of long cloth (full length) i.e., $14\frac{1}{2}$ " x 2" to be pasted along inside fold. The size of the cover folded should be $14\frac{1}{2}$ " x $9\frac{1}{4}$ ".

Material required showing scale per single copy . . .

$\frac{1}{2}$ sheet of Kraft Paper, Super Royal, 100 lbs.
 $14\frac{1}{2}$ " x 2" of Long Cloth.

Packing of supplies under the contract . . .

50 copies of manufactured file covers, shall be banded with paper and 200 such banded file covers shall be bundled in a packet.

Statement II—contd.

Statement showing the calculations according to which material was supplied to the contractors for preparing file boards, file bands, etc.—contd.

Slip Pads.

Nature of work . . .

Foolscap 6mo. Pad to be made with 100 blank sheets wire-stitched at the top, cloth back and perforated and Brown Wrapping Paper at the back.

Materials required showing scale per single copy . . .

8 $\frac{1}{3}$ sheets of 16 lbs. Unbleached Double Foolscap paper.
 $\frac{1}{12}$ sheet of 72 lbs. Brown Wrapping Double Foolscap.
 $1\frac{1}{2}$ " x $4\frac{1}{2}$ " of long cloth 36".

Packing of supplies under the contract . . .

The manufactured slip pads shall be supplied in bundles containing 50 pads in each.

N.B.—All materials shall be issued by the Central Stationery Office on the scale shown in full sheets or standard lengths of material to be cut as required by the contractors.
 Spoilage to be allowed $\frac{1}{2}$ P.C.

PAY OF MONO-CASTERS IN CERTAIN GOVERNMENT OF INDIA PRESSES.

1369. *Mr. Suryya Kumar Som: (a) Will the Honourable the Labour Member please state whether it is a fact that all the salary hands of the Government of India Presses in Delhi and Calcutta have the same scale of pay?

(b) If so, will the Honourable Member be pleased to state why a differentiation in the scale of pay is made in the case of mono-casters in the employment of the said Presses?

(c) Will he be pleased to lay on the table a chart giving a detailed description of the scale of the above mentioned mono-casters and also the nature of their work, both in the Calcutta and Delhi Presses?

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

(b) Does not arise.

(c) A statement is laid on the table.

	Scales of pay of Mono-Caster Attendants.	
	Old rate.	New rate.
	Rs.	Rs.
Government of India Press, Calcutta . . .	30—1—35.	30—1—35.
Government of India Press, New Delhi . . .	30—1—35.	28—1—33.

Two Mono Caster Attendants in the New Delhi Press are on a scale of pay of Rs. 50—2—70 which is personal to them.

Duties of Mono Caster Attendants.

Mono Caster Attendants in the main press at Calcutta and in the press in New Delhi either cast type from spools perforated by Mono Keyboard Operators or separate "sorts" direct from matrices. Mono Caster Attendants are also responsible for the general maintenance of their machines, e.g., cleaning oiling, the casting of good, clear type, etc.

EXTENSIONS GIVEN IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

1370. *Mr. Suryya Kumar Som: (a) Will the Honourable the Labour Member please state why the salary hands are given extension after the period of their service is over, and why differentiation is made in the case of the piece hands of the Government of India Press in Calcutta?

(b) Will Government be pleased to lay on the table a list of cases of extension given both to the salary hands and the piece hands of the Government of India Press in Calcutta, in 1938?

The Honourable Sir Muhammad Zafrullah Khan: (a) Under the Fundamental Rules extensions of service beyond the prescribed age of retirement may be given in special cases, if found necessary on public grounds. No differentiation is made between pieceworkers and salaried hands in this matter.

(b) A list is laid on the table.

List.			
Name.	Designation.	Date of attaining the age of 55 years.	Date up to which retention was allowed.
<i>Clerical Staff.</i>			
Salaried Employees.	Mr. N. K. Roy Choudhury	General Store Keeper	30-8-1938
	Mr. M. N. Ghose	Assistant	19-2-1938
	Mr. S. K. Bhattacharjee	Assistant Case Foreman.	1-7-1938
<i>Industrial Staff</i>			
Piece-workers	..	..	..

PRESERVATION OF THE TAJ MAHAL AT AGRA.

1371. *Dr. Sir Ziauddin Ahmad: (a) Will the Education Secretary please state whether Government are aware that an announcement was made in the *Hindustan Times*, dated the 7th and the 11th November, 1937, that (i) small cracks appeared in the Taj Mahal, Agra, (ii) that the roof of the Taj Mahal was decaying on account of dampness, and (iii) that Rs. 50,000 was expected to cost the Archaeological Department for the necessary repairs?

(b) What action have Government taken to preserve the Taj Mahal in the light of the defects pointed out in the article?

(c) Is it a fact that an extraordinary special grant of rupees one lakh was sanctioned by Government for conserving monuments with special reference to the Taj Mahal in the Archaeological budgets for 1936-37 and 1937-38? If not, what was the grant sanctioned?

(d) What is the actual amount spent on extraordinary special repairs to the Taj, besides the normal amount usually spent, and do Government consider these amounts of expenditure and allotment as adequate in view of the importance of the Taj and of the amounts sanctioned in the Budget with special reference to the Taj?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The statement which appeared in the Press was misleading. There is no reason to believe that the roof of the Taj Mahal is decaying. A number of marble slabs require resetting and slabs which have cracked are to be replaced. The work will be taken up as soon as possible.

(c) No. The special grants of rupees two lakhs and one lakh sanctioned in 1936-37 and 1937-38 for conservation were not made with special reference to the Taj Mahal but to a number of monuments of which the Gol Gumbaz at Bijapur was most in need of immediate attention and actually absorbed Rs. 76,000.

(d) The amounts spent on the special repairs to the Taj Mahal during the years 1936-37 and 1937-38 were Rs. 10,285 and Rs. 10,487 respectively. The amounts were sufficient for the work requiring immediate execution. Honourable Member may rest assured that Government recognise the importance of the Taj as a national monument which should receive careful attention.

REPAIRS TO SERVICE ROADS NEAR GOVERNMENT QUARTERS IN NEW DELHI.

1372. *Mr. Sham Lal: (a) Will the Honourable the Labour Member please state whether Government are aware that the service roads running near the Government quarters in New Delhi are not properly metalled and their surface is altogether cut up during the rains every year?

(b) Will Government please state whether such roads are repaired and levelled up every year, and if so, how long after the rainy season?

(c) Is this levelling up done by spreading red *bajri* or *mooram* on the roads? If so, what quantity of *bajri* is required to level up, say, one hundred square feet of these service roads?

(d) Are Government aware that the service roads running about the Market Road orthodox quarters were not levelled up till about the middle of February last?

(e) Are Government aware that the quantity of *bajri* used for levelling up these roads is very small and has not been at all effective and the surface of the roads is still nearly as bad as it was before the laying on of the *bajri*? If not, are Government prepared to institute a public enquiry to examine these and other service roads and report on their condition?

(f) Are Government prepared to institute a public enquiry into the working of the Department as a whole?

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

(b) Not necessarily. Repairs are carried out whenever necessary.

(c) Levelling is not done by spreading red *bajri* or *mooram* but with stone metal. The latter part of the question does not arise.

(d) Yes; it was only then found necessary to repair the roads.

(e) No. Red *bajri* is only used for surfacing and the roads are of water bound stone *macadam*. They are quite serviceable for the light traffic for which they are meant. The latter part of the question does not arise.

(f) I am not clear as to what Department the Honourable Member is referring. I might explain that these roads are under the control of the New Delhi Municipal Committee although the work connected with these roads including repairs is carried out through the agency of the Central Public Works Department.

APPOINTMENT OF A BAZAR CHOWDHRI IN NEW DELHI.

1373. *Mr. Sham Lal: With reference to the reply given to my starred question No. 1304 on the 11th April, 1938, regarding the appointment of a Bazar Chowdhri at New Delhi, will the Education Secretary please state whether my suggestion on this point was brought to the notice of the Municipal Committee, New Delhi, and if so, what action was taken by the Committee in the matter? If no action was taken, why not?

Sir Girja Shankar Bajpai: Yes. The New Delhi Municipal Committee has permitted the appointment of a Bazar Chowdhri, and one has been nominated by the Merchants' Association.

ADULTERATION OF GHEE AND GRIEVANCES OF SHOPKEEPERS IN NEW DELHI.

1374. *Mr. Sham Lal: (a) Will the Education Secretary please state whether Government are aware that the general provision merchants in New Delhi are being harassed by the Municipal Committee, New Delhi, by frequent prosecutions for adulteration of food, particularly *ghee*?

(b) Will Government please state whether there have been any cases where the analysis of *ghee* samples taken by the Municipal employees has been favourable to the shop-keepers?

(c) Will Government please state whether there have been any cases where, after receipt of unfavourable reports about their *ghee*, the shop-keepers were prosecuted, and they requested for analysis of the samples by a laboratory other than the Municipal Committee laboratory? If so, what was the result of the analysis by the other laboratories? Did they tally with the New Delhi Municipal Committee analysis? If not, was any compensation paid to the shop-keepers concerned for the loss incurred by them in having the samples analysed by another laboratory at their cost and for prosecution on a false charge? If not, why not?

(d) Have Government considered the question of amending the relevant municipal rules with a view to safeguarding the interests of shop-keepers by paying compensation to them in case the prosecution charge fails?

(e) Are Government prepared to institute a public inquiry into the grievances of the shop-keepers of New Delhi? If not, why not?

Sir Girja Shankar Bajpai: (a)---(e). The information asked for by the Honourable Member has been called for and will be laid on the table of the House as soon as possible.

AUCTION AND ALLOTMENT OF SHOPS IN NEW DELHI.

1375. *Mr. Sham Lal: (a) With reference to his reply to my starred question No. 1303 on the 11th April, 1938, to the effect that Municipal Committee shops in New Delhi are auctioned and allotted to the highest bidder, will the Education Secretary please state whether he is aware that the said shops were auctioned and allotted to the highest bidders last year, but after a very short time were auctioned again, and again allotted to the highest bidders?

(b) Will the Education Secretary please state what was the object of the second auction of the shops?

(c) Were any leases executed by the allottees before or after the second auction?

(d) Is it a fact that later on the Municipal Committee fixed the rates of rents of the shops and that these fixed rates were much higher than the rates agreed upon as a result of the auctions?

(e) Is it a fact that the allottees who had already executed their leases were made to execute fresh leases at the revised higher rates of rents under threat of ejection? If so, why?

(f) What was the basis on which the rents of the shops were fixed by the Municipal Committee?

(g) Has the Education Secretary figures showing how the rents charged for Municipal shops and their area compare with the rents and area of the private owned shops near Gol Market, or in Connaught Place? If so, will he please place the statement showing the figures on the table of the House?

(h) Are Government prepared to appoint a committee with a few representatives of the shop-keepers to examine the question of the rents of the Municipal shops with a view to reducing them where necessary?

Sir Girja Shankar Bajpai: (a) and (b). In accordance with the usual practice the shops were auctioned for the year ending September 30, 1939, but as the Municipal Committee did not consider the bids reasonable, they were not accepted. A second auction was, therefore, necessary. This auction also resulted in low bids owing to combination amongst the shop-keepers. The Committee, therefore, proceeded to fix rents.

(c) No.

(d) The reply to the first part is in the affirmative. As regards the second part, no rent was agreed upon as a result of the auctions; the rates fixed by the Committee were higher than the highest bids offered, which were very low.

(e) No. No leases have been executed.

(f) The rents for 1938-39 were fixed on the basis of rents received in 1937-38; actually the total amount was Rs. 3,000 less than the amount of the previous year.

(g) The answer to the first part is in the negative. The second part does not arise.

(h) Government do not consider the appointment of a committee necessary.

ALLOTMENT OF QUARTERS TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1376. *Mr. Abdul Qaiyum: (a) Will the Honourable the Labour Member be pleased to state whether he is aware of the fact that great discontentment is prevailing amongst the employees of the Government of India Press, New Delhi, on account of the allotment of quarters made recently by the Estate Officer, Central Public Works Department, New Delhi?

(b) Is it a fact that according to Rule 6 of the Rules for allotment of quarters to the employees of the Government of India Press, New Delhi, seniority for the purpose of allotment of quarters is to be taken on the

basis of emoluments drawn by an individual on a certain fixed date and, where the pay of a number of employees is the same, their length of service and the period for which those emoluments were drawn are taken into account for fixing seniority?

(c) If the reply to part (b) above be in the affirmative, will Government please state why certain men who are drawing higher salaries and are living in Government quarters for the past many years have not now been allotted the proper types of quarters to which they are entitled, while those who are drawing less pay and had no previous lien have been given preference and are allotted better type of quarters?

(d) Will Government state the number of employees of the Government of India Press, New Delhi, living in 'F' and Duftry type quarters and are actually entitled to 'E' type quarters and also the number of those men who have been allotted 'E' type quarters, although they are in receipt of less pay than those mentioned above?

(e) Is it a fact that the recent allotment of Press quarters made by the Estate Officer is provisional and a final allotment of Press quarters will be made when the Rules for the allotment of Press quarters, which are still under the consideration of the Government of India (Labour Department) are finally approved? If so, will Government please state the reasons for such allotment?

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

(b) Yes.

(c) I am not aware of any such cases.

(d) Three employees entitled to E class quarters are occupying F and duftry type quarters. They were first year applicants. Ten employees, also entitled to E class quarters but getting smaller salaries than the three men mentioned, were allotted E class quarters in preference to the three men because they were second year applicants and were entitled to preference under the rules.

(e) Yes; the recent allotments were made provisionally as the rules had not yet been finally approved but the provisions of the new rules were followed by the Estate Officer with the approval of the Government of India.

SUB-LETTING OF QUARTERS BY THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1377. *Mr. Abdul Qaiyum: (a) Will the Honourable the Labour Member be pleased to state whether Government are aware of the fact that a number of employees of the Government of India Press, New Delhi, who have been allotted Government quarters have sublet their quarters to outsiders on higher rents without the approval of the Estate Officer?

(b) Is it a fact that an enquiry to this effect was made by the Public Works Department officials about two weeks ago? If so, will Government please state the result of this enquiry and also state what steps they propose to take in the matter?

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

(b) An enquiry was made by the Public Works Department authorities in February last but no cases of sub-letting were discovered. The latter part of the question does not arise.

†1378*—1379*.

RESTORATION OF DARGAH MAKHDUM SHAH NEAR SHAHPUR IN DELHI TO ITS OWNERS.

1380. *Haji Chaudhury Muhammad Ismail Khan: (a) Will the Secretary for Education, Health and Lands please state whether Government have received any representation for the restoration of Dargah Makhdum Shah near Shahpur, Qutab Road, Delhi, to its owners, during the last three years?

(b) What was the action taken by Government?

(c) Do Government propose to consider the advisability of restoring the said Dargah to its real owners?

(d) If the answer to part (c) above be in the negative, what are the reasons therefor?

Sir Girja Shankar Bajpai: (a) No.

(b) Does not arise.

(c) and (d) The monument is the property of Government and as it is a protected monument, it is not proposed to hand it over to any person.

REPAIRS TO DARGAH MAKHDUM SHAH NEAR SHAHPUR IN DELHI.

1381. *Haji Chaudhury Muhammad Ismail Khan: (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that Dargah Makhdum Shah is in a very bad condition on account of no repairs being carried out?

(b) When were the last repairs done, if any?

(c) Do Government propose to carry out the necessary repairs at an early date, and, if not, why not?

Sir Girja Shankar Bajpai: (a) to (c). No regular repairs have been executed but the site is kept clean and tidy. It has been decided that special repairs should be carried out when funds are available.

†1382*.

ARCHAEOLOGICAL EXCAVATIONS CARRIED ON BY DR. C. L. FABRI IN THE PUNJAB.

1383. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands please state:

(a) whether Dr. C. L. Fabri is carrying on excavations in the Punjab Province;

(b) whether he has been carrying on this work on behalf of the Archaeological Department of the Government of India; if so, since when he has been in the service of that Department;

(c) what his salary and allowances are;

†These questions were withdrawn by the questioner.

‡This question was postponed to be answered on the 6th April, 1939.

- (d) if the reply to part (c) be in the negative, whether he has been carrying on this work on his own behalf or on behalf of any private body; and
- (e) if so, what arrangement has been made by the Government of India with regard to the finds he may come by in the course of his excavations?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The answer to the first part is in the negative; the second part does not arise.

(c) Does not arise.

(d) Dr. Fabri has been conducting excavations on behalf of the Punjab Exploration Fund.

(e) The antiquities found will be distributed in accordance with the rules issued by the Central Government under section 20B of the Ancient Monuments Preservation Act, 1904.

FILLING UP OF THE POST OF JOINT DIRECTOR AND IMPERIAL AGRICULTURIST OF THE INDIAN AGRICULTURAL SERVICE.

1384. *Mr. C. N. Muthuranga Mudaliar: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether the period of office of Mr. Michael Wynne Sayer, Joint Director and Imperial Agriculturist of the Indian Agricultural Service, is coming to an end in the course of the official year;
- (b) whether it is proposed to give him an extension of service; if so, for how many years;
- (c) whether a suitable Indian is not available to be appointed in his place and his service terminated in the usual course; and
- (d) if not, whether Government are prepared to advertise for the post in India?

Sir Girja Shankar Bajpai: (a) No.

(b) No such proposal is under consideration.

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

SAFEGUARDING OF THE INTERESTS OF INDIAN SHIPPING.

1385. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state whether Government have noticed the 38th Report of the Imperial Shipping Committee and the complaint therein that the common interests of British and Indian shipping in the matter of the coasting trade need greater safeguard against the competition from Japan?

(b) Have Government received any representation on the subject of the need for increasing the percentage of Indian-owned shipping in the coasting trade?

(c) Have Government ever made any statement of policy in regard to their attitude towards Indian-owned shipping in Indian waters? If so, where and when, and what is that statement?

(d) Is there an agreement for the sharing out of the coasting trade and is it a fact that such an agreement was made with the knowledge and encouragement of Government? If so, have Government considered the desirability of revising such an agreement and increasing the percentage available to Indian shipping?

(e) What steps are Government taking to encourage Indian-owned shipping on eastern routes, i.e., between India and Singapore, Hongkong and Japan?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government have received the Report and are aware that it deals with the question of Japanese competition in the Indian coastal and other trades.

(b) Yes.

(c) Government's policy towards Indian shipping has been stated on various occasions on the floor of this House and of the Council of State, and elsewhere. I would in particular refer the Honourable Member to the Honourable Sir Thomas Stewart's speech in the Council of State on the 7th March, 1935, in connection with the Honourable Rai Bahadur Lala Jagdish Prasad's Resolution regarding the development of the Indian Mercantile Marine. Another Resolution on the same subject was adopted by the Council of State on the 23rd March, 1939, when the Commerce Secretary again explained Government's attitude.

(d) The Honourable Member is presumably referring to the Tripartite Agreement between the British India, the Asiatic and the Scindia Steam Navigation Companies. The good offices of Government were utilised in negotiating the Agreement at present in force. As regards the second part of the question, Government understand that the companies concerned are discussing the matter among themselves and if they are unable to come to an amicable settlement Government would be prepared to use their good offices, if sought by the parties concerned, with a view to bringing about a settlement.

(e) The question of securing a share for Indian shipping in the trades mentioned must await the occurrence of a favourable opportunity.

EXCLUSION OF INDIANS FROM FLYING CLUBS IN ENGLAND.

1386. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands please state:

- (a) whether his attention has been drawn to the question and answer in the House of Commons on 22nd February, 1939, regarding Indians being victimised on account of colour bar in a number of flying clubs;
- (b) how many flying clubs in England exclude Indians on the basis of colour bar;
- (c) whether it is a fact that Indians are excluded; if so, on what grounds; and
- (d) whether Government propose to ascertain the attitude of the British Government in the matter as regards the exclusion of Indians from flying clubs and communicate the information to the House?

Sir Girja Shankar Bajpai: (a) Yes.

(b) to (d). The attention of the Honourable Member is invited to the reply given by me on the 24th March, 1939, to Mr. Kuladhar Chaliha's starred question No. 1301.

INSTRUMENT OF ACCESSION.

1387. *Mr. S. Satyamurti: Will the Honourable the Leader of the House be pleased to state:

- whether the attention of Government has been drawn to the statement of the Chancellor of the Chamber of Princes to the effect that the Princes have been given six months' time within which they should send their answers to the Draft Instrument of Accession;
- whether that is a fact, and if so, when the six months expire;
- whether Government propose to publish the Draft Instrument of Accession for public criticism;
- whether the Provincial Governments have been, or will be, consulted in this matter; and
- if not, why not?

The Honourable Sir Nripendra Sircar: (a) Government have seen the statement referred to.

(b) Yes, by the end of July, 1939.

(c) No, Sir.

(d) and (e). The attention of the Honourable Member is invited to the replies which I gave to part (c) of Mr. T. S. Avinashilingam Chettiar's starred question No. 40 on 1st February, 1938, and connected supplementary questions.

RATE WAR BETWEEN SHIPPING COMPANIES ON THE KONKAN COAST.

1388. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Commerce Member state:

- whether he is aware of an uneconomic rate war between two shipping companies on the Konkan Coast;
- whether any of the parties to the rate war have applied to Government for arriving at a settlement; and
- if so, whether Government have taken any steps in the matter.

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes, between three (and not two) steamship companies.

(b) Yes.

(c) The Commerce Member has offered to arbitrate between the parties.

SAFEGUARDING OF THE INTERESTS OF INDIAN SHIPPING.

1389. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Honourable Member for Commerce state whether he is aware that in the trade agreements concluded between the United Kingdom and other countries, such as for instance, the Anglo-Lithuanian Treaty and the Anglo-Soviet Trade Agreement, the interests of British shipping are adequately safeguarded?

(b) Is the Honourable Member aware that the Honourable Sir Sultan Ahmed, on the 16th September, 1937, admitted on the floor of this House that "Government are aware that clauses relating to shipping are sometimes included in trade agreements"?

(c) In the light of these facts, will the Honourable Member state why it has been decided that the question of Indian shipping should form no part of the discussions on the Indo-British Trade Agreement?

The Honourable Sir Muhammad Zafrullah Khan: (a) I have nothing to add to the Government's reply already quoted by the Honourable Member in part (b).

(b) Yes.

(c) I would refer the Honourable Member to what I said in this connection during the course of the debate in this House on the 27th and 28th March, on the Indo-British Trade Agreement.

RATE WAR BETWEEN CERTAIN SHIPPING COMPANIES.

1390. *Mr. C. N. Muthuranga Mudaliar: (a) Will the Honourable Member for Commerce state whether Government are aware of the unhealthy competition and the rate war between the Scindia Steam Navigation Company and the Bombay Steam Navigation Company?

(b) Is the Honourable Member aware that the Bombay Steam Navigation Company is also one of the oldest shipping companies and second only to the Scindia Steam Navigation Company in India?

(c) Is the Honourable Member aware that the Bombay Steam Navigation Company is prepared to abide by the verdict of an agreed arbitrator?

(d) Are Government prepared, in order to ensure a satisfactory working of the Indian steam transport and for its better progress, to address the warring steam companies and appoint an arbitrator agreeable to both of them?

(e) Or, are Government prepared to consider the advisability of taking up legislation to fix maximum and minimum rates to put an end to rate war?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are aware of the existence of a rate war on the Konkan coast.

(b) Yes.

(c) and (d). The Commerce Member has offered to arbitrate between the parties.

NON-INDIAN GOODS PURCHASED BY THE GOVERNMENT OF INDIA.

1391. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member please state what are the different non-Indian goods which have been purchased by the Government of India in 1938-39?

(b) What is the total value of those goods?

(c) Did they purchase those goods because they were not produced in India, or because their price was higher?

(d) What Indian industries, if any, have sprung up in recent years as the result of the stores purchase policy of the Central Government?

(e) Are Government prepared to accept the policy of purchasing Swadeshi goods even at a higher price, or, at all events, if the difference is not very considerable?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The information for 1938-39 is not yet available and will be published, in due course, in the annual administration report of the Indian Stores Department for that year, copies of which are placed in the Library.

(c) and (d). Honourable Member is referred to the replies given to Mr. Manu Subedar's starred question No. 339 on 17th February, 1939.

(e) If the Honourable Member refers to the preamble to the "Rules for the supply of articles required to be purchased for the Public Service", a copy of which is in the Library of the House, he will find that this is already the policy of the Government of India.

STATES WITHOUT TREATY OBLIGATIONS FOR RECEIVING ARMED ASSISTANCE.

1392. *Mr. Abdul Qaiyum: Will the Honourable the Leader of the House please state:

(a) the names of States with which the Crown or the Government of India are not under treaty obligations to render armed assistance; and

(b) the instances from 1930 to 1st April, 1939, in which such help was rendered to States with which the Crown has no treaty obligations?

The Honourable Sir Nripendra Sircar: (a) and (b). The Government of India are not in treaty relations with the States and the relations between the Crown and the States are not the concern of the Governor General in Council. For the conditions under which armed assistance is given to States the Honourable Member is referred to the reply given on the 17th March, 1939, to question No. 816 put by Mr. T. S. Avinashilingam Chettiar.

TROOPS SENT TO INDIAN STATES WITHOUT TREATY OBLIGATIONS FOR SUCH ASSISTANCE.

1393. *Mr. Kuladhar Chaliha: (a) Will the Honourable the Leader of the House please state to how many Indian States troops have been sent from British India, with which the British Government had no treaty obligations to do so, during the last three years up to 15th March, 1939?

(b) What is the cost incurred on such purposes?

(c) Has the expenditure incurred been recovered from the States concerned?

The Honourable Sir Nripendra Sircar: (a) The Honourable Member's attention is invited to the reply given to the previous question by Mr. Abdul Qaiyum.

(b) and (c). As stated in reply to Mr. Mohan Lal Saxena's question No. 974 on the 10th March, 1939, this is entirely a question for the Crown Representative.

DEFICIENCY IN FOOD VALUE OF THE FODDER IN ASSAM.

1394. *Mr. Kuladhar Chaliha: (a) Will the Education Secretary please state if any research is being made to find out the deficiency in food value of the fodder in Assam?

(b) Are Government aware that in spite of Assam being rich in fodder the cows are stunted in growth and give little milk?

(c) Is the Honourable Member prepared to ask the Imperial Veterinary Institute to conduct any research to find out the reason and suggest remedies?

Sir Girja Shankar Bajpai: (a) and (c). A scheme for research into cattle nutrition in Assam, spread over a period of three years, has been administratively approved by the Governing Body of the Imperial Council of Agricultural Research. It is expected that funds will be provided for the scheme with effect from 1939-40.

(b) Yes.

IMPORT OF SHUTTLES FOR HANDLOOMS, ETC., AND SHUTTLE BLOCKS.

1395. *Prof. N. G. Ranga: Will the Honourable Member for Commerce be pleased to state:

(a) whether for the production of shuttles for handlooms and power-looms, the shuttle blocks needed have to be imported;

(b) whether on all such imports, an import duty of 25 per cent. is being charged;

(c) whether the imports of Japanese shuttles have gone up in value between 1930 and 1938;

(d) whether he is aware that the Forest Research Institute has replied to Messrs. H. M. Patel about its inability to supply the requisite wood produced in India;

(e) whether the receipts from the import duty amount to not more than Rs. 25,000 per annum;

(f) whether Government are aware that this import duty on shuttle blocks is seriously militating against the progress of the manufacture of shuttles in India; and

(g) whether Government are prepared to reconsider the position and abolish this import duty and thus implement the recommendation of the Fiscal Commission that raw materials needed for Indian industries should be free from import duties?

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

(c) I would refer the Honourable Member to the Annual Sea-borne Trade Returns, copies of which are in the Library.

(d) A company manufacturing shuttles in India has so stated in a representation to Government.

(e) Government have no information on this point as the amount of duty levied on wooden blocks imported for the manufacture of shuttles is not separately recorded in the Revenue Returns.

(f) and (g). The complaint of Messrs. H. M. Patel and Company, alleging tariff inequality between assessment of shuttle blocks and fully manufactured shuttles was examined by the Tariff Board in 1935 and the claim was not found to be substantiated except in the case of Japanese shuttles. Imports of the latter were reported to be inferior in quality and largely non-competitive, being for handloom weaving. The Company has since asked that wooden blocks for shuttles should be exempted from import duty. The request will receive consideration along with similar requests from other industries when financial conditions permit.

PROPOSAL TO ACQUIRE LAND NEAR OKHLA IN DELHI.

1396. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state with reference to his reply to supplementary questions to starred question No. 1138 of the 17th March, 1939 that "there has been no decision":

- whether there is any proposal for the acquisition of land in the vicinity of Delhi on a large scale;
- if so, the object thereof and the area of land;
- whether in the past Government have acquired land for any public purpose years in advance of requirement solely with a view that land may be required some day for the expansion of a town; and
- when the "decision" may be expected?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government have no information.

(c) I am not aware of any such instances.

(d) Does not arise as no such proposal has been received so far.

EMPLOYMENT OF INDIANS BY THE TEA MARKET EXPANSION BOARD.

1397. *Mr. Brojendra Narayan Chaudhury: With reference to his reply to starred question No. 825 of the 7th March, 1939 will the Honourable the Commerce Member please state:

- whether the up to date information called for regarding employment of Indians by the Tea Market Expansion Board has been received;
- the number of (i) Indians, (ii) Anglo-Indians, and (iii) Europeans, employed in India, together with their salaries and allowances;
- the number of Indians employed in Tea Market Expansion work abroad, as also the number of non-Indians; and
- the percentage of last year's contribution by the Indian Tea Market Expansion Board to the total expenditure abroad by the combine?

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

(b) I lay on the table a statement giving the information required.

(c) Government have no information.

(d) 41.8 per cent.

Statement showing the nationality, salaries and allowances of persons employed under the Indian Tea Market Expansion Board.

Designation of post.	Nationality of person holding the post.	Salary (p.m.)	Allowances.
		Rs.	
Commissioner	European	2,500-3,000	The Commissioner, Indian Tea Market Expansion Board draws a motor car allowance of Rs. 150 p. m. Otherwise the only allowance granted to staff in addition to salary is travelling allowance at the following rates while they are on tour on Board's business :— Actual rail fares <i>plus</i> outstation allowance varying from Rs. 15 to 8 annas daily for each complete nights absence from headquarters.
Personal Assistant to Commissioner.	European	1,200-1,300	
Inspecting Superintendents	1 Indian	1,000-1,250	
	2 Europeans		
Superintendents	1 Indian	500-950	
	9 Europeans		
Assistant Superintendents	3 Indians	350-450	
	2 Anglo Indians		
Circle Inspectors	11 Indians	200-300	
	9 Anglo-Indians		
Sub-Inspectors	115 Indians	75-10	
	5 Anglo Indians		
Extra Sub-Inspectors	33 Indians	60-70	
	1 Anglo-Indian		
Demonstrators	474 Indians	30-50	
Attenders	524 Indians	15	
Clerks Divisional Offices	19 Indians	30-90	
Motor Car Drivers	26 Indians	30-60	
	1 Anglo-Indian	55-80	
Cinema operators	2 Indians		
	1 Anglo-Indian	15-20	
Menials	15 Indians		
Head Office Clerical staff	25 Indians	30-300	
	3 Anglo-Indians		
Female staff Sub-Inspector	1 Anglo-Indian	75-100	
Demonstrators	9 Indians		

SHORT NOTICE QUESTION AND ANSWER.

DISMISSAL AND REPATRIATION OF DAILY PAID INDIAN WORKERS UNDER THE MINISTER OF COMMUNICATIONS, CEYLON.

Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands be pleased to state:

- whether it is a fact that the Minister of Communications, Ceylon, is preparing to dismiss summarily and repatriate 8,000 daily paid Indian workers in the Departments under him;
- whether the other Ministers are proposing to take similar action against Indians working in the Departments under them;
- whether this action will adversely affect nearly 10,000 families of Indians in Ceylon, who have resided there from 10 to 20 years continuously;
- whether the Government of India have received full and accurate information in this behalf from their Agent;
- if not, whether Government will take immediate steps to ascertain and place on the table of the House such information;
- whether Government are prepared immediately to address the Government of Ceylon and request them to stay their hands in this matter, till the Government of India have considered the matter and made suitable representations thereon?

Sir Girja Shankar Bajpai: (a) and (b). The Agent of the Government of India in Ceylon has reported that the Board of Ministers have under consideration a tentative proposal made by the Minister of Communications for the discontinuance from service of all non-Ceylonese employed on daily pay in Ceylon Government Departments with a view to their place being filled by unemployed Ceylonese.

(c) The Honourable Member's estimate of the number of Indians, who are likely to be affected if the proposal be adopted, is correct. The exact duration of the residence of these Indian employees in Ceylon is not known, but probably extends over many years.

(d) to (f). The Agent of the Government of India is fully seized of the situation and is in touch with the authorities concerned. He has already made representations in the appropriate quarters. The Government of India are closely watching developments.

Mr. S. Satyamurti: With reference to the answers to parts (d) and (f) may I know if the Government of India will get into touch with the Government of Ceylon immediately and ask them to stay their hands till the Indo-Ceylon trade negotiations which *inter alia* will deal with also the position and status of Indians in Ceylon are complete?

Sir Girja Shankar Bajpai: That question would arise only if the intervention of the Agent which has already taken place does not succeed in staving off this measure.

Mr. S. Satyamurti: With reference to parts (a) and (b), I want some elucidation of the phrase 'tentative proposal'. May I know whether Government have any information as to the exact stage at which these proposals stand?

Sir Girja Shankar Bajpai: As far as I know the proposals are merely being examined departmentally and provisionally.

Mr. S. Satyamurti: With reference to part (c), may I know whether Government will ascertain and place on the table of the House as early as they can some information as to the period of continued residence of these Indians in Ceylon?

Sir Girja Shankar Bajpai: We made enquiry on the point from the Agent and he says that all the available information with regard to the character of employment and the general duration of employment of these people is contained in Sir Edward Jackson's report on Emigration.

Mr. S. Satyamurti: May I know whether Government have satisfied themselves, or will satisfy themselves that the Ceylon Ministers before taking any such action have got to get any legislation passed by the House or whether they can do it by an executive order?

Sir Girja Shankar Bajpai: I will make enquiry.

Mr. S. Satyamurti: May I know whether Government will include in the scope of the enquiry all such matters as to satisfy themselves that no irrevocable action will be taken by Ceylon Ministers before the Government of India have had a reasonable opportunity of putting forward their points of view and press them on the Government of Ceylon?

Sir Girja Shankar Bajpai: We have already satisfied ourselves so far as possible, on this point. Our Agent in Ceylon has made representations to the Ceylon Government that no action ought to be taken before the Government of India have had an opportunity to consider any proposal that may eventuate.

Mr. S. Satyamurti: Will the Honourable Member get into active touch, at least/week by week, with the development of this matter, in view of the fact that Ceylon Ministers seem to be very anxious to carry out their plans as early as they can?

Sir Girja Shankar Bajpai: I can assure my Honourable friend that the Government of India are almost in daily touch with their Agents whenever a matter of this importance is under examination.

DECLARATION BY H. E. THE GOVERNOR GENERAL IN COUNCIL.

The Honourable Sir James Grigg (Finance Member): Sir, I lay on the table a declaration by the Governor General in Council regarding Supplementary Demands on account of Railways and in respect of Interest on Debt, Legislative Assembly and Legislative Assembly Department and Department of Communications as being essential to the discharge of his responsibilities.

'Declaration by the Governor General in Council regarding supplementary Demands refused by the Legislative Assembly.'

In pursuance of sub-section (7) of section 67-A of the Government of India Act, as set out in the Ninth Schedule of the Government of India Act, 1935, the Governor General in Council is pleased to declare that the following Supplementary Demands which have been refused by the Legislative Assembly are essential to the discharge of his responsibilities:

Railway Demands:

Demand No. 6-A. Working Expenses—Maintenance of Structural Works—Rs. 22,30,000.

Demand No. 6-B. Working Expenses—Maintenance and Supply of Locomotive Power—Rs. 77,35,000.

Demand No. 6-H. Working Expenses—Expenses of Electrical Department—Rs. 22,90,000.

General Demands:

Demand No. 11. Interest on Debt and other Obligations and Reduction or Avoidance of Debt—Rs. 1,00,000.

Demand No. 14. Legislative Assembly and Legislative Assembly Department—Rs. 1,05,000.

Demand No. 21. Department of Communications—Rs. 10,000."

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMUNICATIONS.

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 the Honourable the President may direct, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads', dealt with in the Department of Communications, viz., Broadcasting, Civil Aviation, Meteorology, Major Ports and Posts and Telegraphs, during the financial year 1939-40."

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, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads', dealt with in the Department of Communications, viz., Broadcasting, Civil Aviation, Meteorology, Major Ports and Posts and Telegraphs, during the financial year 1939-40."

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): Sir, I should like to have some information from my Honourable friend. I suggest first of all that to have a non-official Committee for dealing with all these subjects, Broadcasting, Civil Aviation, Meteorology, Major ports, and Posts and Telegraphs, is really asking this House to appoint a Committee, which cannot do any effective or useful work. Although all these Departments are being dealt with in my Honourable friend's Department—they are supermen, they can deal with Broadcasting in the morning, Civil Aviation in the afternoon, Major ports the next morning, Posts and Telegraphs the next evening

Mr. F. E. James (Madras: European): And so can you.

Mr. S. Satyamurti: I do not know when my Honourable friend, Mr. James, was transferred to the Treasury Bench. I suggest to my Honourable friends on the Treasury Bench to adopt Mr. James as their Deputy. He is a good Deputy who always interrupts Honourable Members for their sake. I want my Honourable friend, Mr. James, to be a non-official occasionally.

An Honourable Member: You have him on your side.

Mr. S. Satyamurti: We have no use for such a good Deputy.

I want to know whether it is right that you should have a Committee of four non-official Members from this House to deal with all these problems. There is nothing in the Act or the Rules and Standing Orders to prevent Government from having separate Advisory Committees for Broadcasting, Civil Aviation and Posts and Telegraphs. As a matter of fact the Posts and Telegraphs Department is a very important Department of the Government of India. It raises many problems which were referred to the other day in the House by Honourable Members who took part in the discussions on the Finance Bill. I do suggest that Government ought to be asked to constitute different committees for these different major Departments.

My second point is, that this is the first time in which these committees are sought to be composed of non-officials both from this House and from the other House.

The Honourable Sir Thomas Stewart: No, no.

Mr. S. Satyamurti: Then this Committee will be composed entirely of Members of this House.

The Honourable Sir Thomas Stewart: Partly from this House and partly from the other House.

Mr. S. Satyamurti: When did it start?

The Honourable Sir Thomas Stewart: Years and years and years ago.

Mr. S. Satyamurti: If that is so, I do not raise that point. But I do want to suggest to the House that the Legislative Assembly is the only House which votes for Demands for Grants, and, therefore, these Committees should be comprised solely of Members of this House. Against the other place, I want to say nothing. It is not parliamentary. I suggest that they have no control whatever over the purse, and even the limited control they are supposed to have over the Finance Bill is not effective. I, therefore, feel that on both these points this House ought to get some explanation as to why there are not different committees for these major departments and why these committees may not consist of Members entirely from this House.

Mr. M. S. Aney (Berar: Non-Muhammadian): Sir, before the Honourable Member gives a reply to these points, I also want to know how many meetings of this Committee have been held during the last year and for how long did the Committee work at all?

The Honourable Sir Thomas Stewart: I think my Honourable friend, Mr. Satyamurti, has rather over-estimated the calls that such a Committee would make on the elected representatives. Turning to the query of my Honourable friend, Mr. Aney, our usual plan is that once in each Session, or perhaps twice, if need be, there is a meeting of the Committee and Honourable Members now here, who were Members of the old Posts and Telegraphs Committee, will, I think, confirm that the calls upon their time were very small. Actually what I am proposing on this occasion is an extension of the duties of the old Posts and Telegraphs Committee which has been in existence for some considerable time. It has been our experience that the considerations of problems arising out of Posts and Telegraphs did not in fact involve any very great expenditure of time on the part of Members who were elected to serve on that committee. I would point out to the Honourable Member too that there are in other departments corresponding committees. For example, there is one for Commerce Department; and I suggest to the Honourable Member that the volume of work likely to originate from the Commerce Department might be considerably more than what originates from the Communications Department. From my own experience I can say that in regard to the advisory committee on the Commerce Department matters there has been no undue call on the time of the Honourable Members.

An Honourable Member: No call at all.

The Honourable Sir Thomas Stewart: At times we have experienced that. As regards Mr. Satyamurti's criticism that this House and this House alone should deal with matters on which they vote supply I may point out, Sir, that the matters that come before the committee are not matters of finance; they are more matters of general policy. For that reason I think Mr. Satyamurti should be reassured.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I rise to support the remarks made by my Honourable friend, Mr. Satyamurti, to a certain extent. I think these committees are very useful and that more use is not made of them is a matter of regret to me and I am sure to

[Lieut.-Colonel Sir Henry Gidney.]

others. At times there have been no calls on this committee during the year and at the most they meet once a year and then for an hour or two hours only. I do think

Mr. President (The Honourable Sir Abdur Rahim): The Chair regrets that it overlooked the fact that after the Honourable Sir Thomas Stewart's reply on this motion, the Honourable Member is not entitled to make any speech.

The question is:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, four non-official Members to serve on a Standing Committee to advise on subjects, other than 'Roads', dealt with in the Department of Communications, viz., Broadcasting, Civil Aviation, Meteorology, Major Ports and Posts and Telegraphs, during the financial year 1939-40."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of four non-official Members to the Standing Committee for the Department of Communications the Notice Office will be open to receive nominations up to 12 Noon on Monday, the 3rd April, and that the election, if necessary, will be held on Wednesday the 5th April, 1939. The election which will be conducted in accordance with the principle of proportionate representation by means of the single transferable vote will, as usual, be held in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M.

THE REPEALING AND AMENDING BILL.

EXTENSION OF THE TIME FOR THE PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I move:

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to amend certain enactments and to repeal certain other enactments be extended upto the end of the second week of the next Simla Session of the Assembly."

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

"That the time appointed for the presentation of the Report of the Select Committee on the Bill to amend certain enactments and to repeal certain other enactments be extended upto the end of the second week of the next Simla Session of the Assembly."

The motion was adopted.

THE REGISTRATION OF FOREIGNERS BILL.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I beg to move:

"That the Bill to provide for the registration of foreigners in British India, as reported by the Select Committee, be taken into consideration."

I do not propose to take the time of the House at this stage by referring again in detail to the provisions of the Bill. In the debate on the original

motion for the Select Committee, the whole measure was discussed at considerable length in this House. I feel myself at some disadvantage in the fact that a good many Honourable Members were absent on that occasion. But I think I may take it that those who are interested in the subject of the Bill have already studied the previous debate which has been printed, and, therefore, all I need do at this stage is to draw the attention of the House, quite briefly, to the changes which have been made in the Bill as it emerged from the Select Committee.

There are only two changes and neither of them of a very substantial character. In clause 3 (c) it was originally proposed that the obligation to co-operate with the prescribed authority in giving information about foreigners lodging in various places should be imposed on both private householders and on managers of hotels and premises of that description. There was, however, some feeling that to place such an obligation on private householders, who are not receiving foreigners for profit, would be found unduly onerous; and, therefore, the Select Committee have now so modified clause 3 (c) that the obligation is imposed only on persons having the management of a hotel, boarding house, *serai* or other premises of a like nature. And in view of that modification the separate definition of "householder" which originally appeared in the definition clause has become unnecessary.

The only other alteration of substance, made in the Bill by the Select Committee, is to modify the imprisonment provided in clause 5 for a person who is not a foreigner and who has, in any way, contravened or failed to comply with the provisions of the Bill. It was originally proposed that a person not a foreigner who rendered himself liable to any penalty might be imprisoned for a term which might extend to six months or a fine which might extend to Rs. 500 or both. Now, the penalty in that clause has been modified so as to make him liable only to a fine which may extend to five hundred rupees.

The only other alteration made in the Select Committee is purely a drafting matter. Sir, I move:

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

"That the Bill to provide for the registration of foreigners in British India, as reported by the Select Committee, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): Sir, this is a very important Bill and it has been long overdue. After the Foreigners' Act of 1864 (III of 1864) imposing restrictions on immigration of foreigners into India and in regard to their freedom to travel from place to place except on license, no other steps have been taken as are sought to be taken by virtue of the provisions of this Bill regarding the registration of foreigners and their movements in this country. A number of questions has been asked on the floor of this House as to how many Jews, after they have been turned out of Germany, have come to this country and settled in various parts of this country, how many aliens there are who do not give us the privilege of immigration into their country and freedom to travel from one place to another in their country without a license or a special passport. Government have been at a loss to find out the number of such persons and their occupation in this country. Therefore, this Bill is absolutely necessary.

[Mr. M. Ananthasayanam Ayyangar.]

Sir, after the Bill was referred to the Select Committee we tried to modify the definition of the word "foreigner". Formerly, only the residents of those countries which are not within the Empire have been treated as foreigners.

In America an Indian of the eminence of Rabindra Nath Tagore found it very difficult to get into the country or go from one place to another there except under a license and after giving a thumb impression as if he were a k. d. Such restrictions have been placed on Indians in America and other enlightened countries. When the Bill was introduced the definition covered all countries which are not included in the British Empire. After it went to the Select Committee I wanted to move an amendment so as to include Dominions in the Empire within this definition. The reason is not far to seek. The Dominions have been fast copying the foreign countries in the matter of imposing restrictions on Asiatics, particularly Indians. Canada has got these restrictions; and the Union of South Africa is the worst sinner in this respect. My Honourable friend, Sir Girja Shankar Bajpai, to whose Department this relates, has not even got any information as to the segregation law which is being pushed through in the Union of South Africa. When we put a question about this the other day he said he had no information except what appeared in a newspaper. I would refer to the interpellations on the 24th February last when the Honourable Member said that the scheme had so far not taken any definite shape and the Government of India were not aware of any decision of the Union Government to introduce legislation of the type referred to in the newspaper report. I say this is absolute callousness and indifference to say the least of it, in the matter of the Government taking care of the position of Indians overseas. South Africa owes its present prosperity and position to the hard labour and toil of lakhs of Indians who have settled there and who went there, not of their own choice, but on the invitation of that Government, and made South Africa their home. Our position there is anything but satisfactory. The same restrictions and rules are sought to be copied in Ceylon also. Therefore, it is absolutely necessary now to include in the definition of 'foreigner' all persons who belong to the Dominions who are treating us little better than countries which are really foreign. That is why I believe deliberately and advisedly section 111 of the Government of India Act which relates to discrimination against British subjects, domiciled in the United Kingdom, makes no mention of British subjects who are residents of other Dominions. The discriminatory clause applies only to those British subjects who are domiciled in the United Kingdom. Therefore, so far as that section is concerned, it is open to the Government of India to impose restrictions on Dominion subjects and class them as foreigners in case the Dominions do not reciprocate goodwill that India has been extending to them all along. Clause (1) of this section 111 says:

"Subject to the provisions of this chapter, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Federal or Provincial law as:

- (a) imposes any restriction on the right of entry into British India; or
- (b) imposes by reference to place of birth, race, descent, language, religion, domicile, residence or duration of residence, any disability, liability, restriction or condition in regard to travel, residence, the acquisition, holding or disposal of property, etc., etc."

Therefore, this section is confined only to those British subjects who are domiciled in the United Kingdom. I want the definition of foreigner in this

Bill to exclude British subjects domiciled in the United Kingdom but to include all British subjects wherever they may be outside the United Kingdom except British India. That is my object and I moved this amendment in the Select Committee. Unfortunately, we were in a minority and the amendment was voted down. I request the Honourable Members of this House to pay particular attention to this. Unless the word 'foreigner' is defined so as to include residents of Dominions also, our purpose would be lost. We would be tightening the noose round our own necks if we do not do so. Foreigners properly so-called, like Americans and Germans and French might like to treat us as friends and shake hands with us; but there is a section of foreigners coming into being—those who want to take advantage of our relationship and then throw us overboard. Our plight is really hard in the various Colonies and Dominions. Therefore, the Dominion subjects are the real foreigners; and unless this definition is extended so as to include them the very object of the Bill will be frustrated and we will be put to very great hardship.

There is an exemption clause in this Bill which gives power to the Central Government to exclude any individual or class of foreigners from the operation of this Act. It is open to the Central Government to say that the subjects of the Union of South Africa are not foreigners for the purposes of this Act. That power may be exercised in case the Union of South Africa refuses to pass such restrictive legislation as they have undertaken and Ceylon gives up the idea of forcing such hard measures at the point of the bayonet against Indian settlers there. If those Colonies or Dominions come round there is ample provision in the Act itself to restrict this definition and to extend the hand of fellowship and brotherhood to all in the Empire. Therefore, when clause 6 of the Bill is there to remove cases of hardship, it is essential that we should define foreigner properly. It is a very important matter and I plead with the House to modify the recommendation of the Select Committee.

Most of the other matters have been relegated to the domain of rules. There is no single substantive provision in the Act which says "These are the restrictions that shall be imposed on foreigners coming into this country." Everything has been left to these rules. Personally, I am not in favour of confiding away all legislative powers in the executive. But the argument was advanced in the Select Committee that the Government in this country has not yet got accustomed to enforce such legislation as this. They do not know what particular rules have to be framed so as to make this Act really effective and that is why they want power to make rules so that from time to time those rules could be modified or varied as the exigencies of the case may require. Therefore, we have allowed this provision, relegating all these powers to the rule-making power, to stand as it is.

There is another matter to which my Honourable friend, the Mover, has referred. If a foreigner arrives at a hotel or boarding house, the keeper of any such place is bound to give the information. There are certain errors of omission here which have to be filled up. It is made obligatory on the hotelkeeper to give information about the foreigners to the prescribed authority, but there is no provision making it obligatory on the foreigner to give information to the hotelkeeper. The hotelkeeper has got to find that out for himself and it is obligatory upon him to give information to the police or prescribed authority, whereas the foreigner is under no such obligation. I have tabled an amendment in regard to this to fill up the lacuna and

[Mr. M. Ananthasayanam Ayyangar.]

to cast an obligation on the foreigner to give the information to the hotel-keeper so that he, in his turn, can pass it on to the prescribed authority. Sir, I support the motion for consideration and I hope that the several amendments that I have tabled will be favourably considered.

Sardar Sant Singh (West Punjab: Sikh): Sir, this Bill is not a contentious measure at all, and this is one of those measures which requires to be passed by this House on account of the present international situation and the possibilities of development in a direction which may not be to the liking of humanity at large. However, the only point of major importance, where the difference of opinion has arisen, is as to the definition of the word "foreigner". In regard to that, I want to point out that the scope of this Bill has been misunderstood by most people. It is not a measure which gives power to retaliate or to take any retaliatory measures against any of the Dominions or the foreigners. It is only intended to register the foreigners in this country who, in the words of the Honourable the Home Member, are to be the potential enemies in case of a disturbance. Herein, the limited view is taken by the Government. The Government think that the potential enemies are only those who at this time are creating disturbance in western countries or in Europe. But, in my view,—I cannot say whether I am right or wrong,—at this moment the term "potential enemies" cannot be restricted to European nations alone. There may be times when, considering the attitude of the countries on the border line of India, there may be danger, and then the information which is expected to be obtained by the passage of this Bill will become handy. In that case, it will be necessary to enlarge the definition of a foreigner so as to include the persons living in the Dominions as well. The Dominions today are self-governing Dominions, and, as such, indications are not wanting in the press to show that some of the Dominions are adopting a policy or, at any rate, are giving out that they have a right to be heard before they decide to participate in any war with England. So far as we can see, these indications show that the Dominions may not go against England,—that is only as far as the present indications show. They may be neutral in a future war,—that is something different, but the possibilities are still there that, in time of any conflagration, an occasion may arise when we may need urgently the information about the subjects of Dominions living in India. Therefore, it is no good restricting the definition of a foreigner only to those who do not belong to the British Commonwealth of Nations.

Then, Sir, as regards retaliatory measures, I want to draw the attention of my Honourable friend, Mr. Ayyangar, to the provisions of section 3, Act III of 1924. The Immigration into India Act, 1924, and section 3 of that Act gives power to "The Governor General in Council for making rules for the purpose of securing that persons, not being of Indian origin, domiciled in any British possessions, shall have no greater rights and privileges, as regards entry into and residence in British India, than are accorded by the law and administration of such possessions to persons of Indian domicile."

The power which my Honourable colleague wants to get under the Foreigners' Act is already vested in the Government of India. Now, in order to exercise that power effectively, I quite agree with him that the definition of the word "foreigner" should be so worded as to include the residents of Dominions too as foreigners, and not otherwise.

Then, the other point which I want to make in this connection is about the rule making power. In my previous speech, when the Bill was being referred to Select Committee, I made my submission to the House that the rule making power is a sort of legislative power which the executive Government wants to get from the House; but, taking into consideration the explanation given in the Select Committee, I agree with my friend that the rule making power in this particular Act should not be restricted in any way, and full power should be given to the executive Government. But there is one thing that we want. We want that a convention should be established, and wherever and whenever the rules are made under the powers given by the Legislature, those rules, before they become effective, should be laid on the table of the House for a sufficient period for Honourable Members to study them and to suggest modifications. I find, Sir, there is one amendment to that effect tabled by one of the Honourable Members, and I hope the Honourable the Home Member will give full consideration to that amendment, and that this convention will develop that where a sort of quasi-legislative power is given to the Legislature, the rule making power should be restricted by placing the rules on the table of the House for Members to study them and to suggest modifications. With these remarks, Sir, I support the motion.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I want to make only a few observations. When this Bill was under discussion on the 9th March last, and when a motion to refer it to a Select Committee was made, the Honourable the Home Member said this:

"I observe that one private Member, Mr. Gadgil, has already brought in a Bill in this House to the effect that the Foreigners Act should not apply to Indian States subjects. That is a proposal in the opposite direction. I do not quite know what the question is on that point, but I should like to point out one thing in regard to the registration of subjects of Indian States. It is going to be extremely difficult for any one, whether a hotel-keeper or a person who is in charge of a shipping or air-craft company or any one else, to distinguish a resident of an Indian State from a resident of British India. After all, they belong to the same race and it is going to introduce very difficult distinctions if people who are to all intents and purposes the same are not liable to the same treatment as regards registration. Some of them will be liable to registration and some not. I believe some very distinguished members of the Congress Party themselves are technically residents of Indian States."

Sir, my object in introducing the Bill which seeks to supply a provision, whereby the Foreigners Act of 1867 will not apply to the subjects of Indian States, is exactly what has been stated by the Honourable the Home Member. It might interest the Honourable the Home Member to know that the Deputy Leader of our Party is technically a subject of an Indian State. The object of my Bill is precisely this, that it is an artificial distinction between British India and Indian India, and that is exactly what I wanted to do away with by the introduction of the same Bill. Sir, I may tell the House that during the days of the non-co-operation movement in 1921 and 1922 and also from the year 1930 to 1935 hundreds of people who came from Indian India to participate in the Civil Disobedience Movement were deported under the provisions of the Foreigners Act of 1867. I am glad that the subjects of Indian States are not considered foreigners for the purposes of this particular Bill. I hope, in view of what the Honourable the Home Member has said in his speech, to which I made a reference just now, he will be logical enough and practical

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enough to accept the Bill which I have already moved, so that the position will be approximately the same as is contemplated in the present Bill.

Mr. Husenbhai Abdullahai Laljee (Bombay Central Division: Muhammadan Rural): Sir, I rise to oppose the Bill. My reasons are very simple and short. In the first place, I find that the Bill is not in consonance with the policy that has been always adopted by our Government to keep an open door to Europeans in India; not only in India, but so far as the Asiatic and African possessions of Great Britain are concerned there are no restrictions against an European. In fact, the policy of the British Government has been that all their Asiatic and other possessions have been held as trustees for Europeans in general, and, therefore, I do not know why they have now thought of putting a handicap like this. They have all along been using the term "European" for years, there is no word as "British", nor do the British Europeans call themselves Britishers. They call themselves Europeans. Even in this House and also in commercial matters, they call themselves the European and European Chambers of Commerce and not the Britishers or the British Chambers of Commerce. This Bill is not in keeping with the traditions the British Government have established with regard to all the Asiatic and African possessions of Great Britain being for the benefit of Europeans. If they think that some of the Europeans are not acting as good boys, it is much better that they take the responsibility upon themselves, but why drag in the name of Indian Legislature and say, we want to register and we shall take notice of what they will do. If it is with an intention of making some new bargain or arrange some exchange of colonies or some trade agreement, and, therefore, some particulars are needed for that purpose then, they have got other departments from which they can get all those particulars. So long as the policy is there that in any part of the British Empire, you can give better treatment to Jews from Germany than to Indians—that a Jew from Germany can buy land in Simla and live next to the Viceregal Lodge while an Indian cannot be allowed a decent residence in any British Asiatic or African possession and that the Asiatic possessions are held by the British as trustees for Europeans, I submit that it is no use putting in a Bill of this kind in our name unless and until you can make it clear to the British and Foreign Governments our demands.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): Sir, I rise to oppose this Bill with all the emphasis at my command. It is a self-stultifying measure. The list of members of the Select Committee who are responsible now for placing it on the legislative anvil includes the names of my Honourable friends, Messrs. Satyamurti, Sardar Sant Singh, Messrs. Asaf Ali, Ayyangar, Mohan Lal Saksena, among others.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): And Sir Syed Raza Ali also!

Maulana Zafar Ali Khan: These gentlemen have been assuring us from morning till evening and from evening till next morning that the Britisher who is a foreigner ought to be turned out of India bag and baggage.

Mr. S. Satyamurti: No. Without the bag and baggage!

Maulana Zafar Ali Khan: My belief is that no country has a right to impose restriction upon others as foreigners so long as it has not got an army of its own, is not free, is not independent. Who are the Englishmen? Are they foreigners or not? But my Honourable friends say, those Britishers who are subjects of the King and are domiciled in the United Kingdom are not foreigners. What right has India to introduce this Bill when only the other day a gentleman, a Thakore, who was wearing a *dhoti* and was travelling in a railway compartment was turned out. When Indians are being treated in this disgraceful manner in their own home, what right have they to expect that they should be treated honourably in the Dominions? We have not so much to complain against Germany or Italy, or France, or other countries. Indians go there and are treated on equal terms. But it is the members of the British Empire, it is the people of South Africa, the people of Canada, the people of the Dominions, who treat us as if we were so many dogs. Australia also does the same thing. So, first, 'physician, heal thyself'. When these gentlemen who are on the official benches join with you in placing this measure on the legislative anvil, I think they ought to look into their own hearts, there must be a heart-searching. How are we treated in India? Are we treated as free citizens? That is proved by the manner in which that gentleman wearing a *dhoti* was treated. I am one of those who believe in the brotherhood of man, universal brotherhood. There is no bar sinister of colour with me. I do not believe in the philosophy propounded by Europeans that they are super-men, and we blackies, we darkies, are merely coolies. I am not one of such type. I believe in the universal brotherhood of man. For me, Europe, Asia, Africa, America are on the same level. We are sons of the same grandfather Adam, and this war of races, this war of nations, war of countries, which has turned this world into a hell, will go if there is a teaching of universal brotherhood, and that is Islam. When I name Islam, I introduce religion, but the only religion in the world which has a remedy against this sort of trouble is Islam, and unless Islam comes and is in the ascendant with this teaching of universal brotherhood, there will be this sort of thing going on. With these few words, I oppose this Bill.

Mr. M. Asaf Ali (Delhi: General): Mr. President, I would not have intervened at all if my learned friend, Maulana Zafar Ali Khan, had not made a reference to me and to certain other members of my Party. Perhaps we owe him some explanation. First of all, I should like to point out that, although I happened to be on this Select Committee, due entirely to my own fault, it was not possible for me to attend the meetings of the Select Committee. I regret it for a good reason because I had some definite views on certain provisions of this Bill which I had not an opportunity of pressing at the proper time. But in so far as my learned friend, Maulana Zafar Ali Khan's complaint is concerned, let me assure him that he is looking at the whole thing from a wrong angle of vision. If he will look at this Bill, he will find that it aims at defining certain categories. We want to know who is a British Indian and who is a foreigner. That is all. We are doing nothing more in this Bill. Clause 2 of the Bill merely enumerates the various categories of foreigners and if you look at one of the amendments which I hope the Government will accept,—if you

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just look at one amendment proposed by a Member of our Party,—it makes it perfectly clear that members of various nationalities fall into various categories and it enumerates them as follows, namely, “who is not a British subject domiciled in the United Kingdom”. We know who is a British subject domiciled in the United Kingdom. We certainly differentiate between a foreigner as such and a British subject domiciled in the United Kingdom, but it does not mean that a British subject domiciled in the United Kingdom is the same thing as an Indian national. Next, who is not a British Indian subject; again, who is not a ruler or subject of any State in India, or who is not a person duly appointed by a foreign Government to exercise diplomatic functions, or who is not a consul or a vice-consul. That means that we simply want to know who is who, that is about all, nothing more. Therefore, I do not see the force of my learned friend's complaint that persons belonging to my Party have lent their names to a measure like this. We are bound to support a measure like this; even if the Treasury Benches were occupied by you, you would require this information yourself. Therefore, I do not see any objection to our participation in the framing of this particular piece of legislation or our supporting it, subject, of course, to such amendments as we propose to move.

Now, the only other point to which I should like to draw the attention of the Government is a somewhat ticklish one. The Honourable the Home Member expressed his view on that point before this measure was referred to the Select Committee. I had given notice of certain amendments. One of these amendments sought to omit sub-clause 2 (a) (iii), namely, “any ruler or subject of any State in India”. My purpose was quite simple. In certain States, British Indian subjects find it difficult to be treated as the subjects of those States. There is a discrimination observed in certain respects. In certain States, you will find that lawyers who are British Indian subjects are not allowed to practise. They cannot be enrolled as practitioners at all and you will also find an outcry in certain States that British Indian subjects who are employed as Ministers or as other employees should be replaced by State subjects. If that kind of discrimination is going to be observed, I see absolutely no reason why we should not bring the subjects of those States and even the rulers of those States under the category of foreigners. If they are going to treat us as foreigners I do not see why we should not treat them in the same way. The Honourable the Home Member said that one of our colleagues, Mr. Gadgil, had given notice of a Bill which sought to abolish this distinction between State subjects and British Indian subjects. I do not for a single moment suggest that I do not subscribe to that Bill. I am prepared to support it. I do not wish to discriminate between them. In fact, I feel that all nationals of India should be treated as absolutely equal but if the rulers of certain States begin to discriminate against British Indian subjects and their own subjects, I see absolutely no reason why Indian State subjects should not be treated as foreigners exactly in the same way as they treat us. That is a point on which I should like the Government to throw some light. If they hold out a guarantee that in the case of such discrimination being observed in any particular State the Government will intervene and see that this discrimination is not observed, I shall have no hesitation in supporting the Bill. Otherwise, I should certainly like to see a suitable amendment made. I should like to make sure that we, in our own country,

are not treated as foreigners. That is the point to which I wanted to draw the attention of the House and I hope I shall have a satisfactory answer.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): I would like to bring to the notice of the House only two points. I would like to draw attention to the proviso to section 111 of the Government of India Act. Even so far as the United Kingdom is concerned, if there are any matters in which Indians do not have equal treatment in England, we are entitled to pass legislation to put a similar disability upon the people of the United Kingdom in this country. It must be much more so with regard to the citizens coming from other parts of the Empire. I inquired of the Honourable Member in charge of the Bill whether he can give us information as to whether Indians are required to be registered in any parts of the Empire and he told me, quite frankly, that he is not aware of similar provisions of registration but there are emigration laws which prevent Indians from emigrating into that country, which is much more than registration and we would like that in the case of countries in which Indians are not allowed to enter we should impose similar disabilities and treat them as foreigners under this Act. I do not want to take the House into a discussion of the countries which prevent Indians from emigrating to them. They have put various tests which effectively prevent Indians from entering those countries. I should like to suggest that people from those parts of the British Empire should be regarded as foreigners under this Act and I hope that amendments which will be moved to that effect will be accepted by the Government. I should like to refer to one other point touched upon by Mr. Ayyangar and that is clause 6. The wording of clause 6 is so wide that the Government of India can nullify the whole Act. According to this clause they can put the whole law out of gear. They can grant exemptions to any foreigner or class of foreigners. I am certainly against such wide powers being given to the executive, knowing as we do how these powers have been exercised by the Government in this country. And so I would like to urge the deletion of this clause. On the whole I think this measure is one which is good and which requires the support of this House. Sir, I support the motion.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I simply want to make one point. The acceptance of this Bill as it stands will mean that we are unilaterally accepting some sort of empire citizenship without a corresponding acceptance of the empire citizenship by the other parts of the Empire. I have no objection to our acceptance of empire citizenship if the other parts of the Empire accept the same definition. I am not anxious that they should give us complete facilities for emigration but at least for going on travel, on business, for studies and other things, if they are prepared to open their countries on the same terms as we open our doors to them, then we may have some definition of empire citizenship. There, I would like to say, any Canadian, Australian or any other member of any part of the British Empire may come and go about without any kind of restriction or reporting of his movements, while no Indian can even step into their country without being put to all sorts of restrictions. Therefore, we do not want either directly or indirectly to accept any sort of Empire citizenship and that is the one reason which should enable the Government to accept the change in the definition of foreigner. Unless the change in the definition

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is accepted, I am wholly opposed to this Bill. I would rather that this Bill is defeated or dropped rather than it should be passed in this form.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, the only point which I want to make is a simple one. We find we are making now a new law with regard to the registration of foreigners in British India. I do not deny that there is a necessity of a law like that. Apart from any development of the international situation, any country which aspires to be a nation by itself ought to have some provision made for the registration of those whom it considers as foreigners. So a law like that is a necessity, but my difficulty in understanding this law is this. A law like this necessarily implies that there should be a definition of "foreigner" and for that purpose we are referred by this Act to the Foreigners Act of 1864; and when we take the Foreigners Act of 1864 it refers us to the British Nationality and Status of Aliens Act of 1914. I know that Act also. My contention is this. Why is it, when we are making a new law, that the law should not be self-sufficient by itself? If you really think that it is a good definition, reproduce it here. Why make a reference to that particular section and say that a foreigner must mean such and such as defined by such and such? Now, suppose we have adopted the definition of foreigner given in the British Nationality and Status of Aliens Act of 1914 in this law, and suppose that definition is changed or modified by Parliament tomorrow and this definition does not remain as it is today under the British Nationality and Status of Aliens Act, are we to suppose that a corresponding change has been adopted by this House without any special law?

An Honourable Member: Automatically?

Mr. M. S. Aney: If you keep the definition in the form as it is, it means that whatever definition they may make plus the acceptance which we have made in the Foreigners Act of 1864 is our definition. We have given them full liberty to deal with the definition of foreigners in the way they like. The dignity of this House and the intelligence of the Members of this House require that we should not take for granted a definition of "foreigner" made by somebody from their own point of view. If you have a very good definition, never mind, put it here. It shall be open to us to make any change we like, but let us not be tied to any changes that might be introduced into that definition. This is a rather anomalous position, I find. I think the matter should have been considered from this point of view by the Select Committee. Anyhow it is not too late to allow somebody to table an amendment to reproduce that amendment to be bodily introduced into this Bill. (*An Honourable Member:* "There is one in the name of Mr. Ananthasayanam Ayyangar already"). I am very glad to see that. So anyhow that is very important and when we come to that, you will see the immense advantage of having the whole definition reproduced here rather than that we should rest content with a mere definition in the title. This is the point I want to urge.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I live in the borderland of Tibet and Nepal. They are my good neighbours, but I want to know whether they are foreigners or not. We experience many difficulties over there but although they are our neighbours, they do not treat us on equal terms. Many persons from my part of the country go for trade to Tibet and to Nepal also, and while we, i.e., the Hindus only, can go up to Manoswarobar and Kailash and while the foreigners have to take a passport beyond the last stage of Garbiang, which is the last British outpost, and while the Hindus are allowed to go up to Manoswarobar and up to Kailash only,—of course others are not allowed—the Tibetans on the other hand can come to our part of the country without any passport for trade and so on. When our people go there, the Bhotia traders have to give some presents such as wine, tea and *sattu* to the Zongpong there. A feast is held for this purpose over there and three questions are asked from the Bhotia traders:

- (1) Is there any sickness in your country?
- (2) Is there any war, or not?
- (3) Is there any famine or otherwise?

These three questions have to be answered before trade relationships can be established over there. This is called the Gamgia agreement. What happens? This agreement and the replies are wrapped in a cloth and put in a cover with a piece of stone about three tolas on each cover and sealed. It is given to each party. If the replies are not up to the mark, then they are not allowed to trade and they have to pay a fine of three tolas of gold in case the answers are deceptive. The Gamgia agreement is recognized under treaty by the British Government over there. But when the Tibetans come down here, there is no such treatment meted out to them. They come and dump their goods upon us as they like. Of course, India has been the dumping ground of many foreigners, and still they come. These Tibetans, the beggars, the traders and the Llamas they all come, the Llamas with their revolving prayer wheels, they come and beg and steal and there is no restriction upon them, and while there is restriction on their side, there is none from this side. They can come into my district up to a number of two or even three thousand and there are no restrictions. Then there is the question of Nepal. My Honourable friend, Sir Raza Ali, has put in a note here as some doubt occurs to him about the definition of foreigners. He says:

"I take it that the Nepalese and people living in the trans-border territory to the North-West of our frontier are foreigners. Yet such large numbers of them visit British India that a registration of them is bound to give rise to practical difficulties. But according to my reading of the Bill, as amended by the Select Committee, the rule-making power is vested in the Central Government and will be exercised as the occasion or emergency may require."

He has pointed out that whether they are to be treated as foreigners or as Indians, they are treated as Indians here. And why not? From 1790 to 1814 the Gurkhas were the masters of the whole country from Kumaon to Kashmir and also on the eastern side. In 1814 they were defeated by General Ochterloney and a treaty was signed in 1816. Since then they are treated as the allies of the British Government and there are twenty thousand Gurkhas serving as soldiers in this land. During the war there were 40 battalions who acted as patrols in India and their officers used to live in Simla and in Delhi or somewhere near these places. If they had been shrewd enough, they could have taken charge of the whole of India and would have been the master of this country. But

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they were not shrewed politicians but were only hired mercenaries. So, this thing did not enter into their heads. They wanted Raxaul for all they did for India but ten lakhs were given to them instead of Raxaul and they were satisfied. Now, they do not allow us to enter into their territory although we are their neighbours and a relation of mine is a Rajguru in Nepal. We are allowed to enter their territory only at the time of Pashupati Mela and on other days we have to take a passport, when we go over there. There is a Post Office for them and also a hospital and they are provided free at our cost by the British Government. But when they come over here there are no restrictions on them. They are not required to take any passport. Now, why should there be this inequality? Most of the Gurkhas are my friends and it is not because of ill-will or enmity that I am saying this, but what I am asking for is equal treatment. If they are allowed to come to our country without any restrictions and without any passport, we should also have the same privileges when we go to their country.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Then, you will create unrest and disorder there.

Mr. Badri Dutt Pande: They also create unrest and disorder here. Then, Sir, there is one other point which I would like to mention. Nepal charges customs on those articles that come through their country into British India but there is no corresponding duty levied on their goods. So they are the beneficiaries, because they are the friends of the Allies and of the British and there are 20,000 Gurkhas in India. Of course, these Gurkha soldiers are very brave though a bit cruel. So, they are given a preferential treatment and we are looked down upon, although we are their close neighbours, both by the Tibetans and the Nepalese. Then, Sir, although we have a British Trade Agent there, we are treated very superficially by that Agent. I have submitted a special case, relating to one Thakor Moti Singh and about whom I have asked many questions on the floor of this House. He was turned out by the British Trade Agent there while he was doing some business there without any rhyme or reason. A false story was concocted against him that he was trying to create trouble there. But the real story was that the Trade Agent was trying to smuggle away a Bhutanese woman and he interfered with his scheme of things. So, he was handcuffed by the British Trade Agent and was turned out from that place. No inquiries were made and neither the Deputy Commissioner was consulted nor the local officials were consulted nor the United Provinces Government was consulted. I inquired from the Premier of the United Provinces whether he was consulted that this man was an undesirable fellow. He said the only information he got was that the man was undesirable and he should not be allowed to enter into Tibet. That case I especially bring to the notice of the House. We are treated there as foreigners and we are insulted in these two territories which I have mentioned. What I want is that there should be reciprocity on both sides. This should be done by the rule-making power. We should be free to enter Nepal and they should be free to come to India as they are now. If there are restrictions, they should be applicable on both sides. With these remarks, I support the motion.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir, if I rise to speak at this early stage, I believe the only justification is that it occurs to me, having listened carefully to the speeches made

by various speakers, that there is a certain confusion of thought on the scope of the Bill. Foreigners either going to settle in another country or visiting that country for travel purposes are generally divided into two classes, and the laws of all civilized countries make a sharp distinction between these two classes. Firstly, there are those foreigners who go from one country with a view to settle in another. Such foreigners are usually dealt with by the immigration laws of the country to which they propose to go and in which they propose to settle. Secondly, there are foreigners who visit a foreign country temporarily and these temporary visits are generally regulated by an Act which makes it incumbent on those foreigners to give the necessary information to police authorities. Now, we should remember very distinctly that the question of immigration is not before us today.

Mr. Husenbhai Abdullabhai Laljee: We never get an opportunity to do anything for them and, therefore, we must take this opportunity to do all that we can for them.

Sir Syed Raza Ali: You are doing a wrong thing. If my friend wants to do anything for them, let me tell him that the best thing to do for him or for anyone of us who is interested in the subject is to ask the Government to frame rules under the relevant section of the Immigration Act of 1924.

Mr. S. Satyamurti: Why have they not done it all these years?

Sir Syed Raza Ali: I believe Mr. Satyamurti and I are to blame—he for five years and I for three months.

Mr. S. Satyamurti: I am not the Government of India. I have not brought the Bill.

Sir Syed Raza Ali: There is no question of bringing the Bill. The power is already there. The relevant section has already been read out and I need not read it again. But the power is already vested in the Government of India to make rules with regard to the immigration of foreigners.

Mr. M. Ananthasayanam Ayyangar: It is very restricted.

Sir Syed Raza Ali: I hold no brief for the Government. Government are certainly to blame but we also cannot escape from blame. Did anyone of us table a Resolution. . . .

Mr. S. Satyamurti: They have not accepted one Resolution of ours all these years. Not one.

Sir Syed Raza Ali: Any way, I do not think I should enter into a wordy warfare on this subject. My point is this. The power is there but the Government has not exercised those powers and, unfortunately, we have never asked the Government to exercise those powers. There the matter rests.

Now, if it is proposed to change the law governing the subject of immigration, it is open to us again to bring forward an amending Bill. I, for one, do not think it is necessary to bring forward an amending Bill, at

[Sir Syed Raza Ali.]

this stage, because if the Government exercise the powers that are vested in them with regard to the control of immigration, I believe our point will mostly be met. But let us see what the scope of the present Bill is, I am afraid that is the subject which seems to have been disregarded in the course of the debate today. The object of the present Bill is to have necessary and important information with regard to those foreigners who either are at present to be found in India or may visit India for temporary purposes. That is the main point really. If that is the object of the Bill and the object is quite clear, I do not think the points that were raised in the course of the debate this morning would be relevant. To begin with one of the speakers suggested that visitors from Tibet should be stopped. Some similar hints were thrown out with respect to visitors from certain Dominions which have got anti-Indian laws. I believe these two cases are to be normally distinguished. So far as Tibetans are concerned, if the picture painted by the last speaker is correct, then, we should certainly do everything in our power to have something like reciprocity between India and Tibet. I, for one, do not know what is the actual position. But if the information given by my Honourable friend is correct, I would certainly ask the Government of India to examine whether these Tibetans cannot be brought to their senses by making rules under the relevant sections of the Immigration Act. If Government find that the Immigration Act does not give sufficient powers, I think a fresh Bill should be introduced with a view to enable Government to deal with countries like Tibet.

Maulana Zafar Ali Khan: What about Kenya? What about South Africa?

Sir Syed Raza Ali: My Honourable friend interjects, "what about Kenya and South Africa"? There is a world of difference between Kenya and South Africa. Let me tell my Honourable friend that Indian emigration to Kenya has not been stopped. If you have the necessary amount of money, anybody can go to Kenya and settle there.

Maulana Zafar Ali Khan: You cannot go to the Highlands.

Sir Syed Raza Ali: You can certainly go to the Highlands, but you cannot purchase land there.

So far as South Africa is concerned, let us be quite clear what we are talking about. There is a whole world of difference between Kenya and South Africa. So far as South Africa is concerned, Indian emigration is totally stopped. The same is the case with Canada, Australia and New Zealand. Let me draw the attention of my Honourable friend to the fact that in spite of the fact that Indian emigration to South Africa, Canada, Australia and New Zealand, Northern and Southern Rhodesia is totally stopped, none of these countries have stopped Indians from visiting those countries on temporary visits—not one of them let me repeat. You can go and visit any of these countries you like. No doubt, unfortunately, the Union of South Africa has made certain humiliating rules with reference to Indians visiting that country. For instance, if you go there it is not enough for you to have a passport. You must have a special permit given by the Minister of the Interior through the Commissioner of Asiatic Affairs authorising you to land there or go from one province to another.

An Honourable Member: Can you settle there?

Sir Syed Raza Ali: I already said that there is no emigration now in force from India to South Africa. If my Honourable friends are unable to understand the ordinary meaning of the word, then there is no use my repeating it again. This Bill does not deal with emigration.

My point is that none of these self-governing Dominions, which are only nominally within the British Commonwealth of Nations but which enjoy actual sovereign powers have made, except South Africa, laws raising difficulties in the way of Indians visiting these countries. Some of them show a contrary tendency but others do not. This Bill, it is claimed, should really regulate only the temporary visits of people from these countries to India.

An Honourable Member: Is mention of the word "temporary" anywhere in the Bill?

Sir Syed Raza Ali: We will come to that when we take up the clauses of the Bill. What is the policy of the House with regard to visitors from other countries to India? That is the main point. That is really a question of principle. Let me tell the House that countries which have got good climate or are known for their architectural monuments or are noted for any other object of interest are spending huge sums of money with a view to attract visitors from abroad to those countries and see things there and spend some part of their time and leisure there. I know more about South Africa than any other country. I know something about Germany too. Germany, South Africa and Switzerland and France have been spending huge sums of money for propaganda purposes with a view to induce people to go to those countries. They are quite right in doing so. The visit of foreigners on a large scale brings large sums of money to a country. Now, what is going to be our policy? I may say at once that so far as I know, no Government is doing so little in this direction as, unfortunately, the Government of India. Very little is done by way of advertisements and propaganda by the Government of India to induce visitors to India from other countries. That is only by the way. The question is this. Are we going to isolate ourselves from the rest of the world and discourage visitors from foreign countries to our country. Personally, I may say that I am strongly opposed to such a course. I think there are immense advantages, apart from economic gain. These visits of foreigners should not only be encouraged but also multiplied.

Now, should Government insist that if a person is a foreigner, into the definition of which word I do not propose to go at this stage, he or she should give the necessary information about his or her arrival in India and about his or her movements in India? That is the main question before the House. I think that having regard to the scope of the Bill it is very necessary, if our claim, to be a civilised, enlightened and progressive Government, is a good claim, that Government should be in a position to have the necessary information with regard to those foreigners who are here or who may, hereafter, visit India. That is the main scope of the Bill. I am not going into the main points that are incorporated in the various clauses of the Bill but I would again very earnestly ask my Honourable colleagues to make a broad distinction between immigration on the one hand and temporary visit on the other.

Mr. S. Satyamurti: It is not "temporary visit": The Honourable Member is wrong.

Sir Syed Raza Ali: I do not think I will go into that at this stage because the proper time for that would be when we take up the Bill clause by clause. Sir, one thing more about the speech of my Honourable friend, Maulana Zafar Ali, and I have done. He raised two very important points which were absolutely irreconcilable and conflicting. First, he emphasised the universal brotherhood of man, an ideal in which I have very strong faith though most of the world does not, unfortunately for Maulana Zafar Ali and myself, agree with him and me. In spite of his pious hopes and in spite of my desires Hitler and Mussolini are going ahead with consolidating their power and it seems that the brotherhood of man is no more than a pious hope which may never be fulfilled in this world. Then, Maulana Zafar Ali Khan having emphasised the brotherhood of man went on to say, "What are we to do? There are these countries which have made discriminatory laws against us and are we going to take all that lying down?" This part of his speech cancels the first part. He starts with the brotherhood of man and then appeals to this House to take action against those countries that have got discriminatory laws against us, which he does in a spirit of aggressive nationalism, to which he is certainly entitled. I certainly do believe in aggressive nationalism when the time for it comes. But anyway my point is that the whole speech does not come to much, if I may say so, because the first part cancels the second part.

Sir, I support this Bill because I think that, having regard to the scope of the Bill, this is a subject which is entitled to our most serious consideration. As to whether its clauses are adequate or not and whether they require any amendment and modification or not are matters which we are entitled to go into when the Bill is taken up clause by clause. Sir, I support the motion.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhamadan Rural): Sir, in view of the numerous misapprehensions on the part of Honourable Members who spoke before me as regards the Bill and its contents and as regards some ideas on which there was some uninformed criticism about what we said, it is just as well that we first understood the true scope of the Bill and the extent which we are prepared to support it. I will not detain the House with extra-legal measures for the amelioration of the world at all; and, so far as that is concerned, my Honourable friend, Maulana Zafar Ali Khan, may take it from me that I am not here to deal with extra-legal methods of improving or regenerating the world. That course must be left to the world itself. But coming to our narrower world I am neither an aggressive nationalist, nor an aggressive internationalist either,—a nationalism or internationalism which will have its own meaning according to the colour of the individuals professing that faith.

Coming to the scope of the Bill itself, it deals with the registration of foreigners entering, being present in, or departing from, British India. And my Honourable friend, Sir Raza Ali, may take it that there is nothing in this Bill or its scope which deals with what he calls merely curiosity visitors to this country. In that point of view, I think he is entirely mistaken. Not only that, but I think I owe it to the House to point out that there is already an Act, being Act 3 of 1924, which regulates the entry into, and residence in, British India, of persons domiciled in other British possessions; and that will throw light on what I am going to point out as to why we make the exceptions we do. In that Act we are not dealing with foreigners properly so called, and section 3 of that Act provides that

the Governor General in Council may make rules for the purpose of securing that persons, not being of Indian origin and domiciled in any British possession, shall have no greater rights and privileges as regards entry into, and residence in, British India than are accorded by law and administration in such possession to persons of Indian domicile. So my Honourable friend, in spite of his long sojourn in South Africa, might probably have forgotten that there is a law which already enables this Government and makes a distinction which we are seeking to make in this Bill as regards persons of non-Indian domicile, but belonging to British domicile other than the United Kingdom domicile. My Honourable friend will see the distinction between the three, and it is that distinction which we wish to bring into this Bill quite clearly. If, for instance, the Government of India under the law have already the power to see that rules are made for persons of non-Indian domicile from South Africa, for instance, which is a British possession, being still of British domicile in the larger sense of the term and not United Kingdom domicile, when they come here, the Government of India are entitled to regulate their residence and entry and according no more privileges and rights than are accorded to us in Africa, that is to say, to persons of Indian domicile.

Sir Syed Raza Ali: I referred to Act 3 of 1924.

Mr. Bhulabhai J. Desai: I am only trying to point out that what is considered now is as important, having regard to the principle already established in that Act. So far as that Act is concerned, it deals with entry into and residence and privileges accorded to him. This Bill relates to the registration of such persons, at least some of such persons; and, therefore, it is important that here also we must provide that where a British dominion or colony discriminates against us, a citizen of that dominion must be one of those persons who would be liable to be registered and required to be registered.

Maulana Zafar Ali Khan: Modified sort of retaliation.

Mr. Bhulabhai J. Desai: No; it is not a modified way. We are entitled to retaliate under that Act. I do not understand the process of logic by which my Honourable friend says "Oh, yes: you may retaliate against him, but you may not require his registration." I thought registration was primarily intended for the purpose of seeing that every person who is here is thus identified: you know where he belongs; you know where his nationality is; you know what his domicile is. Having known that, it will give you ready-made material for the purpose of applying the Act of 1924 as and when you need to do so. I do not, therefore, see at all how my Honourable friend's solicitude for people who treat us badly that they should not have to be registered here

Sir Syed Raza Ali: That is not my position, at all. I must protest against what my Honourable friend is saying. I never said a word against registration.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

Mr. Bhulabhai J. Desai: If it is a personal explanation, I have heard it. My only point is this, that all the half hour was not required if he says "I accept the Bill with the amendments that we are moving." Then, I fully appreciate the speech without at all accepting that that speech ever lent support to anything we are doing

Sir Syed Raza Ali: It is a case of "Will you walk into my parlour?"

Mr. Bhulabhai J. Desai: It is one of two things. Either my friend opposes what I am saying or accepts what I am saying. If he accepts what I am saying, then his speech is contrary to it. If he is opposing, then I am merely trying to persuade him that he is not right. The point is shortly this. We fully appreciate that this Bill deals only with registration. It does not deal, as my Honourable friend imagines, only with temporary residence. The two points are clear. The third point is that registration will enable us effectively to make rules for the purpose of a law which is already a part of the Statute law of the land, namely, dealing with non-Indian empire foreigners, not being United Kingdom men. Therefore, so far as that is concerned, my Honourable friend may take it that the definition as we give it is the one that is the only suitable definition. The definition which we wish to give is not by reference to the Act of 1864 on which I shall say only one word. The Act of 1864 was enacted in view, I believe, of the fresh memories of the Mutiny, and its main purpose was to give power to the Government to extern people who were foreigners within the meaning of that Act, including persons who are the subjects of Indian States: it was an Act which, after many years, was resuscitated both in the twenties and twenty-two's and in 1930, 1932 and 1933 for the purpose of externing all persons, being subjects of Indian States, who took part in the civil resistance movement: so that, that is an Act that had its own purpose and its own objective. Whether and to what extent that definition of foreigner should remain or should be amended as including therein subjects of Indian States is a matter on which we are not concerned just now. All we want to do now is to say who are the persons whose registration will help in times of emergency or otherwise for the purpose of administration of British Indian laws. That is the narrow point for the purposes of this Bill! and, for that purpose, what we submit to the House is that it would be perfectly proper to exclude from the term foreigner—first, we cannot help "who is not a British subject domiciled in the United Kingdom"—that is the Government of India Act—or "who is not a British Indian subject"—that is what we are—or "who is not a ruler or subject of an Indian State in India"—that is the extension, and that is not really provided for by the Act of 1864—or "who is not a person duly appointed by a foreign Government to exercise diplomatic functions"—my Honourable friend would probably come within that definition, if not today, some other day or "who is not a consul or vice-consul"—and we add and emphasise what is important in our amendment "but includes any person who is a citizen of any British Dominion or Colony, whose Government discriminates against Indians by legislation, by administrative action or otherwise." I, therefore, ask the House to see that we fully appreciate the scope of the Act and then require by the preliminary interlude for the purpose of telling us who are travellers and who are not travellers; but the fact remains that the Bill does not deal merely with travellers, nor does the Act of 1924 deal merely with travellers. It is the foreigner whether he is temporarily or permanently here, and, therefore, my submission to the House is this,

that for the purposes of registration the exceptions we have made are all the exceptions that are needed in the interests of correct behaviour and in the interests of aggressive nationalism, a principle to which my friend has given most emphatic assertion and adherence in this House, differing from Maulana Zafar Ali Khan, and also in the interests of administering our laws. That is the sole scope of the Bill, and we do not want to go any further.

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 Reginald Maxwell: Sir, any one listening to the debate which has just taken place would perhaps find himself under the impression that the interest in this measure was very largely centered in the aspect of securing equal treatment for Indians and the provision for taking measures of retaliation against any species of discrimination against Indians overseas. That is the aspect which has been most prominently brought forward during this discussion, but there is one thing of which I should like to remind the House prominently before they proceed to the further discussion of this measure, and that is, that in the object which Government had in view in bringing it before this House the defence aspect was of far greater importance than any question of mere discrimination or the means of retaliation against other countries. I think I am right in supposing that Honourable Members who have spoken on this measure, although so much emphasis was laid by them on the question of securing means for taking action against discrimination, most of them did have it at the same time at the back of their minds that this measure is in any case essential or may be essential for the safety of India. I don't say that it is today or tomorrow, but at some time or other it may be a matter of really vital importance to India that we should have a complete list of the aliens within our boundaries, and I would not have the House forget that aspect in concentrating too much on the other question, namely, our relations with the Dominions. I am obliged to my Honourable friend, Sir Syed Raza Ali, for relieving me of a considerable amount of explanation in regard to the scope of the Bill. He has properly understood its scope . . .

Mr. S. Satyamurti: Almost one, the only one, I suppose!

The Honourable Sir Reginald Maxwell: I won't say that other Honourable Members have not really understood it, but they have not perhaps concentrated to the same extent in bringing it out in their speeches.

The scope of the Bill, I would remind the House, is to afford means of registration of persons who are not British subjects at all but who are aliens, that is to say, persons who own no common allegiance or status with Indians in the British Commonwealth of Nations, persons who have no claim on us at all and might, at some time or other, come within the definition of enemy aliens. Those are the persons whom we really had in view in drafting this measure, and any attempt to extend the Bill to persons resident in the Dominions or Colonies, who are at no time likely to owe a

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different allegiance or to become enemies of India, is really an extension of the scope of the Bill beyond what is really necessary in a measure of registration. I shall return to that point in a moment. But as I explained during the debate, which took place on the previous motion for consideration of the Bill, this Bill aims at registration, and not control, that is, its primary object is limited to the simple purpose of obtaining information about aliens present in our midst, how many they are, of what nationality, and what they are doing. Now, I should like to point out to the House that registration is not an end in itself, but it is a means to some other known end which can be achieved by law. Therefore, Sir Raza Ali was quite correct in remarking that the general question of immigration does not really come within the scope of a Bill providing for registration. Registration might, for the purposes of argument, be regarded as incidental to immigration, but immigration is a thing which would have to be achieved by entirely different legislation and can be considered as a thing quite apart from the mere question of obtaining a list of certain persons. Incidentally, I would remark here in regard to what Sir Raza Ali said,—I think it was questioned by one Honourable Member,—that most of the persons, either foreigners or residents of the Dominions, who are present in India at any one time, are only temporary immigrants. That is, so far as I know, a comparatively small proportion of such persons settle down in India for good. Therefore, Sir Raza Ali was quite right in saying that the question of temporary visitors was a distinct one from the question of regulation of immigration that is, immigration for the purposes of permanent residence. This House has full competence to pass legislation restricting immigration into India and might, at any time, do so if it proved to be necessary, but that is not a matter which we have to consider today. Two Bills have already been introduced in this House, one by Mr. Mohan Lal Saksena and another by Mr. Deshmukh which have connection with the regulation of persons not domiciled in India. Mr. Mohan Lal Saksena's Bill is the Overseas Indians Reciprocity Bill, and Mr. Deshmukh's Bill is the Reciprocity Bill, as he calls it. These Bills have the direct object of imposing disqualifications or restrictions of various kinds on the subjects of States or Dominions where discrimination is exercised against Indians, and if it is the object of the House to deal with a matter of that kind, legislation of that sort is, I submit, the proper way to deal with it. Apart from any such object, mere registration of any class of persons becomes merely a gesture

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): You make a beginning.

The Honourable Sir Reginald Maxwell: The real question is how far registration is necessary as a means of the particular end which we have in view. As I say, registration by itself does nothing; it is a means to an end, a known end which we must be able to define. In regard to foreigners, the reason why we wish power to register all foreigners is that at any time in war it might be necessary to take action against all foreign nationals of a particular kind without any further distinction between them. Therefore, if we are to be in a position to take any action which might, at any time, suddenly become necessary in war, we must at all times be in possession of information regarding the numbers and places of foreigners of each nationality separately, and that is the object, the primary object

which the Bill is intended to achieve. But if the object is merely restriction of privileges of a certain kind, or, we will say, control of the inflow of foreigners or other persons into certain professions in India to prevent them from competing with Indians in those professions, then we can equally well achieve it by direct legislation. Then our object would be confined to a limited category of persons. If we wish to control all persons entering, say, the medical profession, or the legal profession, we can make our measures apply only to persons in those professions and we can pass measures preventing certain persons from practising those professions in this country if we desire to do so. But there is no essential reason why we should, for that purpose, want to register all the visitors belonging to those countries who come to India for any purpose whatsoever including temporary visitors who are merely birds of passage. That is what I want to impress on the House, for in considering a Bill of this kind we have to keep in view the definite purpose for which registration will be useful; otherwise, we are giving ourselves a great deal of trouble for no definite end.

As regards the amendments which have been put down for the purpose of enlarging the definition of a foreigner, I should like to remark generally to this House that definitions which depend on any contingent qualification such as discrimination in a particular country do not afford a firm basis for action; they are not working definitions at all.

Prof. N. G. Ranga: This is also contingent. You do not have any war now. You have no enemy.

The Honourable Sir Reginald Maxwell: I am speaking at present of a person who tries to apply a definition of the kind which appears in some of the amendments designed to enlarge the scope of the Bill. Some of these amendments made the liability to registration contingent on some species of discrimination exercised in another country

Mr. S. Satyamurti: What about No. 1 amendment?

The Honourable Sir Reginald Maxwell: I am coming to that. I am speaking first of all with regard to this particular class of amendments. Supposing you have a Bill requiring you to impose registration against, we will say, residents of Dominions where discrimination of a particular kind is practised against India, then before you can apply your definition against any individual, you will have to hold an enquiry into the particular kinds of discrimination which are exercised in the place where he comes from and whether that discrimination is of such an extent as to make him liable to registration under this Act or not. No one that has to work this Act from day to day can possibly proceed on a definition which does not afford a clear rule of guidance for dealing with all persons of this description. (Interruption.) I am just pointing out the difficulties which would arise in the actual operation of any definition such as some of the amendments which have been put down suggest.

I was going to say before my Honourable friend, Mr. Satyamurti, suggested it to me, that the first amendment which is put down is not open to that particular class of objection. That is the amendment which Government could most easily accept if the House strongly desires it. But before it is moved, and while we are still considering the general

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principle on the motion for consideration, I should like the House to consider some of the objections which I see to any such enlargement of the definition of a foreigner. I have already mentioned that it takes us considerably beyond the original contemplated scope of the Bill, but that does not matter so much. What I want now is that the House should consider the practical implications of an enlargement of that kind of the definition. Firstly, it involves the adoption of definition of a foreigner which is different from that adopted in the Foreigners Act. This Bill is to a large extent designed to supplement the Foreigners Act, and so if we accept this new definition here, we are left with the position that, for instance, a person can be a foreigner for purposes of registration but he is not a foreigner for purposes of deportation under the Foreigners Act. That, to my mind, is an objection to what the Honourable Members want to do in pressing this amendment.

Prof. N. G. Ranga: Amend the other Act.

The Honourable Sir Reginald Maxwell: But the Foreigners Act is not before the House at the moment.

I wish now to turn to the definition of a foreigner which has been adopted in the Foreigners Act. My Honourable friend, Mr. Aney, rather protested against our adopting a definition which depends on any outside authority, and the Foreigners Act, I admit, does refer to the British Nationality and Status of Aliens Act. But at the same time, I should like the House to reflect that this British Nationality and Status of Aliens Act is of some value to Indians in their journeys about the world. It is an Act which confers a common status on Indians in the Dominions as well as on Dominions residents in India. It is not binding on India alone as any definition framed by ourselves would be. Under the British Nationality and Status of Aliens Act, an alien is a person who is not a British subject, and a British subject means a person who is a natural born British subject and certain other classes of persons with whom we are not now concerned, and a natural born British subject is a person born within His Majesty's Dominions and allegiance. Therefore, so long as this definition stands in the British Nationality and Status of Aliens Act, an Indian can proceed about his business anywhere in the world, whether in foreign countries or in the Dominions, with the status of a British subject. I should like the House to reflect that when there are so many more Indians in the Dominions than there are Dominion subjects in India,—whether it is not wiser to take our stand on a common definition which brings both British Indians and Dominions subjects under one umbrella.

Mr. S. Satyamurti: A very leaky umbrella. So far as we are concerned it is all holes.

Another Honourable Member: No umbrella.

Another Honourable Member: They do not want us to enter.

The Honourable Sir Reginald Maxwell: If you say to another person "I do not want to stand under your umbrella", he will say, "then go out into the rain", and that does not help you.

An Honourable Member: That is much better than your leaky umbrella.

Another Honourable Member: They are all holes.

The Honourable Sir Reginald Maxwell: There is a definition which gives a common status both to Indians and to other Dominion subjects, and the House will have to consider what the implications would be of departing from such a definition,—whether you would not give a handle to others to say, "You treat us as foreigners. Why should we give you such privileges as you claim under the guise of a British subject?"

An Honourable Member: What are we getting in South Africa and Canada?

The Honourable Sir Reginald Maxwell: Now, I turn to a different question and that is the application of the Bill to residents of Indian States. That question was raised by Mr. Asaf Ali. As regards the residents of Indian States, he is no doubt acquainted with the provisions of section 262 of the Government of India Act which declare that no person who is not a British subject shall be eligible for service under the Crown in India and special declarations are necessary to make such subjects of States eligible for service under the Crown. Of course, that does not extend to the practice of various professions in the States or the permission of State subjects to practise professions in British India. If discrimination of those other kinds is wanted, the Government of India would certainly be competent to legislate as regards British India only but, of course, they would not be in a position to compel the Indian States to remove any barriers which they had set up against the freedom to practise of British Indians who are residents in those States. But at the same time, this is hardly the time to attempt to set up more fixed barriers than already exist between British India and the States. As every one is aware, we are now in gradual process of removing barriers between the States and British India in the hope that some day or other they will be able to work together as a united nation and I do not think that this is the time to take a retrograde step and begin treating the residents of States as foreigners for purposes such as those contemplated in this Bill. And at the same time, as has been mentioned in the course of the debate, one Honourable Member on the other side, Mr. Gadgil, has already brought in a Bill to amend the Foreigners Act in order to exclude residents of the Indian States from the definition of foreigner and at the same time I notice that Mr. Mohan Lal Saksena's Bill, to which I was referring just now, expressly excludes Indian States from its scope. So there is evidently no unanimous opinion on that side of the House that the subjects of Indian States should be regarded as foreigners for purposes of British Indian legislation.

Mr. M. Asaf Ali: On a point of personal explanation. I can assure the Honourable Member that there is complete unanimity so far as the discriminating States are concerned. We do not want discriminating States to enjoy any privileges in British India which we do not enjoy in their States.

The Honourable Sir Reginald Maxwell: That feeling is not reflected in the two Bills to which I have made reference. But anyhow I have already, in the course of the previous debate, pointed out the very serious practical objection which there would be to the application of any form of registration to the residents of Indian States. Firstly, there would be the objection which I pointed out a moment ago in regard to the discrimination clauses generally, namely, that it would be impossible for any one, dealing with a state subject, to make himself familiar with the entire system of legislation within that State in order that he might know whether he was legally empowered to register a person or not. And, secondly, there is the point that it would be extremely difficult to distinguish residents of Indian States from residents of British India; and where obligations are imposed, for instance, on shipping companies or transport companies or on hotel managers, to perform certain functions in regard to persons liable to registration, it would be imposing an extremely difficult task on them to require them to make themselves familiar with the exact State from which any particular person hailed and the state of legislation within that State.

Now, to go back to the first amendment and the proposal to include British Dominion subjects with the scope of the Bill, the possibility of accepting an amendment of that kind depends very largely on the freedom which is allowed to the executive Government by clause 6 of the Bill to exempt various classes of persons from the operation of the Bill. I must say at once that there would be no point in starting a register of residents of Dominions unless it were for the definite purpose of applying some known Act against them and that Act could not be applied without a complete register of their names. Therefore, supposing this amendment were carried, I must make it clear on behalf of Government that we should normally use our power of exemption in favour of Dominion residents in exactly the same way in which we propose to use it in the case of subjects of neighbouring friendly States. I explained before that this exemption provision was extremely necessary because otherwise we should be confronted with the necessity of preparing a register, for instance, of 300,000 Nepalese and various other large numbers of persons who ordinarily enter the boundaries of India from the surrounding States. Well, amendment No. 1, if carried, would put Dominion residents in the same category as the residents of these surrounding States, that is, they are persons who could be registered if the occasion should ever arise, and that answers the point made by one Honourable Member that they might, at some time or other, become hostile. That, I say, the Bill permits us to do. They are not by any means excluded from the scope of the Bill. The question whether they should be registered or not will depend on the circumstances in which Government might find themselves at any moment. If the surrounding countries were likely to become hostile, Government could certainly undertake their registration but we do not want to saddle ourselves with an enormous task of that kind to an extent greater than is really necessary for practical requirements. I do not think I need reply in detail to the other points raised during the debate because they mostly relate to the same subjects. I wish it to be understood that if, after hearing what I have had to say about the proposal to extend the Bill to residents of the Dominions, etc., if Honourable Members still feel that it is essential that power should be taken to register them, then Government will not oppose that amendment. But

I should ask Honourable Members to reflect seriously on what I have said in regard to the objections to such a course. I do not feel myself that it would be the right course but it does not very greatly interfere with the operation of the Bill, always provided that it is understood that Government will have to use their judgment in regard to the exemptions which are allowed.

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

"That the Bill to provide for the registration of foreigners in British India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar: Sir, before I move my amendment, I should like to have your permission to make a formal change. If you will see the amendment, you will find that the words "who is not" are to be found at the beginning of each of the five items mentioned there. I have been told by the draftsman that it is more proper that the amendment should read:

"shall denote a person who is not—

- (i) a British subject, etc.
- (ii) a British Indian subject; or
- (iii) any ruler or subject of any Indian State, or
- (iv) a person duly appointed by a foreign Government to exercise diplomatic functions; or
- (v) a consul or a vice-consul . . ."

The Honourable Sir Reginald Maxwell: May I interrupt the Honourable Member and suggest "a" for "any" before "ruler"?

Mr. M. Ananthasayanam Ayyangar: And I also suggest that in place of the word "any State in India" there should be substituted the words "any Indian State"—because "an Indian State" is a phrase defined in the Government of India Act, and "any State in India" is not a term used in the Government of India Act. If this also is acceptable, I move it in this form

"That for sub-clause (a) of clause 2 of the Bill, the following be substituted:

"(a) the word 'foreigner' shall denote a person who is not—

- (i) a British subject domiciled in the United Kingdom; or
- (ii) a British Indian subject; or
- (iii) a ruler or subject of an Indian State; or
- (iv) a person duly appointed by a foreign Government to exercise diplomatic functions; or
- (v) a consul or a vice-consul."

Mr. Deputy President (Mr. Akhil Chandra Datta): As this is merely a verbal change, the Chair thinks this can be allowed. (*Voices: "Yes, yes."*)

Mr. M. Ananthasayanam Ayyangar: Sir, with very great respect to the Honourable the Mover, I beg to submit that this does not enlarge the scope of the definition in the Bill. The Bill refers in the Statement of

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Objects and Reasons to the Aliens Act of 1914. The preamble there says that in case of emergency or in case of war particularly, registration shall be effected and particulars shall be collected with respect to the movements of foreigners from place to place in the country or in the case of those imported from outside. These are all emergency powers under the British Act. But unlike the English Act the present Bill contemplates to have this as a normal system coming into operation almost during normal times and made applicable not only to persons who are at war with the British Government in India but to all other friendly States also including independent States in India as Nepal. Therefore, I am not enlarging the scope of the Bill by introducing a definition of foreigner so as to include the residents of the Dominions also.

As a matter of fact, in the Statement of Objects and Reasons, the Honourable Member has set out that the object is not only to bring in aliens in case of emergency but also to collect information so that when their friends and relations in foreign countries want to send assistance to them they may know their whereabouts in this country, their trade relations, etc., their properties in case of death without any successors in this country and so on, because such information, at present, the Government is not able to provide to the friends and relations of these foreigners. They say this is purely a matter of registration, and that the registration of various persons who are not natural-born or Indian-born British subjects will be useful in various ways; for instance, such a census can be used for various purposes. They say that it is desirable that the Government of India should also be, at all times, in possession of similar information, not only because it may be required for the purposes of national defence but also because in its absence it has, from time to time, been impossible to reply satisfactorily to questions asked in the Legislature and much difficulty and inconvenience has also been experienced in replying to inquiries as to the whereabouts of foreigners in India which have been received from their relatives. Therefore, it is idle now to contend that this is only an emergency measure and that, if we would now enlarge the scope of this definition, the Dominions may think that thereby we have given notice of war operations against those Dominions. That is far from the intention of the framer of the Bill and I am sorry the Mover of the Bill is now trying to restrict the scope of the Bill. Even with respect to the Act III of 1924 under which powers have been given to the Central Government here to adopt measures of reciprocity against subjects of Dominions which are imposing restrictions and adopting discriminating laws and curtailing the privileges of Indians in the Dominions if similar measures have to be adopted in India how are the provisions of that Act to be brought into operation, unless the Government has got the information ready at its doors.

Sir, all along, since the 1924 Act was passed, that has not been put into operation at all from 1924 to date, fifteen years, and though discriminating pieces of legislation have been undertaken in the various Colonies and Dominions, we here have been sitting with folded hands partly because the Government have no information about the whereabouts of foreigners and partly because the Central Government is not inclined to move in that direction. Therefore, there is no harm in having a register under an enabling Statute of all those who are not Indian subjects with the exception of British subjects domiciled in the United Kingdom. Of course, I do not

suggest that we should have men of the C. I. D. dogging their footsteps and making their lives intolerable or impossible. As a matter of fact I know in 1921 or 1922 when I went to Hyderabad how, when I was putting up with the Government pleader of Hyderabad, a man stepped forward and made some inquiries of me but, of course, he was satisfied as I was putting up with the Government pleader, but when the Government pleader sent me afterwards to a hotel the hotelkeeper asked my name, my father's name, my whereabouts, how long I would be there and so on and so forth. So what is the harm? If strangers come in, let us know who the strangers are, what their avocations are and so forth, for various purposes of our own. The Honourable Member referred to the Naturalization and Status of Aliens Act of 1914 of the United Kingdom for the purpose of showing to us that whereas Indian subjects, by virtue of that Act, become British subjects having large powers and privileges all over the world where the sun never sets, we should not seek to try to curtail those privileges of others which we have elsewhere by imposing restrictions.

I would ask the Mover of the Bill to refer to section 26 of the Status of Aliens Act; this does not confer any boon upon our country. We are helots within the British Empire,—slaves and untouchables. Section 26 is written in large letters and confers particular powers on Dominions and British possessions, whoever may be so inclined, to put any ban on any class of British subjects. That clause was intended against us, not against the Negroes of Africa, not against the tied Indians of America, but against us, who are the only dark people within the British Empire who are struggling and who are too numerous to be shut down. So long as section 26 is there, there is no consolation. We have been sleeping over our rights and we should long ago have passed legislation stating that the men of the Dominions are not our friends and relations but are foreigners. They must have their credentials in this country and they must not be allowed to move from place to place as they like. Sir, section 26 says:

"Nothing in this act shall take away or abridge any power vested in, or exercisable by the legislature or government of any British possession, or affect the operation of such a power, or prevent any such legislature or government from treating differently different classes of British subjects."

Is anything more necessary? The mother-country tells the daughters that the mother-country wants to be apparently hospitable to their children who may be dark, black, brown or white and bring them all under one umbrella and wants to protect them from being drenched in rain but also tries to give the Dominions ample powers to keep the dark men where they are. I ask the Honourable the Mover of the Bill, if there is a single exception of any important Dominion which has not taken advantage of section 26 and passed restrictive measures against us? Sub-clause (2) of section 26 runs thus:

"All laws, statutes and ordinances made by the legislature of a British possession for imparting to any person any of the privileges of naturalization to be enjoyed by him within the limits of that possession shall, within those limits, have the authority of law."

Thus, this law by virtue of section 26, confines itself to the corners of the British Isles, the United Kingdom. With respect to others it is only advisory and not mandatory. In the absence of any law, this law will prevail. But other Dominions have been too shrewd and have been passing laws and will continue to pass laws in spite of Sir Syed Raza Ali having been there for three years and yet telling us that they are all good people. I am sorry, that after his long experience of segregation laws in the Union

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of South Africa that have been passed against the Indian nationals in that country, whose interests were entrusted to him, he is giving us an advice of moderation. After all, what is it that we want to do? We want to register the people who come from abroad. Should we not tell them, at least, this much, that we have 2½ lakhs Indians in South Africa whose details they have got and, therefore, we would also like to have the details of the South African people who are here? We do not know at present where they are; how many of them are Civilians; how many of them are District Magistrates; and whether they are in the heights of Simla or in the heights of Ooty or are also getting scorched just as we are in the dry parts of India? The Government have no information on all these points. Is it bad to have information on all these points? What are the restrictions we are trying to impose? Are we starting an agitation against them to the detriment of 2½ lakhs of Indians who are in South Africa? He must be only a blind man who will try to put such a construction upon them. That is not our object at all. We want to know in a friendly spirit as to who are our friends and who are our foes. A friend of yesterday may become a foe tomorrow and *vice versa*. Therefore, I am not trying to enlarge the scope of this Bill. My amendment is not in conflict with any known principle. I am not trying to denounce the British nationality which has been conferred upon me or my ancestors or my children. Of course, I do not want my children to be British subjects.

Then, Sir, the Honourable the Mover of the Bill said that this Bill is intended to be an amendment or an appendage to the Foreigners Act of 1864. If so, I would have expected that this Bill should have been brought as an amending Bill to the Act of 1864. Why was it not done? Evidently, the Honourable the Mover thought that the scope of this Bill is something different. A number of rules have to be framed which may be convenient for references and for various other purposes, so that they may not get a colour of emergency as was the case with the Act of 1864. I may also inform the House that no section from sections 6 to 14 of that Act has yet been brought into operation. They are all emergency measures, that is, measures dealing with the need for having licences for aliens in this country before they can move from place to place and district to district. The Honourable the Mover, as is apparent from the Statement of Objects and Reasons and also from the fact that he has not introduced this Bill as an amending Bill to Act III of 1864 but wants to have it absolutely separate from that Act, wants to use this not only during the times of war but also during the times of peace. Therefore, we have a different definition of "foreigners" in this Act, and this is not inconsistent. There is nothing in this Act which requires a reference to the Act of 1864 except a reference to the definition portion. So far as the operative portions are concerned, this has nothing to do with the other Act. Therefore, to say that this amendment is brought in for the purpose of curtailing the scope of this Act, is very far-fetched and we need not be troubled with that reason.

As regards the temporary nature of those persons who come and settle down here, I would like to say a few words regarding that objection which was raised by my Honourable friend, Sir Syed Raza Ali, and which was also appreciated to a large extent and referred to by the Honourable the Mover of the Bill. May I ask if all these missionaries who have come to our country and settled down here for centuries from America and Germany are temporary or permanent? Let me tell the House that they are not

Sanayasis. They are all married people and have got their children and yet they have stuck to their American nationality. Then, the Germans have been here for more than 150 years. They have been here ever since I was a boy and will continue to remain here till everyone become Christian. These people are erecting huge buildings. They have stopped constructing schools for the purpose of imparting education but they have started dispensaries and hospitals so that more Christianity may flow in the mixture. I do admire them and I have the greatest regard and respect for them, but are they the permanent or temporary residents of our country? I do want that these persons who came to our country in the garb of preachers of religion should be allowed to go as they please. Then, take the German Insurance Company, Allianz und Stuttgarter. Is it a permanent resident or a temporary resident? How much money is temporarily going away to Germany? It does not go there temporarily but permanently, as we all know. It never comes back from there. Why should not these persons be registered? I had to run up to the huge Oxford dictionary to find out the meaning of 'temporary' in order to find out if this is the significance that the word 'temporary' has for such persons who are residents here. Sir, they are permanent. There is nothing in the scope of the Bill or in the preamble or the various clauses to say that this Bill is only temporary and not permanent. Life itself is transient and we are trying to legislate for what happens or appertains at present. Let us think of the future when it comes. This is a Bill which is necessary and it is very modest in its operation. The census operations take place once in ten years and we should also have a permanent census of these aliens. Of course, as I said, our friends of today become foes tomorrow and our foes of today become friends tomorrow. The fact of the matter is that they are foreigners in this country with the exception of our English friends who are represented by our silent European Group today. They are very silent today. I believe their silence means consent and I hope they will whole-heartedly support my definition without thinking that it is restricting or enlarging the scope of the Bill. Sir, I move:

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

"That for sub-clause (a) of clause 2 of the Bill, the following be substituted:—
(a) the word 'foreigner' shall denote a person who is not—
(i) a British subject domiciled in the United Kingdom; or
(ii) a British Indian subject; or
(iii) a ruler or subject of an Indian State; or
(iv) a person duly appointed by a foreign Government to exercise diplomatic functions; or
(v) a consul or a vice-consul."

Babu Baijnath Bajoria: Sir, the amendment moved by my Honourable friend, Mr. Ayyangar, is no doubt an improvement on the provisions of the Bill. But I should like to make a few remarks. I do not like that the Nepalese should be registered.

Mr. M. Ananthasayanam Ayyangar: On a point of personal explanation, Sir. I have not made these Nepalese foreigners. The Mover of the Bill did it. Please do not throw the blame at my doors.

Babu Baijnath Bajoria: I am not blaming you. The Nepalese are not British subjects. We are proud they are not. I am proud that this is the only independent Hindu kingdom. We are all fighting for our independence and we want to be independent like the Nepalese. My point is that Nepalese are first and foremost Indians pure and simple. They are the descendants of the Rana of Udaipur. The Nepalese are preserving the Hindu culture and Hindu religion and I think it is very unfair to treat them as foreigners. Tens of thousands of them come to British India as labourers. I have got some experience about them. They come in hundreds and thousands bringing goods from the forests to the bordering British Indian villages. Are they to be registered? I am making these submissions so that the Honourable the Home Member might exempt them under clause 6. I submit it will be absolutely impossible to register all these labourers who come to work. There is another practical difficulty in registering them. Nepal border runs about several hundreds of miles alongside the Indian border. I know that in some villages one side of the road is British side and the other side Nepalese. Do you mean to say that those Nepalese who cross the roads on business should be registered every time they come and go?

The Honourable Sir Nripendra Sircar (Leader of the House): Yes.

Babu Baijnath Bajoria: Then they will have to be registered half a dozen times a day.

The Honourable Sir Nripendra Sircar: If they have nothing else to do but keep coming and going.

Babu Baijnath Bajoria: It is not for pleasure that they come. They come on business. I submit there will also be difficulty about people living in Chandranagore or Pondicherry. I know something of Chandranagore, though not of Pondicherry. Daily hundreds of people from Chandranagore go to Calcutta to earn a living. I think the Honourable the Leader of the House will bear me out. Are they all to be registered? I was very much surprised that some Honourable Members referred to Indian State subjects. We all want one United India that there should be no difference between British India and Indian India.

An Honourable Member: What about Rajputana?

Babu Baijnath Bajoria: I am glad that a major part of Rajputana is Indian India.

An Honourable Member: Why should you be glad?

Babu Baijnath Bajoria: Yes, I am glad. I am very much against all this agitation against Jaipur fomented by the Congress. (Interruption.) I know that some of my Congress friends are taking exception to my remarks. But I must say that what they are doing in Jaipur and other Indian States is not meeting with the approval of the residents of those places.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member will now come to the amendment.

Babu Baijnath Bajoria: I have to reply to all the interruptions.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has already replied, and he will now come to the amendment.

Babu Baijnath Bajoria: I quite agree that South Africans and people in other Colonies, where Indians are treated not like human beings but like dogs, should be registered.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Does the Honourable Member know how dogs are treated in New Delhi? They sit on the laps of ladies.

Babu Baijnath Bajoria: I may inform my Honourable friend that an Honourable Member of this House has got a dog which is becoming more famous than the Honourable Member himself. I quite appreciate that we must register foreigners especially in view of the fact that war clouds are hanging in the horizon and we do not know when these clouds will break out and where the war, if it comes, will lead to. We must have a list of foreigners so that we may be able to take stock of them and treat them as they deserve when any war breaks out. As I was submitting, the Nepalese should not be classified as foreigners. They should not be included within the scope of the Bill. (Interruption.) I take exception to the remarks of my Honourable friend, Pandit Badri Dutt Pande, against the brave Gurkhas. I trust the Honourable the Home Member will take note of what I have said and will see that these Gurkhas and these Nepalese will not be unnecessarily harassed by the provisions of the Bill. With these words, I support the amendment.

Mr. S. Satyamurti: Sir, I rise to support the amendment. In the course of the speech, which my Honourable friend, the Home Member, delivered on the previous motion that the Bill as reported by the Select Committee be taken into consideration, he anticipated this amendment and told us that Government would have no objection to accept the amendment, but he added one very important condition which, in my judgment, destroys the effect of this amendment. He told the House that, if the amendment was accepted by the House, he would give a warning to the House that in the exercise of the powers proposed to be vested in them under clause 6 which says:

"The Central Government may, by order, declare that any or all of the provisions of the rules made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner", the Government would nullify the effect of the amendment. He told us that, even apart from the passing of the amendment by the House, Government would exempt all these people from the various Dominions and Colonies from the operation of this Act.

The Honourable Sir Reginald Maxwell: Unless it actually became necessary owing to any proposed action or measures.

Mr. S. Satyamurti: Now my Honourable friend says that they will introduce registration for such foreigners and treat them as foreigners from the Dominions if any subsequent action makes it necessary. Now, Sir, I do not know if my Honourable friend is ignorant or closes his eyes

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to facts. Our contention which we put forward in the amendment and ask the House to accept is that today, here and now, we are treated worse than foreigners,—I repeat, not as aliens or foreigners but worse than foreigners,—in most of the Dominions and Colonies and the possessions of the British Commonwealth of Nations. Therefore, we say that there is need and there is justification here and now for the people of all these Dominions and Colonies, who discriminate against us in any manner, to be registered as foreigners. No doubt the amendment moved by my Honourable friend, Mr. Ayyangar, does not contain the defect which my Honourable friend very rightly pointed out in the later amendment in which there will be cast upon Government or whoever has got to decide the somewhat difficult and delicate task of deciding which Colonies or Dominions discriminate in the manner prescribed. But luckily for him and for this House this definition clears up that difficulty altogether; it does not include citizens of any Dominion, Colony or possession. My Honourable friend, Mr. Bajoria, speaking on this amendment practically begged of the Honourable the Home Member to exempt all Nepalis and similar foreigners from other Indian States, and he put forward the argument with great gusto that this is an independent Hindu State and, therefore, we as Hindus must vote for it. For two days, Sir, we have heard here the argument that this House must be divided between Hindus and Muslims, Hindus voting for Hindu causes and Muslims voting for Muslim causes. Sir, I refuse to accept that argument at all. We, as Members of the Indian Legislative Assembly, are Indians and must speak and vote as Indians. Whether we are Hindus or Mussalmans has absolutely no relevancy or significance. And because a Hindu has raised it, I as a Hindu have no hesitation in condemning that attitude unreservedly. Nepal may be an independent Hindu State, but it is a foreign State. India must stand for Indians first and Indians last; and if the Nepalis are willing to help the British power, on payment of 20 lakhs of rupees a year, with a number of mercenary soldiers to keep us down, there is not much love lost between me and Nepal. What is it doing? Nepal is the happy hunting ground of British Imperialism in this country to recruit mercenaries year after year, pay them 20 lakhs and keep us down. That is what Nepal is doing here. I do not want to raise any passions against them but whether it is Nepal or Afghanistan, whether the State is Muslim or Hindu, India must be our first and last thought.

Babu Baijnath Bajoria: Sir, on a point of personal explanation, I did not propose this because Nepal is a Hindu kingdom but because it is a part of India geographically. Politically it may not be part of British territory but it is undoubtedly part of India, whereas Afghanistan is no part of India. That is why I made that proposal, and not on the basis of Hindu or Muslim State.

Mr. S. Satyamurti: I am glad my Honourable friend is now resiling from the position of a Hindu independent kingdom; I hope others also will do so. But, if Nepal is a part of India, this Act cannot and will not apply to them. It may be part of geographical India, but it is not in the political map of India. I hope my Honourable friend realises that. Therefore, it is clear that the Nepalis are not Indians. If they are Indians, this Act will not apply to them.

Sir, my Honourable friend, the Home Member, in dealing with this amendment, first of all told us that the main purpose of this Bill is defence and we ought not to bring into it any question of retaliation against discrimination or the question of equal treatment for Indians in all Dominions. I wish to tell him, Sir, and tell those who agree with him that this House will be failing in its duty if, on every suitable occasion when any Bill or Finance Bill or budget demand comes up, we do not assert by our speech and by our vote the deep concern we feel for the status and the interests of our nationals abroad. In every country they are treated like helots and slaves. They are not allowed to hold property; they cannot travel with the whites. In South Africa you cannot travel in the same train or tram and go to the same cinemas and theatres; and the colour bar, the bar sinister, is there against us.

Now, what do we want in this Bill? We want to indicate the way in which we should retaliate against them in the same manner as they have been doing to us. It is a very modest measure, namely, to empower Government to keep a register of all these people from the Dominions according to the provisions of clause 3 of the Bill, requiring them to report their presence to the prescribed authority, requiring them to report their arrival and also the date of their intended departure and prove their identity. Are these very difficult clauses and are these discriminatory clauses? Then, Sir, my Honourable friend, Sir Syed Raza Ali, said that Act 3 of 1924 is there; Government have power to make rules but they have not made rules and they are to blame; but we are also to blame because we have passed no Resolution. I want to tell him this. I have now been here for four years and a half, and I do not remember any single occasion when any single Resolution of this House has been accepted and acted upon by the Government of India. Therefore, they have not done their elementary duty and we want to begin by making, as the Honourable the Home Member calls it, a gesture in which we shall empower our Government to get on the register all these citizens of the Dominions.

Then, Sir, my Honourable friend, the Home Member, was reading from his own speech or something else and used this phrase, "We want to get on this register only those people who have no common status or allegiance." Yes, and I include in those people who have no common status or allegiance with us, persons from all these Dominions and Colonies. They and we have no common status at all. I want my Honourable friends to remember the position in South Africa. My Honourable friend, Sir Raza Ali, ought to know it and ought to speak enthusiastically for this amendment and vote for it, if really he understood the feelings of Indians in South Africa where he was for three years. They are now segregating Indians,—the same treatment which we resent the Germans giving to Jews in their own country.

Sir Syed Raza Ali: But Government say they have no information on the subject; ask them.

Mr. S. Satyamurti: My Honourable friend knows more than the Government of India, and I want him to share his information with the House and take his share in the legislation which he and I are going to make. and take his share in the legislation which he and I are going to make. and take his share in the legislation which he and I are going to make. European Jews can go and settle in the Highlands of Kenya; Sir Raza Ali cannot. How is that just and fair? In Ceylon they are discriminating against our own people; in Burma, in Canada, in Australia,—in every country they are doing it. It is not a Hindu or a Muslim question;

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it is a question of Indian self-respect and Indian dignity. I, therefore, hope, Sir, that this argument of "common status" will receive no consideration.

Then, Sir, he also referred to these people having any claim on us at any time. What claims Canadians, South Africans and Australians have on us? I submit they have none. Then, he said that the foreigners are all potential enemies of India. Are the Portuguese going to be enemies of India? Are the Swiss, the Dutch and the Belgians going to be enemies of India? But what is the idea? You were including in the definition of "foreigner" all those who are outside the British Commonwealth of Nations. Are all of them potential enemies? I can understand Germany—I can understand Italy—I can even understand Russia and Japan. But is it suggested that all countries outside this so-called British Commonwealth of Nations are our potential enemies? They may be yours; they are not mine; and I suggest that my Honourable friend must clearly understand that so far as the present treatment of the Dominions and Colonies to Indians is concerned, the moment there is a free responsible Government in this country, they will be, not our potential enemies but kinetic enemies, and we will deal with them as a hostile country unless they treat our nationals there on terms of equal status and equal privileges

Mr. M. S. Aney: You will have many more than that.

Mr. S. Satyamurti: My Honourable friend admitted that this registration is not an end in itself, but a means to an end. I take the words out of his own mouth. I want this registration, and I hope the House will vote for it as a basis of getting information for future action by legislation or by administration. Let us know how many South Africans are here, how many Ceylonese, how many Burmans, how many East Africans, how many Canadians, how many Australians are here, what they are doing, what their occupation is, what their properties are; and then the Government will decide what shall be done with them.

My Honourable friend appreciated the distinction made by Sir Syed Raza Ali between immigration and permanent residence and temporary visit. As I read this Bill—the Honourable the Home Member will correct me if I am wrong—the Bill does not make any distinction between persons coming here for temporary visits and persons coming here for permanent residence or settlement. What do the words say? "For requiring any foreigner entering or being present in British India." It does not limit the time: he may be present for years, or for generations, and yet the Bill will apply to him. Therefore, it seems to me that the object of the Bill is not aimed merely at those who come here for a temporary visit or merely at those who come here for permanent residence. It affects all foreigners entering or being present in India; and once we get this information we can deal with this position, whether it be war or whether it be immigration; and it seems to me that we should be able, once we get this full information, to restrict the privileges of foreigners here, including within that definition, the denizens of those Dominions, and also control their entry or their settlement in this country.

My Honourable friend referred to the Foreigners Act of 1864 and said that this Bill is intended to supplement that Act. It may be. But, apart from the criticism which my Honourable friend, who moved the

amendment, made that this is not an amending Bill, I suggest the scope of this Bill is entirely different from the scope of the Foreigners Act of 1864. There, it is a punitive measure to extern people and deport people and so on: they have only taken the definition of "foreigner" from it; and I think, therefore, to say that this is a supplement to that Act is not a correct description. At any rate, if at any time this House or a Government responsible to this House or its successor feels that the Government should amend the Foreigners Act of 1864, in order to give power to deport even these people, the collection of this information will be of great help.

So far as the British Act is concerned, to which we are referred by the earlier Act, I want to say that that Act itself in section 17 concedes the right to aliens which our own people do not get. Real and personal property of every description may be taken, acquired, held and disposed of by an alien in the same manner in all respects as by a natural born British subject, and the title to real and personal property, etc., may be derived from or in respect of aliens in the same manner and in all respects as they are from or in succession to a natural born British subject. Even that right is denied to our people in Kenya and in many other places. I want to say a word more about the residents of Indian States.

Mr. Bajoria waxed eloquent over a united Indian India. Our position is this. To the extent to which the inhabitants of the rest of India are treated as Indians and not as foreigners in the Indian States, we shall fully reciprocate; but if any Indian State is going to treat Indians from other parts of India as a foreigner, I want to know what is wrong, unjust or immoral in our retaliating and saying that if you treat our people as strangers we shall treat your inhabitants as strangers and as foreigners. Even section 262 of the Government of India Act, to which my Honourable friend, the Home Member, referred, does not refer to all States at all. It simply says "the Ruler or subject of a federated state shall be eligible to hold any civil office, etc., etc." The expression 'federated state' may freeze on the Statute-book. I do not know whether any State is going to federate, whether there is going to be federation or any federated state at all. Therefore, to quote section 262 now is to put the cart before the horse literally. There is no State yet which has federated. There is no Federation. Section 262 does not apply now, so far as any Indian State is concerned. Our position is, so far as the States are concerned, we shall deal with them on the full basis of mutual reciprocity. If you treat us as you do your own citizens, we shall treat you as we do our own citizens. But if you are going to treat us as strangers, we shall reciprocate the compliment. Moreover, what is wrong with registering Nepalese or Afghans in this country? They may be a large number, but the same people come again and again; and once they are registered, there is no need to register them over and over again; and the rules can make provision for registering them easily. I think I am voicing the feeling of many many Indians in my own part of the country, and other parts that they should like to see the names of these roving money-lenders, these people who go about lending money to the poorest in the land, and then standing there before the pay day carrying clubs and demanding payment of all they have earned, and committing many other atrocities that one has heard of and one has seen occasionally, registered. I think it will be a good thing if it is decided that their names should be registered and I should appreciate it. But it does seem to me that even assuming that we want to give this power even to this

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Government, it is worth-while. I warn them that we do not support the amendment in the belief that somehow the amendment will be nullified by the Government exercising this rule-making power. I ask the House to vote for the amendment in the full belief that this Government will not exercise its powers under clause 6 to exempt these people from the Dominions and Colonies who discriminate against our nationals; and I want to tell them that they will not long be there to exercise this power under this clause 6. In any case, I think every self-respecting Indian in this House must, in the name of the sufferings and the agonies of our nationals abroad, who are treated vilely and hounded from pillar to post in the various Dominions and Colonies, throw out this gesture of sympathy and kindly affection to our fellow-nationals abroad, by voting for this amendment unanimously. Sir, I support the amendment.

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

Bhai Parma Nand (West Punjab: Non-Muhammadan): Sir, I too was a Member of the Select Committee, and when this question of the Dominions came up, I voted with the Government. I think it is my duty to explain my position as to why I voted with the Government. Honourable Member, Mr. Satyamurti, has explained very clearly and forcibly that Indians in South Africa as well as in other Colonies are very badly treated. I have seen the conditions with my own eyes. I had been to South Africa as well as to East Africa more than 30 years ago. I stayed there for about a year. I have also been to British Guiana and Trinidad in South America. It is perfectly true that our Indian brethren are kept segregated; even at that time they were treated quite disgracefully. They could not travel in the same Railway compartment in which the white people travelled; they could not get admission into places which were meant for the white people; their shops and dwellings were kept altogether separate. Our brethren abroad had to suffer all such humiliation in South Africa and other Colonies.

But, Sir, the point for us to understand is why did they go there? The Indians in South Africa and in South America had gone there soon after the abolition of slavery in the year 1834, when it was thought necessary that some kind of labour should be provided in these British Colonies, and the indenture system was adopted. At that time of my visit, there were about a hundred thousand Indians who had gone there under an agreement to work as labourers in mines and on plantations. Naturally, as they were considered inferior by the white people they had to suffer all these indignities and ill-treatment. It was on that account that Mahatma Gandhi had to carry on a vigorous agitation against the action and policy of the white people. But the question is what is the remedy? Are we going to gain anything by prohibiting or registering those colonials who come over to India for a short stay and give them the same treatment as is being meted out to our brethren in their country? We have to keep in view that the number of white colonials who come over to India is very small, and by placing restrictions on them we shall be creating a sort of resentment and ill-feeling in their minds against our own people, and I am afraid they shall have a justification and the treatment meted out to our brethren abroad will become much worse than it is today. We must remember one fact. Our

people have gone there to earn a living, and later on some people went there as traders and became rich by means of trade with these Indian labourers who had gone there under indenture but the white people who come here from South Africa or East Africa do not come here as labourers to make a living somehow or other. So if we treat these immigrants in the same manner as our brethren are treated by them in South Africa and other Colonies, this retaliatory step is sure to adversely affect the interests of our countrymen abroad and they will have to suffer much more. I do not wish to create a spirit of resentment and further this ill-feeling here or there in the colonies,—not that I do not feel for the humiliating treatment which is meted out to our countrymen abroad, but because as we have no power to remove their sufferings, this step is not the way to remove the grievances of our brethren abroad. A time will come when we shall have the power in our hand and when we shall be free to exercise that power. Of course, this Assembly will be there, the Government will be there, and our friends also will be there to enact laws. At that time we can make any law against those Dominions so as to awaken them to their sense of duty towards Indians who have settled in those Colonies, but as long as we have no such power here, our retaliation can be of no use while we are dependent in every sense, and they are independent even of their mother-country. Supposing we create resentment by simply treating a few white immigrants as foreigners,—only a very few people come to India annually,—it will do no good to our brethren who have settled there and who are already subjected to any amount of humiliation.

Besides South Africa there is another Colony, British Guiana in which more than a hundred thousand Indians have settled down. I have never heard of any white man from British Guiana or Trinidad having come to India. Now, if we pass legislation here against those people, good or bad, it would cause grave resentment in their minds, and I do not think it will do us or to our people who have settled there any good.

Now, Sir, there is one more point which I should like to mention. My friend, Mr. Bajoria, referred to Nepal with a sense of pride as being the only Hindu Independent Kingdom. This enraged Honourable Member, Mr. Satyamurti, who tauntingly said that Rs. 10 lakhs were paid annually as a subsidy to the Nepal Government by the Government of India and so on. I do not think there was any wrong in it. The Nepal Government rendered most valuable service during the Great War to the British Government, and if my friend means to suggest that on that account they were helping this foreign Government in the year 1915 or 1916, they shall have to remember that, at that time, Mahatma Gandhi himself was helping the British Government against their enemies, he himself and his Congress followers were enlisting recruits at that time

Mr. M. S. Aney: The Congress was not with Mahatma Gandhi at that time.

Bhai Parma Nand: Anyhow, Congress leaders were helping the Government. Now, if these patriots did not consider it wrong in any way to help the British Government in the last great War, I don't see how the services rendered by the Nepalese in those days could be deprecated. Again, Sir, hundreds and thousands of soldiers like my friend, Captain Sher Muhammad Khan and others, rendered war service and they are now getting pensions in lakhs of rupees either in cash or in some other

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form, therefore, if the Nepal Government sent thousands of their men to help the British Government and if they get in return for their services 10 lakhs of rupees as subsidy, where comes the harm or impropriety?

An Honourable Member: What about their permanent services now?

Bhai Parma Nand: Again I think the question was whether they should be given some territory, as the Nepal Government wished to recover some territory which had been taken away from them by the British Government before. The British Government offered them 10 lakhs instead of the territory which they had demanded. That is a sort of contract between the British Government and the Nepal Government, and I do not see any reason why the Nepal Government should not be given this subsidy. They rendered very valuable service during the Great War, just as the Indian Army did to the British Government, and so the British Government is paying the Nepal Government an annual subsidy, and no man of sense could see any objection to it. This is not a matter on which we should express any feeling or suggest that the Nepalese are to be treated as aliens.

As regards the Gurkha soldiers they are here. There are others too, some of whom come from the States, and some come from the North-West Frontier Province and tribal territory. You may try to prohibit their entry if they prove dangerous or harmful to the interests of the country; it is the Government that can take action against them. But I see no reason why those who have been living here and serving in the army for generations can be treated as aliens. In case you want that they should not be taken in army service, that is a different matter; but if they are settled here, and the Gurkhas are settled in various parts of the Punjab, in the United Provinces, Bengal, Darjeeling, Dharmasala, Abbottabad, etc., and not only they are drawing regular pay, but their male children as soon as they are born in this country are given allowance by the Government, they become the residents of this country. Their fathers and grandfathers settled in this country. I do not see any reason why they should not be taken as Indians. They have been and are serving in the Indian Army. As I said, it is a different matter if you think that this Indian Army is not needed, and you want to replace it by another Indian Army which is more patriotic.—when that time comes, you may send these people away as aliens. But so long as they are serving in the Indian Army, you cannot say that simply because their appearance is a little different from ours, they should be treated as aliens in this country. Again, I think it is almost impossible to register all these Nepalese and Gurkhas as aliens because thousands of them are in our army service.

Mr. M. Ananthasayanam Ayyangar: Let them change their domicile.

Bhai Parma Nand: Domicile is a matter which they do not know or understand as yet.

Mr. Badri Dutt Pande: Why should they register us in Nepal?

Bhai Parma Nand: That is another question. The reason is that the State has got small means of livelihood, if a large number of people go from here and increase the population it may be impossible for them to maintain themselves. (Laughter.) It is not a matter of laughter. Indians are employed by the Nepal State, quite a good many in the Education Department and the Engineering Department; whenever they require the State gets them from India. Many people go there as visitors. But in case of those who go there simply to settle down, it is the duty and business of the State to see that it does not allow anybody and everybody to enter the State. If it is thought that they watch any man going from here, you can watch any man coming from the Dominions or even Nepal and see how he is living or how he is managing his affairs. But I strongly object to the statement that Nepalese are foreigners or aliens and they should get registered.

With regard to the States, Mr. Satyamurti said, "we will observe the principle of reciprocity". Yes, you can do it when you have got the power to do so, but at present you have not, and they have got more power than you have. And Nepal is quite an independent State. The States are more independent than we are in this country. When you have gained your independence, you can treat them in any way you like, but as long as you have got no political status as an independent people, I do not think there is much use in mere tall talk and in passing such laws. By doing that which amounts to pin-pricks we simply create resentment in the Colonies and Dominions against India, and even injure the interests of those hundreds of thousands of Indians in South Africa and other Colonies. I do not think that this will do any good to them or to us. I oppose the amendment.

Sir Syed Raza Ali: I will confine myself strictly to the subject matter of the amendment that is before the House. I take it that the Honourable the Mover, in moving this amendment, has been actuated by a desire, a very legitimate desire indeed, to vindicate India's self-respect. The effect of this amendment, as I see it, would be that all those who are not living in the United Kingdom or who are not living in Indian States or British India would become foreigners. That would be the net result of this amendment. It follows that people residing in the Dominions, Colonies and other possessions of the British Crown would be foreigners for the purposes of this Bill.

Having listened carefully to the speech of my Honourable friend, Mr. Ayyangar, it seems to me that he has been very considerably influenced by the humiliations to which our people in South Africa were treated and are being treated by the Union Government. Now, I need hardly say that I know something about that subject, and it is impossible for any patriotic Indian not to feel very strongly on the subject. As I said on one occasion, it is really difficult for a man who belongs to public life in India to speak on the subject with restraint and moderation. But, after all, we have to take things as they are.

Mr. S. Satyamurti: Why should we? We can re-make them, at least we should try to.

Sir Syed Raza Ali: I wish my Honourable friend and the Party to which he belongs were powerful enough to re-make things and re-condition them,—I wish they could do that. But in the meantime, I do not

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think it would be quite right to ignore the stern facts as they exist. (Interruption.) My Honourable friends are inclined to be light-hearted. I congratulate them on that frame of mind. But if some of them visited South Africa and lived there for three years as I did

Mr. S. Satyamurti: If this is the result, no.

Sir Syed Raza Ali: . . . all this vein of light-heartedness would disappear. I do not know if they will come out wiser, but I am sure they will come out much sadder men than they are today. One or two of my learned friends who put in some interjections.

An Honourable Member: They are not very learned.

Sir Syed Raza Ali: They are extremely learned. They said that they could re-make things and fashion a new order of things. May I tell them some of the things to which they have been listening of late. On the 18th of last month, it will be within the recollection of the House, I tried to move an adjournment in connection with the proposed further imposition of disabilities on Indians in South Africa. The Honourable Member in charge—the Secretary for Education, Health and Lands—who is looked upon as an authority on the subject of Indians overseas and who, I am sorry, is not present in his place today, though I had told him distinctly that I would be speaking on the subject of South Africa this afternoon

The Honourable Sir Nripendra Sircar: May I offer an explanation for that. He had every desire to be present here, but he could not help attending the Convocation which takes place at 4 o'clock today. His absence does not mean any disrespect to the House or to the learned speaker.

Sir Syed Raza Ali: I very readily accept the explanation by the Honourable the Law Member but, unfortunately, the Education Secretary did not take me into his confidence. That is all I can say. He never told me that he had to attend the Convocation. Anyway the point is this. The adjournment motion was disallowed on the basis of such material as was placed before this House and, Sir, before you. The point is that in the course of his remarks the Education Secretary said:

"There is only the Resolution which was placed before the Minister in December. The Government of India have no intimation official or otherwise of any proposal to legislate beyond this resolution which was placed before the Minister for the Interior in December, 1938. There is no other intimation or knowledge before the Government of India."

On the 24th February I put a short notice question and he categorically stated:

"The Minister's scheme has so far taken no definite shape; nor are the Government of India aware of any decision by the Union Government to introduce legislation of the type referred to in the newspaper report."

That was the report that was published in the *Statesman* of the 17th February saying that the Union Government were proposing to introduce further anti-Indian legislation. This is the extent of the information of our Government. Again, I cannot help saying that there is nobody

belonging to the Department of Education, Health and Lands to enlighten us on this point today. Now, Sir, I have a very large number of cuttings with me. I have received them by Air Mail. I do not propose to tire the House by reading any considerable portion of them but I will just refer to a few extracts, taking care, at the same time, to mention the date on which the information was published in South Africa. This is a cutting from the *Star* dated the 1st March, 1939. It says:

"The Government, it is learnt, has decided upon a colour segregation measure based on the local option or servitude plan upon which the Minister of the Interior, Mr. Stuttaford, has been working for some time."

Then follows the scheme that the paper has summarised. It goes on to say:

"These proposals, hitherto merely tentatively discussed, have now received the approval of the Cabinet and have been communicated to members of the United Party in Parliament."

The paper is dated the 1st March. The report was written on the 28th February. Only four days before, the Education Secretary had assured us that there was no such proposal before the Union Government. I may explain by the way that the *Star* is a very influential organ of public opinion in South Africa and it is published in Johannesburg. On the following day, the same paper said:

"The news of the Government segregation plans published yesterday has aroused the greatest interest in Parliamentary circles. The matter will be brought before a special meeting of the United Party caucus tomorrow. Full details of the proposed legislation have not yet been disclosed and, indeed, they have not yet been drawn up in final form. Although no draft Bill has yet been before the Cabinet, it is, nevertheless, true that the policy in broad outlines as described yesterday has received the Cabinet's approval and a Bill on the lines indicated is now being prepared."

So that is the position. I leave it to my Honourable friends to persuade the Government to see in its true light what is happening in South Africa today.

Mr. S. Satyamurti: Vote with us and support the amendment. They will see it then.

Sir Syed Raza Ali: My learned friend tells me what my duty is. I would like to point out to him his and his party's duty. Sir, my point is this. As a well-known Urdu poet says:

*"Meri khak lhi lahad men na rahi Ameer baqi
Unhen marne hi ka abtak nahin itabar hota."*

"My bones have turned to dust in my grave and my sweetheart yet refuses to believe that I am dead."

That is really how the Government of India in the Department of Education, Health and Lands are acting. The Union Government have decided as to what they are going to do and yet it is open to the Education Secretary to say that the Government of India have no information. I will not pursue the sad theme.

The point really is this. Will it be helpful to our people living in British Dominions and in the Colonies if we cast our vote in favour of the amendment that is before the House. Let me say at once that as a sad witness of the humiliating treatment that is being meted out to our people, which I have seen for three years, I have very strong sympathy

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with the Honourable the Mover of this motion. If I really thought that the adoption of this amendment would be helpful to our people resident overseas, I would be most happy to cast my vote in favour of the amendment. After all, the position is as I have described. I will ask my Honourable friends on that side to clearly bear that in mind. I entirely agree with them that if there is any effective retaliatory measure that we can adopt against South Africa or any other Dominion or possession of the British Crown that has not been acting fairly and justly by our people, I would be the first to cast my vote in favour of any motion, Bill or measure that is brought forward by them to accomplish that object. I assure them that they will not find me behind them in adopting retaliatory measures. But there is one difference. Let me point out very clearly and it is this, that retaliation is a double-edged sword. If retaliation is effective, retaliatory measures should certainly be adopted; but if retaliation is only nominal, then it is no more than elusive and illusory and, as a rule, it does you more harm than good. If you think that by placing this amendment on the Statute-book you will be helping our friends and our countrymen, though 86 per cent. of them are South-African born, if you honestly believe that by carrying it, you will be helping those unfortunate men who have got no friends to help them in this wide world, then I assure you I will vote with you. (Interruption.)

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members must not interrupt like that. They can reply afterwards to any points that the Honourable Member makes.

Sir Syed Raza Ali: Sir, I assure you that I am not cross-examining my Honourable friends on those Benches. I am reminded that it is their privilege. Might I say that it is their "exclusive" privilege? Sir, in this House at times we are inclined to make speeches like advocates. I am not making my speech, I assure the House, in a spirit of advocacy. At times we do it, but I assure the House that I am not speaking as an advocate.

Let us see what the effect of this will be. No doubt it would bring to us some little consolation—that we had done something in assertion of our self-respect. If we carried this amendment, the effect would be that these South Africans would be foreigners for the purposes of this Bill in India. Well, Canada and Australia too are not treating us very satisfactorily, but, on the whole, their treatment of our people is far better than that of South Africa. In fact, there is no comparison between the treatment of our people in Canada and Australia on the one hand and in South Africa on the other. It is infinitely better in the first two countries than in South Africa. That consolation we will have but let us see what might happen—I do not say what will happen, because one never knows—let us consider what might happen to our people in South Africa. Two hundred and twenty thousand of them are settled in South Africa. They are people eighty-six per cent. of whom, as I said, were born in South Africa. They are people, let us remember, who have got no parliamentary franchise, no municipal franchise, no sort of franchise whatsoever. They are absolutely dependent on the European population with whom they are living. They are not in a position to help themselves, because the only protection that the modern age gives in the

form of the vote has been taken away from them. Now, their means of living today are trade; that is almost their exclusive business. In South Africa you cannot carry on any trade unless you have a licence and as the figures will show, there has been a regular, steady, decrease in these licences granted to Indians, mainly because they are supposed to be the rivals of the white population there. Therefore, the local authorities which consist entirely of Europeans, do not either renew their licence or do not give them licences in new cases. In similar cases they are readily granted to European merchants and traders. So, in that way, their lot is very hard indeed. Their economic position is very bad. I do not want to go into that, otherwise my speech will become so lengthy; already I have spoken at greater length than I proposed to do. But the position really is this. Their economic position is extremely uncertain. The figures have shown,—in fact I made a speech and I published all the figures—that their economic position has been going down very very considerably during the last fifteen years. It has deteriorated very considerably and alarmingly indeed. There is a strong prejudice against employable and alarmingly indeed. There is a strong prejudice against employing them in places where they used to be employed before, namely, as school masters, waiters or as shop assistants. Trade is the only thing left to them. Now, if you carry this amendment, what will be the effect? The effect will be that a big country, with huge resources, which produces half the total gold output of the world, with a small population of two millions whites, will, I think, see in this measure, even if no offence is meant, something like a threat. They cannot do anything to us; we are not within their reach. But are you quite sure that the vengeance will not fall upon those unfortunate Indians who are totally incapable of defending themselves? (Interruption.)

An Honourable Member: "Will they lynch them?"

Sir Syed Raza Ali: Well, people have lynched in this world before, and I believe they are being killed elsewhere, though the form killing takes now is not lynching but a more fashionable one. A revolver is placed by your side and you are expected to commit suicide—that is the modern way. Anyhow, these are the considerations. (Interruptions.) Well.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better address the Chair; it is no good addressing Honourable Members who interrupt.

Sir Syed Raza Ali: My suggestion is this, that if this House thinks that by carrying this amendment it would be affording a material protection to the domiciled Indian community in South Africa against such measures as might be adopted by the Government or by the local authorities of the country, then I think there can be no reasonable objection to voting for the amendment. But on the other hand, if this House thinks that though it will by carrying the amendment vindicate its self-respect yet, at the same time, it will not be able to afford any material protection to our people in South Africa, then I hope Honourable Members will think twice before they decide to cast their vote in favour of this amendment. There is one thing about South Africa that I might say because

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that is a very important point and that is that the present amendment might possibly have a decisive effect on that. The proposal in South Africa is to segregate Indians. I will not go into the form which this proposal to segregate Indians is likely to take, but the proposal is to segregate Indians for business and residential purposes. If Indians are segregated effectively for business purposes, it would be absolutely impossible for a large population numbering about 2½ lakhs to earn their livelihood by honest means. It would be simply impossible for them to do that. Therefore, I would simply suggest that we should not act either in haste or in anger. If anybody has reason to be angry in this House it is myself so far as South Africans are concerned, at any rate. I have had my moods of anger and I have been angry and I have been very angry, but that, unfortunately, does not avail when you have to consider serious matters. I have no objection against the amendment and, if necessary, I am prepared to go with my Honourable friends over there into the lobby. I am quite prepared to cast my vote with them. But I would again appeal to them to consider twice before they decide to insist upon this amendment. Seeing as I do, no doubt we would have the consolation of having done something which would go to vindicate our self-respect. On the other hand, there are some chances, at any rate, of these unreasonable South African Europeans, amongst whom I have left a large number of very good friends, taking steps which would go to jeopardise the interests of our own people domiciled in South Africa. That is my position on this amendment.

Mr. Bhulabhai J. Desai: Sir, I will only briefly indicate to the House the reasons why we wanted the definition to be altered for purposes of this Act. While, on the one hand, even the Government are prepared to accept this amendment as they themselves indicated through the Mover of this Bill, there are some men who are more royal than the King. The Government only indicated that if this amendment was passed, while appealing that it should not be passed, it may not be wise to pass it, they would be prepared to accept it. All that they said was this, that by reason of clause 6 which is not yet passed, and assuming it is passed, they would be obliged to exercise their powers under section 6, as it would then be, in order that, if necessary, action may not be taken against those who would then be included in the definition of foreigners to the extent to which they found it unnecessary. I do not know if I have understood properly the analysis of the speech of my Honourable friend, Sir Syed Raza Ali, because he meandered so much that it looked more like the hills and cabbages of that portion of South Africa with which he is so familiar. It is impossible to find out where he is leading to. It is a guerilla warfare of a type which is somewhat peculiar and novel to this House. But, at the end, he reached a stage when he said this—and that was the part of wisdom—that if we vote in favour of this amendment, there is some chance of offending some friends whom he has left behind and who might take some sort of vengeance against our country. That, I think, is the last piece of wisdom which he has given us.

Sir Syed Raza Ali: Not the friends that I have left behind, but my Indian people whom I have left behind.

Mr. Bhulabhai J. Desai: I hope my Honourable friend was not under the impression that the Indians there are not his friends according to my understanding. I was not giving him any such bad name at all. When I said the friends he has left behind, I meant both Africans and Indians. The point, however, is a very narrow one. My Honourable friends here are always anxious to please those who kick them. It is a psychology which, it is impossible to believe. It is impossible to understand it, at all events, in the India of today, because the India of today is not the same as it was when my Honourable friend left this country for South Africa. What has not been done against the Indians? Whether you take steps against those people or not is a matter of mere history. My Honourable friend is aware that, during his three years in Africa, where he has left so many friends, not much has been done. What have been the achievements during those three years at least so far as we know, whatever may be the back of the pages that he has written? The achievement that we know has been the constantly deteriorating situation, a point of which neither he can be proud, nor the Government of India. Therefore, so far as I can see, any forbearance or kindness cannot be regarded as a virtue or as a charity or as a friendly gesture, but as a sign of utter degradation and weakness which only exercises and whets the appetite of those persons more and more. I, therefore, ask the House to understand that the manner in which my Honourable friend has put it, it is not a mere question of self-respect in what is often called the formal sense of the terms, but it is a question of understanding what you have got hitherto by pursuing a policy of servility, obedience, prayer and appeal and all the rest of it which can be found in the vocabulary and the armoury of my Honourable friend. The achievement has been the contrary, namely, we are forborn every day and, even before the Government of India knows what has happened, it has happened. If my Honourable friend's premise had any logic at any inevitable conclusion, it was this that even the Government of India, according to him, who ought to have known, do not know that our position is adverse when they ought to have known that it was adverse. If that is the state of enertia to which the Government mind has now come, and if the state of the mind of the Africans is in a state of such irritation against the Asiatics that they must go on time after time and day after day concerting measures until they practically render it impossible for them to live, then the time may come when they will have to repatriate

Sir Syed Raza Ali: That is what they want.

Mr. Bhulabhai J. Desai: That does not mean that I am going to wait and wait until they have concerted every measure and do not show the least gesture that I am unmindful of the manner in which we are being treated. To me the psychology which my Honourable friend preaches has not value any longer in this world. It has larger reflections, and I do not wish to speak about it here. My Honourable friend who reads the history of Europe of today knows what is happening to that psychology since the Munich Pact. Well, they are bigger people, but that policy might well be understood by my Honourable friend. But even the smaller people cannot forget that the psychology of mind which hopes to get by merely a policy of hope, prayer and a supposed conciliation, when each time they are kicked, is something which, I think, it is high time to be reversed, and that is what I ask the House to do. After all is said and done, we are beginning to realise our position as we did recognise even in 1924 when we

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passed an Act of which my Honourable friend is so well aware and of which he reminded me. I did not remember the date, but I knew that there was such an Act. Even in 1924, we realised that the Dominions, that is to say, the British possessions as they are called, were discriminating so badly against the Indians there that power was given to this Government to put their nationals in this country equally to the same disabilities and enjoy no more privileges than our nationals were accorded in their own respective Dominions and Colonies. Well, 15 years have gone since the time we passed that Act. No doubt, the Government have a common Colonial Secretary because they sit in the same place and do the same work and both of them consult each other. Not a rule has been published under that Act, and not a single action has been taken under that Act. For 15 years, we, at all events, armed the Government of India with a discretionary power in order that we may take some step towards vindicating our position. We have failed to do that. We have failed to do that, not because there was no law, but because of my Honourable friends who administer the law, under the guidance of other people. Therefore, it was not done. So far as this piece of legislation is concerned, it is a mercy of Providence that it is this House which can, by passing this amendment and eliminating clause 6 of the Bill, can compel them to act at least to the extent to which it is within our power to do. Let us, therefore, remember that this is the first effective occasion on which we are asserting ourselves and reversing the policy of that psychology of fear and mendicancy which has brought us nothing except humiliation, disgrace and a lowering of our status. That is one thing. My Honourable friend was not in this House when an innocent looking Bill was brought here. We saw the germs of the distinction which the Europeans and the Americans will never forget and which constant pressure only can make them forget at least to the extent to which we are masters in our own house. They brought in a Bill called the Naturalisation Act. They attempted to make a distinction between Asia and Africa on the one hand, and America and Europe on the other. The distinction was perceived in a thing which was regarded as very innocent. I warned the House that so long as we sit in this Assembly to the extent to which limited thought our powers may be, we must see that we exercise them to the extent to which they are effective at least. On previous occasions, we have recognised, as my Honourable friend knows that the vote of the House may be disregarded in all matters of executive powers. We may assume that. The only remedy is to enact provisions which will make it impossible for such things to be repeated. I do say that where we have real effective power, we must use it, and it is for this reason that I have troubled the House to understand the issue. In our eyes, those who consider us in the manner they do are foreigners though they are under the British flag as it were or even though as my Honourable friend, Sir Reginald Maxwell, would call them common status with a common allegiance. My Honourable friend knows the meaning of the word status, as well as I do. If he thinks my status is the same as the status of other Dominions, I think he is trying to teach us a new lesson. Unfortunately we owe the same allegiance but we have not got the same common status. The common factor is different. Our allegiance, namely, the subordinate position of the Government of India to the Government of Great Britain, is of a very different type of allegiance from that which the Dominions owe, namely, the allegiance simply that while they are within the Commonwealth of Nations as

they call it, they would recognise only the descent in the House of Windsor. I suppose my Honourable friend knows the Statute of Westminster. Therefore, neither in the quality of that allegiance, nor in the quality of the status, we stand on the same footing.

The further fact remains that it is time that we begin to recognise who are potential enemies of ours. In the eyes of my Honourable friend, possibly the Germans and the Italians are today enemies of England. But how soon friendship would be made with them as against Communism, I do not know. So far as one can understand European politics, especially after the Munich Pact, nobody knows who are friends and who are enemies. It all depends upon who successfully bullies whom, and to that extent we are helpless. Therefore, so far as the policy of that psychology of fear is concerned, my Honourable friends are no better than we have been for the last 150 years. We have been governed by the psychology of fear for the last so many years. But I am also glad that they are also beginning to experience in their own persons in life, in the person of their own nation, the psychology of fear. What it is, what it can turn into? What we have been turned into, we know. We hope to rise above it very soon. What they have been turned into, we also know. Therefore, my submission to the House is that the psychology of fear, which at least is producing no result whatever since the Act of 1924 was passed, should spur us to pass this amendment, and what is more? We must pass this amendment and leave no loophole which my Honourable friend, Sir Reginald Maxwell, proleaves to use or hopes to use. I want to be quite clear. If we pass this and still leave this Government of India with its professed intention not to carry out this Act, I think you are stultifying yourself. To pass an Act and leave the Government of India power to do what they like, that is at least a disgrace which we ought to survive. Let us pass an Act, let us pass an Act which, in the language of my Honourable friend, would be a fool-proof Act, so that the fools—whatever else they may do, we are safe. We do not want to leave an instrument in their hands which they at any moment will break and be done with it. With the deep feeling that he has for his friends whom he has left—I do not mind Africans or Indians—I do appeal to my Honourable friend, Sir Syed Raza Ali, that the purpose he has in view will not be served in the least degree by not passing this amendment and at the same eliminating clause 6.

Then, Sir, an unnecessary controversy was raised by my Honourable friend, Bhai Parmanand, who was also joined by Babu Baijnath Bajoria. It was a wrong issue. It has got nothing to do with this Bill. A modern State has no religion. It ceases to be a State if it has a religion. I think the less we talk about States in terms of religion, the better. I think the less we talk about foreign sovereignties in terms of religion, the better. The point is merely this. Notwithstanding the fact that the Gurkhas may be Hindus, I do not want them for the mere fact that they are mercenaries. I do not want mercenaries of any type, whether Hindu, Muslim or Christian or Sikh or even Englishmen. My objection to mercenary is that it is mercenary. It, therefore, makes no difference to my mind whether a mercenary professes the same faith as myself or a different faith. In a vast country like India, it is possible, not only possible, but practicable, not only that, but the resources of the country are so large that if, during the last war, they increased the force from 100,000 to a million, India could have supplied. It is absurd to say that without 20 thousand odd outsiders we

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cannot do much. I submit, Sir, there is a policy behind it, and I hope my Honourable friends, Bhai Parma Nand and Babu Baijnath Bajoria, will not walk into that trap by this cry of "the same religion". The policy is to create such a unhomogeneous army as to engender the psychology of fear. Whether they like it or not, anything that is likely to turn against them, they usually prepare themselves in advance. Look at the composition of battalions in the army. Everybody knows the history of the reorganisation of the Indian army. I would not have referred to this at such length but for the fact that a great deal was sought to be made out of this by my Honourable friend, Babu Baijnath Bajoria. That policy has produced no result whatever. I dare say, even in keeping that before your eyes, there is a limit to what is called foresight. My Honourable friends have seen what that forbearance will do. It produced no results. I, therefore, appeal to my Honourable friend, Sir Syed Raza Ali, to be under no illusion that if they wish to do a thing, they would forbear from doing a retaliatory act. I do not deny that it is an act of policy and conciliation up to a certain point. But, where you expect the result of that to be paltry, there is no use of pursuing such a policy. It does not appear to me that the policy, as against the Indians in all the colonies and in all the Dominions, is only altering in the sense that we are getting worse and worse everywhere. If that is so, it may well be that you may have to repatriate your countrymen. After all, two lakhs of people in 350 million is not such a vast number. I do not wish to be deprived of what we can get, but our honour demands that we should bear this burden. But let us not go this way that, in order that they may be more and more crushed, we become more and more crushed ourselves; and it is for that reason that I do ask the House to carry this amendment and with a confident belief that no more subterfuge or power by way of discussion or otherwise will be left to the Government of India to run through this Act as if it did not exist.

The Honourable Sir Reginald Maxwell: Sir, not very much time remains before the House rises this evening for me to reply to the points made in this debate, and I will, therefore, confine myself to the more important ones. I should like to explain, to start with, that no Member on this side approaches the question without the fullest sympathy with what the Honourable the Mover has said about the feelings with which he regards the unfair treatment meted out to Indians in South Africa and various other Colonies. The only question is what is really useful to do in this particular case. Mr. Satyamurti has said that retaliation is necessary. If it is merely a matter of retaliation, as I have said before and other Members have pointed out, we have already Act III of 1924 on the Statute-book. It is perfectly feasible under that Act to make rules to provide that persons domiciled in the British possessions shall have no greater rights or privileges than Indians in those possessions. That seems to me to fulfil entirely the object which Honourable Members have in view. And if those rules really required registration they would enable registration. But, so far, rules have not been devised for that purpose and certainly no separate legislation is required in order to give effect to the power of retaliation, which already exists under a Statute which was passed as long ago as 1924. The Honourable the Mover poured some scorn on the British Nationality and Status of Aliens Act and the Honourable the Leader of the Opposition also asked what status it confers. I do not altogether agree with those light

opinions of it, as I have indicated in my speech on the motion for consideration. The status that it confers on Indians is that they are not aliens. No one can deny that; no one can call an Indian an alien wherever he is. And in point of fact an Indian can, as we all know, enter most of the Dominions and most of the Colonies without any restrictions or without any restrictions which are not also applicable to all other non-residents of those Colonies. Honourable Members should not exaggerate the amount of discrimination which exists against Indians. So far as I know, South Africa is the only Dominion where this amounts to a serious feature. And as regards the quotation from section 26 of the British Nationality and the Status of Aliens Act, where, the Honourable the Mover pointed out that Dominion Governments have the power of legislating differently for different classes of British subjects, I should like to know what has transpired in this debate as regards the manner in which various people wanted to treat the Nepalese, Tibetans and Afghans. There appears to have been quite a considerable volume of feeling in this House which might be translated into this general proposition that India is to be a good place for Indians only and that persons who immigrate into it, such as Afghans, Burmans, Nepalese and so forth, are to be treated with the same kind of discrimination which is so much deplored when it is met with in other British possessions. I should like Honourable Members to put that to themselves and ask themselves whether they are being really consistent in their attitude. Another thing which I would ask them to reflect on is this. Supposing an Indian goes to a Dominion or to any other foreign country, whatever it may be, when he enters it he expects the hospitality of the Government of that country. He does not go there as one who takes possession. If I pay a visit to my friend I do not immediately claim the right to put his house in order for him. I accept what fare he puts before me and what rules govern his house. And I would be entirely transgressing my ordinary liberties if I, as soon as I enter his or anybody else's house, should try to lay down the law to him as to what I should do and what he should do. I should say that there is room for a slightly greater sense of proportion in what is resented in regard to restrictions with which Indians may be faced in other places. If I myself attempted to settle down in any of the Dominions I should quite expect that I should be required to satisfy them that I was a suitable person to be a permanent immigrant. Persons intending to immigrate permanently into a Dominion usually have to conform to certain standards, and it is quite unreasonable to suppose or talk form to certain standards, and it is quite unreasonable to impose any standards of that kind. I as if the Dominions had no right to impose any standards of that kind. I hope, therefore, that Honourable Members will not regard this Bill too exclusively from the point of view of what they would like to do to these Dominion subjects.

One other point which I might notice at this stage is the question which was raised by the Honourable the Mover as to whether we are intending by this Bill to deal only with temporary or with permanent foreign visitors who enter this country. He is quite right in supposing that there is no distinction in the Bill between temporary or permanent visitors. My point was that as a matter of fact a great majority of the foreigners, or for that matter visitors from Dominions, who come to this country do not come to settle here but they may carry on their trade for a time or they may merely be birds of passage or tourists; but, in fact, they are not permanent immigrants, they come here only to do business.

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There is one other point which I might be allowed to make before the House rises, but I am afraid I shall not have time to finish today. That is the point that was raised as to why I said that this Bill was related to the Foreigners' Act or it was a Bill to supplement the Foreigners' Act. It is a Bill which will make the operation of the Foreigners' Act easier. It is quite true, as one Honourable Member pointed out, that sections 5 onwards of the Foreigners' Act have not been regularly enforced. They may have to be put into force at any time if any emergency requiring it arises, and then, the fact that foreigners had been registered would greatly facilitate the operation of these provisions. The reason why this was put forward, not as a Bill to amend the Foreigners Act but, as a self-contained Bill was that the subject of registration is itself a self-contained subject, which is capable of being kept entirely within the four corners of a single Act and it would make no difference to its provisions whether it was put forward as an amending Bill to the Foreigners' Act or, as has been done, as an entirely separate measure. In fact, in some ways, it is more convenient to have it as a separate and self-contained measure.

I might just perhaps deal with the point raised by my Honourable friend, Mr. Bajoria, who wished that the Nepalese should be exempted from registration. All I need explain again on that point is that it was always intended that the residents of States, such as Nepal, who at times come into India in large numbers should be exempted from registration. But I must repeat once again that should it become necessary at any time to take measures for registration of those persons the Act does not prevent it. They are not exempted under the Act. The only effect of the definition clause in the Act is that it limits the power of Government to make exemptions; and in so far as any class of persons is not included within the definition clause, Government have the option of applying registration to them at any time or declaring them to be exempt.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to continue his speech?

The Honourable Sir Reginald Maxwell: I would like to continue it tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will then adjourn till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Friday, the 31st March, 1939.

LEGISLATIVE ASSEMBLY.

Friday, 31st March, 1939.

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.

REFUSAL TO PROVIDE AN INVALID SALOON BY THE EASTERN BENGAL RAILWAY.

1414. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- (a) whether the Eastern Bengal Railway authorities recently refused to grant an invalid saloon to a patient on the strength of a certificate issued by a registered medical practitioner who is a captain of the Army in India Reserve of Officers;
- (b) whether there is any rule requiring that in order to get the benefit of a reserve saloon, the patient has to produce a certificate from a Civil Surgeon or a Commissioned Medical Officer; if so, whether the rule is going to be revised;
- (c) whether Government are aware that in a large number of cases such patients requiring removal are treated by physicians who are not Civil Surgeons or Commissioned Medical Officers;
- (d) whether Government have considered the predicament of patients in case of sudden illness in out of the way places where a Civil Surgeon or a Commissioned Medical Officer is not readily available; and
- (e) whether Government are aware that the Punjab Government have done away with the practice of countersignature or certificates by a Civil Surgeon where it was formerly required?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes, but the certificate was from an Assistant Surgeon not holding a commission.

(c) and (d). Government understand that the rule referred to is under revision and the facts mentioned by the Honourable Member will doubtless be fully considered in its revision.

(e) The Railway Department have no information.

Mr. Brojendra Narayan Chaudhury: Is it not a fact, Sir, that the physician who certified the patient is a Captain of the Army in India Reserve of Officers?

The Honourable Sir Muhammad Zafrullah Khan: I could not say, Sir.

GRANT OF THE BENEFIT OF SUBSCRIBING TOWARDS PROVIDENT FUND TO
INFERIOR SERVANTS AND LABOURERS ON RAILWAYS.

1415. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable Member for Railways be pleased to lay on the table of the House a statement showing the rules in connection with the admission of the members of inferior railway service and labourers to subscribe to the Provident Fund on State-managed and Company Railways?

(b) Is there any pay limit, enabling an employee to subscribe to the Provident Fund? If so, what is this limit on various Indian railways? If not, why not?

(c) Is it a fact that inferior railway servants if they are drawing above Rs. 15 and are governed by the East Indian or Great Indian Peninsula Railway Provident Fund rules, are entitled to subscribe to the Provident Fund?

(d) If the reply to part (c) above be in the affirmative, do Government propose to extend this concession to the employees in inferior and labour services employed on other railways? If not, why not?

(e) If the reply to part (c) above be in the negative, will the Honourable Member be pleased to state the pay limit or other conditions on which the inferior servants or labourers under the East Indian and Great Indian Peninsula Railway Provident Fund Rules (to which a reference is made on page 240 of the State Railway Establishment Code) are entitled to subscribe to the Provident Fund?

(f) Do Government propose to give the inferior servants and labourers on other railways the benefit of the East Indian and Great Indian Peninsula Railway Provident Fund Rules? If not, why not?

(g) Do Government propose to revise the Provident Fund Rules to enable the inferior servants on the North Western Railway to be enabled to subscribe to the Provident Fund?

(h) Do Government in the alternative propose to revise the rules regarding the classification of staff to bring all staff drawing Rs. 30 and over in the category of the subordinate service instead of the inferior or labour services? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (e). I am placing in the Library a copy of the Provident Fund Rules on each of the principal railways. The Honourable Member will find therein the rules relevant to his enquiry.

(c) Yes, so far as those employees who are governed by the East Indian Railway Company's Rules are concerned. Inferior servants to whom the Great Indian Peninsula Railway Company's Rules apply are not entitled to subscribe to the provident fund if drawing less than Rs. 30 per mensem.

(d) and (f)—(h). No. I would refer the Honourable Member to the Honourable Sir Thomas Stewart's speech in reply to the debate on Mr. Joshi's cut motion on the subject of grievances of railwaymen on the 24th February, 1939.

Mr. Lalchand Navalkai: May I know, Sir, why is it, when these inferior servants draw equal pay, a distinction is made in some branches by allowing some of them to contribute to the provident fund, while others are not, even though they draw the same rate of pay? Why is that distinction made?

The Honourable Sir Muhammad Zafrullah Khan: Owing to the difference in the rules on different Railways.

Mr. Lalchand Navalkai: Why are the rules so made, and is the Honourable Member prepared to reconsider this matter and introduce uniformity in the matter?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, I have nothing to add to what the Honourable Sir Thomas Stewart said on the debate in the matter.

Mr. Lalchand Navalkai: But my question is that there should be uniformity and there was no reply given to that.

The Honourable Sir Muhammad Zafrullah Khan: No, a reply was given.

Mr. Lalchand Navalkai: I want a reply to my question?

The Honourable Sir Muhammad Zafrullah Khan: The reply was that the extra cost involved would be too heavy.

GRANT OF THE BENEFIT OF SUBSCRIBING TOWARDS PROVIDENT FUND TO
GANG MATES ON THE NORTH WESTERN RAILWAY.

1416. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable Member for Railways be pleased to state whether gang mates on any of the State-managed Railways are entitled to subscribe to the Provident Fund? If so, on which railway, and what is the scale of their pay—old as well as revised?

(b) Why are the gang mates employed on the North Western Railway not permitted to subscribe to the Provident Fund?

(c) Are Government prepared to allow gang mates on the North Western Railway to subscribe to the Provident Fund? If not, why not?

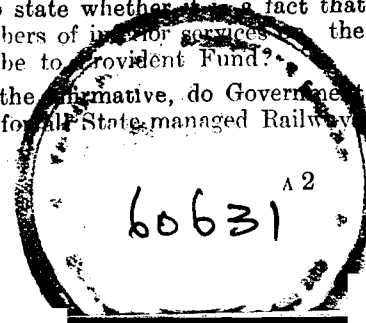
The Honourable Sir Muhammad Zafrullah Khan: (a) to (c). The information is being collected and will be laid on the table of the House in due course.

EXISTENCE OF DIFFERENT PROVIDENT FUND RULES FOR INFERIOR SERVANTS
ON STATE RAILWAYS.

1417. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that different rules exist regarding allowing members of inferior services on the various State-managed Railways to subscribe to Provident Fund?

(b) If the reply to part (a) above be in the affirmative, do Government propose to introduce a uniform set of rules for all State-managed Railway in this matter? If not, why not?

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(c) Is it a fact that the Chief Commissioner of Railways gave a deputation of the All-India Railwaymen's Federation to understand in November 1937 that he would redress anomalies on the different railways in the matter of employees of the same grade, designation, etc., being eligible to subscribe to the Provident Fund on one State-managed Railways and not the other?

(d) If the reply to part (c) above be in the affirmative, will Government be pleased to state what action has been taken in the matter?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Except in regard to the ex-company staff of the East Indian and Great Indian Peninsula Railways, the same rules apply to all State-managed Railways. With reference, however, to rule 6 (b) of the State Railway Provident Fund and Gratuity Rules, the classification of employees as superior or inferior is a matter in respect of which power is delegated to General Managers, and the practice in regard to it may not be uniform.

(c) and (d). I would refer the Honourable Member to the reply given to part (d) of Mr. Lalchand Navalrai's question No. 1913 on the 7th December, 1938.

CONSOLIDATED TRAVELLING ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

1418. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable Member for Railways be pleased to state if it is a fact that the Travelling Ticket Examiners on the North Western Railway were entitled to mileage allowance on the basis of mileage covered by them in the course of their duties?

(b) Is it a fact that his mileage allowance was considered as part of the Travelling Ticket Examiner's pay for all purposes of passes, Provident Fund deductions, etc.?

(c) Is it a fact that the mileage allowance was substituted by consolidated travelling allowance?

(d) If the reply to part (c) be in the affirmative, is this consolidated travelling allowance considered as part of the employee's pay, for the purpose of passes, Provident Fund deductions, etc.? If not, why not?

(e) Do Government propose to issue orders so as to consider the consolidated travelling allowance as part of the Travelling Ticket Examiner's pay? If not, why not?

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

(b) I would refer the Honourable Member to the reply given to part (c) of Sardar Sant Singh's question No. 1361 on the 11th December, 1933, and to part (f) of Dr. Khare's question No. 465 on the 14th February, 1936.

(c) Yes.

(d) and (e). I would refer the Honourable Member to the reply given to Sardar Sant Singh's question No. 476 on the 4th September, 1933.

Mr. Lalchand Navalrai: May I know, Sir, since this mileage allowance was separated from their pay, if the Honourable Member has gone into the question again to see if the old system could be restored?

The Honourable Sir Muhammad Zafrullah Khan: I remember, Sir, I went into that matter myself when I was in charge of the Railway Department, and I have answered many questions on that subject.

INTRODUCTION OF "GOOD CONDUCT MARKS" SYSTEM ON THE NORTH WESTERN RAILWAY.

1419. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable Member for Railways please state whether it is a fact that under instructions from the Railway Board, a system of punishments of subordinate staff known as "Good Conduct Marks" system, has been introduced on the North Western Railway?

(b) Is it a fact that under this system a certain number of marks are debited to the employee for minor offences according to the nature of the lapses on his part?

(c) Is it a fact that an employee is to be given credit of marks at the discretion of the officer, provided he has achieved a clear record for three months from the date of his last offence?

(d) Is it a fact that the Chief Commissioner of Railways made a statement to this effect at the fifteenth half-yearly meeting between the All-India Railwaymen's Federation and the Board, in January 1938?

(e) Is it a fact that under the system as it operates on some divisions of the North Western Railway, no credit of marks is given to an employee even if he has achieved a clear record for three months, unless the man has lost thirteen or fourteen marks, and is under notice that any further loss would result in his reduction in pay?

(f) If so, why are the Railway Board's orders not carried out by some of the Divisional Superintendents of the North Western Railway?

(g) Do Government propose to take action to see that their orders are carried out in the matter? If not, why not?

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

(e) Government have no information. The restoration of marks is, as stated by the Honourable Member himself in part (c) of his question, a matter entirely within the discretion of the executive officer concerned.

(f) and (g). Do not arise.

SABOTAGES ON RAILWAYS.

1420. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

(a) whether there has been a case of sabotage of rail-track near Ludhiana recently; if so, the details thereof;

(b) whether any clue has been discovered for tracing the culprits;

(c) whether he will place on the table a copy of the enquiry report, if or when received;

(d) the number of attempts at train wrecking from Chikaki up to now, by

(i) removal of rails,

(ii) loosening rail fastenings, and

(iii) placing obstructions on the track;

- (e) how the above numbers compare with the worst period of similar duration in the past three years and with the total for last year; and
- (f) the measures taken to mitigate the dangers from sabotage to allay public apprehensions?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). At about 6.45 on the 2nd March, 1939, it was discovered by the driver of 412 Down Mixed train that a complete rail length of track, i.e., both rails and sleepers, had been removed between Gill and Kila Raipur stations on the Ludhiana-Dhuri section and placed on the embankment. This would not appear to be an attempt at train wrecking, as red banner flags were placed across the line over 1,000 feet away from the break in the track on either side. A statement giving fuller details of the incident is laid on the table. It is understood that the Police are investigating.

(d) Individual cases of attempted train wrecking are not normally reported to the Railway Board. The East Indian Railway have, however, reported nine such instances, the North Western Railway four and the Great Indian Peninsula Railway one.

(e) As stated in the reply to part (d) above, such instances do not normally form the subject of an individual report in each case. Therefore, the information asked for is not available. I would, however, refer the Honourable Member to Appendix D, page 237 of the Railway Board's Annual Report on Indian Railways, Volume II, a copy of which is in the Library of the House and which gives the comparative figures from 1933-34 to the end of 1938.

(f) I would refer the Honourable Member to the reply given to part (f) of Mr. Abdul Qaiyum's starred question No. 1199 of the 10th November, 1938, to the replies given to supplementaries following that question and also to the reply given to parts (d) and (e) of Mr. S. Satyamurti's starred question No. 649 of the 24th February, 1939.

Statement giving full details of the incident between Gill and Kila Raipur on the Ludhiana-Dhuri section.

(1) A pair of rails 30 feet long with its 13 sleepers complete, after removal of the fish plate had been removed and placed on the embankment 9½ feet away from the rails at mile 6/9-10.

(2) A Congress flag erected between the track tied to the 3rd sleeper from Kila Raipur-end rail.

(3) Congress flag fixed in a tree 45 feet away from QRP end rail.

(4) A red flag fixed across the line 41 rails and three sleepers lengths from QRP end rail tied to two trees (one on either side of the track) at mile 6/13-14.

(5) Two posters put on sleepers adjoining the red flags at Kila Raipur end.

(6) Red flag placed across the line 36 rail lengths away from Ludhiana and rail tied to level crossing rails at mile 6/6-7.

*(7) 35 other posters found between the two red flags.

(8) Two posters put on sleepers adjoining to the red flags at Ludhiana end.

(9) Fifteen bolts, sixteen nuts, one fish plate and a few bricks found near the track from where the rails had been removed.

*Copy attached.

(10) Seven fish plates, one bolt and two crow-bars recovered by Police from water pools adjoining the track.

Intimation regarding the removal of these rails was received by T. I. Ludhiana at 8.45. He proceeded to the spot with the Sub-Inspector, G. R. P. by 308 Down at 9 hours, and arranged for transshipment of passengers and mails.

The Police authorities would not allow the line to be set right before the arrival of the Deputy Commissioner and the Superintendent of Police and before the site was photographed. They were, however, persuaded to let it be done on the clear understanding that it could be disconnected and the rails and sleepers placed in their original position for the above mentioned officers to inspect. Line was, therefore, linked at 12.15 hours but the block was not removed till 13.15 hours.

The Police are making enquiries.

Copy of English translation of posters.

Freedom can be attained with sacrifice.

One that lives for himself is better dead.

He that lives for the country better live.

My young brethren patience has reached its limit.

Youngmen of Punjab wake up and end this bureaucracy and its toadies.

Freedom can only be attained after perishing.

Signed National slave,
BABAR AKALI,
STALIN.

Mr. Brojendra Narayan Chaudhury: Is it a fact, Sir, that the red poster found near the scene was in the name of Stalin?

The Honourable Sir Muhammad Zafrullah Khan: I believe so.

DETENTION OF PASSENGER TRAINS OWING TO ENGINE TROUBLES ON RAILWAYS.

1421. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- whether on or about 17th February, 1939, the Up North Bengal Express came to a standstill by break-down of the engine near Siliguri;
- the number of cases in which passenger trains have had to be detained owing to engine troubles during (i) last year and (ii) current year in India; and
- whether these cases are required to be reported to Government?

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

(b) and (c). Such cases are not required to be reported separately to Government.

Mr. Brojendra Narayan Chaudhury: May I know, Sir, if the Honourable Member is satisfied that there is no negligence in these shunting operations now?

The Honourable Sir Muhammad Zafrullah Khan: That is the business of the local officers, and, I imagine, ultimately that of the General Manager.

Mr. Brojendra Narayan Chaudhury: Is it the policy of the Railway Board to rely entirely upon the local officers decision in regard to matters of negligence?

The Honourable Sir Muhammad Zafrullah Khan: The Railway Board could not conduct an inquiry into everything themselves.

Mr. Brojendra Narayan Chaudhury: I am asking about these reports...

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

DEATH OF ONE MANI LAL KHALASI BY BEING RUN OVER BY AN ENGINE AT SILIGURI STATION ON THE EASTERN BENGAL RAILWAY.

1422. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

- (a) the facts about the death of Mani Lal Khalasi by being run down by a shunting engine at Siliguri station, Eastern Bengal Railway, about the middle of February, 1939; and
- (b) the result of the Railway inquiry into his death, if any?

The Honourable Sir Muhammad Zafrullah Khan: (a) Box Khalasi Bunilal of Siliguri shed was returning to the Running Room after making over the line box to the driver of the engine 644 Down when he was run over and killed by the station yard pilot engine at about 4-30 A.M. on the 17th February, 1939.

(b) A railway enquiry was held and it recorded the following finding:

"Ram Gobind, the shunter working engine 219 SGC 2, which caused the accident, is not to blame, as his view was obscured firstly by the density of the atmosphere prevailing at the time aggravated by the steam discharged from his engine cylinder cocks. We also agree that his engine whistle was sounded when approaching the engine of 644 Down Goods.

Due to the noise of the vacuum exhaust of this latter engine Bunilal in all probability did not hear the warning whistle and approach of engine 219 SGC 2. His death in our opinion was purely accidental."

The Police made an independent enquiry into this case and classified it as a "railway accident for which none but the deceased was responsible".

Mr. Brojendra Narayan Chaudhury: May I know, Sir, whether this and similar matters are within the jurisdiction of the Local Advisory Board?

Mr. Kuladhar Chaliha: May I know, Sir, whether it is within the jurisdiction of the Local Advisory Committee to discuss these matters?

The Honourable Sir Muhammad Zafrullah Khan: I imagine that if the Local Advisory Committee wanted some information on the matter, the General Manager would be quite willing to give it.

Mr. Brojendra Narayan Chaudhury: Is the Honourable Member aware that when the Local Advisory Committee wanted to raise similar matters, they were told that their business was to see to the convenience of the passengers?

The Honourable Sir Muhammad Zafrullah Khan: That may be so.

Mr. Lalchand Navalrai: May I know, Sir, if any compensation was given to this man who died in this accident?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware.

INTRODUCTION OF INTERMEDIATE AND THIRD CLASS MILEAGE COUPON TICKETS ON RAILWAYS.

1423. *Prof. N. G. Ranga: Will the Honourable Member for Railways be pleased to state:

- (a) if he has seen the suggestion made by the Great Indian Peninsula Railway Advisory Committee on the 26th April, 1938, that 'Intermediate and third class mileage coupon tickets' should be issued for mercantile firms and traders; and
- (b) whether Government are prepared to make an experiment on these lines on one or two railways and see if it will be profitable for both parties, the railways and business?

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

(b) This is entirely a matter for decision by Railway Administrations. I shall, however, forward the suggestion of the Honourable Member to State-managed Railways for any action they may consider desirable.

ATTACHING OF SPECIAL MILK AND VEGETABLE VANS TO CERTAIN PASSENGER TRAIN.

1424. *Prof. N. G. Ranga: Will the Honourable Member for Railways be pleased to state:

- (a) if it is not a fact that every day large quantities of milk, curd and vegetables, are being conveyed by a large number of vendors from the neighbouring rural parts to the cities like Calcutta, Madras, Poona, Bombay, Cawnpore, Lucknow, Lahore, Delhi, Allahabad and Patna;
- (b) that owing to the failure of railways to set apart separate compartments for such goods and vendors, passenger carriages are being used for the purpose;
- (c) whether Government are aware that such use of the passenger carriages results in inconvenience to passengers and involuntary introduction of dirt, dust and other impurities into dairy products;
- (d) whether it is not a fact that in England, France and Germany, separate milk and fruit (fast) trains are run; and
- (e) whether Government are prepared to consider the advisability of attaching a special milk and vegetable van to every passenger train to run from, say, a distance of 25 to 35 miles to the neighbouring prominent city?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government understand that the statement made by the Honourable Member is correct as regards Calcutta, Bombay and Delhi. It is understood that the amount of this traffic by rail into the other towns mentioned is not heavy.

(b) and (c). The Eastern Bengal Railway run vendors' vans for the conveyance of vegetables, milk and fruit traffic on the suburban area of the

southern section of that railway. On other suburban sections, compartments are reserved for vendors. The Bombay, Baroda and Central India, Madras and Southern Mahratta and Great Indian Peninsula Railways also set apart third class compartments for the use of such vendors. The East Indian Railway supply a special type of vehicle for the conveyance of this traffic. On all Railways such traffic, when booked, must always be carried in brake-vans or luggage vans. The suggestion that separate compartments might be set aside for these vendors and their goods will be made to such railways who do not already follow this practice.

(d) Yes. This is believed to be the case.

(e) No. Produce of this type requires conveyance by particular trains only at certain times to suit market conditions and there could be no commercial justification for the running of special milk and vegetable vans on every passenger train.

Prof. N. G. Ranga: Is the Honourable Member aware that in the mail trains in which milk, vegetables and all these other things are being carried, no special compartment or carriage is attached for their conveyance, and therefore these things are being carried in passenger carriages?

The Honourable Sir Muhammad Zafrullah Khan: I would draw the attention of the Honourable Member to the last part of my reply to parts (b) and (c) of his question. "The suggestion that separate compartments might be set aside for these vendors and their goods will be made to such railways who do not already follow this practice."

STARTING OF SCHOOLS FOR TRAINING RAILWAY EMPLOYEES IN TECHNICAL ASPECTS OF THEIR WORK, ETC.

1425. *Prof. N. G. Ranga: Will the Honourable Member for Railways be pleased to state:

(a) whether it is proposed to start, as on the North Western Railway and East Indian Railway, schools for training railway employees in the technical aspects of their work and also to inculcate in them a proper sense of the importance and utility to railways of treating passengers well, guiding them, while in trains, not unnecessarily to dirty the carriages and otherwise do everything to put passengers into the feeling that railway travel is very comfortable;

(b) on which railways any definite steps are being taken to train the railway staff and, at least, the ticket examiners and Passenger Guides or Inspectors "in respect of good behaviour and civility", as was suggested by the Bengal Nagpur Railway Advisory Committee on the 16th May, 1938; and

(c) whether in addition to issuing standing orders, Government are doing anything prominently to bring to bear upon the mind of their employees the need for courteous behaviour and treatment to their passengers?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (c). I would refer the Honourable Member to the remarks given against paragraphs 102 and 105 to 114 in the second statement (issued in November, 1938) showing the action taken on the recommendations of the Indian Railway Enquiry Committee (1937).

Prof. N. G. Ranga: In addition to issuing these instructions, what is it that the Government are doing in order to see that those instructions are carried out and their staff show good behaviour towards passengers and so on?

The Honourable Sir Muhammad Zafrullah Khan: The action proposed to be taken on each is set out in detail in the report to which I have referred.

LOOKING AFTER THE CONVENIENCE OF RAILWAY PASSENGERS AT NIGHT.

1426. *Prof. N. G. Ranga: Will the Honourable the Railway Member be pleased to state:

(a) whether on the 29th June and 8th April, 1938, respectively, the Railway Advisory Committee of the Assam Bengal Railway and the Eastern Bengal Railway drew the attention to the need for the Railway staff on duty at night to look to the convenience of the passengers in getting into proper carriages and to call out the names of the stations (*vide* No. 36 Local Advisory Committees of Railways);

(b) whether the need for such facilities is felt on other railways also;

(c) whether Government will consider the advisability of instructing the Railway staff of one station to phone to that of the next stopping station in which particular carriages there is greater accommodation for more passengers, so that the station staff is forewarned about the accommodation available and thus advise passengers at their places to seek accommodation; and

(d) whether Government are prepared to issue strict instructions to see that the names of stations are called out loudly at night time at every station?

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

(b) and (d). Government understand that there are standing orders to this effect on all Railways.

(c) The suggestion is not practicable.

Prof. N. G. Ranga: Are we to understand that in answer to parts (b) and (d) instructions have already been issued and they are being carried out?

The Honourable Sir Muhammad Zafrullah Khan: I am told that there are standing orders to this effect and I have no reason to assume that they are not being carried out.

Prof. N. G. Ranga: May I inform the Honourable Member that in a large number of cases on the railways these instructions are either not carried out, or anyhow the station staff do not care to give the necessary advice and guidance to the passengers, and that is why the Railway Advisory Council has brought that particularly to the notice of the Agents concerned?

The Honourable Sir Muhammad Zafrullah Khan: I am obliged to the Honourable Member for the information.

CERTAIN DEVICES TO MINIMISE THE EFFECT OF DERAILMENTS OF TRAINS.

1427. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state.

- (a) whether the Railways have ever tried or considered any of the following devices to minimise the effect of derailments of trains placing a sand-filled van, luggage van, or dining car in front;
- (b) whether the Railway Board's attention has been drawn to the lecture on "Occupational Psychology" by Dr. C. S. Myers, D.Sc., F.R.S., at the Science Congress, 1938;
- (c) whether the habits of sobriety of drivers of different communities are considered in connection with employment in mail and passenger trains;
- (d) whether at one time on the East Indian Railway, the name of the passenger used to be entered in a register when the ticket was sold, and also on the ticket; if so, when; and why and when this practice was discontinued;
- (e) whether later on the tickets were declared non-transferable and the entry in the register was discontinued; and
- (f) whether the old system of recording names of passengers both in a register and on the ticket is proposed to be reintroduced with a view to facilitating inquiry into casualties of railway accidents?

The Honourable Sir Muhammad Zafrullah Khan: (a) Luggage and brake-vans are invariably marshalled in front of important passenger trains and dining cars are occasionally attached in front.

(b) No.

(c) The suitability, in all respects, of staff, irrespective of communities, is fully considered before employment as drivers.

(d) The reply to the first part is in the negative and the second part does not, therefore, arise.

(e) and (f). Do not arise.

CONCESSION TICKETS TO PASSENGERS GOING TO ATTEND THE CONGRESS AND MUSLIM LEAGUE SESSIONS.

1428. *Mr. H. A. Sathar H. Essak Sait (on behalf of Maulvi Muhammad Abdul Ghani): Will the Honourable the Railway Member please state:

- (a) whether it is a fact that Railway companies issued concession return journey tickets to passengers going to attend the annual session of the Congress at Tripuri? If so, the names of companies which issued such tickets and the rate at which they were so issued for different classes of passengers;
- (b) whether such concession return journey tickets were issued on the occasion of any other annual session of the Congress;

- (c) whether the concession return journey tickets as mentioned in part (a) were issued *suo motu* or requested for by somebody; and
- (d) whether the same concession will be extended to passengers going to attend the next annual or special session of the All-India Muslim League?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes. A statement is laid on the table giving the names of Railways and the basis of the concession fares issued by them.

(b) Government understand that similar return journey tickets at concessional rates were given by some Railways in February, 1938.

(c) Government have no information.

(d) This is a matter for individual railway administrations to consider who, in granting concessions, are influenced entirely by commercial considerations.

Statement.

Single journey fares.

G. I. P.	}	All classes	1½
E. I.			
B. B. & C. I.			
M. & S. M.	}	1st, 2nd and Inter.	1½
		3rd class	1¼
N. S.		1st, 2nd and 3rd	1½
N. W.		No special concession was allowed. Ordinary 1st and 2nd class return tickets at 1½ single journey fares were issued in through booking to Madan Mahal on this occasion.	

Dr. Sir Ziauddin Ahmad: May I ask whether the question of giving concession is not considered by the Railway Board and is left entirely to the individual railways?

The Honourable Sir Muhammad Zafrullah Khan: I should imagine that would be the normal practice.

Dr. Sir Ziauddin Ahmad: May I know whether in this particular case any application was addressed to the Railway Board and whether the Board considered this question?

The Honourable Sir Muhammad Zafrullah Khan: Which particular case?

Dr. Sir Ziauddin Ahmad: The case mentioned in part (a) of the question.

The Honourable Sir Muhammad Zafrullah Khan: I understand that some questions were put the other day to which replies were given by Sir Thomas Stewart, that, though there had been some difference with one particular railway system over a concession which was alleged first to have been granted and then withdrawn, the matter was left entirely to the discretion of the railway administrations.

Dr. Sir Ziauddin Ahmad: May I ask whether Government have received any application to give similar concessions at the time of the *urs* fair at Ajmer?

The Honourable Sir Muhammad Zafrullah Khan: That does not arise out of this question.

MAINTENANCE CADRE OF THE VIZAGAPATAM PORT.

1429. *Mr. K. S. Gupta: (a) Will the Honourable Member for Communications please state when the maintenance cadre of the Port of Vizagapatam was formed?

(b) Is the formation of the cadre due to the principles of economy?

(c) What was the total expenditure per annum on the maintenance of the Port of Vizagapatam, previous to the formation of the cadre and also after the formation of the cadre?

(d) What was the number of workmen in the service of the Port of Vizagapatam in the years 1933, 1935, 1937 and also on the 1st March, 1939?

(e) What was the number of the supervising staff and the duty of each one of them in the years mentioned in part (d)?

(f) Is the present out-door repairing section a result of an amalgamation of two previous sections during construction? What was the combined strength of those two sections and what is the strength of the present out-door repairing section of the harbour?

Mr. G. V. Bewoor: Sir, in the absence of the Honourable Member, I am replying to this question.

(a) to (f). The information is being collected and will be laid on the table in due course.

CERTAIN STAFF IN THE VIZAGAPATAM HARBOUR.

1430. *Mr. K. S. Gupta: (a) Will the Honourable the Communications Member please state how many chargemen there were in the service of the harbour of Vizagapatam before the year 1934? What was the number of chargemen during the years 1935, 1936, 1937, 1938 and 1st March, 1939?

(b) Is it a fact that the works were managed by one Mechanical Superintendent previous to the formation of the cadre and after the formation the same works are managed by (1) Superintendent of machinery and (2) Assistant Superintendent of machinery?

(c) What was the salary of the Mechanical Superintendent and of the present Superintendent of machinery and the Assistant Superintendent of machinery in the service of the Port of Vizagapatam?

(d) What is the staff (workmen) of the workshop at present? How many foremen are there to supervise the work of the staff? What is the salary drawn by each foreman? Are the foremen Europeans or Indians?

(e) How many foremen were there when the construction work was on? Has there been an increase or decrease in the number of the foremen after the construction was complete?

Mr. G. V. Bewoor: (a), (b), (d) and (e). The information is being collected and will be laid on the table in due course.

(c) The scale of pay of the Mechanical Superintendent was Rs. 860—40—1,100 *plus* Rs. 150 overseas pay. The salaries of the present Superintendent of Machinery and Assistant Superintendent of Machinery are:

Superintendent of Machinery	Rs. 980 per mensem in the scale of Rs. 860—40—1,100 <i>plus</i> an overseas pay of Rs. 150 per mensem.
Assistant Superintendent of Machinery.	Rs. 610 per mensem in the scale of Rs. 550—20—650.

COST OF MAINTAINING THE DREDGER AT THE VIZAGAPATAM PORT.

1431. *Mr. K. S. Gupta: (a) Will the Honourable Member for Communications please state the total cost of maintaining the dredger at the Port of Vizagapatam during the years 1936, 1937 and 1938?

(b) Does it work throughout the day (twenty-four hours)? How many engineers manage the dredger?

(c) What is the number of hours each engineer works on the dredger?

Mr. G. V. Bewoor: I would refer the Honourable Member to the information laid on the table of the House on the 27th March, 1939, in reply to parts (a) and (b) of his starred question No. 907 on the same subject.

PILOTS IN THE VIZAGAPATAM PORT.

1432. *Mr. K. S. Gupta: (a) Will the Honourable Member for Communications please state how long it takes to pilot a steamer from the roads to the harbour at Vizagapatam?

(b) Is it possible for one steamer to enter the harbour and another to leave it simultaneously?

(c) What is the average number of hours that a pilot works in the harbour?

(d) Are there days in a week when the pilots have no work?

(e) Is it a fact that one of these pilots is always on leave?

(f) Is it a fact that there is a non-piloting harbour master to supervise the work of these pilots.

Mr. G. V. Bewoor: (a) and (c). The Honourable Member is referred to the answer given to parts (b) and (d), respectively, of starred question No. 415 asked by him on the 23rd August, 1938.

(b), (e) and (f). The information is being collected and will be laid on the table in due course.

(f) Yes.

CERTAIN STAFF IN THE VIZAGAPATAM PORT.

1433. *Mr. K. S. Gupta: (a) Will the Honourable Member for Communications please state who is the permanent traffic manager and his salary in the Port of Vizagapatam?

(b) Who acted in his place during his leave? What is the salary of the acting man?

(c) Is it a fact that the cost of the Traffic Department is ordinarily Rs. 3,200 per mensem and during the absence of the permanent staff it cost only Rs. 1,500 per mensem?

(d) How many Assistant Quay Foremen are there in the service of the Port of Vizagapatam? Since how long is the present number of them employed? When was the increase made in the number of assistant Quay Foremen, and for what reasons? Are these Assistant Quay Foremen Europeans or Indians?

(e) What is the staff of the Port Engineer's office? Will the Honourable Member lay on the table a statement showing the qualification, educational or otherwise, and the salary of every one of the staff?

(f) What was the total income of the Port of Vizagapatam during the years 1936, 1937 and 1938? What is the salary of the Audit Officer? How much does it cost the staff of Audit Office per month in the Port of Vizagapatam?

(g) Was there any representation made to the Administrative Officer of the Vizagapatam Port by the President of the Harbour, and Port Workers' Union, Vizagapatam, with regard to the working of Vizagapatam Port on a more economic basis?

Mr. G. V. Bewoor: (a) Mr. E. G. Lilley. The attention of the Honourable Member is invited to the reply given to part (a) of his starred question No. 906 asked on the 9th March, 1939.

(b) Mr. W. F. Dennis Smither, Assistant Traffic Manager. While acting as Traffic Manager, he received a pay of Rs. 800 per mensem plus a special pay of Rs. 200 per mensem.

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

(f) Figures of the income for the calendar years are not available. Port Fund receipts for the financial years were:

	Rs.
1935-36	11,25,311
1936-37	10,81,568
1937-38	15,31,759

The salary of the Audit Officer is at present Rs. 780 plus a special pay of Rs. 150. The total cost of the audit and accounts office during 1937-38 was, approximately, Rs. 4,000 per mensem.

(g) Yes.

Prof. N. G. Ranga: What is the nature of the suggestions made for economy in this particular representation and what action has been taken on the lines of those suggestions?

Mr. G. V. Bewoor: The Vizagapatam Harbour and Port Workers Union is not a recognised union and Government are under no obligation to pay any attention to the representations made by that Union.

Prof. N. G. Ranga: Irrespective of the fact whether the Union is recognised or not, have Government taken the trouble to see whether there is anything useful in the suggestions made and take the necessary action on those lines?

Mr. G. V. Bewoor: I mentioned, Sir, that no action had been taken.

Prof. N. G. Ranga: Are Government aware of the fact that the net income of this particular harbour is not much and that the harbour port authorities have not been able to pay towards the sinking fund or even to abstain from asking for subvention from Government? Therefore, are Government aware of the fact that there is great need for retrenchment and economy in the administration of this port?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter for discussion.

PAYMENTS TO RAILWAY COMPANIES FOR MAKING GOOD THE MINIMUM PROFITS OR INTEREST.

1434. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Railway Member state:

(a) whether in the last ten years they have had to pay any amount of money to any railway company by way of making good the minimum profits or minimum interest on the money invested by railway companies; and

(b) if so, what amounts, and to which companies?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). So far as the Companies managing the main line administrations are concerned, only two, namely the Assam Bengal Railway Company and the Bengal Nagpur Railway Company, have suffered losses. A statement is laid on the table showing the amounts by which the proportionate share of net earnings attributable to the Companies fell short of the guaranteed interest on the Companies share capital. The number of branch line companies to whom rebate or guarantee was paid to make up the minimum return fixed under the contracts is large, and a statement showing the amounts paid to each one of these companies over a period of ten years would be very unwieldy and involve much labour in compilation. Full information on this matter is, however, available in the History of Indian Railways, a copy of which corrected up to the 31st March, 1937, is in the Library of the House.

Statement showing the excess of the guaranteed interest payable to the Assam Bengal and Bengal Nagpur Railways over the proportionate share of net earnings attributable to the Companies for the ten years 1927-28 to 1936-37.

	A. B. Ry.	R. N. Ry.
Year.	Rs.	Rs.
1928-29	Nil.	Nil.
1929-30	Nil.	5,85,000
1930-31	Nil.	4,48,000
1931-32	Nil.	8,34,000
1932-33	2,05,000	4,26,000
1933-34	2,40,000	1,59,000
1934-35	1,34,000	52,000
1935-36	3,61,000	Nil.
1936-37	3,84,000	Nil.
1937-38	3,20,000	Nil.

Mr. T. S. Avinashilingam Chettiar: May I know how many times they had to compensate the companies in the course of the last ten years?

The Honourable Sir Muhammad Zafrullah Khan: Six times in each case.

Mr. T. S. Avinashilingam Chettiar: May I know from what accounts these monies are paid to the companies?

The Honourable Sir Muhammad Zafrullah Khan: This is too technical a matter for me to be able to answer without notice.

Seth Govind Das: Are not these losses due to the large salaries which the high officials get?

The Honourable Sir Muhammad Zafrullah Khan: That is a tendentious question.

Mr. T. S. Avinashilingam Chettiar: May I know whether in these ten years any attempts have been made by retrenchment or otherwise to make up these amounts?

The Honourable Sir Muhammad Zafrullah Khan: Every possible measure is taken to reduce expenditure.

Mr. T. S. Avinashilingam Chettiar: May I suggest that the amounts to be paid will be submitted in some form or other for the information of the House?

The Honourable Sir Muhammad Zafrullah Khan: I have said that full information is contained in the History of Indian Railways.

Seth Govind Das: What retrenchment has been made to compensate for these losses?

The Honourable Sir Muhammad Zafrullah Khan: Does the Honourable Member really expect me to answer that question on a supplementary?

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON RAILWAYS.

1435. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state:

(a) whether Government have come to a conclusion over the matter of charging economic rents to European refreshment rooms; and

(b) if so, to what conclusions they have come?

The Honourable Sir Muhammad Zafrullah Khan: (a) I would refer the Honourable Member to the reply given to part (d) of his starred question No. 901 on the 9th March, 1939.

(b) Does not arise.

CIRCUMSTANCES OF OVERCROWDING FOR ENFORCEMENT OF SECTION 93 OF THE INDIAN RAILWAYS ACT.

1436. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state the circumstances of overcrowding in which section 93 of the Indian Railways Act is liable to be enforced against the Railways?

The Honourable Sir Muhammad Zafrullah Khan: It is not possible to detail all circumstances which might lead to the enforcement of the penalty. Each case would require a decision on its own merits.

Mr. T. S. Avinashilingam Chettiar: May I know the circumstances in which this section will be put into force at all, having regard to the fact that it has never been enforced?

The Honourable Sir Muhammad Zafrullah Khan: It will be very difficult to define the circumstances. That will depend upon the facts of each case.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that we have evidence of overcrowding in which no action was taken, may I know whether this section has been enforced at any time?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member has been given the information.

Prof. N. G. Ranga: Have any rules been made under this section for the guidance of the railway staff?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member wants to ask whether instructions have been issued for the guidance of the railway staff, I would require notice.

Mr. T. S. Avinashilingam Chettiar: Who is to take action against the railway under this section?

The Honourable Sir Muhammad Zafrullah Khan: That should be revealed by a study of the Act.

Seth Govind Das: Has there been a single instance in which these rules were enforced on any railway?

The Honourable Sir Muhammad Zafrullah Khan: That is the same question over again.

Mr. T. S. Avinashilingam Chettiar: May I know the agency which ought to take action under this section?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member had better study the Act.

Mr. Mohan Lal Saxena: The Honourable the Railway Member stated in reply to a previous question that if notice were given he would answer the question. It is on that promise that this question has been put.

The Honourable Sir Muhammad Zafrullah Khan: I have given the answer.

CONSTRUCTION OF THE HARDWAR RAILWAY STATION.

1437. *Mr. Badri Dutt Pande: (a) With reference to starred question No. 1109 asked on the 16th March, 1939, will the Honourable the Railway Member be pleased to state what was the total cost of the building of the new Hardwar station on the East Indian Railway?

(b) Was the work done by departmental labour or by contract?

(c) Are the cracks that had appeared in the building of a serious nature, or could they be repaired at a small cost?

(d) If the work was done by contractor, has his security been refunded or not?

(e) Who supervised the work?

The Honourable Sir Muhammad Zafrullah Khan: (a) The estimated cost of the new building at Hardwar station was Rs. 54,315.

(b) Mainly by contract.

(c) No. They are neither numerous nor serious.

(d) Does not arise.

(e) Mr. Gifford, Executive Engineer.

Prof. N. G. Ranga: Was any deduction made from the amount payable to the contractor as a fine for these cracks?

The Honourable Sir Muhammad Zafrullah Khan: I should require notice.

Mr. Badri Dutt Pande: What were the cracks due to. Is it due to bad foundation or have there been any earthquakes there recently?

The Honourable Sir Muhammad Zafrullah Khan: I have never laid claim to any engineering knowledge of that kind.

PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1438. *Mr. Umar Aly Shah: Will the Honourable Member for Railways please state how many promotions, permanent or officiating, were made in the Railway Clearing Accounts Office in the grade of Sub-Heads in the years 1937 and 1938? How many of these promotions were made in the order of seniority as per printed seniority list and how many at the discretion of the Administration?

The Honourable Sir Muhammad Zafrullah Khan: Eleven permanent and 107 officiating promotions were made during the years 1937 and 1938. The officiating promotions which were for varying periods, related to 22 persons of whom six are included in the eleven promoted permanently. Every clerk whose name is shown in the printed list is not necessarily eligible for promotion as sub-head, for which certain special qualifications are necessary. The Director personally makes promotions from among those who are eligible, with due regard to merit, seniority and administrative convenience.

FUTURE OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

1439. *Mr. Umar Aly Shah: Will the Honourable Member for Railways state if he is aware that there are great apprehensions in the minds of the staff of the Railway Clearing Accounts Office regarding the fate of the office? If so, will Government definitely state about the future of this office, i.e., whether it will remain as it is or be decentralized? If the latter, when?

The Honourable Sir Muhammad Zafrullah Khan: As regards the first part of the question Government have no information.

As regards the second part, I would inform the Honourable Member that it is hoped to be able to arrive at a final decision about the future of the office in the coming year after reviewing the results of the experiment in connection with a certain method of apportionment which was introduced in February, 1938.

Prof. N. G. Ranga: Is it not a fact that there have been many complaints in regard to the prevalence of T. B. among the staff employed in the Railway Clearing Accounts Office in Delhi?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware of that fact.

Prof. N. G. Ranga: Is it not a fact that this particular thing has been under consideration by Government for more than one year and doctors' certificates have been produced for the satisfaction of Government that the staff are suffering on account of overcrowding and there is ill-health among them resulting even in T. B.?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware of that.

RUMOUR OF A RAID ON BANNU.

1440. *Mr. Kuladhar Chaliha: (a) Will the Foreign Secretary please state whether there is any truth in the rumour that a hostile lashkar is moving about the vicinity of Bombati Hill with intent to raid Bannu?

(b) Is it a fact that on the 10th March some shops were closed at Bannu owing to apprehension of a raid?

(c) Is it a fact that some shots were fired from the Kurram side but were ineffective?

(d) Have proper precautions been taken to protect the people?

Sir Aubrey Metcalfe: (a) Presumably the Honourable Member refers to the hostile gang which was concentrating in the area of old Gumatti post on March 10th. If so, the answer is in the affirmative.

(b) Government have not so far received any such report.

(c) Yes.

(d) So far as is known the local authorities have taken all proper precautions.

ESTABLISHMENT OF AERODROMES AT JORHAT AND DIBRUGARH IN ASSAM.

1441. ***Mr. Kuladhar Chaliha:** Will the Honourable Member for Communications please state:

- (a) whether suitable aerodromes can be established at Jorhat and Dibrugarh in Assam for civil aviation purposes; and
- (b) whether the Honourable Member has received any application for a subsidy for any such enterprise from any individual organisation or clubs?

Mr. G. V. Bewoor: (a) Sites for aerodromes at Jorhat and Dibrugarh have not been surveyed by any officer of the Civil Aviation Department, but from such information as is available, it is believed that suitable aerodromes could be established at those places.

(b) No.

Mr. Kuladhar Chaliha: Was any representation received from the Jorhat and Dibrugarh clubs?

Mr. G. V. Bewoor: No, Sir.

NEWS OF AN ALLEGED RIOT AT LUCKNOW BROADCAST FROM DELHI.

1442. ***Mr. S. Satyamurti:** Will the Honourable Member for Communications please state:

- (a) whether his attention has been drawn to the news item from a special correspondent in the *Statesman* of the 5th March, 1939;
- (b) whether the Local Government of the United Provinces lodged a protest with the broadcasting authorities for causing false alarm all over the Province by relaying from Delhi on the night of the 3rd and the morning of the 4th March, 1939, the news of an alleged riot at Lucknow and casualties suffered therein;
- (c) whether it is a fact that such news was also relayed from abroad;
- (d) the reasons for such news having been given; and
- (e) whether Government are prepared to look into the matter and see that such mistakes are not made in future?

Mr. G. V. Bewoor: (a) Yes.

(b) I understand that the Director of Public Information of the United Provinces addressed a letter to the News Editor, All-India Radio, on the subject.

(c) Government have no information.

(d) Events which had occurred on the day in question at Cawnpore were, unfortunately, on account of a mistake in the preparation of the news bulletin, described as having taken place at Lucknow. Immediately the mistake was discovered, a correction and an apology was broadcast from Delhi, and repeated from Delhi and Lucknow in the evening.

(e) Suitable action has already been taken to prevent a recurrence of mistakes of this nature.

Mr. Lalchand Navalrai: Does the Honourable Member know that these relays from one station to another have become too numerous, and what is the reason for that?

Mr. G. V. Bewoor: That does not arise out of this question.

DETAILS OF THE RURAL BROADCASTING PROGRAMME FROM LUCKNOW.

1443. ***Mr. S. Satyamurti:** Will the Honourable Member for Communications please state:

- (a) the details of the rural broadcasting programme from the Lucknow radio station for half an hour daily;
- (b) what arrangements have been made for making these programmes suitable for reception by the villagers who will listen to them;
- (c) what arrangements have been made for improving the receiving sets;
- (d) what are the financial commitments; and
- (e) whether the results of this experiment are proposed to be made available to other Provincial Governments for such development in their own Provinces?

Mr. G. V. Bewoor: (a) No rural programme is broadcast from the Lucknow Station of the All-India Radio.

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

(c) All-India Radio have already evolved three types of special village receivers.

Mr. S. Satyamurti: With reference to the answer to part (c) of the question, may I know if my Honourable friend can give the House some idea of the cost of these three different types of receiving sets which the Department is investigating?

Mr. G. V. Bewoor: A special type of village receivers is available for supply to Provincial Governments on payment. The cost ranges between Rs. 250 and Rs. 275 for an A. C. set, which works from the mains, and between Rs. 300 and Rs. 350 for a battery set.

Mr. S. Satyamurti: Are they of foreign manufacture, or parts of them are manufactured in India?

Mr. G. V. Bewoor: I am afraid I shall have to ask for notice of that question.

Mr. S. Satyamurti: With reference to the answer to part (a) of the question, may I ask for some elucidation? The Honourable Member says that no rural programme is broadcast from the Lucknow Radio Station. Is the answer confined to the activities of the All-India Radio,—because I want to put it to my Honourable friend that I have read in the newspapers of a rural broadcasting programme being broadcast from Lucknow every day?

Mr. G. V. Bewoor: Sir, the Honourable Member is apparently referring to a communication from the special correspondent of the *Statesman* which appeared in the *Statesman* of March the 4th. What actually happened was that the Controller of Broadcasting discussed the matter of rural broadcasting informally with the rural development authorities of Lucknow on the occasion of his visit, and the correspondent seems to have rather mistaken what actually happened. There is at present no rural broadcasting programme broadcast from the Lucknow station.

Prof. N. G. Ranga: May I know if any rural broadcasting programme is under consideration by Government?

Mr. G. V. Bewoor: Not by the Department; the rural development authorities have the matter under consideration.

Prof. N. G. Ranga: What about the position of the Central Broadcasting Department? Are they considering the development of rural broadcasting and relaying it from Delhi?

Mr. G. V. Bewoor: There is a regular rural broadcasting programme at Delhi at present.

Mr. Lalchand Navalrai: With reference to clause (d) of the question, may I know whether on account of these relays from one station to the other the financial commitments have increased or decreased?

Mr. G. V. Bewoor: That does not arise out of my reply to part (d).

Mr. Lalchand Navalrai: I am asking with regard to "financial commitments".

(No reply.)

HOSTILITIES WITH THE FRONTIER TRIBES.

1444. ***Mr. S. Satyamurti:** Will the Secretary for External Affairs please state:

- (a) the latest position with regard to the hostilities between the Government of India and the various tribes;
- (b) with how many and which tribes Government are actually at war now;
- (c) the number of men and officers engaged in such hostilities; and
- (d) whether Government can give any indication to the House of the time at which these hostilities are likely to cease?

Sir Aubrey Metcalfe: (a) and (b). The Honourable Member is referred to the reply given to parts (e) and (f) of question No. 1176 asked by Maulvi Abdur Rasheed Chaudhury on the 20th March, 1939. His attention is also invited to the subsequent press communiqués issued on the 17th and 18th March, 1939.

(c) I refer the Honourable Member to the Defence Secretary's reply to part (f) of starred question No. 101, asked by Mr. Abdul Qaiyum on the 6th February, 1939.

(d) No.

Mr. S. Satyamurti: With reference to the answer to clauses (a) and (b) of the question, may I know if copies of press communiqués are issued to Honourable Members of this House?

Sir Aubrey Metcalfe: No, but I can lay copies on the table, if Honourable Members wish; one imagines, however, that Honourable Members usually read them in the papers.

Mr. S. Satyamurti: Apart from reading newspapers, some of them reproduce only parts of these communiqués; they do not reproduce the entire contents. I would ask my Honourable friend to be good enough, so long as this condition continues, to make copies of these communiqués issued from time to time available to Members of this House.

Sir Aubrey Metcalfe: I am certainly prepared to lay them on the table. I have copies here and I will do so.

Mr. S. Satyamurti: With reference to the answer to clause (d) of the question, may I know whether the somewhat pessimistic answer "no" means that there is no indication at all to the Government of the time at which these hostilities will cease, or does it mean their unwillingness to share that information with the House?

Sir Aubrey Metcalfe: Obviously it is impossible for me to say when the hostile elements among the tribes will cease to be hostile.

Mr. S. Satyamurti: May I know if any peace negotiations are going on with those tribes that are at war with the Government?

Sir Aubrey Metcalfe: Not at the moment. As I have explained, Government have made their position perfectly clear that they are ready to make peace at any time on extremely liberal terms, but no replies have been received and there is nothing further which Government can do.

Mr. S. Satyamurti: Are Government satisfied that the attitude of the Government has been made quite clear to those who can deliver the goods on behalf of the hostile tribes?

Sir Aubrey Metcalfe: The difficulty is to discover some one who can deliver the goods.

Mr. S. Satyamurti: If the Government statements do not reach them, may I know what steps Government have taken or propose to take to see that their attitude is conveyed to those who can really come to terms with Government?

Sir Aubrey Metcalfe: Government have conveyed to those people who arrogate to themselves a leading position in the tribe what they are prepared to do. They cannot do more than that.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT.

New Delhi, the 26th January, 1939.

PRESS COMMUNIQUE.

A review of main events in Waziristan 1st November, 1938 to 15th January, 1939.

The last review of events in Waziristan dealt with the months August, September and October, 1938. By the end of that period the annual migration of the tribes to their winter locations had taken place, but a few small gangs of tribal bad characters were still active in committing offences of a guerilla nature. The failure of the Tori Khel Wazirs to control their hostile tribesmen had made it necessary to bring pressure on certain sections of the tribe by denying them the use of their winter grazing grounds.

Events in November, 1938.

The month of November passed comparatively quietly owing in part to the advent of winter and the fast of Ramzan. Such hostile activity as took place was confined to sniping, attempts to hold up traffic, and similar guerilla activities by a few gangs operating under the direction of leaders who were in close touch with the Faqir of Ipi. Pressure was maintained on the hostile sections of the Tori Khel Wazirs and in this connection tribal approaches were made to the hostile leaders who indicated, however, that they would not make submission unless authorised to do so by the Faqir. During the month one Aqib and certain other hostile Tori Khel engaged in kidnapping offences made their headquarters in the neighbourhood of the Karesta Algad, not far from the administrative border. This area was, therefore, proscribed for air action, after due warning had been given.

Raiding into the settled districts bordering on Waziristan decreased. On the 18th November two villages south of Kalabagh were raided by a gang under one Sher Ali Marwat; a strong force of Frontier Constabulary at once moved out to cut off the gang, but the latter succeeded in evading observation in this hilly tract and made their escape. Three individuals were kidnapped in the course of six other raids and one lost his life whilst resisting. Several kidnapped persons were released during the month, including two children who were held by a certain Tori Khel Wazir. Gagu by name, near the Durand Line.

Events in December, 1938.

There was a further diminution of hostile activity in December, 1938, except for a temporary deterioration in South Waziristan where a few ill-disposed persons were undertaking hostile activities in the territory of the Manzai Mahsuds, to the west of Kotkai. In order to strengthen the hands of the tribal *maliks* this area was visited by the Razmak brigade supported by the Wana brigade. During the march of the Razmak brigade to Kotkai there was some sniping and minor opposition. The Shabi Khel Mahsuds in whose limits this occurred have since been punished by fines. The movement through Manzai Mahsud territory was unopposed and all the hostile agitators were surrendered or settlements made on their behalf. Further south, however, the Nazar Khel and Abdur Rahman Khel Mahsuds permitted their territory to be used by the notorious Sher Ali and his gang and failed to evict them when called upon to do so; a portion of their territory was therefore proscribed for air action, after due warning, until security had been given.

During this period the Faqir of Ipi had been finding harbourage in the territory of the Madda Khel Wazirs, in contravention of an undertaking given by that tribe in June, 1938. Some weeks were allowed to elapse in order to judge the effect of the announcement of terms that had been published: no response was made by the Faqir, however, and pressure was therefore brought on the villages and sections harbouring him.

During December the release of several kidnapped persons was effected.

Few offences occurred in the settled districts until the end of the month when one villager was killed and three were wounded in a raid on the 27th December, and on the 31st December one individual was abducted from a private motor-lorry

in the Bain Pass. One person was rescued by the village pursuit party from a gang that was attempting to kidnap him.

Events in January, 1939.

The Tori Khel Wazirs, having failed to effect a settlement in respect of their hostile members, increased pressure has been brought on the tribe, involving forfeiture of allowances and suspension of *khasadars* in the case of the hostile sub-sections. In addition the 1st (Abbottabad) Infantry Brigade has entered the Lower Khaisora valley where it has so far met with no serious opposition although a few ill-disposed tribesmen, Wazirs and Mahsuds, have been responsible for some sniping of the troops.

After repeated warnings the Ahmadzai Wazirs inhabiting the salient of tribal territory to the north and north-east of Bannu failed to evict from their limits Mehr Dil and others who have taken part in raids, or to give security for the good conduct of persons using their territory. In consequence a blockade of this salient by troops and police has been instituted on the borders of Bannu and Kohat districts and is still in force.

There has been some increase in guerilla activity in Waziristan, and renewed raiding especially into Dera Ismail Khan district. On the 3rd January the village of Kathgarh was raided by a gang some sixty strong, two villagers being killed and three kidnapped, including one woman. The gang was engaged by police, who suffered four casualties, and a cordon was established by Frontier Constabulary and troops with co-operation by the Royal Air Force: the raiders succeeded in reaching the hilly and intricate country of the Marwat range, however, and after several days in the hills made their way to tribal territory under cover of darkness but not without loss, at least three of the gang being wounded. Two individuals were kidnapped from Shinki village on the 14th January, but were re-captured later by a cavalry patrol.

In spite of some general improvement in the tribal situation conditions remain unsettled and the results of the increased pressure now being exerted on the Tori Khel and the Ahmadzai Wazirs of the Bannu border must be awaited.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT.

New Delhi, the 9th February, 1939.

PRESS COMMUNIQUE.

There has been a recrudescence of hostile activity during the past few days in Waziristan. A Madda Khel lashkar with two guns collected in the neighbourhood of Datta Khel, and on the night of the 5th/6th February 15 shells were fired at the fort from gun positions some 800 yards distant, two shells penetrating the fort wall. It was a bright moonlight night and an aeroplane from Miranshah took action against the hostiles at 2.45 a.m. Since then the lashkar has been quiescent but it is believed to be still in being.

There have been several instances of the sniping of troops and of camps, and the cutting of telephone lines. Private lorries have been fired upon between Bannu and Mir Ali, and one lorry was looted four miles from Tank on the Manzai road.

On the night of the 3rd/4th February a small gang attempted to raid the village of Shamshi Khel, some 9 miles south-east of Bannu. The villagers put up a stout resistance, killing two of the raiders and wounding one. The dead men have been identified as local Ahmadzai Wazirs of the neighbouring village of Ghoriwala.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT.

New Delhi, the 16th February, 1939.

PRESS COMMUNIQUE.

On several nights during the past week a few shells which did no damage were fired at Datta Khel post by hostile Madda Khel Wazirs in possession of a tribal gun. On the night of the 13th February whilst being used in this way the gun burst and it is reported that three hostile tribesmen were killed by the explosion. The next morning a patrol of Tochi Scouts searched the area and recovered portions of the gun, including the barrel.

Throughout the week there has been intermittent sniping at the 1st and 2nd Indian Infantry Brigades, for which two hostile gangs appear to be responsible. There were a few cases of the cutting of telegraph wires and the planting of bombs on roads. On the 13th February six persons were abducted from contractor's lorries which were held up by a gang between Mir Ali and Biche Kashkai. There is rain and snow over most of Waziristan.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT.

New Delhi, the 27th February, 1939.

PRESS COMMUNIQUE.

On the 24th February the 2nd Indian Infantry Brigade whilst carrying out a reconnaissance from the Lower Khaisora valley were engaged by parties of hostile tribesmen of whom five were killed. Our own casualties amounted to three wounded, namely, one British other rank of the 1st Bn., Royal Ulster Rifles, and two Indian other ranks of 16 Mountain Battery.

There has been snow and frost in Waziristan, and few minor offences have occurred, in except in the area between Spinwam and Mir Ali where some small *khassadar* posts were destroyed and the road blocked and damaged by a gang about one hundred strong led by Gagu, a notorious hostile Tori Khel Wazir. Other *khassadar* posts in this area, however, repulsed attacks that were made by the same gang, and the local *maliks* are now endeavouring to clear the area.

The behaviour of the Madda Khel Wazirs has recently been unsatisfactory and culminated in the formation of a *lashkar*, composed of members of all sections of the tribes, which as previously reported shelled Datta Khel post on several occasions in addition to committing other offences. It has, accordingly, been necessary to place the tribe under blockade and measures to give effect to this were therefore imposed from the 26th February.

On the afternoon of the 25th February an aircraft of the Royal Air Force made a forced landing near Isha Corner on the Bannu-Razmak road, the occupants escaping with superficial injuries. A patrol of Tochi Scouts from Miranshah post assisted in salvage work but whilst subsequently withdrawing in motor transport to Miranshah, at about 7 P.M. they were fired at, at close range by a small hostile gang, two Scouts being wounded and three grazed. The Scouts dismounted from their lorries and engaged the gang which was forced to withdraw.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT.

New Delhi, the 17th March, 1939.

PRESS COMMUNIQUE.

The 1st Indian Infantry Brigade which was recently concentrated at Gharion left there on the 13th March for the Shaktu valley south of which hostile gangs were known to be harbouring with a view to committing raids into administered territory.

On the 13th and 14th March no serious opposition was encountered though there was considerable sniping which caused the death of one camel sowar. In addition one British other rank and two Indian other ranks were wounded.

On the 15th March a supply convoy of Mechanical Transport moved without undue difficulty from Biche Kashkai to Ashwam in the Shaktu valley where the 1st Brigade was encamped, returning empty to Biche Kashkai the same day. The move of the convoy was protected by the 1st and 2nd Infantry Brigade, the latter having been concentrated at Biche Kashkai. Some sniping occurred and one Gurkha other rank was wounded.

On the 16th March the 1st Brigade operated eastwards of camp from Ashwam. Full details are not available but considerable opposition was encountered south of the Shaktu and the Government of India regret to announce that Lieut. A. H. M. Beale, 3rd Bn., 17th Dogra Regiment, was killed and subject to confirmation 10.

Indian other ranks were killed and 11 Indian other ranks were wounded. It is understood that the bulk of the casualties were caused by snipers in caves. The hostiles who are believed to be led by Sher Ali were severely handled. It is significant that during the night following the action there was no sniping of the brigade camp.

GOVERNMENT OF INDIA.

DEFENCE DEPARTMENT.

New Delhi, the 18th March, 1939.

PRESS COMMUNIQUE.

Further details are now available of the action in which the 1st Infantry Brigade was engaged in the Shaktu valley on the 16th March. The strength of the hostile gangs is estimated to have been about 200, and the fact that they were severely handled is borne out by a report that 20 enemy bodies have been recovered.

It is confirmed that the chief opposition to the advance of our troops came from tribesmen concealed in caves, and all our casualties except one occurred during the process of clearing the caves of snipers.

In addition to the casualties reported yesterday Lieut.-Col. J. P. Fullerton and 2nd Lieut. R. C. Simson, both of the 3rd Bn., 17th Dogra Regiment, were slightly wounded, the former by a stab in the left arm and the latter by a gun-shot wound. One Indian officer was also wounded.

INSTITUTION OF A SYSTEM OF PATROLS ON CERTAIN SECTIONS OF THE EAST INDIAN RAILWAY.

1445. *Mr. S. Satyamurti: Will the Honourable Member for Railways please state:

- whether with effect from 23rd January and irrespective of the decisions as to who should meet the cost, the East Indian Railway Administration has instituted a system of patrols on the section of the main line and on the Grand Chord from Sita-rampur to Moghul Serai;
- the financial commitments of this new system of patrol;
- whether Government have since decided the question as to who should meet the cost;
- the source from which this cost is now being met; and
- whether the Railway Board will share the cost with the Bihar Government, or incur itself the whole cost?

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

(b) The cost of the railway establishment now employed on patrol duty is understood to be about Rs. 7,000 per mensem.

(c) and (e). The matter is under consideration.

(d) The East Indian Railway are, for the present, meeting the cost of their own staff employed on patrol duties.

Mr. S. Satyamurti: Do Government get any reports, or will they get them, as to the working of this system and the results of its working?

The Honourable Sir Muhammad Zafrullah Khan: I do not know exactly what kinds of report the Honourable Member has in mind. Surely if the object for which these patrols are being instituted is achieved, no report is necessary, and if unfortunately it is otherwise, then everybody will know.

Mr. S. Satyamurti: Instead of waiting for accidents to happen and Government then taking steps to keep themselves in touch with the working of the system, they can act so as to see if the system is good enough as far as it does or it should be extended?

The Honourable Sir Muhammad Zafrullah Khan: I have no doubt that consideration will be given to that aspect of the matter.

COMMUNAL COMPOSITION OF CERTAIN STAFF IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†1446. ***Seth Haji Sir Abdoola Haroon:** (a) Will the Honourable Member for Communications please place on the table of the House a copy of the nominal roll of the Director General, Posts and Telegraphs, corrected up to date, or the date up to which it was last corrected?

(b) Will the Honourable Member please state the strength of the staff by communities in the following cadres in the office of the Director General, Posts and Telegraphs:

- (1) Superintendents including Chief Superintendent.
- (2) First Division Clerks (Assistants),
- (3) Second Division Clerks.
- (4) Third Division Clerks, and
- (5) Officials below clerks?

Mr. G. V. Bewoor: (a) A copy of the nominal roll of the office of the Director General of Posts and Telegraphs which is being printed will be placed in the Library when ready.

(b) A statement is laid on the table.

Statement showing the strength by communities of the staff of the office of the Director General of Posts and Telegraphs as it stood on 15th March, 1939.

	Hindu.	Muslim.	Sikh.	Indian Christian.	Anglo-Indian.	Total.
1. Chief Superintendent and Superintendents.	11	..	..	..	..	11
2. Accountant Superintendents .	1	1	..	..	..	2
3. Accountants .	4	1	..	..	..	5
4. 1st Division clerks .	46	5	..	..	..	51
5. 2nd Division clerks .	33	10	..	2	1	46
6. 3rd Division—						
(i) Old 2nd Division counted against the vacancies of 3rd Division.	30	9	1	..	1	41
(ii) Direct recruits .	7	4	1	..	..	12
7. Stenographers .	7	1	..	..	1	9
8. Draftsman and Tracer .	..	2	..	..	..	2
9. Officials below the clerical cadre	42	29	1	..	..	92

†Answer to this question laid on the table, the questioner being absent.

DIFFICULTIES OF STAFF IN THE TREASURY OF THE CALCUTTA GENERAL POST OFFICE.

†1447. ***Seth Haji Sir Abdoola Haroon:** (a) Has the attention of the Honourable Member for Communications been drawn to an editorial note in the *Star of India*, dated the 7th January, 1939, under the caption "Difficulties of Staff in Calcutta G. P. O. Treasury"?

(b) Is it a fact that the present scale of pay has been reduced to Rs. 24—34 from Rs. 50—160 and, if so, why and from which date?

(c) Is it a fact that in the cadres of (i) Treasurer, (ii) Deputy Treasurer, (iii) Assistant Treasurer and (iv) First Grade Clerks in the Calcutta Treasury not a single Muslim has been appointed, and if so why?

(d) Is it a fact that tenders for Calcutta Treasury works were invited last time and a Muslim contractor's tender was the lowest?

(e) If the answer to part (d) above be in the affirmative, will the Honourable Member please state why the work was not given to the Muslim contractor?

(f) Is it a fact that the scheme of work proposed by the Muslim contractor was adopted by the department?

(g) Will the Honourable Member be pleased to state particulars of the Post Office Treasury contracts given throughout after the decision in the case of the Calcutta Treasury work?

(h) Is it a fact that not a single Treasury contract was given to Muslims out of those referred to above and that all the new works have gone to Hindus, and if so, why?

(i) Will the Honourable Member please state why these new works were given to Hindu contractors and why they were not transacted by the department itself?

(j) Is it a fact that Government have ordered not to accept Security Fidelity Bonds executed by insurance companies for treasury contractors and whether similar bonds are accepted by Government on behalf of their staff and if so, why?

(k) Is the Honourable Member prepared to reconsider their decision and order acceptance of insurance companies bonds to enable all contractors and members of the staff to file requisite security in all cases?

Mr. G. V. Bewoor: (a) The *Star of India* of the 7th January, 1939, has been seen by Government. It does not contain an editorial note of the nature described by the Honourable Member, but there is a communication by a Mr. Munwaruddin on the subject referred to by him.

(b) No, but some clerical posts in the treasury branch have been converted into appointments of shroffs on a scale of 24— $\frac{1}{2}$ —34.

(c) Yes. Employees in the treasury branch are selected from the staff of the General Post Office on considerations of suitability for that particular work and willingness to furnish the required security bonds.

(d) Yes.

(e) Because Government were of opinion that he was not likely to be able to perform the work of the treasury branch satisfactorily.

(f) No.

†Answer to this question laid on the table, the questioner being absent.

Mr. S. Satyamurti: Instead of waiting for accidents to happen and Government then taking steps to keep themselves in touch with the working of the system, they can act so as to see if the system is good enough as far as it does or it should be extended?

The Honourable Sir Muhammad Zafrullah Khan: I have no doubt that consideration will be given to that aspect of the matter.

COMMUNAL COMPOSITION OF CERTAIN STAFF IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†1446. ***Seth Haji Sir Abdoola Haroon:** (a) Will the Honourable Member for Communications please place on the table of the House a copy of the nominal roll of the Director General, Posts and Telegraphs, corrected up to date, or the date up to which it was last corrected?

(b) Will the Honourable Member please state the strength of the staff by communities in the following cadres in the office of the Director General, Posts and Telegraphs:

- (1) Superintendents including Chief Superintendent,
- (2) First Division Clerks (Assistants),
- (3) Second Division Clerks,
- (4) Third Division Clerks, and
- (5) Officials below clerks?

Mr. G. V. Bewoor: (a) A copy of the nominal roll of the office of the Director General of Posts and Telegraphs which is being printed will be placed in the Library when ready.

(b) A statement is laid on the table.

Statement showing the strength by communities of the staff of the office of the Director General of Posts and Telegraphs as it stood on 15th March, 1939.

	Hindu.	Muslim.	Sikh.	Indian Christian.	Anglo-Indian.	Total.
1. Chief Superintendent and Superintendents.	11	..	..	..	..	11
2. Accountant Superintendents .	1	1	..	..	..	2
3. Accountants .	4	1	..	..	..	5
4. 1st Division clerks .	46	5	..	..	..	51
5. 2nd Division clerks .	33	10	..	2	1	46
6. 3rd Division—						
(i) Old 2nd Division counted against the vacancies of 3rd Division.	30	9	1	..	1	41
(ii) Direct recruits .	7	4	1	..	..	12
7. Stenographers .	7	1	..	..	1	9
8. Draftsman and Tracer .	..	2	..	..	..	2
9. Officials below the clerical cadre	62	29	1	..	..	92

†Answer to this question laid on the table, the questioner being absent.

DIFFICULTIES OF STAFF IN THE TREASURY OF THE CALCUTTA GENERAL POST OFFICE.

†1447. ***Seth Haji Sir Abdoola Haroon:** (a) Has the attention of the Honourable Member for Communications been drawn to an editorial note in the *Star of India*, dated the 7th January, 1939, under the caption "Difficulties of Staff in Calcutta G. P. O. Treasury"?

(b) Is it a fact that the present scale of pay has been reduced to Rs. 24—34 from Rs. 50—100 and, if so, why and from which date?

(c) Is it a fact that in the cadres of (i) Treasurer, (ii) Deputy Treasurer, (iii) Assistant Treasurer and (iv) First Grade Clerks in the Calcutta Treasury not a single Muslim has been appointed, and if so why?

(d) Is it a fact that tenders for Calcutta Treasury works were invited last time and a Muslim contractor's tender was the lowest?

(e) If the answer to part (d) above be in the affirmative, will the Honourable Member please state why the work was not given to the Muslim contractor?

(f) Is it a fact that the scheme of work proposed by the Muslim contractor was adopted by the department?

(g) Will the Honourable Member be pleased to state particulars of the Post Office Treasury contracts given throughout after the decision in the case of the Calcutta Treasury work?

(h) Is it a fact that not a single Treasury contract was given to Muslims out of those referred to above and that all the new works have gone to Hindus, and if so, why?

(i) Will the Honourable Member please state why these new works were given to Hindu contractors and why they were not transacted by the department itself?

(j) Is it a fact that Government have ordered not to accept Security Fidelity Bonds executed by insurance companies for treasury contractors and whether similar bonds are accepted by Government on behalf of their staff and if so, why?

(k) Is the Honourable Member prepared to reconsider their decision and order acceptance of insurance companies bonds to enable all contractors and members of the staff to file requisite security in all cases?

Mr. G. V. Bewoor: (a) The *Star of India* of the 7th January, 1939, has been seen by Government. It does not contain an editorial note of the nature described by the Honourable Member, but there is a communication by a Mr. Munwaruddin on the subject referred to by him.

(b) No, but some clerical posts in the treasury branch have been converted into appointments of shroffs on a scale of 24— $\frac{1}{2}$ —34.

(c) Yes. Employees in the treasury branch are selected from the staff of the General Post Office on considerations of suitability for that particular work and willingness to furnish the required security bonds.

(d) Yes.

(e) Because Government were of opinion that he was not likely to be able to perform the work of the treasury branch satisfactorily.

(f) No.

†Answer to this question laid on the table, the questioner being absent.

(g) I regret the information is not readily available and cannot be collected without an undue expenditure of time and labour.

(h) and (i). Do not arise.

(j) The fact is as stated by the Honourable Member. The reason is that the financial responsibility involved is wholly different in the two cases.

(k) No.

SCALES OF PAY OF TIME-CHECKERS IN THE JAMALPUR WORKSHOP.

1448. *Babu Kailash Behari Lal: Will the Honourable the Railway Member be pleased to state:

- (a) if it is a fact that before the revision of the scales of pay for the subordinate staff in 1934, the scale of pay of the time-checkers of Jamalpur Workshop was Rs. 24-2-40, which was subsequently fixed at 30-3-45;
- (b) if it is a fact that for a considerably long period while the time-checkers at Jamalpur were in Rs. 24-2-40 grade, the time-checkers in the mechanical department at Lucknow were in the grades of Rs. 28-3-52 and Rs. 55-3-70;
- (c) if it is a fact that the time-checkers of Jamalpur workshop submitted a petition to the Workshop Accounts Officer at Jamalpur in which they wrote "They do the same duties as we do. They belong to the same Railway and are under the same Mechanical Department. It is a great irony of fate..... they enjoy two better grades under the same managementIt really breaks the heart and harms the efficiency of the work itself, as it is humanly impossible to keep up the high tone of the work whilst such glaring distinction in the matter of pay and status appears in all its hideousness";
- (d) if it is a fact that on the above representation of the time-checkers of Jamalpur workshop, the authorities came to the conclusion that difference of pay between Jamalpur and Lucknow time-checkers was an anomaly and required to be rectified;
- (e) if it is a fact that the anomaly having been rectified, the scale of pay at Lucknow has been fixed at Rs. 30-3-45 for further entrants from 1938, while those appointed between 16th July, 1931, and 31st December, 1937, would continue to draw at Rs. 30-3-45-5-60; and
- (f) if it is a fact that even after the rectification of the above anomaly, the time-checkers of Jamalpur drawing Rs. 24-2-40 continued in the same grade, in spite of their representation to the Divisional Superintendent (Mechanical), Jamalpur, the Chief Mechanical Engineer, East Indian Railway, Calcutta, the Agent, East Indian Railway, Calcutta, and to the Secretary, Railway Board?

The Honourable Sir Muhammad Zafrullah Khan: I am calling for the information required by the Honourable Member and will place a reply on the table of the House when it is received in due course.

REVISED PASS RULES FOR RAILWAY EMPLOYEES ON STATE RAILWAYS.

1449. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state what changes have been made in the 1937 Revised Pass Rules on Indian State-managed Railways in response to staff protests and interpellations in this House? Are the changes mentioned in the Honourable Member's reply to Mr. P. R. Damzen's unstarred question No. 92 asked on 16th November, last final?

(b) If the reply to the second part of paragraph (a) above be in the negative, will the Honourable Member be pleased to state the justification for the issue of Railway Board's letter No. 6502-T., dated the 16th December, 1938, to the General Managers of State-managed Railways?

(c) If the reply to the second part of part (a) above be in the affirmative, will the Honourable Member please explain his statement made in the House on 16th February, 1939, in reply to the general discussion on the Railway Budget to the effect that the general principle of giving passes on the scale and class would be comparable with the travelling allowance of Government servants in other walks of life drawing the same salary?

(d) Is it a fact that the Central Government employees in the subordinate services are entitled to intermediate class travelling allowance, irrespective of pay considerations, and are the present rules under which Railway employees can have intermediate class passes only when they draw Rs. 76 or more up to Rs. 125 proposed to be revised?

(e) Is the Honourable Member, in view of his statement referred to in part (c) above, prepared to issue directions to amend the pass rules in the matter of classification, so as to fit in with the Central Government travelling allowance rules? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) The changes made in the Rules for the grant of privilege passes, which had effect from the 1st January, 1939, were as stated in the reply to Mr. P. R. Damzen's unstarred question No. 92 of the 16th November, 1938. Government do not intend to make any further changes.

(b) Does not arise.

(c) The Honourable Member has not quoted the statement made in the House quite correctly, as no reference was made in that statement to the travelling allowance of Government servants.

(d) The answer to the first part is in the affirmative, except that Government servants in receipt of actual pay exceeding Rs. 200 per mensem are allowed second class travelling allowance. In regard to the second part, railway employees are allowed intermediate class passes when drawing Rs. 76 per mensem and over up to Rs. 175 per mensem and it is not proposed to make any revision.

(e) No. The reasons for the classification were given in the reply to Mr. Amarendra Nath Chattopadhyaya's unstarred question No. 139 of 31st March, 1937.

Mr. Lalchand Navalrai: May I know from the Honourable Member if it is a fact that in the other Departments of the Central Government those who draw below Rs. 76 have also to be given allowances for travelling by intermediate class, and will that be drawn in the same manner by the Railway Department staff also or not?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware what the rules are in the other Departments.

Mr. Lalchand Navalrai: Will the Honourable Member make inquiries about that and equalise it with the other Departments?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Mr. Lalchand Navalrai: Why not?

The Honourable Sir Muhammad Zafrullah Khan: I have stated that Government do not propose to make any revision.

PASSES FOR ADOPTED CHILDREN OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

1450. *Mr. Lalchand Navalrai: (a) With reference to the Honourable Member's reply to part (a) of my starred question No. 519, asked in August 1938, to the effect that if an employee had no other children, one adopted child is allowed passes on foreign railways, is the Honourable Member aware that under rule 109 of the North Western Railway Pass Rules for interchange of passes with foreign railways, adopted children are excluded from the benefit of foreign railway passes?

(b) In view of the Honourable Member's reply referred to in part (a) above, is he prepared to direct necessary amendment of the North Western Railway Pass Rules referred to in the concluding portion of part (a) above to fit in with his reply? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). No. It is understood that rule 109 of the North Western Railway Pass Rules has been amplified by the issue of executive instructions, permitting the inclusion of an adopted child to the benefit of foreign line railway passes when an employee has no other children.

Mr. Lalchand Navalrai: May I know, with regard to the last paragraph, whether these adopted children are excluded from the benefit of foreign railway passes?

The Honourable Sir Muhammad Zafrullah Khan: That is exactly what I have been replying to.

RULES FOR OUT-STATION INDIAN APPRENTICES OF WORKSHOPS ON THE NORTH WESTERN RAILWAY.

1451. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether rules for Out-Station Indian (Workshop) Apprentices (English speaking) issued in 1921, under the signature of Mr. J. H. Smallie, Loco. Superintendent, North Western Railway, Lahore, had application to Apprentices in Sukkur Workshops recruited in April 1926?

(b) If the reply to part (a) above be in the negative, will the Honourable Member please lay on the table of the House a copy of the rules applicable to the staff referred to in part (a) above?

(c) If the reply to part (a) above be in the affirmative, will the Honourable Member please state if under paragraph 6 of these rules, an

Apprentice had to be retained in service at the end of his indenture unless his work, conduct, and time-keeping was unsatisfactory?

(d) Is it a fact that on completion of their apprenticeship period, the staff referred to in part (a) above had to be employed as Mechanics in terms of paragraph (6) of the rules, but they were discharged *vide* Works Manager, North Western Railway, Sukkur's letter No. PC/3140, dated the 6th April, 1931, owing to the advent of the general retrenchment of 1931?

(e) Have these Apprentices been considered as retrenched hands? If not, why not?

(f) Is it a fact that under Government of India, Finance Department letter No. D. 2864 Ex. 1/34, dated the 26th July, 1934, all paid Apprentices were held to be in "Government Service"?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I oppose to reply to this and question No. 1452 together. It is being inquired whether the information asked for is readily available, if it is, a further reply will be laid on the table of the House in due course.

AGREEMENT WITH OUT-STATION APPRENTICES RECRUITED IN SUKKUR WORKSHOPS.

1452. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether any agreement was executed by Out-Station Apprentices recruited at Sukkur Workshops in April, 1926?

(b) If the reply to part (a) above be in the affirmative, will the Honourable Member be pleased to lay on the table of the House a copy of the said agreement?

FACILITIES FOR POSTING OF LETTERS WITHOUT LATE FEE AT KARACHI.

1453. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Communications be pleased to state if it is proposed to open a Railway Mail Sorting Office at Karachi City station? If so, when?

(b) If the reply to part (a) above be in the negative, do Government propose to afford facilities to the public to post their letters without late fee at the General Post Office, or the station post box, about half an hour before the due departure of the train by which *dak* is carried? If not, why not?

Mr. G. V. Bewoor: (a) and (b). Government have no information. The matter is within the competence of the Director of Posts and Telegraphs, Karachi, to whom a copy of the question is being sent for such action as he may consider suitable.

CLASSIFICATION OF CERTAIN CLERICAL STAFF ON THE NORTH WESTERN RAILWAY.

1454. *Mr. Muhammad Azhar Ali: Will the Honourable the Railway Member please state:

(a) whether it is a fact that clerical staff on the North Western Railway, governed by the old scales of pay, is divided into eight classes and that a separate scale of pay is fixed for each class;

†For answer to this question, see answer to question No. 1451.

- (b) whether it is a fact that clerical staff in any other Government Department is not divided into more than three or four classes;
- (c) whether it is a fact that in no railway system in any other country, clerical staff is divided into as many as eight classes and governed by the same number of scales of pay;
- (d) what is the basis of the division of clerks into eight classes on the North Western Railway;
- (e) whether the staff in the lowest class has been representing for the last seven or eight years that the duties allotted to them are of the same nature as performed by class II clerks and that they should therefore be governed by one and the same scale of pay; if so, what action has been taken by Government in the matter;
- (f) whether scales of pay of Government servants are regulated, among other things, with reference to the social standard required to be maintained by them;
- (g) while laying down the said eight scales of pay, what wage Government had in view for a clerk after 15 years' service in an urban area; and
- (h) whether it is a fact that the previous General Manager of the North Western Railway had admitted the genuineness of the grievances of the lowest class of clerks and agreed to amalgamate the scales of pay for class I and II clerks which would enable a clerk to rise up to Rs. 95 per mensem, after putting in 15 years' service?

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

(b) and (c). I have no definite information in respect of other Government Departments and of Railways in other countries.

(d) This division facilitates the allotment of posts for various offices, administrative, executive and otherwise in accordance with the nature and responsibility of the duties involved.

(e) and (h). I would refer the Honourable Member to the reply given to Mr. Lalchand Navalrai's question No. 33 on 21st February, 1938.

(f) No.

(g) The scales of pay prescribed are those considered adequate remuneration for the work required to be done.

Mr. Muhammad Azhar Ali: The Honourable Member may not be aware whether this practice prevails in foreign railways or not but is the Honourable Member aware that this system is in vogue in India on any other railways?

The Honourable Sir Muhammad Zafrullah Khan: I have given an answer to this question.

Mr. Muhammad Azhar Ali: What I want to know is whether there is any other railway besides the North Western Railway where this system prevails?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member may be right in his assumption that probably this sub-division operates only on the North Western Railway.

Mr. Muhammad Azhar Ali: With reference to part (h) of the question, may I ask whether it is the policy of the Government that when Managers change the policy in respect of the emoluments also changes?

The Honourable Sir Muhammad Zafrullah Khan: I cannot say. If a General Manager considers that there ought to be a change in a certain respect with regard to these matters, it is for him to decide.

Dr. Sir Ziauddin Ahmad: When a clerk is promoted to the higher grade, does he draw his pay according to the old scales or according to the new scale?

The Honourable Sir Muhammad Zafrullah Khan: That depends upon when he entered service.

Dr. Sir Ziauddin Ahmad: Will the date when he joined the service first will be taken into consideration or the date when he was promoted to the higher grade?

The Honourable Sir Muhammad Zafrullah Khan: The date when he first joined service if he has been permanently in Government service.

Dr. Sir Ziauddin Ahmad: Is the Honourable Member's attention drawn to the fact that these divisions of clerks into eight different grades is too excessive?

The Honourable Sir Muhammad Zafrullah Khan: The attention of the Department has been drawn by this question.

RAILWAY LAND LEASED OUT AT PATPOKE CABIN NEAR DELHI JUMNA BRIDGE.

†1455. ***Mr. Ram Narayan Singh:** Will the Honourable Member for Railways please state:

- (a) the terms upon which the North Western Railway has leased out the railway land at Patpore cabin (Delhi Jumna Bridge East);
- (b) to whom that land has been leased and for what purposes;
- (c) whether any tender was called for that land; if not, why not;
- (d) whether any rebate, discount or commission was paid to the broker, who found the lessee Messrs. Gopal Brothers; if not, why not;
- (e) whether the lease was advertised in any newspaper; if so, in which it appeared; if not, why not;
- (f) the nature and name of applicants who also applied for the lease; and the reasons for rejecting their applications; and
- (g) whether Government are prepared to order the suspension of the execution of the lease deed with Gopal Brothers, pending the disposal of lease by public auction; if not, why not?

†Answer to this question laid on the table, the questioner being absent.

[31st MARCH 1939.]

The Honourable Sir Muhammad Zafrullah Khan: Enquiries are being made from the Railway Administration concerned and a reply will be laid on the table in due course.

EMPLOYEES IN THE BINDING AND MACHINE DEPARTMENT OF THE EAST INDIAN RAILWAY PRESSES

†1456. ***Mr. Suryya Kumar Som:** (a) Will the Honourable Member in charge of Communications be pleased to state the number of Muhammadan and non-Muhammadan employees in the binding and machine department in the East Indian Railway Presses, Howrah and Calcutta? (b) Is it a fact that no non-Muhammadan is given employment in the said Presses? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: (a) Muslims—261. Non-Muslims—9.

(b) The reply to the first part is in the negative; the second part does not, therefore, arise.

THE SUGAR INDUSTRY (PROTECTION) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill to provide for the continuance for a further period of the protection conferred on the sugar industry in British India.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill to provide for the continuance for a further period of the protection conferred on the sugar industry in British India."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934 (Second Amendment).

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934 (Second Amendment)."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

†Answer to this question laid on the table, the questioner being absent

THE INDIAN TARIFF (THIRD AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose (Third Amendment).

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

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934, for a certain purpose (Third Amendment)."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I introduce the Bill.

THE REGISTRATION OF FOREIGNERS BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to provide for the registration of foreigners in British India.

The Honourable Sir Reginald Maxwell (Home Member): Sir, when the House adjourned yesterday, I was replying to various points which had been raised by Honourable Members opposite in regard to the first amendment* which had been moved. It only remains for me now to sum up the general position which I am taking up in regard to this amendment. The point of controversy which has arisen over this measure concerns the manner in which the word "foreigner" should be defined for the purpose of liability to registration. I say liability, advisedly, because what the Bill creates is a liability to register which can be enforced by Government according to the actual needs of the case. Well, Sir, in regard to this definition, I have been defending the definition which we had adopted from the Foreigners Act with the result that the Bill would apply only to aliens, that is, persons who are not British subjects. My reasons for defending this kind of definition are mainly two. In the first place, as I have already urged to the House, it is only in the case of aliens, that is, persons who are not British subjects, that the precaution of universal registration of whole classes is necessary. In regard to other classes, as I have already pointed out, registration is useful only for a particular purpose which can be defined. But in regard to foreigners, the position is that all or any of them might, at some future date, become hostile aliens and, therefore,

*"That for sub-clause (a) of clause 2 of the Bill, the following be substituted:

"(a) the word 'foreigner' shall denote a person who is not—

(i) a British subject domiciled in the United Kingdom; or

(ii) a British Indian subject; or

(iii) a ruler or subject of an Indian State; or

(iv) a person duly appointed by a foreign Government to exercise diplomatic functions; or

(v) a consul or a vice-consul;"

[Sir Reginald Maxwell.]

registration is necessary as a precautionary measure to enable Government to take action such as internment or repatriation against whole classes of such foreigners. Here I might stop for a moment to notice a point which was raised by the Honourable Member, Mr. Satyamurti. He asked why do we assume that all classes of foreigners—Belgians, I think, he quoted and various others—might be potential enemies? Is it not an argument against universal registration even in the case of foreigners? The answer to that point is that whatever opinion we may or we may not have as regards the potentiality of enmity in the case of any one nation, we are not in a position to discriminate between nations of the same description because we are bound by the most-favoured-nation clauses in our treaties with these nations. That is, if we impose registration on the nationals of certain countries but not on the nationals of other countries, then those countries against whom this discrimination was exercised would be able to challenge our action under our treaties. It is, of course, a different matter when one makes an exception of neighbouring friendly Asiatic countries as we propose to do. That does not raise any general question of principle. But in regard to European countries we shall not be in a position to discriminate between one country and another and, therefore, it is necessary that the registration which we impose for war purposes, whatever our immediate opinion of the requirements may be, should be universal. The second ground on which I oppose this definition of foreigner is that if your object is purely to obtain the means of retaliation for discrimination exercised against Indians in any of the Dominions and if you know what kind of retaliation you wish to exercise then you can bring that retaliation into effect by means of *ad hoc* legislation. As I mentioned before, the House has already two Bills to that effect before it and it also has an Act on the Statute-book which, to my mind, enables everything necessary to be done. *Ad hoc* legislation, as I said, is the way to deal with a limited and definite requirement which does not require dealing with whole classes of people. But I would remind the House again that registration itself is not retaliation. Apart from some specific object it becomes merely a gesture and in this particular case an ineffective gesture. In fact this demand for registration—this demand for extension of the definition to Dominion subjects—must be taken to mean that we want to impose registration on all Dominion subjects from whatever Dominion they may come simply because some Dominions, I think primarily only one Dominion, that is, South Africa, are treating Indian residents in their midst in precisely the same manner that some Honourable Members of this House would apparently like to treat residents of other countries living in their midst, such as Nepalese, Burmans and Afghans. I have already urged on the House that for the sake of what I regard as merely a gesture in this connection, certain Honourable Members opposite would like to throw overboard the definition which has been based on the British Nationality and Status of Aliens Act. Although no value may possibly be attached to the status which Indians obtain in certain Dominions under this Act, Honourable Members might perhaps ask themselves the question whether in the absence of such status as they obtain under it, there would today be any Indians in South Africa at all.

To go back to this question of retaliation, I would ask the House to consider carefully the opinion which was expressed by my Honourable friend, Sir Syed Raza Ali, that retaliation exercised against the Dominions

would be a twoedged sword. He gave it as his considered opinion, if I recollect him correctly, that an amendment of this kind or any attempt to enforce retaliation by means of it would do no good to Indians in South Africa. I would submit to the House that here is some one speaking who has experience of the conditions there and whose opinion ought to be entitled to very great weight. I must indeed express some surprise at the attitude of the Congress Party towards this whole question of retaliation. I have heard my Honourable friend, Mr. Satyamurti, say that the principle of retaliation is necessary. We must assert it. I have heard the Honourable the Leader of the Opposition say that weakness invites others to tread on you more and more. And yet, I remember not so very long ago reading certain articles in which Mr. Gandhi expressed his opinion as to how the Czecho-Slovaks in their circumstances or the Jews in Germany in their circumstances should conduct themselves.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Will you disband your army? Then I will accept your advice. You cannot go on quoting Mahatma Gandhi for one purpose alone, and not for the other.

The Honourable Sir Reginald Maxwell: I can find in these articles no trace of any recommendation of retaliation so far as I can interpret them. The Honourable Members of the Congress Party should be in a better position than I to understand the principle of non-violence, but at the same time as far as I can interpret these articles, I find that anything in the nature of retaliation is entirely foreign to the principles of *satyagraha*.

Mr. S. Satyamurti: Registering is non-violent!

The Honourable Sir Reginald Maxwell: We are talking now not about registration but retaliation. Honourable Members are demanding that certain treatment which they regard as unjust should be met by the fiercest possible retaliation and they keep on gnashing their teeth on the ground that any sign of weakness invites others to tread on you more and more and, therefore, you must be strong in your retaliation. Here are the words of Mr. Gandhi writing in the *Harijan* of January 7, 1939:

"And suffering voluntarily undergone will bring them an inner strength and joy which no number of Resolutions of sympathy passed in the world outside Germany can. Indeed even if Britain, France and America were to declare hostilities against Germany, they can bring no inner joy, no inner strength."

I want to know where is there any sign of retaliation? In fact there is no trace of retaliation in the general attitude of any of these articles. I am now referring to another article entitled "Is non-violence ineffective". The general attitude expressed in these articles is that submission to the unjust treatment in a proper frame of mind will melt the hardest heart.

Mr. S. Satyamurti: But will it melt your heart? No!

The Honourable Sir Reginald Maxwell: There is no trace of retaliation at all. In fact I find these words in this article:

"But the hardest metal yields to sufficient heat. Even so must the hardest heart melt before sufficiency of the heat of non-violence. And, there is no limit to the capacity of non-violence to generate heat."

The article goes on:

"Even so I do not despair because Herr Hitler's or the German heart has not yet melted. On the contrary I plead for more suffering and still more till the melting has become visible to the naked eye."

[Sir Reginald Maxwell.]

It has been interesting to me to see how the Congress Party would like to interpret these principles in practice. That is all I have to say about that point.

But another point and a more serious one I should like to urge upon those who have pressed this amendment. It is this. This is the first measure which I have had the honour of bringing before this House dealing with important matters of defence of this country. Now, Sir, I have had, in the past, to answer in this House a number of questions relating to the danger of foreign propaganda in India or the presence of foreigners in India and they have been expressing considerable interest in matters like air raid precautions, which, incidentally, have a considerable bearing in the presence of foreign agents in this country, and so forth. In fact the House takes considerable interest in defence matters and yet, when I bring what is primarily a defence measure before this House, I find Honourable Members of the Party opposite are unable to bring themselves to consider it on its merits as a defence measure. Their sole interest, so far as I can see, lies in turning it from its defence purposes to the purpose of exercising some vague kind of retaliation against persons who are not our enemies and who are never likely to become our enemies. In fact I gather from the speech of the Honourable the Leader of the Opposition that they would rather defeat this measure altogether than allow Government to exercise the power of exemption in order to remove the unnecessary aspect of retaliation from it.

This brings me finally to the question of the power of exemption which Government wish to be able to exercise under this Bill.

I have said that an attempt to bring Dominion subjects within the definition of "foreigner" would be merely a gesture in the particular circumstances of the case. But a judicious use of the power which Government would have of exempting all or any of them in the same way as Government propose to exempt the residents of surrounding friendly countries would, at any rate, have made this gesture an innocuous one. It would have done no harm and the power would have been latent until the real occasion to impose registration arose. Sir, I have put all my cards on the table; I have been quite frank with the House in saying that if Government accepted this amendment it would be on the clear understanding that they could use their judgment in regard to the exemption of residents of the Dominions. I said that because I did not wish the House to rest under any misapprehension as to how Government would regard an amendment of this kind if it were carried. I did not say that in no circumstances would registration be imposed on Dominion residents; I did not say that all residents of the Dominions would be exempted for ever so as to defeat the purpose of the amendment. But I do say that Government must have a perfectly free hand and must not be regarded as obliged to give effect to the amendment in such a way as to impose registration where it had no possible use. But I gather from the speeches of my Honourable friends, Mr. Satyamurti and the Leader of the Opposition, that the Party opposite do not accept this attitude of Government. They insist apparently, that if this definition is so amended it must be used to the full, and they reject the offer of Government to accept the amendment on the understanding that they would use their option in regard to the matter. And, therefore, the only course now open to Government is to oppose this amendment on its merits, not because Government are in any way unsympathetic towards the feelings of

Honourable Members in regard to the plight of Indians in South Africa or anywhere else, but because Government feel that other means are more suitable for asserting the wishes of the House in regard to that matter and that a Bill of this kind should not be weakened in any way or that the country should not be made to adopt useless and meaningless gestures in regard to persons who should be our allies. And, therefore, I must say that Government intend now to oppose this amendment in view of what Honourable Members opposite have said.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I was considerably surprised to see that an apparently innocuous amendment like the one which is moved by my Honourable friend, Mr. Ayyangar, should have given rise to such a long debate and should have even caused the Home Member a pretty long reply also. After all what does this amendment mean? In any country it would not be difficult for anybody to know who a foreigner is. According to the dictionary meaning or its meaning in a constitutional sense, it only means that a person not born in a given State and not naturalised under the law of that given State is a foreigner. That is the usual definition of "foreigner" to be found in any law of any civilised country. It is only in the case of India that we are called upon to define a "foreigner" as to include in it probably some of our own men and exclude some of those who are to be there.

In the first place, Sir, I give my support to this amendment on the ground that the amendment is in my opinion an attempt to make the nearest possible approach to the truthful conception of a foreigner. I call it the nearest possible approach and not a complete approach and I make a distinction between the two because a complete approach to the truth would require the exclusion of a subject of the United Kingdom also from the definition. We are, however, prepared to make a concession there. But it is always a habit ingrained in those who call themselves rulers or belong to the ruling class that they not only want to enjoy privileges for themselves but they always think of their distant cousins, and they believe that these distant cousins, removed by several degrees, should have the same privileges of behaving arrogantly as they themselves on account of certain adventitious circumstances claim. And in Sanskrit books these gentlemen who happen to be related to the members of the Ruling family and who move about in borrowed feathers are generally described as *Raja-shyalakas*; brothers-in-law of kings. In Sanskrit drama whenever a court has to be described some character of a *Raja-shyalaka* is introduced; and it is always found that while the kings are more or less human and amenable to certain laws and rules of conduct those who bask in the sunshine of royal favour are the most arrogant and tormenting people in the world and a perpetual source of nuisance to everybody. I remember one line in a Sanskrit *subhashit* which says:

"Na tathā dahati ravikars yathā dahati vālukānikarah."

It means that: "the scorching rays of the sun are not so tormenting and oppressive as the particles of sand which become hot from the borrowed heat of the sun. You cannot walk bare-footed on the sand although you can stand the sun from which the sand derives its heat." So, these particles of sand living in South Africa and Kenya and all other Colonies are more oppressive, more troublesome, more arrogant and more misbehaving than those to whom they are distantly related and through whose favour they claim to belong to some kind of a superior race. So, we find, that the

[Mr. M. S. Aney.]

general tendency of these Colonies is not to have any fair dealing with us. But I am not sure whether the amendment that is being moved here is being done in any spirit of retaliation at all, because it is known that this by itself means nothing. It only indicates our determination to say plainly that all those who are not born in this country and not naturalised under its laws, everybody else who is outside this circle,—except, of course, those who, for the sake of some other reasons we are constrained to regard as in some way related to us, *e.g.*, subjects of the United Kingdom,—we are prepared to treat as foreigners. There is nothing wrong in that. We are only telling the truth and we should not be afraid of telling the truth because it might wound the susceptibilities of some sensitive foreigners somewhere. They are all *rajshalaks* and they must come under that category. Therefore, all the arguments and all the long sermon which my Honourable friend, Sir Syed Raza Ali, for whom I have got great respect, are all misplaced. Of course, he knows those people well and having lived amongst them he knows they are very sensitive and probably they will find a pretext for oppressing our men still more in this small and innocent amendment. If they are men of that type we may take it for granted that they will never be wanting in finding some excuse or another to trouble and oppress our men there. If an amendment, which seeks to bring out the definition of foreigner in accordance with the definition of foreigners to be found in any civilised jurisprudence, is going to offend the feelings of those persons, so as to provoke them into further acts of oppression against our brethren who are living within their jurisdiction, then I may safely conclude that they are a set of persons who will never be wanting in excuses, because they have an innate tendency to oppress and suppress Indians as they happen to be of a different colour and complexion

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Why give them an opportunity then?

Mr. M. S. Aney: They will never be wanting in finding an opportunity that is what I think. This is such an innocent amendment that no sensible man, who has any regard for civilisation, who has any regard for any sense of equality of any kind whatever, should feel that there is any reason for him to be offended at this because, by this amendment, we are not imposing any disability upon them exclusively. If they come to this country they will have to register themselves, as we are called upon to go through more humiliating processes when we land in their country. When they made their law, they never felt as to how we, civilised Indians, thought about it: they said "We have made the law involving all these Asiatics and you are one of them." I say, we are making a law for all foreigners and you are one of them. That is all. This law certainly does not make any invidious discrimination against them alone. We say those who are not naturalised subjects of India will be treated as foreigners, and, therefore, whatever disability there might be in the way of registration will apply to all foreigners. I do not think, therefore, that there is any real ground for them to be unnecessarily troubled over that matter.

The second point, which arrested my attention, particularly, was the pompous manner in which the Honourable the Home Member has collected all the files of *Harijan* and the manner in which he was quoting from the various articles contributed to *Harijan* by Mahatma Gandhi. My point is that, in the first place, I am glad that anyhow it has afforded an opportunity

to the Honourable the Home Member to read what Mahatma Gandhi has to say about non-violence. It is his first reading and it will, naturally, take some time to digest it. It is not such an easy philosophy that a man can easily understand immediately on reading it. It seems this is his first attempt to acquaint himself with that. I am sure if he does that for one month at least continuously every day, then he will be here an altogether different man and, probably, there will be no need for us to say anything on the question of violence or non-violence here at all. He himself will be so transformed as to be ashamed of every act that the Government of India does almost every day to offend the feelings of persons on this side. It is intended primarily to teach lessons to those persons who want to make a serious study of it in order to transform their own mentality. So long as his own mentality is not transformed he has not got the right or authority to read it out to others. Gandhiji's articles are intended to encourage self-study and introspection in a man: it is intended that he should carry on this process of self-examination for some time to attain self-purification and so long as he does not do that, he will never be able to understand the spirit of it and, certainly, he will not know when and how to apply that principle

The Honourable Sir Reginald Maxwell: What about retaliation?

Mr. M. S. Aney: I am coming to that. My point is this. In the first place I question the right of the Honourable the Home Member to tell us what it means. So long as he is not imbued with the philosophy himself, Gandhiji denies the right of any other man to teach or talk of violence and non-violence. He must reform himself first before he can insist upon others that they should abide by the lessons of non-violence as he has preached to us. The right to preach cannot be had by anybody, unless he has fully lived and stood the test of non-violence which Gandhiji has preached there. So long as my Honourable friend has not done that, I do not think he has got any right to preach to us

The Honourable Sir Reginald Maxwell: May I explain, Sir? I did not preach, but I quoted.

Mr. M. S. Aney: It was not necessary for him to say that he was quoting because I actually saw him reading out those things. I am only saying that he has no right even to quote as the citations were made with a view to preach or teach. You have to absorb the lessons for yourself and understand them and see whether there is something in them for the Government of India to learn. If once the Government of India learn it, there will be no need to quote because there will be no occasion for exhibition of anger on this side. Apart from that, surely there is this other matter. There are other articles which I might have quoted under which certain conditions are implied for the practice of non-violence alone and under which a votary of non-violence can practise his principles to the advantage of everybody else. The Honourable Member knows that the Congress Ministries have to use violence against goondas who have been practising communalism in the various provinces, because there are certain conditions under which the exercise of the principle of non-violence cannot be carried out. It pre-supposes the existence of certain conditions and certain environments. Those environments are yet to come and if they do come, the Honourable the Home Member will see that the lessons he has preached

[Mr. M. S. Aney.]

are really the proper solution not only for the little difficulties of dealing with our friends in the Colonies but for questions of even much more comprehensive and serious nature. It reminded me of the phrase 'Satan quoting scripture'—that is how it looks to me. I do not mean any offence. Satan is not so bad; he is only opposed to godliness.

Then my Honourable friend told us that this was a defence measure and this should have been considered on its merits. It may be any kind of measure but because it is a defence measure it ought not to contain a definition which is entirely wrong. My point is this. He contends that as it was a defence measure the definition of foreigner is intended to serve a definite purpose only. It is a very convenient definition of foreigner he has given and it is that—foreigners are those who are likely to be our potential enemies or hostile to us at some distant day. I want to say that our aim is to be independent and when we begin the campaign of independence I am sure all these forces in the Colonies will be arraigned against us. The moment we begin our campaign in right earnest and take strong measures against the British Empire for the sake of asserting our independence, I have no doubt the first cousins in the Colonies and Dominions will run to the rescue of their uncles in the United Kingdom, they will stand by them—those *Rajshalaks* who are living in these Colonies they are thus the potential enemies of Indian Independence. If this test of potential enemies is to be understood in its reality, I would look upon even the subjects of the United Kingdom as my enemies, but I have already said I have made a concession to them on account of having been linked up with them and for more than one reason that concession has to be made today. But I have no doubt in my mind that even before the subjects of the United Kingdom would be raised in these Colonies, in South Africa, in Canada and in Australia and New Zealand. They will be the first enemies and, therefore, they are what may be called our potential enemies so far as our real demand for independence is concerned. So, even judged by that test, I believe the Honourable the Home Member should have no objection to accept the amendment which has been so ably moved by my friend, Mr. Ayyangar, notwithstanding a kind of consideration which has been shown to the feelings of those people by my friends, Sir Raza Ali and Bhai Parmanandji. I feel that the Colonists should be described as foreigners. They are considerations of prudence. They are guided not by the same feelings by which the Honourable the Home Member is guided, in fact they are considerations of our own interest; but let me tell them there are occasions when we have to make up our minds stout, and we must be prepared to face the difficulties, and we should not be carried away by sentimental considerations of that kind. If the colonists feel anything wrong because we have taken a correct step, let them feel it. Our hearts must be of steel to stand all that kind of shock, and we must, therefore, try to assert ourselves in the only manner in which it is possible for us to do at present. It is not retaliation at all, but we simply want to tell them that they are foreigners,—nothing more than that. It means no insult to them, but it means only justice which they deserve. With these words, Sir, I support the motion.

Some Honourable Members: Sir, the question may now be put.

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

"That the question be now put."

The motion was negatived.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I heard with great interest the lecture or the sermon delivered by my Honourable friend, Mr. Aney, on non-violence, but there is one point which I have not understood, and I hope that some one on my right will explain it to me. I want to know whether non-violence is reserved only for speeches in the Assembly or whether it is meant for practice outside the Assembly also. If it is intended for practice, then my Honourable friends will find, if they make an inquiry, that during the recent riots in the United Provinces, there are more Muslims injured and admitted into hospitals than the Hindus. Is this non-violence or violence? I finish it here.

Then, Sir, the next point I want to know is that my friend, Bhai Parmanand, said that these Gurkhas helped the British Government during the Great War, and that it is just and right that we should give them pensions, we should admit them in the army and give them all sorts of facilities. If we accept this theory that every one who helped the British Government during the Great War should be treated generously, may I ask him whether he ever shed his crocodile tears over the Arabs in Palestine? Did they not help the British Government during the Great War, and what did they get in return from the British Government?

Bhai Parmanand (West Punjab: Non-Muhammadan): Let them come here and claim Indian citizenship, and then they can also be helped.

Dr. Sir Ziauddin Ahmad: Therefore, if we accept the theory of my friend, then it should be applied not merely to Gurkhas, but to every foreigner who rendered help to the British Government during the last war.

Then, Sir, coming to the definition, I may say this. An examiner in logic put a question in an examination paper and asked—what is a man? The answer was, a man is not a dog, he is not a cat, he is not an elephant, he is not a donkey. Then, the examiner gave the candidate a phant, he is not a definition, a definition must be in zero, because he said that was not a definition. Therefore, I am perfectly sure, if my affirmative and not in negative. Therefore, I am perfectly sure, if my friend, Mr. Ayyangar, puts this definition of foreigner in an examination paper, he would get no marks. Still the only justification for this definition is derived from the definitions of 'matter' and 'mind'. Books have been written defining what matter is, and we find all the definitions fail, and the only irreproachable definition is 'never mind'. And what is mind? You write a book, but all the definitions fail and the only one which is acceptable will be 'no matter'. The definition of mind and matter in affirmative form cannot be given. Only negative definition stands. In this particular case I do not seriously object to a negative definition, which I would otherwise have done, as a logician.

Now, Sir, coming to certain arguments advanced by my friend, Sir Raza Ali. He complained in the course of his speech, and rightly too,

[Dr. Sir Ziauddin Ahmad.]

and quoted from the speech of the Honourable the Secretary for Education on the 24th February last in which he had said that he had no information whatever about the proposed legislation in South Africa, and that only a week later it was published in the papers, which was also quoted by Sir Raza Ali, that the legislation contemplated was a *fait accompli*. From this he drew the conclusion that our Government was so ignorant of the conditions of Indians abroad that even a week before the legislation was declared as an accomplished fact, they could get no information whatsoever. He mentioned it as a national complaint that the Government is not considering the position of Indians abroad, but this simple statement roused the anger of some of my friends on my right, and I could not understand why there should have been any criticism of this simple statement of my friend, Sir Raza Ali. There was only one explanation one could deduce from this fact, and which I have deduced, but I want to put one question to my friend, Mr. Abdul Qaiyum, and he will have to reply on the floor of the House, that whenever a foreigner was appointed to any post in the Government of India, a motion for adjournment was always moved, and the only exception made was in the case of the appointment of the Educational Commissioner. Of course, a motion was tabled, but it was withdrawn by the Congress Party. I should like to know why an exception was made in that case. . . .

Mr. M. S. Aney: Is this all relevant, Sir? I seriously raise a point of order. Are these remarks with regard to certain motions for adjournment being tabled and withdrawn on certain occasions really relevant to the point under discussion?

Mr. President (The Honourable Sir Abdur Rahim): The point of order raised is perfectly right. The Honourable Member is not entitled to refer to past proceedings.

Dr. Sir Ziauddin Ahmad: May I ask whether a lecture on non-violence is relevant to this question?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is referring to some previous proceedings of this House. That sort of controversy cannot be revised now.

Dr. Sir Ziauddin Ahmad: I have said what I wanted to say and I will await a reply. With these words, I resume my seat.

Sardar Sant Singh (West Punjab: Sikh): Sir, I have tried to understand the significance of the various issues that have been raised during this debate on the question of giving offence to certain interests if the present amendment is accepted by the House. I thought that the Bill aimed at getting a certain kind of information about the residence of those who are not real inhabitants of India. This information Government needed as a sort of precaution against an emergency that may arise sometime.

That is the plain issue which the Bill was intended to serve. The definition of a foreigner in the Bill is not the natural definition or a definition in the literal sense of the term. Placed as we are politically, we are bound to accept that domiciled residents of the United Kingdom cannot be classed as foreigners, though in the dictionary meaning of the term they are foreigners *qua* Indians in this country. However, apart from the political question, what I want to stress and stress for the consideration of the Honourable the Home Member is that this Bill aims at getting information alone. It is, as he put it, a means to an end; the end may or may not require this particular information in the near future or the remote future. But, what objection can be possibly have to the Government possessing the information as to the number of Colonials that are here living in India? I have to ask him to look to that contingency which he mentioned while he spoke at the time when the Bill was referred to a Select Committee, that the Government have been called upon on several occasions to furnish information as to the foreign residents in this country to their relatives abroad. Then, why enter into the political aspect of the question and the implication of offence which the Colonial Governments may take, because we are trying to get information as to the number of residents, their place, their status, their various activities, during their stay in this country? I have not been able to understand this point of view of the Government. Government want information. Government want to compile statistics, Government want to collect certain figures. We say, we are willing to help Government because we see that the Government needs this information and rightly needs it. Why make an exception then? Why should South Africa take exception because we want their nationals to be registered here so that the Government may be in a position to know how many there are, what they are doing? Why should they take offence and resort to retaliatory measures against Indians? The whole thing does not seem to be logical, it does not lead to any logical conclusion. If the South Africans are ready to take offence at this simple thing, may I say that so many laws affecting Indian nationals in other countries have been passed and do those countries think that India does not take offence at that? And, if India does take offence as is quite clear from the various speeches from this side of the House, have the Government of India taken any retaliatory measures against those Colonial Governments who have been enacting measures against Indians abroad?

This question of taking retaliatory measures entirely depends on its own merits, and as has been brought out during the discussion, under the Act of 1924, the Government have been given power to take such measures. The complaint has been that the Government have neglected to make those rules during the last 15 years when the Act has given them powers. Although in every Session there are a number of Adjournment Motions moved on the question of the treatment of Indians living in other countries, why have not the Government cared to use the power which the law has given them? Now, under clause 6 of the Bill Government have got power to exempt certain people. But the Honourable the Home Member said that he wanted to make it clear that if this definition was insisted upon and carried by the House, he would use the power under clause 6 of the Bill to exempt that class of people. May I ask why the Government feel shy to collect that information? After having collected that information, they may use the power and exempt them from registering their other

[Sardar Sant Singh.]

activities later on. But, so far as the question of collecting information is concerned, what is there to make the Government feel so shy? The position is quite simple. We want to know how many foreigners are in India, what they are doing, how they are living. In the first instance, we want to know, whether they be Gurkhas or Pathans or people from across the borders of India, or whether they are Colonials, or Europeans, Americans, Belgians and so on. We must have that information.

An Honourable Member: The Sikhs are not affected.

Sardar Sant Singh: That is exactly why we can give an impartial judgement. Muslims are affected, Hindus are affected, and, therefore, they cannot bring to bear an impartial judgement on the question. We can give an impartial judgement on that point.

An Honourable Member: A Daniel come to judgement!

Sardar Sant Singh: Yes, it is Daniel. It is not a religious question. The point is that Government require powers to know how many foreigners there are in India. If they do require the power, and I understand they do, and I support them in the contention that they do require the power,—if they should be given the power, why should they feel shy in finding out the number of foreign residents that are living in this country so that in time of need that information may be utilised for a legitimate and lawful purpose?

I do not see why the exemption should be applied to one section or another. In my first speech I tried to make clear that there were certain economic interests which were affected by the presence of foreigners in India, and it will be useful to the Members of this House and other Legislatures to use that information for bringing forward Resolutions and legislations in order to check their economic assault on Indian nationals in India. There is no reason why we should not have that power. I will request the Honourable the Home Member not to be carried away by extraneous circumstances and extraneous considerations. Government need this power and they must have this power. Therefore, I support this amendment.

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

"That for sub-clause (a) of clause 2 of the Bill, the following be substituted:

"(a) the word 'foreigner' shall denote a person who is not—

(i) a British subject domiciled in the United Kingdom; or

(ii) a British Indian subject; or

(iii) a ruler or subject of an Indian State; or

(iv) a person duly appointed by a foreign Government to exercise diplomatic functions; or

(v) a consul or a vice-consul."

The Assembly divided:

AYES—63.

Abdul Qaiyum, Mr.
Abdullah, Mr. H. M.
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.
Basu, Mr. R. N.
Bhutto, Mr. Nabi Baksh Illahi Baksh.
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.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sardar.

Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Laljee, Mr. Husenbhai Abdullahai.
Matra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Raza Ali, Sir Syed.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Shahban, Mian Ghulam Kadir Muhammad.
Sham Lal, Mr.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Bahadur Nawab.
Singh, Mr. Gauri Shankar.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Umar Aly Shah, Mr.
Zafar Ali Khan, Maulana.
Ziauddin Ahmad, Dr. Sir.

NOES—42.

Aikman, Mr. A.
Aiyar, Mr. T. S. Sankara.
Ayyar, Mr. N. M.
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.
Christie, Mr. W. H. J.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Frampton, Mr. H. J.
Gidney, Lieut.-Colonel Sir Henry.
Greer, Mr. B. R. T.
Grigg, The Honourable Sir James.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamalluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.

Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Parma Nand, Bhai.
Pillai, Mr. N. R.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraaj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Sukthaukar, Mr. Y. N.
Sundaram, Mr. V. S.
Zafarullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the Assembly will now adjourn for Lunch till 2-15 p.m.

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

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

Mr. 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.

Mr. Deputy President (Mr. Akhil Chandra Datta): 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 beg to move:

"That in clause 3 of the Bill, after the words 'Government may' the words 'after previous publication' be inserted."

Sir, the object of this amendment is this. The Bill practically consists of one important clause, that is clause 3 whereby power is given to the Central Government to frame rules for various purposes set out therein so far as registration of foreigners is concerned. A number of amendments has been tabled to the effect that Rules must be laid on the table of the House before these Rules come into operation as part of the Act. My amendment does not go so far. It may be that the Rules might take some time to be laid upon the table of the House. All that this amendment requires is that, after previous publication, the Rules have to be framed. What "previous publication" means is set out in the General Clauses Act. That means that the Rules must be published in the Gazette of India, objections should be invited, then the Draft is to be published, thereafter it has to be approved and finally published. A period of nearly three months should be given for objections to be raised. This is the implication of previous publication. I, therefore, move that these Rules may be made only after previous publication. Sir, I move.

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

"That in clause 3 of the Bill, after the words 'Government may' the words 'after previous publication' be inserted."

The Honourable Sir Reginald Maxwell: I have no objection to this amendment.

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

"That in clause 3 of the Bill, after the words 'Government may' the words 'after previous publication' be inserted."

The motion was adopted.

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

"That in sub-clause (a) of clause 3 of the Bill, after the word 'authority', occurring in the third line, the following be inserted:

'and in cases where sub-clause (c) applies, to the hotel manager or other person mentioned therein'."

The object of this amendment is this. In sub-clause (e), it is made obligatory on the hotel manager or other person to obtain information from the foreigner and report his name to the prescribed authority. But there is no provision in the Rules under clause 3 whereby a similar obligation or duty is imposed on the foreigner to give his name and address to the hotel manager. To make up that deficiency, I beg to introduce this amendment. Sir, I move.

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

"That in sub-clause (a) of clause 3 of the Bill, after the word 'authority', occurring in the third line, the following be inserted:

'and in cases where sub-clause (c) applies, to the hotel manager or other person mentioned therein'."

The Honourable Sir Reginald Maxwell: Sir, I think the Honourable Member has misunderstood the requirements as regards sub-clause (a). Sub-clause (a) relates to the initial registration of a foreigner and is intended to provide for all the particulars regarding him which we require at any time. Those particulars will not be obtained through the hotel manager. The object of putting in the hotel manager to assist the prescribed authority is the foreigner's movements and his identity should be recorded in the hotel register and passed on to the authority concerned. That is a function which falls under sub-clause (b), and not under sub-clause (a).

Mr. M. Ananthasayanam Ayyangar: I was referring to sub-clause (e).

The Honourable Sir Reginald Maxwell: Sub-clause (b) requires a foreigner moving from one place to another to report his presence to the prescribed authority. A hotel register would never give all the particulars which we require for the first registration of a foreigner under sub-clause (a). As far as sub-clause (b) is concerned, it is also unnecessary to confer any authority on the hotel manager to require the foreigner to supply particulars, because sub-clause (b) already states that he has to report his presence

Mr. M. Ananthasayanam Ayyangar: Sir, to cut short further discussion, I beg leave of the House to withdraw the amendment.

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

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I beg to move:

"That in sub-clause (c) of clause 3 of the Bill, after the word 'boarding house', occurring in the second line, the word 'Dak bungalow' be inserted."

Sir, boarding house reminds one of Bloomsbury and Russell Square. In this country, you have only dak bungalows. There may be some boarding houses in the hills, but not in the plains. Sir, I move.

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

"That in sub-clause (e) of clause 3 of the Bill, after the word 'boarding house', occurring in the second line, the word 'Dak bungalow' be inserted."

The Honourable Sir Reginald Maxwell: Sir, this amendment also in unnecessary. I do not know whether the Honourable Member has referred to the "Sarais Act" where a *sarai* is defined:

"'Sarai' means any building used for the shelter and accommodation of travellers, and includes in any case in which only part of a building is used as a *sarai* the part so used of such building. It also includes a *purao* so far as the provisions of this Act are applicable thereto."

Possibly "*purao*" includes dak bungalow. I do not know. In any case, as defined in sub-clause (e) of this Bill, "*sarai* or any other premises of like nature" should include a dak bungalow. I think there is no need for this amendment.

Mr. Abdul Qaiyum: I beg leave of the House to withdraw the amendment.

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

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

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

"That clause 6 stand part of the Bill."

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I move:

"That in clause 6 of the Bill, the words 'or any class or description of foreigner' be omitted."

I need only say this in support of this amendment that the Honourable the Mover of this Bill has said that if we were to pass our amendment No. 1, he would certainly make free use of this particular clause in order not to take any action, whatsoever, against those people who hail from various parts of the British Empire and who wish to travel in this country. My Leader has made it perfectly clear that we want anyhow to prevent the Government from doing any such mischief. We take very strong objection to this Empire citizenship. We do not wish to be a part of this British Empire at all. Just because we are forced to remain in the position in which we are by the might of the arms of Great Britain, we are obliged to carry on as we are today. But all the time we are protesting against it and we are trying to be completely independent. Therefore, we will not allow any sort of loophole through which this Government might try to do some mischief and impose upon us this unwanted Empire citizenship. We do not want people who can come from other countries, like the Jews, to be allowed to be exempted from being registered when they travel or go about or settle down in this country. Sir, I can assure my Honourable friend, whether he believes

in non-violence or not, that our Party believes in non-violence and we have shown our faith also in non-violence by defeating his Government again and again and driving away as many vestiges as possible of his Government from so many Provincial Centres of authority. I can also assure him, whether or not the British Government as it acts today from the Whitehall supports our people (who are to be found in various parts of the British Empire) our masses here in this country as well as our own emigrants are capable of looking after themselves as they have shown conclusively in regard to the clove trade in Zanzibar and we shall certainly show once again that we are quite capable of looking after ourselves even in spite of this Government. Sir, I move.

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

"That in clause 6 of the Bill, the words 'or any class or description of foreigner' be omitted."

The Honourable Sir Reginald Maxwell: Sir, I have already dealt at considerable length with the objections, in principle, to an amendment which would in any way fetter the hands of the Executive Government in using the powers which we seek to take by clause 6. The particular portion of clause 6 to which this amendment relates are the last words 'or any class or description of foreigner' and that is the only portion which enables general exemptions to be made. Without those words, the clause enables the Central Government to exempt only 'any individual foreigner'. Now, if the House will reflect on the facts which I gave earlier in the debates on this Bill, they will realise that all intention of avoiding the registration of the very numerous residents of surrounding friendly Asiatic countries which we had would be defeated by that. The number of such persons is over 400,000, as I mentioned to the House before. Supposing you want to exempt them, you cannot prepare a register containing 400,000 individual names. Supposing you want to exempt them from registration, you cannot deal in a proper manner with a large class of foreigners of that description. Therefore, such an exemption would make the Act utterly futile. If this amendment were passed, I could only take it that it was the express will of the House that all the inhabitants of surrounding friendly countries, however free their access has been in the past in India, should, in future, be treated as foreigners and should be registered and have to report their movements. When we consider the difficulties to which that would give rise in the case of many of the humbler people of that description who come to India for work, we can readily see that it would reduce the working of the Act to an impossibility.

Then, there is another point to which I would draw the attention of the House and that is this that if the amendment which has been accepted by the House to clause 2, which relates to the definition and is intended to include Dominion subjects in the category of foreigners for purposes of liability to registration, means anything, then, it must mean that the Central Government of this country is to use its powers under this Act for the purpose of negotiating with the Dominions concerned for the purpose of removal of discrimination. Once you make it impossible for the Central Government to exempt anybody from those Dominions, then you allow no distinction at all between the Dominions where discrimination is exercised against Indians and those Dominions where no such discrimination is exercised. In other words, you treat them all as

An Honourable Member: Schoolmasters don't harangue.

Sir Syed Raza Ali: I have never acted as a schoolmaster in my life and whatever I say I will put before the House in a straight-forward and clear manner.

I am afraid the implications of the amendment have not been brought home clearly to my Honourable friend, Professor Ranga or the Party to which he belongs

Prof. N. G. Ranga: It was not drafted for me by somebody else!

Sir Syed Raza Ali: I am not a man of a very inquisitive nature and so I will not inquire as to who is responsible for drafting it. Whether the credit or otherwise goes to him or another person is not my concern. The point is that I am afraid we do not fully realise as to what the effect of the adoption of this amendment would be. One of the speakers this afternoon pointed out that he did not want those Indians who were domiciled abroad, either in British possessions or in foreign countries, to have to register if they visited India, their homeland. Let us see what the effect of this would be on this most important point. We know that Indians have gone and settled in large numbers not only in Kenya or Tanganyika or Uganda or Southern Rhodesia or South Africa or Zanzibar, but also in a large number of possessions belonging to foreign countries. In this connection, let me specifically draw the attention of the House to the large number of Indians settled in the Portuguese territories along the east coast of Africa—I mean places like Lourenco Marques, Beira and the Mozambique. If you visit these places you will find a very large number of Indians settled there. Some of them have been settled there for more than a century. The grandfathers of the present settlers were living in those territories; their fathers were living in those territories and they are living there and carrying on business themselves; so that they are Portuguese subjects in the real sense of the term. Now, the House will remember that this morning the House carried an amendment to clause 1. Clause 1, as it stands now, says that a British Indian subject is not a foreigner, but what about the Indians who, for three generations, have been settled either in the Dominions or in the Colonies or in foreign possessions? (Interruption.) I would ask my Honourable friend to apply his mind to my argument. I wish he would do me the courtesy of applying his mind to the argument I am advancing and I would ask his Leader, the Leader of the Opposition, to keep his flock under control. I know that every flock has a tendency to get out of control, but what is the shepherd doing? He is smiling in a most mysterious manner. The point is that if they have settled there for three generations and if any one of those Indians comes back to India either on a long or a short visit, it would be incumbent on him to register himself under the provisions of the Bill, if you carry this amendment. Never mind where an Indian has settled, if he comes back, after having been in a Dominion or a Colony within the British Commonwealth of Nations or in a foreign possession for three generations, even for two days, it is necessary for him to get registered and to comply with the provisions of this Bill; and yet, I am sure, nothing was farther from the mind of Prof. Ranga and his friends than to cast this burden on one of our own nationals. You do not make it obligatory only on real foreigners or people of the Dominions to register themselves, but you make it obligatory even on your own nationals who have got no friend except the people of their homeland to help them, to

get themselves registered. That is my objection. That is the real objection. The House knows that there is a very large Indian population settled along the coasts of Africa, not only on the east coast, but also in a number of places on the west coast, as also in other parts of the world. What provision are you making to see that they do not have to register if they come to India on a temporary visit?

This power of exemption can only be exercised by giving authority to somebody. It is not for me to say, just at this moment, who that somebody should be, but you have got to give the power to exempt these people from registration on a visit to India to somebody. Now, who can that somebody be? It may be good, bad or indifferent, but so long as the present Government is in office and it functions, we have got to trust it. Who else is there on whom this power can be conferred except the Government? I may say one word in this connection. Reference was made to the present Government; and let me say this: that, after all, the Government as at present constituted is, if I am not very much mistaken, going to function for a short time more. I hope the time is coming—and coming sooner than most of us realise—when the power will pass into the hands of the representatives of the people. I believe the time is soon coming when some of my friends sitting on the front Benches over there to my right will be occupying the front Treasury Benches. Nobody will be happier than myself when that day comes, though perhaps that is neither here nor there: but the point is that till such time why cannot you give this power to the present Government? After all these powers will soon be passing into our own hands—I mean the representatives of the people. Now, what objection can there be to giving this power of exemption to the Government of India? As an English friend of mine, who was a great friend of our people and our country, pointed out, we Indians, unfortunately, are not inclined to take the long view—we are not inclined to visualise the time when the present order of things will cease to exist and another order of things will take its place. I am sure this amendment would not have been moved if the Government was a Government responsible to the representatives of the people. I hope I am right there. I hope I am right in assuming that this amendment would not have been moved if the Government functioning in this country was responsible to the Legislature here. If that is so, is there any point in depriving the Government of this power, looking upon the Government with suspicion, for the simple reason that this Government is going to function—may be a year, may be eighteen months more. I think it is a very short view to take.

I have to point out one thing more. If you carry this amendment, the effect would be that it would be open to the Government to exempt a particular individual foreigner visiting India but it will not be open to them to exempt any class or description of foreigner.

Now, has the House considered as to what our position with respect to French and Portuguese settlements in this country is? I have visited Goa, for instance; I have also visited Pondicherry, and I can tell the House that there are thousands of people going from French and Portuguese settlements to British India, and from places like Madras, Bombay and Calcutta going to these French and Portuguese settlements every day. How are you going to arrange for their registration? What machinery are you going to provide to see that no Portuguese or French subject is able to visit British India without himself being registered? Mark one thing, and that is, that most

[Sir Syed Raza Ali.]

of these or about 99 per cent. of these Portuguese and French subjects living in Goa, Pondicherry and Chandarnagar are Indians themselves, just like Professor Ranga and myself; there is no difference whatsoever. The only difference is that they owe allegiance to the French or Portuguese rule; apart from that there is no difference. Politically, they are Portuguese and French subjects, but they have their business connections and family connections with British India. How is it possible to provide for a machinery which would ensure registration of these people before they can visit British India? Sir, the position is a hopeless one. . . .

Prof. N. G. Ranga: If my friend only applies his mind to it, he will see that any individual can be exempted by the Government of India from the provisions of this measure. . . .

Sir Syed Raza Ali: I am sorry I have only five annas in my pocket. If I had more money, the first thing I would do would be to rush to a bookseller's shop, purchase a dictionary and make a present of it to my friend, Professor Ranga. Sir, he is talking of an individual, but my argument is that there are thousands that are going from French and Portuguese Settlements to British India and back every day. How can you possibly exempt them? You can exempt a class of people or description of people, if the amendment is carried? Can you exempt them as individuals when those individuals number thousands? I shall not pursue the point any further if this is the sort of logic that is going to be used by Professor Ranga.

Now, Sir, there is a similar difficulty connected with the Nepalese and Burmese people, as also people from Afghanistan and the trans-border area of our North-West Frontier. They also visit India in very large numbers. I believe the figures with regard to such people from Nepal were given the other day by the Honourable the Home Member in his opening speech, and I think they ran into five figures, if I remember aright. The point is, if this amendment is carried, it will be necessary for us to register these very large numbers of Nepalese, as also people from the trans-border area visiting British India. After all, Sir, it is a very good thing to be patriotic, but patriotism is not the monopoly of any particular section of Indians. I hope that all sections of this House are equally patriotic. But let us consider the practical difficulties, not only the difficulties of the Government, but our own difficulties. So far as I am concerned, I can visualise to myself the retort that would be made to me by my Indian friends in South Africa, and it would be this. 'Now, you propose to graft this amendment on to the Bill in our interest so that it should be possible for the Government of India to register South African Europeans seeking to visit India, but what about the provision which tars us with the same brush as foreigners? As I have indicated, it would be obligatory on them to register themselves. Their retort would be—"You have been purporting to help us; but instead of helping us you have placed us in the same category as the South African Whites who are our persecutors. You cannot discriminate between the persecutors and the persecuted. You have tarred both of us with the same brush", and I should not be surprised if in their despair they were to exclaim—"God save us from our friends". Sir, I oppose this amendment.

Mr. S. Satyamurti: Sir, listening to the speeches of some Honourable Members, I wonder whether this Bill is for the registration of foreigners or the non-registration of foreigners. I have heard several categories now. The Honourable the Home Member says—"I shall not require the registration of any single foreigner from any of the British Dominions, Colonies or possessions whatever the nature of the treatment they give to Indians may be". If once this power of exemption is passed as it is, he is going to exempt,—he was very frank about it and I must congratulate him on his candour,—he told us before we voted on the first amendment, substituting the definition of foreigner in clause 2 of the Bill that, so far as he and his Government are concerned, they have made up their minds that nobody from Canada, Australia, South Africa, East Africa or any of the British possessions or Colonies is going to be brought within the scope of the Bill. Then, my friend, Mr. Bajoria, said no Gurkhas ought to be registered, and other Honourable Members said,—and I think the Honourable the Home Member himself said that,—that all neighbouring Asiatic countries must not come within the scope of this Bill. . . .

The Honourable Sir Reginald Maxwell: Neighbouring friendly Asiatic countries.

Mr. S. Satyamurti: Sir, this is the first time I hear that geographical proximity is any proof of friendship. Ask France and Germany, they are very very close to each other. Their border runs for hundreds of miles. What is there as a guarantee of political friendship in spite of the geographical proximity?

The Honourable Sir Reginald Maxwell: I did not say that.

Mr. S. Satyamurti: Then Mr. Bajoria said that Nepal should be exempted, and last but not least, my friend, Sir Raza Ali, says, there are Indians in South Africa who have settled there for generations, there are Indians settled in East Africa and in Portuguese possessions, and they should be exempted. There are Indians in French and Portuguese possessions in India, and they shall be excluded. Then may I ask, Sir, for whom is this measure intended? Is it for the few Germans or Russians or Frenchmen who have come here or may come? Why not be frank about it and say that it is meant for registration of men from some of the European countries? That would be far more honest and frank than this Bill which begins by saying—"Whereas it is expedient to provide for the registration of foreigners entering, being present in, and departing from, British India", and then defining the foreigner, as the House has done, by including within that definition all those who are not British subjects domiciled in the United Kingdom, or, who are not British Indian subjects, or who is not any ruler or subject of any State in India, or who is not a person duly appointed by a foreign Government to exercise diplomatic relations, or who is not a consul or vice-consul. The definition is very sweeping, very wide, all those who are neither Britishers nor Indians are those who belong to a very small category of persons. . . .

Sir Syed Raza Ali: That is not so. Indians are included in the definition of 'foreigner' if they had been living outside for three generations.

Mr. S. Satyamurti: This extra-territorial patriotism makes no appeal to me whatsoever. I am a frank, modern, secular patriot living in my country between the Himalayas and the Cape Comorin and between the Arabian Sea and the Bay of Bengal. This idea of stretching out my hand to all people does not appeal to me. India for Indians is my belief, and if people choose to go and live in Portuguese possessions or French possessions and become Portuguese or French subjects, I have nothing to do with them. They may have been there for three generations, but they are not Indians.

The Honourable Sir Reginald Maxwell: What about Obeidulla?

Mr. S. Satyamurti: He is an individual, and I am glad my friend put that question. This amendment leaves the power to Government to exempt even Obeidulla. It says:

"The Central Government may, by order, declare that any or all of the provisions of the rule made under this Act shall not apply, or shall apply only with such modifications or subject to such conditions as may be specified in the said order, to or in relation to any individual foreigner or any class or description of foreigner."

That answers my Honourable friend, I hope. The whole point of it is this, that this idea of treating foreigners as Indians is alien to modern political conceptions. We cannot have in this country one class of "foreigner" and another class of "foreigner" for the purpose of mere registration. If you want registration of foreigners, you must apply it to all foreigners who are so defined in the definition clause. This House this morning, in spite of a very frank warning by my Honourable friend, the Home Member, decided by a decisive majority that within the scope of foreigners must come the citizens of all Dominions who are discriminating against us, and the House was emphatic that they should come within the scope of this Bill. But the Honourable the Home Member says—and I repeatedly asked him, what do you intend doing, his answer was that the Government, as at present advised, will not bring within the scope of this Bill citizens of any Dominion or Colony in the British Commonwealth of Nations. I believe I am right. Therefore, they will wait to see if any action is taken in any Dominion or Colony, and then decide whether the people from those Dominions or Colonies should be brought within the scope of the Bill.

The Honourable Sir Reginald Maxwell: On a point of personal explanation, Sir. The Honourable Member is misquoting me. I said that I should wait until we see what action is proposed here against them, and not what action they propose to take against us.

Mr. S. Satyamurti: I would ask my Honourable friend to take South Africa. The cup is full to the brim and it can hold no more drop. They have already, according to my Honourable friend, Sir Syed Raza Ali, who is far more familiar, or claims that he is, with conditions in South Africa than any other Member of the House including those on the Treasury Benches or the Government, that in South Africa racial discrimination is practised in the most cruel manner. I want to know what the Honourable the Home Member means when he says that he wants to wait till something is going to be done here, before he brings the South Africans within the scope of the Bill? I take it I am right to this extent at least that tomorrow when the rules are made and when this Act is put into force, South Africans will not come into the scope of foreigners. I think I am right.

The Honourable Sir Reginald Maxwell: Not at once, I said.

Mr. S. Satyamurti: Therefore, this House has only this one occasion when its vote will be conclusive, subject to the Governor General certifying this Bill in the interests of peace, security and tranquillity of this country, and we have now an effective means of showing our resentment against the treatment of our fellow-nationals in South Africa, by the South African whites and the South African Government.

The position of the Government of India is that nothing has happened so far to justify their being treated as foreigners. I put it to my Honourable friend and I put it to the House, whether in South Africa we are not treated as worse than foreigners.

Sir Syed Raza Ali: What does it matter? According to my Honourable friend, he is concerned only with those people who live between the Himalayas and Cape Comorin, and he is not concerned with those Indians who are living outside India.

Mr. S. Satyamurti: I did not say that. My Honourable friend, in spite of his three years' stay there, has not understood the position which I have explained. They cannot claim Indian nationality, if they have ceased to be Indian nationals. But it does not mean that those who are there and carry on legitimate occupations and have the right to be treated as citizens of that country cannot have the sympathy of this country in the assertion of their rights. The one thing is as different from the other as chalk from cheese. If he cannot see this, he has spent this three years in vain in South Africa. I say, as an Indian national, I am not going to admit to the privileges and obligations of Indian nationals in this country those who are the subjects of another State, but, certainly, it is open to me to say that those people who are Indians and are citizens of another State should be treated as citizens of that country are treated. I do not want them to be subjected to any discriminatory treatment, because they come from this country. Our claim in South Africa, in the Colonies and other Dominions is that our people who originally went from this country should be treated on the same status and footing as the citizens of that Colony or Dominion, and if they are not so treated, this country will use such powers as it possesses to retaliate and to see that those people get those rights of citizenship. That is all what I am claiming.

After all, what is the great obligation we are laying upon these people? They are merely asked to register themselves in a register and the Honourable the Home Member says, "No". As my Honourable friend reminds me, even when Honourable Members of this House go to Simla, at the barrier we are all asked to give our names, our fathers' names, our residence, length of our stay in Simla, and until we do that, our cars are not allowed to pass. I think it is the experience of all my colleagues except probably those on the Treasury Benches.

The Honourable Sir Reginald Maxwell: No, Sir. I do it every time I go to Simla by car.

Sir Syed Raza Ali: In my case, they do not ask my father's name and my profession.

Mr. S. Satyamurti: Even those who travel by train are stopped at Tara-devi and they are asked to give their names. If the Honourable the Home Member is not, probably they know who he is and they are afraid of him.

An Honourable Member: He is.

The Honourable Sir Reginald Maxwell: I am.

Mr. S. Satyamurti: You are. Thank you. Therefore, if even the Honourable the Home Member of the Government of India is compelled to give his name when he goes to Simla in the discharge of his official duties, what more and discriminating liability are we imposing on these foreigners when they come to this country and have to register themselves? Then, the Honourable the Home Member said, I want to see what action is taken in this country before we include South Africa or any other Dominion or Colony within the scope of this Act. Morning after morning, when we ask the Education Secretary or suggest retaliatory measures, I think answers have been given that the number of South Africans in this country is so few, their occupation is so limited, that they cannot effectively retaliate. But, at the same time, I think all sides of this House will be glad to have some information on this point as to how many South Africans are here, what they are doing, what business they are engaged in, what income they are making, what property or properties they hold. That will give us some information on which we can recommend to this or any other Government such action as we may consider necessary.

Sir Syed Raza Ali: Do you want to know the number of South African Europeans or South African Indians?

Mr. S. Satyamurti: Both. On this question of Indians, I want to repeat that, if a man has ceased to be a national of this country, you cannot make a distinction for internal purposes between one foreigner and another foreigner; but it is a different thing to say that, if Indians have chosen to be citizens of a foreign country, but are not treated there in the same way as the other citizens of that foreign country, we have a right to retaliate and demand just treatment. My Honourable friend, Sir Syed Raza Ali, asked, would this amendment have been moved if there were a responsible Government? Well, it is a hypothetical question, and under the rules and standing orders, I am not compelled to answer such a question.

Sir Syed Raza Ali: My Honourable friend is an official! I did not know that.

Mr. S. Satyamurti: Hypothetical questions need not be answered whether they are put to official or non-official Members, but assuming, that I am bound to answer that question, I would say, speaking for myself, trust no Government with these wide powers, whether responsible or otherwise.

It seems to me that the whole of this Bill is a skeleton Bill in which we are asked to say ditto to what the Government say. Will my Honourable friend look at these clauses? The first clause is a definition clause. Clause 3—what does it say?

"The Central Government may, by notification in the official Gazette, make rules with respect to foreigners for all or any of the following purposes."

They may make rules or they may not make rules, and when they make rules, they may make rules for all or any of the following purposes. The purposes are (a), (b), (c), (d), (e), (f) and (g), and they may choose one or two or more or all. Clause 6 says that the Central Government may exempt any class of persons or any description of foreigners or any individuals. The whole Bill is a skeleton Bill. Once the Bill becomes an Act, the Central Government becomes the dominant figure, and the Act may be or may not be applied to individuals or whole classes or descriptions of foreigners who are entering this country, or residing in this country, or carrying on business, and, therefore, it seems to me that if really the House is convinced that there is a case for the registration of foreigners we must support this amendment and leave the Government only the limited power of exempting distinguished visitors who may come from foreign countries, and who will be relieved, according to the opinion of the Government for the time being, from the obligations of registering themselves or reporting their movements on arrival or before departure; but apart from these individual exemptions, I do suggest to the House that if this power is given to the Government we are losing the effect of the vote of the House this morning. This morning the House, by a decisive majority, voted for inclusion within the scope of the definition of foreigner all people who come from the Dominions and Colonies. It seems to me that we shall be wiping out the effect of our vote. If the Act is working and if we find any practical difficulties, an amending Bill may be brought forward; but for the time being I do suggest that the House must support the amendment and see that all foreigners, whether they come from friendly neighbouring countries or from other parts where Indians went generations ago and settled and, certainly, all those who come from the Dominions and Colonies, most of whom dis-criminate against us, must be brought within the scope of the Act which, after all, is very simple. I do hope that the House will not give the Government this power of exempting whole classes of people when they have definitely told us that the moment this power is given they will nullify the vote of the House by saying that no Dominion or Colonial subject will be brought within the scope of this Act. I support the amendment.

Shrimati K. Radha Bai Subbarayan (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Mr. Deputy President, after the description of oratory that my Honourable friend, Sir Raza Ali, has given, I speak with a certain amount of hesitation as I wonder under what category of speakers he will place me but that is, however, immaterial. During my brief life as a Member of this Honourable House, I have come to realise that one need not be very particular about oratory or phraseology or even courtesy in language.

Sir, coming to this amendment, I would like to say that I strongly support it. It has been ably moved by my Honourable friend from Guntur and very clearly explained by my distinguished Deputy Leader. I feel it is quite unnecessary for me to add anything more to the arguments that they have put forward but there are one or two points which struck me which I should like to place before this House for its consideration. Sir, we are accused, by some Honourable Members, of introducing the principle of discrimination by suggesting this amendment. On the other hand my Honourable friend from Calcutta, representing Commerce, accuses us of not discriminating. He asserts that we should discriminate in favour of Indians by origin and 'friendly neighbours' and my Honourable friend, Sir Raza Ali, said we should discriminate in favour of Indians who

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have settled down in other countries. I am afraid it is very difficult to please all sides of the House, and I for one feel that it is our duty to do what we think is right. If this Act is to be effective, it should achieve the objects it has in view. My Honourable friend, the Home Member, during the general discussion, explained to us that it was a means to an end. Well, if that end is to be achieved, the means should be properly used. The instruments that are to be used as means for achieving the end cannot be broken at the will or whim of any Government. My Honourable friend from Calcutta says: "Why are you afraid to give this power to the Government?" Some Members asked him, I do not know if he heard it: "What is your experience?" I repeat the question and ask what is our experience when autocratic power is given to any Government? I think it was some time ago that one of my Honourable friends remarked that autocratic power is liable to spoil even the best of men. I think that is applicable to all people and our Deputy Leader has already explained to the House that this amendment would have been brought forward no matter who occupied the Benches opposite.

My Honourable friend, Sir Raza Ali, talks of exemptions. He states that somebody must have the right to grant exemptions and that the Government are best qualified to exercise that power. May I ask—why introduce this Bill if it is going to be nullified by giving exemptions? Well, Sir, I am hoping that at some near date this House will place on the Statute-book an Act prohibiting polygamy. Will this House empower the Government to give wholesale exemptions on the ground that if a principle is to be applied to any one piece of legislation it must be applied to all kinds of legislation? The power to grant exemption must be used in very rare cases and if such power of exemption is necessary in this legislation, it is given by this clause even when it is amended according to the suggestion made by my Honourable friend, Prof. Ranga.

I hope my Honourable friend, Sir Raza Ali, will pardon me if I state that I could not quite follow him when he said he had not sufficient money to buy a dictionary for my Honourable friend and neighbour. I do not know what connection there is between a dictionary and individuals composing thousands of people.

Sir Syed Raza Ali: I am sorry to interrupt. I only wanted to help my friend with reference to the meaning of the word "individual".

Prof. N. G. Ranga: It is only the individual, and no more . . .

Shrimati K. Radha Bai Subbarayan: My Honourable friend, Sir Raza Ali, wanted to make us believe that exemptions of individuals would not be sufficient and that Government should have power to grant exemptions to masses of people, thousands of people. May I point out that even thousands of people are composed of individuals? If Government are given power to grant exemptions to individuals they can use that power to grant exemptions to thousands or lakhs of people if they want to do so.

Then, there are one or two points which it is not pleasant for me to mention on the floor of this House. I have again, I am afraid, to refer to my Honourable friend, Sir Raza Ali. Some of his statements, I think, are misleading and might cause an erroneous impression in the country. For

instance, he said, if I understood him correctly, that Indians are free to emigrate to any part of the world, to any Colony, but he added a proviso. 'But' is a very difficult conjunction. The sentence that follows it very often nullifies the sense of the preceding sentence and that is what happened, when he said that they are free to go to South Africa but that they cannot settle down there. He added that the immigration into South Africa has been stopped and you can enter South Africa only after you give an undertaking according to the prescribed rules. He also remarked that if we had been to South Africa we would have felt differently. Well, Sir, I have not lived in South Africa for three years but I have been for 48 hours on the shores of South Africa and my experience during those 48 hours roused the deepest feelings—I say it with great pain,—feelings of humiliation and resentment at the treatment that is meted out to my country people. That was 20 years ago.

Sir Syed Raza Ali: It is worse now.

Shrimati K. Radha Bai Subbarayan: It is generally believed that "Time brings progress in this world" but with regard to this question of the treatment of Indians in the Dominions and the British Colonies Time takes us backward. Far from there being any progress, our sufferings increase and I am grateful to my friend, Sir Raza Ali, for pointing out that the state of affairs is getting worse. Sir, it was after tossing in a very rough sea for 25 days, chased by submarines, that my boat touched the shores of Cape Town. I was the only Indian woman among the passengers who consisted solely of women and children who were being escorted to India in a special boat during the war. All my fellow-passengers were allowed to go ashore, but I alone was not allowed to do so merely because I was an Indian. And yet, Sir, my countrymen were at that time fighting shoulder to shoulder with British soldiers and the soldiers from South Africa in what they called a war "to save democracy and help weaker nations".

An Honourable Member: To support hypocrisy.

Shrimati K. Radha Bai Subbarayan: It took the captain of my boat twelve hours to secure permission for me to go ashore and get for myself a cup of coffee or some fresh cow's milk for my children but I was warned not to take my two boys with me—one aged only eighteen months and the other three and a half years. The official very courteously and politely told me that he did so not because he personally had any objection but because he feared there would be some unpleasantness. The experience of this visit left a deep and painful impression on my mind and heart and I have, ever since, been taking the keenest interest in the welfare of my countrymen in other countries. Only the other day, the Rev. Mr. Andrews happened to be in Madras and some of my friends and I requested him to give us a short account of the condition of Indians in the Dominions. In the course of his speech he appealed that those of us who could afford the time and the money to go to these parts should do so and help our Indian sisters there. But are we free to do that? He pointed out to us that the Indian residents in these Colonies have not got sufficient educational and medical facilities and that young Indian women should go to these Colonies and help in this sphere of public work, again I ask, how can we do this? We cannot now, even if our Indian sisters from the other side of the sea stretch out their hands for help, give them any kind of

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personal assistance. If we have relations there who are ill and to whom we wish to render such help as we can, we cannot get there as and when we like and without submitting to a number of restrictions which are most humiliating.

It is also pointed out that we should be charitable. I cannot understand, why when we Indians want to maintain our national self-respect and also endeavour to relieve our own people of hardship and suffering, we are constantly told about charity, generosity and the spirit of the good Samaritan. The tradition in India is to offer hospitality and generosity and it is that tradition which has been partly responsible for the sad state of our people today. Sir, as my Honourable friend, from Almora said, India has become the dumping ground of inanimate as well as animate goods. We are trying to prevent the dumping of inanimate goods, and is it not right that we should try and prevent the indiscriminate entry of animate goods also? What does this Bill mean? It only means that we want to compile a register of foreigners in this country; we are not going to do anything more now. If we want to act on the information that we receive under this Act, it will need further legislation. The Bill as it stands is a desirable measure and it will be ineffective, at least in our opinion, without this amendment being incorporated in it.

One point more, Sir. My Honourable friend, the Home Member, said that the citizens of certain Dominions, Canada and others, would have to be exempted. May I ask why? Is it because they belong to the British Empire? This reminds me of a comic picture postcard that I saw in that wonderful museum of modern goods called "Woolworth's" in London. The picture depicted a schoolmaster pointing out a map of the world to his class in which the British Empire was painted red, and asking the children, "why are these countries marked red", and one little boy answering, "because they are in ruddy soup, Sir". Well, I do not know what the British Dominions feel about it; but I think that Indians, at least my Honourable colleagues on this side of the House, feel that India is in "ruddy soup" because she belongs to the British Empire when she cannot help her nationals in the Dominions, which are part of the British Empire.

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

Mr. M. Ghiasuddin (Punjab: Landholders): Mr. President, I am thankful to my Honourable friend, Mrs. Subbarayan, for giving her personal experience in South Africa and other Colonies. It must have pained and aroused the conscience of the House, and she told us how helpless we are to help our nationals abroad. Sir, South Africans no doubt have been mis-treating our countrymen, but if we adopt this small amendment, can we retaliate properly? My point is that we cannot; our retaliation will not be sufficient enough; and if we cannot hit hard enough I think we should refrain from hitting until we have the power to hit hard. Is it any good hitting one by just touching him like that? That is not "hit" at all. At the outset I want to point out that none of us in the House has any sympathy for the Colonies where our nationals are not treated well. This has been said by all sections of the House, and no doubt we have absolutely no sympathy at all for such Colonies and we want to protect our nationals, but our Government has a power to make them register if they like, and if the Government do not use their power

properly, they will be failing in their duty. Anyway, if the present Government do not, I am sure the succeeding Government—which is coming I hope very soon—will and we are depriving the future Government of a power which they might use for the benefit of the friendly countries and friendly Colonies. (Interruption.) Now, Sir, take the case of a country bordering India, Nepal. Some of the countries are such that they have really become a part and parcel of our social and business life. Take Nepalese, for instance. They are Indians as much as anybody else. They are employed by a good many people as chaukidars and such like and if we want equity and justice, I think we should come with clean hands. On the one hand, we want that our nationals should go abroad and carry on their business and should not be hindered; on the other hand, we are trying to hinder people who should be very near and dear to us,—the Nepalese Indians who are our kith and kin. Now, coming nearer home, we come to the foreign possessions in India, people belonging to Goa and Pondicherry. I would remind the House that it is only a historical accident that these people are not considered Indians. Supposing, at one time, one of the British conquerors had taken it into his head to conquer Pondicherry or Goa. I suppose in that case my Honourable friend, Mr. Satyamurti's sympathy would have gone out to these people from Pondicherry or Goa, but I think Mr. Satyamurti's love is very much restricted in the sense that he first sees, the geography, then he reads the international law to determine the nationality of the person under the international law and after he has studied the geography and international law, national law and after he has studied the geography and international law, it is then and then alone that his sympathy goes out to him. It is like a girl. A girl who went to a man and said, "look here, I want to feel passionately in love with you but please let me see your bank book and examine it". Then she says, "let me have your health certificate signed by a properly qualified doctor". This he produces and then she says, "I am head over heels in love with you". My Honourable friend's love is regulated in the same way. After he has examined the books on International law and determined whether a person is Indian or not, according to the letter of the Law, then and then alone his sympathy goes out of him.

Sir, the Bill was brought forward by the Honourable the Home Member with a very different object. The object of the Bill was just to register the potential enemies. I cannot say that the people from Goa or the people from Afghanistan or the people from Nepal can come under that category. My point of view is a little broader than that of my Honourable friend, Mr. Satyamurti.

Mr. S. Satyamurti: I am glad.

Mr. M. Ghiasuddin: The Nepalese are Indians in every sense of the word. The object of the Bill was quite different. The Bill was brought forward, as I said, only with the object of registering those people who are likely to be potential enemies. I do not think the poor Goanese, who can be only our cooks, can be our potential enemies at any time. If British Indians go to Goa, they are not made to register their names. So why we should bring these laws against those poor people whom we really do not want to hit. Therefore, I oppose the amendment in the belief that when our Government comes, of which probably Mr. Satyamurti will be the Home Minister, he will use his power with great discretion.

Some Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in clause 6 of the Bill, the words 'or any class or description of foreigner' be omitted."

The motion was negatived.

Prof. N. G. Ranga: Sir, I move—

"That to clause 6 of the Bill, the following proviso be added: 'Provided that a copy of every such order shall be placed on the table of both Houses of Central Legislature as soon as may be after its promulgation'."

Sir, after having failed to get my other amendment passed, the case for this amendment of mine has been very much strengthened because the House has given rather too wide powers to Government to discriminate in favour of so many people, individuals, classes and descriptions of foreigners with the result that they can easily nullify the very objects of this particular Bill. But we must know in favour of which people Government make this discrimination. It may be said that all these orders will be published in the official Gazette. Sir, very few of us have an opportunity of seeing these Gazettes at all and we are particularly anxious, since the Members of this House and of the other House are expected to be interested . . .

The Honourable Sir Nripendra Sircar (Leader of the House): I think, Sir, it will shorten the discussion if I say that this amendment will be accepted by the Government.

Prof. N. G. Ranga: We are anxious that every order that is passed under this Bill should be placed on the table of the House. Sir, I am glad to learn that the Government is prepared to accept this amendment. Therefore, I move this amendment and trust that Government will, in the short time that is at their disposal while it remains an irresponsible Government, make as few exemptions as possible and give occasion to make as few orders as possible and will place them on the table of the House.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That to clause 6 of the Bill, the following proviso be added: 'Provided that a copy of every such order shall be placed on the table of both Houses of Central Legislature as soon as may be after its promulgation'."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 6, as amended, stand part of the Bill."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly; Non-Muhammadan Rural): Sir, I oppose this clause. I see that the Honourable the Home Member has successfully avoided the issue with all sorts of irrelevant considerations. But he did not point out that these are the days of

national registers, when not only foreigners but practically the population of entire countries are being registered for defence purposes. Even for purposes of defence, I want to know what is the meaning of registering only certain class of foreigners. If, for instance, Germany or Italy or Japan want to send their spies to this country, these spies will not be confined to the certain classes which are to be brought under registration by this Bill. They would certainly prefer Australian, South African or Canadian spies. Is the Honourable the Home Member prepared to say that he is going to register not only these people generally but every single South African or Canadian or other foreigners who are to act as spies on behalf of their countries? If they are to act as spies, what is the meaning of the registration of certain people when others are left out.

Then, Sir, there are people of mixed nationalities. You know people change their domicile from one country to another with almost the same speed as they get divorce. What happens to them? When once a man is registered as belonging to a particular nationality, if he changes his nationality, what happens? Will he be forced to register himself again? Will his original registration be cancelled? Where is the provision for all these new things. Sir, I think the Honourable the Home Member has tried to put two contradictory propositions before the House. He has tried to confuse the issue by saying on the one hand that registration is not retaliation and, on the other, that inclusion of Dominions will be retaliation. He has prejudiced this Bill. Otherwise, it would mean that he wanted to retaliate against the United States, against every other country with whom we are not enemies and with whom England hopes to be at peace for all times. Why should a man from the United States be registered? Or is he going to be exempt? I want a positive answer, be registered? Or is he going to be exempt? I want a positive answer, because, the Honourable Member said that under the most favoured nation treatment provisions he could not include the Japanese unless he includes Americans also in the category of foreigners. He cannot give the privilege of exemption to the United States citizen, if he cannot extend it to Japanese. Therefore, what is exactly the meaning of partial registration? Such a registration will be meaningless and it will be useless.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is now raising objection to the original clause. The Honourable Member must remember that the clause has been amended. He should speak to the clause as amended.

Mr. K. Santhanam: I find in the Statement of Objects and Reasons:

"In the majority of other countries both within and outside the British Commonwealth, foreign visitors and residents are required to report their presence and movements to specified authorities, and the Government of those countries are thereby possessed at all times of complete information as to the number and whereabouts of foreigners in their countries."

Is this registration already prevalent in the Dominions? I want to know whether in those countries Indians are exempted. Is there any such provision for exemption in those legislations and are Indians exempted? I want a positive answer to that. Is such a law as this for the registration of foreigners in existence in Canada, South Africa and in other Dominions and have they got exemption clauses and do Indians get exemption under those clauses. That is a very relevant matter and I

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want a positive answer for this. Under those laws, there are no exemptions. If there are no such exemptions in those countries, I say it is foolish on our part to allow such exemptions.

Sir, much has been made about Indians in other places. Supposing foreign domiciled Indians come here and they are asked to register themselves, it will be a matter of protection. Registration may be used for the purpose of retaliation or for the purpose of positive assistance. In the case of Indians we shall use it for positive assistance and in the case of others it may be a basis for retaliatory action. Such registration is neither good nor bad in itself. I, therefore, suggest that this clause should be deleted. Sir, I oppose this clause.

Mr. M. Ananthasayanam Ayyangar: Sir, I also rise to oppose this clause.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow the Honourable Member to repeat the objections to the original clause. This has really been fully debated before the House. The question now before the House is:

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

Mr. M. Ananthasayanam Ayyangar: I am speaking on the amended clause.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member's contention is that the clause, as amended, is objectionable, then he is entitled to argue the whole matter.

Mr. M. Ananthasayanam Ayyangar: I submit, Sir, the clause as amended is objectionable.

Mr. S. Satyamurti: I may point out, Sir, that the only amendment to this clause which has been accepted by the Government is that the orders passed by the Government should be placed on the table of the House. The main clause stands as it was originally introduced in the Bill. I therefore submit that the House is entitled to discuss the clause as amended.

Mr. President (The Honourable Sir Abdur Rahim): This is the amendment that has been carried. As a matter of fact, the original clause, the Chair takes it, has been discussed all this time.

Mr. S. Satyamurti: No, Sir, only one amendment was discussed. The clause as such was not discussed at all.

Mr. President (The Honourable Sir Abdur Rahim): Surely when the first amendment was discussed, Honourable Members discussed what are the objections to the clause.

Mr. S. Satyamurti: No, Sir, we did not discuss the clause.

Mr. M. Ananthasayanam Ayyangar: I shall try to be perfectly relevant. Sir, whatever might be the restrictive measures adopted in the Dominions, I find that even in the parent Act of which the present one is a copy, the Aliens Restriction Act, 1914—the British Act—it does not confer this power of exemption at all. In the British Act, the executive authority is not empowered to exempt any class of persons or any individual from any portion of the Act. Therefore, when, in a self-governing country, the Legislature has not thought it proper to give their own nominees, who are the Ministers, the power to exempt even in case of emergency, I wonder how this Legislature can delegate those powers to this irresponsible Government. This Government is not responsible to the Legislature. This is the vital issue. I need not go to any of the Dominions to find out if there are Acts or Regulations for clothing the executive with the power of exemption as regards any section of Indians are concerned and as to whether as a matter of fact any Indians are exempted or not. This is not necessary. The parent Act itself does not give this power. Therefore, there is a vital objection to clothing the executive with the power of exemption under this clause.

The second point which I wish to refer to is this: so far, exemptions given to the executive authority under the various Acts now in force have been abused. I would only refer to the Indian Income-tax (Amendment) Act. Under the powers vested in the Government, they exempted leave salaries, pensions, interest accruing in England, and so on, there are nearly 50 exemptions under section 49, until we discovered it during the last Session when the amending Bill was under consideration. The Honourable the Finance Member agreed to the removal of some of these exemptions. I can easily multiply instances where the executive, armed with the power of exemption, have always abused those powers and made the wholesome provisions of the particular Act into a nullity. So far as this Bill is concerned, there is no need to clothe the executive with the power to exempt any persons from the provisions of this Act. If exemption is given, then the whole Act will become nugatory and the Act will become a dead letter. There is no precedent for it. Even apart from the precedents, so far as the antecedents of the Government are concerned, their action in relation to similar matters has always been in the nature of abuse of the powers concentrated in their hands. On both these grounds, I oppose this clause.

Prof. N. G. Ranga: Sir, I rise to oppose this clause and in doing so I wish to place one consideration before the House. My Honourable friend, Sir Syed Raza Ali, expressed his great concern about the fate of those who have won foreign citizenship and yet might come over to this country. He was afraid that if this clause is not passed, those people would come to be considered as foreigners and, therefore, would be obliged to register themselves. Sir, he does not seem to have realised the advantage for those people themselves of getting themselves registered and thus enabling the Government to know exactly what happens to them, where they are and what they are doing while they are in this country. Sir, if these Agents in South Africa do not achieve anything else,—I am afraid they have achieved very little,—they have achieved at least one thing, that is to carry on propaganda amongst our Indians in favour of repatriation and persuading them to come back to their own country.

Sir Syed Raza Ali: Sir, I strongly protest against this personal insinuation. I protest against these remarks. An Agent-General who does that would be a traitor to his country. I must strongly protest against this.

Prof. N. G. Ranga: I never made any personal remarks, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understood the Honourable Member to allude to Sir Syed Raza Ali and what the Agents-General do in South Africa.

Prof. N. G. Ranga: I never referred to Agents-General. I referred to Agents.

Sir Syed Raza Ali: The Honourable Member did refer to the Agents being engaged in the task of persuading people to accept repatriation to India. That is a libellous statement.

Prof. N. G. Ranga: It is neither a libel nor a personal remark in regard to my Honourable friend and he need not have troubled himself or this House with that interruption.

Mr. President (The Honourable Sir Abdur Rahim): Did not the Honourable Member say that whoever did that was a traitor to his country?

Prof. N. G. Ranga: I never said that. To the extent that any of the Agents had done it, his description will apply to him. But I know one thing anyhow . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair would ask the Honourable Member to withdraw that remark.

Prof. N. G. Ranga: What have I said that I must withdraw?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member first said that Agents have been persuading people in South Africa to repatriate themselves and that the Agent who did that was a traitor to his country.

Several Honourable Members: Sir Raza Ali said that.

Prof. N. G. Ranga: I never said that; that fell from the lips of my Honourable friend, and not from mine.

Mr. President (The Honourable Sir Abdur Rahim): Very well, but if the Chair finds that word was used by the Honourable Member, the Chair would see that it is deleted.

Prof. N. G. Ranga: One thing stands to the credit of our Agents General there. One thing anyhow has happened after they had gone there and that is the repatriation of a large number of people to this country.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands): Sir, I should like to intervene for one minute. I think my

Honourable friend said that Agents General or Agents had been actually engaged in inducing Indians to repatriate to this country. That, Sir, is without any foundation.

Prof. N. G. Ranga: Very well, But I am perfectly certain of one thing and I am quite correct in saying that after these people have gone there one thing has happened and that is the repatriation of a large number of people from South Africa to this country. As far as these people are concerned we put questions as to their welfare to the very same Honourable Member who has volunteered this very useful correction, and he had said that he did not know what was happening to all these repatriates once they had come back and settled down here; and he could not give us any information. It would be impossible for him to give any further information, in future, if this clause were to be passed and no action is taken by this Government to see that these people are registered here in this country and, thereby, enabling themselves to know what happens to these people. I know that in Madras there are hundreds and thousands of these repatriates who are suffering very bitterly in an entirely different atmosphere and who are not getting employment and so on. We want to know what is happening to them. Can my Honourable friend, Sir Raza Ali, volunteer any information as to what is happening to them? He has come back here from South Africa and now . . .

Sir Syed Raza Ali: Sir, on a point of order. Is the Honourable Member within his rights in going into the question of repatriation on a consideration of clause 6 as it stands?

Prof. N. G. Ranga: Sir, my Honourable friend, Sir Syed Raza Ali, himself referred to those people who come back to this country after having obtained the citizenship of any other country and he deplored the fact they would have to be treated here as foreigners. I am answering him on that particular point and I am trying to convince him that this particular clause should go and their registration in this country as foreigners is useful in the interests of those very people for whom he has so much sympathy.

Sir Syed Raza Ali: The question does not arise.

Prof. N. G. Ranga: It does arise and I am strongly opposed to this clause as a whole. I want that this Government should not be given any opportunity whatsoever to distinguish between all sorts of people, between classes and descriptions of people and individuals and so on. My Honourable friend Sir Raza Ali, was indignant when I said that individuals can be exempted; I suppose he wants that persons should be exempted, men and women should be exempted and, as my Honourable friend, Mrs. Subbarayan, said, inanimate things also should be exempted.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go on repeating all that.

Prof. N. G. Ranga: But, Sir, I am perfectly satisfied about one thing and that is that as long as this Government sits there, on that side, this House cannot be a party to the passing of this clause which gives such

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wide powers to them. We have absolutely no faith whatever in this irresponsible Government. My Honourable friend may think that very soon there is going to be responsible Government. All that he and those people of his way of thinking are doing is to prevent the early advent of real and complete independence for this country. Therefore, until complete independence is established in this country we shall be no party.....

Mr. M. Ghiasuddin: Sir, on a point of order, the Honourable Member has attacked our Party and myself personally for which there is absolutely no justification and it does not come within clause 6 which is under discussion.

Prof. N. G. Ranga: That is not a point of order. Sir, as long as this Government continue, we shall see that this clause is not passed. When the proper time comes it will be possible for our own national Government overnight to amend this law and make any necessary additional law in order to protect our nationals abroad and also protect ourselves from all sorts of foreigners in this country. And, Sir, when we get this power I give early notice to my Honourable friend, Sir Reginald Maxwell, himself that he will be registered and all his people will have to be registered.

The Honourable Sir Reginald Maxwell: Sir, this clause has been under discussion most of the afternoon and I do not intend to go over the ground again, but there were two specific questions which were raised by Honourable Members on the other side and those I wish to answer. My Honourable friend, Mr. Ayyangar, questioned whether the British Act gives similar power to Government to exempt. The substantive provision of the Aliens Restriction Act of 1914 reads:

"Any provision of any Order in Council made under this section with respect to aliens may relate either to aliens in general or to any class or description of aliens."

And the Order in Council, that is, the Aliens' Order which is the operative set of rules contains this Article:

"14. The Secretary of State may direct that any person or class of persons shall be exempt either unconditionally or subject to such rules as the Secretary of State may impose from all or any of the provisions of this Order."

Therefore an exactly corresponding provision exists both in the Aliens' Restriction Act and in the Order framed under it.

The other question which I have to answer is that raised by my Honourable friend, Mr. Santhanam, who asked whether Indians had to register themselves in any of the Dominions. My answer is that Indians have to register themselves only in the Transvaal. This, among all the Dominions, is the only place where Indians are required to register, and there the requirement is based on an old Act which applies to all Asiatics; but elsewhere, in the Dominions Indians have not got to register themselves at all, and even temporary visitors are not required to register themselves: so that, there is no parallel in the Dominions which justifies the imposition of registration on all the Indian residents of the Dominions who may wish to visit India.

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

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clauses 7 and 8 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Reginald Maxwell: Sir, I move:

"That the Bill, as amended, be passed."

Mr. M. Ananthasayanam Ayyangar: Sir, I rise on a point of order. The Bill has been amended and the third reading ought not to go on to-day.

Mr. President (The Honourable Sir Abdur Rahim): Is it an absolute rule?

Mr. M. Ananthasayanam Ayyangar: Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim): No. The Chair has got a discretion and it thinks it is a proper case to exercise its discretion. The motion is now before the House for discussion.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, in my part of the country, if a man, after hearing the whole story of the Ramayan, says "Whose father was Sita?", he becomes the butt of ridicule. I find myself in a similar position this afternoon; and I must confess that I do not understand this Bill at all. Two things stand out prominently in my memory from all the discussions that we have had during the last two days: one is that my Honourable friend, Sir Syed Raza Ali, has the capacity, after he is dead, to say "I am dead", so that the sweetheart may go elsewhere. I do not know how a dead man can be sufficiently alive to say that he is dead. The other thing is that he was wondering what sort of speeches the Congress Benches were capable of giving. He talked of orations and of harangues; but he forgot that the Congress Benches at times are also capable of delivering curtain lectures.

As my mind is constituted, I do not see any purpose in the registration of foreigners at all. So far as I can see, all foreigners are our friends: in any case no foreigners are our enemies. Whatever the language of the law may be, the Government is always capable of twisting its meaning to fulfil its own nefarious purposes. We can take the example of the passport laws. Passports that are meant to help the nationals of our country, while travelling abroad, are used against our own people. I am most inclined to think that this is not a Foreigners Registration Act as much as a Foreigners Harassment Act. We suffer very much when we are travelling abroad ourselves and I do not think we should after our experience make foreigners suffer similarly in our country. When we know what it is to have our footsteps dogged when we are travelling, we should protect others from a similar experience in our own country. We should

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always be able to distinguish between a government and a people. Foreign Governments may be inimical to our Government: but the people of those countries may be friend to us: and this law will apply to the people of other countries, not to the governments of those countries. In fact, the officers and representatives of Foreign Governments are specifically excluded from the operation of this Act. It is only when individual foreigners come into our country that they will require to be registered. Now, we may have our grouse against the German or the Italian Governments for what they are doing in the world today; but we certainly have no grouse against the German or the Italian people as such who may be wanting to come into our country. The persons who really need to be registered are the persons who are exempted from all registration, namely, those who come from England itself to rule over us. They will not be registered; they will not suffer from any disadvantages that this law wants to lay on the people of other lands.

The fact of the matter is that we are foreigners in our own country, and it does not really matter to us if other foreigners come in our country. It may be that the foreigners may be really friends of the people and we might need them. Though the Government say that the purpose of the Bill is a social one, namely, to be able to inform the relatives of travellers in India as to their welfare, the fact is that they want this registration for nefarious purposes and the law is bound to be used against ourselves. I was rather amused to read in the Statement of Objects and Reasons that Government are anxious to have this registration of foreigners so that they may be able to give full answers to our questions in the Assembly. For five years we have had experience of the anxiety of Government to give full answers to our questions, and I am not sure whether, when this law is passed, the Government will be over-anxious to lay before the House every possible information that we require and they possess. I am almost certain the plea will then be put forward that it would not be in the public interest to give the information that we want, and then it will not be possible for us to show to the then Home Member the Statement of Objects and Reasons attached to this Bill.

I was saying, Sir, that we are foreigners in our own country, and, therefore, we need registration ourselves. The other day, Sir, an incident was pointed out to the House, where a gentleman, who was travelling in a *dhoti* in a first class compartment, was actually prosecuted for not being properly dressed. His own costume made him a foreigner in his own country. I do not know if any European lady with dangerously short skirts has been prosecuted for being indecently clad while travelling in a railway carriage; they are not even prohibited from attending the galleries of this House.

Sir, as stated in the Objects and Reasons of this Bill, the present law on the subject enables Government to use its powers of registration, etc., in emergencies, and we know that at the time of the great European War friendly Germans, scholars like Dr. Schrader of Madras, were interned for long periods, simply because they were Germans. They were innocent scholarly persons, in every way friendly to us; still, because they were Germans they had to suffer. Now, Sir, I think that such restrictions would be against our own interest.

My friend, Mr. Bajoria, referred to maps of India with which he said he was very familiar, but if he will consult succeeding maps of India, he will find a variety of boundaries. At one time he will find that what is present Afghanistan belonged to India, and what is the extreme south of India where one of his great shrines is situated, was outside the then country of India. Therefore, we have to start somewhere, and we cannot refer either to history or geography.....

Babu Baijnath Bajoria: Which dictionary or geography are you referring to?

Mr. Sri Prakasa: Dictionary which you can purchase for 5½ annas from Sir Raza Ali, the price of a *Go-dan*—gift of a cow! Sir, my Honourable friend opposite referred,—I won't say impertinently,—quite pertinently, to something written by Mahatma Gandhi.....

Mr. President (The Honourable Sir Abdur Rahim): This is the third reading of the Bill. He must remember that there are other Honourable Members who also might wish to speak on this.

Mr. Sri Prakasa: I am speaking for the first time, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to what is relevant to the Bill.

Mr. Sri Prakasa: Well, Sir, I shall now close, because other friends are also anxious to speak, with just two questions to the Honourable the Home Member, so that he may be able to answer these when he finally replies to the debate, if at all. I should like to ask him what will be the exact position of persons from Eire,—Southern Ireland, who are in the service of the Government of India? Will they be registered or will they not? I should also like to know what will be the status under the law of the wives of those of my countrymen who have chosen them abroad? These two tantalising questions have to be answered before I shall be able to understand what this Bill means in all its implications.

Mr. M. Thirumala Rao (East Godavari and West Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, this is said to be a defence measure in continuation of the Army Recruitment and Naval Bills. India is a land of gratitude. We are grateful, Sir, for small mercies, and the Government expect to win our gratitude by taking this House into confidence on a measure like this. The Honourable the Defence Secretary has continuously refused to divulge his plans of defence for the country, but the Honourable the Home Member comes forward before this House with a measure which, he said, is in the interests of India in order to ward off an imminent danger that is lurking in the horizon. Well, Sir, whatever the helpless condition to which we are reduced with regard to the defence of this country, I believe that our Party is supporting this measure with a view to get as much usefulness out of it with regard to registration of all foreigners. Now, about the definition that has been accepted by the amendment of my friend, Mr. Ayyangar, I feel that it is not sufficient. Even if you include British subjects as foreigners, I believe it is not against the provisions of the Government of India Act. Our experience with even the Britishers in this country is not very different from that of the Colonials who have been coming here and sojourning. For instance, Colonel Muirhead, who came to

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India not as Under Secretary of State, who came here on an informal visit to study the conditions in this country first hand, and who has seen a good deal of the country, has utilised a statement which was made to him in some private conversation by an official, and made a speech in England in which he has said that Hindus and Muslims are always quarrelling and the political situation is worsening here. It is to the interest of the Under Secretary of State or Secretary of State or the powers that be to always keep the two communities apart, and they can very well make capital out of these things. Therefore, I want to see that every foreigner or Britisher or anybody who is not a British Indian is registered as soon as he lands here. We have got a sorry experience of Miss Mayo who went about as the guest of the Government of India, lunching and feasting at the cost of Indian taxpayer, and in the end publishing a book which has scandalised our countrymen. She has been properly named as the gutter inspector by Mahatma Gandhi.

Then, Sir, whenever you put a question about the extent of foreign capital in this country of foreign business interests that have been exploiting this country, Government have come out with the answer that the time and expense involved in collecting the information is incommensurate with the results. They do not know how many people have come here, they do not know how many Germans or Swiss people or Russians or other foreigners there are in this country trading in various capacities. If you see the Bata Factory in Calcutta or the Ford Motor Car Company, the Chevrolet, or the firm of Chryslers, the Texas Oil Company, the Swedish match factories and various other concerns, you will find that all of them have come to this country without let or hindrance. We do not have even a register in which we could find the names of all these people who are exploiting this country.

I should like to narrate my personal experience which I had with some one connected with the Havaro Trading Company. It is believed to be a firm doing German propaganda in this country. I recollect an interesting incident when I met a smart young Indian well dressed speaking two or three European and Indian languages. I met a young man in Bombay dining at the same table with me in a hotel. He wanted to get into touch with me. Somehow he knew that I was a Member of the Legislative Assembly, and he began to talk to me all about international politics. I asked him where he was employed, and he said he went and interviewed the manager of the Havaro Trading Company and got a job for the mere asking on Rs. 800 a month. Afterwards, I came to know that he is in the pay of the Germans, and he is their propagandist. I believe there are several others who are carrying on similar propaganda. Sir, India has been a field for political propaganda for Russia, Japan, Germany or Italy, because they feel that when their international situation is getting critical they can weaken the British power here by sowing the seeds of discontent and disunion among Indians. We have not got any idea as to how much money is being spent and for what purpose, from abroad, in this country. The Government have replied to several questions put on the floor of the House that they are aware that money is being spent here, but they are not able to give details of it. It may be that those details are in the books of the C. I. D., but they do not want to share that information with the House.

Coming to the lot of Indians abroad, my Honourable friend, Sir Syed Raza Ali, has, with all the weight of his ex-Agent Generalship in South

Africa, been a power for reactionary ideas in this House than progressive: I am sorry to say, and the limited powers that this Bill gives to the Government of India would have been liberalised. It is not in the interests of the South African Indians themselves, he says, to curtail any of these reactionary measures that have been taken by the Government of India. I should like to read a small passage from the opinion of a Knight no less loyal and no less distinguished than himself, I mean Sir Purshotamdas Thakurdas, who has been and is still the President of the Imperial Indian Citizenship Association. In a statement recently published on behalf of the Association, that estimable Knight said:

"It is an insult to India which no self-respecting Indian can tolerate. The Government of India can be said to have failed miserably to do their duty by their nationals abroad. They have let down Indians in Kenya even as they deserted Indians in Zanzibar, when their legitimate rights were assailed by Colonial Office. The Government of India by their deplorable lack of sympathy, masterly inaction and complacency appear to Indians abroad to be entirely responsible for this degrading status to which they are being reduced at every opportunity. Fiji, Ceylon, Malaya, Burma, British Guiana, South Africa, East Africa—within and without the British Commonwealth—everywhere it is the same deplorable tale. Is it proper, just or right that non-British subjects should be given preference over Indians in Kenya?"

Then, he says:

"The Jews of the world would appear to be better placed as compared to poor Indians abroad."

After all, what is the power we are now taking in this Bill? It is merely a Bill to register every foreigner who comes to this country, nothing more than that. The Government have come now with this Bill because of their past experience during the last war when they had to liquidate all the German settlers and send them abroad. It took them a long time to find out the whereabouts of the Germans settled in India. Therefore, they have come now with this Bill. I come now to the last point.

A large number of people that come to India from the trans border are Afghans. According to the census report, there are about 80,000 Afghans in India going about like nomads throughout the country, and there is not the remotest corner of India where they are not found. In unknown obscure villages, these Afghan moneylenders are there, and the Central Banking Enquiry Committee have taken into consideration the vast amount of money they have sunk in the villages by lending them at exorbitant and usurious rates of interest, and they have said that these moneylenders should be eliminated. The sooner they are eliminated the better for the poor Indian ryot. If you go to the mill areas on the day when the labourers receive their wages, these people sit there and recover the interest on the amount lent to these labourers. They charge interest at the rate of one rupee per ten rupees and have been harassing these people like anything and there is no control over their activities. We are aware of the riots that took place in Bombay. They were the hirelings of a certain section of the people.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not roam over such a wide field.

Mr. M. Thirumala Rao: I have said that I have come to the last point. They should be brought into the register. However limited the Bill may be in its present scope, I submit that this Government should utilise it in the best interests of the country, and in that hope we are supporting this measure.

Some Honourable Members: Let the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill, as amended, be passed."

The motion was adopted.

THE EMPLOYMENT OF CHILDREN (AMENDMENT) BILL.

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

"That the amendments made by the Council of State in the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

The definition of workshop in clause 2 of the Bill has been altered in the Council of State to carry out more clearly the intention of the Honourable Member who moved an amendment here to the clause as it stood in the Bill as introduced in this House. It was felt that there was some danger that as a result of that amendment there might be some overlapping with regard to the definition of factories to which this clause was intended to apply. That has now been set right in the Council of State. The second proviso to clause 3 which was added in the Assembly has been incorporated in a single proviso in the Council of State for drafting purposes. There is no change of substance in that respect. (Sir, I move.)

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

"That the amendments made by the Council of State in the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I want to ask only one question of the Honourable Member. The proviso says:

"With the aid of his family only and without employing hired labour"

There was a doubt about this even when the Bill was being discussed. What happens when a man employs relations or dependants who may not come strictly under the term family? They may not come under the term hired labour, and what will be the position? Suppose there is a family and there are poor relations who are dependant on that family, and they work in this process. Will they come under the term factory or not? As it was, there was some doubt even then, and I thought the Honourable Member would have taken the opportunity of rectifying it in the other House. If a family utilises the service of dependants who may not come within the term family strictly,—whether they will come under this or not? The words, *vis.*, "with the aid of his family only and without employing hired labour" makes it confusing. They will come neither under the first nor under the second. Therefore, what is the position in such cases?

The Honourable Sir Muhammad Zafrullah Khan: I can only express an opinion; it is for the courts to construe the provision. I should imagine that, as the term family has not been defined and the second limitation sought to be imposed is that people who are helping the head of the family in carrying out the work should not be hired labourers, I think the meaning is pretty clear. I do not know whether it would be necessarily held that family means only wife and children. I should imagine the word family in that context could be construed as a fairly wide expression to include those

the Honourable Member has in mind, that is to say, people living together as members of one family who are not hired as labourers.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): I sincerely hope that when the time comes the Courts will certainly construe that only the actual members of any particular family should be considered as forming part of the family and not all those so-called relatives who may be taken in just to evade the provisions of this particular Act. I am not at all happy even at this kind of proviso that is put in here. I have had occasion to tour, rather extensively, in Southern India when I was conducting cottage industries and village economic surveys on behalf of the Madras Government, and also when I was visiting the industrial areas, especially cottage industries when I had to prepare for my thesis for Oxford University. I visited thousands of cottages of handloom weavers and I was pained to see that parents were just as hard and bad taskmasters of their children as the ordinary employers themselves. In many cases, the parents were even worse. So far as the employers are concerned, there is this safeguard. They are afraid that the parents of the children might object to the children being beaten or being hardworked. But parents need not be afraid of anybody except their own heart or conscience and when it comes to poverty and misery and suffering, parents, only too often, forget their own responsibility to their own children and treat them badly if they do not work as hard or as efficiently as the parents desire.

Now that that exemption has anyhow been made, I am extremely anxious that this exemption should not be extended. Now, Sir, when these relatives' children go there and work, let it not be understood that they work freely. No. They are paid, whether in kind or in cash and the courts will have to construe all such people as hired labourers. Then, the schools will have to be exempted. It is my fault not to have been present when this thing was being discussed originally in the House. I have sent when this thing was being discussed by Provincial Governments but which known schools which are recognised by Provincial Governments but which yet continue to exploit children in the various vocational things. I need not mention any particular institution but I have known cases where students, when they did not work to the satisfaction of their employers, were beaten or punished very badly and treated very shabbily. That is why I do not feel happy that this sort of sweeping exemption is given: I can understand the force of the argument advanced that institutions which are recognised by Provincial Governments or educational institutions under the Wardha scheme or any other scheme should be exempted. But this thing goes far beyond that. There are several so-called vocational schools which are being run by various organisations which do not have sufficient funds at their disposal and which try to exploit the labour of their students and all such institutions will try to get exemption. It may be said that there is a saving grace—*i.e.*, receiving assistance or recognition from the Provincial Government. The Provincial Government, after all is expected to be very careful about giving recognition and, therefore, we can trust them. I cannot think for the simple reason that the mere recognition from a Provincial Government is a guarantee as to the manner in which the children are treated. It is only concerned about the particular vocation taught and what standard of teaching is adopted and once the Provincial Government is satisfied about that, they give recognition. This will mean that, hereafter, Provincial Governments will have to get all these workshops where students are being employed

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examined not only by educational experts but also by the local factory inspectors. Now, there are students in these schools below twelve years of age. How can we expect the Provincial Governments to discharge this particular function? Yet, the House in its wisdom has made this exemption. I can only voice my dissent from the principle underlying this and the wide scope that is given for escaping from the rigours of this particular Bill and I wish to state that at the earliest possible opportunity Government should see to it that this particular mischief is prevented by bringing forward a suitable amendment to this particular Bill. I extend my general support to the Bill as amended.

Mr. N. M. Joshi (Nominated Non-Official): I have great pleasure in supporting what my friend, Prof. Ranga, has stated. It is because some parents make use of the labour of their children for their own benefit that the Legislature passed legislation preventing the pledging of child labour. I, therefore, feel that this provision exempting places where only members of the family work is an unhappy one. I do not know why such industries where the whole family works should be permitted to make use of child labour, if others are not to make use of child labour. However the Legislature has passed this clause and I myself proposed no amendment to it. I have my own doubt which I expressed on the last occasion about exempting schools. Unfortunately, the Congress Party considered this as a matter of sentiment. Mahatma Gandhi has proposed a scheme for self-supporting education and I have my own doubts that these schools will be used for exploiting child labour. If the schools have to be self-supporting by the labour of children, then, certainly, there is a great temptation for the managers of schools to exploit child labour. As I said, the Congress Party made this a matter of sentiment. They are not prepared to look into the merits of this question. Moreover, the Bill does not make clear whether the exemption given is to child labour consisting of the students or the schools which have got workshops and use children not as students but as ordinary workers in the workshop of the school will also be exempted. It is quite possible that some of these schools, besides making pupils work, may also use other children who are not pupils to make the workshops self-supporting. I, therefore, feel that both these provisions are unhappy and the Legislature should never have allowed them. However, I did not move any amendments. I do not propose to oppose this change made by the Council of State.

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

"That the amendments made by the Council of State in the Bill to amend the Employment of Children Act, 1938, be taken into consideration."

The motion was adopted.

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

"That the following amendment made by the Council of State in proposed clause (d) in clause 2 be agreed to:

"In clause 2, in proposed clause (d), for the words and figures 'not being a factory to which the Factories Act, 1934, applies or to which the provisions of section 5 of that Act are for the time being applicable the following was substituted, namely:

"but does not include any premises to which the provisions of section 50 of the Factories Act, 1934 for the time being apply'."

The motion was adopted.

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

"That the following amendment made by the Council of State in clause 3 be agreed to:

"In clause 3, for the provisos to the proposed sub-section (3) the following was substituted, namely:

"Provided that nothing in this sub-section shall apply to any workshop where in any process is carried on by the occupier with the aid of his family only and without employing hired labour or to any school established by, or receiving assistance or recognition from, a Provincial Government'."

The motion was adopted.

THE COAL MINES (STOWING) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion moved by the Honourable Sir Muhammad Zafrullah Khan on Monday, the 27th February, 1939, namely:

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

Mr. Brojendra Narayan Chaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, the House will remember that, on the last occasion, when the House rose, I was reading out section 19 of the Act of 1923 which was enacted for the purpose of securing safety in mines. I hope Honourable Members will remember that the wording of the clause is so very wide that it empowers the inspector to order the colliery to do anything or to take any measures in respect of his property as he thinks necessary. Indeed, Sir, I cannot but admire the capacity of the English language to provide expressions and also the ingenuity of the draftsman of that section, because, if strictly construed, this section empowers the inspector to order the colliery to do anything under the sun.

Now, Honourable Members will naturally wonder why, in spite of this, there have been more and more fatal accidents recently in our coal mines. Indeed, when we look at page 38 of the Coal Committee's report, we will find that the recent figures of fatal accidents are staggering. The list of accidents given is for 1934, 1935 and 1936. It mentions eight cases. These are the major accidents, out of which, on scrutiny, I find that seven of these collieries are those of managing agents that are well-known and reputed European firms of Calcutta, who have long been in the trade, and who are the big brothers of the trade, and, as regards all the rest, two are Indians, and one of them, I am informed, has recently closed. The strangest thing was this that in regard to the accidents, where the largest number of deaths occurred, that is, 62 killed in 1935, the House will be astounded to hear that this colliery belongs to the Railway Board. Now, I can understand the unwillingness of the inspector of mines to order the colliery to stop the working of certain pillars or to go into very heavy expense, because, after all, the inspector is a human being. It might be that the colliery might be put to a loss, and you may have to take the colliery at its word, but I do not understand why the same consideration should apply to the railway mines. Here there is no question of the margin of profits as in the case of coal-mining. In the case of the railway collieries, no question of profit comes in. So, Sir, the main argument which has been brought forward in support of this Bill in the matter of

[Mr. Brojendra Narayan Chaudhury.]

the maintenance of stowing at their cost, viz., that profits will vary will at any rate not apply to the railway collieries, and that gives us the real clue.

The charge was brought forward the other day that the inspectors do not always take action, and I have good evidence in support of that. I would refer Honourable Members to page 215 of the Coal Committee's Report. There you will find it stated:

"Under the present system, evasion and breaking of regulations are a permanent feature."

I find, Sir, that my Honourable friend, the Secretary for Education, Health and Lands, smiles. I believe that I mentioned to the House the other day that in the Simla Session I put certain supplementary questions suspecting the efficiency and the strictness displayed by the inspectors. I was informed from the Government side that Government had no reason to doubt that the inspectors were not doing their duty. But the foregoing extract, which I have read out from the Coal Committee's Report will show that this is not so. Sir, it is no use making laws here unless you are sure that the inspectors will strictly enforce them. Even now, it is not proper for us to introduce a new taxation like a cess which is proposed to be levied if charity and laxity is going to be shown to the rich collieries out of that fund. The only thing that we require is to enact now sub-clause (3) of clause 9, which says:

"Without prejudice to the provisions of section 19 of the Indian Mines Act, 1923, the Chief Inspector or any Inspector may, by order in writing addressed to the owner, agent or manager of a coal mine, require him to take such protective measures, including stowing, in the mine as the Chief Inspector or the Inspector may think necessary. . . ."

Now, its effect is only to interpret section 19 of the old Act by saying that the inspector has the power to order stowing. I think, Sir, if stowing is considered from the engineering point of view to be practical and to be making for safety, then only the section will serve the purpose we have in view.

Now, Sir, the question has been raised that if any Inspector orders stowing, there will be trouble on account of pillars. Besides, the cost of stowing will be so high that not only the concerns will have to close their business, but they will be put to a serious loss. I am not quite sure how many concerns will be in that predicament. At any rate, the Honourable Member ought to satisfy us on that point. It is the crucial argument upon which the provision for the levy of a cess and the assistance to be given out of it hinges. The Honourable Member simply makes a statement to the effect that many mines will have to be closed. But he has given to the House no facts and figures. But my reading of the situation is that I doubt very much the statement that many mines are really so badly off that they cannot afford the cost of stowing. Those Honourable Members who have read the report know that so far as these mines are concerned, the European agents were the first in the field and they were able to get very valuable mineral properties from the zamindars on ridiculous terms and they have been making abnormal profits. Dr. Sir Ziauddin Ahmad gave the figures the other day which showed that they had been paying as much as 15 to 20 per cent. These people had been making these high profits for the last 30 years from these valuable mines. Now,

they find that the mines are exhausted in the sense that they have got only certain pillars which have got to be kept intact. Now, Sir, the nature of this business is such that you cannot have standard profits for all time. After all, minerals are not an inexhaustive thing and a day must come when these concerns will have to close down because of the natural process. To test the correctness of their statement that they are sincere, I will ask the Government to make a law that after the individual owner has been ordered to stow the mines and he is not in a position to do that, the property will be leased by Government by a public auction

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech on the next day.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Next week, Sir, the House will first proceed with the current agenda down to the end of item 6 therein. Motions will then be made to consider and pass the three Tariff Bills introduced today,—the Bill relating to Paper and other articles being taken first, the Bill relating to Sugar second, and the Bill arising out of the Trade Agreement third. The House will then return to the remaining items in the current agenda, to which will be added motions for the consideration and passing of the Chittagong Port Amendment Bill.

I should add that, if any essential items of business remain undisposed of by Thursday next, we shall be under the necessity of asking you to direct the House to sit for the transaction of official business for so many working days from Friday, the 14th April, as may be necessary to complete those items. No meeting is suggested on Thursday, the 13th April, which is a gazetted holiday for the Baisakhi.

The Assembly then adjourned till Eleven of the Clock on Monday, the 3rd April, 1939.

LEGISLATIVE ASSEMBLY.

Monday, 3rd April, 1939.

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.

The Honourable Mr. A. G. Clow, C.S.I., C.I.E. (Member for Railways and Communications); and

Mr. J. S. Hardman, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

CO-ORDINATION OF LABOUR LEGISLATION THROUGHOUT INDIA.

1457. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Labour Member state:

- (a) whether Government have finished consideration of the matter of co-ordination of labour legislation throughout India;
- (b) if so, whether they have consulted the Provincial Governments concerned; and
- (c) if so, whether they propose introducing legislation in the near future?

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

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

Mr. T. S. Avinashilingam Chettiar: I understood the Honourable Member to say that Government have under consideration the question of co-ordination of labour legislation throughout the province. May I know whether the Government of India are consulting the Provincial Governments while they are considering this question?

The Honourable Sir Muhammad Zafrullah Khan: I have explained before at what stage the matter is; it has not yet been concluded.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have not yet come to the conclusion whether this co-ordination is to be done or not?

The Honourable Sir Muhammad Zafrullah Khan: If they had come to the conclusion that co-ordination could not take place, they would not have gone on with the consideration of the matter.

(b) Has the Controller of Stationery received definite instructions to reject requisitions for other typewriters on the approved list, or is he using his own discretion?

(c) How many Underwood and Royal typewriters were purchased by the Government of India in the years 1936, 1937 and 1938?

(d) Are these typewriters still on the approved list?

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

(b) In pursuance of the policy of encouraging a firm which undertakes even partial manufacture in India as against one which does not, preference has been given to Remington typewriters; but the question is being re-examined.

(c) One Royal typewriter in 1936, one Underwood typewriter in 1937 and nil in 1938.

(d) Yes.

Mr. T. S. Avinashlingam Chettiar: What is the assembling work that is done in Calcutta?

The Honourable Sir Muhammad Zafrullah Khan: They do a certain amount of assembling of parts in their factory.

MANUFACTURE OF TYPEWRITERS IN INDIA.

1461. ***Mr. Abdul Qaiyum:** (a) Will the Honourable Member for Labour be pleased to state whether Government have consulted expert opinion as regards the feasibility of starting a genuine industry for the manufacture of typewriters in India?

(b) How much capital would be required for this?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are advised that it is not possible at present to manufacture all typewriter parts in India.

(b) I am unable to give an estimate.

Mr. Abdul Qaiyum: Have Government made any enquiry on the subject, and are they prepared to publish the result of that enquiry?

The Honourable Sir Muhammad Zafrullah Khan: The last enquiry made was after the receipt of the Honourable Member's question and it is not necessary to publish the results of the enquiry as the total demand in India really would not make it a profitable venture to set up all the machinery that may be necessary to manufacture all the parts in India.

Mr. Abdul Qaiyum: Will the result of this enquiry be supplied to all Members of this House?

The Honourable Sir Muhammad Zafrullah Khan: I have just supplied it.

Mr. Manu Subedar: What is the total demand?

The Honourable Sir Muhammad Zafrullah Khan: I cannot give that without notice.

Mr. S. Satyamurti: What is the value of the parts which, according to the expert advice available to the Government, can be manufactured in India on an economic scale?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice.

Mr. M. Ananthasayanam Ayyangar: May I know if the Calcutta company which assembles these parts is a branch of the original company in America or an independent Indian company?

The Honourable Sir Muhammad Zafrullah Khan: I do not know the technical relationship between the two companies.

USE OF REFRIGERATING VANS.

1462. ***Mr. Brojendra Narayan Chaudhury:** With reference to the statement laid on the table in reply to starred question No. 1140, of the 17th March, 1939, to the effect that "a further commercial experiment is under consideration", will the Secretary for Education, Health and Lands please state:

- whether the commercial experiment regarding refrigerated rail transport will be conducted under the direction of his own Department or of the Railway Department;
- whether the object of the commercial experiment is to find out whether the thing can be done within reasonable costs; whether this is the only aspect in which the commercial experiment differs from the scientific experiment;
- whether the volume of traffic expected will be taken into consideration in making the commercial experiment;
- whether his Department has no connection with marketing of agricultural produce;
- whether there is any all-India Association or Board in connection with marketing of agricultural produce; and
- if so, the constitution and functions of the Board and its relation with his Department?

Sir Girja Shankar Bajpai: (a) No decision has yet been reached but both Departments will be concerned.

(b) Not entirely: the question of modifying the design and equipment of the van has also to be considered.

(c) Yes, if the experiment is made.

(d)–(f). The Education, Health and Lands Department is not responsible for marketing policy. The House is aware, however, that on account of the all-India importance of the marketing of certain commodities, a central marketing organisation, with branches in the Provinces, was created in 1935. The activities of this organisation are reported annually in the reports of the Imperial Council of Agricultural Research and the special survey reports which the Principal Marketing Officer has already issued.

Mr. Brojendra Narayan Chaudhury: May I know the exact sphere of relationship between the Central Government and the Provincial Governments regarding marketing to places outside the provinces?

Sir Girja Shankar Bajpai: I think, Sir, whether it is inside or outside the provinces, broadly speaking the sphere of the Central Government is to investigate and suggest means of co-ordination.

Mr. Brojendra Narayan Chaudhury: Is it a fact that the Central Government meets the salary of the Provincial Marketing Officer also?

Sir Girja Shankar Bajpai: Speaking from memory I wish to say that the Government of India pay for the Central Marketing staff and the Provinces pay for their own staff out of grants made to them.

Prof. N. G. Ranga: Is the Central Marketing Office kept in close and constant touch with the various loans and sales societies that are being started in various provinces under the ægis of the Marketing Officers?

Sir Girja Shankar Bajpai: I cannot say specifically with regard to the classes of societies which the Honourable Member mentioned. I do know this that the Principal Marketing Officer and his lieutenants try to maintain the closest practicable touch with the provincial organisations?

Prof. N. G. Ranga: Will Government consider the advisability of publishing the annual report of the working that is being carried out by the various agricultural marketing societies that are coming into existence and which are working in the various provinces?

Sir Girja Shankar Bajpai: Sir, if my Honourable friend will be so good as to let me have his suggestion in writing, I shall see what we can do about it.

STATEMENT OF THE MADRAS PREMIER IN RESPECT OF FEDERATION.

1463. ***Mr. S. Satyamurti:** Will the Honourable the Leader of the House please state:

(a) whether his attention has been drawn to the following statement of the Premier of the Madras Government in the Madras Assembly on 20th February, 1939:

"It is impossible for the Governments of Provinces to function with self-respect if an irresponsible but increasingly active Central Government continues to sit over them in all important matters, unwilling and unable to throw off the force of habit and the conventions of previous practice";

(b) whether the Government of India have been addressed by the Madras Government that this state of affairs should be altered;

(c) whether the Government of India communicated to the British Government in England the opinions of the Madras Premier and of the Madras Legislature in respect of the proposed Federation; and

(d) whether the attention of the Government of India has been drawn to the fact that the Premier of Madras stated in the Madras Legislative Assembly recently that the Madras Government have not been consulted by the Government of India in respect of the Federation; if the Madras Government were not consulted, why not?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) No.

(c) Copies of the resolutions adopted by the Madras Legislature together with the debates thereon were forwarded to the Secretary of State for India.

(d) Yes. As regards the second part of the Honourable Member's question I would invite his attention to the reply I gave to part (c) of Mr. T. S. Avinashilingam Chettiar's starred question No. 40 on the 1st February, 1938.

Mr. S. Satyamurti: With reference to part (a), may I know whether the Government of India have taken any further action on that statement of the Madras Premier, by way of addressing the Secretary of State on this behalf?

The Honourable Sir Nripendra Sircar: No, Sir.

Mr. S. Satyamurti: In view of the very strong statement made by a responsible Premier, may I know why Government have taken no further action?

The Honourable Sir Nripendra Sircar: I have informed the House that copies of the resolutions adopted by the Madras Legislature together with the debates have been forwarded to the Secretary of State for India, and we have taken no notice of the very violent language which has been used, because we are believers in non-violence in language.

Mr. S. Satyamurti: I am grateful to my Honourable friend for this pathetic faith in non-violence, represented by one lakh and 80,000 troops in British India. I am now asking whether, apart from this faith in non-violence, Government have taken any steps, and if they have not, the reasons why they have not taken any steps on the statement of the Madras Premier, who is a responsible Minister in charge of the administration of one of the biggest provinces in this country.

The Honourable Sir Nripendra Sircar: It is a matter of opinion as to whether any action should be taken on that statement, and I have already said that no action has been taken. I do not believe I am called upon to reply to the matter of troops. We are sending more troops to the United Provinces.

Mr. S. Satyamurti: I never said a word about troops being sent. If my Honourable friend wants to make a speech to the Congress Governments, he may do so, but I only referred to the troops in British India. But, with regard to clause (d), may I know if my Honourable friend's answer,—he will correct me if I am wrong,—that he cannot share with the House the information as to whether the Provincial Governments are consulted or not still holds good?

The Honourable Sir Nripendra Sircar: The reason I gave in answer to the question I referred to was that the Government of India were under no statutory obligation to do the consultation which is suggested.

Mr. S. Satyamurti: I thank the Honourable Member; but may I know whether, apart from statutory obligations, Government propose in the discharge of their political responsibilities to consult the Provincial Governments, specially as they are major units of the proposed Federation?

The Honourable Sir Nripendra Sircar: As we have got the debates we have got the resolutions. We do not seek for any further light.

SEGREGATION LEGISLATION IN SOUTH AFRICA.

1464. ***Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

- the latest position about the proposed segregation legislation in South Africa;
- whether Swami Bhawani Dyal, President of the Natal Indian Congress, has met him in connection with segregation legislation;
- whether Government have read his suggestion in the *Statesman* of the 19th March, 1939, that a deputation on behalf of the Government should at once proceed to South Africa, where a round table conference should be held; and
- the view of Government with regard to the suggestion contained in part (b) and the reasons for their decision?

Sir Girja Shankar Bajpai: (a) I would invite the attention of the Honourable Member to the reference to South Africa in the statement which I made in this House on the 16th March in the course of the debate on Mr. T. S. Avinashilingam Chettiar's cut motion. The matter is still under correspondence with the Union Government.

(b) and (c). Yes.

(d) Government will take all relevant suggestions into account.

Mr. Abdul Qaiyum: May I know if it is a fact that the proposed legislation is even more drastic than the previous one?

Sir Girja Shankar Bajpai: As far as I know, no proposals have so far materialised.

Mr. Abdul Qaiyum: May I know if it is one of the proposals that where 75 per cent. of the votes are forthcoming Indians can be segregated?

Sir Girja Shankar Bajpai: I answered that question when the short notice question of Sir Raza Ali was asked more than a month ago.

Mr. Abdul Qaiyum: May I know if any progress has been made since the 16th March with this proposed legislation?

Sir Girja Shankar Bajpai: There has been no progress with legislation. I have already informed my Honourable friend that no proposals have materialised so far.

Mr. Badri Dutt Pande: Is it the intention of Government to send a small deputation there to discuss these affairs?

Sir Girja Shankar Bajpai: I regret to say that while the matter is still under correspondence with the Union Government I cannot disclose what plan would eventuate.

Seth Govind Das: Is it a fact that on account of this proposed legislation an agitation called non-European front is gaining ground in South Africa in which the Indians, the coloured people and the aborigines of that country are going to take part?

Sir Girja Shankar Bajpai: As my Honourable friend is aware, we have a representative of the South African Indian Congress in this country. I have had a discussion with him and he has not given me any indication of any such common front.

Seth Govind Das: What are those effective measures which Government propose to take to stop such legislation in South Africa, besides this correspondence which they are having with the Union Government?

Sir Girja Shankar Bajpai: My Honourable friend must wait and see.

Mr. S. Satyamurti: Have Government any information, such as has been published in the press, that the Union Government have already made up their minds to introduce anti-Indian legislation?

Sir Girja Shankar Bajpai: So far as I know the Union Government of South Africa have not made up their mind on any concrete form of legislation.

Mr. S. Satyamurti: When did Government last hear from the Union Government on this matter?

Sir Girja Shankar Bajpai: I think three days ago.

Mr. S. Satyamurti: May I know whether the Government of India have satisfied themselves, from the latest information which is available to them, that the Union Government of South Africa have not made up their mind to introduce legislation on those lines?

Sir Girja Shankar Bajpai: If I did not have sufficient material on which to base the answer that I have already given, I would not have given it.

COMPENSATION TO INDIANS FOR LOSSES IN BURMA RIOTS.

1465. ***Mr. Manu Subedar:** (a) Will the Secretary for Education, Health and Lands please state whether the Government of Burma or the Secretary of State for Burma has now accepted the principle that compensation should be given for the loss of life and property and for injuries to Indian residents of Burma?

(b) When did the Government of India write on this subject first, when were their reminders sent, and has the principle been rejected?

(c) What do Government propose to do with regard to the legitimate claims of Indian nationals in Burma on this subject?

(d) Are Government considering any proposals for economic reprisals with Burma, including the giving of notice of the termination of the Trade Agreement, in view of the reluctance of the Government of Burma to accept the principle of compensation?

Sir Girja Shankar Bajpai: (a) to (c). I have nothing to add to what I stated in reply to supplementary questions to Mr. Brojendra Narayan Chaudhury's starred question No. 832 on the 7th March, 1939.

(d) The attention of the Honourable Member is invited to the reply given by the Honourable the Commerce Member to supplementary questions that arose out of Mr. Satyamurti's starred question No. 1203 on the 21st March, 1939.

Mr. Manu Subedar: May I know whether Government are going to sit quiet under the continued neglect of their request with regard to the principle of compensation to the Indian citizens of Burma in connection with the loss of life and property?

Sir Girja Shankar Bajpai: No, Sir. I may remind my Honourable friend that all that the Government of India are doing at the moment is to await the report of the Braund Committee.

Mr. Manu Subedar: With regard to clause (d), may I know whether any other form of economic reprisals has at all been considered by Government in view of the continued and studied neglect of the Government of Burma and the Secretary of State for Burma to concede the reasonable request of Government as to the principle of compensation?

Sir Girja Shankar Bajpai: My Honourable friend must rest content with what I have already said, namely, that the question of compensation is under review and will be taken up as soon as the report of the Braund Committee is received.

Mr. Manu Subedar: The report of the Braund Committee does not deal with whether compensation should be given or not. I want to know whether the Government of India who have already made a request, according to the Honourable Member's reply, eight months ago, are going to press for that principle of compensation being recognised immediately, and if not, whether they are going to consider any economic reprisals.

Sir Girja Shankar Bajpai: My Honourable friend has been informed previously by me that the question of compensation naturally involves a study of the background as also of the amount of damage which is to be claimed. Both these questions are expected to be dealt with in the report of the Braund Committee.

Mr. S. Satyamurti: May I know if the question of giving notice of the termination of the Indo-Burma Trade Agreement is being considered by Government?

Sir Girja Shankar Bajpai: I must refer my Honourable friend to the replies which the Honourable the Commerce Member gave on the 21st March to this supplementary question.

DIFFICULTIES OF INDIAN EXPORTERS TO NEW ZEALAND.

1466. *Mr. Manu Subedar: (a) Will the Honourable the Commerce Member please state whether Government have received any representation, or have any information, with regard to the difficulties of Indian exporters to New Zealand through the imposition of import licence restrictions?

(b) Is it a fact that these restrictions are applied to India and not to the United Kingdom?

(c) What are the items exported to New Zealand from India?

(d) Is it a fact that hand-made basket-ware, brass-ware, carpets, cricket and hockey balls and other output of cottage industries in India have hitherto been exported to New Zealand without any difficulty?

(e) Have the Government of India any communication with the Dominion Office, or the Government of New Zealand, with regard to the treatment of Indian trade in that Dominion?

(f) Are Government prepared to look into the matter and secure for Indian exporters to New Zealand a fair and equal treatment?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government have received no written representation, but I understand that one merchant has complained personally to the Commerce Secretary alleging both difficulties and discrimination, and has promised to make a detailed representation, which has not yet been received.

(c) The Honourable Member is referred to Volume II of the Annual Statements of the Sea-borne Trade of British India, copies of which are in the Library.

(d) Government have no information to the contrary.

(e) No.

(f) Government will certainly be prepared to look into the matter if any instances of Indian exporters experiencing difficulty in exporting goods to New Zealand are brought to their notice.

Mr. Manu Subedar: Are the Government of India under any obligation, treaty or relation with the Government of New Zealand in the matter of trade?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that.

Mr. Manu Subedar: With reference to the reply itself, may I know whether it is open to the Government of New Zealand to discriminate against goods from India?

The Honourable Sir Muhammad Zafrullah Khan: In a general way I would answer "no". But as the Honourable Member would probably want to know the specific trade relationship between New Zealand and India I would ask for notice.

APPOINTMENT OF AN INDIAN TRADE AGENT AT KABUL.

1467. *Mr. Abdul Qaiyum: Will the Honourable Member for Commerce please state:

(a) whether at present there is an Indian trade agent at Kabul;

- (b) if not, when the last incumbent left that country, i.e., Afghanistan;
- (c) whether the post is going to be filled up soon; if so, when the announcement is likely to be made; and
- (d) whether the Indian trade agent there is under the Commerce Department or the Foreign Secretary?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I may point out that this question and question No. 1478 should have been addressed to the Foreign Secretary.

Mr. Abdul Qaiyum: I think on one occasion the Honourable the Commerce Member stated that, in matters of trade, this particular agent was under the Commerce Department.

The Honourable Sir Muhammad Zafrullah Khan: Yes; but administratively he is under the Foreign Secretary.

Mr. Abdul Qaiyum: May I know if other trade agents also are similarly under the Foreign Secretary or whether this particular trade agent has been singled out for this treatment?

The Honourable Sir Muhammad Zafrullah Khan: Indian Trade Commissioners abroad are under the Commerce Department.

Mr. Abdul Qaiyum: May I know the reason why an agent who deals entirely with trade matters has been placed under the Foreign Secretary?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on putting questions like that.

Mr. Abdul Qaiyum: I will explain my difficulty

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got the answer: the question ought to be addressed to the Foreign Secretary.

Mr. Abdul Qaiyum: May I just say one word? The Honourable the Foreign Secretary distinctly said on one occasion that he was under the Commerce Secretary.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member will see, as regards this particular trade agent it is the Foreign Secretary who is competent to give the answer: that is the reply of the Commerce Member.

MANUFACTURE OF POWER ALCOHOL FROM MOLASSES.

1468. *Sri K. B. Jinaraja Hegde: Will the Education Secretary be pleased to state:

- (a) whether Government are aware that the Mysore Government passed an Act compelling the sale of petrol mixed with alcohol manufactured in the State out of the molasses; and

- (b) whether the Central Government propose to watch this experiment and call for details with a view to encouraging the manufacture of alcohol out of molasses in British India?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The Government of India will follow with interest the progress of this experiment.

Prof. N. G. Ranga: What action is proposed to be taken by the Government of India on the recommendation of the Tariff Board that suitable action is needed by the Central Government also in order to encourage this wholesale mixture of petrol and alcohol manufactured out of molasses in order to encourage the sugar industry?

Sir Girja Shankar Bajpai: I am not aware of any such recommendation by the Tariff Board.

Prof. N. G. Ranga: Am I to understand that Government have not considered the various recommendations made by the Tariff Board?

Sir Girja Shankar Bajpai: Government have considered such recommendations of the Tariff Board as have come up before them.

Prof. N. G. Ranga: Is it not a fact that the Tariff Board has recommended that the Central Government should give every possible encouragement for the manufacture of this power alcohol and also for the mixture of petrol with this power alcohol in order to encourage the sugar industry?

Sir Girja Shankar Bajpai: That particular recommendation has not come under my notice.

REPORT OF THE IMPERIAL SHIPPING COMMITTEE ON BRITISH SHIPPING.

1469. *Mr. K. Santhanam: Will the Honourable the Commerce Member be pleased to state whether the Government of India have received a copy of the Thirty-eighth Report of the Imperial Shipping Committee on British shipping in the Orient, and if so, will he be good enough to lay a copy of the same on the table?

The Honourable Sir Muhammad Zafrullah Khan: Government have received the Report and have placed copies in the Library.

Mr. K. Santhanam: May I know how the Imperial Shipping Committee was constituted and by whom?

The Honourable Sir Muhammad Zafrullah Khan: The Imperial Shipping Committee was constituted, I imagine, by His Majesty's Government.

Mr. K. Santhanam: May I know if there was any representation of Indian shipping interests in that committee?

The Honourable Sir Muhammad Zafrullah Khan: I have answered that on previous occasions but if the Honourable Member wants an answer again he had better put down a question.

RELATIONS BETWEEN THE UNITED KINGDOM AND INDIAN OWNERS OF SHIPPING.

1470. *Mr. K. Santhanam: (a) Has the Honourable the Commerce Member noted the following observations made by the Imperial Shipping Committee in their Thirty-eighth Report recently published?

"We attach great importance to an improvement in the relations between the United Kingdom and Indian owners of shipping engaged in Indian trades".

"It must be admitted that there is an initial distrust to be overcome, the result partly of competition in the past between Indian owned and United Kingdom owned shipping enterprises", and

"The aspirations of India to enter into the field of shipping operations are natural and should be fairly met in a co-operative spirit by the United Kingdom lines".

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state what steps the Government of India have taken, or propose to take, to improve the relations between the United Kingdom and Indian owners of shipping engaged in Indian trades and to see that the United Kingdom lines co-operate with them in making India realise her aspirations for the building up of an Indian mercantile marine?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I will reply to questions Nos. 1470, 1472 and 1473 together.

The reply to part (a) of these questions is in the affirmative.

As regards part (b) of these questions, the position is that the Government of India have not had time to study the report of the Imperial Shipping Committee which, as the Honourable Member is aware, was published as recently as the 11th March. Meanwhile, I am unable to say what conclusions the Government of India are likely to reach on the specific matters raised in these questions. In so far, however, as action in connection with the Indo-British Trade Agreement is concerned, I would refer the Honourable Member to the speeches made by me on the 27th and 28th March in connection with the motion regarding that Agreement.

Mr. K. Santhanam: Am I to understand that the Government of India are in active consultation with the British Government with reference to the matters concerned in the report?

The Honourable Sir Muhammad Zafrullah Khan: I have said that the Government of India have not come to any decision in regard to them: they have not been able to conclude their consideration of them.

Mr. K. Santhanam: May I know if His Majesty's Government formally referred that report to the Government of India for opinion?

The Honourable Sir Muhammad Zafrullah Khan: I do not think so.

Mr. Manu Subedar: Has any request been received by the Government of India to contribute a share to the subsidy which is being proposed to be given to the British shipping by the United Kingdom Government?

The Honourable Sir Muhammad Zafrullah Khan: Not so far as I am aware.

CARGO AND PASSENGER TRADE CARRIED BY INDIAN SHIPPING.

1471. *Mr. K. Santhanam: (a) Will the Honourable the Commerce Member be pleased to state the volume, as well as the value, of cargo and the number of passengers carried during the last three years, giving separate figures for each year, in the maritime trade between (i) India and Japan, (ii) India and Australia and (iii) India and United Kingdom?

(b) Will the Honourable Member be pleased to state the share of the above cargo and passenger trade carried by Indian shipping?

The Honourable Sir Muhammad Zafrullah Khan: (a) Such information as is available is contained in the "Annual Statement of the Sea-Borne Trade of British India with the British Empire and Foreign Countries, Volume II", copies of which are in the Library.

(b) As far as Government are aware, no Indian ships are engaged in the trades referred to.

SECURING OF LEGITIMATE SHARE IN THE OVERSEAS TRADE OF INDIA.

1472. *Mr. K. Santhanam: (a) Has the attention of the Honourable the Commerce Member been drawn to the following observations in the Thirty-eighth Report of the Imperial Shipping Committee:

"The Netherlands East Indies Government considered it essential that the Netherlands line should retain a place in the traffic between the two countries, and made it known that a satisfactory solution of the shipping problem was a *sine qua non* for the conclusion of a trade agreement".

"In an Ordinance of May, 1935, the Netherlands East Indies Government took powers to regulate the carriage of imports from foreign countries so as to secure that a certain proportion of such imports was conveyed under the Netherlands flag".

"It is worthy of note, in this connection, that during the recent disputes between the shipowners of Japan and the Netherlands East Indies, the Netherlands East Indies Government, mainly by legislation giving administrative power to ensure the carriage under the Netherlands flag of a proportion of imports into the Netherlands East Indies, did, with the exercise of patience, successfully assist the Netherlands shipowners to arrive at a settlement with the Japanese competitors on the basis roughly of half and half".

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state what steps the Government of India propose to take in connection with the Indo-British Trade Agreement, or in any other trade agreements, or by any other legislative method referred to above, to enable shipping owned, controlled and managed by nationals of the country to secure their legitimate share in the overseas trade of India?

+For answer to this question, see answer to question No. 1470.

SAFEGUARDING AND PROMOTION OF THE INTERESTS OF NATIONAL SHIPPING.

†1473. *Mr. K. Santhanam: (a) Has the Honourable the Commerce Member noted the following recommendation in the Thirty-eighth Report of the Imperial Shipping Committee:

"In order to strengthen the bargaining power of the British lines in their negotiations with their competitors, the provision of some financial assistance towards the costs of operation may have to be considered by the Governments concerned and possibly also some such action as making facilities for the sale of foreign goods dependent upon an equitable apportionment of carrying trades".

(b) If the answer to part. (a) be in the affirmative, will the Honourable Member be pleased to state if the Government of India are prepared to consult the Legislature before they take any action either in the direction of financial assistance or an equitable apportionment of carrying trades, and what steps they propose to take to safeguard and promote the interests of national shipping in that connection?

PUBLIC HEALTH OF INDIA.

1474. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) the total amount of money spent by the Central Government for public health purposes since the Government of India Act, 1919, came into force up to last year;
- (b) the year in which the post of the Commissioner of Public Health was created;
- (c) the extent to which mortality per *mille* in British India has decreased or increased in the last year as compared to the year 1919; and
- (d) whether the effects of any widespread serious epidemics were visible in the year 1919 or during the last year?

Sir Girja Shankar Bajpai: (a) About 2½ crores of rupees.

(b) The post of Sanitary Commissioner with the Government of India was created about the year 1864. The Director General, Indian Medical Service, held the office in addition to his own duties from 1880 till 1904 when the posts were again separated. The designation was then changed to Public Health Commissioner with the Government of India.

(c) The rate of mortality per *mille* in British India excluding Burma decreased from 35.5 in 1919 to 22.4 in 1937. Complete figures for 1938 are not yet available.

(d) The effect of epidemics was visible in certain parts of the country in both the years, but to a lesser extent in 1938 than in 1919.

Shrimati K. Radha Bai Subbarayan: May I ask if the Public Health Departments in the centrally administered areas are under the direct control of this Commissioner?

†For answer to this question, see answer to question No. 1470.

Sir Girja Shankar Bajpai: No. The Public Health Commissioner with the Government of India functions merely as adviser to the Central Government. Each of these centrally administered areas has its own Public Health Officer.

Shrimati K. Radha Bai Subbarayan: What are the duties of the Public Health Commissioner here?

Sir Girja Shankar Bajpai: That, I think, is rather a large question. He is concerned not merely with advising the Government of India in regard to public health matters arising in the centrally administered areas, but he is also Secretary of the Central Advisory Board of Public Health: he represents India on the Health Committee of the League of Nations: he looks after port quarantine arrangements, and so on and so forth.

PUBLICATIONS REGARDING PLANNING, ETC., AND COST OF CONSTRUCTION OF BUILDINGS, ETC., OF NEW DELHI.

1475. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether there are any publication or publications available to Members of the House regarding:
 - (i) architecture in the planning of New Delhi and standard plans for houses;
 - (ii) land leases in New Delhi, terms of lease, quantity of land held by Princes and the terms; total quantity disposed of and to be disposed of;
- (b) if not, whether he will lay on the table a detailed statement regarding the above mentioned subjects;
- (c) the amount spent up to last year in the construction of New Delhi for:
 - (i) Government buildings; and
 - (ii) land acquisition and land improvements;
- (d) the returns up to last year from the expenditure mentioned in part (c);
- (e) whether there is a planning office; if so, where it is located; and
- (f) whether he is prepared to make available to Members of the House copies of last year's report of the planning office?

The Honourable Sir Muhammad Zafrullah Khan: The information is being collected and will be laid on the table of the House in due course.

AMOUNT SPENT ON THE MUNICIPAL AMENITIES OF NEW DELHI.

1476. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state the total amount spent up to last year from the foundation of the capital city from Central Government's funds for the municipal amenities of New Delhi?

Sir Girja Shankar Bajpai: The information required by the Honourable Member has been called for and will be laid on the table of the House as soon as possible.

APPOINTMENT OF AN INDIAN TRADE AGENT AT KABUL.

1477. *Sardar Sant Singh: (a) Will the Secretary for Education, Health and Lands please state if Government have taken any steps to appoint a commercial minded person as Trade Agent in Kabul to develop trade and bring about better trade relations between the two countries? If not, why not?

(b) If any steps are being taken, will Government state the duties that will be allotted to him?

(c) Will the work be under the Commerce Department or the External Affairs Department, as was the case with the First Trade Agent, Mr. Aslam Khatak?

Sir Girdja Shankar Bajpai: The question should have been addressed to the Foreign Secretary.

TRADE AGREEMENT WITH AFGHANISTAN.

1478. *Sardar Sant Singh: Will the Honourable the Commerce Member please state what progress has been made in negotiating a trade pact with Afghanistan?

DELAY IN THE REGISTRATION OF JOINT STOCK COMPANIES.

1479. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state:

(a) whether Government are aware of the fact that there is an unusual delay in the registration of joint stock companies; and

(b) whether the Honourable Member is prepared to issue instructions to take suitable steps to expedite the work of registration of the joint stock companies?

The Honourable Sir Muhammad Zafrullah Khan: (a) No such cases have been brought to the notice of the Government of India.

(b) No, but I am prepared to consider any specific complaint which the Honourable Member may make.

RACIAL DISCRIMINATION IN THE MAYO COLLEGE, AJMER.

1480. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable the Leader of the House be pleased to state the amount of grant paid to the Mayo College, Ajmer, annually?

(b) Is it a fact that European masters in the above college are recruited on a salary higher than the initial pay of the Indian Educational Service? If so, why?

(c) Is it a fact that, in addition to his pay, every European master is allowed a rent-free house, a free chowkidar, a free sweeper and free supply of water and electricity?

(d) Is it also a fact that every European assistant master is allowed a chaprasi, though he has hardly any office work to do?

*For answer to this question, see answer to question No. 1467.
*Answer to this question laid on the table, the questioner being absent.

(e) Are any of the amenities mentioned in part (c) above allowed to the Indian masters also? If not, why not?

(f) Are Government prepared to make the payment of the annual grant conditional on the abolition of all distinctions between European and Indian masters?

The Honourable Sir Nripendra Sircar: (a) Rs. 53,190.

(b) Since 1931 no member of the I. E. S. has been recruited to the College. English members of the staff recruited since that time are servants of the College recruited by the College authorities on the terms considered suited to their age and attainments and necessary to attract suitable recruits for the particular duties required.

(c) They are allowed a rent free house, a free chowkidar and free water. They are not allowed a free sweeper or a free supply of electricity.

(d) All assistant masters, whether Indian or European, are allowed a chaprassi, if their official duties require one.

(e) Until recently the members of the Indian teaching staff were not residential except in special cases and they were then given free quarters in the College. Recently a certain number of houses were built in the College at the special request of other members of the Indian staff who asked to be provided with houses on rental. These houses were built in accordance with the rentals proposed by the staff and the rentals are much lower than those payable for houses of similar size elsewhere in Ajmer. The houses were built by the College out of its capital and the College is not in a position to forego a return on the capital spent. Members of the Indian staff occupying such houses get water practically free from an electric well pump installation specially made for the houses. As the houses are all built together in one group, separate chowkidars for each house are not necessary but a chowkidar paid by the College exercises general supervision at night. Several members of the Indian staff have quarters in Boarding Houses in the College rent free.

(f) No invidious distinctions exist.

Prof. N. G. Ranga: What are the lowest and the highest salaries paid to European members of the staff there?

The Honourable Sir Nripendra Sircar: I have not got the information before me, I am afraid.

PAY OF THE PRINCIPAL OF THE MAYO COLLEGE, AJMER.

1481. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable the Leader of the House please state on what salary the present Principal of the Mayo College, Ajmer, was first appointed?

(b) What is his present pay?

(c) When is he due to retire?

(d) In addition to his pay, what other sum or sums does he get from his wards or pupils?

(e) Is this additional income of the Principal taxable?

The Honourable Sir Nripendra Sircar: (a) Indian Educational Service. Junior Selection Grade.

(b) Indian Educational Service Senior Selection Grade after promotion.

(c) Not yet settled.

(d) This is a private matter settled with the parents concerned.

(e) Yes.

AMOUNT DRAWN BY THE EUROPEAN ASSISTANT MASTERS OF THE MAYO COLLEGE, AJMER, FROM THEIR WARDS.

1482. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable the Leader of the House be pleased to state what amount each of the European assistant masters of the Mayo College, Ajmer, draws from his wards in addition to his pay?

(b) Is this additional income taxable?

(c) If so, has income-tax been regularly recovered on this income?

(d) Is it a fact that the amount is charged for the four months' vacation also?

The Honourable Sir Nripendra Sircar: (a) This is a private matter settled with the parents concerned.

(b) Yes.

(c) Yes.

(d) No.

Mr. S. Satyamurti: May I know, Sir, if Government servants are allowed to draw private remuneration, in addition to their salaries?

The Honourable Sir Nripendra Sircar: That is what my answer implies with reference to these professors.

Mr. S. Satyamurti: May I know, Sir, if Government have got some information as to the amount he draws in addition to his pay from private sources?

The Honourable Sir Nripendra Sircar: No.

Mr. S. Satyamurti: Will Government examine the question in view of the fact that whole time Government servants are not permitted to draw remuneration for work which they want to do outside their normal duties?

The Honourable Sir Nripendra Sircar: Well, Sir, I shall bear that in mind, but as at present advised, we do not really want to have such an investigation.

Mr. Mohan Lal Saxena: What is the answer to part (b) of the question, Sir.

The Honourable Sir Nripendra Sircar: "Yes".

REDUCTION IN THE PAY OF INDIAN MASTERS IN THE MAYO COLLEGE, AJMER.

1483. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable the Leader of the House be pleased to state whether Government are aware that the pay of the Indian masters in the Mayo College, Ajmer, has lately been reduced? If so, for what reasons?

(b) Has the pay of the European masters been also proportionately reduced? If not, why not?

The Honourable Sir Nripendra Sircar: (a) No. On the whole the pay has been increased.

(b) Does not arise.

GROWTH OF LONG STAPLE COTTON IN INDIA.

†1484. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether Government have made, or contemplate making, any effort to help the growth of long staple cotton in this country; and

(b) what these efforts are and what results are expected from these efforts?

Sir Girja Shankar Bajpai: (a) Yes. Full details are given in the Report of the Indian Central Cotton Committee for the year ending August, 1938.

(b) The results are given in the above-quoted report and in the Statistical Leaflet (No. 1, 5th Issue) published by the Indian Central Cotton Committee—Report on the staple length of the Indian cotton crop, 1937-38 season and in the Committee's Statistical Bulletin No. 7—Supply and Distribution of various types of Indian cotton for season 1936-37. These publications are available in the Library. The Indian Central Cotton Committee considered the matter further at a meeting on March 31st. A report of this will be issued in due course.

IMPORT OF OPTICAL GOODS.

1485. *Mr. Lalchand Navalrai: (a) Will the Honourable the Commerce Member be pleased to state the total value of optical goods imported per annum during the last five years?

(b) How many firms in India are engaged in the mass production of spectacle lenses and other optical goods, and at which places?

(c) Have Government received any application from any Indian manufacturer of optical goods asking for protection against Japanese competition? If so, what steps have been taken in this connection?

The Honourable Sir Muhammad Zafrullah Khan: (a) The Honourable Member is referred to pages 180-181 of the Annual Statement of the Seaborne Trade of British India with the British Empire and Foreign Countries for the year ending 31st March, 1938, Volume I, a copy of which is in the Library of the Legislature.

(b) None, so far as I am aware.

†Answer to this question laid on the table, the questioner being absent.

(c) Yes. But the applicant firm was not entitled to protection as it was largely dependent on imported materials and did not therefore fulfil one of the principal conditions laid down by the Indian Fiscal Commission for the grant of protection.

Mr. Lalchand Navalrai: May I know, Sir, if Mr. Nehru was appointed to go into the question of protection to industries, and, if so, what did he do?

The Honourable Sir Muhammad Zafrullah Khan: That question does not arise out of this, but I have on several occasions explained how far that inquiry proceeded and why it had to be stopped?

Mr. Lalchand Navalrai: Will the Honourable Member enlighten me now, because that information was given to the House a long time ago?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir, I cannot enlighten the Honourable Member now.

Mr. Lalchand Navalrai: Why is it, Sir, that the Honourable Member is so unkind as not to enlighten this House again?

The Honourable Sir Muhammad Zafrullah Khan: Because the matter has already been discussed during the present Session.

Mr. Manu Subedar: What is the outlook of Government with regard to those cases where a certain amount of raw material has got to be imported from abroad because it cannot be made in this country?

The Honourable Sir Muhammad Zafrullah Khan: The general question of policy really cannot be discussed in supplementaries, and in any case it does not arise out of this question.

RATE WAR BETWEEN SHIPPING COMPANIES ON THE KONKAN COAST.

1486. ***Mr. Abdul Qaiyum:** Will the Honourable the Commerce Member be pleased to state:

- (a) whether Government are aware of the uneconomic and relentless rate-war between shipping companies operating on the Konkan coast;
- (b) the steps taken by these shipping companies in response to Government's letter of February, 1938, urging the companies to end the rate-war by coming to an amicable settlement;
- (c) whether the companies concerned have agreed to an amicable settlement either through negotiations among themselves or through arbitration;
- (d) whether in view of the inordinate delay of the companies concerned to come to an agreed settlement among themselves, Government propose to use their good offices in bringing about a settlement by calling a conference of the companies concerned; and

- (e) whether Government propose to introduce legislation with a view to ensuring the operation of economic rates to prevail in coastal shipping and to prevent cut-throat rate-war in future?

The Honourable Sir Muhammad Zafrullah Khan: (a) Government are aware of the existence of a rate war between shipping companies on the Konkan coast.

(b) and (c). The companies appear to have negotiated among themselves, but without success.

(d) Government recently enquired from the companies concerned whether they would be prepared to submit their case to the Commerce Member for arbitration and to abide by his decision. The replies of the companies have been received and are under consideration.

(e) No.

Mr. Abdul Qaiyum: May I know, Sir, if there is any chance of settlement by private negotiations?

The Honourable Sir Muhammad Zafrullah Khan: It is very difficult to say.

Mr. Abdul Qaiyum: If private negotiations fail, will Government resort to arbitration?

The Honourable Sir Muhammad Zafrullah Khan: That is what I have replied to in part (d). I said that recently Government inquired from the companies concerned whether they would be prepared to submit their case to the Commerce Member for arbitration and to abide by his decision. The replies of the companies have been received and are under consideration.

Qazi Muhammad Ahmad Kazmi: Have they agreed to abide by the decision of the Commerce Member?

The Honourable Sir Muhammad Zafrullah Khan: Had it been so I would have stated it in my reply.

Qazi Muhammad Ahmad Kazmi: Are their replies problematical, and Government cannot make up their minds whether they agree to arbitration or not?

The Honourable Sir Muhammad Zafrullah Khan: Their replies are not problematical. They have actually been received.

Mr. Manu Subedar: Failing a settlement by arbitration for which, I understand, there are certain difficulties, will Government take other measures in order to avoid a rate war which is destroying Indian shipping?

The Honourable Sir Muhammad Zafrullah Khan: That is a hypothetical question.

Mr. Lalchand Navalrai: May I know, Sir, in case the arbitration is not agreed to by the companies or it is not successful, does the Honourable the Commerce Member propose to call a conference of these people just as Sir Joseph Bhoré had done in order to bring about a settlement?

The Honourable Sir Muhammad Zafrullah Khan: That is practically the same question as the last question put by Mr. Manu Subedar and the reply is the same.

Mr. Mohan Lal Saksena: Is it not a fact, Sir, that the companies have not agreed to arbitration by the Commerce Member?

The Honourable Sir Muhammad Zafrullah Khan: I do not think I can say that definitely; I cannot say either yes or no.

Mr. Husenbhai Abdullahai Laljee: Is it not a fact, Sir, that one of the companies has already appointed an arbitrator, Mr. Vallabhai Patel?

The Honourable Sir Muhammad Zafrullah Khan: Not in pursuance of the suggestion made by Government.

SYSTEM FOR ENROLMENT OF COOLIES ON THE NORTH WESTERN RAILWAY STATIONS.

1487. *Bhai Parma Nand: (a) Will the Honourable Member for Labour be pleased to state what is the system followed for enrolment of the coolies at railway stations over the North Western Railway?

(b) Who appoints and controls the jamadar of the coolies, and what are his remunerations?

(c) What does the Railway Department get from the jamadar?

(d) Will Government be pleased to state the number and communal proportion of coolies at the stations having a jamadar?

The Honourable Sir Muhammad Zafrullah Khan: This question should have been addressed to the Honourable Member for Railways.

DELHI JOINT WATER AND SEWAGE BOARD.

1488. *Bhai Parma Nand: (a) Will the Secretary for Education, Health and Lands please state if it is a fact that an institution titled as the Delhi Joint Water and Sewage Board is a local body administered by the Government?

(b) If the reply to part (a) above be in the affirmative, will the Honourable Member please state who is the final appellate authority for employees of that Board in cases of dismissal, removal and discharge?

(c) Is it a fact that certain employees were involved in cases such as, interpolation or manipulation in the accounts, of stores and cash, overpayment to a contractor, and forging of documents in 1935-36?

(d) Is it a fact that these aggrieved persons appealed to the Local Government (Chief Commissioner, Delhi) and that the Chief Commissioner, who is also the President of the Institution, refused to entertain such an appeal on the plea that he had already decided the case in the capacity of President?

(e) Is it a fact that in another case an unauthorised supply order for the supply of Alumina Ferric over and above the requirements was placed on the local suppliers on the last working day of the financial year 1937-38, when the contract of that firm had to be completed on that day and the new agreement for the next year was coming into force from next morning, resulting in the reduction in the prices of aforesaid material by Rs. 13 per ton?

(f) Is it a fact that during the investigation of the case referred to in part (e) above, a shortage of 23,000 pounds was discovered?

(g) What was the personnel of the enquiry committee held on both occasions as well as the community of the accused involved in the cases?

Sir Girja Shankar Bajpai: With the permission of the Honourable Member I would like to answer question Nos. 1488 and 1489 together. The information required by the Honourable Member has been called for and will be laid on the table of the House as soon as possible.

DELHI JOINT WATER AND SEWAGE BOARD.

1489. *Bhai Parma Nand: (a) Will the Education Secretary please state whether it is a fact that the communal ratio in regard to the recruitment of staff is not maintained in the Delhi Joint Water and Sewage Board office, as well as in the subordinate offices?

(b) Is it a fact that important and responsible posts, such as, Superintendents, Assistant Superintendent, Foreman, Accountant, and Head clerk, are held by minority community men? If so, why?

APPOINTMENT OF REGISTRAR OF THE FEDERAL COURT AND HIS STAFF.

1490. *Mr. Kuladhar Chalhah: Will the Honourable the Leader of the House be pleased to state:

(a) whether the Registrar of the Federal Court and his staff are going to be appointed; if so, when;

(b) what the necessary qualifications for the Registrar will be, and whether the appointment will be made from the legal or judicial profession; and

(c) whether consideration will be given to Provincial representation in the appointment of the Registrar's staff of the Federal Court?

The Honourable Sir Nripendra Sircar: The Honourable the Chief Justice informs me that the question of the appointment of a permanent Registrar of the Federal Court will not be considered until the increase in the work of the Court is such as to make the appointment advisable. Part (b) of the question does not, therefore, arise. With regard to (c) the attention of the Honourable Member is invited to the answer given by me on the 22nd February, 1939, to the unstarred question No. 19 by Mr. Sham Lal.

Mr. Lalchand Navalrai: May I know, Sir, if this appointment will be made through the Public Service Commission?

The Honourable Sir Nripendra Sircar: I said that the question does not arise out of any appointment being made now.

+For answer to this question, see answer to question No. 1488.

PUBLICATION OF THE RESULTS OF DR. GREGORY'S ENQUIRIES OR RESEARCHES.

1491. *Mr. S. Satyamurti: Will the Honourable the Commerce Member be pleased to state:

- the particular work on which Dr. Gregory is just now engaged;
- whether the results, if any, of his enquiries or researches have so far been published, and if so, what they are; and
- whether Government intend asking him to take in hand a comprehensive inquiry on the incidence of taxation in India direct and indirect, Central, Provincial and Local (i.e., by local bodies), and, if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) For the nature of the Economic Adviser's duties, the Honourable Member is referred to the Proceedings of the Standing Finance Committee for 11th February, 1937, pages 124/5, or for a less technical account if he prefers a more popular account, to pages 154/5 of the *Indian Information Series* for 15th May, 1938. Copies of both of these documents are in the Library of the House.

(b) The reply to the first portion is in the negative. The latter portion does not arise.

(c) The Honourable Member is referred to the replies given by Honourable the Finance Member on the 25th March, 1939, to his starred question No. 1308 and the supplementaries arising therefrom.

Mr. S. Satyamurti: With reference to the answer to part (a) of the question, I do not want the description of the general nature of his duties, but the question asks what is the particular work on which Dr. Gregory is just now engaged. I should like to have some information as to the exact nature of the work on which this gentleman is just now engaged as a matter of fact?

The Honourable Sir Muhammad Zafrullah Khan: The nature of his work is the same as described in the nature of his duties.

Mr. S. Satyamurti: Does my friend say that Dr. Gregory is just now engaged in doing all the duties referred to in the proceedings of the Standing Finance Committee or in the *Indian Information Series* to which he referred?

The Honourable Sir Muhammad Zafrullah Khan: No.

Mr. S. Satyamurti: I ask for some definite information as to the exact duties he is doing now, what are the problems he has taken in hand, whether he has arrived at any results or if the results of his inquiries or researches have been published, or what are the subjects in question on the study of which he is just now engaged?

The Honourable Sir Muhammad Zafrullah Khan: I am not willing to give any further information with regard to these specific questions because that might open the way for numerous supplementaries.

Mr. F. E. James: May I know, Sir, if Dr. Gregory has commenced the examination of the incidence of the revenue duties which was promised by the Honourable the Finance Member some weeks ago?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that.

Mr. S. Satyamurti: May I put another supplementary question, Sir? My friend may not like my putting supplementaries.

The Honourable Sir Muhammad Zafrullah Khan: I have not said that I do not like supplementaries. I merely said that it would open the way for further supplementaries on the details of the work upon which he may be engaged, and therefore I do not consider it advisable to specify the particular work on which he may be engaged.

Mr. S. Satyamurti: So far as I am concerned, I shall not put any supplementaries, regarding the details of his work, but will my friend inform the House as to the exact nature of the work on which, or the subjects generally on which, Dr. Gregory is just now engaged?

The Honourable Sir Muhammad Zafrullah Khan: The nature of the work is covered by his duties.

Mr. S. Satyamurti: Subjects?

The Honourable Sir Muhammad Zafrullah Khan: The particular subjects I am not prepared to specify.

Mr. S. Satyamurti: With reference to part (c) of the question, may I know whether Government propose to take on hand this question,—as far as I remember, the last we heard was that they had come to no decision on the matter,—but may I know if Government are considering the question of putting Dr. Gregory on special duty for conducting a comprehensive inquiry on the incidence of taxation in India direct and indirect, Central, Provincial and Local?

The Honourable Sir Muhammad Zafrullah Khan: Regarding that, detailed information was given by the Finance Member on the occasion to which I have referred.

Mr. S. Satyamurti: I know that they were not taking up the enquiry just now. What I want to know is whether Government propose to examine the matter again and put Dr. Gregory on special duty in regard to this matter in view of its urgent importance.

The Honourable Sir Muhammad Zafrullah Khan: Even that was answered on the last occasion.

Mr. S. Satyamurti: What was the answer?

The Honourable Sir Muhammad Zafrullah Khan: "I think the Honourable Member had better address that question to my successor. I have had a discussion with the Economic Adviser and recommended him to take up that matter with my successor as early as possible". That is the Finance Member's answer.

Mr. S. Satyamurti: But you are answering that question!

The Honourable Sir Muhammad Zafrullah Khan: I am answering, and in my answer I have referred to this reply.

Dr. Sir Ziauddin Ahmad: May I know whether Dr. Gregory has written any memorandum—it may or may not be published—and submitted it to the Government on the nature of the work which he has already done?

The Honourable Sir Muhammad Zafrullah Khan: I do not think he has prepared a memorandum upon the nature of the work he has already done.

Mr. S. Satyamurti: What has he done?

The Honourable Sir Muhammad Zafrullah Khan: A good deal.

MOTION FOR ADJOURNMENT.

KIDNAPPING OF FIVE FRONTIER HINDUS BY ARMED TORIKHEL WAZIRIS OF THE TRANSBORDER AREA IN THE BANNU DISTRICT.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Chair has received notice of a motion of adjournment of the business of the Assembly from Mr. Abdul Qaiyum to discuss a definite matter of urgent public importance and of recent occurrence, namely, "the kidnapping of five frontier Hindus by armed Torikhel Waziris of the transborder area from village Sargraha Muhammad Khan in the Bannu District". Bannu district is in the Frontier province?

Mr. Abdul Qaiyum (North-West Frontier Province: General): Yes.

Mr. President (The Honourable Sir Abdur Rahim): There is some difficulty the Chair is feeling. These kidnappings are not very infrequent occurrences, and if an adjournment motion could be moved with regard to such occurrences, the business of the House will perhaps have to be adjourned very frequently.

Mr. Abdul Qaiyum: The other day, a deputation came from that area consisting of the Frontier Hindus and they are really alarmed at these raids; in fact, they were expecting a raid any minute. This raid is evidently attributed to transborder tribesmen for whom the Government of India are responsible. They have come into the British territory and tried to kidnap several persons, out of whom two have been recovered. This is a matter of urgent public importance, because it has created a state of alarm.

Mr. President (The Honourable Sir Abdur Rahim): But these things do so often occur unfortunately in that province. If by means of an adjournment motion the Honourable Member could put a stop to it and persuade these gentlemen to give up what seems to be their ordinary avocation, the Chair would be glad to consider it, but...

Mr. Abdul Qaiyum: But I propose to censure the conduct of the Government of India

Mr. President (The Honourable Sir Abdur Rahim): Then, the Honourable Member will have to censure the Provincial Government.

Mr. Abdul Qaiyum: It has nothing to do with the Provincial Government. This is a misunderstanding which I should like to remove, because the Government of India are responsible for the tribal area, and the Provincial Government are the victims of the inefficiency of the Central Government inasmuch as with all the troops and constabulary they cannot stop these people from coming into the settled districts.

Mr. President (The Honourable Sir Abdur Rahim): It may be, the Provincial Government are helpless, then they must try to help themselves in any way they can. The Chair disallows the motion.

THE COAL MINES (STOWING) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion:

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

Mr. Brojendra Narayan Chaudhury (Surma Valley cum Shillong: Non-Muhammadian): Sir, on the last day I had started to make the suggestion that no assistance should be given for stowing, and if any colliery was going to close, the mine would be forfeited to Government. Government will then put the colliery to auction. The abandoning collier will have the right to bid. I am sure, in many cases, that person who is a malingering will be one of the bidders. There are mines which are voluntarily stowing at their own cost. I make this proposal, because I believe that the Coal Committee and the Honourable the Commerce Member are unduly frightened by apprehensions about closure of mines. The Honourable the Commerce Member admits that "all necessary measures of safety irrespective of the fact that the cost thereof may be prohibitive should be borne by the colliery owner himself." He cannot ask the Government to raise money for him, in whole or in part, by levy of a cess which falls ultimately upon the consumer of coal or upon his brother colliery owners who do not require stowing. That colliery owner who does not require stowing cannot be asked to come into the common pool. The predicament of the colliery owner, if any, who, being unable to meet the cost of stowing, has to close, is of his own making. For him the coal in the pillars does not exist since he cannot extract that coal by his own resources. That coal in the pillars may still be a reserve for the nation if the State can pay the additional cost of extraction. In that case, the State should get the entire profits, since the nation pays for the cost of extraction. There is no reason why the wretched exhausted colliery owner should make any profit out of State assistance. He has in the past by his "persistent evasion and breaking of regulations" (see page 215 of the Report) jeopardised the safety of the labour force and in many cases caused their death.

In spite of the drop in coal prices from before 1925, that is, from 1923 onwards, he has by working indiscriminately to lower down raising costs for high grade coal, leaving the slack to accumulate in the pit, succeeded in the year 1935 to reduce cost by 50 per cent. and thereby raise his profit by cent. per cent. If Honourable Members will look at the statistics given at

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page 25 of the Report of typical high grade collieries, they will find that in Company No. I, costs have gone down from Rs. 5-5-0 to Rs. 2-10-0, and dividends increased from 12½ to 22½ per cent. In Company No. II, you have the same figures, and every one of these nine typical companies has reduced cost by about 50 per cent., and one even up to 65 per cent. The unrecovered slack soaked by rain water emits gas, the principal cause of fires. I had this from people living near Raniganj who are not interested in mines. These are the people who are sought to be assisted. Do they desire this charity, because they have made their pile and made mines unsafe? It must not be supposed that they are all Europeans. A good half of them are Indians, although of the bigger variety. I have calculated from the Grading Board's Report, 1937, that there are 123 graded collieries, —58 Indians and 65 Europeans. These 123 collieries raise more than half the total quantity. The other 334 which will come under the operation of this Act raise less than half. I have counted Martin and Company as Indian, although the 1938 Calcutta Resolution of the Congress Working Committee might not have given Martin the status of an Indian.

It is the selected grade collieries which have not only been making, but increasing profits since 1925 onwards, in spite of the drop in coal prices. From a comparison of the figures given at pages 242 and 243 of the Report, it will be seen that in 1919, 86 collieries had a monthly average output of 11,767 tons. In 1935, their number decreased only by 14, but the output has gone up to 12,394 tons. This about the Big Brothers. They have, by increase in output of superior coal, been driving the small brothers out of existence. Figures will prove it. In 1919, 288 collieries had an average monthly output of 945 tons. Of these, 165, that is more than half the number, have had to close down by 1935. Those that have still remained in the field could increase their output by only 15 tons, that is, by only 6 per cent. as against 16 per cent. increase of the Big Brothers. This is in a nutshell the history of the industry. The big ones and the graded ones constantly increase output far in excess of demands. The result is that the inferior coal mostly raised by small concerns is unsaleable and the inferior producers have had to close down.

Mr. Whitehead, Chairman of the Indian Mining Association, Calcutta, at the last general meeting, said:

"There appears to be no demand whatever for second class coal, but prices of first class coal have been reasonably maintained."

I had this from the *Statesman* of the 19th March last.

We want conservation. The Coal Committee has discussed conservation at every page of the Report. The Coal Mining Committee admitted that resources in second class coal are unlimited. They estimate the life of coking coal at 62 years, and of good quality coal at 122 years only. I ask this House, is it conservation to waste short life limited reserve of good coal indiscriminately for all purposes by shutting out from the market inferior coal in unfair competition? The price of grade 1 is 2/12 and that of grade 2, is 2. Prices may vary at pitmouth, but the Calcutta prices are almost the same. We urgently require to legislate restrictions of output of high grade coal and encourage the use of inferior coal wherever possible. That is real conservation. The so-called safety device of this Bill will accentuate that already grave situation by giving a subsidy to encourage increased extraction of coal in the pillars which are mostly of superior quality. What is the harm if we leave the coal in the pillars to be extracted in future in

quantities strictly according to need for use and not the thirst of the collieries for high dividends. The Honourable the Commerce Member said that conservation and safety are two sides of the same coin. I say here his safety-assistance contradicts and defeats conservation. It will perpetuate in a higher degree the use of the superior coal for all purposes by putting the producers of superior coal in an artificially strong financial position *vis-a-vis* the inferior coal producer.

He probably realises the situation. The Government of India, Department of Industries and Labour letter No. 955, dated Simla, the 17th June, 1936, says:

"Collieries where sand stowing is not required will gain a substantial advantage over others. (*This is only a natural advantage which should not be grudged*). In so far as the need for sand stowing was based on consideration of safety, the disparity in cost would call for no remedial action for the coal owner who is not in a position to mine, with due regard to safety,—should not be allowed to mine at all. Again, in so far as it was calculated in the light of all factors involved to be profitable in the long run, no question of compensation should arise."

I ask the Government of India to stick to this correct position. May I know why they have gone back upon their own resolution? The Honourable the Commerce Member has half-heartedly put forward certain excuses. I will now examine them. I fail to discern the intelligence and acumen with which we are familiar in his utterances. His No. 1 argument is this. He quotes the Mining Committee criticising his own position that financially weak collieries should close down—in his own words "Those who cannot mine with safety should not mine at all". This is what he quoted from the Mining Committee's report:

"We are definitely of opinion that this is not practical politics (*The Experts of the Committee dare teaching politics to the Commerce Member of the mighty Government of India*), more especially as it would prejudice safety because the mines that were shut down would not be inspected and no one would know what was going on inside them."

May I know, who would go inside to inspect the 203 mines 12 Noon, out of 640 which have closed down from the year 1919 in Jharra and Raneeegunge? Will the owners of the 203 abandoned mines be induced by offer of another subsidy to meet the working losses to come back and again work the collieries and keep them safe from collapses and fires? Collapses and fires are by no means the monopoly of those collieries which are required to stow. The fires are mostly due to leaving slack, i.e., dust and broken pieces of coal in the kine. By all means, prevent that by legislation and finding a market for slack coal by restricting the superior variety output. All this talk of insurance against fire and collapses in abandoned mines by subsidy is sheer nonsense. Mr. Joshi, I think, should note that this question does not affect the safety of workers as there will be no workers within an abandoned mine, and my Honourable friend, Prof. Ranga, should also note this. As regards his argument No. 2, *viz.*, that "stowing is required in a number of coal mines, and if all such mines were to be required to adopt stowing compulsorily and have to cease operations owing to their inability to meet the cost, it will involve hardship on the workers who will be thrown out of employment", well, this is sop for our old children, Mr. Joshi and Prof. Ranga. I am sure, even children will not fail to discern that to keep up the supply in the market, other collieries in the neighbourhood, who are not required to stow, will raise more coal, as also collieries, which closed down before, in the face of

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keen competition, will reopen immediately. Increase and decrease in raisings are accommodated without delay to the demands of the market. I will guarantee the dismissed workers immediate and full employment in the next colliery. From the figures I have already produced and the quotation from Mr. Whitehead's speech, it should be apparent to all that every owner is eager to sell as much coal as he can and, therefore, to raise as much as he can.

These considerations should also allay the apprehensions in his third argument that the output of coal will be affected with the result that the consumers might eventually have to pay much more for their requirements of coal than the additional liability imposed on them by excise duty under this Bill. It may be that the price of soft coal for domestic fuel will increase and the cess will fall on the consumer, because it is made from inferior coal, and keen competition between superior and inferior coal is absent in this case. The cess may thus restrict consumption of soft coke. Further, about the incidence of this tax in the case of coal, on whom will it ultimately fall? My Honourable friend, Dr. Sir Ziauddin Ahmad, has quoted from the Report that "the impact of the cess will fall on the consumer but its incidence will be determined by the market conditions of demand and supply". This is but economist's truism. The present condition of demand and supply being what I have described—keenest competition amongst producers to find a customer even for a lump of coal—will cause the entire burden to be thrown on the producer at present and so long as present conditions prevail. I say, is it fair that the inferior collieries which have no markets, making no profits, working at a loss in the hope of better times in future, should pay,—not for their own benefit but for the benefit of a few favoured collieries which have been and are making huge profits by driving inferior coal from the market, simply because their huge profits must not diminish, by the cost of compulsory stowing? It is a notorious fact that the raising cost per ton diminishes in proportion to the increased volume raised. This is the reason for indiscriminate extraction resulting in unsafe conditions in the mines for which stringent safety measures are required, and for which the Coal Mining Committee was appointed. It is well-seated, having created a virtually monopolistic condition owing to their large volume of output and consequent decreased cost per ton enabling them to under-sell the inferior coal producer, offering a price for selected coal equal to the price of inferior coal who are going to be assisted out of this cess against the under-dogs. The cess at any rate should be levied mainly from the producers of superior quality coal, because the profits of the industry come at the present moment only from superior coal. My amendment No. 23 on the Final List provides for this. The least the House can do is to accent the amendment which proposes discriminatory rates based on varying ability to pay and on varying benefits to be derived by the two sets of collieries. I have calculated that it will be sufficient to raise about thirty-eight lakhs. The Government of India require about forty lakhs (see paragraphs—24 and 25 of letter of 7th July, 1938). The fund will be augmented by customs duty leviable under clause 6 of the Bill.

As regards the engineering and financial aspect of stowing, I am glad to be able to support the criticism of my Honourable friend, Mr. Aikman, that "the Mining Committee has failed to consider the great

mining and engineering difficulties involved in their sweeping recommendations for compulsory stowing on a large scale". Mr. Aikman then proceeds:

"As an instance of the difficulties to be overcome I would mention just two. The problem of sand supply and problem of finance. In regard to the former, I know of no one familiar with conditions in the Jharia and Raneeunge fields who would agree with the suggestion that the existing sand supplies in that area are anything like adequate for stowing on the scale visualised by the Committee. I shall not weary the House with details, but I hope that they will believe me when I say that ample evidence is forthcoming in support of my statement. Again, over the question of finance, the Committee talked in generalities quite unrelated to hard facts of the case and, to my mind, showed a serious lack of appreciation of the financial issues involved."

This is the view of all the Englishmen in the Jharia and Raneeunge fields. The grandiose scheme of fifty lakhs capital-company to import aerial ropeways from England and the opportunity to dump British manufactures has failed to attract the gentlemen in the coal industry. The Government also do not believe in the scheme (see paragraphs 20—23 of their letter of the 7th July, 1938). Therefore, I can safely leave the matter here with the remark that to me also this scheme of sand supply, although strangely supported by the provision in this Bill to supply sand in kind, looks very much like the swindle of the "Pit Prop Syndicate" in the detective novel of that name. Those situated near the river, who can get sand conveniently at their door, are already stowing pits, wherever suitable, without asking for a subsidy. They do not complain that the stowing is prohibitive to them. So, even to the most credulous view, assistance is not required in every case and to the same extent. Now, what is the test? What is the measure of assistance required? Several Honourable Members in this House have made various suggestions in the amendments such as one-third, one-half, two-thirds the cost. Accepting the principle laid down by my friend, Dr. Sir Ziauddin Ahmad, that "we are creating funds for the benefit of the nation", as also the principle laid down by the Government of India that safety is a matter of individual concern, I hope the House will realize that we cannot admit any claim to assistance for stowing so long as the concern is making profits of even a pice on the whole business, no matter if the cost of stowing has drastically reduced its profits. I hope the House will accept my amendment No. 38, which says:

".....Provided that the value of such grant in any one year shall not exceed losses of the concern in that year due to working the mines inclusive of depreciation."

I hope the House will accept this amendment. I am afraid the Honourable the Mover stresses too much the so-called agreement in the Select Committee and getting through the work in surprisingly short time. I am told that he had many more surprises. I am informed that he has received a memorial from 134 Indian collieries supporting drastic power for the Inspector to compel safety, but strongly protesting against cess and State charity out of the Cess Fund. I do not know whether the Members of the Select Committee acted under anybody's instructions. If so, they should have examined the credentials of their advisers and should have noted the views of the Indian Chamber of Commerce, Calcutta, Bengal National Chamber of Commerce, Calcutta, Federation of Indian Chambers of Commerce and Industry, New Delhi, Bihar Chamber of Commerce, Patna, and of the Indian Colliery Owners Association, which constitute all the Associations of Indians engaged or interested in the coal industry. All these Associations utterly condemn levy of cess for assistance in stowing. They

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should have taken a lesson from the careful study of Chapter I of the Coal Mining Committee's Report where they will find from the correspondence between the Secretary of the Coal Mining Committee and the three leading Associations of Calcutta who represent practically the whole industry, Indians and Europeans, that conditions being different from mine to mine, it was impossible for any of the Associations to speak in one voice. Support to this Bill, so far as the coal industry is concerned, is obviously from a few individuals who are likely to receive assistance in stowing, and that support even is not very enthusiastic. Many concerns will never require any stowing; many others are not likely to get assistance in the near future. Therefore, the bulk of the industry are against it although there is no collective opinion. There can be none. The last surprise of the Honourable the Commerce Member must have been Mr. Aikman's estimate of the sand supply scheme and the "generalities" on the finance of the scheme. My surprise is how Mr. Aikman having said those things could still commend the Bill to the House. If sand supplies are not available or far more costly than the Committee's estimates, why tease the tax payer for nothing? There will be very little stowing. This Bill may benefit a few undeserving concerns, but the bulk of the Fund will be returned to the Government of India.

I join my voice with that of Dr. Sir Ziauddin Ahmad in pressing upon the Government nationalisation of mines which is the only effective means for conservation as also safety. I press for working towards that end on the lines suggested in the minority report. I for myself have more confidence in the views of the Government Geologist, Dr. Krishnan, than upon the views of the Inspector of Mines or the Revenue Commissioner or the professor member of the Committee. The only argument that the Majority could advance against the minority is that it would take ten years to complete a scheme of nationalisation. The Government of India have taken two years since the signing of the Mining Committee's Report to produce this ill-conceived, halting measure. The inordinate delay is explicable when we remember that the Government in 1936 were of contrary views. People delay doing things which are against their convictions.

To sum up: (1) I want the Inspector to be specifically authorised to order stowing and to be warned to enforce the old Safety Act strictly irrespective of consequences upon the individual owner. (2) I do not think cess or fund is necessary. Responsibility for safety is the individual concern. (3) Subsidy not to abandon mines is not the proper way to deal with safety in abandoned mines. You cannot stop abandonment necessitated by one and a hundred reasons except by penal legislation which would be ultra-Hitlerian. Other means must be sought, such as, removal of slack coal and provision for proper ventilation to gases. (4) If the Bill is at all to be proceeded with, I want discriminating rates of cess. (5) Also that the assistance in stowing shall not exceed the actual loss of the year for the whole concern.

Above all, we require restriction of output of superior quality coal strictly to requirements for legitimate purposes only. That way lies safety, conservation and salvation of inferior coal owners, who are the most numerous of the industry. We cannot jeopardise the future of the great national industry, the coal industry, by eating up our very limited resources of cooking coal for steam raising and other lower purposes.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadian): Sir, we are by habit and training opposed to any measure that emanates from the Government Benches, and I think I shall be giving a mild shock to the Honourable Member when I say that I am giving partial measure of support to this Bill. The main thing that we should look after is the safety of the mines as well as the safety of the workers. Owing to numerous accidents in different mines in recent years it has become absolutely essential that there should be some measure of legislation in order to protect the lives of men as well as to conserve the coal which is a national asset. As such, I welcome the measure, but I am only sorry that the Commerce Member has not seen his way to include Assam and the Punjab in the Bill. On abstract principles I believe these two provinces ought to have been included in the Bill but I think the Honourable the Commerce Member has gone to the realities and realised that things are so different in these two provinces that this Act should not apply there. But I shall presently show to the House the figures of accidents and deaths in Assam and I hope I shall be able to convince the Honourable the Commerce Member that he should see his way to introduce a measure for the safety of the coal mines in Assam and the Punjab as well. I shall just refer to the figures giving the death rates in those two provinces. The Honourable Member will be surprised to know that the death rate per 1,000 employed in Assam in 1934 was 4.02; in 1935, 1.97; in 1936, 1.39; in 1937, 2.74. Now, what is the number of serious accidents? I have got the figures for this class of accidents also. In 1934, the death rate per 1,000 was 32.50; in 1935, 59.71; in 1936, 32.39; and in 1937, 52.96. The number of people employed in Assam mines is only about 2,000 and the accident rate so high. I will, therefore, ask the Commerce Member to think of a legislation for the protection of people who work in the mines of Assam. I confess that our total production of coal is only one per cent. of the British Indian output but, all the same, when we are concerned with the lives of men, we cannot be oblivious of their safety. As such, I shall request the Honourable the Commerce Member to see that some sort of enactment is undertaken for Assam and the Punjab also because the death rate there is also high enough; for the sake of comparison I will mention that it was only 3.86 in 1935, 3.93 in 1936 and 3.93 in 1937 in Bengal, Jharia was only 3.86 in 1935, 3.93 in 1936 and 3.93 in 1937 and Giridih 12.98 in 1937, Bokaro 3.84 (1937) Karanpura 4.01 (1937) and 5.83. As such, I have made out a case for the Honourable the Commerce Member to have some legislation in Assam and also in the Punjab. The present legislation has been undertaken on account of various accidents in different collieries which have been mentioned by my Honourable friend, Mr. Brojendra Narayan Chaudhury, and I would like to give the House a few figures which, I hope, will not be tiring.

In 1934 in Poriapur colliery an accident occurred and six were killed. In 1935, an accident occurred in Bagdigi colliery and 19 were killed and seven were injured. In 1935, there was an accident in Jokiabad colliery and 62 were killed. In Loxobad there were two accidents, in one eleven were killed and in the other 35 were killed there. The greatest accident occurred in Poidih colliery where 209 were killed outright. In order to secure the safety of the workers, this legislation is absolutely necessary.

[Mr. Kuladhar Chaliha.]

There is also another point of view; this legislation is for the conservation of coal itself. It is said that in all countries there are large reserves of coal, but in India coal is much less. I find from the report of the Coal Committee that the reserves in the United Kingdom are 194,355 million which will last for 400 years. In America we have three billion metric tons which will last for 600 years. In France, there are 20,000 million tons sufficient to last for 400 years. The reserve in India is only about 20,000 million tons of which only 5,000 million tons are of good quality. Therefore, in order to secure this conservation, stowing seems to be more or less necessary. The only point that is necessary to be considered is what should be the rate of cess which should be levied under this Bill. We find that the Indian and the European owners differ on this point. They have not come to any unanimous agreement in this matter and yet, from the point of view of coal itself, it is a national asset and I think we should have some sort of cess for the conservation of so valuable a national asset. I have mentioned in my amendment that the cess may be two annas per ton and that should be sufficient for the time being for the purpose of the Government.

It is the considered view of the people in all countries that coal should be nationalised and in the United Kingdom itself more and more steps are taken in order to have State control over it. In Germany there is a scheme of socialisation of coal itself. Even in France they want to nationalise coal mines. In India we should try to nationalise the coal mines. The coal committee say that the Jharia coal fields and the Ranee-gunj coal fields are worth about 18½ crores and if the Government pay that amount, the entire asset will belong to the Government of India. I submit the Government should think over the question and buy up the entire coal fields so that the safety of the labourers can be looked into properly and the coal is duly conserved. I trust that the cess will be reduced to two annas per ton as I have suggested in my amendment and I hope the House will see that the cess is not fixed at the same rate as in the Bill. With these words, I support the motion.

Mr. Muhammad Nauman (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, speaking on this Bill for stowing, I have no hesitation in supporting the Bill which aims at the measures for the safety of workers in the industry. I should like to add that such security to coal industry itself is also of some importance. The coal industry of this country has not been at all prosperous for the last few years and no effort should be made to increase the burden and thus exhaust the resources unless it has reached a stage where no alternative is possible. Is this stowing measure absolutely necessary or not? That is the question which ought to be examined by the House. In 1936 ample powers were given to the Chief Inspector of Mines under section 19 (1) A of the Indian Mines Act empowering him to take stringent measures regarding the working and non-working of coal mines for the safety of the workers. The pertinent question arises as to whether the Chief Inspector did all that he could do and whether the accidents were only acts of God and that no amount of negligence could be attributed to him and whether he did his part of the duty to the best interest and to the best of his intelligence.

Now, Sir, in the circumstances of the accidents that happened, the Government feel that this Bill should be brought forward. Now, Sir, I want to read a part of the letter which was addressed by the Federation

of Indian Chambers of Commerce and Industry to the Commerce Department, Government of India, on this topic:

"The Indian Mining Committee appointed in October 1936 to enquire into the methods of extracting coal underground stated that the maximum amount of coal was drawn during their first workings for the last 15 to 20 years by the special and first class grade colliery owners without any due regard to the consequences of such extractions in the collieries concerned."

Now, Sir, I ask whether the Chief Inspector was alive to these facts. Did he take all possible steps in consideration of this? Did he inform the different Managing Agents and the owners of the collieries about the danger. Considerable profits were made from these huge outputs during these years and, naturally, these owners and Managing Agents did not take into serious consideration the dangers that it entails. The colliery owners did not observe all the rules and regulations of the Mining Act and in some of the Jharia and Ranee-gunj coalfields a state has been reached in which continued extraction of coal from pillars by ordinary methods has become impossible in some cases and in others would involve serious danger to those engaged in the work. If the requirements of the law were observed by these colliery owners this new proposal would not have been brought and hence in their breach the whole industry should not be made to pay for their careless workings, and any expenditure which these colliery owners are now called upon, under the Mining Act, to meet with a view to observe the regulations should be an item of expenditure for those individual colliery owners and should not be a general burden on the coal industry.

This is the view which the commercial community has expressed in this reference from time to time. I should say that these views seem reasonable—of course, there might be difficulties—in the sense that when certain collieries have reached the stage where nothing is possible except stowing, that is an inevitable thing whatever be the extent of the penalty.

Now, Sir, the proposal of taxing the coal all round at four annas maximum actually amounts to taxing the consumers of the coal which will have to be paid by all those industries in India which utilise coal for generating their power which, indirectly, will amount to taxing the people through industries. At a stage when our industries are as yet in their infancies and when all sorts of direct and indirect taxes are being hurled on to the consumers in India in the way of restricting free trade by protective duties and otherwise, they should not be compelled to pay more than what is absolutely impossible to avoid. That is my argument and nothing further. It is always the duty of the State to study all the implications and the effects that the Bill may bring and I should hardly think that the coal industry has reached a point where this legislation is absolutely inevitable for the entire mining sections of this country. It may be necessary for certain particular mines and only those should have been made responsible and to penalise the whole industry seems rather indiscriminately condemning the innocent with criminals for no fault of theirs but for easy working of a certain measure; I should think this is equitable.

Now, Sir, it reopens the question of the comparative capacities of the different coal mines. Unfortunately the position of the coal industry is this that most of the inferior collieries are in the hands of the Indians and all the higher grade and first grade collieries are in the hands of Europeans. However, we should examine the position between Indians

[Mr. Muhammad Nauman.]

and Europeans. Most of the superior grade coal produced in mines is owned by them and controlled by European interests; and to the best of my information,—I speak subject to correction,—most of the accidents have occurred in these European managed coal mines. I think it would be very hard for these mines which produce lower grade and ungraded coal and it would be very hard on the consumers of this class of coal. It is argued that discrimination is not possible. It may be difficult but when the question of the existence of such an important industry of a country is involved the difficulties should be overcome by the State by certain measures which would not cripple the whole industry. I agree it may be difficult; I have not gone into the question very deeply, but the State is in a position to examine the whole question more exhaustively and find out whether there is any possibility of making such discrimination which is the only possible thing in the interest of the industries which utilize coal and which have to exist in this country. I certainly agree with my Honourable friend, Sir Ziauddin, that it is demand and supply which control the prices in every country, and I further say that as there is no immediate substitute, in spite of increased prices, the coal industry would not be ruined for all time at once. But there is certainly no getting away from this fact that other parts of the world where there are bigger coal producing areas and with more advantageous resources of passage may begin to dump this country with foreign coal unless some other measures are introduced immediately, and, at all events, the consumers will have to pay a higher rate to contribute about 50 lakhs to the Government. Now, Sir, I want to give the exact position on the figures of tonnage and the income. I have been given this by one of the Chambers of Commerce in Calcutta, and I want to read it out to the House, and suggest that even on discrimination of 4 as. and 2 as. Government can very well undertake the project:

“1936: Output of coal in British India excluding Assam and Punjab.—20,222,069 tons.

Output of collieries (European managed 65 and Indian 58) having selected grade certificates.—11,072,918 tons.

Approximate income from collieries mentioned above at 0.4-0 per ton.—Rs. 27,68,229.

Output of collieries having grade I and lower grades and ungraded coal.—9,149,171 tons.

Approximate income from collieries mentioned above at 0.2-0 per ton.—Rs. 11,43,646.

Total approximate income—Rs. 39,11,875.

(1) The above income has been calculated on output (Tons 20,222,069) and not on despatch which amounted to tons 19,290,487 which will give an income of approximately Rs. 37,37,200.

(2) During 1937 output of coal in British India was tons 21,915,823 and in 1938 it was even higher, i.e., about 24 tons; hence the despatch would be proportionately heavier than in 1936. Hence it can safely be estimated to give an income of at least Rs. 38 lakhs if not more.

(3) Besides the above income there shall be a good income under clause 6 of the Bill, i.e., customs duty.

(4) The Government of India according to paras 24 and 25 of their letter of 7th July 1938, desired an income of Rs. 40 lakhs only at the maximum. And the figures that I am giving brings in almost the same figure, viz., about 40 lakhs.

Now, Sir, the position that I want to explain is this that unless some sort of discrimination is made it will be very hard on these collieries which

are producing lower graded coal. My Honourable friend, Mr. Aikman, is looking at me and perhaps he is not feeling comfortable at my suggestions. I should like to hear his views later when he gets up, this, however, is what has been conveyed to me by the different Chambers of Commerce and the members of the commercial community as their considered opinion: I have personally no interest in the coal industry, but having long connections with commerce and trade of this country this is the information that I have been given by commercial organisations; In view of these opinions I certainly think that it will be very hard on those mines which produce lower grade coal to be taxed on one and uniform way. With these few suggestions, I support the Bill in a restricted way.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadian): Sir, the idea of Government in bringing forward this Bill is to secure safety of miners and conserve the resources of coal supply to the nation, and the Bill has to be examined from these two points of view. There can be no two opinions about the importance of safety of miners, and conservation also is a national concern which should have the support of all. But we should not run away with ideas only. The safety of miners should, of course, be secured, but we have to see whether the proposed measure is likely to secure the ends in view. My Honourable friend, Mr. Joshi, representing labour, is jubilant over it, and, of course, from the point of view of the safety of the miners, it is all right. But he should have gone deep and, as a matter of fact, he has gone deeper and he has shown to Government that all the recommendations of the Mining Committee have not been incorporated in this Bill, if at all there is anxiety for the safety of miners; and he has shown several important items from the report of the Coal Mining Enquiry Committee which in the interest of the safety of the miners should have been incorporated. But they are left out and I think, perhaps Mr. Joshi ought to have been wiser as to why the Government, which is so anxious to rush in with this Bill, has left out those items although they are in the interests of the safety of the miners.

Mr. N. M. Joshi (Nominated Non-Official): They are on the side of the capitalists.

Babu Kailash Behari Lal: Yes. This little good which this measure proposes should have been taken with a grain of suspicion by Mr. Joshi. When I judge the measure from that point of view I find that this stowing measure is a double edged one. It has to be examined whether this stowing measure is for the benefit and safety of miners only or has some other purpose behind it. It looks as if it is in the interests of those who have to work in the mines; but the way in which it is being rushed through leads one to suspect; and lest I be charged with suspecting everything that is brought forward by this Government, I will show how the Government has been rushing this measure. The idea originated in 1936 and a letter was addressed by the Government of India to the different interests in June, 1936. The Coal Mining Committee was appointed by the end of 1936. The Report of this Committee came in April, 1937, and since then, the Government addressed the Provincial Governments in 1938. The different mining associations and federation and others gave their replies by the end of 1938. The Government of Bengal wanted time to submit their views; but on the 24th December, 1938, the Government intimated that a conference would be held on the 18th January, 1939. On the 19th January a conference was

[Babu Kailash Behari Lal.]

held and on the 30th of January the minutes of the conference was received. On the 8th of February the Bill was introduced and on the 13th February, 1939, the Bill was referred to Select Committee and on the 17th February the Select Committee finished its business, although it was originally intended that it should finish on the 28th of February. Of course, there is no doubt that if there is a genuine desire on the part of the authorities to do good to the men working in the mines, they should really hurry up such measures. But knowing the past of the Government and their anxiety to do good in such matters, we suspect a little when there is hurry; and when we go through the papers our suspicion is confirmed still further; because although in the previous letters of Government, when this idea about this measure was initiated there is mention of this that it is intended for mines which have not been worked in the interests of safety and which have extracted too much coal and extracting more would endanger the lives of miners: that was the view first held. But, subsequently, that idea seems to have been abandoned and the Government have come to this conclusion that this safety measure should be applied in such a way that all colliery owners should bear the burden equally so that the mines I have referred to will receive the best of help by this measure. That surely makes us look at this Bill with some amount of suspicion. Of course, they say they cannot discriminate and decide at this stage that only those mines should bear the burden who are in immediate necessity because this is a kind of insurance measure. We understand what is an insurance measure. We know although all the insured have to pay premium but only those get the benefit who become entitled according to the rules of insurance. But, of course, even in insurance, insurers ascertain what kind of man they should insure. We have never seen an insurer insuring a consumptive man or a man on the death bed. Here we find a case like that. The colliery owners who have exhausted their mines and those who have brought themselves to such a condition that they immediately want such help by stowing are now lending support to the Government in this measure and Government now say that they are anxious that those who have paid the premiums should get the help. But I would ask the Government to consider this question: knowing fully well that the person to be insured has become consumptive or is on his death bed, should they not tell the person that he is not going to be insured or benefited in any way unjustly? Of course, the persons affected say that stowing is a measure calculated to bring safety to the miners and also to encourage conservation to some extent; but for God's sake, do not tax all indiscriminately, so that those who are going to be benefited immediately may prosper at the cost of those who are not in need of stowing at present: those who are going to be benefited have derived already the greatest amount of benefit in the past and they are likely to derive in the immediate future greater benefit than those who are going to be saddled with this taxation: they will be wiped off on account of this competition and increased cost of production.

Then, there is a technical difficulty also. As Mr. Aikman has said there may be difficulty in finding sand. Other friends also have doubted how far this measure will help in the conservation of coal resources or even in the matter of safety. We must, therefore, proceed cautiously, and if there is any risk of wasting and embarking upon this measure without understanding the full implication of it, then it is much better that the whole matter is gone through by experts, because there may be difficulty about finding sand and other difficulties of technical nature. I am told there

are very few countries—perhaps no country—where such measures have been taken up on this scale, even in places where there are larger mines than in India.

Then, Sir, there is another point. One can understand that this measure can lead to conservation by wiping off from the field of competition those who are now working in the mines at a heavier cost and those who will have to bear the burden of this taxation. If this is the idea of conservation of the resources of coal supply, then, of course, it will surely help, but in justice to the coal mineowners, Government should take into account the fact that it will not be in the interest of conservation, rather it will be in the interest of further exploitation of the resources of the country as well as of the consumers, and considering these two points it is always safe to be just and not to be over anxious and cautious for conservation so that one section of the people may be unjustly victimised while the other section of the people may be unduly favoured. Of course, I would have given my wholehearted support to the point of view put forward by my friend, Mr. Joshi, as I belong to a province where questions relating to coal mines can be understood only in the light of the interests of the labourers. As a matter of fact, one of my friends just asked me if these questions relating to coal can be understood by a Biharee?—I confess that this coal problem or the subject or object of coal is not so much of interest to Biharis. Of course, I could have even said that if these coal mines had not been discovered, it would have been of greater advantage to Bihar rather than these coal mines have been discovered and are being worked. So I can understand the coal question from the point of view of labourers, and I would have given my whole-hearted support, but as I find there is some intrinsic defect underlying this measure, the measure should have been circulated for opinion and opinions should have been obtained from all points of view, technical as well as administrative. That would have helped the Government much better instead of rushing through this measure. Even at this stage Government can do a little justice as has been proposed by some of the amendments that discrimination should be adopted in such a way that those coal mines that are not likely to get any benefit in the immediate future should be taxed less than those who are to have immediate benefit who should, of course, be saddled with a greater burden. With these words, Sir, I give my half-hearted support.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rura): Sir, I give my general support to this Bill. I wish that this Bill had been introduced even a year ago. The kind of demand that it proposes is long overdue. We want compulsory stowing, but the difficulty is, whether this compulsory sand stowing should be financed by all the producers of coal or by only those whose mines have to get this particular benefit. If all the mines are owned by the State or even controlled by the State, then, certainly, the case for making everybody contribute equally as much as any one else to the financing of sand stowing is very strong, but if, on the other hand, there are a large number of coal producers who have derived profits from coal mining for a long number of years and who, today, are obliged to carry on this sand stowing. Then it is rather hard, I admit, on the others to be asked to contribute equally to the cost of this compulsory sand stowing. At the same time, it has to be recognised that in emergencies, when national resources are at stake, and lives of large numbers of workers are in jeopardy, we cannot very well make such nice distinctions as between those who make profits and those who are not able to make

[Prof. N. G. Ranga.]

such big profits, or those who have been in the trade for a long time or those who are just getting into it; but on the whole, there is certainly some case, I concede, for making some sort of discrimination in regard to those people who today make profits out of coal mining and who, at the same time, need sand stowing in their own mines and see that these people are not paid all the cost of sand stowing as the others who are not able to make any profits at all but on the other hand are even losing money and who need for their mines sand stowing. If it is at all practicable and possible, I want the Government to consider the need for this particular discrimination.

I have, however, to state that the Royal Commission on Labour has itself reported in 1929-30 that till then the accidents in mines had not shown any signs whatsoever of any diminution, and I find, Sir, from the Coal Mining Committee's Report itself that up till 1935 the number of accidents was going up and also the number of deaths was on the increase. Therefore, the need for this compulsory sand stowing is very great and it must be achieved as soon as possible.

But, Sir, when we come to the larger question of ways and means by which safety in coal mines can be assured, and also when we consider the question that the national resources represented by our coal mines have to be protected, we find that the Government have been very very indifferent indeed. Sir, the Coal Mining Committee had recommended that there should be a greater and larger direct control over the manner in which these mines are worked in this country with a view not only to prevent these accidents, but also to prevent the large wastage that is taking place in our national resources as represented by coal. India, Sir, is very poor in her coal resources, and at the present time in every country which has any industrial ambitions at all, coal is extremely prized and badly needed, and I find that a very good authority on the point states that our coal owners had not been very careful in utilising these services to the best advantage, rather they have been very callous and have been wasting our coal resources in this country that they have been thinking only of the immediate benefit and advantage, without caring for the national interest. But the Government have not come forward till now with any measure whatsoever intended to protect our national resources and see to the proper utilisation of our coal resources in this country. I hope, Sir, that the Government will take the earliest possible steps to see that the nationalisation of mines, which has been recommended by the minority report here, is carried out at the earliest possible moment so that sand stowing can be achieved at a smaller cost than is estimated now, and also the coal extraction is carried on really in the interest of the nation and the interests of the workers are properly protected.

Moreover, we find that today the coal industry is being subsidised by the Government of India. The Government of India have their own railway collieries, but they do not work them to their fullest capacity because of their chicken-heartedness in regard to the needs of these private coal mines. They want these private coal owners to make as great profits as possible and that is why they keep their production to the minimum level. And that is a wrong policy. Not being satisfied with that, the Government are imposing a revenue duty of ten annas per ton on coal, coke, patent fuel and so on. In that way also the coal industry

is deriving protection from the Government. In addition to these two, Government now want that all coal mine-owners should come into the scheme of compulsory sand stowing. This sort of subsidising a private industry in which these owners have been making appreciable profits is a bad policy and really amounts to a wrong diversion of public resources into private pockets.

I find that even in this particular Bill Government are rather partial towards these various owners. If the object of the Government is really to ensure greater safety of these miners, I fail to see why they have not made any provision whatsoever for representation of labour on this particular Coal Mines Stowing Board which is proposed here. Is it meant that merely because these people are all wage earners they have no interest whatever in safety in coal mines, or is it meant that because they are wage earners they have no right whatever of representation on a Board whose sole object is to collect this money, utilise it on compulsory sand stowing, ensure safety and thus help the nation also to conserve its own national resources? This is a very, very one-sided view point of the Government, and I hope that it is not too late for the Government to reconsider their own position and try to provide for adequate representation for labour on this particular Board as is suggested by me or even by Mr. Joshi.

Mr. N. M. Joshi: Why even?

Prof. N. G. Ranga: I suggest that there should be three representing labour to be appointed to this Board whereas Mr. Joshi who is a moderate wants only one member. I hope that at least his moderation will be appreciated by Government and that they will agree to his amendment at least if they cannot very well swallow my own amendment. Again, there is the other point,—why is it that Provincial Governments are kept out of this particular Board? Is it meant that Provincial Governments have no interest whatsoever in safety in mines or in the conservation of coal resources in all our mines? Certainly it will be the task of our Provincial Governments, if the Central Government were to fail to achieve that object, to nationalise these mines and thus prevent the profiteering that is going on and also safeguard the interest of labour both in regard to wages and also their safety. The Provincial Governments which ought to be primarily interested in this kind of work should not be kept out of this particular Board. It is wrong, I think, in principle and also as a matter of policy. The Central Government as well as this particular Board would be strengthened in their work if they were to avail themselves of the co-operation on this Board of the representatives of the various Provincial Governments which are interested in the matter.

I hope that the Honourable Member when he passes on this portfolio to his successor will advise him to cause much less delay than there has been till now, and to sponsor a Bill which will give effect to the other equally important recommendations, and some, even more important recommendations of the Coal Mining Committee so that the coal mining industry will come to be properly rationalised, properly organised and its marketing organisation—its grading, its internal organisation and administration—will be modernised and systematised with a view not only to increase their own profits but also increase the wages of the labourers and their safety. Sir, I support the Bill.

Some Honourable Members: Let the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, 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. N. M. Joshi: Sir, I beg to move:

"That, after part (v) of sub-clause (2) of clause 3 of the Bill, the following be inserted:

"(vi) one person appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act."

The second part of clause 3 lays down the constitution of the Board. It is to administer the fund collected out of the cess as well as to give grants for the purposes of sand stowing to different mines, and also to carry out such objects as regards safety in mines as the Government of India may, by notification, assign to this Board. Sir, the proposal made by Government in this Bill omits some of the vital interests which must be represented on this board. You all know that this Bill is intended to safeguard safety in mines and it is the miners who work in the mines who are more interested in the safety than those people who invest their money for the production of coal. Naturally, everybody would accept that the miners should be adequately represented on such a board. This question of the constitution of the board was considered by the Coal Mining Committee which recommended the establishment of the Indian Mining Board. That committee recommended a board of the nature of an expert board, that is a board consisting of experts as opposed to what we might call a representative board, that is a board consisting of the representatives of the employers, the cess payers or the consumers and last but not the least of labour. Unfortunately, the Government of India did not accept the recommendation of the committee. The Government decided upon a representative board. The committee recommended that if the Government of India appoint a representative board, then certain interests must be represented on that. I shall read only two or three lines from the report of that committee. The committee in paragraph 278, on page 144 of their report, state that the first question in connection with the constitution of the statutory authority is whether it should be a representative or an expert body. If it is to be an expert body, they recommended that the following interests could claim representation, namely, the Government, the Mines Department, the Geological Survey, the Railway Board, Royalty receivers, mine owners, colliery managers, labour and consumers. You will thus clearly see that the committee which considered this question recommended the representation of labour on this Board. I do not know why the Government of India have not accepted this recommendation of the mining committee. I have stated the functions which this Board is expected to perform. One of the functions is the administration of this

Act. The second function is grant of stowing materials and other assistance for stowing operations. In order that this board should do this function of distributing grants for sand, etc., in a proper manner, so that safety will be safeguarded, it is necessary that there should be a representative of labour on this Board. If the Board consists of a majority of the representatives of mine owners, their tendency will be to save money out of this fund and not give sufficient grants for the purpose of stowing.

You may ask, after the cess is once paid, what is the interest of the mine owners in not giving sufficient grants. It is true that the cess will be collected and the fund will accumulate but if the fund is not spent and much savings accumulate, the mine owners will be able to go to Government and say that the rate of cess imposed is too large and unnecessary. Therefore, the rate of cess should be reduced. That is the danger of leaving the whole administration of that fund in the hands of the representatives of employers. I have no doubt in my mind that if the board consists of a majority of representatives of mine owners, after two or three years, the mine owners will go to Government and say "The fund has accumulated too much. We cannot spend it. Therefore, please reduce the rate of cess".

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

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

Mr. N. M. Joshi: Mr. Deputy President, when we adjourned for lunch I was pointing out why there should be a representative of labour on the Board which is to be constituted under this Bill, and I showed that in the distribution of grants to various mines for the purpose of stowing, the help of a labour representative was necessary in order that adequate help should be given to the mines to introduce sand stowing. Then there is another reason why a labour representative will be useful on this Board. That reason is that the Board, besides giving grants to various mines for the purpose of sand stowing, will also consider questions of safety which may be referred to this Board by the Government of India. Sir, if this Board is also to consider questions of safety generally which the Government of India may refer to them, then, certainly, a labour representative must be there on the Board. I, therefore, feel, that the Government of India have done a great injustice to the miners in Indian mines in not securing their representation on this Board. Sir, my amendment, therefore, proposes that there should be at least one representative of labour on this Board, and that representative should be appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act. That section provides that the labour representative on the Mining Board which is to be constituted under the Indian Mines Act should have two representatives, and that section provides for the method of selecting the labour representatives. I do not wish to go into the method; the method is such that if there is a strong trade union in the mining area, that union should elect the two representatives. If there is not a very strong union but if it is a union with a membership of more than one thousand, one of the two representatives should be elected by the union and one should be nominated by the Government. That is the method of electing labour representatives as proposed by the Mines Act.

[Mr. N. M. Joshi.]

I propose that there should be at least one representative of Indian labour appointed on this Board, because the Board, besides distributing the grants, will also consider general questions of safety. My Honourable friend, Prof. Ranga, said that my amendment is a very moderate one. Well, Sir, I am always very moderate and I am not ashamed of being a moderate. Sir, I do not know why the Government of India should have omitted to secure a place for a labour representative on this Board. I have already pointed out that the Indian Mining Committee has already recommended that if a Board should be constituted then the labour interests must be safeguarded. As a matter of fact, under the Indian Mines Act, a Board is to be constituted to consider, not ordinary questions of distributing grants to various mines or questions of safety, but the Board appointed under the Indian Mines Act has to perform more important duties, and the Board has to approve or disapprove or suggest amendments to the regulations which the Government of India may make or may propose for the safety of coal mines and miners. The Board appointed under the Mines Act thus not only considers individual questions of giving grants but considers general questions of regulations for the coal mines. The Mining Board under the Mining Act may consider an important question like the compulsory use of safety lamps in mines. That is likely to cost something to the Indian mine owners, but a question of sand stowing is not left to a Board constituted under the Indian Mines Act in which labour is, if I may say so, properly represented. I would like Members of the Assembly to examine what the constitution of this Board under the Indian Mines Act is. The Board appointed under the Indian Mines Act to consider such an important question as regulations for safety in mines has three representatives of Government,—the chairman, the chief inspector of mines and a person not being a chief inspector of mines nominated by the Central Government. There are three representatives of Government on that Board, there are two representatives of employers and two representatives of labour. The Board which is appointed under the Indian Mines Act has got seven members out of which three represent Government or are nominated by Government, two are to represent employers or the owners and two represent labour; that is out of seven, labour has two representatives and employers have two. The right of labour to have equal representation with the employers is recognized under the Indian Mines Act, in the appointment of the Board under that Act. I do not see why the Government of India should have in this case entirely ignored the labour interests. It is true, Mr. Deputy President, that even under the Indian Mines Act, some years ago, no representation was given to labour. But, Sir, this question was considered by the Royal Commission on Indian Labour. The latter went thoroughly into this question of the right of labour to have a representative on the Mining Board and, in accordance with the recommendation of the Royal Commission, the Government of India amended the Indian Mines Act and provided equal representation to labour on the Mining Board appointed under the Indian Mines Act. Sir, as this question has been gone into by the Royal Commission, I think the Government of India will not omit to have a representative of labour on this Board. Sir, such Boards for the welfare of labour are not appointed only in India but there are other countries where such Boards are appointed, for instance in Great Britain. They have legislation for constituting a Miners Welfare Fund. Now, the Committee which manages the

Miners Welfare Fund in Great Britain is constituted in such a manner that labour is properly represented on that Board. I, therefore, feel that when we constitute a Board in order to safeguard the welfare of Indian labour, the claim for labour to be represented on that Board should be recognised. That claim was recognised by the Government of India themselves under the Indian Mines Act. I, therefore, feel that the Legislature should accept the amendment which I have proposed. Sir, I do not wish to say anything more on this subject but I hope that my amendment will be accepted.

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

"That after part (v) of sub-clause (2) of clause 3 of the Bill, the following be inserted:

"(vi) one person appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act."

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I am afraid I must oppose this amendment mainly for the reason that it would upset the composition of the Board which has been agreed upon between the different interests who would be directly affected. Mr. Joshi with the same eloquence and persistence with which he has moved this motion moved an amendment to the same effect in the Select Committee but it was not accepted by the Committee. I do submit that Mr. Joshi is carrying matters a little too far when he says that it is the miner who is principally affected by the decisions that might be arrived at. In one sense he is, of course, affected. All this trouble is being taken in the interests of the miner, but it does not appear to me that any of the activities of the Board are likely to be of a kind as the result of which the miner's interest might be adversely affected. I, therefore, hope that Mr. Joshi will not persist in the attempt to upset a matter which has the largest amount of support among the interests who are directly concerned.

Prof. N. G. Ranga: Sir, I rise to support this amendment. I charge this Government for trying to go back upon its own policy of affording equal representation to labour on all such bodies which are brought into existence for the conservation of the national industry and the safety of workers. My Honourable friend, Mr. Joshi, has already given chapter and verse to prove how in the Boards that have already been constituted, workers have been granted equal representation with employers. But my Honourable friend, Sir Muhammad Zafrullah Khan, states that this particular Board is being brought into existence mostly in the interests of labour and, therefore, there is no danger of the interests of labour being neglected even if there is no representation for labour on it. I think he is slightly under a misapprehension. He fixes only the maximum limits up to which a cess may be levied and money may be collected from all these mine owners in order to carry out this compulsory sand stowing, but it is quite possible for this Board which consists so predominantly of representatives of mine owners to try its best to keep down the expenditure of this Board on sand stowing in order that the total amount of the cess that may be collected from these mine owners may be reduced or it may be kept as low as possible. It is to their interest to neglect their duty towards this need for sand stowing. If it is not, then there is no need at all for this legislation. It is because that our mine owners have neglected this particular

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duty of theirs, both towards the nation and the workers, that the Government have felt the need to bring forward this particular Bill in order to impose this compulsory sand stowing. It is only natural to expect these mine owners to try so far as it lies in their power to avoid this particular duty on compulsory sand stowing and to carry it out as inefficiently as they can in the hope that the amount of money that they have to spend will be less, resulting in its turn again in a reduction in the total amount of the cess to be levied upon the total amount of coal mines. Therefore, it is most essential that there should be some representatives on this Board whose primary interest should be to see that this compulsory sand stowing is carried out thoroughly and fully.

Now, who is there at present to discharge that particular function? Only two members and one of them happens to be the Chairman appointed by the Government. Even the Government have not taken care to see that it is properly represented. It may be said that there are two persons on the Board to look after the interests of the labour. One is the Chairman appointed by the Government and the other is the Chief Inspector. After all, the Chief Inspector is there to see that sand stowing is effected properly in all mines where there is need for it and that it is done thoroughly and adequately. But I do not think these two persons as against four others will be strong enough to get the work done either efficiently or fully and certainly their point of view will be strengthened if there was a representative of labour who will make it his particular duty to insist upon the sand stowing being done satisfactorily. I do not know why my Honourable friend, Sir Muhammad Zafrullah Khan, feels that the labour has nothing special to contribute on this Board.

Secondly, it is wrong in principle to try to constitute a Board like this consisting mostly of people who belong to one particular interest which is interested in this particular industry. According to me, there are four interests,—the consumers, the State, the workers and the mine owners. Only the State is represented but most inadequately. Consumers are not thought of at all and the workers are not sought to be given any place whatsoever on it. I think it is most unfair and I wish to record my protest against this policy of the Government and I also wish to say that it is wrong for the Government to say that all the interests concerned have already agreed upon this particular proposal and therefore it shan't be altered. What are those interests which they have consulted? They have not given the information. If they mean that only the mine-owners have been consulted, then I say that they have not consulted all the interests involved in it. If they had consulted the workers also and if they had not either asked for representation or had even opposed any suggestion of representation of themselves on this Board, then I would like the Government to vouchsafe that information. If they have not consulted the workers at all in this matter, then I think it is wrong for the Government to say that they have already consulted all the interests concerned. Supposing, we admit for the sake of argument that they are right in consulting only these mine owners and nobody else, even then I charge them with having given up their own right on behalf of the nation as a whole and of the consumers to get themselves adequately represented on this particular Board. I should have expected them to try to see that they themselves are represented at least as well as

the mine owners and also to make provision for themselves to exercise the right if and when the occasion had arisen to nominate some representatives of workers at any suitable moment. They have not even given this particular right. They have not seen to it that they are properly represented on it. Therefore, I very strongly protest against this one-sided representation that is sought to be provided on this particular Board, for these mine owners alone.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, there is great force in what my Honourable friends, Mr. Joshi and Mr. Ranga, have said that there ought to have been some one to represent the miners as they call by the new extension of section 10 of the Act of 1923. There should be somebody to represent the safety of the process of stowing; but I am unable to support the way in which the amendment has been drafted. My Honourable friend, Mr. Joshi, wants that one person should be appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act. My friend calls it a very simple amendment. It would have been much simpler if my Honourable friend had said that one person should be nominated to represent workers. But along with that to say that the cumbersome procedure laid down in section 10 of the Indian Mines Act should be followed is really very difficult to be adopted. We have to presuppose first of all that there are trade unions. It may be that some mines have got trade unions, others have not. The wording in the Act is that "two persons to represent the interest of the miners who shall be nominated in accordance with the following provisions". Here we say only one person to be appointed in accordance with sub-section (e) of section 10. This makes the provision rather ambiguous. Instead of two persons you say there ought to be one person. Further on, in clause 3, it is said that if neither sub-clause (1) nor sub-clause (2) is applicable, the persons shall be nominated by the Central Government. I do not really approve of the policy underlying this clause that the man may be nominated. Your object is that one person should come by election. In the very beginning I said that I accept the principle that there ought to be election of the person to represent these miners. But the way in which the amendment has been drafted makes it incomplete. It is not logical. It is not in the way in which a legal head would put it. I do not know whether there is time still for my Honourable friend to redraft his amendment.

Mr. N. M. Joshi: You bring your amendment. I shall accept it.

Mr. Muhammad Azhar Ali: I certainly disapprove of the policy enunciated in clause 3, that the said persons shall be nominated by the Central Government. So far as the nomination is concerned, we have got it in the provision itself:

"A person in the service of the Crown, appointed by the Central Government as Chairman;

The Chief Inspector or an Inspector appointed by the Central Government in this behalf."

So already you have got these persons to be appointed by the Central Government. Why do you want somebody else to come in again by nomination to represent the workers? Why not have somebody from the Provincial Governments who will also be interested?

[3RD APRIL 1932]

[Mr. Muhammad Azhar Ali.]

We saw in the Railway administration that every day there is some accident or other. In Bihar it is suggested that owing to sabotage those accidents occurred. If any accident happens in mines and then the Provincial Government nominates a person to represent it there will then be greater opportunity for the public to judge. These are my objections to the terms of the amendment. Therefore, I cannot support it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is : "That after part (v) of sub-clause (2) of clause 3 of the Bill, the following be inserted :

"(vi) one person appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act'."

The Assembly divided :

AYES—5.

Aney, Mr. M. S.
Banerjee, Dr. P. N.
Joshi, Mr. N. M.

Laljee, Mr. Husenbhai Abdullahai.
Maitra, Pandit Lakshmi Kanta.

NOES—45.

Abdul Hamid, Khan Bahadur Sir.
Aikman, Mr. A.
Aiyar, Mr. T. S. Sankara.
Ayyar, Mr. N. M.
Azhar Ali, Mr. Muhammad.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Christie, Mr. W. H. J.
Clow, The Honourable Mr. A. G.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Greer, Mr. B. R. T.
Grigg, The Honourable Sir James.
Hardman, Mr. J. S.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.
Mackeown, Mr. J. A.

Maxwell, The Honourable Sir Reginald.
Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Pillai, Mr. N. R.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Shahban, Mian Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Yamin Khan, Sir Muhammad.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is : "That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

The question is :

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

"That clause 5 stand part of the Bill."

Mr. K. Santhanam (Tanjore *cum* Trinamopoly: Non-Muhammadan Rural): Sir, I beg to move:

"That in clause 5 of the Bill, after the word 'collieries', occurring in the fifth line, the words 'in British India' be inserted."

This is more or less a formal amendment. As the clause stands, collieries may be situated in British India or outside it. Suppose there is a company established in British India which owns a mine in a Native State. Has it to pay cess on all coal raised and despatched from that India or under this clause on all coal raised and despatched from that colliery? I do not think there is any intention of collecting cess on all coal manufactured in that colliery and so I want to make the position perfectly clear. I think it is a drafting slip and my amendment is to rectify that slip. Sir, I move.

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

"That in clause 5 of the Bill, after the word 'collieries', occurring in the fifth line, the words 'in British India' be inserted."

The motion was adopted.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I move:

"That in clause 5 of the Bill, for the words 'four annas' the words 'three annas' be substituted."

This Bill has been causing a good deal of apprehension among the colliery owners and specially the small colliery owners and owners of low grade coal collieries, i.e., second class or inferior coal, because they have been thinking, and quite rightly so, that this cess of four annas will be too burdensome for them. The price of inferior coal is only Rs. 2 or Rs. 2/8/- per ton ex-colliery; and this cess of four annas will mean about 20 or 25 per cent. of the value of the coal at the colliery. Sir, the Indian Colliery Owners' Association have made a strong representation to Government signed by 134 colliery owners protesting against this cess; and the Federation of Indian Chambers of Commerce have also opposed this cess on a level basis on all the collieries. Sir, I do not want to speak long on this because it is an agreed amendment, but I would suggest that three annas also will give Government something like 35 lakhs which is more than sufficient for their purpose. Sir, I move.

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

"That in clause 5 of the Bill, for the words 'four annas' the words 'three annas' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I am prepared to accept the amendment.

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

"That in clause 5 of the Bill, for the words 'four annas' the words 'three annas' be substituted."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I accept the amendment.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: "That part (iii) of sub-clause (1) of clause 8 of the Bill be omitted." The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, may I at this stage move two consequential amendments to this clause? The first is as follows: I move:

"That at the end of sub-clause (1) (i) of clause 8 of the Bill, the word 'and' be added."

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: "That at the end of sub-clause (1) (i) of clause 8 of the Bill, the word 'and' be added." The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: The second is this. I move:

"That at the end of sub-clause (1) (ii) of clause 8 of the Bill, the semi-colon and the word 'and' be substituted by a full stop."

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is: "That at the end of sub-clause (1) (ii) of clause 8 of the Bill, the semi-colon and the word 'and' be substituted by a full stop." 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. Deputy President (Mr. Akhil Chandra Datta): The question is: "That clause 10 stand part of the Bill."

Mr. N. M. Joshi: Sir, I move:

"That in clause 10 of the Bill, the words and brackets '(except sub-section (i) of section 11 thereof)' be omitted."

Sir, before I give my reason for this amendment, I would like to draw the attention of the House to what the exact meaning of the amendment is. I would, therefore, draw their attention to the wording of section 10 and point out to them that section 10 proposes that, when an Inspector issues an order under sub-section (3) of section 9 of this Bill, for the sake of procedure of this Order, sub-sections (3) to (6) of section 19 shall apply. Now, sub-section (3) of section 19 says:

"Where an order has been made under sub-section (2) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the order, appeal against the same to the Chief Inspector who may confirm, modify or cancel the order."

If an order is made by an Inspector, an appeal is provided to the Chief Inspector. Sub-section (4) says:

"The Chief Inspector or Inspector making a requisition under sub-section (1) or an order under sub-section (2), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (3), shall forthwith report the same to the Central Government and shall inform the owner, agent or manager of the mine that such report has been so made."

This requires the Chief Inspector or the Inspector to make a report to the Government. Then sub-section (5) says:

"(5). If the owner, agent or manager of the mine objects to a requisition made under sub-section (1) or to an order made by the Chief Inspector under sub-section (2), or sub-section (3), he may, within twenty days after the receipt of the notice containing the requisition or of the order or after the date of the decision of the appeal, as the case may be, send his objection in writing, stating the grounds thereof, to the Central Government, which shall refer the same to a Committee."

Sir, this sub-section provides that if the owner, or agent or manager of a mine disapproves of the order made by the Chief Inspector, then the owner, or agent or manager may approach the Government of India, and the Government of India may refer that matter to a Committee. Then sub-section (6) says:

"Every requisition made under sub-section (1) or order made under sub-section (2), or sub-section (3), to which objection is made under sub-section (5), shall be complied with pending the receipt at the mine of the decision of the Committee."

Well, Sir, this last portion is not of much consequence to my amendment. What this section, therefore makes clear is this, that when a Chief Inspector issues an order,—he does that for the safety of the mine as provided for in sub-section (3),—if he issues an order that a particular mine should be sand stowed, the agent, manager, or the owner may approach the Government of India saying that the order is unjust or unfair and the Government of India may, in their discretion, refer the matter to a Committee, and this section also provides that except sub-section (1) of section 11 all the other provisions of the Indian Mines Act, 1923, affecting Committees appointed for the purposes of that Act, or relating to disposal of references made to such committees, shall apply *mutatis mutandis*. So sub-sections (3) to (6) of section 10 shall apply as also all the sections of the Indian Mines Act which concern this matter but the Government of India in their wisdom consider that the provisions of the Indian Mines Act shall not apply to one matter, and what is that matter? It is a matter which relates to the constitution of a Committee. Now, Sir, I do not know why the Government of India should make almost every section of Indian Mines Act concerning this subject applicable, but the constitution of the committee will be different

The Honourable Sir Muhammad Zafrullah Khan: Because the constitution of the Committee is provided for in the Bill.

Mr. N. M. Joshi: The Honourable Member says that the constitution of the Committee is provided for in this Bill itself. My point is, when we have got a constitution of the committee framed ready made, why do you add one more section to this Bill? A Committee has been provided for by the Indian Mines Act. Government by a special provision omit that part and add one additional part and constitute a Committee. The Honourable Member should have explained why a special provision is necessary to constitute a committee. My amendment, therefore, proposes that

[Mr. N. M. Joshi.]

the committee as provided for by the Indian Mines Act shall be the Committee for this purpose. What is the object of this Committee? This clause makes it quite clear that this Committee will hear appeals against the decision of the Chief Inspector of Mines. If the Chief Inspector of Mines suggests that a particular mine should be sand stowed, and the owner or agent or manager of that mine thinks that the mine does not require to be sand stowed, the owner, agent or the manager approaches the Government of India, and if the Government of India think that the matter should be referred to a Committee, the Government of India will refer that matter to a Committee. Therefore, Sir, this Committee will be a committee which will hear appeals against the decision of the Chief Inspector of Mines as to whether a particular mine should be sand stowed. Sir, the Indian Mines Act provides a Committee for this very purpose by section 11. The constitution of that Committee is a much simpler one, and I may say, a very adequate one or a very proper one for the purposes for which this Committee is to be constituted. The constitution of the Committee as provided for by the Indian Mines Act is such that there shall be:

"A Chairman nominated by the Central Government or by such officer or authority as the Central Government may authorise in this behalf, a person nominated by the Chairman and qualified by experience to dispose of the question referred to the Committee, and two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the Central Government to represent the interests of the persons employed in the mine."

The Committee is to consist of four persons, one, the Chairman nominated by the Government, another expert nominated by the Chairman, and two other persons, one representing the employers and one representing the miners. I would like the House to mark the constitution of this Committee. Here, in the constitution of this Committee also the Government of India and the Legislature have provided that labour shall receive equal representation with the employers. I would like the House to note this fact that when a Committee is to be appointed to hear an appeal against a decision of the Chief Inspector of Mines, in the first place, the Government is represented by two members, half the Committee, the Chairman having a casting vote, so that the Committee by its constitution is a sort of an impartial one because Government have got two representatives, one of whom is to be the Chairman. The Government have the majority on that Committee. I want that point to be noted. Secondly, there are two members one of whom is an employers' representative and another is labour representative so that labour has the same representation as the employers. In this connection I would like to draw the attention of my friend, Mr. Azhar Ali, that in the case of the appointment of this labour representative there will be no difficulty because in the first place the constitution of the Committee laid down in the Indian Mines Act is ready made, and secondly, labour representative here is to be elected at all. So, I hope my Honourable friend and the great Party with which he works will support my amendment on this occasion at least on that ground.

I feel that the proposal made by the Government of India is wrong in principle. The Committee is appointed to hear appeals against an officer appointed by the Government of India to look after the safety in coal

mines. I can understand an appeal being made to an impartial body and it is for that reason that when questions as regards safety are to be decided and an appeal is to be made against an order of the Chief Inspector of Mines, the Legislature has provided that that Committee shall have an impartial majority. The Government will have a majority on that Committee. That was properly provided for by the Indian Mines Act, the reason being that, if there is to be an appeal against a decision of the Chief Inspector of Mines, that appeal must be decided by an impartial body. Unfortunately, the Government of India on this occasion did not like to protect, I may say, the dignity of the officer whom they appoint in order to look after the safety of the Indian mines. I have never seen any provision anywhere else where the Government of India have provided that an appeal against the decisions of their own officers shall be decided by a body on whom one of the interested parties shall have a majority. It is for that purpose that I should like the Honourable Members to give some attention to the constitution of the Committee as provided by this Bill.

The Committee, according to this Bill, is to consist of six members, of whom one shall be the Chairman appointed by the Government. There shall be one representative of labour nominated by Government. Then four representatives to be selected by the Chairman out of a panel nominated by employers. I would like the House to note this fact that out of the six representatives who form that Committee one shall represent the Government, one shall represent labour, and four shall represent the employers. I would like any Member here to show me the constitution of an appellate tribunal against the decision of a Government official—a body consisting of people who are interested in the matter of the appeal. The appeal against the decision of the Chief Inspector of Mines is to be made to a body in which the employers are predominantly represented. What is the use of sending an appeal to a body on which the employers are represented by four members out of six? I do not know why the Government of India should have done this. They have never allowed appeals against decisions of their own officers to a body of people on whom the people interested in the matter of the appeal are predominantly represented. The fact of the matter is this. The Government of India, as at present constituted, are unwilling to displease certain interests. The main interests to be displeased in this matter are the coal owners, and out of the coal owners who form the predominant portion? The European Block here. The European Group in this House represents the main part of the coal industry.

An Honourable Member: No.

Mr. N. M. Joshi: Yes. I say yes. The main portion of the coal industry is owned and managed by the British interests.

An Honourable Member: No.

Mr. N. M. Joshi: Yes. How can the Government of India—we have learnt very recently—how can the Government of India displease the European commercial and industrial interests in this country? Therefore, they have gone out of their way to provide a new constitution for this Committee. The Committee is already provided by the Indian Mines Act.

[Mr. N. M. Joshi.]

But that Committee is no good for the Government of India because on that Committee the European interests have not got a majority. The mine owners must have a Committee in which there will be people who will be against sand stowing. That, in my judgment, is the first reason why the Government of India have provided for this new constitution of the Committee. They are afraid of displeasing the European interests in this country; we have learnt that. But, Sir, the Europeans are also clever people. Of course, they are ruling over a large part of the world, not without some cleverness. No doubt, the Government of India is on their side, it is their Government; as a matter of fact, if you ask me, the Government of India is merely a tool in the hands of the British industrial interests in this country. The masters of the Government of India are the European Group in this House and the Government of India is a mere tool and a slave of that Group. But, Sir, the Government of India or the Governor General may not always use his powers of certification if the Legislature does not approve of the Committee as they wanted. The trade agreement is very important and they will certify, but coal mining Bill, perhaps the Governor General may not certify.

An Honourable Member: How do you know?

Mr. N. M. Joshi: I know it. Then, Sir, the European Group, being very clever, took the Indian interests with them. There are a few coal mines owned by Indians.

An Honourable Member: Many.

Mr. N. M. Joshi: They may be many but they are not large. The total amount of the industry is mostly in the hands of the Europeans.

They tried to take the Indian mine owners with them but the Europeans first served their own purpose. They told the Government of India "there are certain conditions which we won't accept, the first condition being that there will be no differential rates for Indian mine owners". The small Indian mine owners who produce bad coal must be taxed at the same rate as the Europeans. The Government of India were willing to pay that price to the European Group. They said "No, the Indian mine owners will pay the same rate, although their coal may be bad and the risk small".

Mr. A. Aikman (Bengal: European): The risk is much greater.

Mr. N. M. Joshi: The risk is small in those mines in which you don't go down by lifts. Your mines are deep and the risk is greater. If you take the census of the people killed in the mines, you will know. The European Group gain their object by saying that the Indian mine owners shall pay at the same rate. Having done that, they tell the Indian mine owners "My dear fellows, what is this labour and why should it be represented. We are all capitalists. We don't risk our lives". Now, Sir, I do not want the owners to suffer from coal explosions and, naturally, the owners do not suffer. The Indian mine owners and the European mine owners come together and say "Why bother. Let there be no representative of labour on the Committee. Let us have a committee on which we shall have a majority. You will have two and we will have two".

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Have you got any evidence of this conspiracy between the Indian and European mine owners?

Mr. N. M. Joshi: Appoint a court and I shall show the evidence.

The Honourable Sir Muhammad Zafrullah Khan: This is the court.

Mr. N. M. Joshi: This is not a court. They persuaded the Indian mine owners to join in a common cause and tell the Government of India "By all means have this Bill but we know how to kill your Bill. Let your Chief Inspector do anything he likes. We shall make an appeal against that order and that appeal shall be heard by a tribunal in which both of us will have a majority".

Sir Cowasji Jehangir: Who are the representatives of Indian mine owners in this House?

Mr. N. M. Joshi: Ask the Congress Party and the Muslim League Party? They are speaking on behalf of both. It is the combination of the Indian and European mine owners that made this pact with the Government of India. They said "You may be our slaves but all your officers are not our slaves. There may be some officers who are independent". All honour to them. The mine owners feared that all officers may not be slaves.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Under those slaves.

Mr. N. M. Joshi: Yes, under those slaves. There are some in your Party who are not also slaves. The European and Indian mine owners went to the Government of India and said this . . .

Mr. Muhammad Azhar Ali: We don't come into the picture.

Mr. N. M. Joshi: "We shall both have a majority. Let the Chief Inspector say what he likes. We shall make a trade union."

Sir Cowasji Jehangir: With Mr. Joshi as leader?

Mr. N. M. Joshi: There are some trade unions of which I shall not be ashamed to be the leader but I shall be ashamed of this trade union. They will form a trade union and every decision of the Chief Inspector of Mines will be reversed. That is the whole object of the Government of India constituting this committee. The object of the Government of India is served. A Bill is passed. It is in the hands of the coal owners to spend the money or not. Therefore, neither the Indian coal owners nor the European coal owners are afraid of this Bill. Then they went to the Government of India and said "If you want a measure to give effect to the Coal Mining Committee, we shall help you to pass this measure and we will see to it that this measure is a dead letter. Not much need be done and if anything has to be done, it will have to be done with our consent". I may be told by some Pundits in this House that the Government may have the right to hear an appeal. May be, but when a committee like this

[Mr. N. M. Joshi.]

comes to a decision, will this Government of India dare to reverse the decision? That is not possible. Moreover, the real danger is this. Not only have the British and Indian coal owners joined together but it was stated by the Honourable Member in charge that some pact, (I think that was the word used) was arrived at in this House

The Honourable Sir Muhammad Zafrullah Khan: That was the understanding on the basis of which the Bill was framed.

Mr. N. M. Joshi: I am glad that there was no pact. The Congress Party is free to vote as it likes and also the Muslim League Party is free to vote as it likes.

Sir, I thought, however

The Honourable Sir Muhammad Zafrullah Khan: I have merely explained the expression that I used. The Honourable Member referred to that. I said there was an understanding to which I referred when I was speaking. There have been certain agreed amendments, no doubt.

Mr. N. M. Joshi: I am glad to hear that there are some agreed amendments, that there is some collusion. That much is true, that there is some collusion, between the Government of India, the Congress Party, the Muslim League Party, the European Group—I do not know if also between them and the Nationalist Group because they voted with me—and these have come to an understanding, an agreement, to use the Honourable Member's phrase, I would say that they have arrived at a collusion that "let us get the cess to be reduced, and this labour representation in these small matters we shall throw out"—that is the collusion. I am very sorry that in this House such an "agreement" is arrived at without consulting the labour interests. After all, the rate of cess is not the only matter in this Bill. The cess is necessary. I agree that it is an important thing. It is to the interest of the European Group, it is to the interest of the Congress Party—which represents the Indian owners—and it is to the interest of the Muslims League Party which represents.—I do not know whom.

Well, Sir, permit me to say a word about the Muslim League Group. Generally speaking, my friends of the Muslim League try to protect Muslim interests and very rightly they represent the Muslim population, and I think it is their duty to protect the interests of the Muslim population and if I were in that place I would do the same thing. Now, in this Bill, by opposing my amendments, whose interests are they protecting? That is what I want the Members of the Muslim League Group to tell me. In my previous amendment my Honourable friend, Mr. Azhar Ali, said that if my amendment had not provided for election he would have supported it. Sir, notice of my amendment was given about I think a month ago. It was open to the Honourable Member, Mr. Azhar Ali, to send in an amendment to my amendment or to send in an independent amendment so that I could have got his support and accepted that amendment but the Honourable Member did not do it. He merely blames me why I brought forward an amendment for a committee as provided for in the Indian Mines Act. Sir, if the Honourable Member had been interested in the welfare of the Indian miners, he would have given an amendment

to my amendment. Sir, the Honourable Member did not do so. I want to know in this Bill where are the Muslim interests to be defended except that the Honourable Member in charge of the Department is a gentleman who happens to be a Muslim and who is sought to be protected by the Muslim League. Sir, is the Muslim League out to protect his interest because he is a Muslim? Certainly not, Sir

Mr. Muhammad Azhar Ali: On a point of order, Sir. Is an amendment to an amendment permitted in this House?

Mr. N. M. Joshi: Oh, yes,—not without notice. Sir, the Honourable Members of the Muslim League are not here to protect the interests of their co-religionist who happens to be in charge of this Bill

The Honourable Sir Muhammad Zafrullah Khan: I have no personal interest one way or the other provided a workable scheme is evolved

Mr. N. M. Joshi: The Honourable Member's interest is that the Bill should be carried. He has some interest. I would make an appeal to the Honourable Members of the Muslim League Party that although the Honourable Member in charge is a very important person and his interest in carrying the Bill should be safeguarded by the Muslim League Party, still I would draw their attention to this fact that although the number of people working in the Indian mines, who are Muslims, is not very large,—I admit that among the Indian miners the majority portion consists of what are called the backward tribes and such people,—let me, however, assure them that today in the Indian mines there are hundreds of Muhammadans. Now, whose interest are you going to protect? The interest of the one gentleman sitting here who wants the Bill to be passed, or the interest of the lives of the hundreds of Muslims who will be working in the Indian mines? I, therefore, appeal to them to consider this fact. I admit it is their duty to protect Muslim interests, but "protecting Muslim interests" means what?—the interest of the Honourable Member who is a Muslim or the interests of the Muslims working in the Indian mines?

Mr. Muhammad Azhar Ali: On a point of information, Sir, my Honourable friend said a little while ago that he did not know whom the Muslim League represents, and very shortly afterwards he admitted that the Muslim League represents the Muslims. Which of his two statements is correct?

Mr. N. M. Joshi: I think the Honourable Members ought to represent the "Muslim" interests. That they have always done it, is not my opinion. I have seen you to represent the interests of "wealthy Muhammadans", "middle-class Muhammadans" and so on but I have not seen you to protect the interests of the Muslim masses. No, definitely no. Therefore, Sir, I am in a difficulty, the Indian miners are in a difficulty, on account of this unholy pact between the Government of India, the European Group, the Muslim League and the Congress. Sir, my amendment is only seeking to provide for a committee as provided by the Indian Mines Act. That committee consists of four representatives of which there should be two representatives of Government, and miners one, employers one, with a Government chairman so that Government will have

[Mr. N. M. Joshi.]

a majority. This committee hears appeals against the decisions of the Chief Inspector of Mines. This is my amendment. I am providing for this Committee as approved by the Government of India in the Indian Mines Act. I think it is wrong of the Government of India

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

. . . . to try only to placate the European interests and the interests of the Indian mining interests. I therefore hope, Sir, that the House will accept my amendment. Sir, you were not here at that time, the Honourable the Commerce Member had said that I put forward my amendment with some eloquence and persistence. But, Sir, if there is any occasion on which I regret I do not possess any eloquence, if there is any occasion on which I regret that I do not have any power of persuasion it is on this occasion. If I had eloquence, if I had more powers of persuasion, Mr. President, I have no doubt in my mind that the amendment which I am moving is so fair and so just that the House would accept it. I still hope that the House will reconsider the pact already arrived at and keep their minds open and free and will accept my amendment.

Mr. President (The Honourable Sir Abdur Rahim): Amendment moved: "That in clause 10 of the Bill, the words and brackets '(except sub-section (1) of section 11 thereof)' be omitted."

Mr. B. Das (Orissa Division. Non-Muhammadan): Sir, my Honourable friend, Mr. Joshi's long speech has been very painful to hear from this side of the House. As a very old friend of his and as a sympathiser of the labour movement I felt pain at the panacea which my Honourable friend laid down that there is the Indian Mines Act, follow it up and have no sand-stowing Bill, have no separate safety Bill.

Mr. N. M. Joshi: Who said that?

Mr. B. Das: That is the idea.

Mr. N. M. Joshi: I did not say that. At least be truthful.

Mr. B. Das: If my Honourable friend, Mr. Joshi, had suggested not to have a sand stowing Bill but bring it in the shape of amendments to the Indian Mines Act, I would have been able to understand him. I know there are Committees prescribed in the Indian Mines Act but these Committees were to look after the troubles between the labour and the capital, and when labour had no facilities, these Committees were to look after the welfare of the labour also. It was for this reason that those Committees came into existence. The Indian Mines Act was amended in 1923. Did my Honourable friend, Mr. Joshi, at that time suggest that there has been danger in the working of mines and that the rescue and safety of mines is necessary by amendment of the Indian Mines Act? Did he himself bring forward a Bill which would have been a more comprehensive safety Bill than this sand stowing Bill. As one who has taken great interest in the matter of the safety of these mines, because the mines are situated in the provinces of Bengal and Bihar, I have visited those coal fields and I feel, whether they are owned by the Europeans or Indians, that they are meant

to be exploited for coal purposes. But when these mine owners will leave these mines, the land will and must remain with the people of Bihar and Bengal. By his one hour speech Mr. Joshi wanted to depict all of us who participated in the discussion of this Bill on the floor of the House or who worked as Members of the Select Committee as having no understanding and, therefore, we walked into the trap which was set by my Honourable friend, Mr. Aikman, who was also a member of the Select Committee.

Mr. N. M. Joshi: Unfortunately, it is true.

Mr. B. Das: Mr. Joshi has forgotten the minute of dissent signed by myself and the Honourable the Deputy President and we suggested that there should be two representatives of labour. We suggested an amendment to section 11.

Mr. N. M. Joshi: I am proposing only one: so, vote for my amendment.

Mr. B. Das: Why don't you vote for our amendment which will be moved later? It is very painful to learn, Sir, that somehow we apply our minds in a different way. This is a Bill which is designed for the safety of coal mines and the Chief Inspector is there on a sort of an arbitration Board. Mr. Joshi forgets that the Chief Inspector is always a mining expert; he is not a labour representative. Let me read clause 11, sub-clause (2):

"No person shall be nominated to the panels referred to in clause (b) of sub-section (1) unless he possesses such technical qualifications as may be prescribed."

As I understand it, the whole point of reference will be on technical matters as has been discussed in the Indian Mining Committee's report. I myself would welcome even two members nominated not by the Government of India but by the Provincial Governments. But this arbitration has nothing to do with the general issues: it is concerned with the operations of the management of these mines. So, there must be experts. Of course, I am not referring to any discussion that arose in the Select Committee, but somehow Mr. Joshi has got the suspicion that engineers, mine managers and experts cannot be relied upon when they are put on an Arbitration Committee. Somehow, Mr. Joshi thinks that the particular mine over which the Committee wish to arbitrate will have its own manager on that Committee. That will never happen. The Indian Mining Association, which is a European body, having one or two Indian gentlemen, will have two representatives, but these will be chosen from a panel of several persons. We should bear in mind that the Chief Inspector is also the adviser of the Government of India. Will he not point out that of these eight persons, so-and-so is identified with the collieries and with the colliery system of the applicant or any other system? Sir, I have risen to address the House to point out that at no stage, barring this day, and at no time did Mr. Joshi point out that the whole idea of the stowing Bill and the safety Bill was a combination of the Indian and European colliery owners who wanted to hoodwink the Government. Mr. Joshi has made about half a dozen speeches on this subject but he never said this till he came to this Bill except perhaps with regard to the personnel of these two Committees, that as the Indian Mines Act lays it down, this must be the standard of test for this sand stowing Bill. I would like to know why he did not make such a speech when the Indian Soft Coke Cess Committee Bill was passed in this House? Why did he not raise his voice of protest against the employers' representatives on the Indian Soft Coke Committee? Sir,

[Mr. B. Das.]

my Honourable friend, Mr. Joshi's Bible is the Indian Mines Act and no other new light can be thrown to remove the dangers to the safety of the miners themselves. Mr. Joshi thinks that the same old antiquated Mines Act is the only panacea for all his troubles. But I do hope, in spite of his annoyance at some of us, Mr. Joshi will kindly bear in mind what sub-clause (2) of clause 11 provides and he will also try to understand the minute of dissent that we have written and I hope that he will support the amendment that we will move later on and that he will not be so difficult as he has been this afternoon.

Dr. Sir Ziauddin Ahmad: Sir, I heard a very entertaining and interesting speech from my Honourable friend, Mr. Joshi, though I admit that it was neither logical nor convincing. It was only entertaining. He accused the Government by saying that it is a tool in the hands of fools. Before proceeding with my speech I would just like to narrate a small proverb which I was just reminded of. The proverb is that somebody said

"*Jat re Jat tere sar par khat.*"

The other man replied:

"*Teli re Teli tere sar par kolu.*"

The Teli said there was no rhyme in it. The other man said: "It does not matter, but you will die under the weight of that kolu." That is the point of the proverb. He did not understand what was the meaning of the word, but as long as there was the rhyme, namely, fools and tools, it suited him very well. Probably he might have said that the Government is a tool in the hands of wise men but he changed the wise men into fools because of the rhyme and it suited him very well.

Now, Sir, he constantly reminded the Members of the Muslim League: Whom do they represent? I know very well whom I represent, but may I ask my friend, Mr. Joshi, whom does he represent? Does he represent the Government who have nominated him or does he represent the labourers whom he never sees and about whom he talks only on the floor of this House and never outside this House? My Honourable friend is spending most of his time between Delhi, Simla and Geneva and he gets very little time to look after labour except to shed crocodile tears on the floor of the House in season and out of season as it suits him. He said there is a kind of conspiracy between European mine owners and the Indian mine owners. I am not in that conspiracy because I know I am not a mine owner. I am not consulted by them either. Let us talk something, something about workmen and I dare say that I do not represent workmen in the same sense in which they are represented by my Honourable friend who only speaks of them whether it suits them or not. He does not take into consideration what is this committee for. Here is a committee to consider the orders passed by the Chief Inspector of Mines. Here, on the floor of the House, two or three years ago we discussed quite a lot about the bureaucratic power of the Chief Mining Inspector. We also put a series of questions about Mr. Whitworth and then it was suggested that we should have some kind of committee to review the orders of the Chief Inspector of Mines. Here we have got a committee to consider the orders passed under section 9 (3) of the Act. I do not see any reason why there is any question either of communal representation or labour representation or European representation or representation of any kind. After a good deal of consideration, this committee was appointed to represent various categories of interest.

I do not see any reason why we should disturb the equilibrium of this particular committee. If we add to the number of members in one category probably we will have to alter under other categories as well. Therefore, this is not at all desirable. He himself accepted to delete part (iii) of sub-clause (1) of clause 8 of the Bill in which he said that the safety of coal mines was explicitly excluded from this particular Act. I do not see any reason why the interest of the workmen in the mines should be explicitly represented in equal proportion to the representation of the mine owners. This particular committee will not have to deal with the rival claims between workmen and capitalists, between labour and the person who employs labour. They will practically decide questions of relative importance and relative requirements of the mines, whether stowing would not be necessary in a particular mine and what steps should be taken to ensure that stowing is done in a proper manner. This particular committee is not to look after the interests which Mr. Joshi has in mind. It looks after the interests which are provided for in sub-clause (3) of clause 9 of the Bill. I oppose the amendment.

Prof. N. G. Ranga: Sir, I am rather surprised at the attitude displayed by my Honourable friends, Mr. B. Das and Dr. Sir Ziauddin Ahmad. Sir, I can understand my Honourable friend, Mr. B. Das, because he is over jealous in his anxiety to protect the interest of the mine owners at any cost. But I cannot understand the attitude of Dr. Sir Ziauddin Ahmad who claims to represent the workers. Almost every time that he says anything at all, in regard to workers, it is against their real interests. He may be having in his mind workers of the cadre or status of Vice-Chancellors of Universities.

Dr. Sir Ziauddin Ahmad: Professors!

Prof. N. G. Ranga: . . . and also Professors who are the colleagues of Vice-Chancellors in the University. It is difficult for me to take him at his word when he says that he represents the workers. Certainly what fell from him this afternoon is not at all in favour of the workers.

I used to criticise Mr. Clow and Sir Frank Noyce while they were in charge of the department of Labour on the ground that they were not doing as much as they could for Indian labour. I now find that the interests of labour have fallen from the frying pan to the fire. Here is my Honourable friend, who is a very capable and versatile gentleman, but who is more fit to deal with business problems and businessmen than to protect the interest of poor labourers. He has shown this abundantly in this Bill. While the other two Honourable Members were in charge of labour, they established this precedent of providing equal representation for both the employers and employees as far as the mining is concerned. I can assure my Honourable friend, Mr. B. Das, that this particular Act is not antediluvian since it was last amended as recently as 1936. In this particular Act care was taken on almost every relevant occasion to provide for equal representation of labour and employers. The Government Members then representing Labour Department, Sir Frank Noyce and Mr. Clow, were a party to it. Now here comes the Honourable Sir Muhammad Zafarullah Khan who wants to make a definite departure from that practice. It may be said by him as was said by Dr. Sir Ziauddin Ahmad that here we are not interested so much in the specific question of safety of workers as in the general question of interests of the whole industry. The general interests of the industry are sought to be safeguarded according to me in a wrong way in that one-sided constitution which this House already passed.

[Prof. N. G. Ranga.]

—that is constituting a Board in which the employers or mine owners are over-represented and workers are not at all provided any representation. That Board is there to look after the interest of the whole industry. This sort of committee is to be appointed only when there is a reference made to it by the Government on appeal made by any particular mine owner or his agent or any other representative of his to the Government of India against any order that may be made by the Chief Inspector of Mines. The question that is to be decided by this particular committee is a somewhat specific one concerning the particular mine and its internal conditions. I am prepared to concede the point made by my Honourable friend, Mr. B. Das, that it may be a very technical point to be settled but it is not too technical enough to be considered by miners themselves. The miners themselves have much more technical knowledge than laymen like ourselves in regard to the manner in which a mine is being worked or is to be worked. The Government themselves have accepted the principle underlying that particular claim that we make by making provision here even in this clause 11, sub-clause (c) for the representation of labour. Now, if one representative of labour can be there to decide a particular question which is considered too technical, then, certainly, I do not see any reason why this objection of the technicality of any reference that may have to be discussed and decided upon should at all be raised or trotted out. Then, if any particular reference in regard to any particular mine has to be decided upon I do not know why the representatives of the whole of the industry should be brought there to give a considered decision, except it be for the purpose which is mentioned by my Honourable friend, Mr. Joshi, that they can very well scratch each other's back and then settle the thing and say that all this work need not be done at all, that instead of doing 100 per cent. of the work 50 per cent. or 20 per cent. is enough, and so on. One may wonder what is there to be gained by this sort of avoidance of the total amount of repair work or stowing work that has to be done. This will be the advantage. If instead of spending or ordering the expenditure of Rs. 1,000, this committee is satisfied with an expenditure of Rs. 500, or Rs. 200 or even Rs. 100, there is so much saving for the stowing board; and as long as there is money at the disposal of the stowing board it will not be necessary for the board to ask Government to continue the cess for a year or two years. Surely, Government do not mean to say that even if they propose to pass a rule prescribing the amount of cess that must be levied according to section 5 it will not be possible for the trade to come to them and represent to them that there is so much of excess money in their hands and, therefore, there is no need to continue the collection of this cess at the same rate year after year; and, therefore, there is a case for reducing this particular rate at any moment. Government need not even come to this House to ask for power to reduce the rate of cess at all. It is left entirely to their own discretion; they may fix it today at two annas and tomorrow they may, by rule, reduce it to one anna. What is there to prevent it? This is the particular advantage that can be derived if this clause 11 as it is were to be passed. Now, instead of this what is it that we have asked? Let there be one member representing the particular mine that is involved; let there be another representing labour employed there; and let there be a third person appointed by Government to preside over it; and let them decide. After they make their decision who is to foot the bill? Is it the board? not that particular committee itself and not even that particular mine owner himself. This board has got to foot the bill.

It may be that in addition to the ordinary compulsory stowing some other incidental or associated repairs or reforms have to be effected and to that extent the mine owner himself has got to make his contribution. It is to his interest to try and avoid it, and he will successfully avoid it if this committee that is proposed by Government is passed. Sir, I emphatically protest against this calculated departure that Government want to make by means of this particular Bill from their own established principle and established practice of providing equal representation for both parties, at least in so far as the mining industry in this country is concerned. Therefore, I am in favour of Mr. Joshi's amendment.

Sir, I must confess that in my opinion the Honourable Member in charge of the Bill has been less than fair to the House in rising rather too early on the last amendment to speak and then not having any one else on the side of Government to answer some of the points that have been sought to be placed before the House. It may be considered by Government that in view of the provisional agreement that he has talked of which has been arrived at between the various Leaders of Parties and himself he need not care so much for the various points that may be made in this House. Sir, I maintain that the value of the deliberations of this House depends as much on the votes which are given as on the various points that Honourable Members make on the floor of the House and the advantage that we derive from listening to each other's point of view and then coming to a decision in the light of the points that are raised in the course of the discussion. If on the other hand my Honourable friend, going to sleep coming to some sort of agreement and then, afterwards, going to sleep because in the light of that agreement everything else is going to be passed, and he need not trouble to answer any particular point that may be raised, then I can only say that I am sorry for him and he is wrong.

The Honourable Sir Muhammad Zafrullah Khan: Sir, between Mr. B. Das and Prof. Ranga I will not attempt to arbitrate. So far as Mr. Joshi is concerned, the whole theme of his speech was that Government are the tools and slaves of the European Group, that the European Group have a dominant interest in the coal industry, they have entered into an alliance with the Indian mine owners and then somehow these interests have entered into an alliance with the Congress and the Muslim League,—he spared for some reason or other the Nationalist Party . . .

Mr. M. S. Aney (Berar: Non-Muhammadan): Because I voted with him on one point.

The Honourable Sir Muhammad Zafrullah Khan: And he says that as a result of all this, labour has no look-in into this matter. Now, Sir, assuming for a moment that his thesis is correct, what is he seeking to do by this amendment? By this amendment he wants the committee, defined in section 11 of the Mines Act, to be substituted for the committee the composition of which is set out in clause 11 of this Bill. What is the composition of that committee? Two representatives of Government, one representative of the employers and one representative of labour. Now, let us see how that helps him on the basis of his own allegations which, at any rate, so far as he is concerned, I assume he has honestly made. Two people representing the tools and slaves of the European Group, one representing the employers directly, that is to say, the Europeans in unholy alliance with Indian mine-owners, and only one

[Sir Muhammad Zafrullah Khan.]

representing labour. That is the kind of committee that he wants in place of the committee that this Bill offers him. If he really were honest and sincere in his criticism he ought to be much more afraid of the committee the composition of which is set out in section 11 of the Mines Act than of the committee the composition of which is set out in clause 11 of this Bill.

Mr. N. M. Joshi: I have confidence in your officers.

The Honourable Sir Muhammad Zafrullah Khan: Then, if Mr. Joshi has confidence in Government officers he would have this committee set out in clause 11 with the Chairman of the stowing board who will be appointed by the Central Government as Chairman. Then, out of certain panels, the Chairman will have to make his selection. Let us hope he will do it honestly. Even Mr. Joshi admits that he will be independent, and at any rate he cannot complain that in this particular committee the miners are being left out altogether. They will have one representative, no doubt again nominated by those tools and slaves of the European interests. But his own next amendment, in case he does not get this amendment through, is to increase that one to two. Therefore, I suppose he has not much objection to the Central Government nominating. The real reply to Mr. Joshi, of course, is that for the particular function that this committee has to perform one had to depart from the constitution of the committee as laid down in section 11 of the Mines Act. Mr. Joshi has throughout joined issue with Government and with mine-owners, whether European or Indian, over the composition of the board and over the composition of this committee, and wants his representative in the manner prescribed by him on the Board and the committee. He has also condemned the arrangement that Parties in this House should have agreed among themselves that certain amendments may be carried and certain others need not be moved. He is well aware—he is too old a Member of this House not to know—that when a measure is placed before the House all sorts of amendments are sent in because on a detailed study it might appear that many of them might make useful improvements in the measure; and when a detailed study has been made very often compromises are arrived at; and certain amendments are moved and accepted; and certain amendments are not moved. There is nothing at all objectionable in that kind of arrangement to which very often he has been a party himself. On this occasion it did not suit him and, therefore, he used all kinds of adjectives for the arrangement. Sir, I oppose the amendment.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, but for the charges levied by my Honourable friend, Mr. Joshi, I should not have thought fit to intervene in this debate. It is a pathetic sight, a very pathetic sight indeed when an individual finding himself lost to all sense of proportion and does not find support hides himself behind arguments which attribute among other things dishonesty to people.

Mr. N. M. Joshi: What other things?

Mr. Bhulabhai J. Desai: I have great admiration for my Honourable friend, Mr. Joshi, for the manner in which he reads human minds, and it is for that reason that I have got up to address the House. In my part of the country, we used to be told of a very distinguished individual, a pandit, who went up to one of the assemblies where discussions used to be held: people assembled from all over India, and a man used to get distinction by way of being regarded as the victor in the argument. One day, one of these young fellows came back home, which is my part of the country, and announced to his mother "I have won." The mother was exceedingly glad in fact and asked what had happened. He said "I won, because I listened to nobody and I believed nobody." That is the kind of pandit that my Honourable friend is according to the formula that we have heard of in my part of the country. I admire the protagonist even of single causes, but there is a limit even to the enthusiasm, not to say the fanaticism, in the belief in that cause. After all is said and done, in every measure before this House there are provisions each one of which has its own proportionate value: not that anything has no value, but it has only a proportionate value; and I appeal to my Honourable friend never to say that he is so helpless that he must needs see dishonesty in every arrangement made in this House. My plea is not so much that whether he has done it rightly or wrongly—he is in a position of splendid isolation and, therefore, I will not disturb him in that peaceful position; but the fact still remains that after all we are colleagues and we work together and, therefore, he must recognise that if we are not able to follow his humours on every amendment, borrowed either from this country or any other, therefore we do not fall below the standard of decent honesty in public life which at least we not only profess, but we hold.

The fact remains in this case that a question arose as to how far the small mine owners should bear the burden that they were called upon to bear for the first time; and whatever my Honourable friend may think, I must tell him that on the other hand, far from charging Government in this case, it is they who wanted a larger maximum and it is I, speaking for the smaller mine owners, who asked for the reduction of that maximum. Therefore, you cannot possibly charge them that the committee to be set up by Government was not to be put into larger funds than suggested by the Government. As a matter of fact, the miner himself can exist if the mine and the mine owner exist. But my Honourable friend can only look at one side of the issue. The country does not exist; the mine does not exist, the mine owner does not exist for him. I dare say, he will move into that paradise in course of time when this country has attained a different position; when it does, whether he will be there is a matter which we will leave to the future. But the fact remains that those of us who do not think either in terms of our constituency or our religion, but always of the country at large, notwithstanding the fact that I happen to be returned by a particular constituency—and that country naturally consists if you must divide it of elements which may apparently be conflicting, but which need not be.

I quite agree that there is a class of politicians who think that there is always a constant conflict between what are called classes: there are others who think that only one class should exist and others should not; there are others who think that while we exist, other classes also might exist and others who think that the principle of reconciliation. It is the last class to which I belong, and so long as I continue to belong to that, I will not be so purblind as not to understand the problem from the points of view of all because, when

[Mr. Bhulabhai J. Desai.]

Mr. Joshi has taken all for labour, ultimately I would find out what has been left for me to take and from where he would take for the labourer—probably the labourer whom he represents will say "Save me from my friends". That is probably the final situation into which Mr. Joshi is bound to be driven; and, therefore, I do appeal that while we admire his zeal, he need not attribute even if he cannot find a better explanation, if his astute mind is not capable of finding an honest explanation, let him at least believe and remember that there may be things, as in Horatio's philosophy, which Mr. Joshi has yet to know: it does not follow at all that the conclusions to which he jumps by a mere process of reasoning of his own, accusing everybody of dishonesty—there is nobody else left: the mine owners representing the European Group—the mine owners at all events so far as they have any influence left in the rest of the House and so far as the State is concerned, the State; and I would like to know whether any other except labour whom he does not represent by any process of representation is left at all. He chooses to be an advocate of labour, and he does so very ably; but when you say that you must remember that there are so many sides to the question that one need not run to the hasty conclusion in a precipitate manner saying that everybody who does not agree with him for reasons which he alone knows—he will be the sole judge, the single judge of those reasons and other reasons of other people must be founded on dishonesty. I regret very much an attitude of this kind: and particularly as I see when he says "I am a liberal and a moderate, and I am proud to be one." I thought they had a sense of justice so supreme and so high that more often than not they find reasons for honesty where none exist even in the normal mind; but when all that credit which they have always enjoyed of independence of thought while the rest of the country thinks the other way, I should have thought that they at all events would always believe that it is possible that other people differing from them can be honest.

So far as this Bill is concerned, its primary object is to get money for the purposes of assisting those mines where operations are necessary for safety. May be it is a mine collapse, may be it is a fire or any other accident of a similar nature: it is in the general interest to prevent it. If you have a fire engine owned by a municipality intended for the purpose of saving any house that may happen to be burning, is it desired that you should be told that the rate payers are not the affected persons to be helped and the house may be allowed to be burnt? I do expect of my Honourable friend a little better sense of proportion in order to understand how public purposes can be served in a general way by those who contribute to the funds which are intended for this public purpose. What defeats me is that my Honourable friend forgets that if a tax is levied on a certain body of people and they provide the money for an interest which is earmarked, it is incidentally everybody else's concern. I do not deny that. I do not deny that human life is as much the object of this measure as the saving or injury part of it; and, as I said about the fire engine of a municipality, who has ever seriously argued that unless a labourer or scavenger or somebody else is represented on a committee, it is incomplete and will not serve its purpose, or that they would be so nefarious or stupid or criminal that would keep all the money and let the houses be burnt, forgetting at the same time that the people who sit on this committee have interests, and that if a neighbour's house is burning, my own house is in danger, and it may easily happen that the particular individual concerned may be the nearest

neighbour of the place where sand stowing operations are carried on. Let us, therefore, examine the problem with a proper sense of proportion, let us attribute a little more honesty even if our minds cannot conceive of that particular honesty. Of course, if my friends sit on a jury and there he has to give a verdict against an individual, well, I hope he is exempt from that particular operation in so far as the juries in India are concerned, because I rather pity the man who would appear before him, because he will say that so long as I see no other reason, I will condemn him. That is not the proper way to look at the matter. I do appeal to my friend that in trivial matters he should regard the House and those who entered into the agreement as on the whole having given the best they could give. I do not deny for a moment that if I had to frame the Bill, I might have altered it in some respects, but that does not mean at all that in trying to do that, you should have a sterile argument all the time. There are always two methods of approach, one is to see whether in a legislative measure,—and I am emphasising the point,—because over the executive we know what our power is and how it is being used,—but in legislative measures I have the experience that we are able to approach the question with a sense of proportion to influence the judgment of those who introduce the legislation, and, therefore, to that extent I only plead with my friend,—I appeal to him,—that he would do us the justice, he would do well by his colleagues who have always appreciated his view point more than that of any others, and he would not indulge in future in attributing motives, and that even now he will have the large-heartedness to get up and say he did not mean any dishonesty in this business.

An Honourable Member: Sir, the question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 10 of the Bill, the words and brackets '(except sub-section (1) of section 11 thereof)' be omitted."

(After calling for "Ayes" and "Noes".)

The Chair thinks the "Noes" have it.

Mr. N. M. Joshi: "Ayes" have it.

(Mr. President then asked Honourable Members who were in favour of the amendment to rise in their seats.)

Mr. N. M. Joshi: May I request that this division may be noted?

Mr. President (The Honourable Sir Abdur Rahim): No, it is not necessary.

(Then, Mr. President took the vote of the House by asking Members to rise in their seats and declared that the motion was negatived.)

The motion was negatived.

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

"That clause 10 stand part of the Bill."

[8th APRIL 1939.]

Mr. K. Santhanam: Sir, I want to speak on this clause. I want to point out that clause 10 as it has been drafted is defective in some respects. It would have been better for the Government if they had not tacked it on to section 19 of the Indian Mines Act, because I find on reading carefully section 19, the scheme of that section is.....

Mr. President (The Honourable Sir Abdur Rahim): Is there any amendment?

Mr. K. Santhanam: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member want to oppose this clause?

Mr. K. Santhanam: I want to suggest certain things, and point out certain defects which may be remedied by rules, and this is the only opportunity.....

Mr. President (The Honourable Sir Abdur Rahim): There is another clause for the making of rules in connection with which the Honourable Member can suggest what he desires.

Mr. K. Santhanam: No, Sir. There is no other clause. The scheme of section 19 is that the order issued by an Inspector or a Chief Inspector should be carried out unless on an appeal to the Committee in the case of a requisition under sub-section (1), there is a stay of proceedings, but against other things there is no stay at all. Therefore, when there is no order for staying operations, what is the mine owner to do? According to the section as it stands, he has to carry out that order, and that is illegal. If it is a case of mere abetment, then he can abstain, but if it is a case of positive action, how can a man carry out the stowing operations and then appeal. Therefore, provision for stay is absolutely essential in a scheme of this sort, and, therefore, I suggest that the Government should take steps either to put in proper provisions for that purpose or to rectify the defect by taking action under the rules. This is the only point I want to bring to the attention of the Government and of the House, and I hope the defect will be duly remedied.

The Honourable Sir Muhammad Zafarullah Khan: This matter will be looked into.

Mr. Shufabhat J. Desai: I may point out, Sir, that I think a provision of that kind is needed.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 11 stand part of the Bill."

Prof. N. G. Ranga: Sir, I move:

"That in sub-clause (1) (c) of clause 11 of the Bill, for the words 'one member' the words 'two members' be substituted."

Sir, I am most unhappy on account of the failure of the House to pass the amendment that was moved by my friend, Mr. Joshi, in clause 10. Sir, I do admit that when either myself or my friend, Mr. Joshi, plead for adequate representation for labour, we are not at all trying to encroach upon the rights of other sections of our people. We are only anxious to see that even under present circumstances in this capitalist society justice should be done to labour. Even according to the theory known as the class collaboration which has been propounded by my leader, Mahatma Gandhi, the scales have to be held even as between the Baronet from Bombay and the poor miner. Even in the Mines Act, this Government has also accepted that principle of class collaboration to give equal representation and equal weight and equal consideration for the view point of both these parties. It is true that I myself do not subscribe to the particular principle. I would rather that the existing circumstances should be recognised that there is an eternal conflict between these two interests which the labour is only trying to put an end to. If there is any difference of interest between mine owners on the one side and miners on the other, it is not the fault of the miners. They are helpless under the present system. They want to become masters some day of all these mines. They are not today, and they recognise the *status quo*. The whole lot of them will themselves become mine owners.....

An Honourable Member: How can they be?

Prof. N. G. Ranga: My friend does not know the principles under which the co-operative societies are run in which the same people who manage the co-operative society are themselves the customers of that co-operative society. Similarly, our mines can be run in a co-operative fashion. Our railways are being run by the State, and the State we claim is representative of the nation. This State is not, but tomorrow we expect to be able to have a better State and we claim now to be having a better State in all these various provinces and the Governments there are representative Governments. To that extent they are expected and they can be expected to better represent the interests of the people than this Government. Therefore, we are anxious that as soon as it is possible the miners should be in complete possession and control of all these mines. If that cannot be done directly, then indirectly, as the Minority Report here of this Coal Mining Committee says, all these mines should be nationalised, and should be placed under the control, supervision and ownership of the State, and then the miners.....

Mr. President (The Honourable Sir Abdur Rahim): That is not the object of the Honourable Member's amendment.—nationalisation of mines. The Chair thinks it is very far off, and the Honourable Member must confine himself to the amendment.

Prof. N. G. Ranga: This clause, as it stands, goes against that main principle underlying Government policy of providing equal representation to all contending parties with conflicting interests. Here, provision is made for four members to be selected by the chairman of the Board. Who

[Prof. N. G. Ranga.]

are these four members? They are all experts. They are not going to,—thank God,—to be imported from England. But they are experts who are already in the employment of some of these mine owners. They are not other officers of the Government; otherwise, they would have said so. They are people who are already in the employ of these mine owners, and to that extent, just as my Honourable friend, Sir Muhammad Zafarullah Khan, claimed that his officers have got to carry out his orders, these experts employed by the mine owners also have got, according to me, to carry out the orders of the mine owners. It may be a technical point at issue, but they cannot be blind to the financial consequences of this and so far as the finances are concerned, the mine owners will come in with their interests. These people will be there. In addition to that, how are these people to be selected? Two from a panel of eight persons nominated by the Indian Mining Association and so on. The Mining interests are doubly assured, not only by having these people in the employ of the mine owners, but we have also this, one from a panel of four persons nominated by the Indian Mining Federation, one from a panel of four persons nominated by the Indian Colliery Owners' Association. These are four persons, and as against these four, what is the representation of labour on this particular Committee? Luckily my Honourable friend earlier, that there need be no representation at all for labour. They have conceded the principle that there should be labour representation on this Committee. Having done that, they simply provide for one member. Why should it be so? Is it because miners are not considered to be good enough to be represented on an equal footing with the others? Certainly, there will be no mining in the industry if there are no labourers. No profits can be earned if there are no miners, and my Honourable friends will have to liquidate all their things if there are no miners. This particular principle is a wrong principle, an erroneous principle, and, it is a principle which was enunciated in those good old days of *laissez faire* and the great Adam Smith and his great grandfathers, but as ill luck would have it, some of our greatest brains in this country still support this principle....

Mr. F. E. James (Madras: European): Would my Honourable friend allow me to interrupt him? Could he inform the House if he is going to continue his speech till 5 o'clock?

Prof. N. G. Ranga: That is a frivolous interruption. I can only say that we shall not subscribe to this bad principle that labour should be treated only as chattel and, therefore, need not be provided with any sort of representation, and, if at all, no such representation as is provided for employers and so on. It is wrong. But at its worst, even according to the Gandhian principle of class collaboration, which according to the Government of the day under the present circumstances is the best and most forward policy—what they propose to do is very wrong, unjust and one-sided. Properly speaking, there ought to be places here for four members on behalf of labour. But Government provide for only one. What do I ask? I would condemn myself as a more moderate person than my Honourable friend, Mr. Joshi. Mr. Joshi has some justification in being moderate because he happens to be President of the All-India Trade Union Congress; I have none, no justification for being so very

moderate, but knowing the temper of the House and knowing the practical possibilities which my Honourable friend has so eloquently commended to my attention as well as the attention of my Honourable friend, Mr. Joshi, and people of our way of thinking. I have only asked for one more member on the Committee. Four on behalf of these great men, one appointed by the Government, total five and then if my two people also come in instead of one, it will make only seven. Out of a committee of seven my people will have only two. Is that unfair? (Interruption.) I am just now advocating the cause of the labourers. Out of a Committee of seven, is it wrong, is it revolutionary, is it irresponsible, is it inconsiderate for me to come here and ask for two people? (Interruption.) Here is my Honourable friend. He is always for justice because he believes in short staple cotton. I will make a serious appeal to members of all Parties in this House to consider this thing in a serious minded manner and make this concession at least and establish the fact that after all they have not completely gone over to the other side. Sir, I move.

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

"That in sub-clause (1) (c) of clause 11 of the Bill, for the words 'one member' the words 'two members' be substituted."

Mr. Joshi.

Mr. N. M. Joshi: As there is only one minute to five, may I request you to adjourn now, so that I may begin my speech tomorrow?

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

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 4th April, 1939.

LEGISLATIVE ASSEMBLY.

Tuesday, 4th April 1939

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.

PERSONS IN GOVERNMENT SERVICE OF COUNTRIES PROHIBITING THE ENTRY OF INDIANS IN THEIR SERVICES.

1492. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Home Member state—

(a) whether there are in the services of the Government of India any persons from countries which have prohibited the entry of Indians in their services;

(b) if so, what is their number; and

(c) to which countries they belong.

The Honourable Sir Reginald Maxwell: The information is being collected and will be placed on the table in due course.

REDUCTION IN THE NUMBER OF MADRAS REGIMENTS.

1493. *Mr. T. S. Avinashilingam Chettiar: Will the Defence Secretary state—

(a) what the number of Madras Regiments in 1857 was;

(b) what their number in 1900 was;

(c) what their number now is; and

(d) what the reason for their reduction is?

Mr. C. M. G. Ogilvie: (a) The Madras Army included three regiments of cavalry and 52 regiments of infantry.

(b) 3 regiments of cavalry.

19 battalions of infantry.

3 battalions of pioneers.

(c) Three Indian cavalry regiments and nine Indian Infantry battalions of the present Indian Army formed part of the old Madras Army. Their class composition has, however, been changed.

(d) It was due to a reduction in the number of units and changes in organisation and class composition. I also refer the Honourable Member to the speech of His Excellency the Governor-in-Chief on the Resolution moved by the Honourable Sir David Devadoss in the Council of State on the 13th September, 1938, regarding enlistment of Madrasis in the Indian Army.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government are aware of the feeling in the Madras Presidency that greater enlistment should be made from that Presidency?

Mr. C. M. G. Ogilvie: They are so aware.

Mr. T. S. Avinashilingam Chettiar: May I know whether they have considered that feeling and come to any conclusion as to raising troops for the Indian Army from that Presidency?

Mr. C. M. G. Ogilvie: Government have, of course, considered the feeling, but at present they have no intention of altering their present policy of recruitment.

Mr. S. Satyamurti: May I know whether the Government of Madras have addressed the Government of India officially or unofficially on this question, and have they pressed the claims of Madras for larger recruitment in the Indian army?

Mr. C. M. G. Ogilvie: So far as I am aware, not recently.

INDIA AND IMPERIAL DEFENCE.

1494. **Mr. S. Satyamurti:** Will the Defence Secretary please state:

- (a) whether his attention has been drawn to the leading article entitled 'India and Imperial defence' in the *Hindu* of 18th February, 1939;
- (b) whether it is proposed to mobilise the forces of this country in case of war or grave emergency for the purpose of mobilisation;
- (c) whether it is proposed to empower the Governor General to direct the Provincial Governments to act in a particular way in times of war;
- (d) whether Government have any knowledge of the position which General Sir John Burnett-Stuart assigns to India in his scheme of decentralised Imperial Defence, namely "India has already direct military interests extending from the Persian Gulf through Burma to Singapore and she might extend her sphere to include Iraq";
- (e) whether the Government of India have been consulted on this matter;
- (f) what are the financial commitments of any such responsibility being undertaken by India; and
- (g) whether public opinion will be consulted in this behalf before final decisions are arrived at; if not, why not?

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

(b) In the event of war or of a grave emergency arising, it may be necessary to mobilise the defence forces of this country.

(c) I refer the Honourable Member to the reply given by the Leader of the House to starred question No. 1281 asked by the Honourable Member himself on the 24th March, 1939.

(d) Yes. It is quite obvious that the factors which condition the problem of India's defence are not limited to those which apply only within her own borders.

(e) The Government of India are consulted by His Majesty's Government in respect of all plans in which India's military interests are or are likely to be involved.

(f) The Government of India have entered into no financial commitments in respect of any operations unconnected with the defence of India.

(g) Does not arise.

Mr. S. Satyamurti: With reference to clause (f) of the question, may I know whether any preparations are now going on to mobilise the forces of the country?

Mr. C. M. G. Ogilvie: Preparations are, of course, always in train, and the forces of this country could be mobilised quite quickly.

Mr. S. Satyamurti: May I know whether any preparations on a scale of a contingency of war or grave emergency are now being made by the Indian defence forces?

Mr. C. M. G. Ogilvie: I cannot possibly say that.

Mr. T. S. Avinashilingam Chettiar: Have Government any intention of increasing the Auxiliary Forces of this country?

Mr. C. M. G. Ogilvie: Not at present.

Mr. Abdul Qalium: Is it not a fact that 6500,000 was accepted on the condition that Indian troops would be used outside India for Imperial purposes?

Mr. C. M. G. Ogilvie: I have already fully explained the nature of that award, which followed the award of the Garrow tribunal, in answer to questions during this Session.

Mr. S. Satyamurti: With reference to the answer to clause (d) of the question, may I know whether any departure from the policy so far accepted, namely, that the primary duties of the Indian army, apart from internal security, are only the defence of the frontiers, is contemplated, and may I know whether operations outside India will depend upon His Majesty's forces?

Mr. C. M. G. Ogilvie: India must naturally depend upon His Majesty's forces to a very great extent in the event of any major war, especially outside this country.

Mr. S. Satyamurti: May I know whether the Government of India are being consulted with regard to direct military interests of India being extended from the Persian Gulf through Burma to Singapore, including Iraq, and whether there is any departure contemplated by the Government of India at the instance of His Majesty's Government or on their own initiative to extend the scope of the activities, to territories outside the borders of India?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) My information is that the film was released for exhibition in the United Kingdom only after certain scenes which were considered to be offensive to Indian sentiment had been deleted by the British Board of Film Censors.

(c) I would refer the Honourable Member to the answer given by me on the 27th March, 1939, to part (c) of his question No. 1321A.

Mr. S. Satyamurti: May I know whether on the British Board of Film Censors there are any persons with experience and knowledge of Indian conditions, Indian feelings and Indian sentiments so as to guarantee that these films are properly excised and that there are no scenes exhibited which will affect the sentiments of the people of this country?

The Honourable Sir Reginald Maxwell: I do not know exactly how the Board of Film Censors was constituted in this particular instance but I do know of cases in which they have informally consulted the India Office to find out whether any part of the film was likely to be offensive or not.

Mr. S. Satyamurti: May I know whether the India Office has any machinery or personnel for getting Indians who understand Indian conditions to be represented on this Committee or Board or whichever advises the British Board of Film Censors to see these films and talkies and then decide whether they are unobjectionable and also whether objectionable portions should be excised?

The Honourable Sir Reginald Maxwell: The British Board of Film Censors, as I understand, is not an official body set up by the Government at all and therefore the Government cannot insist on their having any particular representation on it.

Mr. S. Satyamurti: I am asking about the India Office whose good offices are utilised by the British Board of Film Censors in deciding any question whether any part of a film is objectionable. I am asking whether the India Office has any machinery by which they can get Indians as such to take part in the decisions upon this very important question.

The Honourable Sir Reginald Maxwell: The Secretary of State, as the Honourable Member knows, has Indian Advisers in the India Office.

Mr. S. Satyamurti: Are their services required in this behalf? Will the Government of India impress on the Secretary of State the need for getting Indians conversant with Indian feelings and Indian sentiments to have a say in this matter?

The Honourable Sir Reginald Maxwell: It is difficult to press that on the Secretary of State for the simple reason that these consultations are not regular and automatic things but informal and the Indian Office gets all the advice that it requires.

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

ALLEGATIONS AGAINST THE OFFICE SUPERINTENDENT OF MEERUT CANTONMENT BOARD.

†1498. ***Haji Chaudhury Muhammad Ismail Khan:** (a) Will the Defence Secretary please state whether last year the Cantonment Board, Meerut, suffered a loss of Rs. 676-12-9 owing to the negligence and connivance of the office superintendent [Cantonment Board Resolution No. 10(13) of June 1938 refers]?

(b) If so, what action was taken against the superintendent? If none, why not?

Mr. C. M. G. Ogilvie: (a) Yes, but not owing to the negligence and connivance of the present office superintendent. The matter was thoroughly investigated by the then President of the Meerut Cantonment Board, and according to his findings, which were accepted by the Board, the late office superintendent was guilty of dereliction of duty and the present superintendent was not to be blamed.

(b) No action was taken against the late superintendent, as he had already retired and was no longer in the Board's service. The question of any action against the present superintendent does not arise.

ALLEGATIONS AGAINST THE OFFICE SUPERINTENDENT OF MEERUT CANTONMENT BOARD.

†1499. ***Haji Chaudhury Muhammad Ismail Khan:** (a) Will the Defence Secretary please state whether Government are aware that the public of Meerut Cantonment, who have dealings with the Cantonment Board, complained against the maltreatment by and the behaviour of the office superintendent?

(b) If the reply to part (a) be in the affirmative, what action has been or is proposed to be taken?

(c) If the reply to part (a) be in the negative, are Government prepared to make enquiries? If not, why not?

Mr. C. M. G. Ogilvie: (a) Government have made enquiries and are informed that no complaints against the office superintendent have been received.

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

PUBLICATION OF NOTICE UNDER SECTION 22 OF THE INDIAN INCOME-TAX ACT.

1500. ***Mr. Manu Subedar:** Will the Honourable the Finance Member please state:

(a) whether a representation has been received by Government making a request with regard to the publication of notice under section 22 of the Indian Income-tax Act as follows:

"1. The publication of the notice in the press should also include publication in the principal vernacular papers of the various Provinces. This provision is necessary in order that the notice may attract the attention of a fairly large number of prospective assesseses.

†Answer to this question laid on the table, the questioner being absent.

2. The notice in question under the proposed draft rule 18 should also be published in all the offices or courts mentioned therein in the principal vernaculars of the respective places. The object of this suggestion is to ensure that the notice is read by as large a number of people as possible.”;

(b) whether Government have considered this matter; and

(c) whether Government have decided to accept this request, at all events in the first year, with a view to securing the largest publicity for the convenience of assesseees?

The Honourable Sir James Grigg: (a) Yes.

(b) Yes.

(c) Steps will be taken to secure effective publication of the Notice in the principal Indian languages.

RECOGNITION OF CERTAIN ACCOUNTANCY EXAMINATIONS FOR ACCEPTANCE AS INCOME-TAX PRACTITIONERS.

1501. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state whether it is a fact that under sub-clause (b) of clause (iv) of section 61 of the Indian Income-tax Act, the draft amendments proposed in the notification No. 3 circulated by the Central Board of Revenue laying down the recognition of accountancy examination for the purpose of accepting individuals as income-tax practitioners, have recognized the examination conducted by the London Chamber of Commerce in advanced book-keeping or accountancy in the senior grade?

(b) Is it a fact that the Central Board of Revenue have not given equal recognition to the corresponding examination conducted by the Indian Merchants' Chamber?

(c) Have Government heard from the Government of Bombay on the subject?

(d) Did the Central Board of Revenue receive a letter from the Indian Merchants' Chamber, dated the 25th of June 1937 on this subject, recommending acceptance by them of the London and of the Bombay examinations in accountancy for this purpose?

(e) Have Government got any reason for this discriminating treatment?

(f) Have Government received a representation on this subject and have they replied to it?

(g) Have Government considered this matter, and if so, what is their decision?

The Honourable Sir James Grigg: (a) to (g). The draft amendments to Income-tax Rules proposed in the Notification referred to by the Honourable Member were published for eliciting public opinion and the comments and suggestions received thereon are under consideration.

Mr. Manu Subedar: With regard to the answer to part (c) of the question, may I know whether it is true that Government have heard on this subject and that the Board of Revenue have made a discrimination between the examination of the London Chamber of Commerce and the Indian Merchants' Chamber, Bombay?

The Honourable Sir James Grigg: I cannot regard it as discrimination because the rule is only a draft rule and they are engaged in considering the various observations made on it.

Mr. Manu Subedar: Do I take it that Government are further looking into it and will keep in their mind the complaint referred to in the representation?

The Honourable Sir James Grigg: Yes, that is the intention; my answer was intended to imply that.

Mr. K. Santhanam: May I know whether there was a distinction contemplated in the draft rules when they were published in the Gazette of India?

The Honourable Sir James Grigg: I have already said that the whole basis of the question is that the rules were published sometime ago for the purpose of eliciting opinion.

FIXATION OF NEW RATES OF DEPRECIATION.

1502. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state whether any representation has been received with regard to the new rates of depreciation to be fixed from any commercial body in India?

(b) Have Government taken this matter in hand and addressed commercial and industrial associations on the subject?

(c) When do Government propose to declare the new rates of depreciation on the written down system?

(d) What is the form of opportunity to be given to commercial bodies for criticising the rates proposed by Government?

The Honourable Sir James Grigg: (a) Yes.

(b) Not yet.

(c) and (d). The matter will be taken up as soon as other more immediate work arising out of the provisions of the Amendment Act permits. The proposals of the Central Board of Revenue will be published as a draft amendment to Rule 8 of the Indian Income-tax Rules (1922) and reasonable time will be given to persons affected to make suggestions or objections.

Mr. Manu Subedar: Will the same be sent to the Chambers of Commerce for their opinion?

The Honourable Sir James Grigg: I cannot answer that off-hand. I imagine the Chambers of Commerce can read the Gazette.

PREPARATION OF THE INDIAN INCOME-TAX ACT IN A SIMPLIFIED FORM.

1503. ***Mr. Manu Subedar:** (a) Will the Honourable the Finance Member please state whether a simplified form of the Income-tax Act intelligible to laymen is being prepared in order to help the assesseees to know where they stand under the new law?

(b) Will the Honourable Member please state whether at each Income-tax Office Government propose to impose duties on some one who will enable *bona fide* assessee to fill up their forms properly?

(c) Has the new form to be filled up by assessee been prepared?

(d) Has it been sent round to commercial bodies and associations in India for comment and criticism?

(e) Has any comment or criticism been received?

(f) In connection with the return of income under section 22 (1) and (2) of the Income-tax Act, have Government insisted upon the balance sheet to be submitted by individuals or individual partners of a firm? If so, why?

The Honourable Sir James Grigg: (a) and (b). I would refer the Honourable Member to the reply given to starred question No. 623 on the 22nd February, 1939.

(c) Yes.

(d) Yes.

(e) Yes.

(f) The form of return requires a copy of the Balance Sheet to be attached in all cases in which the accounts are kept on the mercantile accountancy or book profit system. In the case of firms this copy has to be attached to the firm's return and not to the return of any individual partner. The Balance Sheet is required to assist in the determination of the correct income.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether, in view of the fact that this is a new system which comes into force this year, he will see that besides the general notice the ordinary and specific notices are circulated at least this year?

The Honourable Sir James Grigg: I thought I succeeded in explaining during the prolonged discussions on the Income-tax Bill that the general notice is in no way intended to oust the specific notice and that in the case of known assessee, the specific notice will be sent.

Mr. Manu Subedar: With regard to the answer to part (f) of the question, may I know why Government have thought it fit to insist on a balance sheet now when it was not insisted upon before from individuals?

The Honourable Sir James Grigg: Because that is the best and the simplest way of getting at the proper facts. I should have thought that firms would much rather send in their balance sheets than send their books to be examined in detail and kept out of their possession for some little time.

Mr. Manu Subedar: I refer to individuals, not firms, I can see the necessity for this in the case of the firms, but when there is an individual who is a professional man doing some work on his own account, may I know why a balance sheet is insisted upon from him?

The Honourable Sir James Grigg: If the Honourable Member wants to know that, he can put down a question. I submit that in the normal case a balance sheet is much more informative and much more readily informative than the process of examining books.

Mr. Manu Subedar: With regard to the answer to part (a) of the question, may I know whether the Honourable Member is going to produce a precious miniature of the frankenstein which he has created in the form of the complicated income-tax law for the benefit of the layman?

The Honourable Sir James Grigg: I am glad I am reminded myself of my previous answer; it has never been read out because the Honourable Member was not in the House. I will now read it out:

"I am afraid that any attempt to re-write the Income-tax Act in a form to be accurate and complete and at the same time readily comprehended of the people is foredoomed to failure. The remarks of the Macmillan Committee on this subject will be familiar to the Honourable Member. Any taxpayer who wants information as to his own case ought to be able to get it from the Income-tax officer and it is the hope of the Government of India that relations between the taxpayer and the Income-tax administration will so develop that not only will the Income-tax officer be willing as indeed is his duty—to give full and accurate information as to the law and practice governing the taxpayer's particular case but that the taxpayer will be willing to ask for it, secure in the knowledge that if he has nothing to hide he has equally nothing to fear."

VACANCIES OF INSPECTORS FILLED UP IN THE CENTRAL EXCISES AND SALT DEPARTMENT.

1504. ***Mr. Abdul Qaiyum:** Will the Honourable the Finance Member please state:

- whether fifteen vacancies of Inspectors were recently filled up in the Central Excises and Salt Department;
- whether the above posts were advertised in advance in any paper;
- the age limit fixed for candidates for such posts;
- whether the applications of any candidates were withheld from the Commissioners;
- whether the best qualified candidates were selected; and
- if the posts were not advertised, the reason for this omission?

The Honourable Sir James Grigg: (a) Yes.

(b) No.

(c) 18 to 25 years.

(d) No.

(e) Yes.

(f) It is not the practice to advertise posts of Inspector in the Central Excises and Salt Department, Northern India.

Mr. Abdul Qaiyum: May I know how this information is conveyed to the intending applicants? If the vacancies are not advertised, how are the people to know?

The Honourable Sir James Grigg: The Commissioner keeps an approved list of candidates. There is a standing list without reference to the occurrence of particular vacancies.

Mr. Abdul Qaiyum: Would it not be better if posts are advertised so that the Commissioner can draw on the widest possible sphere?

The Honourable Sir James Grigg: There is no specific time at which the vacancies occur. They occur spasmodically over a period of time. There is no question of saving up the vacancies.

Mr. Abdul Qaiyum: Is the Honourable Member aware that some people in the Department keep a list of a very limited number of persons, the outsiders who are perhaps more efficient are shut off as a result of this non-publication, and the office people are taken on on the quiet?

The Honourable Sir James Grigg: It is a misrepresentation of the actual procedure.

Mr. Abdul Qaiyum: Will the Honourable Member make an inquiry in the matter? I am not making any allegation, but this is what I have heard and people have complained to me about this practice.

The Honourable Sir James Grigg: If I were called upon to investigate all the tales that disappointed applicants bring to Honourable Members, I should require an extension of my term of office.

Mr. S. Satyamurti: May I ask what steps do Government take to ensure the widest possible field of choice to see that better candidates than there are on the lists originally made are not denied chances of serving the Government? I want to know whether this list is brought up-to-date, and how it is brought up-to-date with reference to the claims of people whose existence the Department may not know at all.

The Honourable Sir James Grigg: I think the Honourable Member can take it that there is no backwardness in coming forward to be put on the list.

Mr. Lalchand Navalrai: May I know whether these appointments were filled from the outsiders or from the office?

The Honourable Sir James Grigg: I take it that we are talking about recruitment from outside.

Mr. Lalchand Navalrai: May I know whether these appointments were made by the Commissioner alone or they were made in consultation with any Committee, for instance, the Public Service Commission?

The Honourable Sir James Grigg: I can answer the first part of the question. The candidates are interviewed by the Commissioner before they are put on the list. That is the first process. Then, when there are vacancies, the candidates from the list who seem to be best qualified are called for a further interview by the Commissioner with the aid of the Deputy Commissioner and the Secretary. 35 candidates were called for interview.

Prof. N. G. Ranga: Is it ever published in the official Gazette that such lists are kept for this particular office and people are welcome to apply for their names to be put on the list?

The Honourable Sir James Grigg: The Honourable Member had better put that question down.

Mr. S. Satyamurti: What is the difficulty of Government in filling these posts also by the normal method of advertisement, so that they may widen the field of choice as much as possible?

The Honourable Sir James Grigg: I imagine that the field of choice, if that course were adopted, would become very wide and the number of candidates would run into thousands and so flood the office that they would have no time to do their proper work.

FINANCIAL POSITION OF CERTAIN CHIEF COMMISSIONERS' PROVINCES.

1505. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Finance Member please state:

- (a) the shortage or excess of revenue, below or over expenditure last year in the administration of (i) Delhi, (ii) Ajmer-Merwara, (iii) Panth Piploda, (iv) the Andamans and Nicobar Islands;
- (b) whether Government have under consideration the financial advantages of amalgamating with the neighbouring or nearest Governor's Province, those Chief Commissioners Provinces which show shortage of revenue over expenditure; and
- (c) whether any steps have been, or are being taken to reduce expenditure in any of the Chief Commissioners Provinces with a view to balancing expenditure with revenue therefrom?

The Honourable Sir Reginald Maxwell: (a) I will collect the information and lay a statement on the table of the House in due course.

(b) No such proposal is under consideration.

(c) Expenditure in all Chief Commissioners' Provinces is subject to the same scrutiny as other expenditure of the Central Government and the measures taken by Government to effect economy and the reduction of expenditure apply equally to them. But the general characteristics of these provinces are such that Delhi, Ajmer-Merwara and the Andaman and Nicobar Islands cannot be made self-supporting.

Mr. Brojendra Narayan Chaudhury: May I ask the Honourable Member to throw more light on the phrase general characteristics of these provinces?

The Honourable Sir Reginald Maxwell: The point is that these are small provinces and they have not got the same range of revenue field which the larger provinces possess. For instance, in the case of Delhi, practically the whole expenditure of the province is on urban areas and you have not got at the same time the rural areas from which you can hope to raise the revenue.

Mr. S. Satyamurti: May I know the reason why Government are not considering the question of amalgamating at least those provinces whose revenue falls short of expenditure?

The Honourable Sir Reginald Maxwell: Because the Government of India Act provides otherwise.

Mr. S. Satyamurti: I know. But apart from the Government of India Act, will Government examine this point from the point of view of the burden on the taxpayers outside these provinces who have got to foot the bill for any excess of expenditure over revenue in those provinces, and press for the amendment of the Government of India Act in order that these provinces may be absorbed by the neighbouring provinces who are financially solvent?

The Honourable Sir Reginald Maxwell: I do not think that is any solution. If a particular area is not self-supporting, someone outside it has got to pay anyhow.

RETENTION OF PANTH PIPLODA AS A SEPARATE UNIT OF ADMINISTRATION.

1506. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Home Member please state:

- who is the Chief Commissioner of Panth Piploda, and what is his salary and status;
- who is the highest judicial authority there, and what is his status and salary; and
- the particular reason, if any, of retaining Panth Piploda as a separate unit of administration?

The Honourable Sir Reginald Maxwell: (a) The Resident for Central India is *ex-officio* Chief Commissioner of Panth Piploda, but receives no additional salary on this account.

(b) The highest judicial authority is the Court of the Chief Commissioner, which has the powers of a High Court. He receives no additional salary on account of his judicial duties.

(c) I would refer the Honourable Member to the reply which I gave to Mr. Sri Prakasa's starred question No. 1678 on the 1st December, 1938.

Mr. Brojendra Narayan Chaudhury: Is there any complaint about the Chief Commissioner being substituted by the High Court?

The Honourable Sir Reginald Maxwell: He is not substituted by the High Court, but he is himself the High Court.

Mr. Brojendra Narayan Chaudhury: Has there been any public complaint on that score?

The Honourable Sir Reginald Maxwell: No, Sir.

CONSTITUTION OF THE STANDING FINANCE COMMITTEE.

1507. *Dr. P. N. Banerjea: Will the Honourable the Finance Member please state:

- whether a Standing Committee on Finance was constituted every year from 1921 to 1936;
- whether the Standing Committee on Finance was not constituted in the years 1937 and 1938;
- if the answer to part (a) be in the affirmative, what were the main functions of the Committee;
- if the answer to part (b) be in the negative, the reasons for not taking steps to constitute the Committee during the last two years; and
- whether Government are contemplating the constitution of the Standing Finance Committee this year?

The Honourable Sir James Grigg: (a) Yes.

(b) and (d). Motions to constitute the Committee were moved in these years but were withdrawn as not being acceptable to the House.

(c) I would invite a perusal of the memorandum describing the functions and procedure of this Committee contained in its proceedings dated the 21st January, 1937, (Vol. XVI, No. 3), a copy of which is available in the Library of the House.

(e) I would refer the Honourable Member to the reply given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 106 on the 6th of February, 1939, and its supplementaries.

Dr. P. N. Banerjea: Why does the Honourable the Finance Member say that these motions were not acceptable to the House?

The Honourable Sir James Grigg: Because it happens to be the truth.

Dr. P. N. Banerjea: A number of amendments was tabled; was that a reason why the motion was not accepted?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot have a discussion.

Mr. Lalchand Navalrai: Has the Honourable Member removed those objections on account of which the Committee was not going to be constituted?

The Honourable Sir James Grigg: The Honourable Member had better ask his Leader and other Leaders. As he knows, I circulated certain proposals for their consideration.

EXPENDITURE IN CONNECTION WITH BROKERAGE AND COMMISSION, ETC., IN RESPECT OF THE RUPEE LOAN FLOATED DURING 1938-39.

1508. *Mr. Manu Subedar: (a) Will the Honourable the Finance Member please state what are the details of the additional expenditure of Rs. 2,02,000 in connection with brokerage, commission, etc., in respect of the rupee loan floated during 1938-39?

- (b) To which banks, firms or individuals, was this sum paid?
- (c) Has there been any reduction in the rate of charges payable under this head during the last twenty years?
- (d) Who decides on the rate—the Reserve Bank of India, or the Finance Department?

The Honourable Sir James Grigg: (a) A statement is laid on the table.

(b) To the Reserve Bank who made the payments due to scheduled banks, brokers and others.

(c) The rate of brokerage has been reduced from $\frac{1}{4}$ th per cent. to $\frac{1}{16}$ th per cent.

(d) Government.

Statement.	Rs.	A.	P.
Fees for renewal on conversion applications	9,418	8	0
Brokerage on accepted applications for the new loan	1,47,589	1	0
Commission to the Imperial Bank at 1/16 per cent. on the amount of the loan allotted through them, less the ordinary turn-over commission paid to them	10,035	1	1
Advertising, postage, telegram and telephone charges	8,059	0	0
Fee paid to the Reserve Bank for flotation of the loan	26,312	3	2
	2,01,413	13	3

or Rs. 2,02,000 approximately.

Mr. Manu Subedar: With reference to the answer to part (d) of the question, has the list of the parties who receive this sum from the Reserve Bank been also included in the statement?

The Honourable Sir James Grigg: If he means individuals, no; certainly not.

Mr. Manu Subedar: May I have the information with regard to banks, firms and individuals to whom this sum was paid? The Honourable Member said that the sum was paid to the Reserve Bank. That I understand. But I want to know to whom the Reserve Bank distributed this sum?

The Honourable Sir James Grigg: The statement does not disclose that and it would be impracticable to ask them for it.

OFFICERS AND MINISTERIAL STAFF IN THE DEFENCE DEPARTMENT.

1509. ***Mr. Muhammad Azhar Ali:** Will the Defence Secretary be pleased to lay on the table a list of officers (with designations) in his Department, stating how many of them are Hindus and Muslims and also the number of gazetted or non-gazetted superintendents, assistants and clerks working under them?

Mr. C. M. G. Ogilvie: I lay on the table a statement containing the information asked for by the Honourable Member.

Statement showing officers and staff employed in Defence Department.

Designation of officer.	Community.	Staff under each officer.	Remarks.
1. Secretary	European		One stenographer is attached.
2. Deputy Secretary	Do.		One stenographer and 3 clerks are attached.
3. Director, Military Lands and Cantonments.	Do.	1 superintendent, 6 assistant, and 3 clerks.	
4. Under Secretary	Do.	{ 1 superintendent, 4 assistants, 2 clerks, 1 draftsman, and 1 stenographer	Is also Secretary, Indian Soldiers Board which comprises 4 clerks.
5. Attache*	Muslim		* Takes over the appointment of Under Secretary on 12th April, 1939.
6. Under Secretary	European	1 superintendent, 7 assistants, 2 clerks, and 1 stenographer.	
7. Assistant Secretary	Do.	1 assistant-in-charge, 2 assistants, and 28 clerks.	
8. Assistant Secretary	Anglo-Indian	1 superintendent, 4 assistants, and 3 clerk.	
9. Revision Officer	European	{ 1 superintendent, 1 assistant-in-charge, 1 assistant, 2 clerks, 1 stenographer, 1 puncher, 1 compiler, and 1 assistant compiler.	
10. Deputy Assistant Adjutant (Revision).	Do.	General Indian Army List.	

APPOINTMENT OF AN INDIAN CIVIL SERVICE OFFICER AS DEPUTY SECRETARY IN PLACE OF ASSISTANT SECRETARY IN THE DEFENCE DEPARTMENT.

1510. ***Mr. Muhammad Azhar Ali:** (a) With reference to the *Gazette of India* Notification No. 208, dated the 25th February, 1939, will the Defence Secretary be pleased to state whether or not, according to the present policy of Government, a junior Indian Civil Service officer will be appointed as Under Secretary to the Government in place of the Assistant Secretary on retirement of the present incumbent to the post?

(b) Have Government considered whether it is possible to abolish the post altogether?

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

APPOINTMENTS ABOLISHED IN THE DEFENCE DEPARTMENT.

1511. *Mr. Muhammad Azhar Ali: Will the Defence Secretary kindly lay on the table a list of all the appointments (of officers, assistants and clerks) abolished in his Department since 1932 on account of retrenchments from time to time and state how the work is being managed at present?

Mr. C. M. G. Ogilvie: As regards the first part, a list showing the appointments abolished since 1932, and new appointments created since that year, is laid on the table. As regards the second, I refer the Honourable Member to the reply which I have just given to his starred question No. 1509.

List of Appointments abolished since 1932 in Defence Department Secretariat together with Appointments created since then.

Appointments abolished.		Appointments created.	
Designation.	Number.	Designation.	Number.
Officer-in-Charge Medal Distribution.	1	Assistant Secretary	1
Assistant Secretary	1	Superintendent	1
Superintendents	4	Stenographers	2
Assistants	8	3rd Division clerks	9
2nd Division clerks	7		

ROUTINE OR THIRD DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

1512. *Mr. Muhammad Azhar Ali: (a) Will the Honourable the Home Member be pleased to state what are the duties of a routine or Third Division clerk?

(b) Are they, in any of the Departments of the Secretariat allowed to do any responsible work, which is usually done by assistants and Second Division clerks? If so, do they get any special remuneration for it?

(c) Is it a fact that the Second Division clerks' grade is going to be abolished, and a new clerks' grade introduced in its place? If so, what will be the position of the routine or Third Division clerks with regard to their promotion in the higher grades?

The Honourable Sir Reginald Maxwell: (a) Clerks of the existing third division are generally employed on duties of a routine or mechanical nature such as typing and examination of typing work, despatching, printing of papers and examination of printed matter and codifying and decodifying of telegrams. This list is not exhaustive and may be added to or curtailed at the discretion of the Department or office concerned.

(b) Clerks who have shown special merit and capacity may be employed on more responsible work such as noting and drafting and are given

higher remuneration if they are appointed to officiate in vacancies in a higher grade.

(c) Yes. The steps to be taken to implement the decision to abolish the second division are at present under consideration.

MENTAL HOSPITAL AT RANCHI.

1513. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Home Member please state:

- whether the mental hospital at Ranchi is under the Central or Provincial Government;
- the number of (i) Indian and (ii) European inmates there at present;
- the total costs of this institution budgeted for the coming year;
- whether his attention has been drawn to the annual report of the Superintendent for 1937-38 where it is suggested that the Government of India should make a census of mental defectives in all the Provinces with the view to segregating such children in a special institution for training them against anti-social propensities; and
- whether Government have considered or intend to consider the suggestions of the Superintendent; if so, the conclusions arrived at?

The Honourable Sir Reginald Maxwell: (a) There are two mental Hospitals at Ranchi, one for Indian patients and the other for European patients. The Government of India have nothing to do with the administration of the Indian Hospital, but the ultimate control over the European Hospital rests with them.

(b) I cannot answer for the hospitals for Indian patients. The number of patients in the European Hospital on the 22nd March, 1939, was 253 of whom two were Indians.

(c) I have no information.

(d) and (e). I have seen some remarks of the Superintendent of the Indian Mental Hospital to this effect in his Annual Report for the year 1937, in which he has made a number of suggestions to the Provincial Governments for dealing with mental defectives. The Government of India is not concerned in this matter.

Mr. Brojendra Narayan Chaudhury: In allotting money to these institutions, how do Government regulate the Budget?

The Honourable Sir Reginald Maxwell: The Government of India do not make any contribution to the hospital.

Mr. Brojendra Narayan Chaudhury: Then, how is the hospital maintained?

The Honourable Sir Reginald Maxwell: By *per capita* fees recovered from Provincial Governments from which the patients come.

Mr. Lalchand Navalrai: I understood the Honourable Member to say that they have nothing to do with the Indian hospital. If so, why is this distinction?

The Honourable Sir Reginald Maxwell: Because the European hospital appears in the Legislative List No. I, Seventh Schedule.

Babu Kailash Behari Lal: Who are these Europeans who are under treatment?

The Honourable Sir Reginald Maxwell: I have no complete list of their names.

UNSTARRED QUESTION AND ANSWER.

GRIEVANCES OF SUBORDINATE ACCOUNTS SERVICE PASSED CLERKS.

58. Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable the Finance Member be pleased to state whether Government are aware that there is much congestion and consequently dissatisfaction amongst the Subordinate Accounts Service passed clerks in the Accounts and Audit Offices and whether they have received a representation from the All-India Accounts and Audit Association to this effect? If so, what steps have been or are proposed to be taken to remove the congestion? If not, why not? Are Government prepared to consider the desirability of introducing some scheme like the War Block Scheme?

(b) Is it a fact that the probationers are appointed in the Subordinate Accounts Service? If so, are Government prepared to see the desirability of putting a stop to this practice and issue strict instructions to all concerned?

(c) Is it a fact that the Subordinate Accounts Service passed clerks in the Military Department are designated as Assistant Accountants, whereas on the civil side they are designated as clerks? If so, what is the reason for this difference in the designation? Do Government propose to see the desirability of introducing the same designation for both Military and Civil Departments?

The Honourable Sir James Grigg: (a) It has been brought to the notice of the Auditor-General by the All-India Audit and Accounts Offices Conference that in some offices there are a large number of clerks who have passed the Subordinate Accounts Service examination. The passing of this examination, however, does not in itself give any right to appointment to the Subordinate Accounts Service, and this is fully understood by all concerned as a condition of service. Government do not, therefore, consider it necessary to take any steps to reduce the number of such men or to introduce any scheme of the kind referred to by the Honourable Member.

(b) Yes, to a very limited extent. Government do not propose to stop this source of recruitment.

(c) Yes. The conditions of service in the Military Accounts Department are different and different designations have been adopted. Government do not propose to introduce the same designations in the Civil Accounts Department.

THE COAL MINES (STOWING) BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to make further provision for safety in coal mines, as reported by the Select Committee. The following amendment moved by Prof. Ranga is under discussion:

"That in sub-clause (1) (c) of clause 11 of the Bill, for the words 'one member' the words 'two members' be substituted."

Mr. N. M. Joshi (Nominated: Non-Official): Sir, I support the amendment moved by my Honourable friend, Prof. Ranga.

Yesterday the Honourable the Leader of the Opposition honoured me by taking special notice of my speech. I would like to attempt to give a brief reply to him. But, before I do so, I must admit that while dealing with him, I labour under great disadvantage. There are several Honourable Members in his Party who sympathise with the point of view which I hold and several of them and many times the whole Party have supported me in my amendments and my proposals. He holds those friends of mine in his Party, especially my Honourable friend, Prof. Ranga, as a hostage for my good behaviour in this Assembly. However, Sir, as the Honourable the Leader of the Opposition has done me the honour of taking special notice of my speech, it is necessary for me to explain my point of view. The House is accustomed to the hectoring, bullying and brow-beating speeches of the Honourable the Leader of the Opposition. He generally makes those speeches while dealing with the Government Benches.

The Honourable Sir Nripendra Sircar (Leader of the House): We do not mind them.

Mr. N. M. Joshi: I think he is right in doing so. It is quite natural that the Members of the Government Benches, who have on their shoulders the heavy responsibility of maintaining this Indian Empire, should be frightened by his attacks. We have seen Honourable Members on the Government side cowering before his slashing attacks, but, Sir, I am a comparatively free man and I am a poor man. I have not got the burden of the Empire on my shoulders. Moreover, I have nothing to safeguard as the Government Members have to think of safeguarding their Empire. The people whom I try to represent have nothing to lose in the words of Karl Marx, except their chains. Therefore, I would suggest to the Honourable Member very humbly that he should reserve all his powers of invective and attack for the Government Benches and leave poor people like myself alone.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): I made an appeal to you.

Mr. N. M. Joshi: The Honourable the Leader of the Opposition said that I charged him and perhaps others, because he was defending not only himself, but the whole House, of dishonesty. Well, Sir, it is not my practice to say anything or do anything in this Legislature which is unparliamentary, although I do not wear on my shirt sleeves the motto of truthfulness and non-violence. What I intended to say yesterday was that there was a pact, and I called it unholy pact, between several sections

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of this House on account of which the interests of capitalists were safeguarded, but in which the interests of labour were ignored. I called that an unholy pact and I call it even today. The Honourable Member said that I was fanatical, but I should like the Honourable the Leader of the Opposition to remember that those who stand by their principles, who stand by the cause which they espouse are considered fanatical at some time or another by some people or others. My politics are not a politics of convenience or fashion. Sir, the Honourable the Leader of the Opposition said that, in trying to protect the interest of the working classes, I sometimes forget the interest of the country as a whole and I try sometimes to sacrifice larger interests for smaller interests. In this case he considers that the case of the capitalists is larger and it is the interest of the country. I differ from him. If the interests of the capitalists were safeguarded by the reduction of rate of cess, the interests of the working classes were equally important. And, therefore, by insisting upon my amendment I am not forgetting the fact that the interests of the country are higher than the interests of one class of that country. Sir, I did not accuse the Honourable Member of dishonesty or even of being fanatical like myself; but the fact is that the Leader of the Opposition belongs to a Party which is not in the habit of being criticised. Even ordinary mild and parliamentary criticism hurts them.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Do you know what is happening in the provinces? We are being criticised every day.

Mr. N. M. Joshi: Unfortunately my Honourable friends here have not gone yet to the provinces and they are not getting into the habit.....

Mr. S. Satyamurti: Our colleagues are there.

Mr. N. M. Joshi: If my Honourable friends go into the provinces, I am quite sure that, in six months' time, they will be a little more thick-skinned than they are in this House. Moreover, it is quite natural that when a man like me insists upon a division they are placed in a difficult position.

Mr. Bhulabhai J. Desai: Not at all; we have definite decisions.

Mr. N. M. Joshi: That is my opinion and I will express it. But I assure them that it is not my intention to place them in a difficult position. It is my duty to ask for a division when I feel that the amendment which I had moved is an important one. But, Sir, as I said, I am at a disadvantage in dealing with him because he holds many hostages in his Party.

Mr. S. Satyamurti: Talk for yourself; there are no hostages here. We are all Members of the Party.

Mr. N. M. Joshi: My Honourable friend, Mr. B. Das, told me that I do not understand the position and the dignity of experts. I have known my Honourable friend for many years since he started life as a budding electrical engineer in Bombay. I had not known that since coming

to the Legislative Assembly and attending meeting here he has now become a mining engineer also. I shall not say much about his criticism of myself but shall tell him what the Coal Committee thinks about these experts whom he now represents:

"For example, the Indian Mine Managers' Association told us that managers do not at present have enough scope because they are controlled by people who have no sufficient knowledge of mining and are liable to be dismissed if they were to refuse to carry out the orders of an owner even though the carrying out of these orders would mean unsound and unsafe working."

That, in the opinion of the Committee, is the value of these experts; and he insists that I should accept these experts being the members of the committee as being good members and as members who would safeguard the interests of the Indian miners.

Then, Sir, my Honourable friend, Sir Ziauddin, also, naturally, took notice of my speech. He said that I try to represent the working class interests in this House but at the same time I stay in Delhi and Simla for four or 4½ months and do not go out for week-ends as he sometimes does, and I go to Europe also sometimes and I am not in touch with the people whom I represent. But, Sir, nobody feels greater regret for my not being able to keep in touch with the people whom I try to represent than I do. I am generally a modest man, if you will believe me; but if the Honourable Member, Sir Ziauddin, feels that he represents, not the working classes generally, but the Muslim working classes better than I do, I am quite prepared to make him an offer. Let him and myself go to some big industrial centre, like Cawnpore, for instance, call a meeting of the Muslim workers there; and if the Muslim workers of Cawnpore are given an opportunity of judging between my attitude and the attitude of the learned Doctor in the matter of this amendment, I am quite sure I shall get the vote of the Muslim workers overwhelmingly in my favour.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has allowed the Honourable Member to speak in this strain up to now, because he was taken to task by other speakers yesterday, but the Chair thinks he must come to the amendment now.

Mr. N. M. Joshi: I shall take no more time but I assure the learned Doctor that even the public opinion of the Muslim workers will be on my side in this matter, and if he is willing to go with me either to Calcutta or to Lahore, if he is not honoured in his own province, I am quite prepared to do so.

Now, Sir, as regards this amendment itself, it suggests that instead of one labour representative there should be two representatives on the committee. But even this representation is not adequate because I feel that on this committee the employers' representative should not have a majority, and labour and the employers and the employees should be equally represented on this committee. This amendment does not secure that; it asks for much less. The reason why we ask for equal and greater representation of labour and why we insist that the employers shall not have a majority on this committee is, as I explained yesterday, that the Chief Inspector of Mines against whose decisions this committee will hear appeals will not feel confidence in doing his work honestly and squarely. If he feels that the appeals against his decisions are to be heard by one of the interested parties he will not be able to do his duty well. If Government had proposed a committee in which there were no representatives either of labour or of employers I would have preferred it. But Government have

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chosen to make that committee a representative one. What worries me is not only that certain decisions of the Chief Inspector of Mines will be reversed by this committee; but what troubles me in this matter is that the Chief Inspector of Mines will not feel confidence in his own judgment and will not feel that he should put forward proposals which, in his opinion are fair and just, but he will have to consider what the committee will do. When the Chief Inspector of Mines is placed in such a difficult position he will not be in a position to do justice to the safety of the miners. When an officer feels that he will not have the fair support of an appellate tribunal he is bound to feel weak. Sir, it is not only the Chief Inspector of Mines who will feel weak but that sort of feeling of want of confidence will be felt by anybody. I do not know what the Indian Members of the Executive Council of the Governor General feel, but I imagine and I know that the Honourable the Commerce Member or the Labour Member must be feeling it more difficult in dealing with the European industrialists than the European Members of the Executive Council—not that the Honourable the Labour Member has no sympathy for labour or less sympathy for labour than the European Members, but I am quite sure the Indian Member of the Executive Council does not feel that assurance that his other colleagues will always support him in whatever he does with the European interests.

An Honourable Member: Question.

Mr. N. M. Joshi: You may question it, but it is a natural feeling; you cannot help it. Therefore, I would like the Honourable Member to consider this question from the point of view of the independence of the Inspector of Mines. We must put the Inspector of Mines in such a position that he will be able to do his duty honestly, and I feel that so long as the employers have a majority on the committee the Chief Inspector of Mines will not feel that confidence, he will not have that assurance. It is true that this amendment cannot rectify the mistake which the Government of India have made, but by increasing the labour representation on the Committee the mistake will be rectified to some extent. I, therefore, support the amendment.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, Mr. Joshi has made an appeal to me to consider this matter from the point of view of the independence of the Chief Inspector of Mines. I assure him that I have considered the matter from that point of view, and I am quite certain in my own mind that the composition of the Committee, as set out in clause 11, will not in any way interfere with the independence of the Chief Inspector of Mines. Sir, I oppose the amendment.

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

"That in sub-clause (1) (c) of clause 11 of the Bill, for the words 'one member' the words 'two members' be substituted."

[On a division being challenged, Honourable Members for and against the amendment were asked to rise in their seats. Only a few Members having risen in support of the amendment and a large number being against, the President (The Honourable Sir Abdur Rahim) declared the amendment lost.]

The motion was negatived.

THE COAL MINES (STOWING) BILL.

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

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Honourable Members are really carrying on conversations very loudly and it is difficult for the Chair to put the question properly.

The question is:

"That clause 12 stand part of the Bill."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I move:

"That in sub-clause (2) of clause 12 of the Bill, for the word 'power', occurring in the second line, the word 'provisions' be substituted."

This is a mere verbal amendment to improve the wording of the Bill.

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

"That in sub-clause (2) of clause 12 of the Bill, for the word 'power', occurring in the second line, the word 'provisions' be substituted."

The motion was adopted.

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

"That clause 12, as amended, stand part of the Bill."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: 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.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Tariff Act, 1934 (Second Amendment) be taken into consideration."

This Bill seeks to continue for one year the duty on broken rice and also to continue for one year the duties on silk and silk goods. It also prescribes the duty on wood pulp and regulates for a period of three years the protective duty upon certain classes of paper. It also regulates the protective duty for a period of seven years on magnesium chloride.

[Sir Muhammad Zafrullah Khan.]

So far as silk and silk goods are concerned, the Report of the Tariff Board which has recently conducted an inquiry into the conditions of this industry was received so late that it has not been possible to complete its examination in time to come to a decision on the merits with regard to the further period and quantum of protection, and, therefore, for a period of one year the duties on these goods are being continued at the rate at which they stood at the end of the last financial year.

With regard to pulp, paper and magnesium chloride, Government's decision, as embodied in the provisions of this Bill, has been arrived at after an examination of the two Reports relating to these two industries. So far as pulp and paper are concerned, I shall give the House the reasons for the decision taken by the Government on the recommendations contained in this Report from a Note recording my own analysis of the Tariff Board's Report on such aspects of the industry as are sought to be regulated by this Bill. The Tariff Board reported with regard to the quantum of protection to be continued for pulp and the protected categories of paper. As regards pulp, Honourable Members are aware that pulp for the purpose of manufacturing paper therefrom is manufactured from bamboo as well as from *sebai* grass. The Tariff Boards of 1925 and 1931 had clearly laid down that no case had been made out for granting protection to pulp as such which was manufactured from *sebai* grass, and that for a long period of time it would not be possible for pulp manufactured from *sebai* grass to dispense with protection if granted, and, therefore, so far the protection granted to pulp has been in respect of pulp manufactured from bamboo. . .

Mr. S. Satyamurti (Madras City Non-Muhammadian Urban): No.

The Honourable Sir Muhammad Zafrullah Khan: Yes, that has been the case. No doubt, pulp manufactured from grass is entitled to the benefit of any protection or any protective scheme that may be in operation, and nobody is seeking to take away that benefit from it, but the protection itself has been justified and granted only on the basis of pulp manufactured from bamboo. The Board have worked out the works cost of bamboo pulp at Rs. 111 per ton, and the works cost of grass pulp at Rs. 140 per ton. They find the imported cost of bamboo pulp at mill to be Rs. 126 per ton. The revenue duty on such pulp is 25 per cent. *ad valorem*. At this price the revenue duty would work out roughly at Rs. 30 per ton, which would bring the imported cost at mill of bamboo pulp up to Rs. 156 per ton, that is to say, Rs. 126 *ex-duty* price plus Rs. 30 duty, Rs. 156 per ton. This is Rs. 45 per ton higher than the works cost of bamboo pulp as determined by the Board, and Rs. 16 higher than the works cost of grass pulp. Now, stopping here for a moment, if this calculation were correct,—and this is the calculation made by the Board themselves,—no protective duty beyond the revenue duty is called for either for bamboo pulp or for grass pulp. But the Board have not stopped there. They have gone further and have laid down that a certain proportion of the overhead charges incurred in the process of manufacturing pulp from raw material and then converting the pulp so manufactured into paper should at this stage be taken into account in order to determine the quantum of protection which should be granted to pulp. . . .

Mr. S. Satyamurti: Quite right.

The Honourable Sir Muhammad Zafrullah Khan: That is not quite right.

None of these mills manufacture pulp for the purpose of sale as pulp. It is manufactured by all these mills for the purpose of converting it into paper by the very mills which are both manufacturers of pulp as well as manufacturers of paper. It is part of one continuous process, and the previous Boards at any rate, and I venture to submit quite rightly, took the view that the entire overhead charges ought to be taken into account in determining the quantum of protection to be granted to paper manufactured from the pulp that these mills manufacture. Apart from pure theory as to whether a proportion of these overhead charges ought or ought not to be taken into account at the intermediate stage for the purpose of determining the quantum of protection to be granted to pulp, on which there may be some difference of opinion, it appears from the actual working of the scheme of protection that the view taken by the previous two Boards was the correct view, for this reason that, if they had taken into account the same proportion of overhead charges as the present Board have taken for the purpose of determining the protective duty to be levied upon pulp, the duty recommended by the last Board, which was Rs. 45 per ton, would have been higher by the amount of these overhead charges (Rs. 40 per ton) and if they had adopted the method which has been adopted by the present Board, the duty would have been Rs. 45 per ton as recommended *plus* Rs. 40 per ton, which was 60 per cent. of the overhead charges, thus, the duty would have been Rs. 85 per ton. As Honourable Members are aware, the duty has stood at Rs. 45 per ton, and that has proved to be quite an adequate protection for pulp. Therefore, my submission is that the previous Boards were right and the present Board were not right in allowing this proportion of overhead charges to be calculated at this stage, which is an intermediate stage in one continuous process, for the purpose of determining the protective duty to pulp. Assuming, however, that there is something to be said for the method of calculation adopted by the Board, let us see what figures we obtain. Now, Rs. 33 per ton is the calculation of the Board in respect of that proportion of the overhead charges which ought to be allotted to the manufacture of pulp. That would bring the figures that I have just given to Honourable Members as the works cost of pulp to Rs. 144 in respect of pulp manufactured from bamboo and Rs. 173 in respect of pulp manufactured from grass, per ton. On this basis, again, the position is that the cost of manufacture of one ton of pulp from bamboo is Rs. 144. The cost of imported pulp, after it has paid the revenue duty, is Rs. 156, and, therefore, so far as bamboo pulp is concerned, there is no need for any protective duty beyond the revenue duty as the revenue duty need for any protective duty beyond the revenue duty from bamboo. But in the more than amply protects pulp manufactured from bamboo. But in the case of grass pulp, as I have said, the total figure comes to Rs. 173, and the Board find that here the duty requisite to give adequate protection to pulp manufactured from grass would be Rs. 47 per ton, that is, Rs. 126 per ton, the cost of imported pulp *ex-duty* plus Rs. 47 duty per ton to bring it up to Rs. 173. The Board have not recommended a duty of Rs. 47 per ton. They have recommended a duty of Rs. 35 per ton which is slightly above the mean of the duty required to give adequate protection to grass pulp and the duty required to give adequate protection to bamboo pulp, as Honourable Members saw, required only a duty of Rs. 18 per ton; grass pulp requires a duty of Rs. 47 per ton. The mean of the two would have come to Rs. 32-8-0 per ton, and the Board have recommended a duty of Rs. 35 per ton. As I have said, the 1925 and 1931

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Boards found it difficult to recommend protection for grass pulp and there is nothing in the report of the present Board which would justify the extension of protection to grass pulp. Apart from that, however, it is difficult to justify the level of duty recommended by the Board. If one proceeds on the assumption that protection has to be extended to grass pulp for some reason or other, then the duty recommended by them is not adequate in respect of grass pulp. It is extremely excessive in respect of bamboo pulp. There is another consideration to which I might draw attention. If the Board consider that the duty should be at the mean figure between Rs. 18 and Rs. 47 per ton, that is to say, Rs. 32-8-0 per ton, or even Rs. 35 per ton as specifically recommended by them, there is this further factor to be taken into consideration, that they have found that there is considerable room for improvement with regard to manufacture of bamboo pulp. If there is equal room for improvement with regard to the manufacture of grass pulp, the actual revenue duty now in operation—and it is sought to be continued by this Bill—should really not prove inadequate protection even for grass pulp. On Rs. 126 it works out at Rs. 31-8-0, which is very close to Rs. 32-8-0, the mean of the two figures, and near enough to Rs. 35 per ton. But that is not the Government's case. The Government's case is that no case has been made out for the extension of protection to grass pulp and levying a duty higher than the revenue duty which is not required for the protection of the bamboo pulp could only have one of two results. The grass pulp not having adequate protection even under the recommendation of the Board themselves, grass mills will either turn to the use of imported pulp, or to the use of bamboo pulp indigenously produced, almost certainly the latter; any higher duty would have no other effect.

Now, coming to paper, here again, if Honourable Members will for a moment or two follow the calculations of the Board, the Board have, as I shall demonstrate in a moment, fallen into a serious error. I have taken their figures throughout and I shall show where the error has crept in. Their calculations have been as follows:

	Rs. per ton.
Works cost of pulp.	111
Cost of conversion	140
Cost of bleaching	20
Works cost of paper.	271
Interest on working capital	8
Managing agency and head office charges	11
	290
Less savings on proposed reduction of duty on imported pulp.	4
	286
Depreciation.	42-5
Profit	40-8
Selling expenses	7
Insurance	4
Rents, rates and taxes	1
Fair selling price	381-3

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): What page is the Honourable Member reading from?

The Honourable Sir Muhammad Zafrullah Khan: I have collected these figures from different pages of the report, but the Honourable Member may take it that they are correct. As against this, they have determined the *ex-duty* price of imported paper to be Rs. 248 per ton. This they arrive at by the method of first determining the average price realised and deducting therefrom the amount of duty. The average price realised we find to be Rs. 423 per ton, and deducting duty at Rs. 175 we get Rs. 248 per ton. Rs. 248 per ton being the price of imported paper *ex-duty* and Rs. 381-3-0 per ton being the fair selling price for the Indian manufacture the duty naturally is the difference between the two, that is to say, Rs. 133 per ton, which works out at eleven pies per pound, and the Board's recommendation is that the protective duty for the categories of protected paper should be eleven pies per pound. In order to demonstrate the error into which the Board have fallen, I shall have to give the House the figures on which the 1931 Board based its recommendations. They work out the works cost of pulp at Rs. 186 per ton, which Honourable Members will observe is Rs. 75 per ton more than the works cost determined by the present Board. The figures are as follows:

	Rs. per ton.
Works cost of pulp.	186
Cost of conversion	141
Works cost of paper.	327
Interest on working capital	12
Managing agency and head office charges	11
	350
Depreciation	50
Profit	64
Fair selling price	464

Well, now, for purposes of comparison let us see how the present Board have proceeded. As I have said, they have determined the works cost of pulp at Rs. 111 and then on page 32 of their report, in the first sentence of the first paragraph, they say that they accept Rs. 140 as a reasonable estimate of the cost of conversion which they say is lower than the figure of Rs. 141 taken by the 1931 Board. Having determined that, then they go on adding to it certain other figures but a comparison of their figures and the figures determined and accepted by the 1931 Board shows that they have taken the cost of conversion not at 141 as they set out at page 32 but they have added twice over to that cost of conversion certain items which the 1931 Board had included in their figure of Rs. 141. The 1931 figure includes the cost of bleaching and selling expenses, insurance and rents, rates and taxes. The present Board say they accept Rs. 140 as a reasonable estimate of the cost of conversion which they point out is one rupee per ton less than the cost of conversion accepted by the previous Board because there have been improvements in the meantime. Then they add to it Rs. 20 per ton as cost of bleaching, Rs. 7 selling expenses, Rs. 4 insurance and one rupee rents, rates and taxes, that is to say, altogether 32. The equivalent of this amount was already included in the Rs. 141 which the 1931 Board had determined as the proper cost of conversion. So,

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there is no escape from this position. There has been an improvement in manufacture. The Board are of the view that that has brought down the cost of conversion. Having brought down the cost of conversion they say the fair estimate of the cost of conversion is Rs. 140 per ton as against Rs. 141 per ton determined by the previous Board. It must be assumed that this Rs. 140 per ton includes all the items which the Rs. 141 per ton of the previous Board included. Otherwise, there is no reduction. But the cost has gone up according to the present Board by Rs. 32 per ton for those items amounting to Rs. 32 per ton were included by the 1931 Board in their Rs. 141 per ton. There is no escape from the conclusion, that the Board have accepted generally, without making any conclusion of their own, Rs. 140 and they have fallen into the error of counting all these items a second time over and adding them to Rs. 140. Therefore, if we take these figures as against the figures of the 1931 Board: works cost of pulp, Rs. 111 per ton: cost of conversion 140 as determined by the present Board as against 141 of the previous Board, the works cost of paper would come to 251, add interest on working capital Rs. 8 as determined by the Board, add managing agency and head office charges as determined by the Board Rs. 11, total cost 270. I deduct nothing for the reduction in the duty on imported pulp. Depreciation 42.5 as allowed by the Board, profit 40.80 allowed by the Board, the fair selling price thus comes to Rs. 353.3 and c.i.f. price of imported paper found by the Board being Rs. 248, deduct 248 from 353.3 and the rate of duty would work out at 105.3 per ton, which works out at nine pies per pound, which is the rate specified in the Bill.

Now, Sir, that is the position with regard to paper. With regard to magnesium chloride again, there is a slight difference between the rate of duty recommended by the Board and the rate of duty specified in the Bill before the House. There again the calculations of the Board have been accepted except with regard to two items but the eventual decision can be justified upon the difference with regard to one of these items alone. The Board have recommended a duty of 15 annas per cwt. and without going into details I shall only draw the attention of the House to the two items with regard to which there is a difference between the calculations of the Board and what Government consider is a fair calculation. The Board have allowed eight per cent. as profit. Government consider that slightly excessive. They consider that six per cent. would have been quite fair. That alone would make a difference of nine pies and a half roughly per cwt. But as I have said, I am able to justify Government's decision with reference to the next item without taking into account the difference between the rate of profits allowed by the Board and the rate which the Government consider fair. For the purposes of the duty, Honourable Members can overlook that, but I thought it was necessary to draw their attention to it. The Board have allowed 7½ annas in respect of freight disadvantage and they have calculated it on the rates of freight leviable in respect of consignments to Bombay. So far as Bombay is concerned, that might be justifiable but they have entirely overlooked the fact that less than half the consumption of magnesium chloride (which is an article used in the cloth mills) is in Bombay and Ahmedabad and there is a good deal of consumption elsewhere. Bombay on the whole consumes less than one third of the total quantity. With regard to areas outside Bombay and Ahmedabad, there really is not much question of freight disadvantage because imported

magnesium chloride has to be taken by train to those mills and indigenous magnesium chloride has also be taken to the mills by train, so that there is very little in that. With regard to Bombay there is a freight disadvantage which operates to the prejudice of the product of the Indian industry. That has to be conveyed to Bombay and the foreign import is landed at Bombay. With regard to Ahmedabad, the previous Board found that there was a freight advantage for the indigenous article to the extent of ten annas a cwt. The previous Board made no allowance for the ten annas per cwt. for this reason. They said that in respect of colour and quality, the indigenous article was slightly inferior to the imported article and, therefore, this advantage of freight in respect of magnesium chloride consigned to Ahmedabad was practically set off against the difference in quality. The present Board have specifically found that all difference with regard to colour and quality has disappeared, that the indigenous article is now, in respect of colour as well as quality, on a par with the imported article. Therefore, the position comes to this that in respect of the consignments of indigenous magnesium chloride to Ahmedabad there is a freight advantage to the indigenous industry of say, at least, 7½ annas per cwt. as there is a freight disadvantage in respect of Bombay.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Will the Honourable Member kindly read the bottom of page 13 of the report—which is quite contrary to what he says?

The Honourable Sir Muhammad Zafrullah Khan: Yes:

"As regards the Ahmedabad market, the Tariff Board of 1929 noted that the Indian product enjoyed a freight advantage which, however, it did not consider it necessary to take into account for the reasons given in paragraph 13 of its report. Since then the position has been altered owing to the facility of importing magnesium chloride through Kathiawar ports . . ."

At the moment, I was on this point,—that the present Board say that for reasons explained by the previous Board the freight advantage in respect of Ahmedabad was not taken into account; and I am trying to explain that those reasons have now disappeared, so that if there is a freight advantage in respect of Ahmedabad, that freight advantage has to be taken into account, and I was trying to develop the point that that freight advantage with regard to imports via Bombay would be at least 7½ annas per cwt. With regard to imports via the Kathiawar ports the rates would be almost equal, and, therefore, with regard to the whole of the consumption of magnesium chloride there is no justification for allowing 7½ annas per cwt. and, therefore, making a rough and ready calculation, a freight disadvantage allowance of say from 2½ annas to 3½ annas on the total would be quite ample to cover any disadvantage which the freight rates to Bombay might involve. That being so, there being this difference of nine pies in respect of profits and there being this difference of 3½ annas or four annas with regard to the freight, there would have been full justification for reducing the rate of duty recommended by the Board by four annas. On a rough and ready calculation there might be a slight prejudice on one side or the other and the reduction made on account of those two items taken together is only three annas per cwt. and the duty proposed, therefore, in the Bill is twelve annas per cwt.

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

"That the Bill further to amend the Indian Tariff Act, 1934 (Second Amendment), be taken into consideration."

Mr. S. Satyamurti: Sir, I desire to make one preliminary observation. Within less than a week, probably five days to be accurate.—three Tariff Board reports have been flung at us, and all those Tariff Board reports have previous Tariff Board reports—four or five—and we are expected, Sir, to read all these Tariff Board reports, to assess, according to our own judgment the value of the recommendations made by those Tariff Boards, to get into touch with the opinions of the relative interests affected—which, after all, must considerably influence the opinions and the views of Honourable Members of this House subject to their not being inconsistent with the general interests of India as a whole, and also to study the Resolutions of the Government on these Tariff Board reports and where they have chosen to differ from their most vital recommendations, the reasons given by them and acquaint ourselves and our friends and our Parties with the relative merits or demerits of the recommendations proposed by the Tariff Board themselves and the proposals of the Government, and then come to a conclusion as to how we shall speak and vote in this House! Sir, I have great faith in and great regard for the capacity for study, the capacity of quick judgment and the all-embracing intellect of my Honourable colleagues here, but I venture to ask in all humility, Mr. President, one question. Can any Honourable Member in this House—except the Honourable Member in charge, with his array of highly-paid and efficient assistants who have spent midnight electricity over them and who have—as my Honourable friends point out—the unfair advantage over us of having had these reports with them for months and years and studied them carefully and analysed all the recommendations—say that he has done justice to all these things? I want to know—excepting my Honourable friend—how many Honourable Members are there in this House who can really place their hands on their hearts and say, “I have studied these reports, I have studied all the implications of the recommendations, I know the history of the question, I know the needs of the industry, I can assess quite justly, impartially and efficiently, the relative merits of the recommendations of the Tariff Boards and of all the Government proposals”. It thus seems to me, Mr. President, that it is very much less than fair to the House and to the numerous taxpayers and consumers whom we represent in this House, that this hurried method, this almost indecent haste should characterize the actions of the Government of India, in dealing with these large, fundamental, and important questions. I do suggest, Mr. President, that these Tariff Board reports should be published as soon as they are received by the Government for public study and public criticism. I quite recognize that no Government in the world can publish their tariff proposals in advance because that would encourage speculators, but there is one anomaly with regard to this Government—because, if the Government were responsible and if they published their tariff proposals so as to bring them into force immediately and if public opinion is against those proposals, then the Government would go out of office; but this Government has the best of both the worlds. They claim the right which responsible Governments undoubtedly have, that their taxation proposals should not be divulged in advance but should be divulged only on the day on which they are brought into force, so that there may be no undue advantage taken of them by speculators. But, again, Sir, there is one curious feature with regard to these Tariff Bills this year. Government have chosen, for reasons which my Honourable friend has explained with regard to paper pulp and magnesium chloride, to differ from the recommendations of the Tariff Board. Now, on this matter, I want to remind the House, if I may, of the history of these Tariff Boards.

because that is the back ground from which we have got to consider these questions.

It was I believe as early as 1923—about sixteen years ago—that this House adopted a Resolution providing *inter alia* for the establishment of a Tariff Board. Sir, that Resolution reads:

“That this Assembly recommends to the Governor General in Council:

(a) that he accepts in principle the proposition that the fiscal policy of the Government of India may legitimately be directed towards fostering the development of industries in India;”

(I do not read the next clause because it is not relevant.)

“(c) that the principle should be applied with discrimination, with due regard to the well-being of the community and subject to the safeguards suggested in paragraph 97 of the Report of the Fiscal Commission;”

“(d)—which is the most important recommendation for the purposes of this debate—that in order that effect may be given to these recommendations, a Tariff Board should be constituted for a period not exceeding one year in the first instance, that such Tariff Board should be purely an investigating and advising body and should consist of not more than three members, one of whom should be a Government official, but with power, subject to the approval of the Government of India, to co-opt other members for particular inquiries.”

Sir, the proposal to include a Government servant in this Tariff Board was strenuously opposed in the House at that time, but the Honourable Sir Charles Innes, who was then in charge of this portfolio, justified it by saying this:

“We have some difficulty as regards the exact relationship of the Board to Government. If the House agrees that we should adhere to a policy of protection, then I am sure they will also agree that we should take steps at once to make that policy effective and make it effective as rapidly as we can. That is to say, I should like to set up the Tariff Board at once and I should like to make such arrangements as will enable us to get quick decisions following upon the recommendations of the Board.”

That was the statement by my Honourable friend's predecessor who was in many ways the father of this Tariff Board arrangement in this country. They wanted quick decisions. What is happening today? Tariff Board's reports are not considered for months and years, and after a long time when conditions have got out of date, this Government say, adding insult to injury, that the report is now out of date and, therefore, we will constitute ourselves into a super Tariff Board and decide all these questions ourselves. Then, Sir, on the particular proposal with regard to the inclusion of a Government servant in this Tariff Board, Sir Charles Innes made the following statement:

“That is why we think it advisable to have one of the members an officer of Government. He will act as a Liaison Officer between the Board and the Government. He will assist not only in keeping in touch with the officers of Government but he will assist in formulating recommendations. If we have a Board which is entirely independent of Government, what will be the result? We shall get its recommendations. There will be three departments of the Government of India which will be concerned—the department of Commerce, the Department of Industries and the Department of Finance. The usual lengthy noting, which is a feature of the Government of India system, will go on. There may be disputes. The cases will then have to go to Council, and there will be inevitable delay. That is the reason for our proposal. We hope that in this way, by this device, we shall be able to get a quicker and an earlier decision upon the recommendations of the Board.”

What Sir Charles Innes feared and wanted to avoid by this procedure of having a Government servant on this Board has actually happened.

[Mr. S. Satyamurti.]

The recommendations come and then the three Departments of the Government of India—Commerce, Industries and Finance—deal with them. I will add in passing that, as a matter of fact, with regard to all these recommendations, the Finance Department seems to be the master. The Commerce Department plays a very distant second role, and very often they do not come into the picture at all. At best, they play a very subordinate part. It is the Finance Department ruled by the Roman hand of Sir James Grigg which practically decides that Indian industries shall have no more protection than the Government shall be compelled to give and for that purpose they will also reduce all protective duties in order to reduce the country to a nation of hewers of wood and drawers of water. Sir Charles Innes said:

"Then, there are disputes, matters go to the Council and there will be inevitable delay."

I suggest that in all these matters there have been disputes and matters have gone to the Council and there has been inevitable delay. I suggest, therefore, that the whole idea of a Tariff Board and its recommendations commanding the weight which the recommendations of a properly constituted Tariff Board should command at the hands of the Government and of this House have been given the go-by. So far as the recommendations of the Fiscal Commission report are concerned, they wanted that we should have a proper Tariff Board in order that we may evolve a proper tariff policy in this country, but those recommendations have been buried. They recommended:

"We have made it clear throughout our report that the successful working of the scheme of protection which we have recommended depends on the existence of a thoroughly competent and impartial Tariff Board. The Board must be one which will command the confidence of the country and must be above suspicion of any subservience to particular interests."

—I add, even the interests of the Government of India!—

It is evident that the Board must be a permanent body. Consistent decisions and continuity of policy are of primary importance and these cannot be secured except from a permanent Board. We, therefore, rule out at once any idea of such an organisation as has been set up in the United Kingdom to deal with inquiries under the Safeguarding of Industries Act. No arrangement of this kind would give the continuity which is essential to the Tariff Board we contemplate."

All that is gone now. For some years, they went on appointing these Tariff Boards from year to year. Then, they started appointing *ad hoc* Tariff Boards. Now, they have dissolved the Tariff Board for all practical purposes, and whenever they have an opportunity for a particular inquiry, they appoint an *ad hoc* Tariff Board. I have no desire to say anything disrespectful of Members who have been members of these Tariff Boards, especially as they are not here. But I venture to make one criticism that the relevant considerations in the appointments to these Tariff Boards have not been the acquaintance of those members with the problems connected with the industry which they are to investigate, rather the considerations were mostly of political dependence. The Government of India conferred political favour on those men who had not been returned to the Assembly and who had no political occupation and men

whom they wanted to oblige. The result has been that they often got the report which they wanted and these Tariff Boards send to them reports which are not based on relevant considerations and which ought to be the only considerations, namely, the interests of the industry and the interests of the country as a whole, to be reconciled in the best and the most intelligent manner possible. But, Sir, the Government today have gone one step further. They have said: Tariff Boards are no good. Therefore, we will constitute ourselves into a new Tariff Board and we will decide for the country what amount of protection should be given, and for what period. This Government has differed from these Tariff Boards on the nature of the duty, and on the measure of protection. Now, I do not deny for a moment that every Government must have the right to differ from its own Tariff Boards. No Tariff Board can take the place of the Government of a country. After all, Tariff Boards are only advisory bodies. But, I suggest that the occasions of differences between the Government of the day and the Tariff Boards should be very few. They should not differ as a convention, but on the merits of the case. The only way to secure that these differences occur very rarely is to set up, as the Fiscal Commission recommended and as the Government of India contemplated in the past Griggian era, a permanent, independent, impartial Tariff Board consisting of members of the status of the Judges of the Federal Court—and I say this with great happiness of the morning. Such a Tariff Board will look neither to the right nor to the left but to the merits of the case before them. I am sure that, just as we are paying for a Federal Court of three prominent Judges, although there is not much work before them, the consumers, the tax-payers and the industrialists of the country will be quite willing to pay for such a permanent Tariff Board, which will command the universal confidence and the respect of the country, irrespective of our differences of opinion in other matters. Therefore, having constituted this kind of Tariff Board, this Government come along and say: "I will differ from you." Now, Sir, I have conceded—and I repeat it—the right of the Government to differ from the Tariff Board. But, considering the nature of this Government—it is irremovable and it is irresponsible,—I suggest that wherever they choose to differ from the Tariff Board, they must leave the verdict in the hands of this Legislature. I quite agree that the Government may have reasons and arguments to plead before this House as to why a particular Tariff Board's recommendation or a series of recommendations ought not to be accepted. They must then argue and reason with us and try to appeal to our brains and get our vote on the merits of the proposals.

I want to ask the Honourable the Commerce Member a straight question and I expect a straight answer from him. Do the Government propose in respect of these Bills to accept the verdict of the House, or do the Government propose to resort to powers of recommendation and certification? I think this is a very relevant question. We must know what is the attitude of the Government of India towards these Bills, when they are being discussed and voted on by this House. I claim, Sir, and I think I can speak for every Honourable Member of this House when I say that if Government choose to differ from their own Tariff Boards they must then get the verdict of the House and abide by that. They cannot say, we have no use for the Tariff Board, we have no use for the Legislature, we know all about it, and what we do not know is not worth knowing, and, therefore, we propose by the exercise of autocratic powers vested in us to

[Mr. S. Satyamurti.]

enact such laws as we consider will give what we consider adequate protection for the industries affected. That is a position which I trust no Honourable Member of this House, which no Party will acquiesce in, and I think the Honourable the Commerce Member may make a statement on this matter as early as possible, in order that there may be some reality about this debate and about this vote.

I do not know why this Bill deals with protection for broken rice, magnesium chloride, wood pulp and paper and silk goods of a certain variety. What is the method behind this madness? Why should one Bill deal with all these subjects? What is the earthly or other connection between broken rice, magnesium chloride, wood pulp, paper and silk, that they should all be put together in one Bill? This is called the second Amendment Bill. We have all recognised for a long time that the tariff system of this country is chaotic. Indeed at one time Sir James Grigg began his period of office by telling all concerned that he has come to sweep the Augean stables of the tariff system of the country, that he will reduce the revenue tariff and re-examine the whole question. But he goes to his Home now, I hope a sadder and also, I hope, in spite of hope, a wiser man. During the last five years, undoubtedly nothing has been done to set this tariff system of ours on a scientific basis, when Bills come up before the House. Now we have three Tariff Bills, one this, one sugar and a third one which seeks to put into the tariff schedule the terms of the Indo-British Trade Agreement which we shall discuss later on. I will say nothing about that at this stage.

Turning to this Bill, I want to know what are the considerations on which the Government have come to the conclusion that the duty on broken rice should be extended only for one year, and should be at the present figure and not increased. My Honourable friend constantly says that he has no information with regard to increased imports of Burmese rice and paddy into Madras. Luckily we have a responsible Government in Madras, and in the Madras Assembly a question was asked and answered giving the figures for imports of rice and paddy to the province of Madras together with a comparison of the prices of Burmese rice to local rice at Madras for the last six months. In September, 1938, the import of Burmese rice was 18,102 tons, Burmese paddy 37 and on the whole 18,177 tons. In February, 1939, the import of Burmese rice was 39,422 tons and paddy 4,714 tons and on the whole 42,505 tons as against the previous total of 18,177 tons in September, 1938. The remarkable difference in the price of Burmese rice as compared with local rice was Rs. 3.22 per ton in September, 1938, whereas the local rice was 4.47 Rs. In February, 1939, the price was 8.87 as against 4.78. To an untutored mind, who is not familiar with the workings of the mind of the Government of India, this does clearly call for more protection, and for longer protection, in order that the interests of the growers of the primary product of rice in Madras may be protected. Morning after morning, we see 'pathetic' exhibitions of concern for the consumers, the producers of primary products in this country. Thanks to the vigorous personality of Sir Sikandar Hayat Khan, the Punjab Premier, the Honourable Sir Muhammad Zafrullah Khan is felt compelled to protect the wheat of the Punjab, but, unfortunately, we have no voice near the thrones of the Mighty and the Madras rice-grower must go without protection because we have no Sikandar Hayat Khans of whom the Government are afraid.

Sardar Sant Singh (West Punjab: Sikh): You will soon have Sir Ramaswami Mudaliar as the Commerce Member.

Mr. S. Satyamurti: It is an appeal from Philip drunk to Philip sober or vice versa.

An Honourable Member: Who is the sober and who is the drunk?

Mr. S. Satyamurti: I do not know the habits of Government Members, for I do not dine or lunch with them.

An Honourable Member in the Madras Assembly who asked this question asked the Parliamentary Secretary to the Madras Government whether any representations were made to stop the import of Burmese rice and paddy, to which the Parliamentary Secretary replied, "this Government had made the necessary representations and were awaiting orders". Then, when some details were asked about the representations made, the Parliamentary Secretary replied that they could not be disclosed. That is, of course, a governmental difficulty.

My point is: why should the Government go on merely continuing the duty and that only for a year. Then, Sir, we have been putting questions morning after morning to my Honourable friend as to what he proposed to do with regard to the continuance of the Indo-Burmese Trade Agreement. Luckily for him, he has found that 31st March is not the latest date this year for giving notice. God knows what will happen, whether they will give notice at all. But I do suggest that the provision in this Bill with regard to the protection for broken rice does not seem to realise the gravity of the situation of rice-growers in Madras.

Now, I come to magnesium chloride. I wish to draw the attention of the House to pages 13 and 14 of the Tariff Board Report, 1938, in which they have made nine recommendations, and I will just comment briefly on each one of them:

"There is a wide divergence between the price of magnesium chloride imported from Germany and the Japanese product. For the purpose of determining the measure of protection required we must take into account the lowest price-ex-duty at which imported magnesium chloride has been landed or is likely to be landed. The lowest c.i.f. price as given by the Collector of Customs, Bombay is Rs. 1-8-0 per cwt. Adding duty at Rs. 1-5-0 per cwt. delivered at mill, Bombay may be estimated at Rs. 3-2-0 per cwt. We are informed that the Japanese magnesium chloride was at one time in 1933 quoted as low as Rs. 2-9-0. More recent selling prices have not been below Rs. 3-2-6 per cwt."

But the point which the Government make in their Resolution to which I shall presently refer and which the Honourable the Commerce Member elaborated in the course of his speech:

"The two main markets for Indian magnesium chloride are Bombay and Ahmedabad. The actual realised prices of magnesium chloride mill delivery in Bombay were Rs. 4-3-0 in 1934 and 1935 and Rs. 4-4-0 in 1936-37."

This is the most important matter which my Honourable friend has glossed over. The report further says:

"As regards the Ahmedabad market, the Tariff Board of 1929 noted that the Indian product enjoyed a freight advantage, which, however, it did not consider it necessary to take into account for the reasons given in paragraph 13 of its report."

[Mr. S. Satyamurti.]

I will now go back for a minute to paragraph 13 of the Report of 1929 in which reasons are very clearly given. They say:

"We have found the fair selling price of Indian magnesium chloride delivered at mill Bombay to be Rs. 3-4-6 per cwt., and for our present purpose we take the import price at Rs. 2-14-0 delivered at mill. We have considered whether any alteration in these figures is required on account of the fact that about one-third of the Indian output may be sold at Ahmedabad and elsewhere up-country where competitive conditions are more favourable."

Then, they come to railway charges and say:

"The difference between these figures represents the amount by which our fair selling price might theoretically be reduced at Ahmedabad. It would then stand at Rs. 3-0-10. The price of imported magnesium chloride delivered at mill Ahmedabad is Rs. 3-11-0 per cwt. on the basis of a c.i.f. price at Okha of £3-19-0 per 1,000 kilos. The Indian product, therefore, enjoys an advantage of ten annas two pies per cwt. at Ahmedabad."

I wish to draw the attention of the House to what follows because it is important:

"This advantage, however, is somewhat illusory. Indian magnesium chloride is of a greyish colour while the imported article is white. Millowners of Ahmedabad take advantage of this to offer a lower price for the Indian product. Moreover, the importance of maintaining output and so reducing costs, places the Pioneer Magnesia Works in an unfavourable position in negotiating sales to the mills enabling the latter to bargain for Bombay prices. Actually the company has received on an average seven annas per cwt., less than the import price of foreign magnesium chloride at Ahmedabad would justify. The advantage of the Indian industry is thus reduced to three annas two pies per cwt., and on the assumption that one-third of the Company's output is sold elsewhere than in Bombay it would be possible to reduce our fair selling price by about 1 anna to Rs. 3-3-6. This will make little difference to our proposals and it is doubtful whether with the recent reduction in c.i.f. price Bombay from £4-19-0 to £3-19-0 even this advantage will remain. We prefer, therefore, in framing our proposals to leave it out of account."

And this Tariff Board report says:

"Since then the position has been altered owing to the facility of importing magnesium chloride through the Kathiawar ports."

Government have not denied this fact, and the Honourable Member did not deny it either:

"During 1936 and 1937 the price realised by the Company was the same as in Bombay, though in previous years it was generally one to two annas a cwt. higher. We think, therefore, that we may leave out of account any question of freight advantage or disadvantage and base our calculations of the amount of protection required on the prices of Indian and imported magnesium chloride delivered at mill Bombay."

Now, Sir, I suggest that that finding of theirs has not been successfully challenged either by the Government of India in their Resolution, or by my Honourable friend in his speech. I, therefore, ask the House to accept that recommendation of theirs.

Then, they refer to the selling price and they say:

"The measure of protection required for the industry is thus 15 annas per cwt., a reduction of six annas a cwt. below present rate of the protective duty."

Then, Sir, another matter which I know appeals to several Honourable Members of this House is the burden on the consumer. On this matter, we have to remember that the bulk of the consumers are the textile mills and the Tariff Board of 1929 held:

"The imposition of a protective duty sufficient to meet the needs of the industry imposes practically no burden on the consumer. . . . The Bombay Millowners' Association and other Textile Millowners' Associations have raised no objection to the

continuance of protection to the industry and have, in fact, supported the claims put forward by the Pioneer Magnesia Works Company. Nor has any objection been raised by companies using magnesium chloride as an admixture in cement used in flooring."

Then, Sir, they finally conclude this part of their report by saying:

"We agree with the Tariff Board of 1929 that a reasonable amount of protection to the industry is in the interest of the consumer. Were protection to be entirely withdrawn, the danger would arise of the dumping of magnesium chloride from Japan, or of a combination of continental producers to lower prices so as to kill the Indian industry. If the Indian industry were to succumb to foreign competition, foreign producers would be in a position to raise prices considerably above the level prevailing in recent years."

Whenever we ask Government to control shipping or to control other interests, we often hear that unrestricted competition must be allowed. But this consideration which the Tariff Board raised is a very important consideration. If the competition were confined to Indian producers alone these disastrous consequences may not ensue or at least ensue to the extent to which they will ensue in other cases. But where competition is between Indian and non-Indian, if an Indian industry were to go to the wall, then you give a practical monopoly to the foreigners who will exploit the market and exploit the interests of the consumers. Then, they say:

"We consider that there is a reasonable prospect that the industry may ultimately be able to stand without the aid of protection provided measures are taken to prevent unfair competition from foreign countries by the dumping of magnesium chloride at unremunerative prices."

We find that the magnesium chloride industry substantially satisfies the conditions laid down by the Fiscal Commission, and that it is as much in the interest of the consumer as of the manufacturer that the industry should be reasonably protected."

And, then, they recommend that protection to the industry should be extended by a further period of seven years. I believe I am right in saying that that is almost the only recommendation of these Tariff Boards which Government have accepted without any qualification whatever. I congratulate this Tariff Board on that small mercy. Then:

"The specific amount of duty shall however be reduced from Rs. 1-5-0 a cwt. to 15 annas per cwt."

Then, they make recommendations about possible further reductions. On this Government have issued a two-page note giving their reasons as to why they do not propose to accept their recommendation with regard to the rate of duty:

"In arriving at the fair selling price for magnesium chloride the Board has rightly taken into account the freight disadvantage which the Indian product has to face in Bombay city. It has, however, made the error of making an allowance on this account in respect of the whole production of the industry, a considerable proportion of which is consumed in upcountry markets where the Indian product either is at no freight disadvantage or even enjoys a certain advantage."

This is one of those *ex-cathedra* statements in these Resolutions for which no facts and figures are given. And I have read to the House the paragraph of the present Tariff Board report, referring to the paragraph of the earlier Tariff Board report, both of whom have come to the same conclusion, unanimously, that this freight advantage should be taken into account for determining the scale of protection to be given to the industry. What is the considerable portion consumed in upcountry markets and what are these markets? Then, they say:

"The Government of India are of opinion that after rectifying this error the fair selling price can reasonably be fixed at Rs. 2-9-0 per cwt., and have accordingly decided to impose a protective import duty on magnesium chloride of annas 12 per cwt."

[Mr. S. Satyamurti.]

If the premise is correct, the conclusion follows. But I doubt the correctness of the premise. I have tried to show by reading to the House the paragraphs of the Tariff Board reports, both this report which we are considering of 1938, and of the earlier report of 1929, that this basis is wholly wrong. Apart from all this, I want to suggest to this House that, when a recommendation of that kind is made which involves no large question of policy at all, which involves a question of the calculation of the fair selling price and the extent of protection needed, I would commend to the House that we should rely on the experts who go into this matter, rather than on the amateurs of the Government of India, especially when we are aware that their policy is intended to kill all Indian industries wherever they can, and concede protection when they must, because they dare not become more unpopular than they are today.

We now come to the *magnum opus* of the Bill, namely, with regard to the protection to paper and wood pulp. Before I deal with the schedule recommended by the Tariff Board themselves and the schedule as prepared—that is section 10 of the Tariff Act of 1934—I want to draw the attention of the House very rapidly to the history of this question, and to the recommendations of the Tariff Board of 1938 and the reasons on which they have based these recommendations. My Honourable friend, the Commerce Member, was at great pains to show that what they have decided is right and that the reduced protection they are giving, namely, 25 per cent *ad valorem* as against 25 per cent *ad valorem* or 85 rupees per ton, whichever is higher in respect of wood, pulp and the different classes of paper in respect of which the Board has recommended eleven pies per pound instead of which they give nine pies per pound are based on facts and figures. I have the same comment to make on this. After all—I am not talking of this Government particularly—all governments have various considerations to bear in mind; and it does seem to me that we shall be setting a very bad precedent if—not on questions of policy—I recognise that a government may say that either because of revenue considerations or because of other public considerations they do not propose to accept a particular tariff board report—but if it is a question of challenging their figures, of going into the evidence before them and then saying they come to a different conclusion, it is wholly different. I want to point out that the Government of India work in mysterious ways. We do not know what the Government of India think, what evidence they have before them; whereas the Tariff Board works publicly: all relevant interests lead evidence before it; that evidence is before the public and, therefore, the public are able to judge of the merits of the conclusions of the tariff boards not only on what they write in their own reports, but also on the evidence available and placed before them. In respect of the Government of India, we get no such help, and I, therefore, want to make a preliminary observation that we cannot really accept this conclusion of the Government of India without far more justifying reasons than they have given.

Sir, I will begin with a reference to the Tariff Board Report of 1925, which really started.....

Mr. M. S. Aney (Berar: Non-Muhammadan): Do it after the lunch hour if you want to make a new point.

Mr. S. Satyamurti: I am in the hands of the Chair.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member wishes to stop now, he can resume after lunch.

Mr. S. Satyamurti: Yes, 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.

Mr. S. Satyamurti: Mr. Deputy President, when we adjourned for lunch, I was just getting on to the question of protection on paper. Before I continue that, I would sum up my case for the protection of magnesium chloride. The industry wants the protection which the Tariff Board has recommended; the Tariff Board has recommended it. The consumers do not complain, the industry complies with it. The conditions laid down by the Fiscal Commission's Report, all the conditions laid down by the Fiscal Commission's Report, and if it is protected, it can easily displace the foreign goods, and soon we may be able to dispense with protection altogether. On a wholly irrelevant consideration, unsupported by evidence, the Government have chosen to accept merely the period of protection for seven years but reduced the extent of protection. I do not think this House ought to accept that recommendation.

Now, Sir, starting on paper, I desire to invite the attention of the House, as part of the history of this case for protection of paper and paper pulp industries, to the Report of the Tariff Board of 1925, which, Sir, at page 104 recommended the following:

"In effect, what we are proposing is that the consumers of the commoner kinds of printing and writing paper should forego for the next five years the advantage they derive from the rise in the rupee sterling exchange from 1s. 4d. to 1s. 6d."

Therefore, it is not so much protection as protecting the industry as against the manipulations of exchange:

"In addition we have recommended that Government should assist the industry by taking upon its own shoulders the liability for the additional capital which must be found if the possibilities of the two alternative processes for making bamboo pulp are to be fully explored. When account is taken of the increased revenue likely to be drawn from the Customs duties on paper, and the value of the fixed assets which would be pledged as security for the Government loan or guarantee, it seems probable that at the end of five years, even if the manufacture of bamboo pulp and paper were finally abandoned, there would be no actual loss to the tax payer."

As the sequel has shown, this contingency has not arisen; on the other hand, the industry has expanded to the satisfaction of everybody concerned:

"We believe that the advantages likely to accrue from the eventual establishment of the manufacture of bamboo paper and pulp as a considerable industry are sufficient compensation for the temporary sacrifice which the country is asked to make, and we are satisfied that nothing less will suffice to secure the objects in view. The issue which the Government of India and the Legislature will have to decide is clear and well defined. If no assistance is given, it is probable that the manufacture of paper in India will cease, with a somewhat remote prospect of revival when wood pulp has grown very dear. The question for decision, therefore, is whether it is worth while to keep the industry going at what in all the circumstances is a moderate cost, or whether it must be left to its fate. For our own part we feel strongly that the disappearance of the industry at the moment when the use of bamboo opens up fresh avenues of development in the future would be very regrettable, and we believe that the proposals we have made are in accordance with the national interest."

[Mr. S. Satyamurti.]

Then, Sir, they made a specific recommendation to the Government, and that is to be found at page 106. This is what they say:

"In order that the possibilities of the manufacture of paper in India from bamboo may be fully explored, the Government of India should provide the capital required—about Rs. 10 lakhs—in order to enable the India Paper Pulp Company to increase the output of its mill at Naihati from 2,500 to 5,000 tons a year. This might be done either by an advance of capital secured by mortgage on the fixed assets of the Company, or by the guarantee, in respect both of principal and interest, of a public issue of debentures."

This recommendation, Sir, was not at all given effect to by the Government, and today, Sir, it does not lie in the mouth of the Government to say that those who have to use the sebai grass as raw material for making paper do not deserve protection, because they have not done their duty as recommended by the Tariff Board, in order to explore the possibilities of the sole use of bamboo pulp as raw material for paper.

Then, Sir, they further recommended the following:

"We recommend that in place of the existing 15 per cent. *ad valorem* duties on printing paper and writing paper a specific duty of one anna a pound should be imposed on all writing paper, and on all printing paper other than 'newsprint' containing 65 per cent. or more of mechanical pulp."

This recommendation, Mr. Deputy President, was accepted by the Government and the industry went on making progress.

Then, Sir, we come to the Tariff Board's Report of 1938, where we have all the recommendations set out, but before I deal with these recommendations, I want to mention another stage in the history of protection to this industry. In 1927 the question whether the percentage of mechanical pulp should be calculated on the net fibre content of the paper or on the total weight was referred to the Tariff Board, and as a result of its recommendations an Amending Act was passed, (Act XX of 1927) which provided that the percentage of mechanical pulp should be calculated on the fibre content.

Then, Sir, in November, 1931, the Indian Finance Act imposed a surcharge of 25 per cent. on the existing revenue and protective duties thus raising the specific protective duties to Rs. 0-1-3 per lb. and the *ad valorem* duty to 18½ per cent.

That brings us to the period of the Tariff Board Report of 1931, which is the Report previous to this Report, and as my friend, the Honourable the Commerce Member, made a very strong case for no protection being given to pulp made from grass and the protection being confined only to bamboo pulp, I want to invite the attention of the House to the relevant paragraphs both in the earlier and the later Reports. I am convinced that my friend, —I won't say that—he has not read the relevant paragraphs—has not given sufficient respect to the recommendations of those competent to advise the Government and the House on this matter. Now, Sir, taking the Report of the Tariff Board of 1931, I invite the attention of Honourable Members to pages 84 and 85 of that Report. The marginal note of paragraph 87 says "Bamboo and grass mills to be treated alike", and they give very good reasons, good, in my judgment, and, I trust, in the judgment of the House, as to why they should be treated alike:

"In applying the proposals for assistance which we have recommended it is our intention that no distinction should be made between what are called grass mills and bamboo mills. Our findings regarding the prospects of grass and bamboo as raw

materials for the paper industry are substantially identical with those arrived at by the Tariff Board of 1925."

Therefore, three Tariff Boards, of 1925, 1931 and 1938 all come unanimously to the same conclusion which now the Government want to challenge, and I say that they must produce far more conclusive evidence than they have done, before they can hope to persuade this House or any section thereof to accept their contention:

"But the conclusion to which we are led as the result of these findings is somewhat different from that expressed in the Board's previous report. It was stated by the Board in paragraph 156 of their Report of 1925 that it was no part of its object to adjust the scheme of protection so as to permit the grass mills to survive and that their disappearance would not ultimately endanger any important national interest. In our opinion this statement implies the existence of a clear cut distinction between grass mills and bamboo mills which is not supported by the evidence. (That state of affairs exists even today). The principal Indian mills to which the term 'grass mills' was applied have since undertaken important developments in connection with bamboo and an increasing proportion of their output of paper will hereafter be manufactured from bamboo. As regards the mills in Upper India and Bombay, although no steps have been taken till now for the utilisation of bamboo, it would be rash to conclude considering the widespread occurrence of bamboo in India, that these mills would be debarred permanently from using bamboo. We consider that a more correct view of the situation is that which regards the whole of the Indian Paper Industry as one and bamboo as a raw material which supplements rather than competes with grass. (That is the position which I want the House and the Government to accept). We accept the view that the future development of the Paper industry in India depends on bamboo and that unless the development of bamboo makes progress the Indian industry will be seriously hampered. (I agree and I am sure the House will agree.) But we do not think, on the findings we have arrived at, that the development of bamboo will displace grass from its present position or that such displacement, if it comes about, will not endanger the national interest. Grass as a constituent of paper has a recognised value in the market and will continue to be used in conjunction with other materials as a necessary and valuable ingredient. Moreover the existing mills which use grass or other indigenous materials provide a potential market for bamboo and their disappearance will retard its development. And as the Tariff Board recognised in its previous report the immediate shutting down of the mills would mean the dispersal of the workmen who have been trained during the last forty years, and the bamboo mills would have to train their workmen from the start."

Then, at page 86 they discuss the question of granting bounties and reject it and say:

"Further, there are strong administrative objections to the grant of bounties based on the use of specific kinds of materials."

On the other hand, the speech of my Honourable friend suggests that the revenue duty will protect mills which use bamboo pulp and, therefore, there is no need for a protective duty or for Rs. 35 per ton which is required to protect the grass mills.

Coming now to the report under discussion, that is, of 1938, I invite the attention of the House to the statement at page 3, paragraph 7, in which the Tariff Board says:

"The Bamboo Paper Industry (Protection) Act of 1932 continued protection for the classes of paper already protected at the existing rate, but raised the percentage of mechanical wood pulp qualifying paper for exemption from the protective duty from 65 to 70 per cent. and imposed a protective duty of Rs. 45 per ton on imported pulp, all duties being subject to the revenue surcharge imposed in November, 1931, (that is, Rs. 56-4-0 per ton which is the prevailing duty)".

Then, certain changes were made as a result of the Ottawa Trade Agreement and the results of those changes are summarised in paragraph 9 at page 36 of this report:

"The effect of these changes was to raise the standard rate of duty on some classes of paper subject to revenue duty to 30 per cent. with a preferential rate of duty of 20 per cent. for articles which were the manufacture of the United Kingdom."

[Mr. S. Satyamurti.]

I want Honourable Members to look at a paper called the Indian Customs Tariff issued by the Department of Commercial Intelligence and Statistics, India. I do not know if copies of this are supplied to Honourable Members; I suggest that they ought to be because changes in our tariff schedules are so very frequent and so numerous that no Act of this House can really keep pace with it. For their own use and for the use of such of them as get copies of this, Government have published and I hope will continue to publish this publication, and it ought to be available I submit to Honourable Members of this House. It is a publication by the Department of Commercial Intelligence and Statistics and also supplement to *Indian Trade Journal* of 22nd December, 1938.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): How did you get a copy of it?

Mr. S. Satyamurti: I go to a place called the Library which contains a number of publications. I consult the catalogues and get such books as I want.

Section 10 printed at pages 24 and 25 of this publication gives the various items of protection with which I shall compare the proposals in the Bill and of the Board very soon, but in the meantime let me take up the history of this industry as summarised in this Tariff Board's report. The next point I want to invite the attention of the House to is at page 9 of this report, paragraph 18. I think the House will be gratified to know the facts stated in that paragraph:

"The most important change that has occurred since 1930-31 is the increase in the production of indigenous pulp as compared with the quantity of foreign pulp imported."

I think the protective duty for wood pulp has really justified itself by this phenomenon:

"The quantity of bamboo pulp used has increased in six years from 5,228 tons to 19,231 tons; of grass pulp, from 9,049 to 11,510 and of pulp made from other indigenous materials from 5,992 to 7,919. On the other hand the quantity of imported pulp used has decreased from 20,081 to 10,976 tons in the same period."

Then, in view of the fact that a good deal was made by my Honourable friend about the distinction between grass and bamboo pulp, I particularly desire to draw the attention of the House to pages 15 and 16 of this report. Paragraph 19 at the bottom of page 15 says:

"In considering the availability of sufficient qualities of raw material for the manufacture of pulp we are in agreement with the view of the Tariff Board of 1931 that no distinction need be drawn between bamboo and grass, bamboo being itself a species of grass. Bamboo is the principal material on which the future of the Paper Industry mainly depends, but grass as a constituent of paper has a recognised value and will continue to be used in conjunction with other materials as a necessary ingredient in the manufacture of certain classes of paper for which special bulk or tensile strength is required, just as Esparto grass is used by a particular class of mills in the United Kingdom. It is probable that, with improvement in the quality of bamboo pulp, mills which can obtain supplies of both bamboo and grass will to some extent substitute bamboo pulp for grass pulp on account of its relative cheapness. But in the United Provinces and the Punjab, where adequate supplies of bamboo are not available, grass will continue to be chief raw material."

I want to draw attention to the Punjab here, because sometimes Punjab is thought of first and India next or not at all. Those who think in that

way will be impressed by this statement of the Tariff Board. Then they go on to say:

"In our opinion there is a definite place for both bamboo and grass mills and we see no reason why grass mills should be unable to operate economically allowing for the fact that there is a demand for paper manufactured mainly from grass."

These are important facts which the Government and certainly the House should not ignore. As regards the effects of this protection for wood pulp, the Tariff Board say on page 20:

"The imposition of the protective duty of Rs. 45 per ton recommended by the Tariff Board of 1931, increased by the revenue surcharge to Rs. 56-4-0 per ton, has proved effective in attaining the object in view, which was to force mills to increase the production of pulp from indigenous materials and gradually restrict the use of imported pulp. Raw material in the form of bamboo, grass and subsidiary materials is available in sufficient quantities for the requirements of mills in existence or projected and there are possibilities of bringing into use chemical or mechanical pulp made from wood."

The industry has done well, and, therefore, it deserves fair treatment at the hands of the House. In paragraph 26 they come to this general conclusion:

"Our general conclusion as to the availability of sufficient quantities of raw material for the industry is in agreement with the conclusions of the Tariff Board of 1925 and 1931 that the supply of bamboo is adequate for both present and future requirements. The supply of 'sabai' grass for mills operating in North India is at present limited but is capable of improvement and the possibilities of utilizing other kinds of grass have not as yet been adequately explored. In any case, though grass is a useful material in the production of some classes of paper where bulk and tensile strength are desirable, it cannot be considered a raw material indispensable to the development of the industry."

Then they say:

"The first condition laid down by the Fiscal Commission for the grant of protection to the Industry may therefore be considered to have been fulfilled, an abundant supply of raw material sufficient to meet the requirements of internal consumption for all classes of paper except those made from mechanical pulp."

I claim that in coming to this conclusion the Tariff Board took into consideration, as they have every right to do, not only bamboo but also grass. And they conclude:

"But even if the Indian industry is unable to meet the demand for cheap classes of paper made from mechanical pulp, the remaining classes of paper, the total demand for which may be estimated at 90,000 tons, constitutes a wide enough field for the development of an industry sufficiently large to be considered of national importance."

Then, they return in Chapter III of their Report to this contrast between bamboo and grass pulp which my friend the Commerce Member stressed. They say:

"Bamboo may now be considered the staple material out of which Indian paper is made. Grass pulp is made in two mills in addition to bamboo pulp and is the principal material used by two other mills."

Therefore, four out of the comparatively small number of mills use wholly or partially the pulp made from grass. In short, the bulk of the pulp required by mills is made from bamboo or grass pulp supplemented by other indigenous materials and imported pulp is no longer essential in the sense that ordinary printing and writing paper cannot be made without its admixture.

The next point which I want to bring to the notice of the House is that contained in para. 38, on pages 29 and 30 of the Report. They say:

"The estimated cost of grass is high and should be capable of reduction. We do not think that its total cost should exceed that of the other two mills. The second

[Mr. S. Satyamurti.]

mill has given the total cost of bleached pulp, as Rs. 251-13-0, but failed to supply us with details in time for our consideration. The estimate is so high in comparison with the estimates supplied by other mills that we are unable to accept the figures. Assuming that Rs. 35 per ton is the cost of grass and that 2.21 tons of grass are required to make a ton of pulp, the works cost per ton of unbleached grass pulp may be estimated at Rs. 140. Allowing Rs. 33 for overhead charges, the total cost of air dry unbleached grass pulp may be estimated at Rs. 173 per ton."

That is the basis on which they have recommended to the Government and I submit to the House also the protection which they have actually recommended. On page 32 they say:

"Our estimate of the average cost of unbleached pulp is Rs. 111 per ton. Adding Rs. 20 as the cost of bleaching, the works cost of bleached pulp will be Rs. 131. We accept Rs. 140 as a reasonable estimate of the cost of conversion which is lower than the figure taken by the Tariff Board of 1931. The 'spread' between the cost of pulp including overheads and the final cost of paper does not seem to us excessive in comparison with the 'spread' in British or continental mills, taking into consideration the fact that Indian mills manufacture a wider range of papers and losses are incurred in changing from the manufacture of one class of paper to another."

I should like to know whether the Government have paid due attention to this point mentioned by the Tariff Board in their report. According to this calculation, Rs. 271 may be taken as the total works cost of finished paper in an average mill of 6,000 ton capacity. On page 34, paragraph 43 they deal with this matter with the help of figures and they say:

"For the purpose of determining the protective duty on imported pulp the Tariff Board of 1931 took into consideration the cost of manufacture of bamboo pulp by the Indian Paper Pulp Company which was at the time Rs. 196 per ton. As the cost of manufacture was considered high, a deduction of Rs. 10 per ton was made and Rs. 186 taken as a fair estimate of the works cost of manufacture. The cost of imported easy bleaching sulphite pulp was taken at £10 per ton c.i.f. Calcutta."

I want the House to remember this, because the Honourable the Commerce Member laid some stress on this point. This is what the Tariff Board say:

"The cost of production of grass pulp was not taken into account, presumably because the cost of production of bamboo pulp was higher and, therefore, the protective duty proposed for bamboo pulp covered grass pulp as well."

I say that this Tariff Board report furnishes a conclusive answer to the arguments of my Honourable friend, the Commerce Member.
3 P.M. Then, they add:

"The position is now changed. The cost of production of grass pulp is higher than the cost of bamboo pulp and consequently a protective duty based on the cost of production of bamboo pulp will not be sufficient to protect grass pulp."

—My Honourable friend says, "yes, why protect grass pulp?" I say, "why not?"—because, after all, as I have said, two mills completely and two mills partially take all grass pulp and these mills will have to go into liquidation if this protection is not granted to it.

Assuming that some proportion of pulp other than bamboo pulp is necessary for the manufacture of paper, it is *prima facie* desirable that pulp made from indigenous raw materials, which cannot be utilised for any other purpose, should be used in preference to imported pulp—

—Does any section of the House differ from this?—

We therefore consider that we are justified in taking into consideration the cost of manufacture of grass pulp as well as bamboo pulp in determining the amount of protective duty required."

Then, Sir, having stated this, they say at the end of page 36 and the beginning of page 36:

"We have found that the average cost of production of bamboo pulp is Rs. 144 per ton. The measure of protection required for bamboo pulp would be Rs. 18 per ton as against Rs. 47, the measure of protection required for grass pulp. Grass pulp is an important ingredient in the manufacture of paper, whether mixed with bamboo pulp, as in two mills in Bengal, or used by itself as in two mills in Northern India. If the protective duty were fixed as low as Rs. 18 per ton, there is a definite danger that mills using grass mainly or partially as their raw material would find it more economical to substitute imported pulp."

I ask the Honourable the Commerce Member as to whether he wants that Indian mills should go in for imported pulp in preference to grass pulp:

"The result would be a fall in the demand for grass which would throw a not inconsiderable number of persons out of employment who are engaged in cultivation, collection and transport. There would also be a set-back to the cultivation of grass on waste land to which allusion has been made in the preceding chapter."

"Another point has been raised that a low duty on imported pulp might lead to the establishment of mills designed to use imported pulp only, the capital cost of which would be low as no plant would be required for the manufacture of pulp. Competition from such mills, it is suggested, would adversely affect mills using bamboo or grass as their raw material. We have examined this aspect of the question and do not find that the danger is so serious as is supposed."

They do not accept the contention referred to and quite impartially and justly they say:

"Taking all points into consideration, we do not think that it would be safe to fix the minimum rate of duty at anything less than Rs. 35 per ton, which is slightly above the mean between the duty required for bamboo pulp and the duty required for grass pulp."

As Honourable Members will notice, they have already said that Rs. 18 is required for bamboo and Rs. 47 for grass and they fixed the mean at about Rs. 35. Now this is very important:

"This rate is Rs. 21-4-0 per ton less than the present import duty of Rs. 56-4-0 per ton."

It seems to me that, taking all these facts into consideration, I have made out that there is a case for protection of the grass pulp; that if it is not protected, the Indian mills will suffer and will go in for imported pulp; and the result will be disastrous consequences to those engaged in the cultivation, collection and transportation of grass pulp. My Honourable friend referred to various figures into which I do not want to go because I dispute the very fundamental position that grass pulp does not need protection. As for the fair selling price, I merely want to invite attention to page 38 of this report in which they give an estimate of the fair selling price as compared with the estimate of the Tariff Board of 1931. The 1931 estimate was Rs. 327 for works cost, Rs. 73 for overhead charges, Rs. 64 for profits, and a fair selling price per ton of Rs. 464. Under every item they have come down, thus, for works cost Rs. 276, for overhead charges 61.5, and for fair selling price per ton Rs. 378-3-0. Now apart from the supply of raw material on the question of the burden on the consumer I want to draw the attention of the House with regard to the question of the burden on the consumer. We constantly hear and very rightly in this House whenever protection is asked for or pressed for an industry, what will be the result of this protection

[Mr. S. Satyamurti.]

on the consumer? I want to give certain facts to this House as stated in paragraph 58 of this report, page 46:

"The Tariff Board of 1931 found that the average price realised by the three principal companies in the period 1924-25 to 1930-31 was Rs. 472 per ton. The average price realised by the same three companies in the period 1931-32 to 1936-37 was Rs. 411 per ton, a reduction of Rs. 61 per ton Complete figures for the year 1937-38 are not available, but, so far as we have been able to ascertain, the average realised price of these three companies increased to Rs. 420 per ton. On the whole the burden on the consumer has been considerably less than the Tariff Board of 1931 expected."

The next point, Sir, I want to make in connection with this is with regard to the measure of protection for paper, which is the next class of articles in this Schedule No. X which is sought to be amended by this Bill. Paragraph 63 at page 55 says:

"Except for representations by the Printing and Publishing industry, it has not been contended on behalf of any responsible association in the present circumstances of the industry that the withdrawal of the protective duty is desirable in the general interests of the country. Both importers and traders have expressly stated that they do not oppose the continuance of protection for a reasonable period at a reasonable rate for the present classes of protected paper. Such Chambers of Commerce and similar Associations as have replied to our questionnaire have supported the continuance of protection either at the level of one anna three pies per pound or at the level of one anna per pound, the rate recommended by previous Tariff Boards. Some of them have recommended the extension of protection to new classes of paper such as wrapping paper."

In our opinion the time is not yet ripe for the withdrawal of protection to the industry. As we have shown in earlier chapters, though bamboo as a pulp-making material has passed the experimental stage, it cannot yet be considered to have attained the stage of maturity. It is only within the last three years that bamboo pulp has been produced on a considerable scale and its manufacture is confined to four mills. There is room for considerable improvement in the quality of bamboo pulp, for the production of the classes of paper at present made wholly or partially from bamboo pulp, and its suitability for the manufacture of new classes of paper such as kraft has yet to be tested on a commercial scale."

"The effect of the withdrawal of the protective duty would be serious for would-be mills and still more worse for new mills So far as we can judge, the removal of protection would result in the closing of some at least of the new mills and probably two or three of the established mills, and in the curtailment of production of those which survive, because they would find it difficult to compete with imported paper except in markets in which they enjoy a definite freight advantage."

Then, they add this:

"We see no reason why ultimately the industry should not be able to stand without the assistance of protection, provided that action is taken to prevent unfair competition through the dumping of paper at unremunerative prices."

After all, as regards one of the conditions laid down by the Fiscal Commission that an industry's protection must depend on whether ultimately it will be able to dispense with protection, this industry has satisfied that test. Therefore, they recommend:

"That the further period of protection should be for seven years."

I may say at once that Government have sat still for years because they cannot examine some of the recommendations of this Tariff Board. I suggest that this idea of having a hand to mouth policy of one year and two years and three years is not fair to the industry and, to the consumer, and, after all, there must be some finality about these matters. There is capital involved, there is labour involved, the mills ought to be able to pay for the capital and expense in the confidence that at least for some not unreasonably short time they can expect the present

rate of protection to continue. It seems to me that this is more due to the fact that the Government cannot make up their minds than to the merits of any particular question at all. Therefore, whenever the Tariff Board says, "seven years," they say "two years". I say this drastic limitation of the time is not in the interests of the companies concerned or of the country. Therefore, having examined all these matters, they make their recommendations at page 61 and they say:

"Deducting the duty of Rs. 175 per ton, the price of imported paper may be taken as Rs. 248. The difference between this figure and the fair selling price of Rs. 381 is Rs. 133 per ton. The measure of protection required may, therefore, be taken as 11 pies per pound. This protective duty is 1 pie per lb. less than the measure of protection recommended by the Tariff Board of 1931 and four pies per lb. less than the present protective duty, including revenue surcharge of 1 anna 3 pies per lb., a reduction of approximately 27 per cent."

Sir, I think it was in this connection that my Honourable friend referred to a lacuna in the recommendation of the Tariff Board that they had not made sufficient allowance for the fact that the previous Tariff Board had taken in their fair selling price the cost of manufacture and overhead charges,—or is it in the case of pulp? I take it the Honourable Member meant pulp?

The Honourable Sir Muhammad Zafrullah Khan: Pulp.

Mr. S. Satyamurti: On that matter I have not examined these reports with that care and with that time for me to get up and say "you are wrong" but I have every confidence in expressing grave doubts that Tariff Board has made a serious blunder in coming to a conclusion on perhaps the most important subject before them. If really Government felt that this Tariff Board had made a serious blunder, I think they owe it to themselves to refer this matter to some other Tariff Board or ask another Tariff Board to examine this question. I do not think it is fair to this House to make a serious charge against a Tariff Board and not allow the Tariff Board to explain its own point of view and to ask us to accept Government's version. I think the House is entitled to an amount of caution and scepticism until all the cards are placed on the table of the House. We are not told how this matter actually arose.

At this stage I invite the House to look at the schedule recommended by the Tariff Board at pages 66-67 and compare it with the proposals made in the Bill by my Honourable friend. On page 66 they begin by saying "Wood pulp protective Rs. 35 per ton or Rs. 35 *ad valorem* which—ever is higher". Wood pulp according to the Bill will not be protective duty at all but it will be only revenue duty and that too only 25 per cent. *ad valorem*. I want to invite the attention of the House to the distinction in the description of the duty between revenue and protective. This is not a meaningless distinction. There is provision in the Indian Tariff Act XXXII of 1934, sub-section (1) of section 4 wherein it is said:

"Where in respect of any article chargeable under the first Schedule with a duty characterised in the third column thereof as protective the Governor General in Council is satisfied after such enquiry as he thinks necessary that such duty has become ineffective or excessive for the purpose of securing the protection intended to be afforded by it to a similar article manufactured in India, he may by notification in the Gazette of India increase or reduce such duty to such an extent as he thinks necessary either generally or in respect of such article when imported from or manufactured in any country or countries specified in the notification."

[Mr. S. Satyamurti.]

I should like to know why the Government rejected the recommendation of the Tariff Board to make this a protective duty and made it a revenue duty because they give up the power which they have under section 4(1) of Act XXXII of 1934.

Then, Sir, with regard to writing paper under two categories they wanted protection. They have also suggested protection against two other kinds of paper. The Government have reduced the rate from eleven pies to nine pies. There are other distinctions with regard to the period of protection which they have reduced from seven years to three years. There are also minor distinctions, on which I need not detain the House. But I believe I am right in saying that, so far as the recommendations of the Tariff Board are concerned, they have been departed from by the Government in very important matters. Therefore, it seems to me that considering all the matters and the arguments advanced by the Tariff Board, the Government have no case for their Resolution.

Now, let us examine the Resolution in which they summarise the recommendations of the Tariff Board in paragraphs 2 and 7. With regard to the measure of protection they say they have not been able to accept, with regard to paper, the Board's conclusions about the extent or measure of protection and they say "no case has been made out for the continued protection of wood pulp." I have tried to meet these points in the words of the Tariff Board itself. Then, the Government make a statement in paragraph 4 which is very tendentious:

"The previous Tariff Boards when examining the need of protecting wood pulp have held the opinion that the successful development of the indigenous paper industry depends on an increasing use of bamboo as against the relatively expensive grass pulp and that the continued use of the latter would make it more difficult for the industry ever to dispense with protection."

Then they summarise the findings of the Tariff Board with regard to the cost of *sabai* grass and the measure of protection required for bamboo pulp and grass pulp.

Then comes a sentence which I suggest is *suppressio veri* and *suggestio falsi*:

"The Government of India agreeing with the opinion of the previous Boards, consider that a claim for protection cannot be made on behalf of grass pulp."

Sir, I have read extensively from these reports of 1931 and 1938 to show why the first Board did not consider grass pulp because the cost of manufacturing bamboo pulp was greater than the cost of manufacturing grass pulp then, and the protection given to bamboo would be sufficient for protecting grass also. In the later report, they said that while grass pulp is used only by four mills, protection must be such as to protect both the grass and bamboo pulp mills. I do not know which Tariff Board Government has in mind when they say grass pulp ought not to be protected. They say:

"The revenue duty of 25 per cent. *ad valorem* is sufficient to permit the manufacture of bamboo pulp in India at economic rates and the Government, therefore, propose to levy on imported wood pulp a duty of 25 per cent. *ad valorem* only."

Assuming they are right that they can protect bamboo pulp at this rate, what becomes of the mills which have to use grass pulp? Are they to shut up? Are they not to expand? Secondly, is it contended that they ought to import imported pulp, manufacture paper out of the imported pulp which

is the most important raw material? Is it suggested that the mere manufacture of bamboo pulp at economic rates is enough protection not taking the various forms of processes into consideration? The Government Resolution says:

"The Board when considering the protective duty on paper has confined its calculation of the cost of manufacture to paper made from bamboo pulp alone. It appears, however, to have erred in the figure for the cost of conversion of pulp to paper. The Board accepts Rs. 140 per ton as a reasonable estimate of the cost of conversion and maintains that this estimate is lower than the figure (Rs. 141 per ton) taken by the Tariff Board in 1931 but makes an addition of Rs. 32 per ton to the above estimate on account of the cost of bleaching, selling expenses, insurance, rents, rates and taxes which were not shown separately in the former Report but were included in the single figure for cost of conversion."

I shall be obliged if my Honourable friend will give us the reference in the previous Tariff Board report which I have not been able to find out where they say they took all these factors into consideration in arriving at this figure of Rs. 141. Secondly, I want to know where they get the cost of bleaching as a factor which they add. I shall be glad to be corrected. I refer to page 32 of the 1938 report where they say:

"Our estimate of the average cost of unbleached pulp is Rs. 111 per ton. Adding Rs. 20 as the cost of bleaching, the works cost of bleached pulp will be Rs. 131."

Similarly, I take it with regard to paper also they are not adding these new figures as was not done by the previous Tariff Board. Therefore:

"The Government of India consider that the fair selling price of paper, viz., Rs. 378-3-0 per ton arrived at by the Board should be readjusted by leaving out these additional items of expenditure and the protective duty proposed should be accordingly reduced from 11 per lb. to nine pies per lb."

This figure of Rs. 378-3 is given at page 38 of the 1938 report. I frankly am unable to follow the Government when they say that they have made out a case for the reduction of duty from eleven to nine pies per lb. I would ask the Government to make this point clear a little further. As regards the reduction of the period, they say:

"Since the statistical examination made by the Board cannot, in view of the adjustments which have been found necessary, be made the basis of a long period of protection, it is proposed that the period of protection should be three years only towards the end of which period the question of protection will again be referred to a Tariff Board."

This seems to me to be a very unsatisfactory position. In these circumstances, I say, so far as the arguments and the facts before the House are concerned, they all point to the fact that we must accept the recommendations of the Tariff Board and not accept the recommendations of the Government as embodied in the Bill, in so far as they depart from the recommendations of the Tariff Board. Then, I go on to clause (d) of the Bill which refers to silk, and this is what they say in paragraph 2 of the Statement of Objects and Reasons:

"The Tariff Board have recently submitted a Report on the Sericultural Industry also."

May I know when they submitted that?

The Honourable Sir Muhammad Zafrullah Khan: Towards the end of January.

[Mr. S. Satyamurti.]

moment, in their Resolution on the Sugar Tariff Board, they really enter into a public quarrel with these Tariff Boards. It seems to me that, if this mentality of the Government of India goes on, no self-respecting man, Indian or European, will be found to serve on these Tariff Boards. They have got a thankless task to do; they do their work very carefully and they put forward their recommendations, only to be told that they are school boys who did this and should not have done that, etc. It is not fair to this House or to the Tariff Board or to the vast interests involved. I, therefore, commend to the House the idea of examining this Bill most carefully from the point of view of the Tariff Boards' reports, and not accepting the recommendations of the Bill unless a much stronger case than has been made out by the Honourable the Commerce Member is made hereafter.

Sir Cowasji Jehangir: Sir, I am going to deal with only one aspect of this Bill, namely, magnesium chloride.

Mr. Abdul Qaiyum (North-West Frontier Province: General): What is magnesium chloride?

Sir Cowasji Jehangir: After the long speech of my Honourable friend, Mr. Satyamurti, if my Honourable friend does not know that magnesium chloride is included in this Bill, I will suggest that he was having a nap.

Mr. Abdul Qaiyum: But what is this substance?

Sir Cowasji Jehangir: It is a chemical powder which is used for sizing in the textile industry.

Sir, as my Honourable friend, Mr. Satyamurti, has already informed you, and as my Honourable friend, the Commerce Member, has explained, the duty on this magnesium chloride was Rs. 1/5/- per cwt. The Tariff Board suggested 15 annas per cwt., and Government now suggest 12 annas. The only reason which they have given for changing the Tariff Board's recommendation is stated in a few lines in a sheet of paper, one-quarter of which is an order. The relevant part has been read out by my Honourable friend, Mr. Satyamurti, and I may be just allowed, especially for the information of my friend, from the North-West Frontier Province, to read a relevant part of the order. This is what they say:

"In arriving at the fair selling price for magnesium chloride the Board has rightly taken into account the freight disadvantage which the Indian product has to face in the Bombay city. It has, however, made the error of making an allowance on this account in respect of the whole production of the industry, a considerable proportion of which is consumed in upcountry markets where the Indian produce either is at no freight disadvantage or even enjoys a certain advantage."

Now, Sir, the Government make bold to say that the Tariff Board have made an error. My humble opinion is that it is the Government that has made the error, and not the Tariff Board. I do not intend to speak for more than seven minutes, and trust that Government will take the figures that I am giving them into their serious consideration and will revise their opinion.

The whole point is the question of freight. The recommendation of the Tariff Board was read out by my Honourable friend, Mr. Satyamurti, and while the Honourable the Commerce Member was speaking, I drew his

attention to the arguments which the Tariff Board have given for considering that there is no reason to take the freight question into consideration at all. Now, the amount of magnesium chloride made in this country and which is consumed in this country is 6,800 tons. Out of this, 1,500 tons go to Bombay city. The Government and the Tariff Board agree that the Indian industry is not at an advantage with regard to the freight to Bombay. Then, 2,100 tons are sent to Central India, the Central Provinces and the Deccan. All this magnesium chloride has to go through Bombay. It has to be railed to Bombay and has to go through Bombay to reach Central India, the Central Provinces and the Deccan. Therefore, the argument of the Tariff Board which is supported by Government still holds good, namely, that there is no freight advantage. Then, we go to Ahmedabad. Ahmedabad takes 1,300 tons out of the 6,800 tons. The Tariff Board have pointed out that it is imported through the Kathiawar ports, and this has made a difference since the last Tariff Board's report. I understand that the imported article.....

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Magnesium chloride which is made in India cannot go through a port.

Sir Cowasji Jehangir: The imported magnesium chloride comes through Kathiawar ports and the imported article costs two annas a ton less than the Indian made article to get to Ahmedabad through the use of this port. If you can contradict my facts, I ask you to prove it. I have got these facts from the industrialists themselves. Therefore, the argument that the imported article is at a disadvantage as compared to the Indian made article supplied to the city of Ahmedabad is not correct. It may have been correct when the last report was made but it is not correct now. And what is more important is that the Tariff Board have pointed out in unequivocal language. Madras, Cochin, and Calicut take 500 tons *via* Bombay. Then, we come to Calcutta which takes 500 tons. That also has to go through Bombay. There are 300 tons which go to other places and I am not in a position to give you any authentic information about this. Then, 800 tons of magnesium chloride goes to the United Provinces and Northern India. There it is admitted that the Indian product has an advantage over the imported product from the point of view of freight. Therefore, on the question of freight, the only advantage that the Indian made article has over the imported article is with regard to 800 tons out of 6,800 tons supplied to India by the industry in India. If these facts are correct, I do not see how the Government could possibly come to the conclusion they have, when the Tariff Board did say that the question of freight should not be taken into consideration, and when they did recommend that it should be reduced to 15 annas. My point is that if the facts that I have given along with the facts submitted by my Honourable friend, Mr. Satyamurti, are correct, it is the Government who have erred and not the Tariff Board. It only shows and emphasises the point made by Mr. Satyamurti that it is rather dangerous to try and controvert the definite opinions expressed by a Tribunal appointed by Government to examine a question in all its bearings. The evidence, that Government must produce, must be of a character which will convince this House and which will prove even to the members of the Tariff Board themselves that they have erred. It seems to me, Sir, that on this question, which is a small matter, it is the Government who have erred: and there was no

[Sir Cowasji Jehangir.]

justification for Government to have reduced the duty from 15 annas to 12 annas as they have done in spite of the recommendation of the Tariff Board. I trust that Government will give this matter their serious consideration. Whether this House expresses an opinion one way or the other, or not, or whether the Government are bound to implement the opinion of this House or not, Government should consider this question regardless of the views of this House. If the facts that I have placed before them are correct, I trust they will correct their mistake and of their own accord put up the duty to 15 annas from 12 annas. I have nothing further to say at this stage except to appeal to Government to look into the facts I have given, and to do justice to the industry.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, as one whose family has been closely connected with the paper industry for the last three generations, practically since the infancy of the paper industry in this country, I think I owe a duty to this Honourable House to explain in some details the progress made in the manufacture of paper in this country and to illustrate the various recommendations of the Tariff Board which they consider necessary for the further development of this industry in this country and the harm which will be done to this industry due to the reduction in the quantum of protection on paper and the withdrawal of protective duty on imported wood pulp as has been proposed by the Government in the Bill under discussion. I will deal with this subject in distinctive parts. Firstly, I will deal with the proposal of the Government to do away with the protective duty on wood pulp. Secondly, I will deal with the effect that will be felt by the industry by the reduction in the protective duty as is proposed in the Bill in spite of the recommendation of the Tariff Board. Thirdly, I will deal with the question of the term of protection which the Tariff Board has proposed, namely, seven years, and which the Government in their discretion have thought it fit to reduce to three years only. Fourthly, I will make some suggestions as to how this industry can develop and manufacture paper of the classes which are not manufactured at the present moment.

At the outset, I should like to say that the primary materials for the manufacture of paper at present are two, bamboo and *Sabai* grass. *Sabai* grass is the main ingredient on which this paper industry has been built in this country. *Sabai* grass is the principal ingredient that has been used in the manufacture of paper since the nineties of the last century when first the paper industry found a footing in this country. It is due to *sabai* grass that this industry has been stabilised. Of course, during recent years bamboo is coming into its own, and I am glad that a second substance which can be found even more readily than *sabai* grass has come into existence, and paper is now made more out of bamboo than of *sabai* grass. But, still, for the Government to say that *sabai* grass pulp has got no claim for protection and the paper mills which manufacture paper from *sabai* grass have no claim to protection—I must strongly and emphatically deny and contradict that. I have already said that *sabai* grass is the article on which this industry has been established. Even at present, with the exception of one or two mills, in all the other mills *sabai* grass is one of the principal ingredients. Two mills in

the United Provinces and one in the Punjab make their paper principally from *sabai* grass, whereas out of four mills in Bengal, three mills manufacture partly from bamboo and partly from grass. I need not read the paragraphs from the Tariff Board report which stress the value and the utility of *sabai* grass in the manufacture of paper as my Honourable friend, Mr. Satyamurti, has copiously quoted from that report.

Apart from the paragraphs which have been read by Mr. Satyamurti, I would read from paragraph 37, page 29:

"Until comparatively recent years grass was the principal indigenous material from which pulp was manufactured in India and is still of definite importance. Two of the mills which now manufacture bamboo pulp continued in 1936-37 to manufacture pulp from grass in one case in the proportion of two to one and in the other case in equal proportions. Two other mills use grass as their principal indigenous material and a third mill has recently experimented in the manufacture on a small scale."

So, the value of grass to this industry cannot be over-estimated. It gives employment to tens of thousands of persons in the villages and the forests for the extraction of this important material. As has been rightly said in the Tariff Board's report, in the United Provinces and the Punjab, bamboo is not at all available and the mills will have to depend for their existence on *sabai* grass until some other substance of equal utility can be found available in those areas. (Interruption.) *Sabai* grass has different names—*babhar*, *biab*, *bankas*, *bagai*, and so on.

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

So, it is useless for the Government to say that they won't recognise *sabai* grass as an important ingredient in the manufacture of paper and won't give protection to those mills who manufacture paper from grass. In other words, pulp made from *sabai* grass does not deserve any protection. It is true, as has been found by the Tariff Board, that the cost of manufacturing air dry unbleached pulp as it is technically called, is more in the case of *sabai* grass than in the case of bamboo, because grass, after all, is a lighter substance and the cost of extraction is more than that of extraction of bamboo which is a heavier substance. But there has been considerable decrease in the cost of extraction of grass, or, consequently, in the price of grass and the cost of production of grass pulp. I will give the figures which have been quoted by the Tariff Board. The Tariff Board has said that the cost of grass pulp in 1924-25 in the case of one mill was as high as Rs. 257 per ton and in the case of another mill Rs. 214. In 1930-31, the prices had come down to Rs. 157 in the case of one mill and Rs. 185 in the case of another mill. In 1936-37 the prices have come down further to Rs. 145 in the case of one mill and Rs. 148 in the case of another mill. There has been a substantial reduction in the price of grass pulp. Same is also the case in the case of production of bamboo pulp. In 1924-25 there was only one mill which was manufacturing paper from bamboo, and its cost was as high as Rs. 227, where in 1930-31 it was Rs. 196 per ton, and in 1936-37 it came down to Rs. 123 per ton, or there was a substantial reduction of Rs. 73 per ton or 37 per cent. during the six years between 1930 and 1936. This amply bears out that the mills have taken every precaution and every step to bring down their cost of production, and in that way they have justified the protection which was given to them. The Tariff Board, in estimating the future cost, have taken the cost of production of bamboo pulp at even much less a figure than for 1936-37 which was Rs. 123. Now, they have

[Babu Baijnath Bajoria.]

calculated at the rate of Rs. 111 per ton and so they have made a further reduction of Rs. 12 per ton. They have added Rs. 33 for overhead charges which makes the total cost Rs. 144 per ton in the case of bamboo pulp.

India should be proud of the fact that she is the first country in the world to manufacture paper from bamboo. In all other countries most of the paper is made from wood, and the names of the species of wood out of which paper is made are given in the Board's report. These are not readily available in this country. They are, of course, available to some extent, but on account of the heavy cost of extraction and transporting them to the plains, it has not been found to be practicable proposition to use wood for the manufacture of paper, except perhaps pine wood, which is to be found in abundant quantities in Kashmir, and a proposal is afoot to construct a paper mill there. It has not yet taken definite shape, but I hope it will soon take shape, and it will then open up a new field for paper manufacture, just as the use of bamboo for paper manufacture has opened a vast field for paper industry in this country, and if at all we succeed in manufacturing paper from wood, then we can become self-sufficient in regard to our paper requirements in this country.

Sir, Government have done away with the protective duty on imported wood pulp. The reason, as far as I can see, is that bamboo pulp is cheaper, because, according to the Report of the Tariff Board, bamboo pulp requires a protection of only Rs. 18 per ton, and that will be secured by this 25 per cent. *ad valorem* duty, and, therefore, no protective duty is necessary there. They have, however, altogether ignored the claims of grass pulp, for which the Tariff Board has recommended that protection to the extent of Rs. 47 per ton is necessary. . . .

The Honourable Sir Muhammad Zafrullah Khan: No, they have not made that recommendation.

Babu Baijnath Bajoria: The recommendation which they have made is Rs. 35 per ton, but they have said that grass pulp will require a protection of Rs. 47 per ton.

The Honourable Sir Muhammad Zafrullah Khan: They have not made any recommendation on that basis.

Babu Baijnath Bajoria: As far as I have been able to read the Tariff Board Report, I think. . . .

An Honourable Member: What is the page, where have they said that?

Babu Baijnath Bajoria: The Tariff Board have said that bamboo pulp requires a protection of Rs. 18 per ton and grass pulp requires protection to the extent of Rs. 47 per ton. That is what I was saying, and so taking a mean between these two, they have proposed a protective duty of Rs. 35 per ton,—I think I am right. . . .

The Honourable Sir Muhammad Zafrullah Khan: Yes, but the Honourable Member was saying that they have recommended a duty of Rs. 47 per ton.

Babu Baijnath Bajoria: I did not say so.

Then, Sir, my friend, Mr. Satyamurti, laid great emphasis and pointed out very ably why protection should also be given to grass pulp. He also pointed out that it was very difficult for us to read all the Tariff Board Reports, the present and the past ones, but he is a very studious student and so he has been able to read all of them and has passed first class first, but I am sorry I have been able to read only the present or the latest Report of the Tariff Board, and I will be satisfied if I get pass marks only.

I think, Sir, I have made my position quite clear as to why Government must grant a protective duty on grass pulp. . . .

The Honourable Sir Muhammad Zafrullah Khan: How much?

Babu Baijnath Bajoria: As has been recommended by the Tariff Board.

The Honourable Sir Muhammad Zafrullah Khan: According to you, that is not enough.

Babu Baijnath Bajoria: That will be sufficient in this way, because some of the paper mills are using both bamboo and grass, while others are using only grass. They will be at a slight disadvantage no doubt, but they will be able to make up, or rather they will have to make up.

Then, Sir, there is another aspect to be considered, and pointed attention was drawn to it by my friend, Mr. Satyamurti. What will happen if grass pulp is not protected? The result will be that there will be a more extensive import of wood pulp from abroad. Well, does this House or any section of it want that there should be an increase in imported wood pulp at the expense of grass pulp and all other kinds of pulp that can be produced in this country? The effect of the present protection to imported wood pulp has been that it has led the mills to make investigations into the use of other raw materials as well. I may inform the House that apart from bamboo and grass, there are other subsidiary raw materials which supplement the manufacture of pulp in this country, and they are waste paper, paper cuttings, rags, old hemp and jute, ropes and cuttings, waste material from textile mills, etc.

As regards strawboards, they are made from rice and wheat straw and also from grass. Bagasse is the material left over after crushing sugar cane. It is not yet used in paper manufacture, but there is every possibility of its being so used, and researches are being carried out at the Research Institute at Dehra Dun in this matter, and if they are successful, then we shall be able to make all the strawboard that we require from raw materials obtainable in this country.

Mr. Abdul Qaiyum: What about sugar factories? Is it not used as fuel?

Babu Baijnath Bajoria: I do not want to go deep into these matters, but I will say that it is a criminal waste to use Bagasse as fuel. Bagasse is used as fuel in sugar mills, because no other use can be made at present of that material. If that material can be used for the manufacture of strawboards, then we shall be able to use coal as fuel in our sugar factories.

Babu Baijnath Bajoria: My argument was only to say that practically all the materials required for these mills are Indian materials. I wanted to stress that the paper mills are a national industry to all intents and purposes. That is the point I wanted to make. . . .

The Honourable Sir Muhammad Zafrullah Khan: The Tariff Board, the Government and Parties in this House are agreed that the industry has made out a case for protection. There is no difference on that.

Babu Baijnath Bajoria: I am glad. I only wanted to lay stress on it.

I come now to the question to which the Honourable the Commerce Member referred. He said that the Tariff Board has accepted that 140 rupees per ton is the cost of conversion of pulp to paper. The difference between the Honourable Member's version and the Tariff Board's version is that whereas the Tariff Board thinks that Rs. 140 is the cost of conversion from bleached pulp into paper, my Honourable friend, the Commerce Member, thinks that it is the cost of conversion from unbleached pulp into paper. I have not been able to go through the previous Tariff Board Reports; and though I have tried to have a cursory glance at it, I have not been able to check the figures to see whether the Commerce Member is right or wrong. But as has been rightly pointed out by my Honourable friend, Mr. Satyamurti, this was such a glaring mistake, that if it was a mistake, the matter should have been referred again to the Tariff Board pointing out their mistake. Here the Tariff Board says that the cost of bleaching is only Rs. 20 per ton—Rs. 7 for selling expenses, Rs. 4 for insurance and one rupee for rates and taxes. I do not know whether this has got any reference to the cost of bleaching. As I have pointed out the Tariff Board has taken the cost of production of paper both from bamboo and from grass at figures even lower than their present cost. As I pointed out the present cost to the mills for bamboo pulp was Rs. 123 and they have taken Rs. 111 per ton: they have already, therefore, made a reduction of Rs. 12 per ton, and in the case of grass pulp they have reduced the cost by Rs. 8 per ton. Therefore, even if the Honourable the Commerce Member is right the difference comes only to Rs. 8 or Rs. 10 per ton. . . .

The Honourable Sir Muhammad Zafrullah Khan: Rs. 32.

Babu Baijnath Bajoria: If you take that Rs. 12 also as regards selling expenses and insurance expenses—but I have not been able to verify that at all. Now, I will come to the protection of paper. Here let us see how the paper industry has developed on account of this protection. There is no gainsaying the fact, and all sections of the House are agreed that this protection to paper industry has resulted in the development of the industry and there has been a gradual increasing production of paper. As a matter of fact I will read out from page 42. In the table which is given there we find that of the classes of paper which are protected the Indian industry is making more than 80 per cent. The total import of the protected paper—that is, printing and writing paper—in 1936-37 was only 12,300 tons, whereas paper manufactured in India was 43,300 tons; and this protection has also not increased the price of paper during the period of protection to the consumer: that is, the price of paper before this protective duty was imposed was higher than the price at which the consumer is getting this paper now.

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Now, I would refer to the suitability of giving protection to further classes of paper and will review very shortly those classes which are not protected at the present moment and which we have to import from outside. In this unprotected category there is the newsprint and other qualities which contain more than 70 per cent. of mechanical wood pulp. The imports of these are 43,600 tons in 1936-37. These kinds are not manufactured at the present moment and so I do not think that protection is needed. The same thing applies to fancy paper—3,500 tons. There is another class of paper, known as packing and wrapping paper, including kraft paper, the imports of which have been 18,200 tons in 1936-37 and the Indian mills have manufactured 3,000 tons in 1936-37. I would say that protection should be extended to these classes of paper and, especially, to those classes of paper which are being made at the present moment, even though in small quantities and which will be manufactured in larger quantities in the very near future. As the Honourable the Commerce Member is aware, a new mill has been established in Orissa which has been designed, with the intention of manufacturing kraft paper and let us hope they will be successful. It is much better to grant protection from the very start. If protection is given now, then they will be able to get a stronger foothold in the market. Otherwise, they will not be able to compete with the imported paper. If protection is granted after a year or two, by that time they will be in a weak condition. I should also like to refer to blotting paper. This also is being made by several mills and, if protection is granted, they will be able to manufacture this class of paper too. It is a matter for satisfaction that as regards straw boards and mill boards the paper mills of this country have said that they do not want any protection and they are making headway without protection. Another point which has to be taken into account to decide the quantum of protection is the price at which paper is sold. It has been said that the price had gone up in 1937-38. It is true, but what about the price which is ruling now—the price of Government contract for the year 1938-39. I would like the Commerce Member to hear me on this point.

The Honourable Sir Muhammad Zafrullah Khan: I am listening.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): All of us are listening to you very attentively.

Babu Baijnath Bajoria: Sir, great stress was laid in this report about the rate at which protection is to be given. It has been mentioned here that the price of paper realised was Rs. 423 per ton in 1937-38. I may inform the Honourable the Commerce Member that on account of the new mills having started production, in recent months, the price of paper has gone down considerably and the price at which Government have been able to secure their paper for the year 1939-40 has been reduced by seven pies per pound or about Rs. 80 per ton. The method of calculation which is adopted in this Tariff Board is this. They calculate the fair selling price at Rs. 381 per ton—my Honourable friend, the Commerce Member, calculates it at 349 after deducting Rs. 32 a ton—and deduct therefrom the cost price of the imported paper which is arrived at by calculating the price realised for the paper by the mills and deducting the amount of protective duty from such price. This is explained in the last paragraph on

page 61 of the report. There the Board finds that the price realised for paper as Rs. 423 per ton—and deduct Rs. 175 per ton which is the protective duty and then arrive at the conclusion that the price of imported paper may be taken to be Rs. 248 and the difference between 381 and this price of 248, that is 133 per ton, is the measure of protection required, which they calculate at eleven pies. If the fair selling price is the same, Rs. 381 or even Rs. 20 lower and if the price which is realised for paper goes down by Rs. 80 per ton, it comes down to about 343 and if we deduct the duty of 175 per ton, the price will be under Rs. 200 according to this calculation.

The Honourable Sir Muhammad Zafrullah Khan: The duty will not be 175.

Babu Baijnath Bajoria: Even at the rate of duty which is proposed, the quantum of protection required will come to more than eleven pies, on calculation. I hope the Honourable Member will calculate this and find it out. If necessary, I shall help him in making the calculation.

The Honourable Sir Muhammad Zafrullah Khan: I should prefer to have the Honourable Member's calculation first. Then I will check it up. The Honourable Member has said that prices have come down because quotations to Government are seven pies per pound lower than last year but those quotations are by the Indian mills. That means that the cost of production of Indian mills has gone down. That means that they require less protection than before.

Babu Baijnath Bajoria: The price has gone down but not the cost of production.

The Honourable Sir Muhammad Zafrullah Khan: They are able to quote lower prices for Government tenders because presumably they can produce it cheaper.

Babu Baijnath Bajoria: It is due to internal cut-throat competition. The new mills will have to face this competition and they will have to go to the wall.

The Honourable Sir Muhammad Zafrullah Khan: Then the Honourable Member has made this mistake. He says the price has gone down by Rs. 80 per ton, that is, the price of the Indian paper, but then he goes on to make his calculations by deducting this from the price of foreign paper.

Babu Baijnath Bajoria: I will read out a few lines from this Tariff Board Report. I am following exactly the same procedure as is laid down on page 61, in the last paragraph:

"Taking all points into consideration, we propose to take the average price realised in 1936-37 and 1937-38 by two companies which manufacture mainly protected classes of paper, namely 3 annas 0.28 pies per lb. or Rs. 423 per ton as the equivalent of the import price. We have left out of account the figures of the third company as a considerable proportion of its production consists of low grade paper. Deducting the duty of Rs. 175 per ton, the price of imported paper may be taken as Rs. 248. The difference between this figure and the fair selling price of Rs. 381 is Rs. 133 per ton. The measure of protection required may, therefore, be taken as 11 pies per pound."

I would substitute the present figures for these figures. It is not the quotations to the Government. It is the contracts, the price at which

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contracts have been given to the mills, it is not the quotations merely: Government will get their paper at Rs. 80 per ton less, which is about 15 per cent. less than last year, and so, if we deduct Rs. 80 from Rs. 423, the price comes to Rs. 343, and if we deduct Rs. 175 from Rs. 343, the price comes to Rs. 168, and the difference between Rs. 168 and the fair selling price of Rs. 381 will be Rs. 213 which will be the amount of protection required according to Tariff Board's method of calculation.

The Honourable Sir Nripendra Sircar (Leader of the House): You are deducting so many things from so many other things that we are puzzled.

Babu Baijnath Bajoria: Sir, then it has been pointed out in the speech of my Honourable friend, Mr. Satyamurti, that every section of the trade connected with paper, even importers and traders who were opposed to protection, when protection was first given to this industry in 1924-25, are now welcoming this protection and say that protection should be given and the Associations and Chambers of Commerce say that the protection should be at one anna and three pies per ton or at least one anna per ton. Sir, it is very hard on the industry, which, at the present moment, has developed to a considerable extent. As many as four mills have come into existence only within the last twelve months and two or three of them have commenced production only this year. Sir, at this stage it is most cruel that the quantum of protection should be so drastically curtailed from one anna three pies. First of all the surcharge was withdrawn. When the Paper Tariff Board was appointed, they were asked to give an interim report whether the surcharge should be taken off. That was practically tantamount to giving them a direction that they should make this report so that the surcharge may be taken off. After that, another three pies have been taken off by this Bill. So the protection has been reduced from one anna three pies to nine pies, i.e., by 40 per cent. Sir, I think it will be very hard for this industry to flourish after such drastic reduction in protection.

Then, Sir, I would like to say something as regards one or two other points which the Tariff Board recommended. Firstly, about the proposed term of protection, namely, for seven years, I do not understand why the Government has reduced the period to three years. They say that a further inquiry will be held after two years, but the Tariff Board has recommended that there should be an inquiry before the end of 1939 for the purpose of granting further protection to those classes of paper which the mills manufacture and for which they qualify for protection. The Tariff Board has not said that the inquiry should be into the whole question of protection. But here, arbitrarily, I should say, the Government have reduced, for reasons best known to them, the period and they say that the protection should be only for three years. They set up a Tariff Board after two years, then, and God knows what they will do after that; probably the Tariff Board will take six months or a year in making a report and Government will sit tight over that report for another year or so,—and so the industry will suffer! It is also satisfactory that the indianization in this industry is also making a satisfactory progress. Well, this is admitted by the Board. Further, as a matter of fact all the new mills which have been started are hundred per cent. Indian. They have Indian capital, Indian management, Indian labour and Indian materials.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): And foreign machinery.

Babu Baijnath Bajoria: One point which has been referred to in this report is about provincialism. I deprecate, as the Tariff Board has deprecated, that the two Provincial Governments should have insisted in respect of the employment of persons that they should belong to the same provinces. Such a narrow view should not be taken. After all, we must have the best men in India to whichever province they may belong and we must get their assistance for the development of this industry.

Lastly, there is a mention in this report about the inadequacy of the grant to the Research Institute at Dehra Dun. I should like to take this opportunity of paying my tribute to the excellent work which is being done at this Institute. It is through the efforts of this Institute that bamboo was first experimented and I should like to take this opportunity of paying my compliment to Mr. Ryatt who was the then Director of this Institute. It was due to his successful experiment that bamboo is now being used as the principal ingredient for the manufacture of paper in this country. I should also like to take this opportunity of paying my tribute to Mr. Bookless who was the then General Manager for the Indian Paper Pulp Company and who erected the first paper mill in this country at Naihati for the manufacture of paper from bamboo. There were many experts who doubted its success but he proved it to be a complete success. I would, therefore, suggest that Government should give their due consideration to the recommendation of the Tariff Board and provide Rs. 40,000 per annum, as a non-recurring grant, for the Paper Research Institute and Rs. 14,000 per annum as the recurring grant to it for purposes which have been set out in the Board's report. I also agree that the mills should make a voluntary contribution to this Institute as has been suggested in the Tariff Board's report, but I take exception to the levy of a compulsory or a statutory cess. I trust that I have made my points clear and I hope Government will give due consideration to the points which I have made and will help the industry to make further progress by granting adequate protection on the lines suggested.

Dr. Sir Ziauddin Ahmad: Sir, I would like to refer to one or two points brought forward by my friend, Mr. Bajoria, who is the paper magnate. Perhaps, through the slip of the tongue, he mentioned that he has been engaged in this paper trade for the last three generations, and yet the industry is in its infancy.

Babu Baijnath Bajoria: My family is engaged in this industry for the last three generations, and not I alone.

Dr. Sir Ziauddin Ahmad: That I can understand. Now, I will refer the House to the third condition mentioned on page 47 of the Fiscal Commission's report. As this industry does not satisfy the third condition, namely, that it should ultimately stand on its own legs, it does not need any protection at all. Therefore, his argument went against him. The other thing that I would like to tell him is that instead of taking 45 minutes in making his speech, he ought to have said only one thing and we would have been convinced and voted wholeheartedly with him. He ought to have told us the budget of his paper mills and what

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dividends they pay. He ought to have told us about the profit and loss accounts, not those which he presents to Mr. Chambers or to his shareholders, probably he is the cent. per cent. shareholder, but those which he himself examines after 12 o'clock in the midnight in his solitary chamber.

Babu Baijnath Bajoria: May I correct my Honourable friend? I said that my family was closely connected with the paper mills, but not with their balance-sheets, because the Managing Agents of the Titaghur Paper Mills are Messrs. F. W. Heilgers and Company and the paper mill which my family has erected and of which we are proud is the Star Paper Mill, which has only recently commenced production.

Dr. Sir Ziauddin Ahmad: I would like to know, whichever that company may be, how much they have already got in the Reserve Fund, how much they have got in the depreciation fund, what is the value of the stock and the property, and what dividends they declare. If these facts are placed before us, I think we will be in a better position to judge whether that particular industry does or does not need protection.

Babu Baijnath Bajoria: If my Honourable friend will invest some money in this industry, I will give him all the particulars.

Dr. Sir Ziauddin Ahmad: I have no money to invest.

Now, coming to the Tariff Board report, I have been pressing during the last ten years that the reports of the Tariff Board should be published as soon as they have been handed over to the Government. The Government should not sit tight on these reports and place them before us just at the time when they bring the Bills before us. In previous years also, we had the same experience. The Bill was before us, but the Tariff Board report was not there. Fortunately this time at 3 o'clock in the morning a peon woke us up and delivered to us these three important documents dealing with three different subjects. I have always insisted that these reports ought to be published as soon as they are presented to the Government and they ought not to be treated as confidential.

There are two points on which I have always stood very strongly. Firstly, publicity is the only safeguard of all their troubles and difficulties and, secondly, the early publication of the Tariff Board reports. If you place the Tariff Board's report before the Assembly and allow it to be publicly discussed, then and then alone you will be in a position to form an independent opinion. The other point on which I have laid great stress is the examiners. In France, they have got a definite rule that after the answer books have been marked, they are kept in a public place and everybody is at liberty to examine the answer books and the marks allotted to each question. Here unfortunately they are always kept confidential and the examiners can do whatever they like and nobody can criticise them. The same is the case with our Tariff Board reports: nobody is to criticise them.

I will now come to one or two problems relating to the general question which were also referred to by my friend, Mr. Satyamurti. I said the other day that the whole policy of taxation of the Government of India is very antiquated and requires serious consideration. It is as old as the knowledge of surgery in the Unani system of medicine, and I said the other

day that it was based on the anatomical dissection of one monkey, and whatever knowledge was gained by the operation of one monkey is still continued in this system. Similarly, in the case of the taxation policy, the whole of the knowledge is based on the Fiscal Commission's report. A good deal has already been done in the field of taxation and the map of Europe has been changed and the fiscal policies of all the countries have been altered, and the monetary policy of this country is not the same as it was in 1922, and yet they are still sticking to the policy maintained by the Fiscal Commission. I think the time is now ripe when we ought to revise the entire policy of taxation and really say good-bye to the methods which they had been adopting so far.

Now, one of the points which are mentioned by the Fiscal Commission with regard to protection policy is that we should have ample material. The second thing is that the industry should have a good home market, and the third thing is that it should ultimately be able to stand on its own legs. The fourth thing which I should like to add and which is not there is that whatever protection is given to the industry it is in the shape of a loan. Ultimately, those industries ought to be able to pay back to the consumers what they have paid for them in the shape of higher prices. The Fiscal Commission has also discussed about the personnel of the Board. About the personnel, the Fiscal Commission report makes definite mention about it, and, as far as Government are concerned, I do not see any reason for opposing it. The report says:

"The Members of the United States Tariff Commission appear to be men of wide general attainments. The first Chairman was the distinguished economist, Prof. Taussig. The present Chairman is also a well known Professor of Political Economy. The other Members appear to be for the most part men who have distinguished themselves in law or in politics."

Ultimately the Fiscal Commission recognised the principle "that the best men available are to be engaged, selection depending rather on general qualification than on specialised or expert knowledge". It is essential that all the members should be men of ability, of integrity and of impartiality and other desirable qualifications are a knowledge of economics and a practical acquaintance with business affairs. Therefore, they explicitly say that it is not necessary that the members of the Tariff Board should be experts in that particular industry. In fact, not to be an expert is considered a qualification, so that they can bring forward a scientific and unbiassed mind on the entire problem. An expert in a particular subject always looks upon a problem with a prejudiced mind which unfortunately was not pointed out by the Fiscal Commission.

There is another point which I want to say, that is, once protection is given, there is no guarantee and there is no method by means of which they can check whether the protection is paying or is not paying its way. We have repeatedly said on the floor of the House and my Honourable friend, Mr. Joshi, also repeated it several times that once protection is given to any particular industry, we ought to watch how this protection actually works, whether the industry is paying fat dividends to the shareholders, or whether the selling price is not much more than what was promised at the time of protection, and so on. This is a defect in the programme of the Government of India which is very desirable to be filled up. They ought to set up some machinery, either in the shape of a permanent tariff board or in the shape of a particular department by means of which they could get reports from all the factories dealing with protected

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industries and they should be able to say what is the difference between the promised fair selling price and the actual selling price, month by month and year after year. The Government should also be authorised to modify the quantum of protection either by increasing or decreasing it. This power is there, but the information and the mode of enquiry are both absent. It is very desirable that this defect ought to be supplied as soon as possible, because, when we go on taxing consumers by levying special protective duty, it is very desirable that the interests of the consumers should also be protected and the public should know year after year what has been the effect of this special protection and for how long the protection would be needed.

There is one other point which is ignored by the Tariff Board, and it is the question of cottage industries.

Mr. President (The Honourable Sir Abdur Rahim): The House is not now discussing cottage industries. The whole tariff field is not now under discussion.

Dr. Sir Ziauddin Ahmad: Next, I wish to refer to magnesium chloride. The particular Board is already there. Their business is simply to determine the quantum of protection. The protection must be given, otherwise they would not have been appointed at all. They are only required to determine the quantum of protection. I will quote here chapter and verse from this very report in support of my contention. They simply calculate what are the expenses,—depreciation so much, reserve fund so much, interest charges so much, working expenses so much, profit and loss so much, managing agents so much, selling price equals so much, other things so much and, at the end, they say so much protection. In order to determine the quantum of protection, they take up the figures during the last five years, they do not take up the price prevalent at the time of writing the report and thus they arrive at the difference. This is a fundamental defect in the findings of the Tariff Board Report. I will take up the report on magnesium chloride and prove what I say in respect of this matter. The only argument which they have brought forward in support of protection is given on page 2 of the report. My Honourable friend, Babu Baijnath Bajoria, will take notice of this “that no opposition to the continuance of the protection of the industry has, in fact, been raised from any quarter.” That is the only argument in favour of protection, that it has not been opposed. Unfortunately the persons who use magnesium chloride are themselves thieves. It is the textile mills people that use this magnesium chloride and you do not expect them to oppose protection when they themselves are getting protection for their mills. This peculiar argument that there is no opposition to the grant of protection to magnesium chloride is itself sufficient to condemn the whole Tariff Board Report. On this one particular issue the whole report can be condemned.

The next thing is about the Pioneer Magnesite Works which they want to protect and which is a very important factory. But we do not know the profit and loss account of this company which is necessary in order to determine whether protection is needed or not. In order to decide that, we must have a balance-sheet and see that in spite of all economies the company has not been making profits and, therefore, requires protection.

But the Tariff Board never attempted to find that out. Then, it is also interesting to see the way in which protection has been given. In January, 1929, they were first given 15 per cent. *ad valorem*, i.e., seven annas per cwt. which was quite reasonable. Then, came the first folly of the Government of India in 1931 by which they raised the duty by 25 per cent. all round, and so this seven annas was raised to eight annas and nine pies. Then, came the second folly of Government in 1934 when they gave temporary shelter to particular articles and gave them *ad hoc* protection without reference to any Tariff Board and the price was increased to Rs. 1-5-0, i.e., 26 per cent. *ad valorem*. When the price was thus raised by these follies of Government, not a voice was raised by this particular industry. They were really fortunate and were in the good books of the Government of India and got this increase.

Now, I have a few criticisms to offer on the calculations which have been made on page 6 of the report. First, the interest on working capital has been calculated at five per cent. which seems to be too high in these days, because the money is sure to be realised, and the bank rate being hardly two per cent. I think $3\frac{1}{2}$ per cent. is enough in this case. Then commission on gross profits to the managing agents is another five per cent. We have already condemned the managing agency system, but here we find them again drawing five per cent. on the gross profits, not on the net profits. Then, the sale expenses account for another five per cent. As regards this, of course people buying from abroad have their selling expenses too. Therefore, I think this also is very undesirable. Then, on page 11, they also said:

“For landing charges and cost of transport to mills in Bombay the Company has claimed 5 annas a cwt. These charges seem high. We propose to allow 4 annas a cwt.”

This is an important point which will come up for discussion not only on this Bill, but on other protection Bills also. When you compare the fair selling price and determine the claim to protection, you determine the *c.i.f.* price and the cost of production and take the difference. At what particular place do you take up the fair selling price, at the factories or at a particular place? India is a very big country, and if you take the freight at a particular station, you will never come to any conclusion. Why do you take the freight to Bombay and not to Cawnpore which is equally important? Therefore, it is wrong to take the freight from the factories to any selling market. You ought to compare the *c.i.f.* prices of the imported article and the prices at the factory. Then, the question of freight is not to be considered, because the freights cancel each other. If you consider the price of any article which is produced at Cawnpore, then the *c.i.f.* price will have to be modified considerably by adding the freight from Calcutta to Cawnpore, while the freight of the articles made in this country will not be very high. Therefore, this method of calculation adopted by the Tariff Board here is fundamentally wrong. They ought to compare only the fair selling prices at the factories with the *c.i.f.* prices in that particular locality. The question of freight does not come into consideration, because you will have to determine at what particular place you are going to take the article and that you can never decide, because the place may be anything. So I think this method of calculation is absolutely wrong.

[4TH APRIL 1939.]

[Dr. Sir Ziauddin Ahmad.]

The next point of my criticism is on page 13 of this book where they give the selling price in 1937 as Rs. 3, in 1936 as Rs. 1-14-0, in 1935 as Rs. 1-8-0 and in 1934 as Rs. 3. Out of these prices, they take the lowest, i.e., Rs. 1-8-0 which was in February, 1935. This method also, I think, is very wrong. The c.i.f. price should be taken at the time the report is written and not of four years ago. The Tariff Board in this case took the prices of the last five or six years and they took the lowest price of Rs. 1-8-0 in 1935 as their basis of calculation. So, on the expenditure side, they have added enormous sums of money which they had no right to do. In c.i.f. price, they took the lowest figure and their figure can surely be challenged as incorrect. If this report were presented before us for general discussion and not in connection with a Bill, I would have moved for its being thrown out.

My next point is that magnesium chloride does not need protection; in fact, excise ought to be levied on it. This article is made out of what has been left after the manufacture of salt. We know there is an excise duty on salt, and on whatever is left there should be an excise duty and not a protective duty.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 5th April, 1939.

LEGISLATIVE ASSEMBLY.

Wednesday, 5th April, 1939.

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.

WARNING TO THE RAILWAY TO REMOVE OVERCROWDING IN THIRD CLASS TRAFFIC BETWEEN GHAZIABAD AND DELHI.

1514. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state :

(a) whether his particular attention has been drawn to the following Associated Press news, dated Delhi, the 8th March, 1939:

"The Secretary of the Association for the comforts of third class passengers has given a thirty days' warning notice to the railway authority as well as to the local authority. In the notice he has stated that the third class traffic to and from Ghaziabad is very heavy and therefore proper arrangements for the comforts of the passengers should be made, otherwise 'we shall be obliged to put a stop to the running train by pulling the chain and to have recourse to satyagraha, which is the last and only peaceful weapon in the hands of the poor Indian'".

- (b) whether the above news is correct, or substantially correct;
- (c) whether he would place on the table a copy of the above notice sent to the Railway authority;
- (d) the steps, if any, taken or about to be taken to meet the demands of the notice; if no steps have been taken, why not;
- (e) the number of mail and express trains from or to Delhi via Ghaziabad; and
- (f) whether the period of the above notice expires before or after the 12th April, the date provisionally fixed for the dispersal of this Assembly?

The Honourable Mr. A. G. Clow: (a) I have seen the item in question.

(b) and (c). I am placing the letter sent by the Secretary of the Association on the table so that the Honourable Member can judge for himself.

(d) An extra third class bogie is being run daily, leaving Ghaziabad at 8-53 and arriving Delhi at 9-27.

- (e) Two up and two down mails, and four up and four down expresses.
 (f) The Honourable Member is referred to the letter laid on the table.

Bazar Sita Ram, Arya Samaj Street,
 Delhi, the 4th February, 1939.

Overcrowding in third class railway carriages.

Sir,

In my capacity as Secretary of the Association, recently started for the protection and convenience of the third class railway passengers, I most humbly and respectfully beg to bring the following grievances to your kind notice for favourable consideration.

It has been observed generally, that the third class traffic to and from Ghaziabad is very heavy and the third class carriages are as a rule overcrowded specially in the trains running in the morning and evening when the milkmen and vegetable dealers, etc., occupy almost every inch of space to the great inconvenience of other passengers. It is often seen that the passengers have to travel standing in the carriages or on the open door areas and even on foot-boards at the risk of their lives.

I think, it is the primary duty of the railway authorities to remove this state of things at their early convenience, and I, therefore pray most respectfully that you would very kindly see your way early to put an end to this overcrowding by any means you deem fit.

Our association gives you ninety days time to think over this question and redress this callous grievance early and in case our prayers are not listened to favourably, this Association would be obliged to take some drastic action in this connection. *We shall be obliged to put a stop to the running trains by pulling the chain and to have recourse to satyagraha which is the last and only peaceful weapon in the hands of poor Indians.*

Lastly, I beg to state, with due deference, that the above grievances have been brought to your notice not in the spirit of vengeance or disloyalty, but purely and simply in the good sense in order to love the lives of poor Indians.

I beg to remain,
 Sir,

Your most obedient servant,

(Sd.)

Secretary,
 Association for the Comforts of
 Third Class Passengers.

- (1) The General Manager, N.W. R., Lahore.
- (2) The General Manager, E. I. R., Calcutta.
- (3) The Transportation Superintendent, N.W. R., Delhi.
- (4) The Station Superintendent, N.W. R., Ghaziabad.
- (5) The Police Station Officer, N.W. R., Delhi.
- (6) The Police Station Officer, N.W. R., Ghaziabad.
- (7) The Station Master, N.W. R., Delhi Province.
- (8) The City Magistrate, Delhi.
- (9) The City Magistrate, Ghaziabad.
- (10) The City Magistrate, Delhi-Shahdara.
- (11) The Deputy Commissioner, Delhi.
- (12) The Chief Commissioner, Delhi Province.
- (13) The Secretary, Railway Board, Delhi.
- (14) Mr. Asaf Ali, Bar-at-Law, M.L.A., Delhi.

Mr. Brojendra Narayan Chaudhury: May I know whether the notice has been withdrawn after the extra carriage has been run?

The Honourable Mr. A. G. Clow: I have not heard of the withdrawal of the letter. It was not described as a notice except in the press. It was an ordinary letter.

Mr. Lalchand Navalrai: May I know when the new car that has been imported recently will be working on this line?

The Honourable Mr. A. G. Clow: It is being run at present, from Ghaziabad to Delhi.

Mr. S. Satyamurti: May I know if Government have since had any information from the railway concerned that the overcrowding has been appreciably reduced?

The Honourable Mr. A. G. Clow: If my Honourable friend, Mr. Brojendra Narayan Chaudhury, is correct in saying that the letter has been withdrawn, I assume that the difficulty has been met.

DERAILMENT OF THE DEHRA DUN EXPRESS.

1515. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state :

- (a) whether any caution order was issued to trains, when the gang in charge of Section 209 to 212 mile "worked recently on the tracks where the accident occurred" as stated in paragraph 29 of the Senior Inspector's Report on the Dehra Dun Express derailment; if so, what; and
- (b) the date on which this gang worked nearest to the spot of the accident and what kind of work was done?

The Honourable Mr. A. G. Clow: (a) No.

(b) From the 3rd to the 6th January, a gang had done "through packing" from mile 209/23 to mile 210/5. This is a normal track maintenance operation.

Mr. Brojendra Narayan Chaudhury: In view of the fact that a caution order was issued to the gang working mile 205-206, why was not a similar caution order issued to the gang working miles 209-212?

The Honourable Mr. A. G. Clow: I am not familiar with the facts as regards the other part of the line, but this is a type of work for which a caution order is not normally issued.

TRAIN STOPPED DUE TO OVERCROWDING NEAR JHANSI.

1516. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state :

- (a) whether his attention has particularly been drawn to the Associated Press of India message from Jhansi, dated the 14th March, 1939, regarding the stopping of a train by pulling the communication cord by a passenger;

- (b) whether the particular compartment occupied by that passenger was actually overcrowded;
- (c) if so, why the station staff did not or could not prevent excess passengers getting in;
- (d) why those passengers who refused to obey the Railway staff orders not to enter overcrowded compartments were not prosecuted;
- (e) whether something could not be done to regulate approximately the issue of tickets to the extent of accommodation available;
- (f) whether Government put forward overcrowding as one of the reasons for stricter regulation of bus traffic, and whether it was pointed out to Government that passengers sometimes force themselves into the bus against the orders of the conductors; and
- (g) whether there is any provision for punishing Railway staff for not preventing overcrowding, as is the case with regard to bus owners?

The Honourable Mr. A. G. Clow: (a) to (d). Government understand that the Press report is not strictly accurate. An extract from the report of the General Manager, Great Indian Peninsula Railway, giving the correct facts, is laid on the table. This extract shows quite clearly why the station staff were unable to prevent passengers entering already overcrowded compartments and why no prosecutions were possible.

(e) It is the general practice that guards finding their trains occupied to the maximum capacity wire ahead for booking to be stopped. As tickets issued can be used for any train during the 24 hours, no absolute regulation is possible.

(f) I do not know precisely which statements the Honourable Member has in view, but overcrowding on buses does require regulation.

(g) No.

Extract from the report of the General Manager, Great Indian Peninsula Railway

Prior to the arrival of No. 555 Down Bina-Katni passenger at Saugor, enquiries were made over the control telephone regarding the number of passengers waiting to entrain both at Saugor and Damoh. As the number at Saugor alone was estimated at about 500, with another 300 at least at Damoh, orders were immediately issued for the running of a special train.

On arrival of 555 Down at Saugor, passengers from Saugor were accommodated in the train which had been strengthened to full capacity. The Station Master, Damoh, was immediately advised that a special was running one hour behind 555 Down and he was instructed to remove passengers from the platform. This he was quite unable to do, even though he advised them all that a special was following soon after that train.

On arrival of 555 Down at Damoh the passengers boarded the train forcibly as the station staff and the police were inadequate to cope with the crowd. The assistance of the District Magistrate was called, but he also could do nothing as passengers refused to vacate and it was impossible to find out who was actually pulling the communication cord. After a detention of 1½ hours the train proceeded.

The passengers who travelled by this train were despatched onwards in a special train run from Katni. Merely because the latter train stopped at every station to pick up passengers for whom there was ample room, the occupants of the train started pulling the communication cord, and continued to do so until they were promised that the train would run as an Express.

Mr. Brojendra Narayan Chaudhury: May I know, since overcrowding in this case has been proved, whether Government are going to ask the railways to pay the fine as provided under the Railway Act?

The Honourable Mr. A. G. Clow: Fine for what?

Mr. Brojendra Narayan Chaudhury: Fine for carrying trains overloaded.

The Honourable Mr. A. G. Clow: There is no such proposal under consideration.

Mr. T. S. Avinashilingam Chettiar: What the Honourable Member means is whether section 93 of the Railway Act which gives power to Government to punish the railway authority which allows overcrowding has been set in motion in such cases?

The Honourable Mr. A. G. Clow: I do not think the Honourable Member is quoting the relevant section correctly. I have not got it here, but I think it applies where railway officers are themselves responsible for compelling passengers to overcrowd coaches.

Mr. T. S. Avinashilingam Chettiar: Is it meant by overcrowding that there are more passengers in the carriage than is notified in the carriage itself, or have they got any other meaning?

The Honourable Mr. A. G. Clow: If the Honourable Member is asking for an interpretation of the Railways Act, he can apply to the Honourable the Law Member.

Mr. T. S. Avinashilingam Chettiar: I want to know whether overcrowding means more than the number of passengers notified in the carriage itself or anything else.

The Honourable Mr. A. G. Clow: That is overcrowding, in my view.

Mr. R. N. Basu: May I ask if Government propose to take any action against railways for carrying trains overloaded?

The Honourable Mr. A. G. Clow: The Railways were unable to prevent it on this occasion.

Mr. S. Satyamurti: May I know with reference to the answer to clause (g), whether Government will consider inserting such a provision for punishing railway staff who are not preventing the overcrowding of trains?

The Honourable Mr. A. G. Clow: No: they have not considered it.

Mr. S. Satyamurti: Will they consider it?

The Honourable Mr. A. G. Clow: No. The railway staff are expected to do that; but on an occasion such as this, as the Honourable Member will see if he peruses the report, that it is perfectly impossible.

Mr. S. Satyamurti: With reference to the answer to clause (d), may I know the reasons why the railway find it impossible to prosecute people who insist on entering overcrowded compartments?

The Honourable Mr. A. G. Clow: I think that will be clear from the report when the Honourable Member reads it.

Mr. S. Satyamurti: With reference to clause (c), may I know if the Honourable Member will consider and issue instructions to railways not to issue tickets for trains which they have information are already overcrowded, even though these tickets may be used later, that is to say, postpone issue of tickets till the departure of the overcrowded train?

The Honourable Mr. A. G. Clow: As I have explained that is the general practice. The difficulty is that before that request is received in respect of that train, tickets may have been issued earlier; and as these tickets are available for 24 hours the passengers may be in possession of them before the order to issue no more tickets has been received.

REFRESHMENT ROOMS ON THE BENGAL NAGPUR AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

†1517. ***Mr. K. S. Gupta:** (a) Will the Honourable Member for Railways please state the number of Indian and European refreshment rooms on the Bengal Nagpur Railway and the Madras and Southern Mahratta Railway?

(b) What is the total income from the Indian and European refreshment rooms on both the Railways?

(c) Are these respective refreshment rooms managed by the Railway Companies or by contractors? If by contractors, why?

(d) Have Government considered whether it is not profitable for the Railways to manage their own refreshment rooms, both Indian and European?

(e) Is accommodation and equipment in both these refreshment rooms on both the Railways the same? If not, why not?

The Honourable Mr. A. G. Clow: (a) I would refer the Honourable Member to the time and fare tables issued by the respective Railways which contain the information asked for and which are in the Library of this House.

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

(c) I would refer the Honourable Member to the statement laid on the table of the House on the 7th February, 1939, in connection with Mr. S. Satyamurti's starred question No. 1088 of the 16th September, 1938, and to the reply given to part (b) of Professor N. G. Ranga's starred question No. 1268 of the 23rd March, 1939.

(d) This is a matter for consideration by Railway Administrations. It would appear, however, that the large organisation necessary with its commitments in conditions of service, provident fund, uniforms, gratuities, etc., would preclude the possibility of Railways running both first and second class and Indian refreshment rooms at any great profit.

†Answer to this question laid on the table, the questioner being absent.

REFRESHMENT ROOMS ON THE BENGAL NAGPUR AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

†1518. ***Mr. K. S. Gupta:** (a) Will the Honourable the Railway Member please state whether it is not a fact that Indian refreshment rooms are more frequented than the European refreshment rooms, by the poor and middle class (passengers) people of this country?

(b) Have Government any control over the catering departments on the Bengal Nagpur Railway and the Madras and Southern Mahratta Railway? If not, why not?

(c) Are Government satisfied that cheap and wholesome food is being catered in the Indian refreshment rooms on both these Railways?

The Honourable Mr. A. G. Clow: (a) I am prepared to take the Honourable Member's word for it.

(b) No, as these are Company-managed Railways.

(c) Government have no reason to believe otherwise.

INDIAN REFRESHMENT CARS RUNNING ON THE GREAT INDIAN PENINSULA RAILWAY.

†1519. ***Mr. K. S. Gupta:** (a) Is the Honourable the Railway Member aware that accommodation in the Indian refreshment car running on the Great Indian Peninsula Railway is very poor and limited, i.e., it accommodates only half a dozen boarders at a time?

(b) Is the Honourable Member aware that the European refreshment car accommodates fifty boarders at a time?

(c) Is the Honourable Member aware that the Indian refreshment car is always smoky and stuffy and the European refreshment car is free, fresh and kept neat and tidy? If so, what is the reason for this discrimination?

(d) Is the Honourable Member aware that the price per meal (ordinary third class) is twice costly in the Indian refreshment car of what it is just outside the platform of any big station or junction on the Great Indian Peninsula Railway? If so, is he prepared to see that the price is brought down and to make the Indian refreshment car more popular?

The Honourable Mr. A. G. Clow: (a) and (b). No. The seating accommodation in the Indian refreshment car is 16 passengers and the average seating accommodation in the first and second class refreshment cars is for 30 passengers.

(c) I am informed that no such complaints regarding the Indian refreshment car have been received by the Administration, and that there is no discrimination in the matter of neatness and tidiness.

(d) The Administration is considering the question of reducing the prices of meals in the Indian refreshment car.

†Answer to this question laid on the table, the questioner being absent.

TERRITORY IN THE NORTH-WEST FRONTIER BETWEEN THE SETTLED DISTRICTS AND AFGHAN BOUNDARY.

1520. *Mr. T. S. Avinashilingam Chettiar: Will the Foreign Secretary state:

(a) what is the status of the territory in the North-West Frontier between the settled districts and the Afghan boundary, usually called tribal areas; and

(b) in what respect it is under the control or jurisdiction of the British Indian authority?

Sir Aubrey Metcalfe: (a) The Honourable Member's attention is invited to the definitions of "India" and of the "Tribal Areas" in section 311 of the Government of India Act, 1935, from which he will observe that the tribal areas are part of India though not of British India. The inhabitants of the tribal areas have the status of British protected persons.

(b) The Honourable Member's attention is invited to section 313 (2) (c) of the Government of India Act, 1935. The degree of control exercised by the Central Government varies according to circumstances but is in most cases based on agreements with the tribes concerned

Mr. T. S. Avinashilingam Chettiar: May I know the distinction which the Honourable Member seeks to draw between India and British India?

Sir Aubrey Metcalfe: I would refer the Honourable Member to the Act.

Mr. Abdul Qaiyum: In view of the fact that they are British protected persons, whether it is the policy of the Government to employ the air force against British protected persons?

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

Mr. Abdul Qaiyum: It does arise, Sir

Mr. President (The Honourable Sir Abdur Rahim): No; it does not.

Mr. R. N. Basu: May I know whether Government will undertake any responsibility regarding the administration of this tribal area?

Sir Aubrey Metcalfe: In certain cases some responsibility for administration is undertaken.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government will consider the advisability of publishing for public information as to the control they have in these various tribal areas according to treaty rights which they may have with the tribes?

Sir Aubrey Metcalfe: All that information is available in published documents.

STOPPAGE OF NUISANCE OF HAWKERS AND BEGGARS ON CERTAIN RAILWAYS.

†1521. *Mr. K. S. Gupta: (a) Is the Honourable the Railway Member aware that travelling hawkers have multiplied in vexatious numbers on the Madras and Southern Mahratta Railway and Bengal Nagpur Railway, who offer samples of various quack medicines which are most injurious to the health and safety of the third class passengers?

(b) Is the Honourable Member aware that there are book-sellers (hawkers) on those two Railways who sell indecent and immoral literature to the detriment of the moral welfare of the third class passengers on those two railways?

(c) Is the Honourable Member aware that some of the hawkers sing indecent songs, affecting to sell medicines and books, to the great inconvenience and discomfort of the passengers?

(d) What are the measures taken by the above two railways to prevent the nuisance of hawkers and beggars, since the attention of the Railways was drawn to this matter in connection with question No. 127 asked by Mr. Sham Lal on the 26th August, 1937?

(e) Is the Honourable Member aware that the following is the reply by the District Transportation Superintendent in his letter No. E. G.-17/38, dated the 18th November, 1938, addressed to the General Secretary, Andhra Desa Railway Passengers' Association:

"If passengers can be persuaded to stop encouraging beggars and hawkers, the nuisance will cease automatically."

(f) Is the above statement a true declaration of the policy of Government with regard to the nuisance of beggars and hawkers on the Railways in India?

(g) Is the Honourable Member prepared to call for a report from all the Railways in India as to what each has done to put down the nuisance of hawkers and beggars?

The Honourable Mr. A. G. Clow: (a), (b) and (c). No.

(d) Government understand that the staff on these two Railways have been directed to take action against unauthorised hawkers when detected.

(e) I have seen no such letter.

(f) Does not arise.

(g) Reports have already been received from the principal Railways.

INTRODUCTION OF REFRIGERATING VANS ON RAILWAYS.

1522. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

(a) where refrigerating vans or other contrivances to prevent fresh fruits, fish and other perishable goods, from rotting are in use on Indian Railways and the stations to and from which such vans are carried and for what goods;

†Answer to this question laid on the table, the questioner being absent.

- (b) whether the matter of the introduction of refrigerating vans or other contrivances to prevent goods perishing has been investigated in detail; if so, the conclusions arrived at with regard to (1) fish, (2) oranges, (3) pineapples, (4) eggs, and (5) other fruits and vegetables for transport, in (i) North Bengal, (ii) East Bengal, and in (iii) Assam; and
- (c) if the conclusion is "impracticable", the detailed reasons for the impracticability?

The Honourable Mr. A. G. Clow: (a) The North Western Railway have 162 cold storage vans which are used for the carriage of fruits from Chaman and stations in Baluchistan to Madras, Calcutta, Bombay, Bangalore, Nagpur and Hyderabad (Deccan) on foreign railways and Karachi, Lahore, Amritsar, Delhi and a few other stations on the North Western Railway. The Madras and Southern Mahratta Railway have constructed a broad gauge refrigerator van which is worked by Messrs. Spencer and Company, for the carriage of perishable goods on railways in Northern India. The Bengal Nagpur Railway have a special fish van in which fish from the Chilka Lake packed in ice is carried daily from Rumbha to Howrah. The East Indian Railway have a cold storage compartment which is run every Tuesday and Friday on the Up Parcels Express from Howrah to Delhi carrying fresh provisions, such as fish, meat, fruit, butter, etc.

(b) As regards the Railway Administrations operating in Bengal and Assam, I understand that the volume of traffic in fresh fruits, fish and vegetables on the Assam Bengal Railway does not warrant the introduction of cold storage equipment on that railway.

The Eastern Bengal Railway have put four refrigerator vans into commission, but they did not prove a success. Further investigations made on that railway indicated that there was no demand for a cold storage service for fruit, eggs, etc.

(c) Does not arise.

BOOK POST AND AIR MAIL POSTAGE RATES IN INDIA AND IN ENGLAND.

1523. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Communications please state:

- (a) whether it costs less to post book post literature from London to Poona for instance (any place in British India) than it does from Bombay to Poona;
- (b) if so, whether this causes loss of postal traffic;
- (c) whether the post offices in Britain pay much higher wages to their employees than those paid by the Indian Postal Department; and
- (d) whether the air mail postage eastward to India is much less (about half) than the air mail postage westward from India to (i) United Kingdom, and (ii) other European countries?

The Honourable Mr. A. G. Clow: (a) Yes.

-(b) No.

(c) Government have no definite figures but they have reason to believe that the position is generally as stated by the Honourable Member.

(d) There is no air mail surcharge on letters between India and the United Kingdom. The postage rate on letters from India to the United Kingdom is higher than that for letters from the United Kingdom to India. As regards other European countries the air mail postage to India is not in all cases much less than that from India.

Mr. Brojendra Narayan Chaudhury: With regard to part (b), is the Honourable Member aware that consignment of books can be sent to London by ship and then the books can be distributed from London to those who want to purchase them much more cheaply than by sending the books direct from India by bookpost?

The Honourable Mr. A. G. Clow: Is the Honourable Member referring to the distribution of books in India or in England?

Mr. Brojendra Narayan Chaudhury: The Honourable Member said that there is no loss caused to postal traffic in India. But has he considered the fact that books can be sent from India to London by ships and then they can be distributed from London direct to those who want to purchase them in India?

The Honourable Mr. A. G. Clow: I think it is extremely unlikely that when one has paid all the freight and clearance charges on a consignment of books it would be possible to distribute them in India from London at lower rates.

Mr. T. S. Avinashilingam Chettiar: Are Government aware that this may give encouragement to printing books in England?

The Honourable Mr. A. G. Clow: I don't think that would be a factor affecting the publication at all.

Mr. Brojendra Narayan Chaudhury: Have Government considered the case of books, small as this, that may be shipped to London at a small cost and then distribute them to purchasers by British post much cheaper than by sending them by post from India?

The Honourable Mr. A. G. Clow: I don't think it is very likely, and I do not know of any case myself.

Mr. S. Satyamurti: With reference to clause (a) of the question, may I know whether the Honourable Member can give the House some indication of the difference in the postage between London to Poona and Bombay to London?

The Honourable Mr. A. G. Clow: It is not very large. For the Indian rates I would refer the Honourable Member to the Postal Guide. If he wishes the British rate, I will find it out for him.

Mr. S. Satyamurti: Have Government considered the difference?

The Honourable Mr. A. G. Clow: Yes.

Mr. S. Satyamurti: What is their conclusion?

The Honourable Mr. A. G. Clow: The difference is a very small one.

SUB-LETTING OF FOOD SHOPS AND TEA STALLS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†1524. ***Maulvi Muhammad Abdul Ghani:** With reference to the answer given in reply to my starred question No. 926 of the 9th March, 1939, will the Honourable the Railway Member please state:

- the result of the enquiry in connection with one petition regarding subletting of food vending shops on the Bengal and North Western Railway;
- whether it was placed before the Bihar Advisory Committee of the said Railway; if so, the decision arrived at;
- whether complaints regarding subletting of shops were ever considered by the said Railway Advisory Committee; if so, when and with what results; and
- the sources of income from which the food inspector is paid his salary?

The Honourable Mr. A. G. Clow: (a), (b) and (c). Government understand that this matter was brought up as an informal subject in the Bihar Advisory Committee meeting held on the 2nd August, 1938, and the complainants were asked to give more specific information upon which full enquiries could be made. I do not know if this information was given.

(d) An inspection fee is realised from all vendors and Indian refreshment room contractors. This partially covers the cost of inspection.

INDIAN REFRESHMENT ROOMS AND OTHER VENDORS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†1525. ***Maulvi Muhammad Abdul Ghani:** With reference to starred question No. 925 of the 9th March, 1939, will the Honourable Member for Railways please state:

- the reason for not running a single Indian refreshment room through a Muslim contractor over the Bihar Branch and only one such over the United Provinces Branch of the Bengal and North Western Railway over a total distance of 530 miles from Cawnpore to Kutiha;
- the number of Muslim sweetmeat and betel-sellers in Bihar and the United Provinces Branches of the Bengal and North Western Railway; and
- the reasons why Hindus are given the monopoly of contracts of Indian refreshment rooms and vending shops?

The Honourable Mr. A. G. Clow: (a) and (c). As far as possible catering contracts are given to meet the actual needs of the travelling public. Where a substantial need exists, separate catering arrangements are made for Hindus and Muslims.

- Four in Bihar and three in the United Provinces.

†Answer to this question laid on the table, the questioner being absent.

JHATKA MEAT USED IN DINING CARS RUNNING ON THE GRAND TRUNK EXPRESS.

†1526. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Railways please state:

- whether the *jhatka* meat is still used in the dining cars running on the Grand Trunk Express;
- whether the matter mentioned in part (a) was brought to the notice of Government; if so, what action they have taken to save the Muslim passengers from use of such forbidden meat; and
- whether any Muslim contractor has been allowed to supply food and unobjectionable meat to Muslim passengers over the said Express train?

The Honourable Mr. A. G. Clow: (a) and (b). No specific reference to Government regarding the sale of *jhatka* meat on the Grand Trunk Express is traceable. I would, however, refer the Honourable Member to the reply given to Mr. Sri Prakasa's starred question No. 307 of 26th January, 1937. (c) The answer is in the negative; I understand that, on the Madras and Southern Mahratta Railway portion of the run, the refreshment car is worked departmentally and no meat is supplied. There is no refreshment car on this train over the Nizam's State Railway, and the contractor for the Great Indian Peninsula refreshment car is a Hindu.

COMPENSATION TO PEOPLE OF SOUTHERN DISTRICTS FOR LOSSES CAUSED BY DACOITS FROM TRANSBORDER AREA.

1527. ***Mr. Abdul Qaiyum:** Will the Foreign Secretary please state:

- whether he has read the following extract from the Budget speech of the Honourable Mr. Bhanjuram Gandhi, Frontier Finance Minister, published in the *Hindustan Times* of the 18th March, 1939;

"It was a pity, he said, that Government had not so far been successful in persuading the Central Government to extend their helping hand in compensating the unfortunate people of the southern districts who had suffered enormous loss of life and property at the hands of organised bands of dacoits from the transborder area"; and

- whether Government have come to any decision on the question of compensating persons mentioned in part (a); if so, the nature thereof and the reasons therefor?

Sir Aubrey Metcalfe: (a) Yes.

(b) The only recommendation received from the Provincial Government has been for the grant of a sum of Rs. 980 to cover three specific cases, and out of this Rs. 700 has been sanctioned.

Mr. Abdul Qaiyum: With reference to part (a) of the question, may I read a relevant extract:

"It was a pity, he said, that Government had not so far been successful in persuading the Central Government to extend their helping hand in compensating the unfortunate people of the Southern districts who had suffered enormous loss of life and property"

†Answer to this question laid on the table, the questioner being absent.

Does it not follow that the Provincial Government have addressed the Central Government on the general question of compensation to the victims?

Sir Aubrey Metcalfe: I have clearly stated that the only recommendation received has been dealt with in a sympathetic manner. I am not responsible for what Mr. Bhanjuram Gandhi has said in his Budget speech.

Mr. Abdul Qaiyum: Do I take it that the Honourable Member says that whatever is stated in that speech is not correct?

Sir Aubrey Metcalfe: I make no statement. All I state is the truth as regards the Central Government.

Mr. Abdul Qaiyum: May I know, Sir, if, apart from this, the Central Government have come to any decision on the question of compensation, because the raiders either wholly or partly come from an area which is under their exclusive control?

Sir Aubrey Metcalfe: I do not know what more I can say. They have received a recommendation which they have dealt with sympathetically. No more recommendations have been received.

Mr. Lalchand Navalrai: May I know, Sir, if the Central Government have been taking any special measures against these outlaws so as to prevent these abductions and kidnappings apart from the measures taken by the Provincial Government?

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

CERTAIN COMMUNICATIONS REGARDING PROTECTION OF RIGHTS OF MUSLIMS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

†1528. *Seth Haji Sir Abdoola Haroon: Will the Honourable Member for Communications please state if it is a fact that communications on the following points were submitted by the Secretaries of Muslim Rights Protection Board, Punjab, and other Muslim Associations, Punjab, in 1937-38 and, if so, what action, if any, was taken, and if not, why not;

- (i) Orders of Director General, Posts and Telegraphs, to fill up vacancies reserved for minority communities by others;
- (ii) Orders regarding superintendents' appointment: (1) 50 per cent. to be filled by Inspectors, (2) 50 per cent. by competitive examination, and (3) no reservation for Muslims or other minority communities;
- (iii) Orders relating to Inspectors: (1) examination to be competitive, and (2) no reservation for Muslims or other minority communities; and
- (iv) Orders for promotion to Selection Grade appointments: (1) mere selection is the criterion, and (2) cases of fit and deserving officials belonging to minority communities go by default on account of officers belonging to majority communities being generally the recommending officers?

The Honourable Mr. A. G. Clow: No such communications appear to have been received. The latter parts of the question do not arise.

†Answer to this question laid on the table, the questioner being absent.

CERTAIN SUPERSESSIONS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

†1529. *Seth Haji Sir Abdoola Haroon: (a) Will the Honourable Member for Communications please state whether it is a fact that (1) Colonel Smith, (2) Mr. S. Sinclair and (3) Mr. P. Peters were made to be superseded by Rai Bahadur Kundan Lal who was reported unfit for Deputy Postmaster Generalship by Mr. Gupta, Postmaster General?

(b) Is it a fact that Messrs. (1) K. B. Barkat Ali, (2) Muhammad-Al-Hassan, (3) K. S. M. Sabih-ud-Din, (4) Mr. Thomson, (5) Kh. Muhammad Aslam, (6) Mr. Bhagat Singh, and (7) Mr. Augier, were superseded by Mr. Bakhale and Mr. R. B. Naidu?

(c) Is it a fact that Messrs. (1) Mr. Shujaat Ali, (2) Mr. Mahboob Ali, and (3) Mr. Syed Mansoor were superseded by Mr. Jai Behari Lal?

(d) Is it a fact that Mr. Hamiduzzaman, Postmaster, was superseded by Mr. Khambata, Postmaster, Karachi?

The Honourable Mr. A. G. Clow: (a) No.

(b) No. Mr. Bakhale superseded none of the officers mentioned and Mr. Naidu superseded two of the seven.

(c) and (d). Yes.

STRENGTH OF MUSLIMS AND HINDUS IN CERTAIN CADRES IN CERTAIN POSTAL CIRCLES.

†1530. *Seth Haji Sir Abdoola Haroon: (a) Will the Honourable Member for Communications be pleased to state the present strength of Muslims and Hindus in the following cadres in the (i) Bengal and Assam, (ii) Sind and Baluchistan and (iii) the Punjab and North-West Frontier Circles, respectively:

- (1) Postmasters General,
- (2) Deputy Postmasters General,
- (3) Assistant Postmasters General,
- (4) Gazetted Postmasters,
- (5) Selection Grade officers,
- (6) Clerks and sorters,
- (7) Mail overseers and other appointments between Postmen and clerks,
- (8) Postmen and mail guards,
- (9) Inferior servants, and
- (10) Extra departmental agents?

(b) Is it a fact that recruitment orders have not been strictly observed, with the result that Hindus have been recruited over and above their fixed ratios in these Provinces with preponderating Muslim population and, if so, why and under what orders of Government?

(c) How many clerical vacancies were filled under the Presidency Postmaster, Calcutta, and Postmasters, Lahore and Karachi, during the last three years and how many Muslim and Hindu candidates were entertained?

†Answer to this question laid on the table, the questioner being absent.

(d) What steps do Government propose to take to make up past deficiencies of Muslims in these circles?

The Honourable Mr. A. G. Clow: (a) A statement containing the information regarding items (1) to (4) is laid on the table of the House. As regards the other items I have not got up to date information in the exact form asked for by the Honourable Member but the latest information available will be found in Appendix XXII of the Director General's Annual Report for the year 1937-38, a copy of which is in the Library of the House.

(b) No.

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

(d) Does not arise in view of the reply given to part (b).

Statement.

	(i) Bengal and Assam Circle.		(ii) Sind and Baluchistan Circle.		(iii) Punjab and N. W. F. Circle.	
	Muslims.	Hindus.	Muslims.	Hindus.	Muslims.	Hindus.
(1) Postmasters-General.	..	..	1*	..	..	..
(2) Deputy Postmasters-General.	1	1	..	..	..	..
(3) Assistant Postmasters-General.	1	3	1	..	2	2
(4) Gazetted Postmasters.	1	6	..	..	3	2

* i.e. Director of Posts and Telegraphs, Sind and Baluchistan Circle.

EFFECT OF ECONOMY CAMPAIGN ORDERS ON MUSLIMS, ETC., IN THE POSTS AND TELEGRAPHS DEPARTMENT.

†1531. ***Seth Haji Sir Abdoola Haroon:** (a) Will the Honourable Member for Communications be pleased to place on the table of the House a copy of Government orders issued to replace the orders contained in the Finance Department letter No. 4321-B, dated the 15th September, 1938?

(b) Is it a fact that all new recruitment to the extent of ten or five per cent. has been ordered to be stopped at the instance of the recommendations of the Economy Committee?

(c) Did Government consider that economy could be better achieved by retiring senior officials of 25 years' service and above instead of using the axe at the bottom?

(d) Is it a fact that Muslims and members of other minority communities have been hit hard by these orders?

†Answer to this question laid on the table, the questioner being absent.

(e) Is it a fact that the Director General, Posts and Telegraphs, has been given an extension of another two years?

(f) What economy could be achieved in the Posts and Telegraphs Department, if officers from the Director General, Posts and Telegraphs, to the rank of Selection Grade officers who had completed their term, were granted no extensions and made to retire?

(g) Is the Honourable Member prepared to consider now the question of ordering the immediate retirement of all such officers after cancelling orders of extension?

The Honourable Mr. A. G. Clow: (a) to (d). These parts should have been addressed to the Honourable the Finance Member.

(e) The Director General has been given an extension of the tenure of his appointment, and not an extension of service after the age of superannuation.

(f) I am not clear what the Honourable Member means by selection grade officers, but there is no gazetted officer now working in the Department who has reached the age of superannuation.

(g) Does not arise.

RAILWAY EARNINGS.

1532. ***Mr. S. Satyamurti:** Will the Honourable Member for Railways please state:

(a) the latest railway earnings from all railways up to the date for which figures are available;

(b) the difference between this year's earnings and last year's earnings; and

(c) the main reasons for the difference?

The Honourable Mr. A. G. Clow: (a) and (b). The total approximate gross earnings of the State-owned Railways up to the 20th March, 1939, amount to Rs. 90.86 crores. This is Rs. 63 lakhs less than the actuals for the corresponding period of the previous financial year.

(c) The decline is due generally to less favourable economic conditions. In respect of goods traffic, there has been a decline under coal, wheat and ore, partly offset by an increase under oilseeds and a few other commodities. I understand that the coaching traffic figures for 1937-38 benefited from certain special festivals.

Mr. S. Satyamurti: May I know, Sir, how the loss is divisible between passenger earnings and goods earnings?

The Honourable Mr. A. G. Clow: The loss on goods earnings is 27 lakhs, the loss on coaching earnings is 41 lakhs. There is an increase of 5 lakhs under other earnings, making a total of 63 lakhs loss.

Mr. S. Satyamurti: May I know if Government have examined the reasons for the somewhat considerable loss and have come to any conclusions with regard to remedial steps to reduce the losses and increase the earnings?

The Honourable Mr. A. G. Clow: I suggested in my original answer that there were some special festivals which gave a distinct fillip to passenger earnings; on the other hand, the less favourable economic conditions have undoubtedly had an effect in reducing the passenger traffic as well.

Mr. S. Satyamurti: Will the Honourable Member give the House some indication of the proportion of the loss attributable to the absence of festivals in the previous year and the loss mainly due to deteriorating economic conditions?

The Honourable Mr. A. G. Clow: That could be done; I have not got the results here.

Mr. Brojendra Narayan Chaudhury: Is it a fact that loss in coaching earnings are partly due to bus competition?

The Honourable Mr. A. G. Clow: That is a belief. I do not know that I could support it by any concrete evidence.

Mr. K. Santhanam: May I know, Sir, the railway systems, in which the losses mainly occurred?

The Honourable Mr. A. G. Clow: I have not got it divided under different railways systems here.

Mr. K. Santhanam: May I know, Sir.....

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

GRANT OF SUBSIDIES TO FLYING CLUBS IN INDIA.

1533. *Mr. S. Satyamurti: Will the Honourable Member for Communications please state:

- (a) whether Government have now decided to continue subsidies to flying clubs in India for a period of three years;
- (b) whether any conditions have been imposed on those grants with regard to the minimum number of Indians to be trained by these flying clubs; and
- (c) whether Government are satisfied that there is no racial discrimination of any kind in the running of these flying clubs or their work?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) No.

(c) Yes.

Mr. S. Satyamurti: With reference to part (b) of the question, may I know, Sir, why no conditions have been imposed on those grants with regard to the minimum number of candidates to be trained by these flying clubs?

The Honourable Mr. A. G. Clow: I do not think it is possible to prescribe the minimum number, because the number to be trained depends on the number of candidates who present themselves.

Mr. S. Satyamurti: May I know, Sir, if all Indians who presented themselves have been trained and qualified by these flying clubs?

The Honourable Mr. A. G. Clow: It is possible.....

Mr. S. Satyamurti: I want to know whether Government in giving these grants have any information in their possession to satisfy themselves that no racial discrimination of any kind has been displayed and that all Indians who presented themselves were given facilities.

The Honourable Mr. A. G. Clow: The fact remains, and I am very glad to say that, out of the candidates trained in the last three years, more than three-fourths have been Indians.

Mr. S. Satyamurti: I want to know specifically whether any Indians have been turned down.

The Honourable Mr. A. G. Clow: I know of none, but if the Honourable Member will bring any case to my notice I will look into the matter.

Mr. S. Satyamurti: With regard to clause (c) of the question, may I know if there is any racial distinction observed in the running of these flying clubs?

The Honourable Mr. A. G. Clow: None of these, so far as I know, observe any racial distinction, and as I have already said, over three-fourths of the candidates trained in the last three years have been Indians.

Mr. S. Satyamurti: I am talking of running the clubs, apart from the people trained.

The Honourable Mr. A. G. Clow: I am not aware of any discrimination.

ACCIDENT RESULTING IN THE DEATH OF TWO INDIAN AIRMEN.

1534. *Mr. S. Satyamurti: Will the Honourable Member for Communications please state:

- (a) whether the attention of Government has been drawn to the recent accident in which two Indian airmen were killed; and
- (b) whether Government have arranged for any enquiry into the causes of the accident, or whether Government have heard from some competent authority as to the causes of such accident?

The Honourable Mr. A. G. Clow: (a) and (b). I assume that the Honourable Member is referring to the accidents near Karachi on the 23rd February last, in which Messrs. B. D. Sharma and P. D. Sharma lost their lives. An official investigation to determine the causes of the accidents is in progress.

Mr. S. Satyamurti: Who is in charge of this investigation?

The Honourable Mr. A. G. Clow: I am not sure. It is under the Indian Aircraft rules, and we have secured the assistance of a Magistrate from the Sind Government.

Mr. S. Satyamurti: Is the Magistrate being advised by competent assessors, people who are experts in the line?

The Honourable Mr. A. G. Clow: There is certainly an expert on the investigation. I have not got the names here.

TRAIN COLLISIONS IN THE DINAPORE DIVISION OF THE EAST INDIAN RAILWAY.

1535. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Railway Member be pleased to state how many train collisions have occurred in the year 1936 in the Dinapore Division, East Indian Railway?

(b) Will Government be pleased to state at which stations and in respect of which train collisions took place in the said Division?

The Honourable Mr. A. G. Clow: (a) and (b). Two. One between a goods train and a rake of wagons in the Gaya Yard on the 17th March, 1936, and the other between a passenger train and a goods train at Warisaliganj on the 23rd May, 1936.

Mr. Lalchand Navalrai: May I know whether the causes of these collisions were enquired into and was there any report made on them?

The Honourable Mr. A. G. Clow: I presume so. This is a matter of three years ago, and I have no personal knowledge of it.

POSTING OF REGISTERED NEWSPAPERS ON THE DAY OF PUBLICATION.

1536. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Communications be pleased to state whether it is necessary to post a periodical newspaper registered with the Post Office on the day of its publication? If so, will the Honourable Member please point out the specific provision in the rules?

(b) What is the reason for insistence that a registered newspaper be posted on the day of publication? Is the Honourable Member aware that the Post Offices raise no objection when the periodicals are posted before the date of publication marked on them?

(c) What objection is there if the registered newspapers are allowed to be posted a day or two later than the publication date to enable the newspaper managements to have wrappers and addresses put on them?

(d) Is it a fact that the Director General, Posts and Telegraphs, has received representations on the point mentioned in part (c) above? If so, what action has been taken by him to meet the wishes of the public?

The Honourable Mr. A. G. Clow: (a) Under Departmental instructions a registered newspaper should be posted on the day of publication unless a different date for posting has been indicated in the form of application for registration and accepted by the Department.

(b) A registered newspaper need not be posted only on the day of publication. All that is required is regular posting on the same day in each week or on the same date in each month in accordance with the declaration in the application for registration. This enables the authorities to make suitable arrangements for the correct sorting and quick handling of the newspapers in the post offices or railway mail offices concerned and is obviously in the interests of newspapers and their clients.

(c) There is no objection to registered newspapers being posted later than the date of publication shown on them provided they are posted at regular intervals.

(d) One representation was received by the Director-General from the Editor of *Railway Herald*, Karachi. It was reported that this paper was being posted irregularly and the management was advised to observe regularity in posting in future.

Mr. Lalchand Navalrai: In view of the fact that complaints have been made that certain obstructions are put to these postings, will the Honourable Member issue orders that what the Honourable Member has said now in this House should be carried out?

The Honourable Mr. A. G. Clow: If by obstruction the Honourable Member means that the post offices do not like things being posted irregularly, I am unable to accede to the Honourable Member's request.

Mr. Lalchand Navalrai: Even when they are done regularly there are obstructions.

The Honourable Mr. A. G. Clow: What obstruction?

Mr. Lalchand Navalrai: They are put to inconveniences, the things are returned, saying that they are not properly written, or something like that. Inconveniences are being felt on account of this.

The Honourable Mr. A. G. Clow: The Honourable Member can address a complaint to the proper authorities. I could not answer a general question of that sort. I do not know whether the things have been correctly addressed or not.

REFUND OF OVERDRAWS BY CERTAIN EMPLOYEES ON THE NORTH WESTERN RAILWAY.

1537. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that a very large number of employees on the North Western Railway have been asked to refund large sums of money, said to be overdrawals, owing to some employees having drawn old scales of pay after 1st October, 1934, instead of revised scales of pay? If so, will the Honourable Member please state the number of such men and the amount involved?

(b) Why were not such overdrawals waived in accordance with paragraph 67 (4) (ii) of the Accounts Code, Volume 1?

(c) Is it a fact that in other Departments of the Central Government such overdrawals were waived under the Accounts Code? If so, why is the Railway Department making this distinction? And on what grounds?

The Honourable Mr. A. G. Olow: (a) to (c). I have called for the information required by the Honourable Member and will place a reply on the table of the House after it is received.

Mr. Lalchand Navalrai: May I know from the Honourable Member if the policy of the railway is also that these overdrawals are to be waived in accordance with paragraph 67 of the Accounts Code?

The Honourable Mr. A. G. Olow: I understood from the first part of the Honourable Member's question that his complaint was that they were not being waived.

Mr. Lalchand Navalrai: What I would draw the attention of the Honourable Member to is this, that in the other departments of the Central Government the practice is that when these overdrawals have been made they are waived because they had not been told at the time when there was a change in the scales they would have to refund.

The Honourable Mr. A. G. Olow: That is the point of the Honourable Member's question in part (c) of the question. It is one of the points on which I am calling for information.

APPLICATION OF REVISED SCALES OF PAY TO CERTAIN EMPLOYEES ON THE NORTH WESTERN RAILWAY.

1538. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that revised scales of pay have been applied to employees in the subordinate service on the North Western Railway, who were recruited on and after 16th January, 1931, though the revised scales of pay were issued on 31st July, 1934?

(b) Is it a fact that certain non-gazetted employees were appointed on the North Western Railway between 16th July, 1931 and 31st July, 1934 on old scales of pay?

(c) Is it a fact that some of them were given in their letters of appointment definite rates of pay in the old scales, and yet they have now been fixed in the revised scales of pay?

(d) Is it a fact that under exception (i) to paragraph 2 of the Agent, North Western Railway's letter No. 56-E./67, dated 17th September, 1934, persons who had been recruited after 15th July, 1931, but before the date of introduction of the revised scales of pay, under an agreement which entitled them to a specific scale of pay and did not provide for revision thereof, would continue to draw the old scales of pay?

(e) If the reply to part (d) above be in the affirmative, why have employees referred to in part (c) above been fixed in revised scales of pay?

The Honourable Mr. A. G. Olow: (a) Yes, in the case of employees recruited after the 15th July, 1931 (and not 16th January, 1931).

(b) Yes.

(c) Yes, as they were appointed in a temporary capacity.

(d) Yes, except that the number of the letter referred to is 561-E/67.

(e) The orders referred to in part (d) did not apply to those to whom reference is made in part (c).

EXAMINATION FOR RECRUITMENT OF CLERKS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

1539. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Communications be pleased to state whether it is a fact that a competitive examination for recruitment to the subordinate clerical service in the Sind and Baluchistan Circle of the Posts and Telegraphs Department was held at various centres in the Circle on the 20th November, 1938?

(b) Is it a fact that the recruitment rules provide for communication of result within two months of the date of the holding of the competitive examination? If so, was the examination result referred to in part (a) above, declared on or before 20th January, 1939?

(c) If the reply to part (b) above be in the negative, will the Honourable Member please state if it is a fact that the result was actually communicated to the Director, Posts and Telegraphs, by the Sind educational authorities quite in time, but the papers were got re-assessed?

(d) If the reply to the second part of part (c) above be in the affirmative, will the Honourable Member be pleased to state, at whose instance the papers had been re-assessed and whether such re-assessment of papers was in accordance with the recruitment rules? If so, will the Honourable Member please quote specific provision of the rules?

(e) Is it a fact that in the first result few Muslims had passed and in the re-assessment the pass number of Muslim candidates was raised to about 50?

(f) If the reply to part (e) above be in the negative, will the Honourable Member please state the real position of pass candidates of all communities separately in the first examination result and on re-assessment results?

(g) Why was re-assessment of papers ordered?

(h) Is it not a fact that candidates are to be sent for examination in optional subjects only when they have secured qualifying marks in the compulsory subjects?

(i) Is it a fact that on knowing the first result of compulsory subjects the Director's Office at Karachi called for the pass candidates to appear in extra optional subjects? If so, why were they declared afterwards as having failed in the compulsory subjects?

The Honourable Mr. A. G. Olow: (a) Yes.

(b) and (c). No.

(d) to (i). There was no re-assessment of papers. The procedure followed was to call for examination in the optional subjects only those candidates who, having offered optional subjects, obtained minimum qualifying marks in the compulsory subjects. None of those candidates secured a pass mark in the optional subjects and the marks originally obtained in the compulsory subjects determined the order of merit. There was thus no increase in the number of passes for any community as a result of the examination in the optional subjects. The number of candidates obtaining pass marks was 185 and 33 Hindus, 26 Muslims and five members of other communities were selected for employment.

MUSLIM CLERKS IN THE GENERAL MANAGER'S OFFICE OF THE GREAT INDIAN PENINSULA RAILWAY.

1540. *Maulvi Muhammad Abdul Ghani: (a) With reference to the reply given to my starred question No. 673 on the 23rd February, 1939, will the Honourable Member for Railways please state whether he has collected information regarding the total number of clerks and the number of Muslim clerks working in the office of the General Manager of the Great Indian Peninsula Railway? If so, what is the number of Muslim clerks? If not, do Government propose to call for the information from the Great Indian Peninsula Railway and lay it on the table? If not, why not?

(b) What is the reason for not appointing a single Muslim in the Establishment section of the General Manager's office of the Great Indian Peninsula Railway?

(c) What is the number of vacancies which fell vacant in the Establishment section of the General Manager's office of the Great Indian Peninsula Railway since the 1st September, 1937?

(d) Is it a fact that though some vacancies occurred in the said section, no Muslim was given any chance to serve there? If so, why?

(e) Do Government propose to appoint Muslims in the said section of the Great Indian Peninsula Railway, when any vacancy occurs in future?

The Honourable Mr. A. G. Clow: (a) Information has since been obtained. There are 32 clerks, one of whom is a Muslim.

(b) Does not arise.

(c) Three.

(d) None of these vacancies went to a Muslim. The posting of clerks to sections of an office is not determined by communal considerations.

(e) I shall communicate the Honourable Member's suggestion to the General Manager for consideration.

Mr. Muhammad Nauman: Has the Honourable Member investigated into the condition as to why there is no Mussalman in the establishment branch as yet?

The Honourable Mr. A. G. Clow: No.

Dr. Sir Ziauddin Ahmad: May I know what is the proportion fixed in the G. I. P. Railway for Mussalmans? The percentage of 25 is distributed over the various railways. What is the proportion for G. I. P. Railway, and may I know why it was not observed in this case?

The Honourable Mr. A. G. Clow: I do not know the proportion; I should require notice. But I have no reason to suppose that it was not observed.

RESTRICTIONS ON INDIAN PASSENGERS PASSING THROUGH THE PORT OF MANILA.

1541. *Mr. Manu Subedar: (a) Will the Secretary for External Affairs please state whether it is a fact that Indian passengers on boats passing through the port of Manila are not allowed to land on the shore?

(b) Is it a fact that there is a definite rule to this effect with regard to Indians, while passengers of other nationalities are allowed to go on shore?

(c) Have Government received any communication from the Indian Chamber of Commerce, Japan, or from the Trade Commissioner in Japan, confirming this state of affairs?

(d) Do Government know of any reason why there should be discrimination against Indians in this matter?

(e) Are Government prepared to make diplomatic representations to the Government of Philippines in order to smooth out this difficulty experienced by Indian passengers, who are passing through the port of Manila?

Sir Aubrey Metcalfe: With your permission, Sir, I will reply to the question as a whole. The Government of India have no information regarding the alleged discrimination against Indians in Manila. A representation was received from the Indian Chamber of Commerce, Japan, and a reference has been made to His Majesty's Government.

Mr. S. Satyamurti: When was this reference made?

Sir Aubrey Metcalfe: Directly we received the representation from the Indian Chamber of Commerce, Japan.

Mr. S. Satyamurti: How long ago was it? I am asking that with a view to find out whether sufficient time has elapsed to receive a reply.

Sir Aubrey Metcalfe: We have not yet received a reply. If we had, I would have given the information to the House. The representation I think was received about three weeks or a month ago.

Mr. Manu Subedar: With regard to part (d) of the question, the Honourable Member's answer does not cover it,—“Do Government know of any reason why there should be discrimination against Indians in this matter?”

Sir Aubrey Metcalfe: As I have explained, we do not yet know that there has been any discrimination. How then could we know the reason of it?

ORDER FOR CAST IRON PERMANENT WAY CHAIRS PLACED WITH MESSRS. MUKAND IRON WORKS BY THE NORTH WESTERN RAILWAY.

1542. *Mr. K. Santhanam: (a) Will the Honourable Member for Communications state if it is a fact that the General Manager, North Western Railway, on the recommendation of the Controller of Stores approached the Railway Board for their sanction to place an order for a large quantity of cast iron permanent way chairs on Messrs. Mukand Iron Works, Badamibagh?

(b) Will Government place the said letter on the table for the information of the House?

(c) Is it a fact that Messrs. Burn and Company's quotation was the lowest?

(d) What was the quantity for which the tender was invited?

(e) What were the terms offered by Messrs. Burn and Company and Messrs. Mukand Iron Works?

The Honourable Mr. A. G. Olow: (a) and (b). The General Manager forwarded certain proposals in this connection, but it is contrary to the practice of Government to disclose recommendations of this character and I do not propose to place the letter on the table.

(c) It was the lowest at the point of delivery but not the lowest when freight to Lahore was taken into account.

(d) For 78,000 cast iron chairs.

(e) The price tendered by Messrs. Burn and Company was Rs. 1/11/6 per chair *f. o. r.* firm's works siding Ramkristopore, subject to not less than the full tendered quantity being ordered at one time. Messrs. Mukand Iron and Steel Works' quotation was Rs. 1/12/4 per chair *f. o. r.* Badamibagh subject to the supply of approximately 1,650 tons of cast iron scrap by the North Western Railway at the last auction rate of Rs. 36/13/- per ton *plus* ten annas per ton as loading charges and booked from Raiwind, Ghaziabad and Sukkur at Railway material rate of freight. They offered to use Messrs. Burn and Company's or Tata's pig iron.

Mr. K. Santhanam: May I know if the rate at which the cast iron was supplied was about half the market rate for that iron?

The Honourable Mr. A. G. Olow: I cannot catch what the Honourable Member means by market rate.

Mr. K. Santhanam: The market rate for scrap iron. My information is that this was supplied at half the rates for which the scrap iron might have been sold, and as a consequence, this Mukand Iron Company's higher tender was accepted, while the scrap iron was supplied at half rates.

The Honourable Mr. A. G. Olow: I am not aware of these facts.

Mr. K. Santhanam: Will the Honourable Member kindly enquire into this?

The Honourable Mr. A. G. Olow: If the Honourable Member will table a question. . . .

Mr. K. Santhanam: The question is there already.

The Honourable Mr. A. G. Olow: Not in this. I have given a full answer to the Honourable Member's question.

Mr. S. Satyamurti: With reference to the answers to parts (a) and (b) of the question, my Honourable friend said that he would not answer the question. But we want to know the net loss to the taxpayer or to the railway concerned directly as a result of the acceptance of Mukand Iron Company's tender—that was a higher tender, and the cast iron was supplied at half the price. I want to know whether Government have any information in their possession which will satisfy the House that the railway or the taxpayer has suffered no loss whatever on this transaction.

The Honourable Mr. A. G. Olow: I am told that this scrap was sold at the previous auction prices.

Mr. S. Satyamurti: I want to know whether Government have satisfied themselves on the materials before them that the acceptance of this particular tender for the sale of cast iron scrap has not involved the taxpayer in any loss.

The Honourable Mr. A. G. Olow: I do not know how the Honourable Member implies that the loss arose.

Mr. S. Satyamurti: My Honourable friend says that he does not accept that there was a loss. An allegation has been made that loss has been incurred in this transaction and there is a *prima facie* case. I want to know whether Government have investigated this matter and have satisfied themselves that the taxpayer has not suffered any loss.

The Honourable Mr. A. G. Olow: The Honourable Member is not correct in his assumption that there was a loss. I said that the tender was the lowest at the point of delivery but not the lowest when freight to Lahore was taken into account. . . .

Mr. S. Satyamurti: What is the extra freight charge?

The Honourable Mr. A. G. Olow: From Ramkristopore to Lahore, it is very substantial.

TENDERS FOR PRINTING THE INDIAN LISTENER.

1543. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Honourable Member for Communications state whether Government have decided the names of persons to whom the contract for printing the *Indian Listener* will be given?

(b) Were the tenders called for?

(c) Was the contract given to the persons offering the lowest tender? If not, why not?

The Honourable Mr. A. G. Olow: (a) and (c). The question of the award of the contract is under consideration.

(b) Yes.

LOSS ON THE RUNNING OF THE INDIAN LISTENER.

†1544. ***Sardar Mangal Singh:** Will the Honourable Member for Communications please state:

- whether the magazine *Indian Listener* of the All-India Radio is running at a loss;
- what the total annual loss in running this magazine is;
- whether Government have closely examined the position with a view to reducing the expenditure;
- whether the printers are paid at per page;
- whether the number of pages has increased since the printing was shifted from Bombay to Delhi; and

†Answer to this question laid on the table, the questioner being absent.

(f) whether the Honourable Member is prepared to ask the editor to take the following measures to reduce the charges on printing:

- (i) reduce the number and size of photographs;
- (ii) reduce the number of boxes; and
- (iii) fill up the blanks and close up the matter?

The Honourable Mr. A. G. Clow: (a), (c), (d) and (e). Yes.

(b) Rs. 33,489 during 1937-38.

(f) These suggestions will be considered.

FALL IN THE NUMBER OF ADVERTISEMENTS IN THE *INDIAN LISTENER*.

†1545. *Sardar Mangal Singh: Will the Honourable Member for Communications please state:

- (a) whether there has been a considerable fall in the number of advertisements in the *Indian Listener* since its transfer from Bombay; and
- (b) what steps are being taken to bring them up to the former level?

The Honourable Mr. A. G. Clow: (a) There was a substantial fall in the number and value of advertisements in the second half of last year, but they have risen substantially since then.

(b) Does not arise.

TENDERS FOR PRINTING THE *INDIAN LISTENER*.

†1546. *Sardar Mangal Singh: Will the Honourable Member for Communications please state:

- (a) whether Government called for tenders for printing the *Indian Listener* last year;
- (b) whether it is a fact that the lowest tender was not accepted and no reason was given for it; and
- (c) whether Government are prepared to call for tenders next year for the printing of the *Indian Listener*?

The Honourable Mr. A. G. Clow: (a) Tenders were invited last year for printing the *Indian Listener* for an *ad interim* period of six months until permanent arrangements could be made.

(b) The rates of the successful tenderer were slightly higher than the lowest tender. The higher tender was accepted on the score of the quality of the printing.

(c) Tenders have already been received in connection with the arrangements to be made after the expiry of the six months' period mentioned in the reply to part (a).

CARRIAGE OF PILGRIMS IN GOODS WAGONS ON THE BARS LIGHT RAILWAY.

1547. *Mr. K. S. Gupta: (a) Will the Honourable Member for Railways state whether he is aware that Barsi Light Railway carried the pilgrim traffic to Pandharpur in goods wagons in the year 1938?

†Answer to this question laid on the table, the questioner being absent.

(b) How many pilgrims were carried in wagons during 1938 to Pandharpur?

(c) Was there any representation made by the Honorary Secretary of the Federation of Passengers Associations of India, Bezwada, to the Agent of the Barsi Light Railway about the carrying of pilgrims in wagons? If so, what was the reply by the Agent?

(d) Did Government ask for any information and explanation from the Agent of the Barsi Light Railway about the carrying of pilgrims in goods wagons? If so, what was the reply? Will the Honourable Member place it on the table?

(e) What is the action taken by the Government of India to prevent such a recurrence of carrying pilgrims in goods wagons by the Barsi Light Railway?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) Government understand that it was impossible to record the number of pilgrims so carried.

(c) The answer to the first part is in the affirmative. In reply to the second part, the Agent of the Barsi Light Railway has stated that "the matter is under correspondence with Government". His reply related to a communication received from the Bombay Government.

(d) The Bombay Government addressed the Railway. A reply was sent explaining the circumstances in which the wagons were used and the reasons for their use. I do not propose to lay it on the table of the House.

(e) Government do not contemplate taking any action in the matter.

Mr. Brojendra Narayan Chaudhury: Is there any law prohibiting the carriage of passengers in goods wagons?

The Honourable Mr. A. G. Clow: I know of none.

Mr. Brojendra Narayan Chaudhury: May I know whether it is contemplated to enact such a law?

The Honourable Mr. A. G. Clow: There is no proposal under contemplation.

Mr. S. Satyamurti: Do Government propose to enact a human law that passengers are not to be carried in goods wagons?

The Honourable Mr. A. G. Clow: I am not prepared to admit that it is inhuman.

Mr. S. Satyamurti: Does the Honourable Member suggest that the carrying of passengers in goods wagons is a human method of transport?

The Honourable Mr. A. G. Clow: In some cases, certainly. I have travelled in one myself.

Prof. N. G. Ranga: Is not the Honourable Member aware of the fact that Moplah prisoners were conveyed in goods carriages and 26 of them died as a result of suffocation?

The Honourable Mr. A. G. Clow: I do not think that that regrettable occurrence has anything to do with the present issue. That was a closed van.

Mr. Manu Subedar: Will the Government of India take steps to inform the Barsi Light Railway, which is a private company, that they should in future provide ordinary carriages for the carriage of passengers and not goods wagons?

The Honourable Mr. A. G. Clow: This is a case of very exceptional traffic for a very short period.

CLOSING OF THE VEHICULAR TRAFFIC OVER THE LANDSDOWNE BRIDGE BETWEEN ROHRI AND SUKKUR.

†1548. ***Mr. Lalchand Navalrai:** (a) Will the Honourable the Railway Member be pleased to state if there is a proposal to close down all vehicular traffic over the Landsdowne Bridge between Rohri and Sukkur on the North Western Railway, Sind Section?

(b) If so, for how long, and when is it contemplated to put it into force?

(c) What are the reasons for closing the bridge for vehicular traffic, and for how long has that traffic been carried on that bridge?

(d) Are Government aware that in case the vehicular traffic is stopped on the bridge, the other way to cross the river will be by a detour of about eight miles in place of two miles only?

(e) Has the General Manager, North Western Railway, received a representation from the Hindus and Muhammadans of Rohri and Sukkur protesting against such a move?

(f) What steps do Government propose to take to stop the proposed prohibition against the vehicular traffic?

The Honourable Mr. A. G. Clow: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

TAXATION OF RAILWAY EMPLOYEES AT MOGHUL SARAI BY THE BENARES DISTRICT BOARD.

1549. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways state.

(a) if it is a fact that railway workers and employees living in the railway area near the Moghal Sarai Railway junction on the East Indian Railway have to pay a circumstances and property tax to the District Board of Benares;

(b) if so, the nature of the facilities and amenities provided by the District Board for the railway employees in return for the tax taken;

(c) if it is a fact that the railway itself provides for all municipal amenities, such as, sanitation, roads, medical relief, etc., for their railway colony; and

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

(d) if Government have any understanding with the District Board as regards the taxation of railway employees?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) No facilities and amenities are provided by the District Board within the Railway area, but employees are in a position to use amenities supplied outside that area.

(c) Yes.

(d) In the case of staff to whom the Payment of Wages Act, 1936, does not apply, the tax is collected by the railway through the salary bills, and the District Board allow a substantial rebate on the tax to such employees. There is no other understanding with the District Board as regards the tax in question.

Mr. Sri Prakasa: Are Government satisfied that no unnecessary hardship is inflicted on railway servants there?

The Honourable Mr. A. G. Clow: Payment of taxes is always a "hardship."

LIGHTING OF THE JUMNA BRIDGES AT DELHI AND ALLAHABAD.

1550. ***Mr. Sri Prakasa:** Will the Honourable Member for Railways state:

(a) if it is a fact that vehicular traffic is carried under the railway track on the Jumna bridges at Delhi and Allahabad;

(b) if Government have received any representation for the lighting of these bridges to facilitate vehicular traffic on dark nights;

(c) if Government have received any complaints of thefts on the Allahabad bridge owing to lack of lighting facilities; and

(d) if Government intend to take any action in the matter either by way of inducing the municipal authorities concerned to make arrangements for the lighting of the bridge or doing that themselves?

The Honourable Mr. A. G. Clow: (a) Yes.

(b), (c) and (d).. No.

CONSULTATION OF THE GOVERNMENT OF INDIA IN RESPECT OF FOREIGN POLICY OF HIS MAJESTY'S GOVERNMENT.

1551. ***Mr. S. Satyamurti:** Will the Secretary for External Affairs be pleased to state:

(a) whether there is any convention, understanding or practice, with regard to the occasions or the matters on which His Majesty's Government consult the Government of India in respect of the foreign policy of His Majesty's Government;

(b) whether the Government of India have acquiesced in the position that His Majesty's Government need not consult this Government in respect of the foreign policy of Great Britain regarding the European situation, and, if so, the reasons why;

- (c) whether the Government of India are consulted by His Majesty's Government with regard to any questions of foreign policy and, if so, what they are;
- (d) whether the Government of India were consulted with regard to the policy of Great Britain in respect of the Sino-Japanese war;
- (e) what the occasions and the matters are on which the Government of India were consulted by His Majesty's Government during the last five years in respect of questions of foreign policy; and
- (f) the procedure, if any, adopted by the Government of India in offering advice or suggestions to His Majesty's Government in respect of these matters; especially about consulting Indian public opinion on them?

Sir Aubrey Metcalfe: (a), (b), (c), (e) and (f). The Honourable Member's attention is invited to the replies given to his starred question No. 1344 in the Legislative Assembly on the 21st November, 1938, and supplementaries.

(d) No.

Mr. S. Satyamurti: With reference to all the clauses except (d), with respect to which my Honourable friend referred me to his previous answer, may I know if there is any convention, understanding or practice in regard to the matters on which His Majesty's Government consult this Government in respect of the foreign policy of that Government.

Sir Aubrey Metcalfe: I have nothing to add to my reply to a precisely similar question to which I have referred the Honourable Member. If he will refer to the proceedings, he will find that four pages have been taken up with the question and the supplementaries.

Mr. S. Satyamurti: So far as my memory serves me, there was no answer to this particular question.

Sir Aubrey Metcalfe: I think you will perhaps permit me, Sir, to read a few sentences from the answer I gave on the last occasion:

"The degree and nature of the consultation which takes place depend upon the circumstances of individual cases. I am unable to give any information as to the procedure adopted which is necessarily confidential in character."

Mr. S. Satyamurti: With reference to the answer to clause (b) of my question my Honourable friend said the other day—I do not remember the exact date—that so far as European foreign policy is concerned this Government is not usually consulted. I have framed this question on that answer. May I know whether the Government of India have acquiesced in the position that His Majesty's Government need not consult this Government in respect of its foreign policy regarding European affairs?

Sir Aubrey Metcalfe: I do not know what the Honourable Member means by 'acquiesced'.

Mr. S. Satyamurti: I mean exactly what I say. I want to know whether this Government have been told by His Majesty's Government that they will not be consulted in regard to the foreign policy of His Majesty's Government regarding Europe, whether this Government have acquiesced in that position, and have not made any representations on it, protesting against that position.

Sir Aubrey Metcalfe: The Government have certainly not protested. There is no reason why they should.

Mr. S. Satyamurti: They have simply acquiesced

Mr. President (The Honourable Sir Abdur Rahim): This matter has been discussed before.

Mr. S. Satyamurti: This particular point has not been discussed before. The answer may have taken four pages, but this particular point was not raised before. We have been told that this Government is not consulted by His Majesty's Government with respect to its foreign policy regarding Europe. This is the first time I heard that answer. I want to know what are the reasons why the Government have not protested against this position.

Mr. President (The Honourable Sir Abdur Rahim): He is not prepared to disclose the procedure that governs a matter like this.

Mr. S. Satyamurti: I am not asking him to disclose the procedure. I am simply asking him the reasons why Government have not protested against various events which have taken place in Europe with respect to Czechoslovakia, Danzig, the aggression against Poland and so on.

Sir Aubrey Metcalfe: The Honourable Member knows the answer as well as I do. As I informed him the other day, India is constitutionally in a different position from the Dominions.

DRAFT AGREEMENT FOR A TREATY OF COMMERCE AND NAVIGATION WITH THE UNITED STATES OF AMERICA.

1552. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for External Affairs state:

- (a) whether Government have received the draft Agreement for the Treaty of Commerce and Navigation to be concluded with the United States of America;
- (b) if so, whether Government have considered the Agreement; and
- (c) whether the Legislative Assembly will be consulted before final conclusion of the Agreement?

Sir Aubrey Metcalfe: (a) No.

(b) Does not arise.

(c) The attention of the Honourable Member is invited to the reply given by me to part (d) of Sardar Mangal Singh's question No. 306 on the 10th February, 1939.

[5TH APRIL 1939.]

LEASE OF LAND AT PATPORE CABIN NEAR JUMNA BRIDGE, DELHI.

1553. *Mr. B. B. Varma: (a) Will the Honourable Member for Railways please state:

- (i) whether it is a fact that the Divisional Superintendent, North Western Railway, Delhi Division, is contemplating entering into an agreement with Messrs. Gopal Brothers of Delhi for lease of the land measuring 300 square yards situated at Patpore Cabin, East, Jumna Bridge, Delhi, on Rs. 54 for the year 1939-40; and
- (ii) the purpose for which the land is to be leased?
- (b) Is it a fact that negotiations are conducted privately?
- (c) What are the reasons for accepting the lease on Rs. 54?
- (d) What is the market value of the land?
- (e) What are the rents per month derived by properties adjacent to that land?
- (f) Has any application from any other person been received by that administration for the lease of that land? If so, with what result?
- (g) What are the reasons for not auctioning that lease publicly, which may bring more revenues, as is done by the Improvement Trust and Municipalities?
- (h) What are the reasons for departing from the ordinary rule of inviting tenders?
- (i) Was the Collector of Delhi consulted?
- (j) Has any action been taken to lease that land by public auction for the year 1939-40? If not, why not?

The Honourable Mr. A. G. Clow: Enquiries are being made from the Railway Administration concerned and a reply will be laid on the table in due course.

PROMOTIONS OF TICKET COLLECTORS AND SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†1554. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state whether it is a fact that all posts of all grades in the cadre of Ticket Collectors and Special Ticket Examiners on the North Western Railway are non-selection posts?

(b) What are the considerations on which promotions from one grade to another and from Ticket Collectors to Special Ticket Examiners are made?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) Fitness, approved service and seniority.

†Answer to this question laid on the table, the questioner being absent.

TRANSMISSION OF TELEGRAPH MESSAGES FROM KANKANADY AND CODIALBAIL TO MANGALORE.

1555. *Sri K. B. Jinaraja Hegde: Will the Honourable Member for Communications be pleased to state:

- (a) whether it is a fact that messages are not transmitted from Kankanady and Codialbail Posts and Telegraphs Offices to the Mangalore city Telegraph Office by wire but are transmitted by telephone or by messengers;
- (b) whether it is a fact that the telephone in those two offices are not enclosed and that telegraph messages while being telephoned are overheard by people inside and outside those offices and that secrecy of messages is not maintained;
- (c) whether representations were made to the Post Master General, Madras, and that he failed to meet the objections raised by the people and traders of Mangalore; and
- (d) what steps Government are prepared to take to meet the objections?

The Honourable Mr. A. G. Clow: (a) Telegraph messages between the offices mentioned are transmitted by telephone.

(b) and (d). The telephones are in cabinets and ordinarily over-hearing should not be possible. But I am drawing the attention of the Postmaster General, Madras Circle, to the complaint and asking him to take any necessary steps to ensure secrecy.

(c) I understand that prior to the adoption of the present system of transmission of messages by telephone representations were made to the Postmaster General, Madras Circle, against the possible introduction of the system of transmitting telegrams by messengers. That system was not introduced.

Sri K. B. Jinaraja Hegde: Are Government aware that telephones are not enclosed in cabinets in post offices which transmit telegraph messages?

The Honourable Mr. A. G. Clow: My information is that they are enclosed in cabinets.

DELAYS IN TRANSIT OF LETTERS ADDRESSED BY THE SUNDAY STANDARD.

1556. *Sri K. B. Jinaraja Hegde: Will the Honourable Member for Communications be pleased to state:

- (a) whether Government are aware of an article published in the *Sunday Standard* entitled "what's wrong with the Post Office", in its issue dated the 26th February, 1939;
- (b) whether it is a fact that there were inordinate delays in transit of letters addressed by the *Sunday Standard*; and
- (c) whether he is aware that scant attention is paid by the Post Master General, Bombay, to such complaints?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) Investigation showed that there was a substantial delay in the sorting of a number of letters in the Bombay General Post Office.

(c) No. The matter received the personal attention of the Postmaster General and special arrangements have been made with a view to eliminating delay as far as possible.

WORK GIVEN TO KEYMEN ON THE EAST INDIAN RAILWAY.

1557. ***Mr. Satya Narayan Sinha:** Will the Honourable the Railway Member please state whether it is a fact that, in the time of the East Indian Railway Company the keymen had to work only two miles and now they have been given four miles on double line, i.e., eight miles per head? Are Government prepared to adopt the old system of the East Indian Railway Company?

The Honourable Mr. A. G. Clow: The answer is in the negative so far as present practice is concerned. Actual figures for 1938 show that one keyman was employed for every 1.6 route miles on the Grand Chord section of the East Indian Railway, and one keyman for every two miles on the main line section between Asansol and Moghal Sarai.

Mr. K. Santhanam: May I know whether as a result of the Wedgwood Committee's recommendations there has been any change in the space allotted to each of the keymen?

The Honourable Mr. A. G. Clow: I would require notice of that.

REPLACEMENT OF THE GORAI BRIDGE ON THE EASTERN BENGAL RAILWAY.

1558. ***Mr. Kuladhar Chaliha:** Will the Honourable the Railway Member please state :

- whether the replacement of the Gorai bridge on the Eastern Bengal Railway has been completed, and what the cost has been;
- whether the materials of the old bridge have been fully disposed of; if so, for what amount; what the estimated amount was;
- whether the materials were sold by public auction, or by private agreement; and
- the names of the purchasers above Rs. 1,000 with the amounts paid by each?

The Honourable Mr. A. G. Clow: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

REST TO GUARDS ON THE EAST INDIAN RAILWAY.

1559. ***Mr. Muhammad Nauman:** Will the Honourable Member for Railways be pleased to state why the first grade European and Anglo-Indian guards on the East Indian Railway are entitled to enjoy rest invariably on Sundays, and Indian guards who are termed non-Christian are not granted the privileges of rest on any week day in the same way as Europeans or Anglo-Indians enjoy rest on Sundays?

The Honourable Mr. A. G. Clow: With your permission, Sir, I propose to reply to this and question No. 1560 together.

I have called for the information required by the Honourable Member and will place a reply on the table of the House when it is received.

ALLOWANCE TO GUARDS WORKING ON SUNDAYS ON THE EAST INDIAN RAILWAY.

†1560. ***Mr. Muhammad Nauman:** (a) Is the Honourable Member for Railways aware of the fact that European and Anglo-Indian first grade guards on the East Indian Railway, who are booked on the line on Sundays, are granted double pay for working on Sundays?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member be pleased to state why Indian first grade guards on the East Indian Railway are deprived of the same privileges in the matter of allowance and pay for working on Sundays?

(c) Will the Honourable Member be pleased to explain who is responsible for this kind of discrimination in the matter of grant of allowance and pay to staff by classifying them as Christian and non-Christian?

DISCRIMINATION IN THE SUPPLY OF MEALS FROM EUROPEAN RUNNING ROOMS TO MUSLIMS GUARDS ON THE NORTH WESTERN RAILWAY.

1561. ***Mr. Muhammad Nauman:** (a) Is the Honourable Member for Railways aware of the fact that Muslim guards on the East Indian Railway are not allowed to take their meals from European running rooms, though they are prepared to pay the highest cost for meals?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member be pleased to state the reasons therefor?

The Honourable Mr. A. G. Clow: (a) and (b). Government have no information. I am, however, sending a copy of the question to the General Manager, East Indian Railway, for such action as he may consider necessary.

ALLOWANCES SANCTIONED FOR THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1562. ***Mr. H. A. Sathar H. Essak Sait** (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Railway Member be pleased to state whether it is a fact that the Moody and Ward scale of allowance sanctioned in 1931 by the Railway Board, has been appealed against by the Travelling Ticket Examiners (consisting of old Ticket Collectors and new Crew Staff) of the East Indian Railway?

(b) Is it a fact that the General Manager of the East Indian Railway is an authority over all the appeals against P. M. T. allowance sanctioned by the Railway Board inadequately or improperly between August 1926 and December 1933? If so, under which rules?

(c) Is it not a fact that an appeal does lie with the Railway Board where P. M. T. allowance sanctioned by them under Supplementary Rule 22, Appendix 13, is alleged to be improper and inadequate according to rules?

(d) Is it not a fact that P. M. T. allowance calculated on the basis of daily allowance on pay between Rs. 51 and Rs. 100 was arrived at wrongly at Rs. 15 and Rs. 20?

The Honourable Mr. A. G. Clow: (a) to (d). I would refer the Honourable Member to the reply given to Qazi Muhammad Ahmad Kazmi's question No. 832 on the 26th February 1936.

†For answer to this question, see answer to question No. 1559.

PROMOTIONS IN THE TICKET CHECKING BRANCH ON THE EAST INDIAN RAILWAY.

1563. *Mr. H. A. Sathar H. Essak Sait (on behalf of Khan Bahadur Shaikh Fazl-i-Haq Piracha): (a) Will the Honourable the Railway Member be pleased to state how many promotion courses for promotions from grade to grade in the Ticket Checking Branch have been held during the last years?

(b) Is it a fact that the promotion in the above branch is given first according to the seniority and promotion examination is held afterwards?

(c) Is it a fact that the periodical test as outlined in rule 30 of the East Indian Railway T. C. Pocket Guide has not been observed on the Howrah Division?

(d) Is there any provision in the State Railways Establishment Code regarding periodical test? If not, does T. C. Pocket Guide supersede in the matter?

The Honourable Mr. A. G. Clow: (a) to (c). These are matters of detailed administration on which Government have no information. I am, however, sending a copy of the question to the General Manager, East Indian Railway, for such action as he may consider necessary.

(d) The reply to the first part is in the negative. I would, however, refer the Honourable Member to paragraph 29, Appendix XXII, page 379 of the State Railway Establishment Code. I am unable to reply to the second part of this question as I have not been able to obtain a copy of the Guide. It is, however, open to the Administration to issue such instructions in these matters as they consider necessary so long as they are not inconsistent with any orders issued by the Railway Board.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the State Railways are directly under the Railway Board, who are responsible to this House, and we can ask questions about detailed administration only in this House alone, and it is not fair for the Honourable Member to say that this concerns the General Manager and is not therefore the function or the business of the Honourable Member to reply to? My point is this. The Honourable Member ought not to have evaded the reply only on the ground that this is a function of the General Manager and not of the Railway Board,—because the General Manager is responsible to this House only through the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): That is not a question.

Dr. Sir Ziauddin Ahmad: Sir, the Honourable Member evaded a reply on the ground that this is the business of the General Manager.

The Honourable Mr. A. G. Clow: I am not evading a reply. I would remind the Honourable Member and I think he realises this fact himself that there are large matters of administrative detail. The Railway Board, although they are generally responsible, must leave certain matters to the discretion of the General Managers.

Mr. Muhammad Nauman: Is the Honourable Member prepared to instruct the General Managers then to reply directly when we write to them?

The Honourable Mr. A. G. Clow: The General Managers are willing to give information and also there are Advisory Councils in which matters of substantial importance can be raised.

PREPONDERANCE OF NON-MUSLIMS IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY.

1564. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether the four senior and four junior scale gazetted posts in the Electrical Branch of the North Western Railway are equally divided between the Europeans and Hindus, and that there is not a single Muslim in the gazetted ranks of this Branch?

(b) Is it a fact that it is the accepted policy of Government to ensure that there is no undue preponderance of any one community in any Department of Government?

(c) Will the Honourable Member please state how Government propose to redress this undue preponderance in this Branch of the non-Muslim element?

The Honourable Mr. A. G. Clow: (a) Of the eight gazetted officers in the Electrical Branch, one is an Anglo-Indian, three are Europeans and four are Hindus.

(b) and (c). Government's policy in regard to communal representation in the services is stated in the Home Department's Resolution No. F. 14/17-B./33-Ests., dated the 4th July, 1934, (a copy of which is in the Library of the House). The claims of Muslims eligible for appointment will be considered as and when opportunity offers for recruitment to this Branch.

Mr. Muhammad Nauman: Are we to understand that no opportunity has occurred in that Branch?

The Honourable Mr. A. G. Clow: I believe there has been no recruitment in this particular Department since 1929.

PREPONDERANCE OF NON-MUSLIMS IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY.

1565. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether the 24 posts of Senior Foremen, Foremen, Assistant Foremen and Oil Engine Inspectors of the Electrical Branch of the North Western Railway are divided amongst the different communities as follows: Europeans 12, Hindus 10, and Muslims 2 only—the per centage of Muslims working out to barely 8·3 per cent? If not, what is the actual composition by communities of the various categories mentioned?

(b) How many of these posts have been filled by promotion during the last three years and were the promotions made on the basis of seniority or selection? If all posts were not filled strictly in accordance with seniority, why could all posts not be filled by selection?

(c) Will the Honourable Member please state what steps Government propose to take to set right this inequality?

The Honourable Mr. A. G. Clow: (a) The figures quoted by the Honourable Member are not quite correct. There are 24 sanctioned posts, of which ten are held by Europeans and Anglo-Indians, nine by Hindus, two by Muslims and one by a person coming under the category of 'other communities'. Two posts are vacant.

(b) I have called for the information required and will place a reply on the table of the House when it is received.

(c) If the information when received discloses any irregularity in recruitment, the question will be considered.

Mr. Sri Prakasa: May I know why Europeans are not classed according to their religion?

The Honourable Mr. A. G. Clow: Their religion is not an exclusively European religion.

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

COMMUNAL COMPOSITION OF STENOGRAPHERS IN THE NORTH WESTERN RAILWAY HEADQUARTERS OFFICE, ETC.

1566. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please refer to parts (b) and (d) of the answer given to starred question No. 1001, answered in this House on the 13th March, 1939, and state whether the clerical staff employed in the confidential branch simply perform duties similar to those of the record clerks employed in the Central Registry of the Headquarters Office or they also work as disposal clerks and deal with cases relating to appointments, promotions and appeals, etc., treated as confidential?

(b) What is the communal composition of the stenographers employed in the North Western Railway Headquarters Office in different grades?

(c) Is it a fact that all vacancies which occurred in the initial grade of stenographers in the North Western Railway Headquarters Office during the last seven years were filled by promotion from lower ranks, such as, parcel clerks, typists grade I, and clerks grade I and none of them was advertised and filled by direct recruitment according to communal instructions?

(d) Is the Honourable Member aware of the fact that as a result of filling the vacancies of stenographers in initial grade (starting with Rs. 100) by promotion from lower ranks during the last seven years, about 80 per cent. of vacancies went to non-Muslims, and qualified Muslim stenographers were deprived of the chances which would otherwise have gone to them by direct recruitment on a communal basis?

(e) If the replies to the latter portion of part (a) and parts (c) and (d) be in the affirmative, will Government please state what objection they have to fill all vacancies in initial grade of stenographers by direct recruitment as laid in rules 57, 68 and 77 of Appendix XXII to S. R. E. Code?

The Honourable Mr. A. G. Clow: (a) The men in the Confidential Section are stenographers and do not note on cases as disposal clerks would.

(b) Hindus—9, Muslims—2, Sikhs—4, Anglo-Indians—4.

(c) The reply to the first part is in the affirmative. As regards the second, one vacancy was advertised in 1934, but no suitable candidate was forthcoming.

(d) I am not aware what percentage of the six vacancies that occurred during the last seven years was filled by non-Muslims. Transfers of staff from one category to another are not regulated by communal considerations.

(e) Government must leave it to the General Manager to recruit stenographers by the method he considers desirable.

EMPLOYMENT OF MUSLIMS IN CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.

1567. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please refer to the statement made in this House on the 22nd February, 1939, that the Director of Establishments on the Railway Board and one of his Deputies were Muslims, while there was similar representation on all Railway Establishments, and state whether it is also a fact that an undertaking was given to this House on the 24th and 25th February, 1931, that due regard to the adequate number of Muslims will always be given when making appointments to the posts of Staff (Personnel) Officers, Office Superintendents and Head Clerk (Personnel) on the State-managed Railways?

(b) Is it a fact that the position of Muslim Staff (Personnel) Officers, Office Superintendents and Head Clerks (Personnel) on the North Western Railway as it stood in the year 1931-32 has been considerably reduced, say, as under?:

	1931-32.	March 1939.
Senior Scale	Headquarters Office	=1 Nil.
	Divisions	=4 Nil.
Junior Scale	Division	=1 ..
	Mechanical Workshops	=1 2 Divisions.
Lower Gazetted Office Superintendent.	Division	=1 Nil.
	Total	=8 Total =2

(c) Is it a fact that all the posts of gazetted officers, Office Superintendents and Head Clerks employed in Personnel Branch of the North Western Railway Headquarters Office are held by non-Muslims? If not, what is the communal composition in each class?

(d) If the reply to parts (a) and (b) or (c) be in the affirmative, will Government please state what steps they propose to take to implement the undertakings given to this House and to increase the number of Muslim Staff (Personnel) Officers, Office Superintendents and Head Clerks (Personnel) in the various offices of the North Western Railway and particularly in its Headquarters Office? If not, why not?

The Honourable Mr. A. G. Clow: (a) Sir Thomas Stewart said on 22nd February that the Director of Establishments on the Railway Board and one of his Deputies were Muslims but he did not say that there

was similar representation on all railway establishments. I have looked up the debates in 1931 to which the Honourable Member refers, but cannot trace a statement in the precise terms quoted by the Honourable Member.

(b) to (d). I am obtaining the information asked for and will lay a reply on the table of the House when it is received.

APPOINTMENT OF AN INDIAN TRADE AGENT AT KABUL.

1568. *Mr. Abdul Qaiyum: Will the Foreign Secretary please state:

- (a) whether at present there is an Indian trade agent at Kabul;
- (b) if not, when the last incumbent left that country, *i.e.*, Afghanistan;
- (c) whether the post is going to be filled up soon; if so, when the announcement is likely to be made; and
- (d) whether the Indian trade agent there is under the Commerce Department or the Foreign Secretary?

Sir Aubrey Metcalfe: With your permission, Sir, I will answer questions Nos. 1568 and 1569 together

Mr. Abdul Qaiyum: Sir, we cannot hear

Sir Aubrey Metcalfe: If Honourable Members would not make so much noise, he will be able to hear

Mr. President (The Honourable Sir Abdur Rahim): When many Members are carrying on conversations, how can the Honourable Member hear?

Sir Aubrey Metcalfe: Mr. Mohammad Nasrullah of the Commerce Department, who has recently been working as Assistant Secretary of the Tariff Board, has been appointed as Indian Trade Agent, Kabul, and has already left for Afghanistan. The duties of the Trade Agent are to keep the Government of India informed about trade conditions in Afghanistan and generally to assist trade between the two countries by answering enquiries, exhibiting samples, supplying general information, etc. He is under the administrative control of the External Affairs Department, but corresponds direct with Commerce Department on technical matters.

Mr. Abdul Qaiyum: May I know whether the questions dealing with this Trade Agent are to be addressed to the Honourable Member himself or to the Honourable the Commerce Member because there is some confusion on the point

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has given the answer.

Sir Aubrey Metcalfe: If there is any confusion it will always be corrected in the proper place.

Mr. Abdul Qaiyum: I want to know why questions dealing with trade should be addressed to the External Affairs Department?

Mr. President (The Honourable Sir Abdur Rahim): That has nothing to do with this question, which has been answered.

Mr. Abdul Qaiyum: Part (d) of my question deals specifically with that point.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member been referred to the Honourable the Commerce Member?

Sir Aubrey Metcalfe: No, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Then, that question does not arise.

Sir Aubrey Metcalfe: It is a matter of arrangement between the Departments and I do not know how it concerns the Honourable Member with regard to questions

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has been given an answer. He has not been referred to any other Department.

Mr. Abdul Qaiyum: But there is no answer?

Sir Aubrey Metcalfe: I have given a perfectly clear answer. I have said that he is under the administrative control of the External Affairs Department but corresponds direct with the Commerce Department on technical matters.

Mr. Abdul Qaiyum: May I know why the Trade Agent at Kabul alone should be under the External Affairs Department when other Trade Agents are under the Commerce Department.

Sir Aubrey Metcalfe: Because it is a more convenient arrangement.

Mr. S. Satyamurti: As a result of this more convenient arrangement, to which Department are we to send our questions with regard to trade relations between Afghanistan and India—to the Commerce Department or to the Honourable Member's Department?

Sir Aubrey Metcalfe: It depends largely on the nature of the question. If the Honourable Member addresses it to the wrong Department it will be transferred to the proper Department

APPOINTMENT OF AN INDIAN TRADE AGENT AT KABUL.

†1569. *Sardar Sant Singh: (a) Will the Foreign Secretary please state if Government have taken any steps to appoint a commercial minded person as Trade Agent in Kabul to develop trade and bring about better trade relations between the two countries? If not, why not?

(b) If any steps are being taken, will Government state the duties that will be allotted to him?

(c) Will the work be under the Commerce Department or the External Affairs Department, as was the case with the First Trade Agent, Mr. Aslam Khatak?

†1570*.

†For answer to this question, see answer to question No. 1568.

‡This question was not put as some Honourable Members said that it was already answered.—E. of D.

[5TH APRIL 1939.]

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMUNICATIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that up to 12 Noon on Monday, the 3rd April, 1939, the time fixed for receiving nominations for the Standing Committee for the Department of Communications seven nominations were received. Subsequently three Members have withdrawn their candidature. As the number of remaining candidates is equal to the number of vacancies, I declare the following four non-official Members to be duly elected, namely:

- (1) Mr. C. C. Miller,
- (2) Mr. Umar Aly Shah,
- (3) Maulvi Abdul Wajid, and
- (4) Mr. Lalchand Navalrai.

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 4th April, 1939, agreed without any amendment to the Bill to provide for the registration of foreigners in British India, which was passed by the Legislative Assembly at its meeting held on the 31st March 1939."

THE REPEALING AND AMENDING BILL.

APPOINTMENT OF MR. F. E. JAMES TO THE SELECT COMMITTEE.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I move:

"That Mr. F. E. James be appointed to the Select Committee on the Bill to amend certain enactments and to repeal certain other enactments in place of Mr. P. J. Griffiths."

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

"That Mr. F. E. James be appointed to the Select Committee on the Bill to amend certain enactments and to repeal certain other enactments in place of Mr. P. J. Griffiths."

The motion was adopted.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL—contd.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion:

"That the Bill further to amend the Indian Tariff Act 1934 (Second Amendment), be taken into consideration."

Dr. Sir Ziauddin Ahmad.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, yesterday, I was discussing some general questions about the Tariff Board, and then I came to the consideration of the Tariff Board report on magnesium chloride. Yesterday, I quoted to show that the Tariff Board said clearly that no objection was raised against the protection. This reminded me of a story of a person who was told by his father that he should always ask loudly whenever he finds a rupee on the road whether it belonged to any person. Now, his son found a rupee on the road and he said very loudly: "Has anybody lost?" But when he came to the second part of his sentence, he said quietly: "any rupee?" He shouted this sentence in this manner three times, and the only person who responded to his call was his accomplice, who said: "Nobody has lost his rupee." Consequently, he satisfied himself that it belonged to nobody, and, therefore, it was his property. The same is the case with our Tariff Board. They do not ask any person and they satisfy themselves, like the son, by saying that the only reply they got was from their accomplice, namely, the Millowners' Association, and this is what they say on page 14 of their report:

"This Association and other Textile Millowners' Associations have raised no objection to the continuance of protection to the industry and have, in fact, supported the claims put forward by the Pioneer Magnesia Works Company."

We cannot expect anything better than this from the Millowners' Association which is practically in the same boat. The other thing that I was pointing out yesterday was this, that we should always compare the c. i. f. with the prices at the factory. It is rather unfair to compare the prices at any particular town. In that case, the quantum of protection will vary enormously according to the place which you select. The point which I am now making is that magnesium chloride has now reached a stage when no protection is needed and we should now definitely declare that it has developed so much that we do not want to give it any further protection.

Now, Sir, I will give four reasons in support of my argument that this particular magnesium chloride does not need any protection. In the first place, I will refer to page 12 of the report where they say that we are the exporting country and we do not import magnesium chloride now. We find that in the year 1937 we produced 11,138 tons, out of which we exported 2,380 tons and we imported only 899 tons. Therefore, as against the import of 899, there is an export of 2,380. We cannot say, therefore, that we are not the exporting country in this case. My second argument against the protection being given to this article is, as is said on page 10 of the report, that this industry has now reached a stage when it can compete with the world market on equal terms. This is what they have said:

"This claim to improvement is justified by the fact that the Company is able to compete on equal terms with the German or French magnesium chloride in countries to which Germany and France export such as Holland and Czechoslovakia, leaving out of account the United Kingdom..."

Now, our own manufacturers can compete on equal terms even in places next door to Germany like Czechoslovakia and Holland and also with Germany. Therefore, it is proof conclusive that the protection is not needed. My third point is that it has established its position in England.

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[Dr. Sir Ziauddin Ahmad.]

where it enjoys a preference of £1 per ton. On page 9 of this report, it is clearly stated:

"In the United Kingdom alone, we have exported 2,198 tons of magnesium chloride and the sale price there is £4-5-10 per ton."

This shows that our market is established in the United Kingdom, because of this preference of £1 per ton. My fourth point, 12 Noon. which is the last nail in the coffin of the protection of magnesium chloride, is this, that the cost of production, according to their own figure, is Rs. 1-7-0 (see page 5) leaving out the sale prices and other things. Then, the import price, according to their own quotation of the latest year, is Rs. 3 per cwt., and the price at which they are selling in England is Rs. 2-14-0. May I ask the Honourable the Commerce Member to consider this fact that when the cost price of this article is Rs. 1-7-0 per cwt. and the c. i. f. price of that article is Rs. 3 and that article is being sold in the United Kingdom at Rs. 2-14-0, does it need any protection at all? Therefore, in view of the fact that we are selling this at enormous profit in the United Kingdom, and, in view of the fact that the price of the imported article is double the cost price, I challenge any one here—I am sorry, my Honourable friend, the Bombay Knight, is not here now—to say that he would recommend protection to this particular article. Looking into the details of this thing, the argument and the recommendations, I have laid down the following four dictums. The dictum of my Honourable friend, Mr. Manu Subedar, is more and more protection, larger and larger period, shorter and shorter enquiry. I think my Honourable friend, Mr. Satyamurti, shares these views. My Honourable friend, Sir Homi Mody's dictum is more and more taxation, less and less interference, greater and greater dividends. My Honourable friend, Mr. Joshi's dictum is more and more wages, less and less work, greater and greater security. The consumers' dictum, that is, my dictum, is more and more freedom, greater and greater choice, less and less price, and the dictum of my Honourable friend, the Commerce Member, is moderate protection, moderate freedom, moderate wages, moderate prices, moderate dividends, moderate enquiry and moderate interference. This is really the dictum on which this particular thing is going on.

Now, having finished magnesium chloride, I come now to paper industry. The paper industry in this country is a very old one. The first factory was established in 1870, and they have been carrying on very good work. As soon as this classical report was written, the Government appointed in 1925 the Tariff Board, and there was a revenue duty of 15 per cent. on this particular article. They made out a case for protection, and, consequently, it was given. Again, the thing was enquired into in March, 1931, and the duty was raised from 15 per cent. to 20 per cent. but no action was taken as regards paper. The next action was taken in 1931 and, on account of the surcharge, the duty was raised from 15 per cent., by 25 per cent., to 18½ per cent., and the specific duty was raised from one anna to one anna three pies per pound. The Tariff Board in 1931 recommended that the duty on imported wood pulp should be fixed at Rs. 45 per ton. Again, we come to the Tariff Board of 1938 in which

they have justified the reasons for the duty on pulp. In paragraph 44 page 36, the Tariff Board say:

"Taking all points into consideration, we do not think that it would be safe to fix the minimum rate of duty at anything less than Rs. 35 per ton which is slightly above the mean between the duty required for bamboo pulp and the duty required for grass pulp. This rate is Rs. 21-4-0 per ton less than the present import duty of Rs. 56-4-0."

That is, they diminish the duty of Rs. 56-4-0 to Rs. 35 per ton. But there was one important point in the argument used by the Tariff Board, and that is given on page 35. They give the values, at different times, of pulp. No doubt, in 1936, it went down to £ 7-13-0 per ton, but it rose at one time to £ 18-10-0 and, at the time they wrote the report, it was ranging from £ 12 to £ 13. This is rather unfair. When they calculate the fair selling price, they ought to take c.i.f. value of the imported pulp at the price at which it is quoted today, and it is not fair to take the minimum price which prevailed five or six years ago. Either they ought to take the mean value or they ought to take the value which is prevalent at the time. The method adopted by the Government is fundamentally wrong. If they should take the prices which were prevalent at the time when they wrote the report, and if they found that the fluctuation is very great and they cannot rely on the present figures, then the only other alternative is to take the mean value of all the prices during the last seven years, that is, from 1931 to 1938, when this report was written. But what they have done in this case, as well as in the previous case of magnesium chloride, is that they have taken the lowest figure which they found during five or six years and used it as the basis of calculation. This is what they have done and here they came to the conclusion that, instead of taking the mean value between £ 7-15-0 and £ 18-10-0, they took only £ 9 as the basis of calculation. This is perfectly wrong calculation and the conclusions arrived at by them were not justified. The Government do not require another Tariff Board to find out the mistake, they require common sense to arrive at the calculation. Any one, either on this side of the House or in the Commerce Department, will find out that there is a fundamental mistake in the method of calculation of the Tariff Board. That is, they have taken the lowest possible figure instead of taking the mean figure or the figure available in that particular year.

The next thing I should like to point out is this: I also partially alluded to it yesterday. Whenever they calculate the quantum of protection, they ought to give us, at least in their report, profit and loss account of these mills. I have now got before me the profit and loss account of some of the paper mills, and, by reading the figures, can any one say that they need protection? Even my Honourable friend, Babu Baijnath Bajoria, will be hard put to explain the case for protection, because he gets fair dividends. The Bengal Paper Mills' shares were floated for Rs. 25, and now the value of each share is Rs. 89, that is, more than 3½ times on account of the special duty which the Government have imposed on the consumers of the country which is morally wrong. The dividend they paid was 14½ per cent. and the highest they paid was Rs. 19-10-0. Take the Indian paper mills,—the share was issued at Rs. 100 and it is now quoted at Rs. 101, and the dividend is three per cent. and the highest price for the share at one time was Rs. 183. The Titaghur Paper Mills,—the value of the share ranged from Rs. 5 to Rs. 12½ and they have been giving a dividend of 16½ per cent., and, at one time, it rose to 19 per cent. In these days, when the Bank rate is two per cent., these people are now

[Dr. Sir Ziauddin Ahmad.]
getting a fat dividend of 16½ per cent. on account of protection. I think, my Honourable friend, Babu Baijnath Bajoria, will be perfectly justified every morning to go to the Commerce Member, whoever he is, for his kindness in giving such high protection. This is the case with regard to all mills, and yet my Honourable friend desires more and more protection. In support of my argument, I will read a paragraph from the Tariff Board report itself as to the nature of the business which they are doing. The first complaint that I have is that, in spite of the high protection they have got, they are very unkind to the Indian consumers and, by means of combination, they fix a price which is just below the price at which the foreign articles will be imported into this country. They say, in paragraph 57, on page 45:

"During the period under review the policy of the mills belonging to the Indian Paper Makers' Association or working in conjunction with it has been to combine for the purpose of price fixation and for the allotment of contracts with the Central and Provincial Governments, which represent 20 to 25 per cent. of their total production, according to an agreed arrangement among themselves."

So they combine and quote one particular price for the customers and another for the Government:

"This combination has enabled the mills to maintain prices at a level slightly below the level of prices quoted for imported paper of similar quality."

Such being the case, the only solution is to ask Government to reduce this duty in order to lower the price level and the enormous dividends produced by these companies:

"We are informed that Indian mills have been able to secure a predominant share in the Government contracts, either because the prices quoted by them were lower than the prices quoted for imported paper, or because their quality of paper was more satisfactory than the quality of imported paper, judged by the prescribed specifications."

I think the Tariff Board is wrong in both these arguments. It is practically due to the pressure which we put on Government for buying Indian paper:

"The fact that mills have been able to rely on an assured market for so large a proportion of their production is an important consideration. We are informed that in 1937-38 they were so busy with Government contracts that at times they were unable to promise supply to ordinary purchasers under four to six months."

They cannot supply ordinary purchasers, but still they force them to purchase foreign things at a very high value. Is it fair to give them protection in these circumstances, and does the industry need further protection?

Now, I will mention one or two points about their recommendations with which I do not agree, because they do not tally with the figures supplied by them. I take from the summary recommendation 21:

"It is impossible to predict the future prices of imported paper with any certainty, but the tendency will probably be downwards."

In this case, they say definitely that they cannot fix the price level of c.i.f. articles in this particular case. There being greater uncertainty, they should fix *ad valorem* value and not specific value. I am opposed to fixing specific value on any article whatever. The duty, whether protective or revenue, should be *ad valorem* and not specific, because the latter helps to create cheaper quality, and specific duty always acts adversely in the case of the cheaper article. There the duty should always be *ad valorem*. So we should remove the specific duty of nine pices or 11 pices and have

a revenue duty only. So I have come to the conclusion that this article should now stand on its own legs. As they are so busy as not to be able to supply the needs of ordinary customers, they have reached a stage when no protection is needed; and, in the interest of our newspapers and books, it is essential that the cost of paper should be the minimum.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Paper for newspapers is not manufactured here.

Dr. Sir Ziauddin Ahmad: My friend does not manufacture paper for the newspapers, but he manufactures paper used by customers like myself. So he wants to levy a very high duty on poor consumers like myself while giving relief to the newspapers, so that they may not curse him in their columns. My Honourable friend's explanation makes the case still worse. But I maintain that, on account of the fat dividends they are paying and on account of the fact that they are too busy to supply the needs of ordinary customers who are not the Government, we have reached a stage when no protection should be given to this industry. We should simply put any revenue duty which is considered proper and finish this matter, because, once a duty is imposed, there should be some end to it. And the duty is not to be indefinite. We imposed a duty in 1935, but four years have passed away, and the time has come when there should be no more protection to this industry, because it is not needed.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I should like to address myself first to the last point referred to by Dr. Sir Ziauddin Ahmad. He referred to the combination that existed among the paper manufacturing companies to put up the price.

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Not to put up the price but to control the price.

Mr. T. S. Avinashilingam Chettiar: I should like Government to examine whether there has been any organisation or understanding between companies to control the price of paper so that there may not be free competition.

Dr. Sir Ziauddin Ahmad: I quoted the Tariff Board report.

Mr. T. S. Avinashilingam Chettiar: I may point out that at the end of the same paragraph which the Honourable Member quoted they say:

"We do not, therefore, consider that there is any serious danger of a combination among mills being able to maintain prices at an artificial or excessive level."

But, apart from what the Tariff Board might have said, it is really a serious matter if an industry which is protected should combine to exploit the consumer and not give the benefit of free competition among the mills themselves. And I shall be glad if Government make it a point systematically to examine the industries to which protection is given and see whether any combination exists against the interests of the consumer.

I would like now to refer to one matter which has not been put up with the emphasis it requires, and that is the matter of rice. Bigger industries have got advocates and they are able to put their case to the

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public and to the Legislature with greater effect than the agriculturists. May I, with your permission, Sir, refer to what the then Commerce Member said, when he first introduced the Bill to give protection to rice? That was in 1935. The Honourable Sir Joseph Bhore then said:

"The special officer appointed by the Madras Government to investigate the rice question reported that the dominant factor in the dislocation of price levels of local rice which has been so detrimental to the interests of the local rice grower, is the increasing, uncontrolled import of cheap inferior rice from overseas, in particular, the recent rapid increase in the imports almost entirely of broken rice from Siam."

Further on, he said:

"I ought again to emphasise the fact that in respect of both wheat and rice these duties are entered as protective duties, and, hence, they are liable to enhancement by Government if they find at any time that the purpose which they have in view is not being served."

I would like to point out, Sir, that the purpose which they had in view has not been served at all. The purpose they had in view was to increase the price of rice. The price of rice.....

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): The purpose was to stop the imports of rice from Siam and Indo-China.

Mr. T. S. Avinashilingam Chettiar: May I point out from the passage I read out just now why it was suggested that imports from Siam ought to be stopped? There was nothing intrinsically wrong in the import itself.....

The Honourable Sir Muhammad Zafrullah Khan: It was competing with our rice here.

Mr. T. S. Avinashilingam Chettiar: Let me point out why it was attempted to be stopped. It was competing with rice produced in India and the price of rice in Madras was going down and the Government wanted to stop that going down of the price of rice: they wanted to give better protection to the rice grower by giving a better price for his rice. The object of the import duty was not merely to stop Siam rice but to give a better price to the rice grower in the Madras presidency where these imports have been greatly concentrated. There is no virtue in a particular import being stopped unless it achieved the real end in view, which was to give better price to the rice grower. That Bill, at that time, was expected to achieve that object by stopping imports from Siam: that object of giving a better price to the rice grower has not been achieved. Soon after the duty was levied there was a rise in price. The price was Rs. 4-4-0 in April, 1935; it increased to Rs. 5 in January, 1936: but later on there has been a serious fall. In April, 1936, the price was Rs. 5 and in January, 1937, the price came down to Rs. 4-8-0: in April, 1937, it was Rs. 3-14-0 and it continued to be so for some time: in April, 1938, it was Rs. 3-5-0. I am quoting from the Review of Trade in India for the year 1937-38. It will, therefore, be seen that the real object of the imposition of this duty was not merely the stopping of imports from Siam but the raising of the price of rice so as to give a better price to the rice grower, and this object has not been achieved.

As to who are the principal importers of rice into this country I would refer Honourable Members to pages 49 and 50 of the Accounts of the Sea-borne Trade and Navigation of British India for February, 1939. It will be found there that the imports of broken rice from Siam have almost stopped. But that is not the object we had in view, the object was to give a better price to the cultivator of rice here. The real imports which affect the price of rice are from Burma which has considerably increased. In February, 1938, the imports were 1,095 tons, while in February, 1939, the imports are 8,689 tons. The total imports for the eleven months ending February, 1938, were 28,214 tons, whereas, this year, for the eleven months ending February, 1939, the total is 47,256 tons. It will, therefore, be seen that the real problem is to stop the imports from Burma if we are to give the cultivator a better price for his rice. I can understand the difficulties that exist in the way because of commitments we have in the Indo-Burma Agreement and I would like to urge upon this House that the time has come when this matter should be looked at from this angle and I would like the Government to expedite the matter of giving notice to Burma in this matter of the trade agreement. This is no more than what Sir Joseph Bhore had himself promised when he said that in respect of both wheat and rice these duties were entered into as protective duties, and, hence, they are liable to enhancement by Government if they find at any time that the purpose which they have in view is not being served. I say the purpose has not been served and I hope the Government will take sufficient measures to see that the purpose which they had in view to get a better price for the rice grower is served.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Sir, this Bill has been placed before us in the shape of a miscellaneous Bill and it deals with four items which are entirely unconnected with one another. This is hardly fair to the House because these items affect different interests differently. Rice is an agricultural product. Magnesium chloride is a manufactured product. Paper and wood pulp are manufactured and partly manufactured; and lastly, silk and silk goods are also partly manufactured and partly unmanufactured. Now, it is impossible to deal with that amount of fairness and justice with these different items which would be desirable in a single Bill. Our difficulty is further accentuated by the fact that not one Bill but three Bills have been thrown at our heads, and the notice that has been given is very inadequate. However, I will content myself with a few brief observations on some of these items.

As regards broken rice, my Honourable friend, Mr. Avinashilingam Chettiar, has dealt fully with it and I do not wish to say anything more about that matter. With regard to magnesium chloride, I find that the recommendation of the Tariff Board with regard to the period of protection has been accepted, but the rate has been reduced on the ground that this rate is too high and there is an error in calculation. Who investigated the conditions in the up-country markets? My Honourable friend, Sir Cowasji Jehangir, pointed out yesterday that it is only 800 out of 6,800 tons that is consumed in Northern India. If the Government of India thought that the Tariff Board fell into an error, would it not have been right on the part of the Government of India to refer back that report to the Board? That would have been a fair treatment of the Board. Now, the Board is constituted of three persons, who are

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expected to be fair minded, who are expected to be experts in the sense that they are expected to apply their minds fully to their work. Now, if the Government of India did not think it right to accept the recommendation of the Tariff Board, the obvious course for them to adopt would have been to refer the matter back to the Tariff Board for reconsideration. But they did not do it, and they reduced the measure of protection substantially.

Now, Sir, coming to paper and paper pulp, I desire to observe that there is a very large demand in the country for paper, and this demand is likely to increase as literacy increases in the country. At the present moment only ten per cent. of the people are able to read and write; and when we have a cent per cent. literate population in the country, the demand for paper will very greatly increase. There is thus an almost unlimited field for the production of paper. Now, what is the present situation? During the last few years, the local production of paper has greatly increased, but at present this production is only 40 per cent. of the total consumption in the country. Thus, 60 per cent. of the requirements of the country is still imported from abroad, and there are certain qualities of paper which are not produced in this country at all. Therefore, it is desirable that protection should be continued for a longer period. My friend, Dr. Sir Ziauddin Ahmad, asked whether it was not desirable to put a stop to the protection of paper at the present moment. He thought that 14 years were quite enough; he made a slight miscalculation, although he is a great mathematician. This paper industry has been enjoying protection not for 14 years, but for 13 years. It is true that the first Tariff Board reported 14 years ago, but the industry itself enjoyed protection for 18 years.....

Dr. Sir Ziauddin Ahmad: For 18½ years.

Dr. P. N. Banerjea: Very well, for 13½ years, if you are satisfied with that. Now, he referred also to the question of price. I shall read to the House the Report of the Tariff Board where they say—"Indian mills have not increased their prices to the extent that the rise in the price of imported paper justified and that the margin between the two has widened to about five pices per pound against the usual margin of two to three pices per pound." This disposes of the contention that there has been a combination among the paper mills in this country to raise prices and to affect the consumers hard.

Then, again, Sir, what is the proper period for which protection should be granted? The Fiscal Commission, if I remember aright, observed that 20 years was the normal period for which protection was to be granted. Now, protection has been granted in this case for 13 years, and, therefore, in the normal course protection ought to be granted for a further period of seven years; and if we want the country to be self-sufficient in respect of the production of paper, I think it will be necessary to grant protection for a still further period. Now, is it or is it not desirable to make the country self-sufficient in regard to the production of paper? Paper is an article of prime necessity, and as time goes on and as the country progresses, it will become a thing of greater necessity. Every man, woman and child in India will need paper. Therefore, it is desirable to continue the protection for at least 20 or 25 years.

Now, Sir, what has been the attitude of the Government of India towards the Report of the Tariff Board? The Government of India thought that protection should be continued, but they differed from the recommendations of the Tariff Board on three essential points. In the first place, they differed as to protection being given to grass pulp; in the second place, they differed as to the measure of protection; and in the third place, they differed as to the period for which protection had been given. In other words, the recommendations of the Tariff Board have practically been thrown into the waste paper basket. And what are the grounds on which the Government have come to these decisions? They say that with regard to the quantum of protection, the Tariff Board made a mistake. Here, again, may I ask, if the Government of India thought that the Tariff Board made a mistake, why did they not refer the matter back to the Tariff Board for reconsideration? That would have been eminently fair and just to a body constituted like the Tariff Board. As for the protection being limited to three years, the arguments of the Government do not seem to me to be at all convincing, and it has been pointed out by previous speakers that grass pulp should receive some amount of protection for some longer.....

The Honourable Sir Muhammad Zafrullah Khan: They have some amount of protection.

Dr. P. N. Banerjea: Yes, some amount of protection; but the amount should be adequate for their needs, otherwise those mills which are at present using grass pulp would be put to very great difficulty, and you do not want these mills to be closed down immediately. If you do not want that, you should give them that amount of protection which is needed. Gradually, perhaps, they will be able to substitute bamboo pulp for grass pulp; but till then, an adequate measure of protection should be continued.

Sir, the last item in this Bill is that which deals with silk and silken goods. Now, this is a very important item. A Tariff Board considered this matter last year and submitted its Report about two months ago. Now, may I ask why the Report of the Tariff Board has not yet been published? It is the practice of the Government to withhold Reports for a considerable length of time and then throw these Reports at the heads of Honourable Members of the Assembly at the eleventh or even the twelfth hour. Is that fair and just? Sir, this is not right. I hope the Government will see their way to publish the Report of the Tariff Board on silk and silken goods at the earliest possible opportunity and give the public and the Assembly ample time to consider the question from all essential aspects.

Sir, this leads me to the question of the general policy which the Government wish to pursue with regard to protection. We all know that during the last five years one Member of the Government of India—I will not name him—has been showing a definite amount of bias against protection. This bias has gone so far that we may say that it is a sort of malady. And the contagion has spread to the other Members of the Government. It is a great pity that the Honourable the Commerce Member, who is an Indian and who is not a bureaucrat, has not been able to escape the contagion. We have the right to expect better things from him. However, we should like to know definitely what is the present

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policy of the Government of India. Do they or do they not stand by the policy of discriminating protection laid down by the Fiscal Commission and accepted by the Government fifteen years ago?

The Honourable Sir Muhammad Zafrullah Khan: Certainly.

Dr. P. N. Banerjee: If so, they should not act in the manner in which they have done in recent years. It is one thing to launch a frontal attack on discriminating protection; it is another to destroy it bit by bit by attacking it from behind. I am sorry that this policy of discriminating protection has been attacked from behind and is being destroyed gradually by a slow process. This is wrong. If you think that the policy of discriminating protection is wrong for India, then you should come out boldly and say, "we are going to reverse the policy". But you should not destroy this policy in a manner where the people will not be able fully to understand your motive. This policy has been very successful during the last fifteen years. It has given rise to many industries in this country—industries which would not have been able to prove a success without the help of protection. There are many other industries which will require, in future, the assistance of Government. Therefore, if the Government do not accept a sound policy of protection, the country will greatly suffer and the Government of India will stand condemned before the bar of public opinion. I hope and trust that the present Government will consider the pros and cons of the question and take care that they are not affected by the contagion to which I have referred but take up a reasonable attitude towards the question of protection.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): I take it that every responsible Party in this House is in favour of discriminating protection alone and not indiscriminate protection. From that it naturally follows that the Tariff Board should have the discretion to report when necessary even in favour of a reduction in the rate of protection that has been provided for any particular industry or a reduction in the number of years for which protection has been given or is to be given in future. Therefore, on the mere ground that these two Tariff Boards have suggested some alteration for their own good reasons, in the nature of protection that has been granted or the duration of it, I do not wish to find fault with them. I wish to take these things on their own merits. I do not wish to weary the House by quoting a number of figures or a number of passages either. Taking, first, the case of paper, I am particularly anxious that India should become self-sufficing in this regard.....

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): And also export outside.

Prof. N. G. Ranga: I am not in favour of that.

Mr. S. Satyamurti: Why not?

Prof. N. G. Ranga: I am never in favour of protecting our industries in order to enable them to sell these things outside at a lower price than is possible for us to get it in our own country. My anxiety and the anxiety, I am sure, of every consumer is and ought to be to see that he is assured of the supply of all those materials and goods, which are absolutely essential for a civilised existence, by manufacturers of his own country. It is not to the interests of our consumer that he should go on providing so much

protection as to enable these manufacturers to go and sell in other countries and compete with other people and so on. It can add to our dignity, it can add to our economic status also, it may even help to raise the economic status of our own country, even the national income if we enable our industries to go and sell their goods abroad and compete with other industries. But that can be done, ought to be done, not, all the time, by having protection in order to protect for them the home market and thus extract as much as possible from our own consumers and then go into other countries and sell their goods at much less than the price for which they sell in the mother country itself. Therefore, I am anxious that we should become self-sufficing in regard to paper.

In these days of war no country wishes to depend on another country for the supply of newsprints or other kinds of paper or pulp or any of these things for the satisfaction of its own internal needs. We want newspapers, we want more and more paper to come into use with our people. In fact, we do not have as much of newspaper reading as we should have. And newspaper reading must become cheap, but before it can be made sufficiently cheap, necessarily there is a transition stage in which the consumer has got to put up with a certain amount of discomfort.....

An Honourable Member: make a sacrifice.

Prof. N. G. Ranga: a certain amount of sacrifice in order to achieve that object. I quite concede that and that is why we have had this duty till now.

The question is whether we should accept the proposal placed before us by the Government as against the recommendation of the Tariff Board, that there need be no protection for wood pulp in this country. On that I wish to say this. I am rather struck with the disparity in the price of one of the most important factors of production, that is, this pulp—the difference between bamboo pulp and grass pulp. We find in the summary of recommendations that the average price of bamboo is Rs. 17 per ton and the average price of grass is Rs. 35 per ton. Surely, those who depend upon bamboo pulp for the manufacture of their paper must be making enormous profits and getting a great leverage as compared to those who depend upon grass pulp alone. If both of them were to sell the same kind of paper at or about the same price, who is getting this particular profit? Those few people alone. How many mills do you have in this country? Very few. Are they anxious that the number of these mills should increase? No. Only recently we had a speech from the President of the Paper Manufacturers' Association at Calcutta deploring the fact that more paper mills are going to be started in this country.

Dr. P. N. Banerjee: We should not accept their view.

Prof. N. G. Ranga: I should have thought that once we have given protection we should welcome more and more mills being started in this country, more and more paper being produced in this country, and more and more competition between various mills so that the consumer will get the benefit and the Indian market, will become more and more self-sufficing. Instead of that, this is the patriotic attitude of the President

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of these Manufacturers who are so very anxious that we should continue to give them as much protection as they can get from Government! Therefore, I wish to make one suggestion. I cannot very well be a party to this proposal of Government that this protection should stop in regard to wood pulp. No. But, at the same time, I cannot very well agree with those who say that it should be extended for as long as the Tariff Board have suggested. Here, I would like to make a suggestion and that is that Government should give definite notice to these mills which are dependent for their manufacture on grass pulp, say, four years or three years or five years beyond which this protection will not be continued at all and within which these mills should make every possible effort to change over from the use of grass pulp to bamboo pulp. There is this particular difficulty that it is not available in the United Provinces, the Punjab and Bengal. They can certainly get it from Madras and Bombay. Bamboo is available in India. I do not suggest that bamboo should be imported into this country but, certainly, Indian mills must be patriotic enough to purchase Indian bamboo. There is some difference in the transport charges, I admit. It is for the manufacturing industry to come forward and make out a case as to the quantum of protection needed if paper is manufactured out of bamboo alone. They can certainly ask for it and nobody would object to it. I see no earthly reason why we should ask the consumers to depend indefinitely on protected paper which is to be manufactured out of grass which has got to be paid at Rs. 35 as against Rs. 17, which is the price for bamboo. My friend, Mr. Chettiar, has drawn my attention to one other practical difficulty and that is there are no transport facilities for bringing bamboo from inaccessible places to the very doors of these mills at reasonable prices. Therefore, it is for the Government to say within what time they would be prepared to provide all these facilities and place this bamboo from their own forests and other forests, which are inaccessible, at the disposal of the manufacturers. Up to that particular period, I am quite willing to have the protective duty extended,—not a day beyond.

Then, Sir, I come to another question. Are we quite sure that the prices are not being kept up in this country? My friend, Mr. Nauman, was saying that they are being controlled. That is bad. The Tariff Board states that the Chambers of Commerce and even importers have not objected to this protective duty. Why should the importers object to this as long as they find that the prices charged by our own manufacturers in this country, behind the tariff wall, are about the same at which they are prepared to sell their goods? Supposing the tariff wall is at say Rs. 20 and our people are prepared to sell their goods at 15, then the importers certainly have legitimate grievance against our own manufacturers and then they can go on clamouring that the tariff wall is too high but supposing our own producers, as is alleged here, are willing to sell at Rs. 19 or Rs. 19/8 and the foreign importers can bring their stuff only at Rs. 20, then there is not very much of a margin.

As regards competition, I do not think there is any more need to make any inquiry into that. The Tariff Board itself bears testimony to the fact that these people have succeeded in controlling prices. There may be something to be said in favour of putting down cut-throat competition amongst these people which may prove to be thoroughly uneconomic and

suicidal for the industry itself. As long as we are sure that competition is not so bad as to lead to the destruction of the industry itself, we should certainly welcome competition amongst these various mills but we find that there is not as much competition as there ought to be. One would think that the Tariff Board has a kind of power of attorney from the industry concerned and that it is not an impartial authority at all. They simply say: "We learn some more mills are going to be started and there are certain prospectuses issued by some other joint stock companies and so on. Therefore we think that in the very near future there is going to be competition and so we are right in coming to this conclusion that there is no fear of the consumers being fleeced". I am afraid this is going rather out of the way. I think there is a good case made out that steps should be taken to see that proper competition is allowed to have its free play and prices are sought to be kept down as low as possible, leaving, of course, the possibility of these mills making reasonable profits and thus to protect the interests of the consumers of this country.

Then, Sir, about the Indian Forest Research Bureau. They want Rs. 12,000. They have not been able to get that. These industrialists were expected to make donations. What donations did they make? They were keen in making as much profit for themselves as possible but when it came to paying for research, which would in course of time benefit themselves, they were very niggardly. They said that they were going to have their own research. Their research establishments are only in name. Even their names are not given. If this is so, I say they are pursuing a short-sighted policy and my friend, Dr. Banerjea, also agrees with me. We have got to insure ourselves against that short-sightedness, A suggestion is made here and that suggestion is that there should be a cess of four annas per ton of pulp levied upon all the stuff that these people utilise or manufacture. That is a very small sum and even that the industrialists oppose. Government have not come forward with any definite suggestion. They simply say that this has got to be discussed later on. It is, I think, a mistake on the part of the Government. Government should, by themselves, have come forward with suitable proposals, if such a provision could not be made in this Bill itself. If the cess is levied, the money will be placed at the disposal of the Forest Research Institute for the purpose of carrying on the necessary researches into various aspects of the paper industry and the utilisation of our Indian raw materials with a view to make India self-sufficing in regard to paper in the shortest possible time.

Then, Sir, I come to labour conditions and the personnel of the industry. The Tariff Board is talking about the Indianisation of the staff. But no information is provided in this report as to whether the industrialists are Indians or foreigners. We should like to know to what extent they are foreigners and how many of them are Indians. What is the total amount of foreign capital, what is the proportion of foreign capital in this particular industry and of Indian capital? There is no information given. I think this Tariff Board should have taken the trouble to provide us with that information. Anyhow, I hope the Government will vouchsafe some information in regard to that. Here it is stated that more and more progress is being made with Indianization.

An Honourable Member: That was in the earlier report.

Prof. N. G. Ranga: Well, that was in the earlier report and if these people are saying that more and more progress is being made with Indianization of the staff, how is it that Government have given us no information about how many Indians there are in the total number of the superior staff and how many there were when the last Tariff Board conducted its inquiries? There is no such information given. I am afraid we are providing protection and getting all this from out of our own consumers for people who do not deserve it because they are not our own nationals. Therefore, Sir, the House has got to be very careful. It would be criminal on the part of Honourable Members.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is using very strong expressions. Honourable Members are free to vote or speak in any way, but they cannot describe that as "criminal".

Prof. N. G. Ranga: I am sorry—although it is not unparliamentary.

Mr. President (The Honourable Sir Abdur Rahim): It is certainly unparliamentary.

Prof. N. G. Ranga: If it is unparliamentary, I am extremely sorry.

It would be unfair on the part of Honourable Members to grow enthusiastic and put forward every suggestion for protection to a particular industry merely on the assumption that it is going to be for the protection of some Indian industry. There are industrialists and industrialists. They might all be in name "Indian industrialists". Even in the textile industry we found that my Honourable friend, Mr. James, was found supporting the textile industry, not because he was in love with our Bombay and Ahmedabad friends but because he was very much in love with Messrs. Harvey and others. So there are Europeans masquerading as Indian industrialists and we have got to be very careful.

Sir, I come now to the question of broken as well as whole rice. Sir, rice growers are all broken today. I wish to say this that full rice is also being imported into this country in larger quantities this year than during the corresponding months of last year and not only from Burma but also from other countries. So there is justification for a feeling on the part of our kisans that the price of rice is going down also because of these imports from countries other than Burma. It may be very small quantities but it is not the smallness or the largeness of the quantities at all that really settles the price that has got to be paid. My Honourable friend must have by now become an expert in economics even if he has not had economics for his honours. If my Honourable friend only remembers that small principle that is talked about by students of economics, the principle of marginal values, he will know that it is always the last bit that is sold that settles the price of all the smaller bits of a commodity that is placed on the market. Now, if the imported rice sells at so much lower price than the local rice, then that certainly settles the price of all the rice sold in this country or of as much as is accessible to the nearest markets; and as long as these small quantities are allowed to come into this country from countries other than Burma—I am leaving out of consideration for the time being Burma because we are still under this trade agreement with Burma—and if the price of rice cannot go up, then it would be impossible for rice growers in this country to produce any other

commodities in larger quantities than they are producing today. Sir, the rice growers are the largest number of people in this country engaged in agriculture or in fact in any industry. There are eighty million acres under rice, and these people are suffering very badly. Today there is the news about a man being committed to jail in the Central Provinces for having advocated a no-tax campaign there. Now why did he advocate it? Not because he thought they should not pay any tax but because kisans are not able to pay the tax. And why are they unable to pay the tax? They are unable to pay the tax because the prices of rice are so low as also the prices of other commodities. Therefore, I am extremely anxious that Government should consider this in a very serious manner and bring forward the necessary legislation both protective and otherwise in order to ensure for these people a good enough price at which it would be possible for them to avoid making the losses that they have been sustaining for the last nine years or even longer.

Then, coming to the question of magnesium chloride, that is a very curious article. It is utilised by other manufacturers; so it is a sort of key commodity for other manufactures,—and a very small item in their factors of production. Therefore, it is a flea-bite and these manufacturers do not mind at all what amount of protection is given to it.

An Honourable Member: Then why worry?

Prof. N. G. Ranga: Because it is a combination of robbers.

Mr. M. S. Aney (Berar: Non-Muhammadan): This is certainly more unparliamentary and worse than "criminal".

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member referred to any Members of this House as being robbers.

Prof. N. G. Ranga: Sir, the textile industry, which wants protection, cannot very well grudge protection for a side industry and the Chambers of Commerce, which want protection for so many industries, cannot very well grudge the extension of protection to another group of industries. This is a vicious circle: the Chambers of Commerce, the Merchants' Chamber, the textile industry, iron and steel, the whole of the Indian industrialists in this country are interested in providing as much protection as possible for themselves at the expense of the consumer. But the consumer is quite prepared to provide them as much protection as they really deserve and need. My Honourable friend, Dr. Sir Ziauddin Ahmad, has pointed out two very relevant factors. As a student of economics I am afraid there may be lots of things which I myself have not been able to understand even from a laborious study of these Tariff Boards' reports, Sir, how is it that these people want protection as against all outsiders, and who are the outsiders? The Japanese who may bring in their imports later on—it is all problematical, but yet our people go to Czechoslovakia and other countries, compete with Germany on her own terms and defeat Germany and are able to sell their commodities there. How is it possible? One thing must be happening. The internal price in India must be so high as to leave these people in possession of so much spare cash with which they go and finance their sales in other countries. It may be called dumping. If those people take objection to it, it is dumping but if they

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do not object to it, then it is not. At the same time, they want protection here but they do not want protection in Czechoslovakia and other places as against Germany. Then, why do they want protection in their own home market? We do not know.

It may be that the Tariff Board has thought it fit to ask for the further extension of this protection with some reductions and alterations. The Government also in their wisdom have thought it fit to extend it. But I want them to go into this thing more carefully than they seem to have done. I know that they have already considered it but I hope they will not think it beneath their dignity to go into it again from this point of view. Unless they go into it very carefully and see that those industries are provided with protection with only that much protection as is absolutely needed here in this country in order to satisfy our own markets as against foreign importers, they will be really making a free transference, a charitable transference of national income.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Where have you got these facts from?

Prof. N. G. Ranga: From the Tariff Board's report. I do not know whether my Honourable friend wants to imitate my Honourable friend, Dr. Sir Ziauddin Ahmad, by asking me to quote the paragraph and the page for everything that I say and then go on pouring himself on this paper. Let him take some trouble and go through it himself.

Sir Cowasji Jehangir: I have read it.

Prof. N. G. Ranga: Unless the Government take care to do that, they will be making a charitable transference of the national income of these poor consumers to the producers. It may be said that, after all, the Ahmedabad and Sholapur industrialists are so rich that they can certainly pay to a great extent. But they, in their turn, will ask the consumers to pay more for their cloth because of their incidental expenses which they have got to incur. They may not care at all as long as they are assured of a market in this country, but we, the consumers, pay for it. That is why I think it is the duty of the Government to go into these things from every point of view.

Sir, I have one more point and that is about the labour conditions. I am glad these Tariff Boards have tried to go into this particular question. But I do not think they have done justice to this particular study or they have studied it as carefully as they should have. Anyhow, one thing they say, that the conditions are improving. But in many cases conditions are not satisfactory. They themselves confess it. But they do not stipulate any conditions there, although they state that it is one of the objects kept in mind by the Fiscal Commission. They do not stipulate the condition that this protection should be granted only on the condition that certain prescribed minimum conditions of welfare, employment and wages are satisfied by these industrialists. Sir, there is a precedent for the demand I am making in the Australian protective system and also in the system that the State Railways themselves have developed here. The contractors on the railways have to satisfy certain minimum conditions of working, wages and other conditions. They have asked the General Managers to see that those conditions are satisfied. If that is so in regard

to the railways, where, after all, the contractors are not given any protection at the expense of anybody else except what they make in the course of their business, the justification for this particular stipulation in regard to this protected industry is very much greater. Therefore, I hope Government will take the earliest possible steps to see that these minimum conditions are stipulated in regard to these and other protected industries to which the consumers are expected to make such a contribution every year. So, Sir, on the whole, I support the main contention placed before the House by various speakers that these industries should be protected and the country should be enabled to become more and more self-sufficient in regard to these industries at the earliest possible moment.

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

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

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, there are three items of industry with respect to which the Tariff Board made its report,—with respect to sugar, with respect to wood pulp and paper and with respect to magnesium chloride. According to the Tariff Board report, all these three industries have sufficiently justified the protection that was afforded to them. The Tariff Board in each case has gone elaborately into the details, took evidence and the reports which it submitted along with the evidence in one or two cases have been placed in the hands of Honourable Members. One would naturally expect, if there is anything far wrong in the recommendations made by the Tariff Board, there would be need for the Government of India to differ from those conclusions the Tariff Board arrives at, for one moment that, whatever conclusions the Tariff Board arrives at, these conclusions ought to be adopted automatically. But, if, only for the purpose of interfering with the recommendations of the Tariff Board, some deduction is made, I object to it. I am sure, the Honourable Member in charge of the Bill must have had a lot of trouble and anxiety inside the Cabinet. I am sure, he would have fought very hard to maintain the recommendations of the Tariff Board. This is my own inference. I see the hand of the Honourable the Finance Member in the reduction made by the Government of India in the Bill which has been placed before the House for consideration.

Take the case of sugar industry: From Rs. 7-4-0, which is recommended by the Tariff Board, there is a reduction of eight annas sought to be made by the Government of India. When that matter is discussed, I shall try to place before the House as to how this is not going to affect either one way or the other, but for the satisfaction of reducing it and not standing by the report of the Tariff Board, there is nothing substantial in the reduction. There is no further justification for the reduction. Now, let me take wood pulp and paper. So far as paper is concerned, there is a reduction from 11 pies to nine pies. It is made of meticulous calculation as if the details of the works regarding the cost of production of pulp and the conversion thereafter from pulp into paper, as if all these can be weighed in the scale pan. Evidence was placed before the Tariff Board by three or four paper mills. There the cost of production given by one

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mill is not the same as that given by another. After all, in such matters, the Tariff Board can only come to rough and ready estimate. No doubt, if it is far beyond the mark, there is a case for interference by the Government. Even in the case of survey of the same area, there is some margin allowed, the margin being between five and ten per cent. If there is a similar margin, we ought not to stand in the way of the Government proposal, but the Government of India do not give sufficient reasons to interfere with the decision arrived at by the Tariff Board. So far as wood pulp is concerned, it is conversion from protective to revenue duty to which I shall refer more in detail. The justification of the Honourable Member is that the revenue duty is sufficient, so far as bamboo pulp is concerned.

Now, so far as magnesium chloride is concerned, from Rs. 1-5-0, the Tariff Board recommended a reduction to fifteen annas. The Government have sought to reduce it still further from fifteen annas to twelve annas. There is no reason given for this reduction, and we have to find ourselves the reasons set out in the order which came from the Government of India, the only reason given there being that they took into consideration freight charges. Therefore, they have concluded that there must be a reduction of at least half of seven annas which was taken into account by the Tariff Board. Therefore, I say, this is not a thing to be weighed in the scale pan, namely, the adverse effect of reduction of duty or the improper effect on the consumer if the protective duty, as recommended by the Tariff Board, is changed. It is not so much the reasons for the interference as the general policy which has been laid down from time to time by the Honourable the Finance Member for the benefit of the Assembly and the country at large that he is opposed to this protection, that he is a free trader and, therefore, before he goes out of the country, he would like to put his foot down on protection. Unfortunately, the Honourable the Commerce Member was not able to resist the influence or the overweighty influence of the Honourable the Finance Member. Otherwise, I do not find how the Government can come to a different conclusion. No doubt, it sometimes happens that on the same materials, two Courts come to different conclusions. If one Court, say the lower Court, comes to one conclusion on a certain set of materials, the appellate Court can come to a different conclusion on the same set of materials. I only bring this as an example. But there is not complete analogy. If there is interference by the appellate Court, the whole thing is sometimes modified. That is what has happened so far as this Resolution is concerned with respect to the three items for which protection is sought for. There is no difference in substance. The Government Resolution does not say there is material alteration; but, somehow, for the purpose of alteration, it has been done. Therefore, I am justified in saying that there is a hidden hand behind this apparent hand of the Commerce Member, the sponsor of the Bill.

Far from criticising the Tariff Board's constitution or the industries to whose help the Tariff Board has come, and legitimately too, on evidence placed before it, I should like to take this opportunity of congratulating all those industries on the magnificent manner in which they have justified the help that has been given to them, once in 1925, then, later on, and so on. They deserve every credit. So far as the Tariff Board is concerned nothing can be said against its constitution. There was a

European Chairman, there was a Muslim Member. These are all persons against whom nothing could be said. It could not be said they were inclined in favour of India. So far as their impartiality is concerned, it cannot be impeached. I, therefore, could see no justification for the Honourable the Commerce Member to depart from the conclusions which have been arrived at by the Tariff Board on the materials placed before them.

Let us now examine one or two objections that were raised with respect to the quantum of protection that was advised by the Tariff Board regarding several matters.

I will take wood pulp first. So far as that is concerned, it is not a question of the reduction of protective duty. The Honourable the Commerce Member has removed it from the category of protection and has imposed a revenue duty. I will come later to the quantum of revenue duty which is a different matter altogether. First, he has made up his mind that it is not a case which requires protection at all. I submit with great respect that his judgment is erroneous and the materials that have been placed, both before him and before the Tariff Board, do not warrant the removal of protection from wood pulp. The removal of protection from wood pulp would mean the removal of the pillars from this Chamber and asking the roof to stand. Wood pulp is really the primary material from which all paper is manufactured; and what is the justification for removing protection from this? Was there any evidence placed before him, either in the form of a recommendation of the Tariff Board or any other independent testimony, saying that protection is not any longer necessary for wood pulp? Not a single person, call him consumer or anything else, has come forward and said that protection is no longer necessary for it. There is absolutely no agitation of that kind. So far as wood pulp is concerned, the argument of the Honourable Member is that it is bamboo pulp and that the price of bamboo pulp has gone down. Today bamboo sells at Rs. 17 a ton. If the price of raw bamboo is Rs. 17 a ton, the cost of conversion into pulp comes to nearly Rs. 111 a ton as reported by the Tariff Board. As against this the cost of imported pulp is Rs. 120, and 25 per cent. of that, which is *ad valorem* duty, increases it by Rs. 30. So there is sufficient protection for grass pulp, the cost of which will come to Rs. 173. It is not enough to say that there is sufficient protection for bamboo pulp, and, therefore, he has removed the protective duty. The Honourable Member unfortunately has ignored the vital difference between protective duty and revenue duty. The same amount of duty, if it is called revenue duty, is intrinsically and inherently different from the same quantum of duty if it is protective duty. Now, what is the guarantee that the price of the imported pulp would remain at Rs. 120? It may go down. If it goes down to Rs. 100 or so, 25 per cent. of that will be Rs. 125, in which case there will be only a small margin. Or, it may go down further. So far as wood pulp is concerned, it is being manufactured in America, in Germany, in Scandinavia and in various other places. India is the only country which manufactures bamboo pulp, and India has to contend against various other countries with long experience which have almost become experts in this matter. You are now trying to calculate upon the present current prices. So far as Rs. 120 is concerned, it is not a single price; it is taken to be the average. I find in the report of the Tariff Board that the cost of the pulp is quoted as £8-13-9 in 1936-37, which comes to Rs. 115.

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Rs. 120 was taken to be the price which may come down, in which case the Honourable Member, by converting the protective duty into a revenue duty, has placed it beyond his control to increase the quantum of protection in case the price comes down. What is the justification for that?

My Honourable friend, Sir Ziauddin Ahmad, commented upon a statement of my Honourable friend, Mr. Bajoria, that his ancestors and he have been connected with this paper industry for nearly three generations, and he said that if in three generations the industry has not been able to stand on its own legs, it should be put down. But he has forgotten to note, in spite of his careful reading of books, that protection has been given to this industry only since 1925, though it might have been struggling through for nearly three generations. Fourteen years have passed and the industry has thoroughly justified itself. Let us see what was the price of bamboo in 1925 and how it has come down. I am talking of bamboo raw material. It was selling at Rs. 58, and then it came down to Rs. 35, and today it is Rs. 17. Bamboo is not a yearly crop; grass may be grown yearly, and that is the difference between grass and bamboo. There is all the difference between bamboo and wood, also regarding so many tons that are necessary as material for these mills, so as to avoid their being kept idle. Bamboo takes 25 years or 15 years to grow, and this industry, which was given a chance in 1925 by being given protection, has, in the course of 14 years, reduced the cost of raw material to Rs. 17. Then, let us come to the cost of conversion into pulp. It was estimated at Rs. 227 in 1925, it came down to Rs. 196 in 1931, and it was Rs. 111 in 1937. So, between 1931 and 1937, there is a reduction of Rs. 85 per ton. So, during the period of 14 years, there is a reduction in the cost of converting bamboo into pulp to the extent of Rs. 115 per ton, which is nearly 50 per cent. from Rs. 227 to Rs. 111. I do not know if the Honourable the Commerce Member, who is in charge of this portfolio, has examined the records of the various other industries. This is an industry which has justified itself much better than any other industry which has been given such a long protection as this. Therefore, the point now is this. It can be truly said by the Commerce Member that the industry has become stabilised now, and it no longer requires protection. Now, let us ascertain if the industry is able to stand on its own legs. The industry is able to produce bamboo pulps to the extent of 19,000 tons per year. But grass pulp is also produced to the extent of 11,000 tons per year, and there is imported material to the extent of 10,000 tons. In all, about 40 odd thousand tons are being consumed, year after year, of pulp in this country. So far as bamboo pulp is concerned, there is a progressive increase in the quantity of bamboo pulp that has been produced. It has risen from very small beginnings. From 8,000 tons in 1931-32, we are producing 19,281 tons in 1936-37. So far as grass pulp is concerned, it has increased from 9,000 tons to 11,000 tons. The imported material has decreased from 20,000 tons to 10,000 tons between 1931-32 and 1936-37. Therefore, bamboo pulp is increasing progressively, and grass pulp is also increasing. If protection is removed, grass pulp would be affected immediately. The imports of foreign pulp will go up again. Bamboo pulp is trying to take the place of imported wood pulp. The evidence taken clearly shows that, with all their effort, the several mills, which are now converting bamboo into pulp, are not able to produce more than 19,000 tons, but the authors of the report do not despair. They say, the capacity is nearly 90,000 tons, whereas they

are producing only 19,000 tons; and, if protection is extended by a further period of seven years, there is every chance that larger quantities of bamboo pulp will be manufactured in this country so as to drive out the foreign article absolutely from the market, or at least to see that more than five per cent. of the pulp does not come in by way of imports. Today, nearly 20 per cent. of the article comes in by way of import. They envisage a period within seven years when this imported pulp will go down, and there will be no need for the foreign article. I, therefore, submit, that this is not the time when the helping hand of protection should be withdrawn; the progress of the industry has been sufficient to stabilise it and, under this protection, only small quantities of pulp are imported. If that is so, is it at all advisable to withdraw it? If the protection is withdrawn, as the Honourable the Commerce Member has himself admitted, it will mean the death-knell of grass pulp in this country. The price of grass pulp is Rs. 173 a ton: with protection *ad valorem* 25 per cent., it will come to 120 plus 30, or 150 in all. There is still a deficit of 35 rupees; and, therefore, the cost of grass pulp would be much more to the extent of 23 rupees; and, at this rate, none of these mills can continue to use grass pulp, and grass pulp will, therefore, soon have to be substituted either by bamboo pulp or wood pulp. Bamboo pulp is being produced in sufficient quantities for consumption by the mills. In the near future, larger quantities of bamboo pulp may not be produced having regard to the fact that these mills which are now using grass pulp may be driven to the foreign market and use imported wood pulp. Is that the object of the Commerce Member? After all, the grass pulp industry is not small. It is 11,000 tons as against the 19,000 tons of bamboo pulp. Why does the Honourable the Commerce Member think that it is only bamboo pulp that has to be protected? Unfortunately, I believe there is a lurking mistake in his mind. That mistake might have arisen like this. In 1925, when protection was first given to this industry, the nomenclature of that Act was protection to the bamboo paper industry. They originally thought that bamboo would be the raw material of which paper could be manufactured, and, therefore, it was that industry that had to be protected. In 1927, and, again in 1931, when the Act was modified, the same nomenclature was used, and bamboo was the premier article that was converted into pulp, and it was expected that that alone could survive. But, after so many years of experience, we find, as the authors of the report say, it is not only bamboo, but grass also that must be taken as one of the ingredients to which protection should be granted to found a stable paper industry in this country. Let us not forget those passages in the report. If bamboo pulp has to be protected, grass pulp also has to be protected, as the industry depends on both. I would say, as the authors of the report say in paragraph 75, that protection ought not to be confined to bamboo pulp industry alone. They say:

"We would recommend that the nomenclature of the Act extending the period of protection to the industry should be changed. India Act No. VI of 1932 which follows the wording of Act No. XXV of 1925 and Act No. XX of 1927 is called the Bamboo Paper Industry (Protection) Act and the object is stated to be the fostering and development of the bamboo paper industry in British India. While we consider that the case for the protection of the industry depends mainly on the use of bamboo as raw material, we have recommended that grass and other indigenous material should be recognised as playing an important, if subsidiary, part in the development of the industry. We would therefore suggest that if our recommendation for the extension of protection to the industry is accepted, the amending Act to extend the period of protection be named the Paper Industry (Protection) Act and the object of the Act be declared to be the fostering and development of the

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use of indigenous material such as bamboo and grass in the manufacture of paper in India, so that grass may be recognised as an important ingredient in the manufacture of paper as both the Tariff Board of 1931 and ourselves have found."

Therefore, grass pulp is as good and as useful as the bamboo pulp itself, and if protection is to be given to the bamboo and grass pulp industry for a further period of seven years, the industry will, within that period, adjust itself, and no further protection may be necessary.

When my Honourable friend, Mr. Bajoria, was speaking, the Honourable the Commerce Member asked one question as to how protection for a further period of seven years would help the grass pulp industry to stand on its own legs. Mr. Bajoria answered that question to some extent. I will only say this: that it is not expected that grass pulp will continue for ever and ever at this price. Newer methods of converting are being explored and newer plant is being installed, and there is an indication in the report that, with better machinery, the cost of production of grass pulp may also go down. There is another thing also. Bamboo pulp may replace grass pulp in this country during a period of seven years, and there is every chance of the bamboo pulp industry growing to such an extraordinary height that the use of grass pulp may be abandoned. On the other hand, if protection is not continued, the bamboo pulp industry also will go to the wall, because we find that sooner or later the price of wood pulp may become lower than the price of bamboo pulp, in which case grass pulp producing mills may also go to the wall along with the others.

The Honourable Sir Muhammad Zafrullah Khan: That is not the finding of the Board. They find that the price of imported wood pulp is bound to go up.

Mr. M. Ananthasayanam Ayyangar: I would say that that is a temporary feature. No doubt, it went up in 1936-37. But attempts are being made in various countries to devise new methods, and it will go down. The bamboo pulp is a new industry and we are the pioneers in that industry, while others have been carrying on with the wood pulp for a number of years. Other countries are still carrying on experiments with wood pulp and, therefore, there is no indication that the price of wood pulp will go on increasing in years to come. There were rumours of war in the air, and there are other considerations also, and there is want of material; and though the price has gone up now, it will not continue to be so perpetually. There is one other matter. In Kashmir, the authors of the report think, there is every prospect of setting up a factory for the conversion of wood into pulp. If that comes into being, there will be no difficulty. We will have wood pulp also manufactured in this country at a cheap cost, and that will supplement the bamboo pulp. . . .

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): Have you been to Kashmir?

Mr. M. Ananthasayanam Ayyangar: The next time you talk of it, I will ask you whether you have gone to the north pole. It is not necessary that I should have gone to Kashmir—it is enough if I have read . . .

Mr. M. S. Aney: Whom are you addressing?

Mr. M. Ananthasayanam Ayyangar: I shall now address the Chair. My Honourable friend, who interrupted me, might have gone to the heights of Kailas. In Kashmir, they say it is possible to have a factory manufacturing wood pulp. Therefore, the cost of wood pulp may not go up though it has gone up temporarily. All these factors have to be taken into consideration. Perhaps if we also go in for large quantities of wood pulp, the prices in the world market may go down. The cost may be lessened with a larger output, so that larger profits may be obtained.

Sir, the mills are using both grass pulp and bamboo pulp. Two or three mills are exclusively depending upon grass pulp; thus, 3 P.M. four out of ten, during a period of all these 70 or 75 years, to a large extent are depending upon grass pulp. One factory is using 78 per cent. of the material from grass pulp, and others 58 per cent. Therefore, grass pulp must come in for protection as much as wood pulp, and there ought to be made no difference whatever in the amount of protection granted to these two materials. In a period of seven years, bamboo pulp is likely to grow enormously in this country, and it will, in course of time, take the place of grass pulp. Therefore, I think the Honourable the Commerce Member has not bestowed enough thought on this matter as to whether protection ought to be continued for pulp or not. He thought that revenue duty would be sufficient so far as bamboo pulp is concerned, and immediately he makes no difference whatever between the protective duty and revenue duties. This is a serious mistake, and, therefore, it ought to be rectified.

Then, Sir, so far as paper is concerned, the Honourable the Commerce Member said that the protection ought to be reduced from 11 pies to 9 pies. 11 pies is the duty recommended per ton by the authors of the Report. The Commerce Member said, there is a mistake in their calculation. I would request him to look once again at page 31 of their Report. My argument is this. The authors of the Report called for memoranda from the companies manufacturing paper asking them to submit to them the cost at works and the cost of conversion. At page 31, under table IX, their memoranda are printed. Their works cost of bleached pulp is Rs. 140; and the conversion cost is Rs. 140; that is this conversion cost, according to the memoranda submitted by them, is Rs. 140 exclusive of bleaching cost. That is to say, the works cost also is made to include bleaching cost, and it was calculated at Rs. 140. Now, so far as the works cost is concerned, the authors of the Report reduce it from Rs. 140 to Rs. 111 exclusive of bleaching, add Rs. 20 more as the cost of bleaching, and thus reduce the works cost from Rs. 140 to Rs. 131. That is the change they have made so far as the works cost is concerned. So far as conversion is concerned, they accepted the memoranda submitted by these companies, but the Tariff Board thought that they had made a mistake that Rs. 140 included the bleaching cost also. It is not so. They came to the conclusion on the memoranda submitted by the companies that Rs. 140 is the cost of conversion of bleached pulp into paper. That is an independent conclusion. They also wanted to support it by

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reference to a similar cost in the previous Tariff Board Report of 1931. It is no doubt true that a mistake was made there. All that I am submitting to the House is,—I will read this for the benefit of the House:

"We accept Rs. 140 as a reasonable estimate as the cost of conversion which is lower than the figure taken by the Tariff Board of 1931. We accept Rs. 140 as a reasonable figure."

Now, what does acceptance mean? Acceptance always means acceptance of a proposal or a statement made by some other person. Now, who is that other person earlier in the paragraph? The Companies, who manufacture paper and who submitted their memoranda, wherein they have said at page 31 that the conversion cost of bleached material is Rs. 140 per ton. Therefore, the authors of the Report say that they accept Rs. 140 as the cost of conversion by bleached material. This gets added support from this fact, because, in the earlier paragraph, they also say that the price of bleached pulp is Rs. 130. They divide the whole process into two portions. Whatever the authors of the Report of 1931 might have done, so far as the authors of this Report are concerned, they divide it into two portions,—(1) till the end of bleaching, and (2) after bleaching the conversion into paper. The authors of the Report of 1931 took it in a different way. They calculated the cost of bleaching pulp, and, then, in a separate heading, they calculated the cost of bleaching plus the conversion into paper. Today the authors of the Report say the cost of bleaching as the first process should be considered when calculating the works cost, and then start the question of the later process. With respect to the later process also, Rs. 140 was given as the cost for the industry. The authors of the Report reduced the earlier part of it from Rs. 140 to Rs. 131. That means, the bleached cost of pulp is Rs. 131 per ton. Now, I would ask the Honourable the Commerce Member to find from what stage we start. We start from the bleached pulp. Next is the process of conversion, and the cost is Rs. 140 as given by the authors of the memoranda, and that is accepted by the Tariff Board. What does that mean? They accept the statement that the cost of bleached portion is Rs. 140. They also incidentally say that the is lower than that other figure of Rs. 140. There they made a mistake. Let it not be said by the Commerce Member, whatever he may ultimately do, so far as the vote is concerned, he is making a mistake. It is not that the authors of the Report have made a small mistake. They don't use the argument of the previous Report as the basis of their conclusions. They took it from the memoranda submitted by these people. They wanted to reinforce their argument by reference to a previous Report, and then they came to a conclusion. Therefore, I say that, so far as this portion is concerned, there is no question of mathematics or anything here. It is clear that Rs. 140 is the cost of bleached portion. My friend might ask as to why when the cost of bleaching plus the cost of conversion is Rs. 140 in the previous Report; it could have developed to Rs. 140 in 1937 so far as the further conversion alone is concerned. I am answering that question also. During the last few years, better machinery has been installed and newer processes have been adopted in the conversion. The authors also refer to this. Still we are far behind in this industry in the world market. Even the Controller of Stores who purchases nearly 20 per cent. of our material says that our paper is improving and it is much cheaper than foreign paper. Therefore, Sir, I would, with very

great respect, ask the Commerce Member to review his ideas in the light of what I have said, and I would only request him to accept the memoranda as it is.

Sir, I shall now proceed from paper to magnesium chloride. So far as magnesium chloride is concerned, both my friends, Dr. Sir Ziauddin Ahmad and Prof. Ranga, thought that the consumer was affected. The consumer is not an abstract quantity. The consumer is definitely known. With respect to wheat and rice, we were the first people who demanded protection. My friend, Dr. Ziauddin, coming from the North wanted protection for wheat, and I, coming from the South, wanted protection for rice. Now, who are the consumers other than the producers? Therefore, it is not an abstract question but in each case it has to be considered as to who are the consumers and who are going to be adversely affected. Now, so far as magnesium chloride is concerned, only those people who have cloth mills are going to be affected. They use it in large quantities, and none of them has any objection. And who are we? So far as we are concerned, my friends have said that ultimately the cost will fall on the consumer. That is, if I wear the cloth for sizing the yarn, magnesium chloride is necessary, and what is the additional burden? It is 0.710 of a pie. Though I am a mathematics graduate, it takes a lot of time for me to find out all these meticulous things, whether it is one cloth or two cloths. If we make up our mind that we must avoid all protection, these industries must go to the wall and we must go to the foreign countries for even a pin or a needle. But if we have the interests of our country at heart, we must see that something is done for our industries. The point is this that the duty has been reduced from Rs. 1-5-0 to annas fifteen. But what about the freight charges? They have to be taken into account. It is not as if the whole thing can be weighed as if in vacuum. There are certain things which can be said and there are others which cannot be said. To some extent the quantum of protection must be based on sufficient material, but it cannot be as if it could be weighed in the scales. So far as this industry is concerned, it is idle to contend that the consumer suffers. Who is the consumer? The consumer is ready and willing to have such a burden upon himself. As a matter of fact, I do not know how far this information is correct,—some of these mills have an interest in this industry. I would ask the House to read this report a little more carefully. Magnesium chloride is a by-product of salt. Salt is being produced in this country. Till now, no by-product has been tapped, as the authors of the Report say. Various by-product industries could be started.

For the last six or seven years, the glass industry stood before the Government of India for protection. Every article, every raw material is produced in this country, only one single item, namely, soda ash was not available, and the Government have refused protection.* There are 130 factories in this country, and soda ash is a small thing which could be manufactured. In Kathiawar, they wanted to start a factory, but the Government could not give any helping hand. When any factory comes forward to manufacture these by-products, they want to kill it. I would say that exporting a small quantity of magnesium chloride is not a proper index of the state of the industry. If a small quantity is sent out to foreign countries, I would say that that should not be taken

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as an argument against protection. Therefore, even with respect to magnesium chloride the argument of the Commerce Member ought not to be accepted.

As regards silk, we do not know what the report is, and I want to protest against the manner in which these reports are placed before this House for consideration. I hope that at least with respect to silk the report will be made available as soon as possible to the House.

I would answer one of the objections raised by my Honourable friend, Dr. Ziauddin. He seems to be a free trader; he does not want any industry to progress in this country. We do not go by the nomenclatures as to what section we belong, to what economic school we belong. But we do want first to make this country self-sufficient in almost all the manufactured goods as far as possible. To that extent we have to put ourselves to some strain. After we produce all these articles in our own country, the question of distributing the wealth between one section and another may come in. Even now, it is open to Government to withdraw protection to some extent if protection is abused. I would also say that there are various methods by which excess profits may be taxed. It is open to Government to use those methods. It is one thing to say that no protection ought to be given. In that case we shall have to go on continuously exporting our raw materials to foreign countries and getting the manufactured goods, from a pin or a needle to an aeroplane, from those outside places. I have not been able to understand the view point of Dr. Ziauddin. Does he want that there should be no protection at all? Does he want us

Dr. Sir Ziauddin Ahmad: I want no protection where it is not needed and where the industry is paying a very heavy dividend. (Interruption.)

Mr. M. Ananthasayanam Ayyangar: I am glad that Dr. Ziauddin has tried to clarify the issue. He is not against protection in principle but in practice he is against protection. It is open always to him, being in a minority of one as against 144, to say, "Yes, in this case I do not want protection." I have heard my friend with patience. What are the grounds which he has produced for saying that the paper industry does not require protection? He says, though I am for protection in general, this does not want protection. This is like the story of the Pancha Pandavas. "How many were the Pancha Pandavas?" was the question asked. The reply was: "Like the legs of a *charpoy*, 3, showed two fingers, wrote down 1, and erased even that 1." The same is the case with my Honourable friend. There is no use showing lip sympathy. If protection is withdrawn from paper today, foreign paper will kill the industry. Merchants are merchants and businessmen are businessmen. (Interruption.) We can understand the difficulties of the industry. It is not that I should eat poison before I declare that poison will kill a man. My friend did not go into the question as to how 1 started, how 2 started. He started with the proposition that there is 1, there is 2. He started with the proposition that Newton's law of motion is accepted. It is not necessary for me to go up the roof of this hall and fall down to prove the gravitation theory of the law of Newton, and kill myself in the process. Newton's theory is taken as a basic thing. My Honourable

friend wants to get back to the Fiscal Commission of Noah's Ark period. The Fiscal Commission report has been torn to pieces. Possibly, my friend alone has got a copy of it. When the House will discuss the sugar industry protection, it will find that in Russia, while two million tons . . .

The President (The Honourable Sir Abdur Rahim): The Honourable Member had better leave that Bill alone. Let him confine himself to the Bill under discussion.

Mr. M. Ananthasayanam Ayyangar: I shall make no reference to it. I only want to refer to this that foreign countries have tried to protect their own industry. In a short period of five or ten years, each country has been trying to become self-sufficient absolutely. We alone shall be throwing open our doors, removing all shackles to trade, and importing every manufactured article,—from a pin or needle right up to an aeroplane. My friend must have been born in some other age when Karna was born, and not today. So I cannot follow him.

So far as my Honourable friend, Mr. Ranga, is concerned, I have no disagreement with him. If the industry is to be taken over by the State, let the State take it. So far as the capitalist system is concerned, human nature being what it is, naturally those in charge of an industry would try to make as much money as they can. So far as these industries are concerned, let the Government fix fair selling prices. They did so with respect to salt. When salt protection was given in Bengal, they fixed the fair selling price from year to year. Why should not such power be taken here? I should very much welcome with respect to each of these an independent Protection Act with a clause in regard to labour wages, fair selling price from time to time. We should see to it that these people do not exploit our willingness to give them protection, so far as industries are concerned. Of course we should not make a mountain of a molehill. When an industry is coming for protection, we should not raise the question of labour going to the wall. Then, the protection will go and labour will go. Both capital and labour are necessary. Labour is live capital, money is dead capital. Both are necessary. We should not lose our sense of proportion and make too much of either. Each has its own place. So far as this Bill is concerned, we cannot add a clause in regard to labour, because you, Sir, will rule it out of order, as being foreign to the scope of the Bill. Fortunately you have allowed us to refer to the subject. That is the way in which we are circumscribed. So, let us not stray away from the field.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already ranged all over the field.

Mr. M. Ananthasayanam Ayyangar: I have finished, Sir.

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 Assembly divided:

AYES—43.

Abdul Hamid, Khan Bahadur Sir.
Aikman, Mr. A.
Aiyar, Mr. T. S. Sankara.
Ayyar, Mr. N. M.
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.
Christie, Mr. W. H. J.
Clow, The Honourable Mr. A. G.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Greer, Mr. B. R. T.
Grigg, The Honourable Sir James.
Hardman, Mr. J. S.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.

Mackeown, Mr. J. A.
Maxwell, The Honourable Sir Reginald.
Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Pillai, Mr. N. R.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Zafrullah Khan, The Honourable Sir Muhammad.

NOES—67.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Chaliha, Mr. Kuladhar.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachalam.
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.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hearde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.

Laljee, Mr. Husenbhai Abdullabhai.
Mangal Singh, Sardar.
Manu Subedar, Mr.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Nauman, Mr. Muhammad.
Paliwal, Pandit Sri Krishna Dutta.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Raza Ali, Sir Syed.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Bahadur Nawab.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai.
Varma, Mr. B. B.
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

Mr. Muhammad Nauman: Sir, before I come to the Bill, I am so sorry for this incident which has happened and which only reminds me of a poetry line of late Sir Muhammad Iqbal reading in urdu as following:

*"Ye-dastoor zaban bundi hai kaisa taree mahfilmain,
Yehan bhee bat karnai ko tarasti hai zaban mari."*

Sir, this new practice of shutting up our tongues in the open Assembly by moving closer is surprising even in this place where everybody should have the right of free expression

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member withdraw what he said and apologize?

Mr. Muhammad Nauman: I was referring to the Opposition, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot comment on the proceedings of this House like that; he must withdraw it.

Mr. Muhammad Nauman: I withdraw, Sir.

Speaking on the Bill, Sir, I did not have any intention of detaining the House for any longer period, and it was not my desire to tire the House on a Bill which has been sufficiently discussed. I wanted just to give expression to certain things which I felt it necessary to do in the interest of my constituency who are consumers and in the interest of more information to the House, and it was for this reason that I wanted to use this chance of speaking upon the subject. I do not want to discuss the question of magnesium chloride, as the same subject has been fully dealt with by my Honourable friend, Sir Ziauddin Ahmad, and I only agree with the remarks that he has made in this connection. I do not think that the protective duty on an industry has any justification unless it is proved within a limited period that it has reached a point where consumers can expect better results out of the same. The position has been explained by Dr. Sir Ziauddin and requires no further exposition so far as magnesium chloride is concerned.

Now, Sir, I wanted to discuss particularly bamboo pulp and the protection to the paper industry. Before I come to my own arguments, we have seen that the case has not been made by the Tariff Board in favour of protection in such strong terms as would convince anybody of its necessity. On the one hand, the guiding star of the Tariff Board is the basis of protection. When a Tariff Board is set up, probably the members feel and think that it is the necessary duty of the members to advise some sort of protection or other. I may here point out that the whole question of taxation, direct and indirect, has probably become out-of-date in India and as my Honourable friend from Madras also just now suggested that the Fiscal Commission Report is out of date and should not have been taken into consideration.

An Honourable Member: But he wants more protection.

Mr. Muhammad Nauman: That is a different point of view that he wants more protection, but I am using only that part of his sentence in which he has said that the Fiscal Commission's report does not stand good for all the time. Government are always normally being guided by the Fiscal Commission's Report of 1922. Things have changed a lot since 1922, and I think the fiscal policies of a great many countries of the world have changed in the light of circumstances. Even the British Government have

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not got the same freedom in actions as they had in 1922. With the beginning of the responsible forms of Government in the provinces they have tried to give chance to the responsible members of Legislatures to do as they thought best and probably things are changing slowly and will change for all times to come, so as to keep pace with the demands of the time. In this connection, certainly the time has come when the taxation policy should have been revised in the interest of this country, as a whole and its industrialists, and its consumers. Sir, in the matter of protection, the Fiscal Commission Report made only three points. As Dr. Sir Ziauddin Ahmad also pointed out that Fiscal Commission Report stated that for an industry to justify protection, there must be three conditions satisfied:

- (1) that there should be an abundance of raw material,
- (2) that there must be a good home market for consumption, and
- (3) that the industry should be able to stand on its own legs within a comparatively short period.

That last point is very necessary, viz., that protection is not to be given to an industry for ages together, for centuries together, and if there be no time limit it is something which at least I cannot understand. The Fiscal Commission did not consider the philosophy of protection in the wider sense. Actually, protection is given to develop an industry to an extent that might repay the general public, the consumers, in the form of employment, lower prices and other advantages within a certain limit of time. Unless this is the point of view, unless this be the ultimate aim, there can be no sense in giving protection to any industry whatsoever. I do not want to comment on the personnel of the Board at all, as my friend, Sir Ziauddin Ahmad, has done, but I think the Tariff Board should be a permanent body, which should continue to examine the position of the industries from time to time, those under protection and even those industries which are not under protection. That permanent body would be able to get the market reports of the industries under different conditions under which the different industries, protected and non-protected, are working and will be able to compare those with other industries of the different parts of the world, and, in that way, would be of substantial help to the industrialists, to the consumers and to the country all around. As regards the consumers' contribution towards the development of these industries, it is very reasonable that they should be given opportunities of being benefited when the industries have developed to a point when such protection might not be very necessary.

Now, Sir, as regards the protection on the paper industry, it has been placed before the House by my Honourable friends that it has made great development and does not require protection for existence. This statement has been borne out by the market value of these shares referred to by Sir Ziauddin Ahmad, for example, two of the paper mills, Tittaghur Paper Mills and Bengal paper mills, whose share values have gone up three times and which in one case has paid profits to the extent of about 19 per cent. I know most of these paper mills are being managed with a very top-heavy administration and expensive arrangements under European managing agents, but still they are in a position to pay high dividends, and protection is being given to them at a time when they had developed their resources to an extent that they can probably compete in the open market with other papers which are being imported or may be imported into this country. In

the interests of the industry itself, it is necessary that opportunities should be given to the industry for healthy competition in the open market of the world. If you nurse a child to an advanced age, he will never be able to learn to stand on his own legs. If you carry the baby in your arms up to an age when he should not have been so carried, he will never have the strength to stand on his own legs and to have confidence to take up the responsibilities and measure his physical capacities. How long can these industries be carried in arms and maintained artificially only on the basis of protection? Protections are given for the sake of a certain benefit for a certain length of time, so that during this period the industrialists may be able to increase their resources and develop their conditions of economic working and be in a position to compete not only in the home market, but also with the industries of the world. Unless the industries are able to take responsibilities and to stand the competition of the world, I think it would be very unfortunate and it would probably be a sort of a slur on India herself that we cannot bring our industries to a level when they are able to compete with the other markets of the world in any reasonable speculation of "future". What should be chief aims of our industries? Not only to cater to the needs of India, but to cater to the need of the world as much as we can. If Japan or England or Germany would have only developed their industries to cater to their own needs probably they would not have occupied the same position amongst the nations of the world as they do today. When we think of developing our cotton industry or the paper industry or any other industry in the world, we certainly think that our ultimate aim is to compete in the world market on economic grounds of mass production and at parity of prices. If we cannot bring our productions on those systems and on those rates on which other countries are working, with certain advantages or disadvantages that we may have, I think all these protections are not of much value. Whatever developments we make by the help of protective duties are a sort of contributions being made by the consumers to a certain industry. I agree that we give opportunities to our labour for employment, but at the same time the ultimate end must be that we should be able to compete in the world market on parity of prices.

Now, Sir, with regard to this particular industry of paper, we find that the prices which are quoted in the foreign markets and the prices for the ordinary class of paper which are quoted in the Indian market, even without the protective duties, would be such as to enable our industries to exist and to exist fairly well. It may be that the industries may find some amount of difficulty in earning that amount of profit which they have been getting, but then that may give them a little more impetus and they may probably improve their industries in a manner that they may be able to compete in other markets as well. Now, Sir, my Honourable friend from Madras was criticising the question, whether the protection is abused or not. My Honourable friend, Dr. Sir Ziauddin Ahmad, said in his speech that they are abused in some cases, and my information is that they are being abused in the case of this paper industry. These paper mills made a sort of combination amongst themselves in 1937 to control the prices in a way which were not in the interests of the country. Prices were controlled. In a way that would give them a profit which is far higher than the profits of the other industries in that particular period. I hope my Honourable friend from Madras does realise that it is absolutely necessary that no protection should be abused, and although he has said that there should be a Central control by mutual understanding, I do not really know what he

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means. So long as Government have not got any organisation and proper machinery to control the prices, I think it is absolutely necessary that the protective duties should be reduced and should be reduced to an extent where it can allow the industries to exist in a fairly better manner, but would not give them an opportunity to earn heavier profits than they should have earned in the ordinary course of events.

Now, Sir, it was also stated on the floor of the House that the history of the paper industry is that it was first established in this country in 1871. It is more than 60 years, and we have not been able to compete in the world market without some sort of protection even for catering the requirements in India. As Dr. Sir Ziauddin Ahmad pointed out, in 1925 the Tariff Board recommended a protection of 15 per cent., and then it was brought to 20 per cent., and then to 25 per cent. If with all these protective duties the paper industry has not been able to compete in the open market of the world on the basis of parity of prices, I do not see any reason why that protection should be continued for unlimited time. This was the very argument which I used some years ago—I think it was, in 1935—on the question of the reduction of duty on the export of raw hides and skins. The hides and skins, in order to develop the tanning industry, were given a protective export duty of about 15 per cent. That duty was maintained for about 16 or 18 years. In spite of all that, what we noticed was that the tanning industry of India did not improve except to the extent that they were able to produce half-tanned leather and export them in turn in that condition to England and other Continental countries. Now that those protective duties have been removed, the tanning industry has not suffered at all, because the fact of the matter is that they were nursed for nothing at all. They never required that nursing and probably they abused the protection that was given to them. The real idea of giving protection to that industry was that the leather industry in this country should be developed to an extent that it will not only be able to cater to the needs of this country but will also be able to compete in other markets of the world on the world's parity prices. This did not happen. So far as the paper industry is concerned, I do not say that things are as bad at all. The paper industries have made a headway. They have developed their conditions to such an extent that the general impression is that they can exist fairly well without any protection in this country. Whether they can as yet compete with other countries on the world parity prices or not is a matter on which I cannot express any opinion.

My Honourable friend, Babu Baijnath Bajoria, would probably enlighten the House whether the paper produced in India could compete in the European market at world parity prices or not. He has also said on the floor of the House that papers required for newspapers are not produced yet in this country. I know that particular variety is not protected, bamboo pulp is protected, and, probably, for preparing paper for newspapers, that pulp is not necessary. However in spite of the protection we are giving to the paper industry, I do not know why it is not possible to produce that paper yet. Taking the Tariff Board, I find that their recommendations are also based on more or less the easy ground that they have not made out a case when they say:

"We have further considered whether this rate of duty should be the same for all kinds of imported pulp. There is some variation between the prices of different kinds of pulp, but there would be custom and administrative difficulties if different rates of duty were imposed."

The Tariff Board also were not convinced whether all sorts of pulps should be given the same amount of protection or there should be differentiation. Owing to difficulties in custom administration, they say there should be the same rate of duty.

In conclusion, I wish to say there has been some mistake made in the recommendation of the protective duties on bamboo pulp. The fundamental mistake which the Tariff Board made in the calculation of protective duties, as pointed out by my Honourable friend, Dr. Sir Ziauddin Ahmad, is that while the paper mills are making a reasonable amount of profit no mention of that fact has been made. Under the circumstances it would not be in the interest of the country to continue that protective duty. It will only help the paper mills to make huge profits at the expense of the consumers. Only that much of protective duty should be allowed as would enable the industry to exist in a condition in which it can develop later on, and show prospects of becoming a national asset in near future. With these few observations I take my seat.

Sri K. B. Jinaraja Hegde (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, till now we were told about paper, bamboo pulp, magnesium chloride, etc., I feel that the poor rice which is the staple food of this country is neglected. I was very much disappointed to see the Second Tariff Amendment Bill because the Honourable the Commerce Member was not kind enough to introduce a higher protective duty on rice. Yesterday our Deputy Leader said that wheat was the concern of the Punjab and, therefore, it immediately got protection, unfortunately rice was not in the good books of the Central Government and that was why this step-motherly treatment was given to it. In the matter of rice import the Central Government had dealt with it in an irresponsible manner and this has led to great disappointment and there is nothing short of poverty and disease in all those provinces where rice is grown. It should be remembered that more than 90 per cent. of the population of India entirely depends upon agriculture and out of this 90 per cent., more than 60 per cent. are rice growers and rice eaters. In spite of this no notice has been taken, so far, to protect the Indian rice against imported foreign rice. The worst sufferer in this respect is my province, the Madras Presidency, next comes Bengal and the third is Bombay. The chief agricultural produce in Madras is rice, that is the staple food of the people. The chief source of revenue in the Madras Presidency is land revenue and these rice growers pay to the extent of six crores as land revenue to Madras Government. This high assessment was fixed some years ago when rice was being sold at nearly double the price at which it is sold today. The calculation of land revenue is also peculiar to the Madras Presidency. It may be remembered that it is the *ryotwari* system that is prevailing in the greater part of the Madras Presidency according to which 50 per cent. of the net income from land is taken as land revenue. As a matter of fact, in practice, it is found that nearly 75 per cent. goes towards land tax. What is left to the tenant is only 25 per cent. of the net produce of the land. To take a concrete example, take a small family consisting of only five members owning about ten acres of land. In the present conditions in the Madras Presidency it comes to this. On ten acres of land he has to pay nearly Rs. 100 assessment annually. According to Government calculation the net income out of ten acres is about Rs. 100. This small family consisting of five members earns only Rs. 100 in the course of the

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year which comes to Rs. 20 per head. That is the state of agriculture in the Madras Presidency. Now, if it happens that these ten acres are being cultivated under a land'lord, then in the generality of cases it is found that 60 per cent. of tenant's net income goes to the landlord and about 40 per cent. is left to the tenant. Therefore, if it is a tenant family having five members cultivating these ten acres, it is found these days that he is not able to earn more than Rs. 20 or 25 by his agriculture. Under these circumstances both the landowners and the tenants in the Madras Presidency have suffered a good deal on account of the import of foreign rice.

It is found from the figures of import, Madras has the largest share and it is also found on account of this import since the year 1929-30, the value of rice has fallen by half, and, consequently, the landowners as well as the tenants are today steeped in debts. Some Members of this House must be aware that recently the Madras Government was obliged to pass a Debt Relief Act by which it is enacted that after paying interest amounting to twice the principal amount, the principal itself is wiped off. During that enactment it was found that in course of 50 years the agricultural debt in the Madras Presidency increased from 80 crores to 210 crores. It was also found that the debt of these agriculturists increased particularly after the year 1929-30 and that was directly due to the fall in price of rice. Now, coming to the figures of import of foreign rice we see that the total import of rice in 1926-27,—I am taking paddy and rice together and two tons of paddy is taken as equal to one ton of rice,—was only 386 tons. In five years, that is in 1931-32, this import increased to 22,452 tons. In another five years, i.e., in 1936-37, it went up to 48,996 tons. In 1937-38, i.e., even after levying this so-called protective duty the import was 12,16,069 tons; whereas the import of wheat during the year 1935-36 was only 9,590 tons. And in the year 1937-38, the total import of rice alone is found to be the highest and it is 11,98,063 tons. The share of Madras in this import came to 6,80,221 tons, and the total value of this rice that was imported in 1937-38 in Madras alone came to Rs. 6 crores and odd. The twelve annas duty on broken rice, we find, has been totally ineffective, because in the year 1937-38 out of 11,98,063 tons of imported rice 11,97,734 tons came from Burma alone and only 229 tons came from Siam and other places. Therefore, it has been found that this twelve annas duty on imported rice has been totally ineffective. And, furthermore, the duty is only on broken rice, as if the merchants cannot import whole rice or paddy and convert it into broken rice. It has been argued that because this broken rice was found competing with the low quality of Indian rice a duty of twelve annas was put so that the low quality of Indian rice might get better price in the market; but, in practice, it has been found that this has been totally ineffective inasmuch as no tax worth the name has been put on Burma's export of rice into this country. We have been told that the Madras Government have been making representations, time and again, to the Central Government to put some duty so that the agriculturists in the Madras Presidency might be able to pay the land tax and earn their livelihood, but the Central Government have been giving a deaf ear all these years. It was not only on this question but it was also on the question of imports of copra from Ceylon. We discussed this question some days back. These two indigenous products of the Madras Presidency have suffered badly,—copra on account of import

of Ceylon copra and rice on account of the import of Burma rice. No step has been taken by the Central Government to save these two products of the Madras Presidency. I may not be wrong when I say that after the Congress has accepted office in the different provinces the Central Government have not been favouring any of their recommendations. On the other hand it may even be said that they are treating them on inimical terms and the Congress Governments have been getting nothing short of step-motherly treatment. Whenever we put questions here they are either evasively answered or we are told that the matter is secret and confidential and could not be disclosed in public interest. Therefore, in these days of so-called semi-responsible Governments in the provinces who are responsible directly to the agriculturists and to the common people of the land and this irresponsible Central Government, the life of the agriculturists in this country is becoming very precarious.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

It has been found clearly that the Central Government take very little interest in and very little care of agriculturists. Whenever any questions arise the agriculturists are asked to address their grievances to their own Provincial Governments who, on their part, plead inability to do anything in this respect. When I look into these tariff manipulations of the Central Government and the irresponsible manner in which these manipulations are carried on, it is more than clear that these manipulations are managed to create a better market for British goods either in Burma or Ceylon and not to offer a good market for our goods in this country. Therefore, I feel that this Bill deserves no respect from our Party and it should be rejected.

The Honourable Sir Muhammad Zafrullah Khan: Sir, a complaint has been made by several Honourable Members that the three reports on the sugar industry, magnesium chloride and paper and pulp were not made available to Honourable Members in time for them to carry out a detailed examination of the recommendations and the evidence on which the recommendations were based. I confess that there may be something in that complaint in the sense that within the space of a very few days Honourable Members have been called upon to study these reports and to make up their minds with regard to the recommendations contained therein and the action that Government propose to take on the basis of those recommendations and I assure them that if it had been possible to afford them longer time for the study of these reports, that would certainly have been done. It is due to a combination of a variety of circumstances that Honourable Members have been given less time than under normal circumstances should have been the case. I assure them further that on future occasions Government will make every effort, if it is at all possible, to give them longer time for consideration. It just happens that at the end of the last financial year the duties in respect of so many of the protected industries. . .

Mr. S. Satyamurti: May I ask my Honourable friend one question? May I know what is the difficulty on the part of Government in publishing these reports, as opposed or contrasted with their own conclusions on the recommendations in the reports?

The Honourable Sir Muhammad Zafrullah Khan: That matter has been discussed often during the question hour between the Honourable Member who has put this question to me and myself. That is a large question on which I am not able to make any statement this afternoon. But I was trying to explain that one of the factors in the situation this year has been that Government were bound to take action of some sort or the other at the end of the last financial year with regard to several of these industries and that made it necessary to bring so many matters together before the Legislature. If it had been possible to place these reports and a summary of Government's conclusions thereon before the House earlier, that would have been done; but I am afraid in any case it would not have been possible to postpone the consideration of the legislative measures based thereon.

Another matter, stressed by Mr. Satyamurti and referred to by other Honourable Members, was the setting up of a permanent Tariff Board. I am not in a position to go into this matter at this stage in any detail, but I am free to confess that there is something in that suggestion and that suggestion is being examined by Government.

Then, Mr. Satyamurti complained that there was one Bill dealing with so many matters—broken rice, magnesium chloride, pulp, paper, silk and silk goods: what possible relation can any of these articles have to any of the others? As a matter of fact this is only a drafting arrangement. All these items are dealt with in one Tariff Act and, therefore, it was considered that one Tariff Bill should contain all the proposals with regard to the amendment of that Act. I do not think any confusion has resulted from that arrangement being adopted.

The first matter that Mr. Satyamurti criticised and several other Members have drawn attention to, is the position with regard to broken rice. Here, the greater part of the criticism was directed not towards what is proposed to be done by this Bill, but towards what has been omitted, if I may so put it. So far as the continuation of the duty on broken rice is concerned, Honourable Members have no objection to it; but some of them have pointed out that there is a large import of rice from Burma which in their view, at any rate, depresses the price of rice in India, and that something ought to be done about it. That matter was gone into in very great detail when the question of terminating the Indo-Burma Trade Regulation Order was discussed in this House. That really has no connection whatever with the duty on broken rice. The duty on broken rice was imposed in order to stop the imports of broken rice from Siam and Indo-China inasmuch as though in those countries it was only a by-product of the rice industry, it was beginning to compete here actively with our rice and in that respect the duty has been entirely effective. One Honourable Member said "True: this duty has had the effect of stopping imports of broken rice from those countries; but it has not succeeded in raising the price of rice, and though there was some rise in the price when the duty was first imposed, subsequently prices have gone down." I have tried to explain on other occasions, particularly when the question of imposing or raising the import duty upon wheat has been under consideration, that though an import duty might reduce or altogether stop the imports of the commodity upon which it is levied, it may or may not result in raising internal prices, that is to say, it would not necessarily result in raising prices, and that it is a fallacy to assume that the quantum of the duty is the degree by which prices would rise as the result of the duty being imposed. All that a duty of that kind can do is to

reduce imports or stop them altogether; and if as a result of that, prices do rise, to that extent relief is afforded to the cultivator in the matter of prices also. But they may not rise. That would depend upon the internal supply and demand and factors operating in respect thereof. Therefore, if this duty has operated to keep out the imports of broken rice from the countries from which they were coming when this duty was imposed, then it has been completely effective. . . .

Prof. N. G. Ranga: What about the imports of rice from countries other than Burma?

The Honourable Sir Muhammad Zafrullah Khan: There is very little, as the Honourable Member himself admitted. One Honourable Member speaking on the other side, I think, gave the quantity in the last year from Siam as 229 tons. It is almost negligible. As I was saying, the duty has been completely effective. Government propose to continue the duty for another year and I really do not see what criticism can validly be levelled against this proposal contained in the Bill. The last speaker speaking on behalf of the Madras Province said the position was so bad that this Bill ought to be rejected altogether. That means the duty on broken rice ought to be discontinued. I do not know by what process of reasoning he has arrived at that conclusion. But I do assure him that if his suggestion were adopted the position of the rice cultivator in Madras would be very much worse than it is at present.

Then, with regard to Government's decision to reduce the duty on magnesium chloride from 15 annas a cwt., as recommended by the Tariff Board, to 12 annas a cwt. as is prescribed in the Bill, a good deal of criticism was offered, and it was said that there was really no justification for Government reducing the duty from 15 annas to 12 annas. My attention was drawn to page 13 of the last Tariff Board's report, and somehow it was argued that what was said there was sufficient refutation of what I had said in support of Government's decision. This is what the Board say there.

"As regards the Ahmedabad market, the Tariff Board of 1929 noted that the Indian product enjoyed a freight advantage which however it did not consider it necessary to take into account for the reasons given in paragraph 13 of its Report."

I shall presently revert to paragraph 13 of that Report and show that those reasons are no longer operative, and that if they are no longer operative then the freight advantage should have been taken into account subject to what is said further on in this paragraph. I am reading now from the 1938 Report:

"Since then the position has been altered owing to the facility of importing magnesium chloride through Kathiawar ports. During 1936 and 1937 the price realised by the Company was the same as in Bombay, though in previous years it was generally 1 to 2 annas a cwt. higher."

From this, Sir Cowasji Jehangir drew the conclusion that there was now a freight disadvantage of one to two annas per cwt. He used the expression ton, but I believe he meant a cwt. Nothing of the kind is suggested by the Board here. They have given an indication that though previously the price realised in Ahmedabad used to be one to two annas a cwt. higher, during the last year or two it has been the same as in Bombay:

"We think, therefore, we may leave out of account any question of freight advantage or disadvantage and base our calculations on the amount of protection required on the prices of delivery at Bombay"

Sir Cowasji Jehangir: May I make a personal explanation, Sir. I did not draw that inference only from the report, but I said that as a matter of fact the imported article had an advantage over the home made article by two annas a cwt. due to the imported article being imported into India and Ahmedabad through Kathiawar ports.

The Honourable Sir Muhammad Zafrullah Khan: That was the Honourable Member's argument, but I believe one of the considerations that he thought supported him in that argument was this consideration mentioned by the Board. Now, I may draw the attention of the House to paragraph 13 of the 1929 Report. I am reading now from the top of page 11 of that Report:

"The difference between these figures (3 annas 8 pies) represents the amount by which our fair selling price might theoretically be reduced at Ahmedabad. It would then stand at Rs. 3-0-10. The price of imported magnesium chloride delivered at mill at Ahmedabad is Rs. 3-11-0 per cwt. on the basis of a c.i.f. price at Orma of £3-19-0 per 1,000 kilos. The Indian product, therefore, enjoys an advantage of 10 annas 2 pies per cwt. at Ahmedabad. This advantage, however, is somewhat illusory."

And now the Board give the reason why they think that this or the greater part of it should not be taken into account:

"Indian magnesium chloride is of a greyish colour while the imported article is white. Millowners at Ahmedabad take advantage of this to offer a lower price for the Indian product."

Meaning thereby that there is a difference in quality between the imported article and the indigenous article:

"Moreover, the importance of maintaining output and so reducing costs, places the Pioneer Magnesia Works in an unfavourable position in negotiating sales to the mills enabling the latter to bargain for Bombay prices. Actually the company has received on an average seven annas per cwt. less than the import price of foreign magnesium chloride at Ahmedabad would justify."

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

Out of Rs. 0-10-2 freight advantage which the Board stated was enjoyed by the Indian article at Ahmedabad, they say that seven annas per cwt. is accounted for by the difference in quality. They say that the remaining might be taken into account which comes to Rs. 0-3-2:

"The advantage of the Indian industry is thus reduced to three annas two pies per cwt. and on the assumption that one third of the Company's output is sold elsewhere than in Bombay, it would be possible to reduce our fair selling price by about 1 anna to Rs. 3-3-6. This will make little difference to our proposals, and it is doubtful whether with the recent reduction in c.i.f. price Bombay from £4-19-0 to £3-19-0 even this advantage will remain. We prefer, therefore, in framing our proposals to leave it out of account."

So it comes to this. The reasons given in paragraph 13 and to which the Board of 1938 have referred are, that though there is a freight advantage of Rs. 0-10-2, seven annas out of it should be allowed for difference in quality, and the remaining is so small that it will make only a difference of one anna per cwt. and, therefore, that need not be taken into account. Now, let us see what has happened to the quality in the meantime. Does it stand where it stood then, or has there been any difference? In paragraph 9 of their Report, the 1938 Board deal with this question. They say:

"We have next to consider whether any allowance should be made for difference in quality between the Indian product and the foreign product with which it competes. In 1929, Indian magnesium chloride was greyish in colour and for this reason was regarded as inferior to the whiter imported article and commanded a lower price,

estimated by the Tariff Board to average seven annas a cwt. The position is now changed. Improvements in the processes of manufacture have enabled the Pioneer Magnesia Works Company to produce magnesium chloride which is claimed to be equal in colour and in all other respects to the imported article. This claim to improvement is justified by the fact that the Company is also able to compete on equal terms with the German or French magnesium chloride in countries to which Germany and France export such as Holland and Czechoslovakia, leaving out of account the United Kingdom, where the Indian product enjoys a measure of preference."

That being so, there has been an improvement between the time that the 1929 Board reported and the time that the 1938 Board reported, in the quality of the Indian product which would have justified a reduction of seven annas per cwt. all over. On that ground alone this reduction of three annas per cwt. might be more than amply justified.

I shall now come to the figures which Sir Cowasji Jehangir was kind enough to supply. He said the total production was 6,800 tons, but the detailed figures which he gave, when added up, came to 7,000 tons. We shall assume the total figure to be 7,000 tons. Out of this Sir Cowasji Jehangir said, Bombay proper consumes 1,500 tons. In respect of that the full allowance of $7\frac{1}{2}$ annas per cwt. would be justified. Then, he says, the 2,100 tons are consumed in Central India, the Central Provinces and the Deccan. I do not know how Sir Cowasji would apportion it. Let us say 1,300 tons for Central India and Central Provinces and 800 for the Deccan. Now, so far as the Central Provinces and Central India are concerned, if there is no freight advantage, at any rate, there will be no freight disadvantage. With regard to the Deccan, as the carriage would have to be *via* Bombay, in any case, one might assume that the full freight disadvantage might be allowed. That makes 1,500 tons for Bombay and 800 tons for the Deccan.

Sir Cowasji Jehangir: May I interrupt the Honourable Member. I stated those figures. I also added that the trade to Central Provinces and Central India, as a matter of fact, went through Bombay.

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether that assumption is correct. There is no reason to make that assumption.

Ahmedabad, 1,300 tons, if you import it through the Kathiawar ports, there would be, according to Sir Cowasji Jehangir, a freight disadvantage of one to two annas per cwt.; according to the Tariff Board of 1929 there would be a freight advantage. But let us assume for the purpose the figure given by Sir Cowasji Jehangir, one to two annas freight disadvantage, that is to say, on the average $1\frac{1}{2}$ annas freight disadvantage. At any rate there is a saving of six annas per cwt. as against the full freight disadvantage allowed by the Board. With regard to Madras, 500 tons; my friend said, as it went *via* Bombay this would also require the full allowance.

Sir Cowasji Jehangir: Madras, Cochin and Calicut.

The Honourable Sir Muhammad Zafrullah Khan: Yes. That makes up 1,500 plus 800 plus 500, or 2,800, for which full allowance should be made. The consignments to the United Provinces and Northern India, according to Sir Cowasji, enjoyed a certain amount of freight advantage. The figure of consumption was 800 tons, and if we estimate a freight advantage of say two annas per cwt. that would cancel out the freight disadvantage in

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respect of Ahmedabad. Then, Calcutta and other places—we are entitled to assume that as regards the “other places” there would be neither advantage nor disadvantage. Calcutta—500 tons—has a freight disadvantage. So that the total figure that we get with regard to freight disadvantage comes to about 3,300, roughly say 3,500, out of 7,000 tons, and, therefore, half the quantity does not suffer from any freight disadvantage.

Sir Cowasji Jehangir: How do you get it?

The Honourable Sir Muhammad Zafrullah Khan: Just as I have worked it out and have given the figures, and that is how I get, half the quantity suffers no freight disadvantage at all, and, therefore, it would be perfectly justifiable, apart from the difference in quality that has occurred in the meantime, to reduce the freight disadvantage by half. Government have reduced it only by 40 per cent. that disposes of the criticism that Government have acted purely arbitrarily. There are three factors which really ought to have been taken into consideration: one, the high allowance in respect of profits, eight per cent., which should not have been higher than six per cent., it would make a difference of just over nine pies per cwt. Secondly, an allowance in respect of freight disadvantage in respect of the whole of the product of the industry which would not be justified for more than 50 per cent. of the total Indian consumption. Government have allowed it in respect of 60 per cent. Then there is the improvement in quality in respect of which seven annas per cwt. were allowed by the 1929 Board and in respect of which nothing has been allowed by the 1938 Board.

Mr. S. Satyamurti: There is the reduction from Rs. 1-5-0 to 15 annas.

The Honourable Sir Muhammad Zafrullah Khan: That has been made on account of the reduction in costs of production, not on account of the improvement in quality. The cost of production of a cwt. of magnesium chloride is less by six annas than it was, making allowance for other factors also, in 1929, but no allowance has been made in respect of the improvement in quality. I submit that taking all these factors into consideration the deduction made by Government is not only amply justified but leaves a large margin to the protected industry.

With regard to paper, the first criticism was with regard to my statement that the 1925 and 1931 Boards had based their recommendations upon protection being granted to bamboo pulp and paper made from bamboo pulp, and Honourable Members made efforts to show from the reports of those two Boards that those two Tariff Boards had recommended protection for the grass mills also. Let me re-state the position that I took up when moving the previous Boards—the 1925 Board's in respect of paper and the 1931 Board's in respect of pulp as well as in respect of paper—were based upon figures relating to production from bamboo only. Their position was that the grass mills had not made out a case for protection, though they were entitled to enjoy the benefit of the protection which might be given to the bamboo mills. One of the proposals considered by the 1925 Board was, there being a case for protection, at any rate for an experimental period as they put it, for the bamboo product and no case having

been made out for the grass mills, would it not be better to grant protection by way of a bounty to the bamboo mills? One of the reasons that they gave for not recommending this course was that that would make too sharp a distinction and discrimination between the two kinds of mills and that it was better that, though protection was being granted on the basis of the bamboo production, whatever benefit the grass mills could derive from it, they should be permitted to enjoy. Let me pursue this matter a little further and show that I did not, in any way, over-state the position in my speech when moving for consideration. In this connection I may invite Honourable Member's attention to pages 84 and 86 of the 1925 Report. This is Chapter VI of the Report which sets out the Board's conclusions and recommendations:

“(1) The existing paper mills which use *sabai* grass do not satisfy the conditions laid down by the Fiscal Commission and their needs are therefore irrelevant in considering the claim to protection.”

Government have been charged, during the course of this debate, that they are withdrawing protection from grass mills. That is not the position. They were at no time granted protection in the ordinary sense.

Mr. S. Satyamurti: They have enjoyed it.

The Honourable Sir Muhammad Zafrullah Khan: They have enjoyed it and they continue to enjoy it under this scheme also in exactly the same way. The Honourable Member may shake his head, but that makes no difference to the position:

“There is, however, one locality in the north of India where the conditions are unusually favourable for the manufacture of paper from *sabai* grass for sale in the markets of Upper India, and a moderate amount of protection at the outset might facilitate the establishment of the industry there. Subject to this exception the claim to protection depends entirely on the possibility of manufacturing paper from bamboo.”

Then at page 85, paragraph 5:

“The matters on which further information is wanted are:

- (a) The cost at which bamboo can be delivered at the mill.
- (b) The extent to which the coal consumption can be reduced by using only the best coal.
- (c) The extent to which the cost of chemicals per ton of pulp and paper can be reduced either in the sulphite process or in the soda process with fractional digestion.”

In sub-para. (8) on the same page they say:

“The manufacture of pulp and paper from bamboo might in time become a very important industry in India, and the prospects are good enough to justify the grant of State assistance to the firms who are endeavouring to promote its development.”

Nothing about grass. Then in para. 133, on page 85 they say:

“It will be seen that we contemplate the grant of State assistance for a limited period in order that the possibilities of the manufacture of paper from bamboo may be fully explored. At the end of the period, Government would decide in the light of the information obtained, whether the industry should be protected and, if so, to what extent and by what means.”

that is to say, the manufacture of paper from bamboo. Then on page 93, in para. 144, they say:

“If the future of the Paper industry depends entirely on the use of bamboo, and *sabai* grass is likely to fall more and more into the background, the assistance required might naturally be given in a form which would encourage the use of the

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cheaper and more abundant material. Bamboo paper can be sold at present at an average net price of Rs. 513 a ton, and, if Rs. 560 a ton or a little more is the price which is considered fair and reasonable, the payment of a bounty of Rs. 50 on every ton of paper manufactured from bamboo, would secure the desired result."

Then, they proceed to examine this suggestion and come to the conclusion that the grass mills should also continue to enjoy whatever benefit they could derive from a protective duty imposed upon imports of foreign pulp which was based on calculations relating to bamboo pulp and had no reference to calculations based on manufacture from grass pulp. Then on page 100, para. 156, they say:

"It was no part of our object to adjust the scheme of protection so as to permit the grass mills to survive, and their disappearance would not ultimately endanger any important national interest. What the actual course of events may be it is difficult to forecast. It is possible, especially if the reconstruction scheme contemplated by the Directors of the Titaghur Company is approved, that the three mills in Bengal which use grass may still be working at the end of five years. It is not likely in any case that all will go under, for the closing down of one four-machine mill would make it much easier for the others to sell their output. We do not believe that in the long run the grass mills can hold their own in competition with bamboo paper, except in Upper India."

Stopping here, can it be contended that the Board were out to recommend protection for grass mills? They had even reconciled themselves to the view that their recommendations, inasmuch as they did not go far enough so far as the grass mills were concerned, would result in some of the grass mills shutting down and they said that would not be a loss of national importance. This also disposes of the allegation, it was more than an insinuation, made by more Honourable Members than one that a duty upon wheat was imposed quickly because I came from the Punjab and was subject to pressure from the Honourable Sir Sikandar Hyat Khan, the Premier of the Punjab, and that I was paying no attention to rice, because the province mainly concerned was Madras. These grass mills are situated in the Punjab and at Saharanpur in the United Provinces. If there had been any prejudice of that kind Honourable Members should have expected that I should be keen to extend protection to the grass mills and it could be done easily by accepting the recommendation of the Tariff Board. Now, let us see the attitude on this matter of the 1931 Board. In paragraph 76 of their report on page 77 they say:

"On the facts set out in the preceding paragraphs, we find that the existing supplies of *sabai* grass are insufficient to allow for an expansion of the Paper industry if based mainly on grass, that any extension of the output of paper composed chiefly of grass will make it more difficult for the industry to dispense with protection and that the Indian market will be unable to absorb larger quantities of such paper. Our examination of the evidence in this enquiry has confirmed the findings of the Tariff Board on the subject of *sabai* grass in 1925."

So they have carried the matter no further.

Then on page 92 they say:

"We have proposed in Chapter VI that a duty should be levied on imported wood pulp."

Later on they say:

"We, therefore, consider that the figure we have estimated viz., Rs. 186 should be regarded under present conditions as a reasonable estimate of the works cost of bamboo pulp. Commercial imported pulp is also sold on an air dry basis and the figure of Rs. 186 will therefore be the correct one to take for purposes of comparison."

Their recommendation of a duty of Rs. 45 per ton on imported pulp was based on this figure of Rs. 186 which they had to be the works cost of bamboo pulp. That again bears out my contention that the fixing of the duty by the 1931 Board was with reference to the works cost of bamboo pulp and that the fixing of the duty on this occasion also ought to be with reference to the works cost of bamboo pulp alone, though I said in my opening speech, and I repeat, that grass mills are welcome to the enjoyment of any protection that might be given to the bamboo mills and the Bill gives them almost as much protection as the Board have recommended, as I shall show in a moment. On page 106, sub-para. (12) they say:

"The evidence received during the present enquiry has confirmed the findings of the Tariff Board in 1925 regarding the possibilities of bamboo and grass as raw materials for the Paper industry. The future of the Indian Paper industry depends on the exploitation and development of bamboo, and it may reasonably be expected that paper made from bamboo will eventually be able to dispense with protection. Although the future expansion of the industry will be based mainly on bamboo, grass also occupies a recognised place in it and for this reason no distinction should be made between the two in the application of proposals for assistance",

that is to say, the application should be by way of a protective customs duty and not by way of a bounty to bamboo mills alone. Then, on the next page, in para. 17 they say:

"The duty on imported pulp should be fixed at Rs. 45 per ton which is approximately the difference between the works cost of bamboo pulp and the current price of imported pulp."

I have merely sought to apply the same standard to the calculations made by the present Board:

"Assuming that at the end of the protective period no more than 25 per cent. of imported pulp in terms of paper would be used, the increase in the cost of manufacturing paper would be about Rs. 19 per ton."

I hope that makes it sufficiently clear that neither of these Boards recommended a duty based upon the works cost of grass pulp and that was the criticism of the report of the present Board I made—that they have sought to extend protection to grass mills in the face of the findings of the previous Boards and without any finding arrived at by themselves that the protection ought to be extended to grass mills.

I pointed out when I was speaking yesterday on this motion that, even taking into account the works cost of both these kinds of pulp, the revenue duty is quite enough to give protection to both.

An Honourable Member: For grass mills also?

The Honourable Sir Muhammad Zafrullah Khan: Yes, on this basis. Rs. 111 has been found to be the works cost of a ton of bamboo pulp. Rs. 140 has been found to be the works cost of a ton of grass pulp. The ex-duty price of imported pulp has been found to be Rs. 126. Add Rs. 30 revenue duty and it comes up to Rs. 156,—and that covers both the works cost of bamboo pulp and the works cost of grass pulp. But the Board have gone further and have recommended a higher duty inasmuch as they have added Rs. 33 per ton, being 60 per cent. of the over-head charges in respect of the manufacture of paper from beginning to end including the manufacture of pulp, to the works costs, which brings it, in the case of bamboo pulp, to Rs. 144, and in the case of grass pulp to Rs. 173. I pointed out yesterday—and I have not been contradicted—that this again

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is something which the previous Board had not done. The 1931 Board found Rs. 186 as the works cost of manufacturing a ton of bamboo pulp without making any allowance for any portion of the over-head charges, for the reason that these over-head charges were incurred in the course of one continuous manufacturing process and the whole of the charges are allowed in calculating the duty on paper.

Mr. M. S. Aney: Is the Honourable Member satisfied that the over-head charges mentioned here in the present report are really not required at all?

The Honourable Sir Muhammad Zafrullah Khan: I assume the Honourable Member's question is whether I consider that they should not have been taken into account at this stage. I have not said that they are not being incurred, but what I was trying to explain was that the whole of them have been taken into account in calculating the duty on paper and that it is a wrong method to divide them up and to account for as much as 60 per cent. of them in determining the duty to be levied on imported pulp, and I illustrated it in my previous speech and I may illustrate it again by a reference to what the last Board did. The last Board recommended a duty of Rs. 45 per ton on the basis of a works cost of Rs. 186 per ton of bamboo pulp, which did not include any portion of the over-head charges. Now, if they had included the same proportion of over-head charges in their calculations, that is to say, 60 per cent. that would have come to Rs. 40 a ton and the duty then recommended would have been Rs. 85 a ton. Actually, they recommended a duty of Rs. 45 a ton and that has proved quite adequate both for bamboo mills and grass mills, and therefore there was not the slightest justification for the present Board adding 60 per cent. of the over-head charges at that stage to the works cost of the pulp.

I now come to paper. This matter was argued in detail by Mr. Ananthasayanam Ayyangar and his position was this. He said, "you start from the statement at the top of page 32 of the present Board's report where they say—the cost of conversion accepted by them, being Rs. 140 per ton, is lower than the cost of conversion accepted by the 1931 Board". He says, "that is an error into which the Board fell", that is to say, that the cost of conversion was actually higher now than it was in 1931, but that they fell into the error of thinking that the figure of Rs. 140 included all the items that the figure of Rs. 141 had included in 1931". He tried to explain that paper is manufactured from bleached pulp and not from unbleached pulp and that we must allow for the cost of bleaching. According to him, Rs. 111 being the works cost of unbleached pulp, Rs. 20 should have been allowed for the cost of bleaching and the works cost of bleached pulp should have been taken as Rs. 131. But may I remind him that the works cost, worked out by the previous Board at Rs. 186 per ton, was also the works cost of a ton of unbleached pulp and they added only Rs. 141 for conversion? This Board have found the works cost of unbleached pulp to be Rs. 111 per ton and to that they have added Rs. 140 as the cost of conversion which they claim is less than the cost of conversion accepted by the previous Board and have gone on to add Rs. 32 more which admittedly was

included in the Rs. 141 by the previous Board. But assuming the position was as Mr. Ananthasayanam Ayyangar has presented it, we are forced to the conclusion that on the one hand this Board has said that there has been improvement in the process of manufacture and there has been a reduction in the cost of conversion and yet, according to Mr. Ananthasayanam Ayyangar, as against Rs. 141 accepted by the previous Board as the cost of conversion there has been Rs. 172 accepted by the present Board as the cost of conversion. And in any case, how does he justify the addition over again of the items under selling expenses, insurance, rates and taxes,—another Rs. 12 per ton? I am afraid there is no escape from the conclusion that if the present Board's finding that there has been an improvement in the process of manufacture and that there has been a reduction in the cost of conversion is correct, then the cost of conversion could not be higher than it was in 1931. (Attempted interruption by Mr. M. Ananthasayanam Ayyangar). The Honourable Member has explained his view in great detail already and I am not overlooking what he said. It is perfectly clear that either he was wrong or I am wrong. I am explaining my own point of view, and he gave his. I am afraid I will have to repeat, owing to the Honourable Member's attempted interruption, that the Board finds that there has been an improvement in the process of manufacture. They find there has been a reduction in the cost of conversion. That necessarily leads to this that the cost of conversion including bleaching, selling expenses, insurance, rents, rates and taxes cannot be higher than Rs. 141, inasmuch as that was the figure at which it stood in 1931. The Honourable Member says he thinks they have fallen into one error. I say they have fallen into another error. We really do not know which error they have fallen into but we agree that they have fallen into an error and that is the reply to those critics who say that there should have been a reference back to the Tariff Board. Even Honourable Members on the opposite Benches have discovered that the Board must have fallen into an error, and they have discovered that,—because it appears that they did, after all, make an attempt to reconcile these two positions but found they could not be reconciled. I have tried to show that in view of their finding that the cost of conversion is now lower than the cost of conversion in 1931, they have fallen into the error of counting certain items twice over.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech tomorrow, unless he wants to finish it in a few minutes.

The Honourable Sir Muhammad Zafrullah Khan: Well, Sir, I will conclude by referring only to one more matter. Perhaps I can defer the rest of what I have to say to a later stage. The point that I wish to refer to now is the criticism that was levelled against providing for the duty on imported pulp, apart from the quantum of it, by way of a revenue duty. At this stage, all that I need say is that the revenue duty is very much in excess of the protective duty that would be justified on the findings of the Board. Rs. 111 is the works cost of bamboo pulp. As against that, the cost of the imported article, after it has paid the duty, would be Rs. 156 if prices stood where they are. That leaves a good deal of margin for any fluctuation in prices. With regard to this matter I will have something more to say when we come to the discussion of the relevant

[Sir Muhammad Zafrullah Khan.]

amendment. Finally, I would submit that Government have not acted in either of these cases in an arbitrary manner. Their conclusions have been arrived at after a very careful consideration of the Tariff Board's reports. They have not differed much with the recommendations of the Board either in the case of magnesium chloride or of paper. They have accepted their methods of calculation; they have accepted their figures, but they could not shut their eyes to obvious miscalculations which the Board had made and even then the deductions made have been very slight as compared with the deductions which might have been justified.

LEGISLATIVE ASSEMBLY.

Thursday, 6th April, 1939.

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.

EMIGRATION OF INDIAN LABOUR IN MALAYA.

1571. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands please state:

- (a) the latest position with regard to the negotiations between the Government of India and the Malayan Government about the emigration of Indian labour;
- (b) what are the points in dispute between the Government of India and the Malayan delegation and the Government of Malaya;
- (c) whether the Government of India are confining themselves only to the question of Indian labourers in Malaya; if so, why; and
- (d) whether Government propose to take up with the Malayan delegation and the Malayan Government along with the negotiations the question of the status and rights of non-labouring Indians in Malaya and secure for them full citizenship rights as claimed by the Central Indian Association of Malaya; if not, why not?

Sir Girja Shankar Bajpai: (a) to (d). The attention of the Honourable Member is invited to the statement made by me in this House on the 16th February, 1939, in reply to Mr. Abdul Qaiyum's starred question No. 465. I may add that the despatch to the Malayan Governments has since issued.

Mr. S. Satyamurti: With reference to the last sentence of the answer, may I know whether the Despatch includes the question of the status and the rights of non-labouring Indians in Malaya, and the securing for them full citizenship rights, as put forward by me in part (b) of the question?

Sir Girja Shankar Bajpai: My Honourable friend will appreciate that I cannot refer to a document which is confidential. But if he would look at the answer I gave to Mr. Abdul Qaiyum, he will find that the negotiations covered the status of Indians in Malaya and the Despatch covers all the points discussed in the negotiations with the Malayan delegation.

PROTECTION OF THE LIFE AND PROPERTY OF INDIANS IN BURMA.

1572. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands please state:

- (a) whether Government have considered the adjournment motion passed by the Assembly without a division on the status of Indians in Burma;
- (b) what are the steps taken since then for protecting the life and property of Indians in Burma; and
- (c) what is the latest information in the possession of Government with regard to the safety of life and property of Indians in Burma?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Since the adjournment motion, there have been no incidents of Indo-Burman hostility. There have been disturbances as a result of Hindu-Muslim feeling in Rangoon but the position now has eased. Replies have been given on the points raised in the debate at various times. In this connection the attention of the Honourable Member is invited to the replies given by me to questions Nos. 710, 800 and 832 on the 24th February, and the 7th March, 1939, the replies given by the Honourable the Commerce Member to his starred question No. 1203 on the 21st March, 1939, together with the supplementaries that arose out of these questions.

Mr. S. Satyamurti: With reference to part (c), may I know whether, according to the latest information in the possession of Government, the safety of life and property of Indians in Burma is now absolutely secure?

Sir Girja Shankar Bajpai: According to the report of the Agent the position now is very much easier than it has been for some time.

Mr. S. Satyamurti: I am not talking of Rangoon where the situation is easier, I am talking of the outlying districts in Burma, may I know whether Government have any information with regard to the security of life and property of Indians in the outlying districts?

Sir Girja Shankar Bajpai: The Agent, as my Honourable friend is aware, visited some of these outlying districts as a result of the trouble which occurred in January and the information which he submitted to us was that the police had been re-inforced and therefore the situation in these exposed parts also was on the whole easier than before.

Mr. S. Satyamurti: May I know whether the Government of India have heard from the Burma Government regarding military assistance offered by the Government of India for the purpose of securing the life and property of Indians in Burma?

Sir Girja Shankar Bajpai: The offer was not made to the Government of India but to the Secretary of State for India.

Mr. S. Satyamurti: Have they heard from the Secretary of State for India?

Sir Girja Shankar Bajpai: The Secretary of State has not specifically referred to that. Owing to the situation in Burma being easier, the necessity for military aid from India does not arise.

Mr. Abdul Qaiyum: Is the Honourable Member in a position to tell us whether the Indians who came back to India during the days of disturbance in Burma have returned to Burma now?

Sir Girja Shankar Bajpai: A question on that subject was asked some time ago and I said that we had no statistics as to how many Indians who returned to India went back to Burma.

Mr. T. S. Avinashilingam Chettiar: May I know whether any machinery has been set up to find out the amount of compensation that is to be paid for people who have suffered?

Sir Girja Shankar Bajpai: I answered that question only two days ago.

†1573*.

RATE WAR BETWEEN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

1574. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands please state with reference to the supplementary question and answer in connection with starred question No. 205 on the 8th February, 1939:

- (a) whether the attention of Government has been drawn to the note which appeared in the issue of the *Hindustan Times* on 10th February, under the heading 'Haj traffic';
- (b) whether Government are aware that the rates were increased by Rs. 50 by the Moghul line on 6th December as compared with the rates on 2nd December;
- (c) whether Government are aware of any leaflet widely distributed by Messrs. Turner Morrison and Company under the caption "Do the Haj by Moghul Line";
- (d) if the answer to the above be in the affirmative, whether he is aware that it was in pursuance of this wide appeal made by the Moghul line and in view of the low rates offered by the Moghul line that a large number of pilgrims arrived at the ports of Bombay and Karachi in the expectation of booking their tickets at the lowest rates by the Moghul line; and
- (e) whether it was as a result of the strong intervention of the Home Minister of the Bombay Government that ultimately the Moghul line had to agree to carry these stranded pilgrims at the lowest rates at which they had carried pilgrims when the Scindia steamers were on berth?

Sir Girja Shankar Bajpai: (a)–(c). Yes. I would like to explain that when answering the relevant supplementary on the 8th February, 1939, I had in mind the action taken by the Government of Bombay in respect

†This question was withdrawn by the questioner.

of needy pilgrims between the 10th and 14th January, 1939. The Honourable Member's account of the action taken by the Moghul Line in December, 1938, was correct. I regret that through a misunderstanding I had given an answer which correctly applied only to the events of 10th to 14th January, 1939.

(d) and (e). The attention of the Honourable Member is invited to the reply given by me on the 8th February, 1939, to parts (a), (b) and (e) of his starred question No. 205 and the supplementaries arising out of it.

Mr. Husenbhai Abdullabhai Laljee: May I know whether this advertisement by the Moghul Line calling upon pilgrims to undertake Haj through their lines has been in existence for the past number of years?

Sir Girja Shankar Bajpai: I want notice. I do not know how long this advertisement has been in existence.

Mr. Kuladhar Chaliha: Is it a fact that the passenger fares quoted by Moghul Line for Haj pilgrimage ranged between Rs. 85 and Rs. 135?

Sir Girja Shankar Bajpai: So far as these fluctuations are concerned, I do not think they are peculiar to any one company.

COMMITTEE TO ENQUIRE INTO THE LAND TENURES OF INDIANS IN FIJI.

1575. *Mr. T. S. Avinashilingam Chettiar: Will the Secretary for Education, Health and Lands state:

- (a) when the committee to go into the matter of land tenures of Indians in Fiji referred to by the Honourable Member in his speech on the 16th March, 1939, will be appointed;
- (b) whether its personnel and terms of reference have been settled; and
- (c) whether it will include any Indians?

Sir Girja Shankar Bajpai: (a) So far as Government are aware, the question of the appointment of an agency to make recommendations in regard to the delimiting of Native Reserves will arise when it is decided to give effect to the proposals of the Governor of Fiji referred to in my reply on the 14th November, 1938, to the Honourable Member's starred question No. 1222.

(b) and (c). Government understand that the intention is that a single local Commissioner will make recommendations in regard to the delimitation of Native Reserves and that these recommendations will be considered in consultation with local Advisory Committees in various districts on which Indians will be represented.

Mr. T. S. Avinashilingam Chettiar: I did not follow the first part of the answer.

Sir Girja Shankar Bajpai: The answer to the first part is that the delimitation will be entrusted to a local Commissioner who will be appointed by the Governor of Fiji and that before any decision is taken on his recommendations the Advisory Committee which will include Indians will be consulted.

Mr. T. S. Avinashilingam Chettiar: When is that Commissioner expected to be appointed?

Sir Girja Shankar Bajpai: My information is that the Fiji Chiefs to whom this land belongs approved the proposals of the Government with regard to the policy which is to govern land delimitation sometime in September or October last, but actually no appointment of a Commissioner has yet been made.

SECURING OF A PROPER SHARE FOR INDIAN SHIPPING.

1576. *Mr. S. Satyamurti: Will the Honourable the Commerce Member please state:

- (a) whether his attention has been drawn to the interview given by Mr. Walchand Hirachand to the United Press published in the *Hindustan Times*, dated the 17th March, 1939;
- (b) whether the Government of India have taken or propose to take any steps to secure a proper share for Indian shipping in the Orient as different from British shipping; if so, what they are; if not, why not;
- (c) whether Government propose to take any steps by way of good offices or in any other manner by exercising their powers in this behalf to persuade the British shipping interests in the Orient to co-operate effectively with Indian shipping interests;
- (d) whether Government have kept in mind or propose to keep in mind in all their trade negotiations with England and with other countries the principle that national shipping must have a substantial share of the trade in the Orient particularly in trades emanating from India or based on India's markets and India's bargaining power;
- (e) whether it is a fact that today Indian shipping carries only less than one-fourth of the entire coastal trade of India and has absolutely no place in the overseas trade of India;
- (f) whether Government have any information about the proposal of the Imperial Shipping Committee for the establishment of a new form of organisation appointed by the Government concerned and specially charged to watch over British shipping in Middle and Far Eastern waters;
- (g) whether the Government of India would have any effective voice in such an organisation;
- (h) whether the attention of Government has been drawn to the charge levelled at the interview by Mr. Walchand Hirachand that the Government of India were unable, unwilling and even hostile to the advancement of Indian shipping interests; and
- (i) whether Government propose to take any action to secure for Indian shipowners a proper share in the coastal and overseas trade of India; if not, why not?

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

(b) and (c). The Honourable Member's attention is invited to the answers given by me to part (e) of Mr. Manu Subedar's starred question No. 1385 on the 29th March and to part (b) of starred questions Nos. 1470, 1472 and 1473 on the 3rd April.

(d) I would refer the Honourable Member to what I said in this connection on the 28th March during the course of the debate on the Indo-British Trade Agreement.

(e) Taking the tonnage of Indian shipping as the basis, the reply to the first part is in the affirmative. As to the second part the reply is in the negative.

(f) and (g). Government have no information beyond what is contained in the Report of the Imperial Shipping Committee.

(h) Government have seen a Press report to this effect.

(i) The question of assisting the development of Indian shipping is constantly engaging the attention of the Government of India.

Mr. S. Satyamurti: With reference to clauses (b) and (c) of the question, may I know whether since the last answer was given or as part of their future programme Government intend to take any definite steps to persuade the British shipping interests to co-operate with Indian shipping interests? Have they taken any steps or do they propose to take any steps in this behalf?

The Honourable Sir Muhammad Zafrullah Khan: The last answer was given only on Monday last and the situation has undergone no change.

Mr. S. Satyamurti: I am asking whether they intend to take any steps to get into touch with British shipping interests to co-operate with Indian shipping interests, with a view to helping the latter.

The Honourable Sir Muhammad Zafrullah Khan: That is the question that I was answering on the previous occasion and I indicated what would be the normal course of these conversations.

Mr. S. Satyamurti: I want to know whether there is any correspondence or any negotiations going on between the Government of India on the one hand and the British shipping interests on the other in this behalf.

The Honourable Sir Muhammad Zafrullah Khan: No negotiations are going on.

Mr. S. Satyamurti: In connection with part (c) of the question, my Honourable friend referred to his speech regarding the Indo-British Trade Agreement. May I know whether, in regard to other trade negotiations in the future which this country may start, Government will keep in mind the question of securing for national shipping a proper share in the trade from India or based on India's markets or India's bargaining power?

The Honourable Sir Muhammad Zafrullah Khan: Wherever this question becomes relevant and Government are in a position to act in the manner suggested by the Honourable Member, I have no doubt they will consider the question.

Mr. S. Satyamurti: Is there any case of any trade agreement which covers goods carried from this country or goods brought into this country in which Government consider that the question of Indian shipping may not be relevant?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, Government will consider whether the question is relevant and whether it can be usefully raised during such negotiations.

Mr. S. Satyamurti: With regard to the answer to part (e) of the question, may I know whether Government can give any information to this House as to the place occupied by Indian shipping in the overseas trade of India?

The Honourable Sir Muhammad Zafrullah Khan: It is a very small share but they have some share in the Haj traffic.

Mr. S. Satyamurti: With reference to parts (h) and (i) of the question may I know, specially with regard to the coastal trade, whether Government are taking steps to increase the quota for Indian shipping when the time for revision of the last arrangement comes?

The Honourable Sir Muhammad Zafrullah Khan: Really this question has been answered so many times and the Honourable Member knows that there has been no change in the position.

PROPOSAL TO REMOVE INDIANS FROM GOVERNMENT SERVICE IN CEYLON.

1577. ***Mr. T. S. Avinashilingam Chettiar:** Will the Secretary for Education, Health and Lands state:

(a) whether it is true that there is a proposal with the Ceylonese Government to send out of service all Indians employed under that Government to make way for Ceylonese;

(b) if so, whether Government have received any representations in the matter; and

(c) what action they have taken in the matter?

Sir Girja Shankar Bajpai: The attention of the Honourable Member is invited to the reply given by me to Mr. S. Satyamurti's short notice question on the 30th March, 1939, and the supplementaries thereto.

Mr. S. Satyamurti: Have they since heard from their Agent or the Government of Ceylon in this matter, and has my Honourable friend any information to give to this House?

Sir Girja Shankar Bajpai: Nothing particular, Sir.

Mr. S. Satyamurti: But has my Honourable friend taken steps to secure that no action will be taken by the Ceylon Government, till the matter is settled between this Government and the Government of Ceylon on a basis of mutual agreement?

Sir Girja Shankar Bajpai: So far as I understand, the intention is that any proposals that may eventuate will come before the State Council which does not meet now until the 9th May, and so time has automatically been secured. But I may add that we have specifically asked the Government of Ceylon that no action should be taken until the proposal has been referred to us for comment.

REPORTS ON DR. WRIGHT'S RECOMMENDATIONS ABOUT THE CATTLE AND DAIRY IMPROVEMENTS IN INDIA.

1578. *Pandit Sri Krishna Dutta Paliwal: Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether the Government Dairy Expert and Animal Husbandry Expert have submitted their reports on Dr. Wright's recommendations about the cattle and dairy improvements in India;
- (b) whether Government propose to lay those reports on the table; and
- (c) the decisions, if any, Government have arrived at on the recommendations of Dr. Wright in the light of these reports?

Sir Girja Shankar Bajpai: (a) and (b). The Animal Husbandry Expert to the Imperial Council of Agricultural Research and the Imperial Dairy Expert were not asked to report but merely to record their comments which are part of the departmental proceedings and cannot be laid on the table.

(c) I would invite the Honourable Member's attention to the circular letters to Provincial Governments laid on the table of the House with reference to part (b) of Mr. K. Santhanam's starred question No. 1234 on 14th November, 1938.

ALLOWANCES OF THE IMPERIAL SERVICE OFFICERS WORKING IN THE PROVINCES.

1579. *Mr. Abdul Qayum: Will the Honourable the Leader of the House please state:

- (a) whether he has read the United Press message in the *Hindustan Times*, of the 23rd March, 1939, on page 2, column 4, under the heading "Imperial Services; Secretary of State's Circular" which includes the following "That very recently a circular from the Secretary of State for India has been received by the Provincial Governments regarding the allowances of Imperial Services working under these Governments was officially admitted by Mr. Bhanjuram Gandhi, Finance Minister, North-West Frontier Province";
- (b) what is this circular and when was it issued;
- (c) what are its contents, and whether it forbids Provincial Governments from even touching the allowances of such public servants;
- (d) whether any of the Provincial Governments have protested and, if so, how many;
- (e) whether the Government of India were consulted before the same was issued; and
- (f) the attitude of the Central Government with regard to this circular?

The Honourable Sir Nripendra Sircar: The question should have been addressed to the Honourable the Finance Member.

INDIAN IMMIGRATION INTO BURMA.

1580. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether the Government of India have received any communication or communications from the Government of Burma on the question of Indian immigration into Burma; if so, how many and on what date.
- (b) whether the Government of India have received a communication on the above subject dated 25th February, 1939;
- (c) whether all the letters or their summary will be placed on the table of the House;
- (d) whether the subject-matter of any of the communications cover the matter of temporary immigration of harvesters of paddy from East Bengal during the season;
- (e) the approximate annual average number of such harvesters going (i) from all parts of India, and (ii) from Bengal;
- (f) whether the letters deal with the question of stopping this seasonal immigration; if so, in what way directly or indirectly;
- (g) whether the Government of India have decided what reply should be given; if so, what is the reply;
- (h) whether the Government of India have recently, before or after the receipt of the above communication, held any inquiry into the conditions, economic and social, of the above seasonal immigration and its volume; and
- (i) whether the pressure of population on land in districts of East Bengal, such as, Noakhali, is exceptionally high, urgently necessitating emigration, temporary or permanent, such as the above?

Sir Girja Shankar Bajpai: Parts (a) to (d), (f) and (g). The letter referred to has been received and a reply has been sent to the Government of Burma. As the correspondence in progress is still confidential I regret I am unable to place copies on the table of the House.

(e) Government have no information.

(h) No.

(i) This may be so.

Mr. Brojendra Narayan Chaudhury: May I know whether Government cannot collect the number of those who go from Bengal to harvest in Burma during the harvesting season, through the shipping figures?

Sir Girja Shankar Bajpai: It may be possible to collect that information; I am simply saying that I have not got the information because such statistics have not been collected in the past.

Mr. Brojendra Narayan Chaudhury: May I know whether the attention of the Honourable Member has been drawn to the argument of the Leader of the Opposition in the Burma Assembly that the cost of living of Burmans is three times as high as that of Indians, and they want to make that one of the grounds for excluding Indians from Burma?

Sir Girja Shankar Bajpai: Yes, Sir; but actually things have not reached the stage of anybody deciding to exclude Indians from Burma.

Mr. Manu Subedar: Have Government received any information either through communication or from other sources whether the Government of Burma are considering the question of immigration only with regard to Indians or also with regard to other immigrants from other parts of the world?

Sir Girja Shankar Bajpai: So far as the Government of India are concerned, the question of immigration can only refer to Indians.

Mr. M. S. Aney: Does the Honourable Member think that the proper time for taking up the question is after the Burma Government have taken a decision in the matter?

Sir Girja Shankar Bajpai: No, Sir. Not only have the Government of Burma taken no decision at all but they have invited the Government of India's suggestions as to the manner in which this question should be tackled,—not the question of imposing restrictions but the question of determining certain points which have been raised by the *interim* report of the Braund Committee.

Mr. Brojendra Narayan Chaudhury: Since the question of immigration is under discussion with the Government of Burma, may I know why this Government do not consider it necessary to make any inquiry as to the volume of this seasonal immigration from India?

Sir Girja Shankar Bajpai: Because, before any decision is taken, the volume of such immigration and its character will be the subject of an *ad hoc* inquiry anyhow.

CONSULTATIONS WITH CERTAIN PROVINCIAL GOVERNMENTS ON THE APPOINTMENT OF AN INDIAN AGENT IN BURMA.

1581. ***Mr. Brojendra Narayan Chaudhury:** Will the Secretary for Education, Health and Lands please state:

- (a) whether there are a large number of Indians who live in Burma as domiciled or mere residents permanent and temporary, going from Bengal;
- (b) whether the Government of Madras were consulted regarding the appointment of an Agent General for Burma or regarding the selection of the incumbent; and
- (c) whether the Government of Bengal were similarly consulted, if not, why not?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Neither the Government of Madras nor the Government of Bengal were formally consulted in regard to the appointment of the present Agent. But the former Government, i.e., the Government of Madras, volunteered the services of an officer who was considered suitable for the post.

Mr. Brojendra Narayan Chaudhury: Has the attention of the Honourable Member been drawn to the following reply given by the Premier of Madras to an interpellation there?

"The Government of India in consultation with the Government of Madras selected a comparatively junior Indian."

Sir Girja Shankar Bajpai: That is only another way of expressing what I have stated in my reply.

Mr. Brojendra Narayan Chaudhury: May I know whether in matters relating to Indians in Burma the Government of India will pay attention to the fact that the number of Bengali speaking people in Burma is larger than the number of Dravidian speaking people there?

Sir Girja Shankar Bajpai: The point to bear in mind is that the appointment of Agent in Burma is not determined by racial considerations. We are sending a person who, we consider, may be best qualified to look after the interests of all sections of the people.

Mr. M. S. Aney: Is it correct to say that the Bengali speaking population in Burma is larger than the Tamil speaking population there?

Sir Girja Shankar Bajpai: I did not want to pursue that particular point, but I should be very much surprised if it were so.

PAY OF WAREHOUSEMEN IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1582. ***Qazi Muhammad Ahmad Kazmi:** (a) With reference to unstarred question No. 26, regarding binders asked on the 7th March, 1939, will the Honourable Member in charge of Labour be pleased to state whether it is or it is not a fact that the average income of the persons working on the piece system was about Rs. 21 per mensem?

(b) Is it or is it not a fact that when the system was in force a number of warehousemen applied to be taken on that system, two of them were taken and the rest were told that their cases would be considered when decision about continuing the piece system or changing it into the pay system had been arrived at?

(c) Have Government considered the advisability of increasing the pay of the warehousemen to the same extent as is given to the persons taken from the piece system?

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

(b) None of the warehousemen applied for the posts of binders on piece rates when they were first created. Subsequently, when three of these posts fell vacant, five warehousemen applied. A practical test in book-binding, etc., was held and the three men who took the test were appointed to the vacancies. No promise was held out to the remaining two men, who failed to appear at the test, that they would be considered for such appointments in future.

(c) As the duties of the two classes of employees are different, Government do not see any reason for equalising their pay.

Qazi Muhammad Ahmad Kazmi: Is it not a fact that they carry on the same kind of work as the binders, and there is no difference in the kind of work that the warehousemen do and the binders?

The Honourable Sir Muhammad Zafrullah Khan: I would draw my Honourable friend's attention to the reply to part (c) of the question which I have just read out.

Qazi Muhammad Ahmad Kazmi: What is the difference? Has the Honourable Member any idea as to what the difference is in the duties of these two departments?

The Honourable Sir Muhammad Zafrullah Khan: I do not know personally what the difference is, but the department has reported to me that their duties are not the same.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member be kind enough to inquire from the department as to what is the difference?

The Honourable Sir Muhammad Zafrullah Khan: No. I have no reason to believe that the department has in any way misled me.

***GRANT OF INCREMENTS IN THE BINDING DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.**

1583. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Labour Member please state whether it is a fact that in all the Departments of the Government of India Press the yearly increment is in practice except in the Binding Departments?

(b) Is it a fact that the yearly increments in the Binding Department depend upon deaths of senior binders or their retirement?

(c) Is it true that for many years if any binder died or retired a senior employee getting a pay of Rs. 18 per month was promoted to Rs. 20 amongst 12 men of the Department and the remaining 11 hands were naturally deprived of promotion?

(d) Is it a fact that most of the hands have been serving for the last 24 and 25 years and are at the end of their service and will have to retire at the salary of Rs. 18 per mensem?

(e) Is it a fact that in the Binding Department a binder getting a pay of Rs. 18 has also to meet the following expenses:

	Rs.	a.	p.
(1) For quarter	2	0	0
(2) For fund	2	0	0
(3) For water	1	8	0
Total	5	8	0

and that after deducting Rs. 5-8-0, every warehouseman gets Rs. 12-8-0 per month only?

(f) Have Government considered the advisability of granting yearly increment in the Binding Departments like other Departments so that the workers may be able to reach a monthly salary of Rs. 50 in the Department?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). I assume that the Honourable Member is referring to the Government of India Press, New Delhi. Certain employees in the Binding Section of the Press, who are on time scales of pay, get yearly increments like employees in other Sections generally. But binders and warehousemen who are on graded rates of pay do not get yearly increments; they are promoted from a lower to a higher grade as vacancies occur, on the basis of seniority and efficiency. Nine out of 12 warehousemen on Rs. 18 a month were promoted to the grade of Rs. 20 a month during the last two years.

(d) No. The majority of men in the Binding Section are drawing more than Rs. 18 a month and none of the 12 warehousemen on that pay has rendered more than five years' service.

(e) Yes.

(f) Yes, but Government saw no justification for granting an incremental scale of pay for binders and warehousemen as the fixed rates sanctioned for them compared favourably with the earnings of similar workers in private employ.

Qazi Muhammad Ahmad Kazmi: What is the maximum pay that these people get—Rs. 19 to Rs. 25, or is it merely Rs. 18?

The Honourable Sir Muhammad Zafrullah Khan: I could not say without notice.

Prof. N. G. Ranga: Do Government consider it right that deductions amounting to 25 per cent. of their earnings should be made in fashion?

The Honourable Sir Muhammad Zafrullah Khan: If Government did not consider it right, they would not do it.

Prof. N. G. Ranga: Can Government indicate any other group of higher paid employees from whose salaries such a proportion is deducted for any similar services they may get?

The Honourable Sir Muhammad Zafrullah Khan: It is not necessary to point to any other case of employees. I can assure the Honourable Member that this is a very good bargain for these particular employees.

CHARGING OF HOUSE RENT FROM EMPLOYEES IN THE BINDING DEPARTMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

1584. *Qazi Muhammad Ahmad Kazmi: Will the Honourable the Labour Member please state whether it is true that the daftris who get Rs. 30 per month are allowed free lodging but the house rent is charged from the Delhi Government Press employees working in the Binding Department?

The Honourable Sir Muhammad Zafrullah Khan: This is true of some of the employees who are classed as superior. I am having the matter looked into.

MEETINGS OF THE WORKS COMMITTEE OF THE GOVERNMENT OF INDIA PRESS.
NEW DELHI.

1585. *Qazi Muhammad Ahmad Kazmi: Will the Honourable the Labour Member please state whether according to the rule of the Government a meeting of the Works Committee of the Government of India Press, Delhi, should be held twice a month and all the previous Managers in office have been complying strictly with this rule in this Department?

The Honourable Sir Muhammad Zafrullah Khan: The rules contemplate the holding of a general meeting at least once a month. The practice has so far been not to hold a meeting unless there is some business for consideration. As regards the latter part of the question, I would refer the Honourable Member to the reply given on the 31st March, 1937, to part (a) of his starred question No. 806.

INDIAN IMMIGRATION INTO BURMA.

1586. *Mr. K. Santhanam: (a) Will the Secretary for Education, Health and Lands please state whether the Government of Burma have addressed a letter to the Government of India, dated the 25th February, 1939, on the question of Indian immigration into Burma?

(b) If the answer to part (a) be in the affirmative, will he place a copy of the letter on the table of the House?

(c) Does he propose to consult the Standing Committee on Emigration before coming to a decision regarding the attitude of the Government of India in the matter?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by me today to Mr. Brojendra Narayan Chaudhury's starred question No. 1580.

(c) The question of placing the matter before the Standing Emigration Committee will be considered.

Mr. K. Santhanam: May I know what the difficulty is in giving a positive undertaking that they will consult the Committee?

Sir Girja Shankar Bajpai: I cannot say when the thing will reach a stage when it can be referred for advice: the House may not be sitting.

Mr. K. Santhanam: I want to know what the difficulty is in giving an undertaking that the Standing Committee will be called and consulted in this matter.

Sir Girja Shankar Bajpai: As I say, I cannot say at this stage when the negotiations with Burma will reach a stage when matter can be referred to the Committee.

Mr. K. Santhanam: All that I am asking is, whenever a conclusion is reached, why the Standing Committee on Emigration should not be consulted and why a positive undertaking could not be given.

Sir Girja Shankar Bajpai: I can assure my Honourable friend that if the time factor permits, the Standing Emigration Committee will be consulted; and if my Honourable friend is at all nervous about what he might consider the non-official point of view, let me remind him that we are dealing with this matter in close consultation with the Government of Madras.

INDIAN IMMIGRATION INTO BURMA.

1587. *Mr. K. Santhanam: (a) Will the Secretary for Education, Health and Lands please lay on the table of the House the text of the resolution which was recently passed in the House of Representatives of Burma recommending the immediate appointment of a committee to enquire into the question of Indian immigration into Burma?

(b) Will he state whether the Government of Burma has set up, or propose to set up, such a committee?

(c) Will he state the scope of the enquiry?

(d) What steps are the Government of India taking to protect the interests of this country in the matter?

Sir Girja Shankar Bajpai: (a) and (c). A copy of the resolution in question is laid on the table of the House.

(b) and (d). The attention of the Honourable Member is invited to the reply already given by me today to Mr. Brojendra Narayan Chaudhury's starred question No. 1580. The whole purpose of the negotiations, so far as the Government of India are concerned, is the protection of Indian interests.

Resolution in the House of Representatives, Burma regarding Indian Immigration into Burma.

"That this House recommends to Government that a Committee with a non-official majority consisting of the representatives of all political parties in Burma be appointed immediately to examine the question of immigration into Burma".

Prof. N. G. Ranga: Will Government take adequate steps to see that when this committee comes into existence the interests of Indian coolies in Burma are properly represented before the Committee and adequately protected?

Sir Girja Shankar Bajpai: My Honourable friend may rest assured that the point of view of Indian labour in Burma will engage the special attention of the Government of India.

BEDSTADS AND LOOKING-GLASSES IN CERTAIN QUARTERS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY IN NEW DELHI.

1588. *Mr. Sri Prakasa: Will the Honourable the Leader of the House state:

(a) if it is a fact that during the financial year 1938-39, the bedsteads and the looking-glasses in the quarters of the Members of the Legislative Assembly in Gunning Lane and Ferozeshah Road were changed;

- (b) the cost of such change;
- (c) if this was done on the advice of anyone and the reasons for doing so; and
- (d) what has become of the old bedsteads and looking glasses?

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

(b) Rs. 8,268.

(c) The change was made by the Central Public Works Department as the articles in question were old and in need of replacement.

(d) They were sent to the furniture stores. Some of them have been sold in auction and the rest are still at the stores.

Mr. Sri Prakasa: Have Government satisfied themselves that the looking-glasses were worn out and that new ones were necessary?

The Honourable Sir Muhammad Zafrullah Khan: It is not necessary for a looking-glass to wear out completely before it has to be replaced.

PROVISION OF WATER-BASINS IN QUARTERS OF MEMBERS OF THE LEGISLATIVE ASSEMBLY IN NEW DELHI.

1589. ***Mr. Sri Prakasa:** Will the Honourable the Leader of the House state:

- (a) if the quarters of the members of the Legislative Assembly in New Delhi are not fitted up with wash-basins; and
- (b) if Government are considering the desirability of fitting those premises with such basins?

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

(b) Yes.

Mr. S. Satyamurti: With reference to clause (b), may I know when Government will come to a conclusion in the matter?

The Honourable Sir Muhammad Zafrullah Khan: I could not say. The department is looking into the matter.

AREA IN NEW DELHI SET APART FOR FRUIT CULTIVATION.

1590. ***Mr. Kuladhar Chaliha:** Will the Honourable the Labour Member be pleased to state:

- (a) whether Government have set apart any area in New Delhi for fruit cultivation;
- (b) if any plots have been given on lease for the purpose and, if so, with what result;
- (c) if any more plots are still available for leasing out for the purpose and, if so, how many and on what terms and conditions;
- (d) whether there has been an adequate demand for taking plots on lease for fruit cultivation; if not, what steps Government have taken to make the lease terms more attractive;
- (e) what other steps Government have taken to develop and encourage fruit cultivation; and

- (f) whether Government have grown any fruit trees on roads or in compounds of Government buildings in New Delhi?

Sir Girdja Shankar Bajpai: (a)–(f) The information required by the Honourable Member has been called for and will be laid on the table of the House as soon as possible.

FINANCIAL IMPLICATION OF THE FEDERATION.

1591. ***Mr. S. Satyamurti:** Will the Honourable the Leader of the House please state:

- (a) whether his attention has been drawn to the speech of the Chancellor of the Chamber of Princes on the 14th March, 1939, in the course of which the Chancellor stated:

"Moreover we have to examine carefully and to ensure that the power of the States to develop their natural resources remains unaffected, and that the financial implications of the scheme leave us sufficient margin to balance our budgets and to provide funds for the growing and legitimate needs of improvements in and raising the standard of our administrations and in developing beneficent activities";

- (b) whether any negotiations are going on on these and similar lines between the Finance Department of the Government of India and the Princes;
- (c) by whom the interests of British India are represented in this matter;
- (d) whether public opinion has been or will be consulted; and
- (e) whether the opinion of Provincial Governments has been or will be taken in the matter before decisions are arrived at; if not, why not?

The Honourable Sir Nripendra Sircar: (a) Yes, Sir.

(b) Negotiations are not conducted by the Government of India but by the Crown Representative.

(c) By the Government of India with whom the Crown Representative is in close consultation.

(d) and (e) There has been no such consultation and I have no reason to suppose that any is contemplated.

Mr. S. Satyamurti: With reference to the answer to clause (d) and (e), may I know the reason why no consultation is contemplated with the Provincial Governments, in view of the fact that they are vitally interested in the satisfactory settlement or solution of this problem affecting the finances of all the units under the Federation?

The Honourable Sir Nripendra Sircar: Whether consultation is necessary or unnecessary is a matter of opinion, and in the opinion of the Government it is not necessary.

Mr. S. Satyamurti: Have Government come to the conclusion that Provincial Governments need not be consulted at all in this matter at any stage?

The Honourable Sir Nripendra Sircar: At the present moment they have no desire to consult them. But we may not be stopped from changing our attitude.

Mr. S. Satyamurti: Have Government taken the opinion of the Provincial Governments in these matters, before they came to the conclusion that they were not to be consulted on the detailed negotiations or in the final settlement, and have satisfied themselves that the Provincial Governments have acquiesced in that position?

The Honourable Sir Nripendra Sircar: What the Provincial Governments acquiesce in or object to I am not in a position to state, but so far as the Government of India are concerned, at the present moment, today at this hour, there is no desire to consult them.

Mr. S. Satyamurti: With reference to the answer to question No. 1, I heard my Honourable friend say that the negotiations are going on between the Governor General's representative and the Prince of Wales. I might

The Honourable Sir Nripendra Sircar: I said that the negotiations are conducted not by the Government of India, but by the Crown Representative.

Mr. S. Satyamurti: May I know whether the Crown Representative in conducting these negotiations has the benefit of the advice and of the opinions of the Finance Department of the Government of India?

The Honourable Sir Nripendra Sircar: What the Crown Representative has done I am not free to disclose; but the Finance Department is available for the service, should he decide to get its advice.

Mr. S. Satyamurti: May I know what is the agency which advises the Crown Representative in respect of these very difficult and delicate financial negotiations?

The Honourable Sir Nripendra Sircar: The Crown Representative, in his discretion can get any opinion from anybody he likes.

Mr. S. Satyamurti: As a matter of fact, I want to know whether the Crown Representative has sought and is getting the advice of the Finance Department of the Government of India.

The Honourable Sir Nripendra Sircar: I said in reply to part (a)

"By the Government of India with whom the Crown Representative is in close consultation."

That is the utmost I can say.

SUB-LETTING OF GOVERNMENT QUARTERS IN DEFENSE

1592. *Mr. Abdul Qaiyum: Will the Honourable Member for Lalaut please state:

(a) whether Government employees who do not own houses in Delhi receive preferential treatment in securing houses built by Government as against those owning houses in Delhi. !

(b) if not, the reasons therefor.

(c) whether there are provisions of collecting of such houses by Government servants at a profit to unauthorised persons; and

(d) the steps taken to eradicate this evil"

The Honourable Sir Muhammad Zafrullah Khan :—Not a general rule that Government employees will have constructed houses with the aid of an advance from Government are envisaged for Government quarters.

the Army general rule declaring Government servants owning houses in Delhi ineligible for Government quarters will be unnecessarily rigid in principle and difficult to enforce in practice.

and they have come to the

(d) Section 106(a) is taken *in* unauthorized submittal and the offenders are not to be held responsible for Government's responses for suitable for suit.

Mr. Abdul Qayyum With reference to part (a) of the question, may I know the reason why preference is given to those who do not own a house?

The Honourable Sir Muhammad Zafrullah Khan: The reply is given in the reply to part (a) of the question.

REPRESENTATION REGARDING THE POSITION OF INDIANS IN SOUTH AFRICA.

1593. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state whether Government have received any representation from the Imperial Citizenship Association, Bombay, regarding the position of Indians in South Africa?

(b) If so, will Government lay on the table a copy of the same?

(c) Is it a fact that Government have been accused therein of their inactivity and failure to safeguard the interest of Indians in South Africa?

On the other hand, it is a fact that Jews from Germany and nationals of other countries outside the Empire have been given more favorable treatment in the matter of acquisition of land, etc.

Sir Girdja Shankar Bajpai:—(a) and (b). As regards the representation referred to by the Honorable Member, I am not aware of the House being asked to consider the Honorable Member's proposition referring to another representation made by the Kumaon Highlanders and Garo Chakma. As mentioned in the recent Kumaon Highlanders and Garo Chakma Bill, the Government have already made the position clear in their Communication dated the 25th February, 1939, and in the course of the debate on the Bill, the Government have taken the subject on the 7th March, 1939.

Copy of letter dated the 10th May 1890 from the Chairman of the Local Indian Council, Bangalore to the Secretary, Government of India.

I was denied by the Council of the Association to join even the letter with regard to the proposed American boycott. I am in the U.S. and Africa.

The reported incident has threatened the reputation of British South Africa to such an extent that they are driven to desperation at what is being done.

decided to depute Pandit Bhavani Dayal, President of the Natal Indian Congress to India in order to apprise the people and the Government of India its real implications.

The idea of segregating Asiatics in South Africa is not new in that country's politics. The main object is the eventual expulsion from South Africa by continued degradation of our unhappy countrymen there who to-day are seeking counsel and guidance.

Pandit Bhavani Dayal arrived in Bombay on the 18th March, 1939 and had a conference with the Council of the Association the same day. He explained to the Council the position of Indians in South Africa with particular reference to the reported Asiatic Segregation Scheme in the Union of South Africa.

The Asiatic Enquiry Committee of 1920, was appointed as a result of the European clamour to segregate Asiatics. Its Report stated, "Indiscriminate segregation of Asiatics in locations and similar restrictive measures would result in eventually reducing them to helotry. Such measures, apart from their injustice and inhumanity would degrade the Asiatic and react upon the Europeans". The Commission recommended that "there will be no compulsory segregation of Asiatics".

The Class Areas Bill was introduced by the Union Government in 1924 but was not proceeded with due to the resignation of the then Government. Another measure known as the "Areas Reservation Bill" was introduced in 1925. After protracted negotiations between the Government of India and the Government of the Union of South Africa a Round Table Conference was held between the representatives of the two Governments at Cape Town which resulted in the Cape Town Agreement and the withdrawal of the Bill.

By the Cape Town Agreement of 1927, the Government of the Union of South Africa recognised Indians in South Africa as a part of the permanent population of the Union. The "Uplift" clause of the Agreement was a sufficient indication that in future there would be no untoward trouble between India and South Africa so far as the status of Indians in South Africa was concerned. According to the "Uplift" clause, "The Union Government firmly believes in and adheres to the principle that it is the duty of every civilised Government to devise ways and means and to take all possible steps for the uplift of every section of the permanent population to the full extent of their capacities and opportunities, and accept the view that in the provision of education and other facilities the considerable number of Indians who remain part of the permanent population should not be allowed to lag behind other sections of the people".

In announcing the Agreement, Dr. Malan said: "The Government reaffirmed the recognition of the right of South Africa to use all just and legitimate means for the maintenance of Western standards of life. The Union Government recognised that Indians domiciled in the Union who are prepared to conform to Western standards of life should be entitled to do so."

The Segregation clause in section 5 of the Transvaal Asiatic Land Tenure Amendment Bill of 1932 was amended as the result of the second Round Table Conference. These facts indicate that the Government of the Union of South Africa had agreed in principle that there should be no segregation of Indians domiciled in the Union. The latest scheme of Optional Servitude now under consideration in South Africa, however, is incompatible and inconsistent with the letter and spirit of the solemn pledges given in the past by the Government of the Union of South Africa.

It is reported that the Minister of the Interior, Mr. R. Stuttaford, has proposed to the Government that legislation be introduced granting authority to register a servitude prohibiting the lease and sale of land to Asiatics and the occupation of land by Asiatics, if, for example, 75 per cent. of the owners of properties agree to it. The servitude will be registered free of charge. The Bill, in simple words, is designed to effect segregation of Asiatics from the Europeans areas, compulsorily, if 75 per cent. of the European landlords decide to demarcate their particular area as the sole reserve of the whites.

This Bill has been the outcome of the representations made to the Minister about three months ago by a deputation of seventeen representatives of the Transvaal led by Mr. J. M. van H. Brink, member of the Executive of the Transvaal Provincial Administration. The grounds alleged by this Deputation on which promise from the Minister was secured are summarised as follows:—

(a) The Immigration of Asiatics is increasing.

(b) The laws prohibiting the ownership of immovable property by Asiatics are not properly enforced.

(c) Indians are chiefly responsible for the boycott of National Mark Products.

(d) Europeans and European girls are employed by Asiatics.

(e) Asiatics with their families reside under very unhygienic circumstances on their business premises.

The deputation asked that once and for all a solution of the problem must be found, that the immediate segregation of Asiatics and separate residential and business areas must be provided for Asiatics. They stressed the desirability of passing legislation on the lines of the Class Areas Bill.

The measure is so dangerous that according to information given by Pandit Bhavani Dayal, it will have effect on Indians in South Africa as under:—

1. It will steadily bring about the utter ruination of nearly two hundred thousand Indians in the Union of South Africa of whom 85 per cent are born there;
2. The Indians in South Africa fear that the proposed bill will nullify the recommendations of the Feetham Commission according to which the ownership of land for the Asiatics in the Transvaal is allowed in limited "exempted" areas;
3. If the present Bill becomes law it will mean the death knell for 10,000 Indians now living in the Reef areas in the Transvaal.

Regarding the two specific charges (a) and (c) levelled against Indians the South African Indian Congress in a statement to the Hon. The Minister of Interior gave the following replies:—

(a) "Immigration of Asiatics is increasing".

Anyone who takes an interest in the problems of this country must know that Indian immigration from India has ceased since 1913, and that the only persons now admitted to the Union are the wives and minor children under the age of sixteen, of domiciled Indians, and a very small number of educated entrants who are allowed to enter on temporary permits.

(c) "That Indians were chiefly responsible for the Boycott of National Mark Products".

Nothing can be further from the truth; the department of Agriculture can testify that the Transvaal Indian Congress assisted greatly in the settlement of the boycott which was initiated by interested European agents in the Diagonal Street area, and that the Indian Congress was largely responsible and instrumental in calling off the boycott. These two examples are quoted in support of our contention that the conclusions of the Ratepayers' Conference are based more on ignorance, race prejudice, and misrepresentation than on any true appreciation of the position. The members of the Asiatic Land Laws Commission, presided over by the Honourable Justice Murray, inspected the areas occupied by Indians in the different rural towns, and we are confident that their findings (if given) would strongly support our contention".

The Indian community voluntarily accepted under Mahatma Gandhi's leadership the total prohibition of further Indian immigration to South Africa with expectations that the status of the resident Indian population would be maintained and improved. The same motive actuated them when they accepted the Assisted Repatriation Scheme under the Cape Town Agreement and sent back to India 20,000 of their compatriots. It was generally felt in India that our countrymen in South Africa had secured no more than their minimum claims and for that they had to make enormous sacrifices; with the sympathy, support and practical assistance of the people of India during the past crisis, they had gone to the utmost limit of honourable concession, by consenting unreservedly to the closest restriction of Indian immigration into the Union in order to allay the fear and hostility of their European fellow colonists. But unfortunately the Union Government have always gone back upon their word. The proposed Bill is a flagrant violation of the Cape Town Agreement and all other settlements previously arrived at between India and South Africa.

The Council of the Association feels that the position of the South African Indian population by the proposed Segregation Scheme in the Union has become desperate and is fraught with immense peril to the relationship between the two countries. In these circumstances, and with the danger of irreparable disaster to Indians in South Africa being imminent, the Council of the Association feels its duty to request that the Government of India, mindful of the gravity of the situation, be pleased to impress upon the Government of the Union of South Africa the desirability of staying their hand in connection with the further progress of the proposed Bill. Obviously if

this request of the Government of India is not heeded they would be free to take such measures as may appear to them to be feasible and necessary to vindicate the just rights of Indians in the Union of South Africa.

Mr. S. Satyamurti: With reference to clause (b) of the question, may I know, Sir, whether the Government of India have heard since from the authorities concerned as to whether any action has been taken in order to redress this injustice to Indians?

Sir Girja Shankar Bajpai: No, Sir, we have not heard recently.

Mr. S. Satyamurti: Are Government pursuing the matter with the Secretary of State for the Colonies, in order to secure minimum justice to Indians?

Sir Girja Shankar Bajpai: My friend is aware of what has been done in the past, and I think all that has been done recently has been to communicate to the Secretary of State for communication to the Secretary of State for the Colonies the debates in this House and in the other place expressing the strong feelings in this country. The question of further representation is still under examination.

Mr. S. Satyamurti: In view of the fact that the Order in Council has already been passed and that racial discrimination is actively in force, do Government propose to take any further active steps in order to see that justice is done to our nationals?

Sir Girja Shankar Bajpai: The matter is always receiving the attention of the Government, but I cannot tell my friend just now as to what active steps are contemplated in the immediate future.

Mr. Husenbhai Abdullabhai Laljee: May I know, Sir, whether refugee Jews from Germany are allowed to acquire land in the Highlands in Kenya?

Sir Girja Shankar Bajpai: I would invite my Honourable friend to read the communiqué.

FINANCIAL IMPLICATION OF THE FEDERATION.

†1594. ***Mr. S. Satyamurti:** Will the Honourable the Leader of the House be pleased to state:

- (a) whether the attention of Government has been drawn to the speech of the Chancellor of the Chamber of Princes, wherein reference is made to the financial implication of the Federation;
- (b) whether any questions concerning Federal finance in relation to the States are now under active consideration by the Government of India;
- (c) if so, what they are;
- (d) whether, in respect of these questions, in so far as they affect the other units of the Federation, i.e., the Provincial Governments, they will be consulted before final decisions are taken;
- (e) if not, why not; and

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

- (f) whether Government intend to move His Majesty's Government for an amendment of the Government of India Act, 1935, in respect of its financial provisions, and, if so, in which direction?

The Honourable Sir Nripendra Sircar: (a), (d) and (e). The attention of the Honourable Member is invited to the replies which I have just given to parts (a), (d) and (e) of his starred question No. 1591.

(b) and (c). It is not in the public interest to give information on these points.

(f) The attention of the Honourable Member is invited to the reply which I gave on 21st March, 1939, to parts (b) and (c) of Mr. Avinashilingam Chettiar's starred question No. 1214.

REPRESENTATION FOR THE PURCHASE OF INDIAN TEA BY RUSSIA.

1594A. ***Mr. Kuladhar Chaliha:** Will the Honourable the Commerce Member please state:

- (a) whether Government are aware that Mr. R. S. Hudson, the Secretary for Overseas Trade, has gone to Moscow to carry on trade talks for the United Kingdom;
- (b) whether his talk will include the purchase of tea from India; if so, what quantity;
- (c) whether the Government of the United Kingdom are prepared to grant credit for the purchase of Indian tea to the U. S. S. R.; and
- (d) whether the Government of India have made a representation to His Majesty's Government to make the necessary representation to the U. S. S. R. for the purchase of Indian tea and grant necessary credit?

The Honourable Sir Muhammad Zafrullah Khan: (a) Apart from press reports, the Government of India have no official information in the matter.

(b) and (c). The Government of India have no information regarding the scope of the conversations.

(d) No.

Mr. Kuladhar Chaliha: Will the Honourable Member please represent the views of the tea industry to the U. K. Government and see that tea is exported to the United Kingdom?

The Honourable Sir Muhammad Zafrullah Khan: I do not know whether the Honourable Member would consider it advisable to make a representation to U. K. Government, but if the necessity arises, I can assure him Government will do so

Mr. Kuladhar Chaliha: Will the Honourable Member please say whether the pre-war re-exports of tea from U. K. was more than 100 million pounds and in 1938-39 it is 3.9 million pounds only?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I cannot vouch for the figures of the Honourable Member.

[Dr. Sir Ziauddin Ahmad.]

used by the mill industry, and since the mill industry is a protected industry, therefore, every article which they use in that industry must also be protected. That is the only argument in favour of this, and that is the only argument advocated by the Tariff Board. Is this proposition economically sound? But in view of these glaring facts, how are you going to swallow this pill, and should the Government sit tight over this and not care for the interests of the consumers? If the cost of magnesium chloride goes up, the cost of cloth goes up, and, ultimately, the consumers will suffer. If that is the position, I say that the Government who are looking after the interests of the poor people, the consumers, who are not very loud, in the expression of their opinions by means of deputations and so on, should not ignore those interests. My Honourable friends, the Congress Members, who always plead for the poor people but act for the capitalists and the big people will give no support. The Government on the one side sit tight, the Opposition also sits tight and we remain neutral, and we do not know what would happen to the poor consumers of this country. If, after considering all these facts you still consider that protection is needed for a period of six years, then God save us both from our friends and our enemies. Sir, I move.

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

"That in part (ii) of sub-clause (b) of clause 2 of the Bill, for the figures '1946' the figures '1941' be substituted."

The motion was negatived.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I move:

"That in sub-clause (c) of clause 2 of the Bill, in the third column of the proposed Item No. 43, for the word 'Revenue' the word 'Protective' be substituted."

I do not want to make a long speech in view of the exhaustive way in which it has been dealt with in the general consideration stage. But I would like to say this that Government have accepted that protection is necessary for wood pulp. They have not given any reasons why they want to substitute it as revenue duty. The implications of substituting the word 'protective' for the word 'revenue' are these. If it is a protective duty it cannot be withdrawn earlier than the period for which protection is sought to be given. If it is entered as protective, that will give the advantage of section 4 of the Indian Tariff Act, that is, if there is dumping or if there is otherwise greater competition than what is provided for under this item, then the Government by an executive order can give greater protection by altering the duties. Therefore, the substitution of the word 'protective' has got two advantages. The Government themselves have not opposed it in the Resolution that they have communicated to us, and I do not see any reason why it should be a revenue duty. So, Sir, I move.

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

"That in sub-clause (c) of clause 2 of the Bill, in the third column of the proposed Item No. 43, for the word 'Revenue' the word 'Protective' be substituted."

The Honourable Sir Muhammad Zafrullah Khan: I pointed out yesterday when replying to the debate on the consideration motion that the Tariff Board had found that the works cost of a ton of bamboo pulp was Rs. 111, the works cost of a ton of grass pulp Rs. 140, and the price of the imported article after paying duty, Rs. 156, and I said that that left an ample margin for the industry and made an allowance for a great deal of fluctuation in price. Nevertheless, as Honourable Members appear to have an apprehension either that prices of the imported article might slump unduly or that the revenue duty might be interfered with on other considerations, I have no serious objection to accepting this amendment.

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

"That in sub-clause (c) of clause 2 of the Bill, in the third column of the proposed Item No. 43, for the word 'Revenue' the word 'Protective' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): Amendment No. 7.

Dr. Sir Ziauddin Ahmad: I want to move No. 1 of Supplementary List No. 2.

Mr. President (The Honourable Sir Abdur Rahim): The Chair called the number and the Honourable Member did not get up.

Dr. Sir Ziauddin Ahmad: I want to move all the amendments standing in my name.

Mr. President (The Honourable Sir Abdur Rahim): The Chair is not going to call any Member by name. It is the duty of an Honourable Member to rise in his place if he has an amendment in his name. The Honourable Member must know the procedure. The Chair is simply calling out the numbers as a matter of fact to help Honourable Members. That is all.

Dr. Sir Ziauddin Ahmad: I want to move No. 7:

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 43, for the figures '25' the figures '20' be substituted."

I gave reasons yesterday in the consideration stage that this duty is rather too high. The amount of profit which they are earning is very great and I gave yesterday quotations also of the profits given by various companies. In view of the enormous profits which these paper companies are now distributing to their shareholders, it is not desirable that we should give them protection as provided in the Bill. The quantum of protection should be diminished. Sir, I move.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 43, for the figures '25' the figures '20' be substituted."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I oppose this amendment. Amendment No. 5 which has just been accepted proposed to substitute

[Mr. M. Ananthasayanam Ayyangar.]
the word "Protective" for the word 'Revenue'. He stated that one of the main grounds for that was that the price of imported pulp may go down, thereby making this revenue duty useless. My Honourable friend, Sir Ziauddin, wants to take away what was given by amendment No. 5. He wants to reduce the figure from 25 to 20. We had objection even to the protective duty of 25, for the reason that, while it protects bamboo pulp, it does not protect grass pulp, and it is obvious that if my friend's amendment is accepted, there will be absolutely no margin, and, with such a small margin, the industry cannot progress. I, therefore, submit that it is desirable to retain 25 per cent. and oppose the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 43, for the figures '25' the figures '20' be substituted."
The motion was negatived.

Mr. T. S. Avimashilingam Chettiar: Sir, I move:
"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 43, after the words 'ad valorem' the words and figures 'or Rs. 35 per ton whichever is higher' be added."

The Honourable Sir Muhammad Zafrullah Khan: On a point of order. I object to the amendment that has been moved.

Mr. M. S. Anoy (Berar: Non-Muhammadan): On a point of order. Can an objection be taken before the motion is moved.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it, he is going to raise the question of sanction. If sanction is required and has not been obtained, then the amendment cannot be moved at all.

The Honourable Sir Muhammad Zafrullah Khan: My submission is that in respect of amendments which seek to raise the level of duty, above that provided in this Bill, the necessity of sanction arises and sanction not having been obtained, those amendments are out of order.

Mr. President (The Honourable Sir Abdur Rahim): Is it higher than the duty under the Act?

The Honourable Sir Muhammad Zafrullah Khan: I am going to develop that point. It will be agreed on all hands that an amendment which seeks to raise the burden on the taxpayer above that which he would have to bear, if the measure under consideration were not to become law, would be out of order. It has been ruled before that if the amendment seeks only to raise the level of duties provided in a Bill up to or below the level at which they would stand if there were no attempt to deal with them by a new legislative measure no sanction is required as the amendment would not add to the burden on the consumer which he would have otherwise to bear. Now, the position in regard to this Bill is that it imposes fresh duties after the duties that were previously in operation have come to an end. The point will be better appreciated if I draw your attention and the attention of the House to the fact that if it had not been certified that the fresh duties which this Bill seeks to impose may be collected under the

provisions of the Provisional Collection of Taxes Act, today, there would be no duty at all. The duties which were previously in operation have come to an end.

Mr. President (The Honourable Sir Abdur Rahim): When?

The Honourable Sir Muhammad Zafrullah Khan: On the 31st March. This Bill was introduced on the 31st of March and the duties under it began to be collected from the 1st of April.

Mr. President (The Honourable Sir Abdur Rahim): On the 31st of March, the old duties were in force?

The Honourable Sir Muhammad Zafrullah Khan: Yes. The point is this. If it were not for that declaration under the Provisional Collection of Taxes Act, there would be no duties in operation today. Now, those duties are being collected under this Bill which is under consideration. If this Bill were to go, the old duties would not come into operation nor would they continue in operation. They have definitely come to an end. The position with regard to the Provisional Collection of Taxes Act is that a declaration under section 3 of that Act can only be made if fresh duties or enhanced duties are being imposed. I shall read out section 3 of the Act.

Mr. President (The Honourable Sir Abdur Rahim): Is this an increased duty?

The Honourable Sir Muhammad Zafrullah Khan: This is a fresh duty.

Mr. President (The Honourable Sir Abdur Rahim): Lower or higher?

The Honourable Sir Muhammad Zafrullah Khan: It is lower than the duties that were in operation under the old Act which has expired.

Mr. President (The Honourable Sir Abdur Rahim): And the amendment?

The Honourable Sir Muhammad Zafrullah Khan: The amendment seeks to raise them above the level at which they are in operation today. It seeks to raise them up to a level lower than the duties under the old Act but higher than the duty that is in operation today. The point that I was trying to make was this. Section 3 of the Provisional Collection of Taxes Act says:

"Where a Bill to be introduced in the Indian Legislature on behalf of Government provides for the imposition or increase of a duty of customs or excise, the Governor General in Council may cause to be inserted in the Bill a declaration that it is expedient in the public interest that any provision of the Bill relating to such imposition or increase shall have immediate effect under this Act."

Now, Sir, if the present Bill is to be construed as reducing the duties from the level at which they stood under the old Act and it is sought to be argued that, therefore, any amendment seeking to increase them, not beyond the old level but up to the old level or somewhere below the old level, has merely the effect of raising the duty up to or below the old level and, therefore, does not increase the burden on the taxpayer,

[Sir Muhammad Zafrullah Khan.]

then section 3 of the Provisional Collection of Taxes Act would not apply. Then, the duty that is being collected is being illegally collected and actually there is no duty in operation today, and those who have paid duty have a claim to get a refund of any duty collected because it is an illegal imposition.

Mr. President (The Honourable Sir Abdur Rahim): Apart from that declaration, supposing there was no declaration, the Chair takes it this Bill will still be liable to be passed by this House?

The Honourable Sir Muhammad Zafrullah Khan: Actually there would then be no duty collected after the 31st March. Therefore, the argument that a duty is being collected continuously after the 31st March but at a lower rate and that, therefore, it is only a case of a reduction of duty would not hold. If it is a case of reduction of duties, whatever is being collected is not a legal duty, it is an illegal imposition and no duty is actually today in operation. On the other hand, if section 3 of the Provisional Collection of Taxes Act validly applies, then it is a case of fresh imposition of duties. Obviously, it is not an increase and if it is a fresh imposition of duties where the original duties have come to an end and have ceased to be of any effect, then any amendment seeking to raise the duty, provided in the Bill, does place an additional burden upon the taxpayer because, it is only by virtue of this Bill *plus* the Provisional Collection of Taxes Act.....

Mr. President (The Honourable Sir Abdur Rahim): The point the Chair wants to clear up is this. When this Bill was introduced and as the Bill now stands, it seeks to impose certain duties. At the time of the introduction of the Bill, when the House became seized of it, there was a duty in force, that is to say, under the old Act; and what the amendment seeks to do is to raise the duty to a level lower than under the old Act. Then, the question is whether the amendment ought not to be considered as referring—so far as this point is concerned—to the state of things existing at the introduction of the Bill?

The Honourable Sir Muhammad Zafrullah Khan: With regard to that, my submission is that this declaration under the Provisional Collection of Taxes Act cannot operate under the provisions of the Act itself from the date on which the Bill is introduced; it can only come into operation from the following day and, therefore, the new Bill did not in any manner affect the duties under the old Act or the operation of the old Act, and I would submit that the real test in these matters is this. In the absence of the Bill that is being discussed, that is to say, if the Bill were thrown out altogether, would the old duties be in operation? If they would be in operation, then the position is that, inasmuch as the House can throw out the Bill altogether and in that way restore the operation of the old duties, it is open to the House to say that the duties shall be either at the old level or at a level which is higher than that provided for in the new Bill but lower than the level under the old Act.....

Mr. President (The Honourable Sir Abdur Rahim): This question is not governed by any rule, but by parliamentary principles. This has been

fully explained by Sir Ibrahim Rahimtoola. The question to be decided according to that principle is: at the date of the introduction of the Bill when the Bill was placed before the House and the Member of Government obtained leave for its introduction what was the state of things so far as this duty is concerned. The Bill, as then introduced, is now under consideration, and any amendment that is sought to be made has to be considered with reference to the Bill now before the House as introduced. Then, at the date of introduction, there was a certain duty payable, and I suppose the other side would say, "What we propose by the amendment is a certain level of duty which is lower than the prevailing rate at the date of the introduction of this Bill?" You say, "no", "you want that the duty should be higher than what the Government propose by this Bill though still lower than what existed before"?

The Honourable Sir Muhammad Zafrullah Khan: My reply is that the Bill, when introduced, only meant a provision for the imposition of fresh duties after the duties that were then in operation would expire—they were going to expire on the date on which this Bill was introduced. The effect of the introduction of this Bill along with the declaration under the Provisional Collection of Taxes Act was that, after the expiry—not during the continuance but after the expiry of the old duties, from the following day, a fresh duty would be levied which may have been higher or lower—as it happens here it is lower—than the duty which expired, and the duty having expired, today there is no duty in operation except by virtue of the provisions of this Bill read with the provisions of the Provisional Collection of Taxes Act.

Mr. President (The Honourable Sir Abdur Rahim): Supposing this Bill was introduced a month earlier, what would be the position of the Honourable Member?

The Honourable Sir Muhammad Zafrullah Khan: If these amendments had come up for discussion by Honourable Members while the old duties were still in operation and had not expired, then, under the rulings of Honourable Presidents, they would not have required sanction.

Mr. President (The Honourable Sir Abdur Rahim): That means a very uncertain position?

The Honourable Sir Muhammad Zafrullah Khan: The case is really indistinguishable from the case on which you gave a ruling, Sir, in 1936.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has considered that; that was the ruling in its mind when the Chair put these questions.

The Honourable Sir Muhammad Zafrullah Khan: The point that was discussed was this. The duty had expired also on the 31st March. The new Bill was introduced a few days later, and in between, there was actually no duty in operation but a fresh duty came into operation again in the same way as here under the Provisional Collection of Taxes Act and the question there also was whether an amendment to restore the duties to the original level did or did not require sanction.....

Mr. President (The Honourable Sir Abdur Rahim): That seems to the Chair the important point—the date when the Bill was introduced.

The Honourable Sir Muhammad Zafrullah Khan: May I draw your attention to a few lines in your ruling in the Debates for 1936, page 4318: you were pleased to say:

"The Chair had considered these amendments when notice was given, and it has also heard the arguments on both sides as to whether these amendments are in order or not. The Chair thinks the rulings are quite clear on the point. The circumstances of this case are that the duty on wheat expired, under the last Act, on the 31st March, 1936, and then the Government, under the Provisional Collection of Taxes Act, 1931, imposed a duty of one rupee per hundredweight on wheat as a protective duty; and now this Bill seeks to impose a protective duty of one rupee per hundredweight on wheat, to come into effect as soon as this Bill becomes law."

I submit that the position here is exactly the same and can be described in exactly the same words. You were further pleased to remark:

"There is no doubt that what was done under the Provisional Collection of Taxes Act, 1931, was to impose a certain duty on wheat as none existed before. . . ."

The provisions of that Act came into operation after the old duties had ceased to be in existence.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not really see the importance of this Provisional Collection of Taxes Act so far as this case is concerned. This provisional collection is, after all, a temporary measure.

The Honourable Sir Muhammad Zafrullah Khan: If it is irrelevant. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Chair did not say it is irrelevant.

The Honourable Sir Muhammad Zafrullah Khan: Let us say for the purpose of this argument that it is irrelevant. In that case, my case is further strengthened and for this reason. If it is a fact that the Provisional Collection of Taxes Act does not affect the question before you, then the position is that, apart from the provisions of that Act, there is no duty in operation now. The old duties have expired.

Mr. President (The Honourable Sir Abdur Rahim): The Bill, the Chair takes it, was introduced on the supposition that there was a duty.

The Honourable Sir Muhammad Zafrullah Khan: I venture to submit not necessarily. What the Bill seeks to do is to amend the Act by continuing its operation in some cases for seven years and in some other cases for three years. . . .

Mr. President (The Honourable Sir Abdur Rahim): It is an amendment to that Act.

The Honourable Sir Muhammad Zafrullah Khan: Yes, just as the Wheat Bill of 1936 was an amendment of the previous Act substituting a later date and then providing for the duty. My submission, therefore, is that the real position is not at all distinct from the question that was under your consideration in 1936. Exactly the same position had arisen there except that there had been an interval of a few days during which the Provisional Collection of Taxes Act was not in operation. The new Bill could only come into force after it had become law: it could not come into force earlier. The mere introduction on a particular date, I venture to submit, is immaterial. The effect in law is that the old duties are no longer in operation. If this Bill does not become law, there would be nothing in operation and therefore the question is: what would be the

burden on the consumer in the absence of this Bill? In the absence of this Bill, the burden on the consumer would be nil. This Bill seeks to impose a certain extra burden on the consumer. That is the real position.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Commerce Member has admitted that this amendment, which is in the name of Mr. Avinashilingam Chettiar, seeks that certain duties should be imposed on wood pulp which, in fact, will be higher than those proposed in the Bill, but lower than that in the Act which the present Bill seeks to amend. The Honourable the Commerce Member then argues that what is to be taken into account is the fact whether there is any duty at the present day or rather today when the amendment will be discussed and put to the vote of the House—and whether the proposal in the amendment would increase the burden on the taxpayers or the duty payers or not. He says that no account is to be taken of the fact that the Bill including the clause which this amendment seeks to amend was introduced on a date on which the old Act was in force and he further argues that, but for the Provisional Collection of Taxes Act, there would have been no duty at all today and, therefore, this amendment seeks to increase the burden of the people inasmuch as it wants that the duty should be higher than that provided for in the Bill which is now before the House, and, therefore, previous sanction of the Governor General is necessary. The Chair does not think, the continuance of the duty under the particular Act mentioned, for the time being, makes any difference in this case. Supposing, for instance, this Bill was introduced a month before the duty under the Act expired, Honourable Members would be perfectly justified in sending notices of amendments any time afterwards and the mere accident that when an amendment came to be discussed by the House, the duty happened to expire should not make any difference in the consideration of the amendment. The Chair thinks the crucial date to be considered is the date of the introduction of the Bill, when the House became seized of the Bill, and it was open to the Honourable Members to send in amendments on the basis of the Bill and the law existing on that day. Since this amendment does not seek to raise the duty to a figure which is higher than what was prevalent on the date the Bill was introduced, the Chair holds that the amendment is in order, and that sanction of the Governor General was not required.

Mr. T. S. Avinashilingam Chettiar: Sir, the amendment I have moved is:

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 43, after the words '*ad valorem*' the words and figures 'or Rs. 35 per ton whichever is higher' be added."

I do not like to make a long speech on this matter either. I would like only to show that this duty of 25 per cent. *ad valorem*, according to the present price of paper, works out to about Rs. 32 as the Honourable the Commerce Member has stated. The report of the Tariff Board (page 20) shows the prices per ton of imported pulp. Taking the rate of £10 per ton, it works out to Rs. 133 and 25 per cent. of that comes to about Rs. 35 and the Honourable Member said that the present protection is quite sufficient at that price level. Examining the price that has prevailed I do not think that the fixation of 25 per cent. *ad valorem* will be sufficient. The price has come down to something like £8-5-0 which was the *c. i. f.* price per ton of imported pulp in 1935-36. Twenty-five per cent. of that

[Mr. T. S. Avinashilingam Chettiar.]

comes to Rs. 27-8-0 and, therefore, if the price of paper goes down, it does not work out to Rs. 32 per ton as the Honourable Member made out. Undoubtedly it works out at the price of wood pulp per ton in the last year. You must allow for a certain reduction of the price of imported pulp and we see that the price of imported pulp when it goes down cuts down the protection that has been vouchsafed, if it is at the *ad valorem* rate. For that reason I would like the minimum to be fixed as suggested in my amendment. I hope the amendment will be accepted by the Honourable Member because he himself said that he is agreeable to giving protection at Rs. 33 per ton.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 43, after the words '*ad valorem*' the words and figures 'or Rs. 35 per ton whichever is higher' be added."

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I rise to support this amendment. The Honourable the Commerce Member said yesterday that the works cost of bamboo pulp was Rs. 111 per ton as found out by the Tariff Board and that 25 per cent. revenue duty will be sufficient to cover the protection needed both for bamboo pulp and grass pulp. But he has calculated on the basis of Rs. 111 per ton while he has very conveniently not taken into account the overhead charges which were also calculated by the Tariff Board. He said that the process of manufacturing paper is a continuous one, from bamboo or grass to paper. But, Sir, the process of manufacture consists of two different sections. The first process is to make pulp from bamboo or grass and the next process is to make paper from the pulp. As the Honourable the Commerce Member knows the more difficult task and the more laborious and the more costly task is to make pulp from the raw material, and the Tariff Board rightly said in their report that 60 per cent. of the total overhead charges should be apportioned to the cost of manufacturing pulp from the raw material and, accordingly, they calculated on this basis of 60 per cent. that Rs. 33 per ton would be the overhead charges for making one ton of pulp, and they came to the conclusion that the works cost of manufacturing bamboo pulp was Rs. 144 and the cost of manufacturing grass pulp was Rs. 173. If the *c. i. f.* price of imported wood pulp is taken at Rs. 120 per ton and the duty of 25 per cent. only is levied thereon, it will not be sufficient to enable the grass pulp to compete with the foreign wood pulp.

Yesterday, my Honourable friend, the Commerce Member, interrupted my Honourable friend, Mr. Ananthasayanam Ayyangar, and said that the Tariff Board reported that the tendency of the price of wood pulp was upwards, but I am sorry that he was mistaken when he made that interruption. I would refer him to page 35 of this report which says that at the time when the Report was made the price of wood pulp was about £12 and they said:

"We understand that prices even lower than £12 have been quoted recently. By 1939-40, it is not improbable that a further fall in prices may have occurred and it is possible that they may eventually recede to £9 a ton, *c. i. f.* Calcutta since early in 1936 they were as low as £8-15-0."

As a matter of fact, the price of wood pulp has fallen considerably since this report was published. So, Sir, in my opinion, this amendment is absolutely necessary if we are to protect the indigenous pulp from the competition of foreign wood pulp.

A point was made by Professor Ranga that grass mills should be given notice of three or four years in which they should change over from grass to bamboo. Probably, my Honourable friend does not know anything about paper manufacture. Otherwise he would not have made such an absurd proposal. The machinery required for making pulp from bamboo is absolutely different from the machinery which is required for making pulp from grass and so, it will mean that those mills which manufacture pulp from grass will have to scrap their machinery and will have to import fresh machinery or start fresh mill for bamboo. Then, again, he said that if bamboo is not obtainable in the United Provinces and the Punjab it may be transported from Madras. Probably, he does not know that in the case of either bamboo or grass, it is the freight that costs and not the material. The bamboo in the forest or the grass on the hills or in the jungle have no value; the only cost is the royalty payable for the lease of the forests and the cost of cutting, carting and railway transport. If bamboo is to be brought from Madras, then it will be much more costly than the grass obtainable in the United Provinces and the Punjab. I am making these remarks so that my Honourable friend might know that his suggestion does not hold water.

I will now refer to my Honourable friend, Dr. Sir Ziauddin Ahmad. He said that this industry has been in existence for the last sixty years and so it does not require any protection. I may inform him that up till before the war, there were four paper mills in India altogether. They were struggling for their existence, they were hovering between life and death. No dividends were being paid and it was only a matter of time when the funeral procession of these mills would be taken. It was during the war that these mills made good profits and came to their own. I may also inform him that, even afterwards, the mills were making heavy losses. As a matter of fact, the Titaghur Paper Mills lost Rs. 35 lakhs. in an adventure to open bamboo paper mill in Burma. That was a complete failure and the whole capital of 35 lakhs invested therein was lost and had to be written off. My Honourable friend gave some figures showing what profits have been made by these mills. I may inform him that the share capital of Rs. 25 for one mill which he quoted was originally Rs. 50. The shareholders paid Rs. 50. And on account of the losses that were incurred by the mills 25 rupees had to be written off and the share capital had to be reduced to Rs. 25. That is in the case of the Bengal Paper Mills; and as regards the Titaghur Paper Mills the share value was originally Rs. 100; it was then split up into smaller shares of Rs. 10 and then, on account of losses, three-fourths of the capital had to be written off and the share value was reduced to Rs. 2½. And then, for the money which was due to the Managing Agents, 30 lakhs of rupees worth of deferred shares were accepted by them. That is what saved the mills. They paid 30 lakhs cash down and they had to accept deferred shares which, on that day, were practically considered to be valueless. Then another reconstruction scheme was made and it is shown in the reports read by my Honourable friend, i.e., Rs. 5 for 'A' ordinary shares and Rs. 5 for 'B' ordinary shares, etc. My Honourable friend should have understood these things before making suggestions that these mills have

[Babu Baijnath Bajoria.]

been making large profits for 60 years. The industry has been given protection only for 12 or 18 years and it has been amply proved by the Tariff Board Report that this protection has not been abused but has been used to very good purpose. And, as a matter of fact, the mills did not increase the price of paper to the same level when there was increase in the price of imported paper which they would have been justified in doing. It has also been mentioned in the Tariff Board Report which I should like the Honourable Member to go through. Sir, I think this amendment is absolutely essential for the protection of the industry and specially for those mills which manufacture pulp from grass, and I would appeal to my Honourable friend, the Commerce Member, to accept this amendment.

Dr. Sir Ziauddin Ahmad: Sir, before I come to the subject matter of this amendment I may refer to one or two points raised by the last two speakers. I may inform Mr. Bajoria that I was not speaking from memory but from printed reports which quoted the dividends paid by mills. So that whereas he could not give any documentary evidence in support of his arguments I quoted the authoritative reports, which cannot be challenged, as regards the dividends declared by the various companies.

My second point is, that the paper mills and manufacturing companies made enormous mistakes for which they came to grief. During the war and just after they made huge profits and began to give big dividends, without keeping any reserves for bad times; and when the bad times came, they came before the Commerce Member and the Finance Member and asked for protection. Had these capitalists been moderate in their expenditure and declaration of dividends and had they kept something in reserve, this protection, which is now required at the expense of the taxpayers, would not have been needed. I know some bad managers who intentionally make these companies bankrupt; and I gave my own case as an example. I invested some money in a bobbin company the managing agents of which owned some other company which made this bobbin company bankrupt, so much so that they have mortgaged the whole of that company for 120 years without any dividends and interest, etc. So, the one or two examples quoted by my friend, Mr. Bajoria, require serious consideration. I should like to know whether the personal equation of these managers is not the same as the personal equation of my bobbin company managing agents. Then alone will we be able to settle this matter.

Now, coming to my Honourable friend, Mr. Ayyangar, I want to quote what Lord Ronaldshay said on going back from this country that when a Madras begins to speak it will take you five minutes to discover that he was speaking English! There may be some exaggeration because I begin to understand Mr. Ayyangar much earlier than five minutes. But the difficulty is that as I do not follow him he also does not follow me.

Coming to the amendment itself, as was made clear by the Commerce Member and the Mover, the intention is to raise the quantum of protection. And my argument against it is that raising of protection is not needed; rather the quantum of protection should be lowered. And I mentioned two facts in support of my argument. We find that imported pulp has been continuously diminishing in this country and the bulk of

it which is manufactured in this country has been continuously increasing. On page 18 of the report we are told that in 1931-32, when this Bill first came into operation, the total quantity of pulp produced in this country was 17,571 tons and the imported pulp was 20,081 tons. In the last seven years the manufactured pulp has risen to 35,374 tons, i.e., 100 per cent. increase, and the imported pulp has diminished to 10,976 tons, i.e., reduced by half. Again, on page 8 of this report, the percentage is given and we find that whereas in 1931-32 the percentage of pulp produced in this country was 46.67 of the total, it rose to 76.32 per cent., while the imported pulp was reduced from 53 per cent. to about 23.68 per cent. It is, therefore, clear that imported pulp five years ago was more than half our total requirements, and now it is less than a quarter—it is between one-fourth and one-fifth. The import, therefore, is diminishing regularly and the manufacture of pulp in India is proceeding fairly well. The second point is on page 35. We find that the price prevalent some time ago was only about £8 whereas now the rate is about £13. With the high price of the imported article, it is not desirable that we should increase the quantum of protection and artificially raise the price level. Considering all these things, namely, the high price of the imported article, the constant increase in the manufactured pulp here, and the constant diminution of imported pulp, I see no justification for raising the quantum of protection

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): There is no proposal to raise the protection.

Dr. Sir Ziauddin Ahmad: It is on this ground that the amendment has been moved and the Honourable the Commerce Member raised the point of order on the ground that the object of the amendment is to raise the quantum of protection: there is no denying the fact that the intention of the motion is to raise it: otherwise, what is the object in moving this amendment and why not accept the original motion? In fact the industry has reached a stage when protection is not needed. The House has passed the amendment and gave it protection for five years and I do not mind it. We certainly do not agree to a diminution in the quantum of protection but we ought not to agree to any increase of the quantum. I oppose the amendment.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I dealt with this matter at length yesterday afternoon, and shall, therefore, not repeat everything that I then said on it. The effect of the present revenue duty is that today at any rate it is affording not only adequate protection, but even excessive protection to pulp. The fair selling price of bamboo pulp on a proper calculation made by the Board itself is Rs. 111 per ton and of grass pulp Rs. 140 per ton: the revenue duty affords excessive protection to the extent of Rs. 45 per ton to bamboo pulp and to the extent of Rs. 16 per ton to grass pulp and therefore there is no justification for seeking to carry this protection further, that is to say, to provide that Rs. 35 per ton which at present is higher than the revenue duty shall be the level of protection; and I would request Honourable Members to consider carefully what they are doing and what the possible consequences of what they are doing may be.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 43, after the words 'ad valorem' the words and figures 'or Rs. 35 per ton whichever is higher' be added."

The Assembly divided:

AYES—63.

Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Aikman, Mr. A.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Bhagchand Soni, Rai Bahadur Seth.
Boyle, Mr. J. D.
Buss, Mr. L. C.
Chaliha, Mr. Kuladhar.
Chapman-Mortimer, Mr. T.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Govind Das, Seth.
Greer, Mr. B. R. T.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
James, Mr. F. E.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.

Jogendra Singh, Sirdar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Laljee, Mr. Husenbhai Abdullahai.
Malaviya, Pandit Krishna Kant.
Manu Subedar, Mr.
Miller, Mr. C. C.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Paliwal, Pandit Sri Krishna Dutta.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Rajah, Raja Sir Vasudeva.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Scott, Mr. J. Ramsay.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Subbarayan, Shrimati K. Radha Bai
Varma, Mr. B. B.

NOES—46.

Abdul Ghani, Maulvi Muhammad.
Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Ahsan, Maulvi Muhammad.
Aiyar, Mr. T. S. Sankara.
Ayyar, Mr. N. M.
Azhar Ali, Mr. Muhammad.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Chanda, Mr. A. K.
Christie, Mr. W. H. J.
Clow, The Honourable Mr. A. G.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Ghulam Bhik Nairang, Syed.
Ghuznavi, Sir Abdul Halim.
Gidney, Lieut.-Colonel Sir Henry.
Hardman, Mr. J. S.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.
Mackeown, Mr. J. A.

Maxwell, The Honourable Sir Reginald.
Menon, Mr. P. M.
Metcalfe, Sir Aubrey.
Mukerji, Mr. Basanta Kumar.
Nauman, Mr. Muhammad.
Nur Muhammad, Khan Bahadur Shaikh.
Pillai, Mr. N. R.
Rafiuddin Ahmad Siddiquee, Shaikh.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Shahban, Mian Ghulam Kadir Muhammad.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Umar Aly Shah, Mr.
Yamin Khan, Sir Muhammad.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

Mr. T. S. Avinashilingam Chettiar: Sir, I move:

"That in sub-clause (c) of clause 2 of the Bill, in the seventh column of the proposed Item No. 43, the words and figures 'March 31st, 1942' be inserted."

Before speaking on the amendment itself, which is consequential on the one which we have just passed, I should like to congratulate my friend, Dr. Sir Ziauddin Ahmad, because, Sir, where Lord Ronaldshay took five minutes to understand what we said, our friend is able to understand us much earlier, and that is a thing on which he needs to be congratulated.

Now, Sir, this is a consequential amendment on the one which we have just passed, and it only provides the time limit for the protective duty that is sought to be imposed.

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

"That in sub-clause (c) of clause 2 of the Bill, in the seventh column of the proposed Item No. 43, the words and figures 'March 31st, 1942' be inserted."

The motion was adopted.

Dr. Sir Ziauddin Ahmad: Sir, I move:

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 44, for the existing entry the figures and words '20 per cent. *ad valorem*' be substituted."

The object of my amendment is to lower the quantum of protection which, I believe, they do not need, but though we lost in the last division by counting of votes, yet I believe, that we have scored it morally because it has been proved that European and Hindu capitalists have joined hands

Mr. S. Satyamurti: On a point of order, Sir. No animadversion, I submit, can be made by any Honourable Member on the vote of this House. My friend suggested that the vote on the last amendment was a moral victory for him, because, he said, of an unholy combination of capitalists. I submit, Sir, that no animadversion can be cast on the vote of this House by any Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member wanted to criticise the vote of this House, but he has expressed an opinion that there is some sort of combination among different Parties.

Dr. Sir Ziauddin Ahmad: Sir, we have to face two difficulties. The first is that the consumers of this country have to face the capitalists' combination, and, here, the Hindu capitalists and European capitalists have combined, and that is a thing which the consumers have to face. I do not know what the view of the Congress back-benchers is, but that is the conclusion which will be drawn by everybody. The last division shows that the capitalists, whether belonging to this country or to outside, have combined to exploit the consumers of this country. That is the moral inference which we have drawn. In this case the Congress people have always joined hands with Europeans, and so we will be in the same position as when the Congress and the Government join together. Therefore, we have to face a double combination here, the combination of the Congress and the Government against minorities, and the combination of the Congress, representing the capitalists and the European

[Dr. Sir Ziauddin Ahmad.]

capitalists against consumers. We are really in a difficult position, and it is very hard to score any victory over these two combinations on any amendment. It suits the Congress people very well to join hands with Europeans when it suits them. They can combine with the Government also when it suits them

Mr. M. S. Aney: On a point of order, Sir. My friend wants to move an amendment, but does he want to vote on it also? If he does not record any vote, is he not wasting the time of the House for nothing, and is he justified in talking of a combination of capitalists of this House?

Dr. Sir Ziauddin Ahmad: That is not a point of order.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has raised a point of order. Of course, the Chair cannot compel any Party or any Honourable Member to vote in a particular manner nor can it compel any Party or individual to speak in the matter. Whether any individual Member speaks in support or against any motion before the House and then abstains from voting, is a matter for him to judge and decide what effect such speeches are likely to produce.

Dr. Sir Ziauddin Ahmad: I am sorry that my friend, Mr. Aney, had been sleeping. I did vote on the last occasion, and, probably, he did not know it. I will see whether he will vote with me this time, I will challenge a division if he promises to vote with me.

Now, Sir, we have really two unholy combinations to face,—the unholy combination of the Congress and the Europeans and the Congress and the Government. The Congress people condemn the Europeans right and left and use all kinds of epithets, epithets of a kind which I have never heard, because I don't move in the society in which they move, but in spite of this, when it is a question of exploiting the poor consumer, there is an unholy combination between the Congress capitalists and the European capitalists. They have no hesitation whatever to ask the Congress back-benchers to vote with the capitalists. These are the two difficulties which we have got to face. These Congress people adopt a kind of three faced policy, once combining with Government against Mussalmans, then combining with the European Group against the consumers, and sometimes dragging us to defeat the Government. They follow this three-edged policy. With these words I move my amendment.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 44, for the existing entry the figures and words '20 per cent. *ad valorem*' be substituted."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): My Honourable friend, Sir Ziauddin, is very much in the same position in which my Honourable friend, Mr. Joshi, was,—only he is a little less sporting. I think in this House one cannot be of the pattern of my Honourable friend, Sir Ziauddin, all the time, and if right varies according to the judgment of different people, the combinations that take place need not worry him at all. I wish he

would take up a position of a little more affirmative attitude in all matters instead of negation which has hitherto been his process. If he did that, he would find more friends readily, and without giving any names of any labels at all. We stand for the propriety of a proposition. For instance, throughout this Bill, throughout every measure—Sir James Grigg has left Delhi, but not the shores of India, but he has left a legacy in the person of my Honourable friend, Sir Ziauddin. He imagines that protection in every industry should go and disappear. Forsooth, why? Because some bobbin industry which was a sub-industry of some other industry was ruined. You can see how in this world a thing can work by way of obsession. A man puts in a small amount of capital in a subordinate industry of another industry having a managing agent who is a bad one. As soon as he finds that he has done badly, he comes to this world and says, every industry protected is bad, merely because in the one industry in which he had put in money he happened to lose. May I ask my Honourable friend, if we can restore by way of subscriptions the amount lost by this person, would he now revise his policy of *laissez faire* attitude? I have never heard from him any other illustration on the disastrous policy of ruining industries which have been built up during the last 13 years under what is called a policy of discriminating protection. I do not know whether my Honourable friend subscribes to any protection at all; I have never been able to understand it. Yesterday, I believe, he said, I believe in protection, but I believe in what is called proper protection. I suppose the word "discriminating" is as much Latin as the word "proper", my Honourable friend knows that, only one is a little more simple than the other. If he believes in proper protection, he can say that he does not believe in the protection which even in the wisdom of Government has been given, and that he thinks that in this particular industry the profits are too high. Does my Honourable friend do it out of sheer policy that everything should be reduced? That is a protest which I wish to make. As regards what happens, as to Europeans seeing reason in what I do, or the Government seeing reason in what I do, or occasionally your seeing reason in what I do,—that is a matter which I cannot help. If you do not see reason in what I do two times out of three, well, it is your own misfortune, not mine. I wish that you would be more times with me, I wish that we could go together all the time, but if that is your policy, I cannot help it. It may be neutrality which is no policy, or it may be friendliness which is a better policy. Therefore, your friends whom you call enemies are not enemies at all. It is an obsession of seeing the enemy where none exists. I extend my hands to my Honourable friend all the time. Then, as he himself said and his Leader said, we do not need the European support at all. But why don't you see reason with me? That is my complaint with you.

The next point that I want to make on this is, having regard to the figures given on the last occasion, and which my Honourable friend did not trouble to verify, 111 and 140 is not disputed, but what is disputed is that to those two items is not added the overhead charges, viz., the proportionate part of it up to the time of coming to the bleached pulp. Then, you add the rest of the charges upto the point of the stage of the finished article, and you find that Rs. 16 for grass pulp does not leave enough margin of protection after making allowance for the proportionate overhead charges up to the point of bleached pulp. It was for that reason that we have felt that the protection which we asked for was needed. Then, in the same spirit I am asking my Honourable friend to see that

[Mr. Bhalabhai J. Desai.]

by reducing this below 25 what you would do is to do a harm which—I do not know what paper my Honourable friend is using or buying, but in any case, that you have given protection for this period of time, my Honourable friend's figures tell me a tale which is different to the tale that they tell him. During the last seven years the quantity of pulp produced in this country is twice what it was seven years ago, and in a corresponding sense the pulp which was imported has gone down. It depends on individuals what lessons you draw from events. It depends on the balance of mind. My balance of mind, for instance, says to me that the protection has properly worked in that our pulp has grown in quantities and, therefore, I have excluded foreign paper, and the paper that I produce from them is 100 per cent. Swadeshi. Why not read the correct lesson from the facts which are common between you and me. There is no question that the facts are common. If the foreign imports have decreased and our own production has increased, what else, may I ask, is the object of discriminating protection? The whole object of that policy is that you should gradually so assist the industry that home production increases until you reach a period of time when its efficiency is such that you need no more protection. That is really the policy. If my Honourable friend's figures—I admire his industry, only I cannot agree with his reasoning, and the deduction that he draws from the very labour—and it is sterile—he has bestowed is of no value. Take the facts and draw the conclusion. Pulp has increased in production and that is stopping foreign import,—is that a correct deduction or not? Only we have succeeded in eliminating the import of pulp by this discriminating protection and it is proved beyond all doubt by the figures which have been quoted, that it is working very well and deserves to be continued.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): As one of the back-benchers with whom my Honourable friend, Sir Ziauddin Ahmad, wanted to sympathise as being dragged into the lobbies against our will, I desire to mention to him that it was not dragging, but a mere willing following of the principle that is contained in the decisions we take. (*An Honourable Member*: "Always?") Always. My Honourable friend, Sir Ziauddin Ahmad, quoted the instance of Lord Ronaldshay complimenting on the English of Madras, that it takes five minutes for him to understand.

Dr. Sir Ziauddin Ahmad: Not for me, but for Lord Ronaldshay.

Mr. Sami Vencatachelam Chetty: . . . to follow what we have said. I have no doubt that we take at least half an hour to understand the ideas of my friend. One thing that we like very much about him is his cheerful disposition. He has complained about this industry requiring protection for an interminably long time and he quoted the instance of an industry which has been enjoying protection for the last 60 years. I am not surprised that industries, which invested large capital in those concerns, require such long protection, having regard to the fact that persons with no capital require protection even after 60 years of age. Time after time we desire that we should be protected either by our own children or even by outsiders. That is because of the innate weakness of persons or industries. In regard to the paper industry, the case of my Honourable friend is very weak as compared with the protection to which he generally takes

objection in regard to any other industry. The paper industry has had a chequered career. It was on the fringe of collapse when, owing to the exigencies of war, the policy of protection with regard to this industry was seriously thought of by the Government and protection was accorded. My Honourable friend, Mr. Bajoria, has mentioned very telling facts with regard to the history of this industry, and I have not heard anything from this champion of anti-protection controverting those facts. As has been mentioned by my esteemed leader, the experience of my friend, Dr. Sir Ziauddin Ahmad, in business investments has been very very sorry indeed. He always speaks of being one of the consumers. Undoubtedly he is a consumer on a very large scale. Yet he cannot really ignore the existence of his neighbours who also consume according to their own might. So this protection, to whomsoever it is extended, has an effect upon the consumer, whether big or small. On the pretext of pleading for the so-called consumer, you cannot go on objecting to the protection that is very discriminately given and that is very judiciously extended to these industries.

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. Sami Vencatachelam Chetty: Sir, I find my Honourable friend, Dr. Sir Ziauddin Ahmad, is not in his seat. However, Sir, I was referring to his obsession of opposing every proposal to give discriminating protection to indigenous industries. That is the bee in his bonnet. Sir, I recollect that my Honourable friend was one of the appointed shareholders of a company floated by the Honourable the Home Member during the discussion of the Indian Companies Act. I do not know if the investment he has made in that company has turned out at any rate profitable as against the sad experience of the other company. Sir, being familiar with the vast learning which his academic qualifications indicate, I am not surprised that his gullibility is in a corresponding degree great. That is why he always falls into the error of miscalculations in regard to the possibilities of companies that are already floated or are likely to be floated. I am not again surprised, from the wording of his amendment, that he has completely ignored the fact that the Government have proposed a 25 per cent. revenue duty, which is certainly 5 per cent. greater than the protective duty which the learned Doctor wishes to propose in this amendment. That should at least have served to show to him the vital objection to his amendment. But our friend is such an optimist that he is never daunted by the stern facts confronting him. The only things of which he is afraid are combinations and permutations of the Congress Party with the other parties in this House! Even, that problem ought not to baffle a Senior Wrangler like the learned Doctor. Sir, I know he has got such an expansive mood that he would not at all be sorry even if his amendment should be lost. I am sure, he will not seek your protection, Sir, being an anti-protectionist, even if he should be attacked in this House. Sir, it may perhaps be worth repeating one argument at least to convince our friend of the futility of this amendment, viz., that he has ignored the fact that the Government themselves have proposed a 25 per cent. revenue duty for paper which is five per cent. greater than the protective duty offered by him in this amendment. I hope, Sir, having regard to his experience with regard to the other

[Mr. Sami Vencatachalam Chetty.]

amendments he will be so good as to withdraw this amendment in order that it might not be defeated by another combination. He has threatened this House with his intention to move every amendment of which he has given notice. Of course, that is conditional, provided he remembers the number of the amendment of which he has given notice. Sir, I think I have said sufficient about this so that it requires effort to induce the Honourable Doctor to withdraw his amendment. Sir, I oppose the motion.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 44, for the existing entry the figures and words '20 per cent. *ad valorem*' be substituted."

The motion was negatived.

Mr. Deputy President (Mr. Akhil Chandra Datta): Dr. Banerjea.

Dr. P. N. Banerjea: Sir, I move

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 44, for the words 'Nine pies' the words 'Eleven pies' be substituted."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): On a point of order, Sir. My amendment No. 1 on supplementary list No. 1 is with regard to raising the duty to one anna. Will that not come first, or the amendment regarding eleven pies will come first?

Mr. Deputy President (Mr. Akhil Chandra Datta): Dr. Banerjea's amendment should come first. Dr. Banerjea.

Dr. P. N. Banerjea: Sir, a short while ago there was a great deal of discussion about capitalists and labourers. I am not a capitalist. I do not own a single share in any paper mill, nor do I own any share in any other company in India. But I am a labourer, an intellectual labourer, as I have had to earn my living through labour. At the present moment I am not earning my livelihood by means of labour, but still I have not ceased to be an intellectual labourer. My sympathies are, therefore, more with labourers than with capitalists. But as an economist, I feel that capital is as necessary for the industrial development of the country as labour, and there is really no conflict between the interests of capital and labour. They can be harmonised. That is my view. I am also a consumer of paper. So this amendment, if it affects anybody, affects me as much as it affects my friend, Dr. Sir Ziauddin Ahmad, or anybody else. Therefore, it is not from any selfish motive that I am moving this amendment.

Now, coming to the merits of the amendment, I have to say that my amendment is in accordance with the recommendation of the Tariff Board. The Government of India published a Resolution a few days ago in which they said that the Tariff Board, meaning the last Tariff Board, made a miscalculation and fell into an error. This is what they said in that Resolution:

"It appears, however, to have erred in the figure for the cost of conversion of pulp to paper. The Board accepts Rs. 140 per ton as a reasonable estimate of the cost of conversion and maintains that this estimate is lower than the figure (Rs. 141 per ton) taken by the Tariff Board in 1931 but makes an addition of Rs. 32 per ton to the above estimate on account of the cost of bleaching, selling expenses, insurance, rents, rates and taxes which were not shown separately in the former Report but were included in the single figure for cost of conversion."

Where have the Government got this information that these various items were included in the single figure of cost of conversion? The last Tariff Board went into the question thoroughly. They heard witnesses and they invited the opinion of experts in all directions before they came to their conclusion. Now, on what authority do the Government base their opinion that these were included in the report of the Tariff Board of 1931? I heard the Honourable the Commerce Member yesterday and he merely reiterated what had been said in the Resolution. He did not mention the other materials which he had before him. The Government of India thought that a readjustment was necessary and after the readjustment of certain things they thought that the protective duty proposed should be reduced from eleven pies per ton to nine pies per ton. I do not think there are sufficient materials before us to support the conclusion arrived at by the Government of India and I would ask the House to accept the recommendation of the Tariff Board.

Sir, as an economist, as a labourer and as a consumer of paper, I have much pleasure in moving this amendment.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 44, for the words 'Nine pies' the words 'Eleven pies' be substituted."

Mr. Lalchand Navalrai: Sir, I have an amendment on the paper which asks for the raising of the duty to one anna. I had thought that that amendment would be taken first and if it was accepted, then the amendment which raised the duty to 11 pies would be barred. Now, as it is decided by the Chair that the eleven pies amendment should have precedence over mine, I wish to say on this amendment that the facts are that in 1931 the Tariff Board recommended that the protective duty should be one anna and it was recognised then (in 1931) that the protection was necessary to that extent. The paper industry is an ancient industry of India. That cannot possibly be denied and the Tariff Board itself on the very first page have recognised that fact. I remember that in my early age paper was being made in my town by some crude methods. No machinery was used at that time but the production of paper was in existence even in those days. It survived for some time but then there was an onslaught on it and the paper began to be imported from foreign countries and the United Kingdom and it gave more or less a death blow to our industry. At the same time, it was recognised, in 1925, that protection should be given to this industry otherwise it will die out. Therefore, they proposed in 1931 a protection of one anna per ton. Now, that protection continued on as the House knows and it will be seen from page 22 of the Tariff Bill of 1934 that the protection given to article 44 (1) was one anna and three pies. So, it is quite plain that after 1931 it was recognised that the protection should increase. Now, the protection was increased and also a surcharge was placed upon it. The surcharge was 25 per cent. Now, the position, on the 31st March 1939, was that this protection by certain orders had been reduced from one anna and three pies to one anna only and the surcharge was also removed.

Now, Sir, that surcharge also was removed and it was brought to one anna. It requires strong materials to prove that this protection which is

[Mr. Lalchand Navalrai.]

one anna protection is a higher protection and until and unless those substantial grounds are before the House, I would request that the protection of one anna should be continued. As at present, the amendment before the House is for eleven pies only. My first submission is that nine pies which is proposed now is too low. I do not think any substantial reasons have been given to justify the retention of nine pies. On page 61 of the Tariff Board report, they say:

"Taking all points into consideration, we propose to take the average price realised in 1936-37 and 1937-38 by two companies, which manufacture mainly protected classes of paper, namely annas 0.28 pies per pound or Rs. 423 per ton as the equivalent of the import price. We have left out of account the figures of the third company as a considerable proportion of its production consists of low grade paper. Deducting the duty of Rs. 175 per ton, the price of imported paper may be taken as Rs. 248, between this figure and the fair selling price of Rs. 381 is Rs. 133 per ton. The measure of protection required may, therefore, be taken as eleven pies per pound. This protective duty is one pie per pound less than the measure of protection recommended by the Tariff Board of 1931 and four pies per pound less than the present protective duty."

I submit, therefore, that so far as nine pies are concerned, there is no case made out by the Tariff Board. What are the reasons given by the Government for this reduction in protective duty?

"The Government of India consider that the fair selling price of paper, viz., Rs. 378.3 per ton arrived at by the Board should be readjusted by leaving out these additional items of expenditure and the protective duty proposed should be accordingly reduced from eleven pies per pound to nine pies per pound."

The reason given is this: when pulp is converted into paper it costs. The Tariff Board have added to it 32 per cent. of that estimate on account of overhead charges, namely, the charges on account of the cost of bleaching, selling expenses, insurance, rents, rates and taxes, etc. Now, the Honourable the Commerce Member says that this should not be added. What is the use of arbitrarily putting that these overhead charges will not be Rs. 32.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is confusing the proportion of the overhead charges with items which I said had been calculated twice over. I am convinced that he does not perceive the distinction between the two.

Mr. Lalchand Navalrai: Let the Honourable Member enlighten me then.

The Honourable Sir Muhammad Zafrullah Khan: If my speeches of yesterday and of the day before have not brought any enlightenment to the Honourable Member, I cannot hope to succeed at this stage.

Mr. Lalchand Navalrai: Long speeches have to be simplified when specific amendments are moved. One thing is clear at any rate, that if the Honourable Member wanted to challenge these charges, then the Tariff Board should have been consulted.

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is now talking of overhead charges. He has himself read out selling expenses, insurance rates, etc. May I inform him that they are not part of overhead charges.

Mr. Lalchand Navalrai: I submit that these charges which are shown here have not been explained to us. What the Tariff Board recommended should be considered by the House. So far, the Honourable the Commerce Member only, arbitrarily, said: "We do not agree with the recommendations of the Tariff Board". What I submit is that the Tariff Board should have again been consulted. If they say that the Honourable the Commerce Member is correct, then only, he can come before the House to make us accept his version. I therefore, submit that the charge should be one anna. I have also got an authority for saying that one anna should be continued. The Buyers and Shippers Chamber, Karachi, have wired to me:

"Reference Tariff Bills. Chamber strongly protest against reduction protective duty on printing paper and writing paper other sorts from one anna to nine pies per pound which would seriously affect indigenous industry particularly new Mills. Chamber earnestly urge existing protective duties be maintained."

My own amendment asks for one anna. However, if the time for protection is extended from three years to seven years, I would drop my amendment and accept the amendment which my Honourable friend has moved for eleven pies.

Dr. Sir Ziauddin Ahmad: Sir, before coming to this amendment, I should like to reply to two points raised by the Honourable the Leader of the Opposition in connection with my speech. No doubt he is a very astute Barrister, as he took up a portion of my speech which I delivered in some other connection and he tagged it with other matter. The remarks which I made were quite relevant but by taking them out of the context, he made them to look different. My Honourable friend, Babu Baijnath Bajoria, mentioned on the floor of the House that certain paper factories became bankrupt. I asked him whether those factories were not of the same type as my Bobbin company. Were these companies led to become bankrupt? There the argument ended and it had nothing to do with my other arguments.

The second point is that the Honourable the Leader of the Opposition said that though Sir James Grigg had gone away, he left a legacy in the person of Dr. Sir Ziauddin Ahmad. This is only a slogan. I have repeatedly expressed my views about protection. I propounded my theory on the floor of the House in 1933 and again in 1934, when the Steel Protection Bill was under consideration and long before Sir James Grigg came to this country. Whether my Honourable friend agrees with it or not, I just want to repeat here. I would very much like the whole world to be treated as one unit, but in these days it is absolutely impossible, because the whole world is moving along the path of protection; and every country is aiming at becoming self-supporting in manufactured goods and food products.

We should protect our industries so that we may produce everything ourselves. At the same time I advance the theory of protection subject to three conditions. First, the protection should be enough, so that after paying all charges like depreciation, interest and working expenses, etc., they may make a little more than the bank rate of interest. In case they make larger profits, then it should be divided between the labourers, consumers and taxpayers. Secondly, in the name of protection we should not exploit the consumers and destroy the cottage industries because they have as much claim as the capitalists. Thirdly, after protection is given

[Dr. Sir Ziauddin Ahmad.]

we should not leave them alone but consider from year to year how the protection is working. If we find that the quantum of protection is too little it should be raised, and if too much it should be diminished. We should also watch the fair selling prices. But I am definitely opposed to the theory of over-protection. In the case of the Steel Protection Bill I said that Sir Joseph Bore had put 18 crores into the pockets of Tata's and I protested against it although I was in favour of giving protection to steel. And my prophecy, I made in 1934, was materialised because the value of 'B' preferential shares which had gone down to 49 went up four times. I am opposed to this particular method of exploitation. It is very easy and profitable to support the capitalists, managing agents and insurers but it requires courage to support the consumers and the cottage industries for whom I stand here. That is my theory of protection which I explained long before Sir James Grigg came to this country.

My friend, Mr. Chetty, made some humorous points of which I will reply to one only. He said that after listening to me for half an hour he could not make out what I was speaking about. 'I will only quote here not myself but somebody else that I can give him my arguments but I cannot give him intelligence to understand my points. I leave it at that.'

Coming to this particular amendment, I am always in favour of protection wherever it is needed, if the Tariff Board recommended any particular quantum it should be supported by arguments, but at the same time we must see whether they have made any mistake in calculation. I pointed out two things and I request Dr. Banerjea to look into them because he is a trained economist and he will appreciate it from the point of view of an economist. One thing is that the fair selling price should be calculated at the factory and not at a particular place which may be difficult to choose. So, the c.i.f. price should be compared with the price at the factories and the freight from the factories to any particular place should not be taken, because by choosing a particular place you can manipulate your quantum of protection in any way you like. In the second place, my Honourable friend should see whether the same item has not been calculated twice over. We do not challenge their facts but we may challenge their arithmetic. So if the arithmetic is agreed to and the principle of comparing the factory price with the c.i.f. price is agreed to, I think there should be no difficulty in coming to some common understanding.

The Honourable Sir Muhammad Zafrullah Khan: Sir, where a great economist like Dr. Banerjea and a great mathematician and statistician like Dr. Sir Ziauddin differ so violently, it will be conceded that there is considerable room for adjustment. Government have tried to make that adjustment to the best of their ability. I submit, Sir, it should be left at that.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 44, for the words 'Nine pies' the words 'Eleven pies' be substituted."

The motion was negatived.

Dr. Sir Ziauddin Ahmad: Sir, I move:

"That, in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 45 (2), for the figures '50' the figures '35' be substituted."

This Item relates to "prints, engravings and pictures including photographs and picture post cards on paper or cardboard". This is not a protective duty but a revenue duty at 50 per cent. *ad valorem* which seems to me to be too much and, therefore, should be 35 per cent. If it were a protective duty it would have been all right but for revenue duty such a high duty is not justifiable. Sir, I move.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 45 (2), for the figures '50' the figures '35' be substituted."

Mr. Sami Vencatachelam Chetty: Sir, may I know what kind of picture postcards my Honourable friend has in contemplation?

Dr. P. N. Banerjea: Sir, I rise to oppose this amendment. It is a fundamental principle of public finance that articles of luxury should be taxed at a much higher rate than articles of necessity; and my Honourable friend, Sir Ziauddin, knows that these are articles of luxury and not articles of necessity. Therefore, I hope my Honourable friend will not press this amendment.

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

"That in sub-clause (c) of clause 2 of the Bill, in the fourth column of the proposed Item No. 45 (2), for the figures '50' the figures '35' be substituted."

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 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): What about this declaration? Is it also a part of the Bill?

The Honourable Sir Muhammad Zafrullah Khan: No. Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, I do not desire to take very much of the time of the House at this hour. My Honourable friend, the Commerce Member, explained that he insisted upon reducing the duty on magnesium chloride due to what he considered was an error of the Tariff Board on the question of freights. He thought that the Tariff Board had given credit to the industry in India more than was due to it. I pointed out on the last occasion when I spoke that, as a matter of fact, in my humble opinion, the Tariff Board was right and I gave figures to show how and in what places this commodity was consumed.....

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair hopes the Honourable Member will remember that this is the third reading.

Sir Cowasji Jehangir: I think I can speak on anything I like.

Mr. Deputy President (Mr. Akhil Chandra Datta): The House is not at liberty here to discuss individual clauses over again.

Sir Cowasji Jehangir: No. I am speaking generally. On this particular item of magnesium chloride, it is the only change that has been made in the Bill that, I am referring to.....

The Honourable Sir Muhammad Zafrullah Khan: No change has been made.

Sir Cowasji Jehangir: I mean the only change made by Government from the Tariff Board Report. I desire to point out again to Government that in the figures I gave showing that the commodity, when sent to the Central Provinces and to the Deccan, had to go through via Bombay, I maintain that I am correct. I maintain that there is no other way that this commodity can reach these parts of India unless they are sent through Bombay, and I have had a map prepared (which I am not going to weary the House by showing) that it is the only way in which this commodity could get to that part of India; and, therefore, my contention is correct, that out of 6,800 tons of magnesium chloride, there is only 800 tons which goes to parts of India in which the home made article gets an advantage, and it gets a disadvantage in 6,000 tons.....

The Honourable Sir Muhammad Zafrullah Khan: No, no. Even according to the Honourable Member's calculation, the quantity consumed in Ahmedabad suffers a freight disadvantage of $1\frac{1}{2}$ annas per cwt. on the average, whereas $7\frac{1}{2}$ annas have been allowed on the whole quantity by the Board.

Sir Cowasji Jehangir: No. I contest that.....

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair does not think the Honourable Member can go into those calculations and details at this stage. As to whether the calculations were right or wrong is a question which has been discussed threadbare at the time of the particular amendment and the Chair does not think that the House can go into these details over again.

Sir Cowasji Jehangir: I am not accustomed to disobey the ruling of the Chair, and I am going to obey you. What I desire then generally to point out is that the facts I placed before Government and this House are, I maintain, correct, and I would desire that Government should give this matter further consideration, and if they find that they have done an injustice, I am sure, their fair-mindedness will prompt them to rectify that mistake.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is :
"That the Bill, as amended, be passed."
The motion was adopted.

THE SUGAR INDUSTRY (PROTECTION) BILL.

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

"That the Bill to provide for the continuance for a further period of the protection conferred on the sugar industry in British India be taken into consideration."

It is unnecessary for me to detain the House for very long over this motion. The position is that the first Sugar Tariff Board of 1930-31 recommended protection for the sugar industry for a period of 15 years. With regard to the quantum of protection their recommendation was that the protective duty should be Rs. 7-4-0 per cwt. for the first seven years and Rs. 6-4-0 per cwt. for the remaining period of eight years.....

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Why have you given more?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member will have an opportunity to discuss that aspect of the matter.

The 1932 Act gave effect to this recommendation of the Board to the extent of levying a duty of Rs. 7-4 per cwt. for seven years. The first Tariff Board had recommended that before the 31st March, 1938, a further inquiry should take place into the conditions of the industry and, therefore, a Tariff Board was set up in 1937 to make this further inquiry. This Tariff Board reported in December, 1937. Last year the House agreed to continue the protective duty at the original rate, that is to say, Rs. 7-4 per cwt. for a period of one year longer inasmuch as, since the date of the Tariff Board's report, that is to say, since the end of 1937, a certain amount of regulation of the industry had been attempted in two of the provinces where the larger part of the industry is concentrated; and of the provinces where the larger part of the industry is concentrated; and the conditions last year were such that it was considered that until the effects of this regulation could be observed and estimated it would not be fair to come to a decision with regard to the level of protective duty for the whole of the remaining period of protection. Since then things have not tended towards normality. The scheme of regulation has been carried further and certain other factors have been in operation which have rendered the conditions which prevailed last year with regard to this industry rather abnormal. The effect of some of these factors has been that very high prices have ruled practically throughout last year: so that the Government found themselves in this position that owing to no fault of the Tariff Board and equally owing to no fault of the Government, the conditions affecting this industry have fluctuated so much that any decision on the merits with regard to the level of the protective duty for the remaining period of protection arrived at on the data collected by the last Tariff Board would not be fair either to the industry or to the consumer.

On the other hand, there are plenty of indications in the Report of the Tariff Board and otherwise that the present rate of protective duty is excessive. Whether those conditions will continue or not for a long enough period to enable a decision with regard to the quantum of duty to be arrived at on their basis, Government are unable at the present moment to determine. So far as the Report itself is concerned, there are clear indications of rather excessive allowances in respect of manufacturing costs

[Sir Muhammad Zafrullah Khan.]

and in respect of the difference in quality between Indian sugar and Java sugar. The Board have found that there has been considerable improvement in respect of quality, and yet, they have made a larger allowance in respect of the difference in quality than was made by the first Board. Similarly, they have estimated the ruling price of Java sugar at the extremely low level of Rs. 2-7-0 per cwt. During the first four months of the last financial year the price of Java sugar was above Rs. 3, in the neighbourhood of Rs. 3-3-0 per cwt.; since then the average price has been over Rs. 4 per cwt. Government, therefore, felt that any decision on the merits arrived at while these conditions were prevailing would not be fair one way or the other, and they have come to the conclusion that the present rate of duty subject to a reduction of Rs. 0-8-0 per cwt. which works out at slightly less than six annas per maund should continue for another two years, and, it is hoped that, before the end of that period things might work back to normal, and it might then be possible to come to a decision on the merits with regard to the rate of duty that should operate during the remaining period of protection. My contention that abnormal factors have been in operation is also borne out by the communique issued by the United Provinces Government in the middle of January last. Towards the end of this communique, the United Provinces Government say :

"The Government is most anxious that the basic price of sugar should be reduced, and the desirability of achieving that end has been pointed out strongly to the Sugar Syndicate during the last four weeks. Ultimately on December 22nd, 1938, the Government definitely informed the Syndicate that unless the basic prices were reduced to the level of Rs. 9, the question of raising the minimum price would be considered. The Government regrets that in spite of that warning no serious steps are being taken so far to bring about a reduction in the basic prices. On the contrary the rise in prices has been either justified, or has been attributed to speculation in the market. Be that as it may, the Government thinks that so long as the present prices continue, it is only just that the grower should not suffer and should have his share of them. The Government has carefully considered the sugar prices ruling in different parts of the province, and, taking into consideration that factor, it has come to the conclusion that the fairest and most convenient thing would be to increase further the minimum prices on a regional basis."

That means an increase in the prices of cane. I would, therefore, submit, Sir, that all these factors were a sufficient justification for Government to postpone a decision on the merits with regard to the rate of duty. As I have said, there are ample indications that the present rate of duty is excessive, and Government, therefore, merely as a gesture have made a slight reduction in the rate, that is to say, from Rs. 7-4-0 to Rs. 6-12-0 per cwt. As a matter of fact, if a decision had to be arrived at on the merits at this stage, there would have been ample justification for a much larger reduction. Sir, I move.

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

"That the Bill to provide for the continuance for a further period of the protection conferred on the sugar industry in British India be taken into consideration."

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): Sir, the Honourable the Commerce Member has just delivered a brief speech in support of his Bill for conferring protection to the sugar industry in British India for a further period. Sir, it is not so much to the provisions of the Bill as to the manner in which the decisions and conclusions

have been arrived at by the Government that we object to. As you are aware, Sir, the Tariff Board submitted its Report in December, 1937. As the Government have stated in their Resolution, there was no time for them to come to any conclusions till March, 1938, and, therefore, they had introduced a temporary measure continuing the duty at the rate of Rs. 7-8-0 per cwt. for one year longer. But may I know, Sir, what has the Government been doing for the last twelve months? After all, besides the recommendation regarding the quantum of protection, the Tariff Board had come to certain other conclusions and they had made definite recommendations. May I know, Sir, whether the Government in arriving at the conclusion that the duty should be reduced by Rs. 0-8-0, did so merely by way of an experiment? Did they consult the two Provincial Governments, I mean the Government of Bihar and the Government of the United Provinces which are most vitally interested in the sugar industry and which provinces are responsible for the manufacture of 83 per cent. of sugar production in this country? As a matter of fact, I have got a telegram in my hand from the Premier of the United Provinces saying that the reduction in duty is neither desirable nor necessary. I think it was but fair that during the last twelve months the Government of India should have written to those two Governments and sent them copies of the Reports of the Tariff Board for their opinion and recommendations, but nothing was done. So, I want to know why Government did not do it or fought shy of it.

Then, Sir, before coming to the conclusions of the Tariff Board's Report, I want to draw the attention of the House to a very important point. The Imperial Council of Agricultural Research Institute did not tender any evidence before the Tariff Board. As a matter of fact, the Tariff Board have regretted the fact that they did not have the advantage of formal expression of their views on the important agricultural question which it had been necessary for them to consider, more especially with regard to the cost of cultivation and the fair price of sugarcane. The House is certainly entitled to know when this Tariff Board was constituted as required by the last Sugar Industry Protection Act, why this important body did not tender evidence before the Tariff Board. It was up to the Government to supply the Board with all necessary information in their possession in order to enable them to come to correct decisions. Sir, I do not know what the reasons were for not submitting the necessary information to the Tariff Board, but the very fact that the Tariff Board has considered it necessary to make a specific mention regretting this conduct on the part of the Imperial Council of Agricultural Institute deserves the notice of the Government.

The other thing to which I want to draw the attention of the House is, that the Government of India, notwithstanding the express verdict of this House, ratified the sugar agreement by which it was agreed that there would be no export of sugar from India. As a matter of fact, while discussing this agreement, the Tariff Board have not approved the various provisions of this agreement, especially in regard to the quotas allowed to the various countries. After this, I would come to the recommendations and conclusions of the Tariff Board. The first of them is, as mentioned in the Government Resolution :

"Permission should be accorded for the manufacture of power alcohol on the understanding that it bears the same rate of duty as petrol."

[Mr. Mohan Lal Saksena.]

Now, we find at page 111 of the Tariff Board's report.

"The industry and Provincial Governments are united in the view that the manufacture of power alcohol is from the economic point of view the only profitable outlet for molasses in present conditions. We have carefully considered various other schemes for the utilisation of molasses and we find that most of those proposed are still in an experimental stage and are not yet commercial possibilities. . . . We recommend, therefore, that permission be accorded for the manufacture of power alcohol in India, on the understanding that it bears the same rate of duty as petrol."

You are aware that day after day questions have been put in this House requiring of the Government as to what steps were being taken for the utilisation of molasses for manufacturing power alcohol, but every time no definite answer has been given. It was up to the Government to have consulted the interests concerned during the last eighteen months or so and to have come to some decision regarding this important recommendation of the Tariff Board. There are other recommendations regarding the utilisation of the bye products, but the most important among them I consider is that relating to the manufacture of power alcohol. The next recommendation to which I would like to draw the attention of the House is the inadequate provision for research work. It is in paragraph 39 of the Summary. Paragraph 36 says :

"Research work on the agricultural side of the Sugar industry is inadequate in comparison with other sugar producing countries : in particular research work on insect pests and diseases which are responsible for appreciable damage to the sugar cane is very backward."

Then they recommend :

"An allotment of 3 annas per cwt. from the excise duty is recommended for central research and assistance to provincial agricultural departments."

The House is entitled to know what decision the Government have taken regarding this important recommendation of the Tariff Board. Do the Government agree with the conclusions reached by the Tariff Board or do they not agree with them, and to what extent are the Government in agreement with this important recommendation or conclusion of the Board? The House will remember that in 1937, Sir Girja Shankar Bajpai had stated in this House that about Rs. 5 lakhs would be set apart for research work, but up till now, notwithstanding repeated questions put in this House, we have not been informed as to how much money was used, how much money was allotted out of this excise duty, and what portion of it was given to the Provincial Governments for encouraging research work. In paragraph 43 of their Summary the Tariff Board recommend that the possibilities of establishing industries, subsidiary to Sugar Industry, be investigated. The House is entitled to know what the Government think of this recommendation and what steps they have taken during the last 18 months regarding giving effect to it. There is another point brought out by the Tariff Board at page 149 about the lack of statistical information which could have helped the Board in coming to a more definite conclusion. They say :

"The lack of complete and accurate statistics, as we have shown, has been a cause of embarrassment to the Sugar Industry, especially on the marketing side. To meet its requirements statistical information is necessary of the acreage and production of sugar cane, of the imports and internal production of sugar, of the movements and stocks of sugar and finally of its selling price at important centres."

This is also a very important recommendation of the Tariff Board that there should be arrangements made by the Government for keeping

complete and accurate statistics concerning the sugar industry. There are other recommendations regarding marketing, but the last recommendation was regarding the necessity of holding an all-India Conference to consider all problems connected with the sugar industry. This is paragraph 50 of the Summary:

"We recommend the rationalisation of the Industry under some form of State control. For this purpose we suggest the convening of an all-India Conference representing all interests at an early date."

This is a very important recommendation and the House is entitled to know what the Government thinks of it. The Honourable Member has referred to the activities of the United Provinces and the Bihar Governments and the efforts made by them to help the sugar industry, but the House is entitled to know what the Government of India have done for helping the sugar industry and giving effect to the recommendations of the Tariff Board. There is one thing more which I must mention, and that is, while the production of sugar in India by all processes in 1936-37 was 12,54,000 tons, there is a 53,000 tons increase in the estimated consumption of sugar.

So, we find that the total quantity of sugar produced in India is more than the actual quantity estimated to be consumed by fifty-three thousand tons. Because of the International Sugar Agreement which was ratified by the Government of India against the expressed verdict of this House, it is bound to stand in the way of the progress of the sugar industry. Last year, when the Government had introduced the Bill extending the protective duty for a year, the House could understand that the Government had had no time to consider in detail the report of the Tariff Board and therefore all these questions were not raised. But this year, that is, about 15 months after the presentation of the report and after it had been in the Commerce Department for 15 years, the House expected that the Honourable Member would place before it a fuller statement giving the views of the Government regarding the various conclusions reached by the Tariff Board and the House is entitled to know what steps are being taken by the Government to give effect to them. The Government in their Resolution have said that the Tariff Board has calculated the quantum of protection on orthodox lines, but the Government has not said what the other lines are and on what basis they have come to their conclusions. As a matter of fact, as the Honourable Member has pointed out, it was only a gesture—a feeler. If that were so, the proper course for the Honourable Member was to have to reduce this duty. We do not object to that. But we want to know what the Government has done in regard to the other recommendations of the Tariff Board. Do they agree with them? If they do, what steps they propose to take to give effect to them. If they do not agree with them, on what basis they differ with those conclusions of the Tariff Board? Since the sugar industry is a very important industry and it vitally affects the revenues of the provinces also, it was up to the Government to have consulted the two Governments at least, the Governments of Bihar and the United Provinces, before having even introduced a measure which the Honourable Member has characterised to be a gesture measure. It was only due to those two Governments that they should have been consulted and I am sure they could not have stood in the way of the Government, but the Government would have got their views in the matter.

[Mr. Mohan Lal Saksena.]

Sir, I do not wish to oppose the measure but as the Premier of the United Provinces has said, the lowering of the duty is neither desirable nor necessary and I would like to tell the Honourable Member that there is bound to be a loss in revenues under customs, because of the reduction in duty. As a matter of fact, even the Tariff Board in their report have said that there is bound to be a fall in the Government revenues because of the imports in sugar falling down. So, we want to know what will be the exact or the estimated loss which the Government will suffer on account of the lowering of this duty and how is that loss going to be made up. As has been pointed out by Mr. M. P. Gandhi, the loss will be in the neighbourhood of 22 lakhs. So, the House is entitled to know how the Government is going to adjust the budget. Sir James Grigg will be leaving India very shortly and he believed in a balanced budget. I want to know how do the Government of India reconcile the theory of a balanced budget with the introduction of a Bill lowering the duty which is going to entail a loss of about 22 lakhs? How do the Government of India propose to balance the budget? I hope that theory is not given up before he has left the shores. With these remarks, I conclude my speech.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): Sir, before I go into the merits of this proposal for lowering the protective duty, I think I had better give the history of this sugar tariff in India and also show on how many occasions Government's actions caused a great deal of injury to the sugar industry. In 1932, the Tariff Board fixed the protective duty at Rs. 7-4-0 and including the excise duty it will come to about Rs. 9-4-0. In 1932, so far as I remember, there were about 30 to 35 mills in the country. Now, within the next two years, that is, in the years 1934 and 1935, the number of mills rose to about 130. Before this protective duty was imposed, Java and other foreign countries used to import to India one million tons of sugar. That was the actual quantity that was required for India and in this way about 20 to 25 crores of rupees was drained away from this country. Then came the protective duty and within two years we found that the number of mills went up to 130 from 35. Year before last over eleven lakhs tons of sugar was produced in India. That was a little more than the country could consume. Now, India has become self-contained so far as sugar is concerned. Sir, in my opinion the history of the development of any industry in the world will not show such a brilliant record as has been shown by the sugar industry of India. India which used to import about one million tons of sugar began to produce within two years of the protection more than she could consume. Over 40 crores of rupees have been sunk in this industry. When India became self-contained in sugar production, this bureaucratic Government, for reasons best known to themselves, began to try their best to thwart the further development of the industry by various means in order to check export of sugar from India. In 1934, the sugar producing countries, besides India, came to an arrangement which is called the Chadbourne scheme. According to that arrangement, the production was controlled amongst those countries and that made the sugar market a little steady. But India was not within that scheme. So, India was free to produce as much sugar as it liked and sell it at a lower price. Then, Sir, the European countries began to think how to bring India within this scheme of control. A favourable

circumstance arose to influence England. All of you know that the Dutch own largest number of sugar factories and this Dutch Government owns most of the islands round about Singapore. So the Dutch Government found that it would not be very difficult to influence the British Government in their favour and save them from the competition of Indian mills. There was an unholy alliance by which the British Government, in order to befriend the Dutch Government, entered into an iniquitous agreement behind our back, which is called the International Sugar Agreement of 1937. India was not represented in it. A member of the bureaucracy was there and he signed away the right of India to export her sugar. By that agreement India was bound down not to export sugar except to Burma and Ceylon for five years. What was the necessity of the British Government to enter into this agreement. Britain is not a substantial producer of sugar. They have not much interest in the sugar industry. They entered into an agreement with the Dutch Government in order to save themselves from the machinations of Japan because the Singapore naval and air base was in danger, if Japan is given any air or naval base in any of those islands by the Dutch Government. It was an unholy alliance.

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

Instead of helping this growing sugar industry, you stabbed it from behind. By this, one difficulty was created for India and that is that it could not produce more than a million tons, because if they produce more than that they cannot export it. Now, Sir, it is mysterious to all of us and the whole of India why this Tariff Board Report was kept a secret for over a year. Not only that, Government took no action on that report on the excuse that they did not have sufficient time to consider it. They had so many officers drawing Rs. 4,000 and 6,000 and they had no time to consider this small report. Can any one believe it? If you could not go through it, we could have gone through it. The merchants could have gone through it and prepared their case. Question after question was put in this Assembly but Government would not disclose whether the report was in favour of continuing the protective duty or increasing it or decreasing it. That was a State secret for 16 to 20 months. I say, they were deliberating how to do to thwart the further growth of the sugar industry in India. This attempt to lower the duty by eight annas is the second attempt to thwart the sugar industry. This is the background of this proposal. The proposal of the Government to lower the tariff by eight annas is based on only two grounds. One is that circumstances have changed since the Tariff Board's Report and, therefore, the duty also must change. The second is, that much water has flowed down the Ganges since December, 1937. In the provinces, action has been taken by the Provincial Government to organise the sugar industry and the sugar industry is getting steadier and steadier and the provinces have also been levying taxes on sugarcane. Now, let us examine the first ground. Their case is that in 1937 the price was low but that since then there has been a change in the conditions of the sugar market. I admit there is some rise in prices of Java sugar. It has increased to a certain extent but what is the certainty that this rate will be steady? I submit that this sugar market has been vacillating month by month and year by year with great uncertainty. The report of the Tariff Board will show that. Now, at a certain month, the price is lower. At a certain month the price is higher. If it was the

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principle of the Government that protection would be granted according to the price at the time, then how is it that in 1932 knowing the markets of the world and knowing how business was going on with prices constantly vacillating the Government came to a decision to give a definite protection for 15 years? It was quite possible that the market would rise and fall. I find in the previous Act there is a provision which will show you the intention of the Government of India. I would invite attention to paragraph 4 of the Sugar Tariff Act of 1932. The Government saw through the possibility of variation in prices and provided against that possibility, *viz.*, that if during these fifteen years Java landed sugar at Calcutta at a very much lower price, then, the Government was given the power to intervene, and without the sanction of the Assembly, to increase the protective duty to an extent which would serve the purpose,—but that section 4 has not given the power to the Government of India to lower it within that time (six years). I would draw the attention of the Honourable Member in charge to paragraph 4 of the previous Act. Without considering these aspects, the Member in charge has just got some stereotyped and unconvincing reply prepared probably in his office. You will find, however, from section 4 of the previous Act that it is clear that the Government of India rightly or wrongly but deliberately decided to give protection to the sugar industry for fifteen years at a certain rate and they accepted six years definitely,—and it was for a very good reason, because, if you want to develop an industry, you must give it a certain definite prospect over a definitely long period so that the capital may be attracted and sunk in the industry. But your uncertain attitude “this month I will increase and next month I will decrease the duty”, is not helping the industry but killing the industry. Because no industry will take such risk. If you do want to kill the industry, do it now. Do not kill other capitalists who are going to start sugar mills this year. I have known many friends of mine who are going to start sugar mills. Well, let them know what is their fate for a certain reasonable period. You find that in the previous Act of 1932 the Government of India deliberately decided to give a certain amount of protection over a certain period of time. That was the intention and that attracted so much capital. Now, I find, that in 1937, when they got this report, they found that these fellows recommended continuing the rate of protection. So they thought, what is to be done? “Java is to be one of our friends, so something must be done for Java”. Sir, I do not know how many consultations secretly took place behind our back with Java, and they were also temporizing with the war clouds in the horizon of Europe and, therefore, they waited till March, although this report required one hour at the most to study. So, I say, at last they have come forward with a proposal to help Java to the extent of Rs. 8 per month. That is not a joke.

And now I will come to the arguments by which they support their proposal. Their another argument is that the Provincial Governments are taking interest in the sugar industry and levying taxes on the cane supplied to the mills and so on and so forth. I should say that that is a fact which should induce you to increase the protection, not to decrease it, because these fellows have to pay additional taxes in the Provinces over and above the excessive excise duty. But that is an argument which goes against you. It is clear, Sir, as we are hearing for

some time, that there is competition between the Provinces and the Centre as to who will suck the blood more, and sucking is now going on both by this more powerful tube-well as well as by the ordinary well in the provinces—the Provincial Governments sucking two rupees and that fellow three and a half annas per maund of sugarcane. That is the sort of competition in taxation that is going on and that constitutes a better case why this protective duty should not be decreased, if not increased. Now, where are these poor fellows to go? Where are the millowners and the cultivators to go? If he goes that way, the Provincial Government exploits him. If he goes this way, then you exploit him. They are in a terrible fix. Where is he to go and how is he to live? So I say that ground is against you. Then the Government say that recently, in the beginning of this financial year, there was some rise in the price of sugar. Now, do Government undertake that within the period, if it comes down, they will bring up this protective duty to its proper level and will, if necessary, raise it higher? We find that at that time, I have mentioned the market was vacillating; is it not vacillating now? The Chadbourne scheme is there from 1934, and the iniquitous agreement came in 1937 but still the price is vacillating. When then will it be steady? It will never be steady. So do not go upon that basis. Go upon the reasonable basis on which this market has been going on for the last ten or fifteen years. So, that argument is as shaky as the other;—the provincial taxation is rather in my favour.

Sir, a certain class of people are never in want of “reason”; if they fail, they would then catch hold of any other reason. So the arguments supporting the proposals submitted by the Government stand no examination at all. Therefore, this House will have to consider this proposal on its merits—*independently* of what the Government adduce as their arguments—keeping in their mind’s eye the conspiracy against this sugar industry and the unholy agreement that preceded this proposal. I say that this Tariff Board was appointed by you; none of them were Congress agitators, none of them were disloyal, none of them were extremists, they were very learned and eminent men who were selected by you. They made a thorough inquiry and submitted a report; that report you now brush aside with this sort of unconvincing argument? I can very well understand if a mistake is made that is transparent on the face of it, on facts and figures. It is only in those cases the reports of respectable bodies like the Tariff Board should be rejected or followed. Your action will lower the prestige of the Tariff Boards. It will be a great mischief. There were crocodile tears shed on behalf of consumers by my Honourable friend, Sir Ziauddin Ahmad. I submit he knows nothing about the economic effect of excise duty or protection on commerce and industry. I will show to the House by figures that after this protective duty was levied in 1932—a sum of Rs. 7-4-0—in 1936, India was selling sugar at the lowest price in the world. Other countries like Australia, Canada, New Zealand, England, everywhere the price of sugar was at least double the price at which it was being sold in India. Therefore, the most double the price at which it was being sold in India. Therefore, the cry that the consumers suffer by prospective duties, is not right. In 1936, that in four years after this protection was granted, there were 140 mills in full working condition in India and they were producing a million ton of sugar and India became not only self-contained but India was able to spare sugar for export to other countries. What was the price prevailing then in India? In India the price was 2-63d. per pound in the United Kingdom 2-81, in New Zealand it was 3-7, in the United

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States of America, it was 3.12, in Canada 3.12, in Australia over 4d. per pound and so on. It will be observed that the price in other countries was nearly double that in India. It was not affected by the protective duty. So these crocodile tears for the consumers are really imaginary. The consumer will take care of himself. I appeal to the Government to allow this nascent industry to develop. It will bring a good return in the shape of income-tax, in the shape of your excise duty and it will give employment to a lot of unemployed in this country. The most important thing is that the poor cultivators will have a very good market for the canes which they can easily grow in this country. As you raise your excise duty, these poor illiterate fellows, the cultivators will suffer. The Abdoola Haroons and the Birlas will make their money all right. What is the lot of the poor cultivator whose very life blood is sucked by the Haroons and the Birlas. Sir Abdoola Haroon or Mr. Birla will not run their mills at a loss and they won't unprofitably pay four annas towards super-tax. When these additional Rs. 2 excise duty has been added, it is made up by the mills by lowering the price of sugar cane. This affects the cultivators. Nobody in this Assembly lifts his voice in support of the poor cultivator. They all speak for the consumer or the capitalist. I appeal to the Honourable the Commerce Member that in dealing with sugar, he must have a kind heart for these cultivators who really suffer. The millowner instead of getting ten per cent. dividend will get eight per cent. But the poor cultivator will be ruined. He will get only ten pies instead of four annas for his maund of canes. So, I strongly protest against this proposal of lowering the protective duty. I think I have succeeded in proving that Government have made out no case for the reduction of the protective duty or for disturbing the *status quo*.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): Sir, with regard to the sugar, I will draw the attention of the House to the fact that a Committee was appointed by the pre-reform Government in 1915 to ascertain whether this country could be made self-sufficient in the matter of sugar. The report of that Sugar Committee was suppressed, held over, not considered, pigeon-holed and various other treatments were given to that report for many years, until we had, in 1930, a definite move in this direction giving protection to sugar industry. Sir, I want to draw the attention of the House further to the fact that this is one of the industries which has completely belied the free trade tendencies in all, except in my Honourable friend, Dr. Sir Ziauddin Ahmad. This industry has definitely proved that Indian capital is not shy, it has also proved that there is no dearth of Indian capital, if only the Government will create suitable conditions in which Indian capital can function. This industry has made progress, so considerable a progress that there was very rightly a protest registered against the action of Government that they went behind the back of this House and without a properly accredited representative in the London conference actually agreed, without any ratification from this House, to the prohibition of the export of sugar from this country for five years. This was in 1937. Why was the public in India so much upset at the action of Government in agreeing *ex-parte* without consulting this House to the definite prohibition of any export of sugar from this country for five years? As it happens the period of 1942 up to which protection is carried coincides with the same period. Many people realised that there was going to be over-production of sugar in this country and the

apprehension was fully justified that on account of this over-production, India would be having a large surplus stock to go out.

The third thing with regard to this industry which I want to make clear, in order to show the enormity of Government action in this matter, is that this is one of those industries which definitely affects not only the Government of India in their pocket in relation to excise duty and customs duty, but it is an industry which affects the Provincial Governments as well, it affects those Indian States in which sugarcane is grown, in which sugar is manufactured, it affects the cane cultivators and the agriculturists. Sir, the Government of India are guilty in their small memorandum of two or three pages in answer to the Tariff Board's 200 pages, they are guilty of rank heresy in which they say that such duties must ultimately fall on the consumer. I say this dogmatism is not at all justified. It is not justified and there are conceivable cases, as certainly in the case of sugar at present in this country, when the full brunt of these duties may fall on the sugarcane cultivator and not on the manufacturer and, certainly, not on the consumer.

Now, Sir, with regard to the Tariff Board I want to make quite clear the position which we take up. The demand from this side has always been that the Tariff Board should be like the Federal Court, a permanent body consisting of independent parties whose judgment cannot be questioned and who would render to the Government of India an advice which the Government of India could not lightly reject. While this is our demand and we keep to this I must say that it is really extraordinary the way the Government of India are in the habit of behaving with their advisers. We had only recently the case of non-official advisers called by Government, worked to death during a period of two and a half years, gagged during the interval and then completely and unceremoniously repudiated. That was in connection with the Indo-British Trade Agreement. Now, we have the case of the Tariff Board. Generally speaking, the Government of India adopt the policy of giving seats on the Tariff Board as a political reward to party men, to those of their friends who have failed to register in public life and who have endeavoured conscientiously to help Government sometimes by selling the country. It is not unusual to find the Tariff Board treated like this.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think the Honourable Member is justified in casting any reflection like that.

Mr. Manu Subedar: I did not say anything about any particular Tariff Board. There have been 24 Tariff Boards

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw what he said.

Mr. Manu Subedar: Very well, Sir, I withdraw.

Sir, a Tariff Board constituted arbitrarily on the assumption of merit which may remain only in the eyes of Government, has been frequently criticised by the public and the trade with which the Tariff Board is concerned,—even such a Tariff Board as we had in the case of sugar is completely and unceremoniously repudiated in a Resolution here. The head of this Tariff Board was an Indian Civil Servant of greater merit and service than any of the Civil Servants sitting over there. He was the Finance

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Member of Madras Province; there was a Muslim businessman, at one time a Member of this House; and there was a distinguished economist from Lahore,—the great Punjab about which we must always speak with trepidation. This Tariff Board made a report. That report was suppressed by Government for a period of 15 months. Even if we accept the fact that they were not able, last year, to come to definite conclusions,—after all, there was not much conclusion to come to because all the facts had been carefully sifted and certain definite recommendations had been made,—I maintain that it was possible even last year for them to act on that. In any case, even if we grant that there were specific reasons why it could not be done last year, may we know why the report was kept away from the people who were directly concerned with the report right up to the last day and why it was thrown at our heads only a few days before the Bill was introduced? Sir, this is really going beyond an ordinary joke,—this suppression of the report and throwing extensive written material at our heads only a few days before a Bill is introduced. Does the Honourable the Commerce Member know that as soon as a Tariff Board is appointed there is considerable activity in the trade which is affected, that every factory and company concerned sits down with a long questionnaire for days and days and much midnight oil is spent and at the end of all this all necessary material is prepared for this inquiry, an inquiry which took eight months i.e., major part of a year. The inquiry cost this country perhaps a sum exceeding two lakhs of rupees and must have cost the industry itself two or three lakhs in the preparation and submission of all these details. All this is unceremoniously thrown aside and the industry is made to pass a second hurdle, a second examination and a second test, and that is done *ex parte*, in the office of the Honourable the Commerce Member.

Sir, the Commerce Member is much endowed, I will say he is highly endowed, he is heavily endowed; there is too much "Dow" everywhere. In fact, I find the horny hand of my Honourable friend, Mr. Dow, too much in this Government Resolution and memorandum, and I cannot help thinking and wishing that the Commerce Member should be a little less endowed in future in order to make his proposals acceptable to us. Sir, that Government Resolution, I will say, is pompous, it is superficial, it is pedantic, it is misleading, it is not worthy of a big Government in its treatment of a large industry invoked by their own invitation, by their own efforts and doing not particularly badly so far as the self-sufficiency of the country in an important article for the country is concerned. Now, Sir, when Sir James Grigg presented his budget and in that budget brought out a very cryptic item of four crores and 20 lakhs as the total amount he will get either from excise duty or from Customs, it was quite clear to some of us that there was some mischief brewing in the Government coterie. The shadow of Sir James Grigg has fallen on the Honourable the Commerce Member. It is not for me to know the secrets of what is happening in inner Government but I should like to know, if it is at all possible, whether the whole incentive with regard to the treatment of this industry did or did not come from Sir James Grigg who took umbrage at the remarks of the Tariff Board, assisted, of course, very ably by Mr. Dow who is endowing the Commerce Member. Sir, that part of the recommendations of the Tariff Board which deserves the greatest attention is one which Government have dismissed in one line, namely, what Government propose in order to see that the industry develops on right lines without ruinous internal competition and whether anything can be done in order by rationalisation to save both Indian labour and Indian capital,—as it happens in this case, the

cane grower in two large provinces. There are various other forms to which reference has been made, and I shall draw the attention of the House to the fact that in particular the attitude of the Government of India with regard to molasses seems to be most unsatisfactory.

We have here my Honourable friend, Sir Girja Shankar Bajpai, who must have been worried at more than one dozen questions of mine on this subject as to whether the Government of India propose to do anything in this matter. What we found frequently from him was that the Government of India are most anxious to do everything possible in their power, but that they are only waiting the report from Bihar. They keep on awaiting the report and, even after the receipt of the report, they will keep on awaiting some other inquiry, some other experiment, something else. They are always correct and we are always wrong in asking impatiently that the Government of India should do something in order to make this country even partially independent of outside supplies with regard to motor oil, in times of emergency, which might occur at any time now in the world. Sir, the two main points which are to be considered in connection with this Bill are these. First of all, there is the period. The period of seven years is not because it is a mystic and somewhat attractive figure but as a result of the considered opinion of the committee which the Government of India had appointed and which said that the protection should be for a period of 15 years and that the actual rate should be examined at the end of seven years. This period has been cut down to two years and the rate has been cut down, as my Honourable friend, Mr. Mohan Lal Saxena, pointed out, arbitrarily without any counter-figures of any kind being adduced.

The one thing which the Government of India have said in their memorandum and which is most unconvincing is that as today's price is 3/8 for Java there is no apprehension that it would go down to 2/7. Now, Sir, I gave evidence before this Tariff Board and I can say that we urged that as during the seven years the price had more than once dipped down to 2/7, it was necessary to guard the Indian industry against dumping of this kind; and with your permission, Sir, I will mention the ground on which this and with your permission, Sir, I will mention the ground on which this apprehension, in future, might become real. It is wellknown that Java is using the currency of Holland which is a currency of very high value; but any moment that Java devalues its currency that moment you will have Java sugar planted here cheap, and then, even 7/4 might not prove adequate. That danger is always there. Even a rumour that there is going to be a change in Java currency would bring down sugar prices by Rs. 1/8 or Re 1 at once in this country. It is no use putting up a wall round the industry if you keep three or four holes in it by which the enemy can walk in. As Mr. Som rightly said, either kill it if you want to kill it; otherwise give adequate protection. There was a suggestion before the Tariff Board by a well-known English firm associated with sugar—Messrs. Begg Sutherland & Co.—who said that instead of this kind of protection, instead of tinkering with the matter, why do not the Government arrange that all profits over a certain percentage might go to Government and that the industry may be thus protected. At all events that was a suggestion worth considering and I am sorry that in the memorandum of Government which I have characterised as pompous, pedantic, sonorous and misleading, Government have not dealt with that and many other points.

Lastly, there is the question of introducing changes in the middle of the season. It is possible that there is nobody on that side of the Government officials dealing with this matter who have ever bought or sold in merchandise, much less who have done so in a field which contains forward markets,

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long term contracts, agency arrangements and other things. It is a tragedy that men who do not themselves know, and who would not be guided by those whom they have themselves authorised, who would not take their cue from chambers of commerce and others who can speak in this matter with authority—it is a pity that such men are called upon to judge, and they sit in judgment in a manner and with the results which we see. If there was anything which could prove that this Centre has become absolutely unreasonable and untenable today, it is this; and by the entire absence of any co-operation or of any attempt at any consultation with the Provincial Governments, who are vitally interested in this matter, they have proved their complete ineptitude, and the sooner they get out of this place the better it will be for the whole country

The Honourable Sir Nripendra Sircar (Leader of the House): You come in.

Mr. Manu Subedar: I am not wanting to come in. I want to get you out first.

The Honourable Sir Nripendra Sircar: You will not be allowed to come in by higher powers!

Mr. Manu Subedar: Don't you worry, Sir Nripendra: we shall send you there once you come and sit on this side.

I was saying, Sir, that the Government of India have acted ineptly and harshly in bringing in this change of duties in the middle of a season; and it is a further tragedy that they arm themselves with and use powers in order to disallow changes in the direction of postponing this till November, which we wanted by means of an amendment. I am reading from the Tariff Board Report at page 160:

"From the foregoing analysis the conclusion is forced upon us that in the peculiar circumstances of the sugar industry a change in the level of excise duty without notice in the middle of the season leads to unexpected complications and undesirable consequences."

It occurred once before in the case of excise, and, I say, a change in the customs duty in the middle of the year as the Government are doing now is going to have the same unhealthy effect. The more is the pity that this is done by men who claim to understand but who, unfortunately, as the thing itself demonstrates, have failed to understand the case. Sir, I register the protest of the business community against the manner in which the sugar industry has been treated by this action of the Government.

Dr. Sir Ziauddin Ahmad: Sir, certain allegations were made by my Honourable friend, the Leader of the Opposition, to which I replied; but I reserved one couplet because I thought it would be more suitable to quote it on the occasion of the Sugar Bill. That couplet is:

*'Badam gufti-o-Khursandam
afak Allah niko gufti,
Jawab-i-talkh mi Zebad.
lab-i-la'ale-Shakar Kha ra'*

Mr. B. Das (Orissa Division: Non-Muhammadian): We want the translation of that couplet.

Mr. President (The Honourable Sir Abdur Rahim): There is nothing unparliamentary in it!

Dr. Sir Ziauddin Ahmad: The translation is:

"You call me bad names and I am very pleased; and I assure you that bitter replies always suit the red tongue with sugar coating."

Some Honourable Members: No, no.

The Honourable Sir Muhammad Zafrullah Khan: It means ruby red sugared lip.

Dr. Sir Ziauddin Ahmad: Sir, 52 per cent. of the sugar produced in the whole of India is produced in the United Provinces and out of this sugar produced in the United Provinces, more than 60 per cent. is produced in my constituency and I am very much in touch with this industry: that is the only industry in which the United Provinces is primarily interested and, therefore, if I take a little long in dealing with this particular subject, I may be excused.

Before proceeding further, I would like to quote two paragraphs from the Fiscal Commission's Report which will throw a very great light on the discussion before us. I refer to chapter VI, page 47, where they say:

"The most important of these (*that is, the disadvantages of protection*) is the danger of fostering the growth of political corruption. The interests at stake in the determination of a rate of duty are frequently large. In some countries important financial interests find it profitable to offer to legislators inducements which are not necessarily of an obvious or crude nature, or to spend money on getting their own nominees into the legislative bodies which have the decision of matters vitally affecting their prospects."

Later on, they say:

"Moreover, we think that the system which we propose, whereby the enquiry into the conditions of each industry will be conducted by an impartial body with the utmost publicity, and the conclusions arrived at and the reasons for them will be known to the public when the case of the industry comes before the Legislature, will reduce the opportunities for political corruption to a minimum."

So, this is really a very important recommendation of the Fiscal Commission that the Tariff Board Reports should be broadly published, public criticism should be invited, and those opinions and criticisms should be placed before the Legislature when they begin to deliberate on those Reports and that is a thing which the Government have consistently ignored, and they have not complied with these very important recommendations laid down by the Fiscal Commission.

Now, the second important thing which will also come up for discussion in the case of sugar is raised in the second paragraph by the Fiscal Commission:

"Another undesirable feature which the history of protectionist countries discloses is the tendency towards combinations of manufacturers for the purpose of exploiting the domestic consumer. A protectionist system certainly gives the opportunity for undesirable forms of combination. In a free trade country no combination of manufacturers is able to keep the price of a commodity above the world price. If all the manufacturers of a particular country agreed not to sell below a certain price which was above the world price, the only effect would be that their home market would be captured by foreign manufacturers selling at the world price. The case of protectionist countries, however, is different. Here we have a tariff wall, affording, when the foreign manufacturer has been partly or wholly excluded, a certain latitude of price to the home manufacturers. If the latter do not combine the home price will be regulated by the ordinary conditions of internal competition. But by means of combinations it is possible for the home manufacturers to keep the price distinctly above the true competitive level without inviting foreign competition. It

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is, we think, no accident that the two countries in which understandings, agreements, or combinations of manufacturers have been developed to the highest point, namely the United States and Germany, are the two leading protectionist countries of the world. But should any such combinations arise in India which appear to be to the detriment of the Indian consumer, we do not think it would be difficult to find a remedy. The matter should be investigated by the Tariff Board which we propose should be established, and if the Board reports that the combination is in effect injurious to the interests of the Indian consumer, and the Legislature accepts the view, the protection given to the industry could be lowered or withdrawn, or possibly special legislation could be introduced to deal with the matter."

These two are important matters, and I will read one more sentence, and it is this: "There ought to be constant supervision over the proposals of the Tariff Board".

These are the three relevant passages which I have read from the Fiscal Commission's Report, and they throw a great light on the discussion which we are going to have on the question of sugar. Sir, this is the first time I heard, though practically everything connected with the sugar industry is published, that a Report was written in the year 1915 relating to Sugar industry. Of course, it could not be a Report of the Tariff Board, because the Tariff Board originated after the Fiscal Commission; but still we know that after the war every country began to expand the growth of sugarcane. Cane sugar manufacture has developed in Cuba and under the patronage of Japan in Formosa, the beet-root sugar manufacture expanded in Europe, and specially in Russia where the cultivation was 56,000 tons in 1921-22, it developed to two million 690 thousand tons in the year 1931-32. This excess growth, after the war, had a disastrous effect all over the world, so much so, we find that in the year 1930 the total production of sugar from the cane was 19.1 million tons and the production of sugar by means of beetroot was 9.3 million tons, and the total production was 28.3, and the consumption in that year was 26.9, so that there was a surplus of 1½ million tons in sugar in one particular year. This over-production continued for several years so much so the prices came down, abnormally, and the problem became a world problem necessitating curtailment of production and regulation of the movement of sugar. The Government at that time were compelled to appoint a Tariff Board to inquire into this matter. The Tariff Board recommended the raising of the customs duty, which I will discuss later on. But the world situation at that time was very bad—I think it has not altogether improved,—even now there is excess production in the world market. Therefore, Sir, when we consider the problem of sugar for the whole world taken together, as my friend, Mr. Som, has discussed, we should also consider this very important factor, that there has been a very large surplus stock of sugar in the whole world, and this surplus stock is bound to affect the markets not only of India but of all the countries in the world, and it is very desirable that we should consider this matter very seriously. It is not possible to raise the price level of any article until we understand the world situation and co-operate with other countries.

Coming now to India, Sir, we produced 3.1 million tons in the same year, and our consumption was four million tons. So, we were really better off. We did not have over-production in this country, and, consequently, we were not seriously affected immediately, but we were bound to

be affected on account of the world prices, had timely action not been taken by the Government to regulate the prices. Now, out of 3.1 million tons produced by India, about 51 per cent. is produced by the United Provinces and the rest is produced by the Punjab and Bihar. The other provinces contribute comparatively a small proportion to the stock of sugar produced in this country. In this connection, I should like to point out the very good work done by the Coimbatore Research Institute, because they have introduced a special variety of sugarcane which is giving out much more sugar than the older varieties which existed in this country. Of course, opinions differ even about this new type of cane, because some people say that it is medically injurious. I had the opinion of one or two doctors on this point, but still we cannot very much rely upon casual opinions. We must go by the facts, and by so doing we find that while the old type of cane which we cultivated in the United Provinces produced only 350 maunds of sugar cane per acre, the Coimbatore variety produces 600 maunds per acre. Still it falls far short of the actual production in other countries, because we find that in Java they produce one thousand maunds per acre, and, I think, we should aim at this production in order to compete successfully in the world market.

Sir, at the time when the Tariff Board wrote their Report in 1931, our position was a peculiar one. I would refer the House to page 23 of their Report. The first point was about the prices. In 1920-21 the price of sugar was the highest. After the war the highest rate in that particular year was Rs. 40 per maund, and the lowest was Rs. 17-12-0 per maund, so that the average price was Rs. 29 per maund, but on account of over-production in the world and the surplus stock, the prices in 1929-30 went down to Rs. 9. This was really a very important factor which the Tariff Board of 1931 had to take into consideration, that is, within ten years on account of over-production the price of sugar had fallen from Rs. 29-14-0 to Rs. 9-0-2.

Then, Sir, the second thing which I will discuss later on is the question of duty, as to how the duty varied from time to time. Then the third thing we should take into consideration is that, at the time when the Tariff Board made their Report, the Government of India was getting 10.7 crores from the customs duty on sugar alone. That was really the income which they had been deriving and in order to introduce this protection, they had to forego this, and I shall discuss this later on.

Then, Sir, the next thing is about the production and the import, which is given at page 107, No. 15, we find:

"We consider that the agricultural aspect of the case for protection is the most important. It is essential in the national interests that the area under sugar cane should not diminish and that a fresh outlet should be provided for cane by encouraging the expansion of the White Sugar industry. Unless steps are taken to develop the White Sugar industry a disastrous slump in the gur market is probable which will seriously affect the agricultural classes, disorganise the agricultural system and involve the abandonment of better cane cultivation in large areas."

This was the view they took, that protection was primarily for the benefit of the sugar cane growers and not for the benefit of the capitalists.

I shall now take up the question of duty first. The duty before the war was five per cent. *ad valorem*; after the war it was raised to 15, and then to 25. In February, 1930, when they found that the price had gone down abnormally and there was a surplus stock in other countries who

[Dr. Sir Ziauddin Ahmad.]

were selling at dumping prices, the Government raised the duty to Rs. 4-8-0 per cwt., and, in March, 1930, even before the Tariff Board reported, they raised it to Rs. 6-8-0, and this was done on account of the surplus stock and the dumping nature of the sugar market in this country. In 1931, the Tariff Board wrote its report and it recommended a protective duty of Rs. 7-4-0 per cwt. and this was arrived at after a very elaborate calculation by the Tariff Board of 1931 and we still stand by it. Then came, what I call, one of the follies of the Government which I have repeated several times. In 1931, they raised the duty on everything by 25 per cent. without considering whether it was a protective or a revenue duty. This duty was immediately raised by the Second Finance Bill of 1931 by 25 per cent., that is, it rose up to Rs. 9-1-0 per cwt. But there was one omission they made. No distinction between sugar and sugar candy was made. When we discussed the question of sugar candy, in 1934, Government took about a year to consider the problem, and by the time they agreed to raise the duty on sugar candy from Rs. 9-1-0 to Rs. 10-8-0, most of the factories manufacturing sugar candy had disappeared because they could not stand the Japanese competition any longer. In April, 1934, an excise duty of Rs. 1-5-0 was put and, at the same time, they put an export duty as well, so that the import duty that was fixed at that time was Rs. 1-5-0 excise duty plus Rs. 7-12-0, which was eight annas more than the protection given by the Tariff Board, altogether Rs. 9-1-0. So that the import duty remained the same and it was divided internally into Rs. 7-12-0 for the purposes of import and Rs. 1-5-0 as excise duty. In February, 1937, this excise duty was raised again by eleven annas and it came to two rupees, and now the protection was reduced to the normal figure of Rs. 7-4-0. Even with the second Excise Duty Bill they did not lower, even by one anna, the protection given by the Tariff Board of 1931. Though they levied a duty of Rs. 2 per cwt. as excise duty, they kept the protection at the figure recommended by the Tariff Board, that is, Rs. 7-4-0, so that the import duty went up by three annas to Rs. 9-4-0. Therefore, so far as the Legislature is concerned, we have not done any injustice to the sugar mills and we gave them the pound of flesh which was promised them in 1931.

But let us see in what way they treated the cultivators for whose benefit primarily this duty was imposed, and here I shall give one or two points as regards the way in which they treated the sugarcane growers. There are several ways in which they cheated them. The first method is the maund of the mills is not eight *pansaris* (one *pansari* is equal to five seers), but it is 12 or 13 *pansaris*. So that when the canegrowers took cane to the mills, the latter did not pay them in Government maunds of 40 seers; in Sugar Mills, maund was twelve times five or 12½ times five seers. This information I give from my own personal knowledge in my own constituency. I went to the sugar mills when this complaint came to me and I verified that the complaint was correct. That was one way in which the poor people were cheated. The second way in which they were cheated was that the bullock carts containing the cane were not weighed the very same day, but they were made to stand for two or three days with the result that the cane got dried up and the weight of the cane became less. Thirdly, the prices they paid were very low. I shall deal with that matter later. The Tariff Board of 1931 gave the mills a

definite warning that the sugarcane ought to be purchased at eight annas per maund, but they actually purchased at two or 2½ annas per maund, and that maund consisted of 13 times five seers and not eight times five seers. In these three ways, the mills have been exceedingly unkind to the poor cultivators for whose benefit this protection was primarily given. Not only this, but the people of my province were not benefited at all. The mill-owners brought their own people during the crushing season from their villages and, afterwards, when the work was over, sent them back. Even the workmen in my constituency were not employed in the manufacture of sugar. That being the case, you can well imagine why the people of my constituency have raised their voice of protest against a protection which gives benefit only to a few persons. If you examine the balance sheets of these mills, you will find that as soon as the duty was raised to Rs. 9-1-0 in the year 1931, their dividends, in some cases, were cent per cent.; in 1933, in some cases, it was 75 per cent. They thus took back the capital they had invested several times over in the course of two or three years. Even now, in spite of all the disadvantages, there is not a single sugar mill which pays less than ten per cent. That is the minimum dividend that they pay. Of course, some of these people, in order to avoid payment of income-tax or a high dividend to the shareholders, transfer the money to some other

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): They are all blackguards according to you! There is no honest man excepting yourself!

Dr. Sir Ziauddin Ahmad: I am not a capitalist, and the question does not arise. I call a spade a spade, but you do not do so.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Sir Ziauddin Ahmad has learnt this lesson from my Honourable friend, Mr. Satyamurti.

Mr. S. Satyamurti: That is South Africa!

Dr. Sir Ziauddin Ahmad: This is the way in which they treated the labourers and sugarcane growers, but I am glad to say that this thing is being looked into by the Congress Government. Though I hold no brief for them and though they have not done 999 things correctly, yet at least one thing they have done and that is they have given some protection to the agriculturists and they have seen to it that the agriculturists do get the eight annas promised by the Tariff Board.

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands that the Honourable Member does not wish to conclude
5 P.M. his speech now.

Dr. Sir Ziauddin Ahmad: I have not yet come to the Tariff Board of 1938.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech on the next official day.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): As I intimated on a previous occasion, it was looking inevitable that I shall have to request you to fix more dates for official business, and I am now asking you to fix 14th, 15th, 17th, 18th, 19th and 20th.

Mr. President (The Honourable Sir Abdur Rahim): The Chair directs that the Assembly will sit on the 14th, 15th, 17th, 18th, 19th and 20th for the transaction of official business.

The Honourable Sir Nripendra Sircar: Subject to cancellation if by any mischance we finish earlier.

* The Assembly then adjourned till Eleven of the Clock on Tuesday, the 11th April, 1939.

LEGISLATIVE ASSEMBLY.

Tuesday, 11th April, 1939.

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:

The Honourable Mr. Abraham Jeremy Raisman, C.S.I., C.I.E.,
(Finance Member).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

APPEAL AGAINST THE FEDERAL COURT DECISION IN REGARD TO SALES TAX.

1595. ***Mr. T. S. Avinashilingam Chettiar**: Will the Honourable the Finance Member state:

- (a) whether Government have come to a conclusion over the matter of accepting or appealing against the decision of the Federal Court with reference to sales taxes; and
- (b) whether they have received any communications from the Provincial Governments in this respect?

The Honourable Mr. A. J. Raisman: (a) I would refer the Honourable Member to the reply given to Mr. Satyamurti's starred question No. 1149 on the 18th March, 1939.

(b) No.

Mr. T. S. Avinashilingam Chettiar: Does that mean that they have not come to a conclusion in the matter? That was the previous answer.

The Honourable Mr. A. J. Raisman: The Honourable Member may draw his own inference.

Mr. T. S. Avinashilingam Chettiar: The previous reply was that no conclusion had been reached. I want to know whether the Honourable Member means that now also they have not come to a conclusion in the matter?

The Honourable Mr. A. J. Raisman: Yes; that is quite right.

BAN ON THE RETURN OF RAJA MAHENDRA PRATAP TO INDIA.

1596. ***Mr. Badri Dutt Pande**: Will the Honourable the Home Member please state:

- (a) whether it is a fact that Raja Mohendra Pratap has sent a letter from Kokubhunji, Tokyo, Japan, asking permission to re-enter India and saying "On my behalf I beg to assure you that I want to remain strictly within the law of the Land, whatever it is, good or bad"; and

(b) if so, what action Government have taken in the matter of return of this exile to India?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) He has been informed that Government are not prepared at present to grant him facilities for return to India.

Mr. Badri Dutt Pande: In view of the fact that this exile has given an undertaking that he will lead a constitutional life over here and that the Provincial Government is in favour of his return, where is the hitch now in the Government of India?

The Honourable Sir Reginald Maxwell: The decision which I have mentioned was taken in full view of those circumstances.

Mr. Badri Dutt Pande: Was the decision taken by the Honourable Member himself or by the Cabinet?

The Honourable Sir Reginald Maxwell: It is the decision of the Governor General in Council.

INDIAN REGIMENTS IN THE ARMY.

1597. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) the total number of Indian regiments in the Indian Army;
- (b) the Provinces in which they are recruited and the number of regiment in each Province; and
- (c) whether there are any Provinces from which no regiments have been recruited?

Mr. C. M. G. Ogilvie: (a) I refer the Honourable Member to the Indian Army List, a copy of which is in the Library.

(b) As regards the first part, I refer the Honourable Member to the reply I gave to part (a) of starred question No. 1086 asked by Mian Ghulam Kadir Muhammad Shahban on the 15th September, 1938. As to the second, the place where each regiment is stationed is also shown in the Indian Army List.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know why it does not arise—whether there are any provinces from which no regiments are recruited?

Mr. C. M. G. Ogilvie: The answer to that is given in the answer to the question to which I have referred the Honourable Member—No. 1086 of the 15th September.

ALLEGATIONS OF FRAUD AND FORGERY AGAINST GHEE PURCHASING AGENCY.

1598. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether an investigation was made in respect of the allegations

made in Mr. A. N. Mehra's letter, dated the 4th September, 1938, to the Director of Contracts, Simla, in connection with the fraud and forgery, etc., committed regarding *ghi* purchasing agency?

(b) If so, will he please state how the enquiry was conducted?

(c) Is it a fact that Mr. A. N. Mehra was neither asked nor allowed to appear before the investigation officers, notwithstanding his repeated requests, to prove and produce documentary or oral evidence in support of his allegations?

(d) Is it a fact that Mr. A. N. Mehra had offered a sum of Rs. 2,000 to be paid in cash to any of the officers who could prove that all his allegations are baseless? If so, will he please state why this offer was not availed of?

(e) Have the authorities carefully studied letter No. 4773, dated the 21st May, 1937, a photograph of which was sent to the Defence Secretary with letter, dated the 25th September, 1938, by Mr. Amar Nath Mehra, under a registered cover? If so, have Government noticed the instructions contained therein with regard to purchases at one station and preparing invoice at another station at higher rates?

Mr. C. M. G. Ogilvie: As most of the allegations made in Mr. Mehra's letter of 4th September, 1938, had previously been examined and found to be baseless. The remainder of the allegations were examined at length in the Contracts Directorate, who discovered nothing whatever in them which could justify further investigation.

(b) I refer the Honourable Member to my answer to his starred question No. 1058 of 15th September, 1938.

(c) No. He appeared before the Court of Enquiry in January, 1932, and stated his case.

(d) Such an offer was made, but was properly ignored. Government, naturally, could not accept an offer of this kind in any case, and is, moreover, satisfied that the allegations have been proved to be baseless.

(e) Yes. It appears that the instructions referred to were not intended for any purpose other than to settle the proper method of internal accounting to be followed in this instance.

Mr. Badri Dutt Pande: May I inquire what objection Government has to call for Mr. Mehra before the investigating officers and examine his credentials?

Mr. C. M. G. Ogilvie: I have answered the Honourable Member that he was called and stated his case in full.

Mr. Broiendra Narayan Chaudhary: May I know whether the remainder of Mr. Mehra's allegations were proved to be true?

Mr. C. M. G. Ogilvie: I do not know what the Honourable Member means by the remainder. None of the allegations were proved to be true and, as far as I can ascertain, all of them were proved to be false.

ALLEGED ASSAULT OF PASSENGERS BY CERTAIN SOLDIERS AT THE FEROZEPORE RAILWAY STATION.

1599. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state;

(a) whether his attention has been drawn to the news on page 8 of the *Hindustan Times* of the 22nd March, 1939, that certain soldiers assaulted some passengers at the Ferozepore railway station;

(b) what are the facts of the case; and

(c) what steps Government have taken in the matter?

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

(b) and (c). The case is still *sub judice*.

Mr. T. S. Avinashilingam Chettiar: May I know under what section the case has been registered in the Court?

Mr. C. M. G. Ogilvie: As far as I remember the case was registered under sections 325 and 354 of the Indian Penal Code.

Mr. M. Thirumala Rao: Can the Honourable Member give us the allegations if not the facts of the case?

Mr. C. M. G. Ogilvie: There is no point in my stating the allegations here, they may be found in the newspaper which originally published them.

Mr. T. S. Avinashilingam Chettiar: May I know if the accused are defended and at whose cost?

Mr. C. M. G. Ogilvie: I cannot possibly answer that without notice.

Mr. T. S. Avinashilingam Chettiar: May I know if the Army Department have engaged counsel to defend these soldiers?

Mr. C. M. G. Ogilvie: I cannot possibly answer that question without notice. I have no information with me.

Mr. T. S. Avinashilingam Chettiar: If you will permit me to say so, Sir, the usual procedure in such cases in which soldiers are charged is to engage

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to have given notice of that.

STARTING OF TRAINING CLASSES IN AIR-RAID PRECAUTIONS IN PORT TRUSTS.

1600. ***Mr. Kuladhar Chaliha:** Will the Honourable the Home Member please state:

(a) whether training classes in air-raid precautions have been started by the Karachi Port Trust authorities;

(b) whether such classes have been started in Calcutta, Bombay, Madras and Chittagong, to train the citizens for taking such precautions;

(c) if not, whether the authorities are prepared to consider the advisability of starting such classes in other port trusts; and

(d) whether Indians are trained in Karachi, and whether they will be trained for the purpose in other important ports of India?

The Honourable Sir Reginald Maxwell: (a)–(d). I would refer the Honourable Member to the replies which I gave on the 9th and 22nd February, respectively, to Sardar Mangal Singh's and Mr. Satyapourti's starred questions Nos. 242 and 612 and to the supplementary questions arising therefrom. Passive air defence measures will, as I explained then, be initiated by the Provincial Governments on the advice of their area committees. I understand that area committees have been constituted at the five ports mentioned in the Honourable Member's question. The Port Trusts are represented on these committees, but I am unaware whether at Karachi or elsewhere they have, as the Honourable Member suggests, started their own training classes. Provincial Governments will no doubt take steps to instruct the general public how to minimise the effects of air raids, if, after considering the recommendations of their area committees, they consider it necessary to do so.

Mr. K. Santhanam: May I know whether any steps are being taken to limit the height of buildings in cities which are likely to be subjected to air raids?

The Honourable Sir Reginald Maxwell: Not so far as I am aware.

Mr. K. Santhanam: May I know whether Government are considering this aspect of the question?

The Honourable Sir Reginald Maxwell: That will be a matter for consideration by the area committees.

RULES FOR FIXING SENIORITY IN THE INCOME-TAX DEPARTMENT, PUNJAB.

1601. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Finance Member please state what were the rules framed by the Central Board of Revenue and the Commissioner of Income-tax, Punjab, in 1921 and 1922 when the Department was organised, in fixing seniority of gazetted and non-gazetted establishment in the Income-tax Department, Punjab? Were these rules issued for the guidance and information of the officials?

(b) If the reply to part (a) above be in the negative, are Government aware that all the top positions were exclusively allotted to Hindu incumbents?

+Answer to this question laid on the table the questioner being absent.

(c) If the reply to part (a) above be in the affirmative, will Government please state whether these rules were in conformity with those followed by the Punjab Government, or the Government of India in their own Departments?

The Honourable Mr. A. J. Raisman: With your permission, Sir, I propose to reply to this and questions Nos. 1602 to 1604 together. The information is being obtained and will be laid on the table of the House in due course.

FIXATION OF SENIORITY IN THE GRADES OF INCOME-TAX OFFICERS AND INSPECTORS IN THE INCOME-TAX DEPARTMENT, PUNJAB.

†1602. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Finance Member please state whether seniority in the grades of Income-tax Officers and Inspectors in the Income-tax Department, Punjab, was fixed from the date of appointment or the date of passing the examination?

(b) Are Government aware that in all other Departments seniority is fixed from the date of appointment to the grade? If this rule was not followed in the Income-tax Department, Punjab, will Government be pleased to state the reasons for not doing so?

(c) Are Government aware that from 1922 to date only two Muslims could be promoted as Assistant Commissioners in the Income-tax Department, Punjab, for a nominal period of two or three years (there being none at present), although the total number of promotions were more than a dozen, and similarly promotions from the Inspectors' cadre to the Income-tax Officer's grade from 1922 to date were more than two dozens, out of which not more than four went to Muslims?

APPOINTMENTS MADE IN CERTAIN CADRES IN THE INCOME-TAX DEPARTMENT, PUNJAB.

†1603. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Finance Member please state the number of appointments made according to communities in the cadre of Assistant Commissioners, Income-tax Officers, Inspectors and clerks in the Income-tax Department by:

- (i) promotion, and
- (ii) direct appointment,

year by year from 1922 to 1938?

(b) Does the percentage of appointments mentioned in part (a) above correspond to the percentage fixed by the Government, and did the Muslims get their proper share? If not, what steps do Government propose to take in order to remedy this inequality?

EMPLOYMENT OF MUSLIM INCOME-TAX INSPECTORS IN THE PUNJAB.

†1604. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable the Finance Member please state whether it is a fact that during the last five years, only one Muslim Income-tax Inspector was promoted

†Answer to this question laid on the table, the questioner being absent.

‡For answer to this question, see answer to question No. 1601.

from Head Clerk in spite of the great disparity against six Hindu appointments made in this grade?

(b) Is it also a fact that in the last test examination held in June 1938 by a Hindu Commissioner for selecting Inspectors for future vacancies, only Hindus and Sikhs were allowed to appear? If so, are Government prepared to declare this test void, and direct the Commissioner to reserve future vacancies until the communal proportion is assured?

TRIALS IN REFRIGERATED TRANSPORT BY THE DEFENCE DEPARTMENT.

1605. ***Mr. Brojendra Narayan Chaudhury:** Will the Defence Secretary please state:

- (a) whether the Defence Department interested itself in refrigerated transport; if so, the steps taken, and where;
- (b) whether the trials were said to have failed as dry ice was not available; and
- (c) if so, whether any offer to supply dry ice was received; if so, why the offer or offers were rejected?

Mr. C. M. G. Ogilvie: (a) Yes. Trials were carried out in 1936-37 in Waziristan, and also for the transportation of fruit and vegetable between Peshawar and Bombay.

(b) No. It was decided to stop the experiment until dry ice was established in general commercial use and at prices at which it could compete seriously with water ice for present military requirements, which are very small.

(c) Yes. The offers were not taken up for the reasons stated in the answer which I have just given to part (b) of this question.

Mr. Brojendra Narayan Chaudhury: May I know, Sir, what price was offered for the dry ice?

Mr. C. M. G. Ogilvie: I am afraid I am unaware of the price.

CONCESSIONS TO ANGLO-INDIAN ARTIFICERS AND APPRENTICES IN THE ARMY.

1606. ***Sri K. B. Jinaraja Hegde:** Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that in spite of the assurances given in the last Session of the Assembly, the Anglo-Indian apprentices are still being allowed concessions as in the case of British soldiers;
- (b) whether it is a fact that an Anglo Indian apprentice whose pay during the first year of his employment is only Rs. 6 is allowed free conveyance by second class in train journeys;
- (c) what is the highest pay admissible to an Indian artificer, and what class of conveyance is admissible to him; and

- (d) what is the cost of free fooding, including messing allowance, given to Indian artificers and apprentices, and Anglo-Indian artificers and apprentices?

Mr. C. M. G. Ogilvie: (a) and (b). Yes, but new terms of service have been worked out.

(c) Rs. 210 per mensem for those enrolled prior to the 1st June, 1932, and Rs. 150 per mensem for those enrolled after that date. They are entitled to third class accommodation by road and rail.

(d) I refer the Honourable Member to the reply I gave to parts (c) and (d) of starred question No. 600 asked by Mr. Sham Lal on the 30th August 1938. The cost of rations issued to Anglo-Indian apprentices is Rs. 8-11-0 per mensem.

Mr. Abdul Qaiyum: May I know, Sir, if the new rules that have been framed are identical for Indians and statutory Indians?

Mr. C. M. G. Ogilvie: No, they will not be the same.

Mr. Abdul Qaiyum: May I know, Sir, the reason why Government tolerate and continue this discrimination when Anglo-Indians are statutory Indians for all purposes?

Mr. C. M. G. Ogilvie: As I have frequently replied, there is no question of discrimination involved in this at all; it is simply a matter of difference in diet and so forth.

Mr. Abdul Qaiyum: And pay and conditions of service?

Mr. C. M. G. Ogilvie: As regards conditions of service and pay, I am not clear as to whether those will ultimately be higher or lower for Indians and Anglo-Indians.

Mr. Abdul Qaiyum: The Honourable Member may not regard it as discrimination, but when we look at the whole question minutely, we do regard it as racial discrimination.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may have his own opinion. Next question.

INDIANISATION OF THE INDIAN SIGNAL CORPS.

1607. *Sri K. B. Jinaraja Hegde: Will the Defence Secretary be pleased to state:

- what was the number of British officers and British soldiers authorised for the Indian Signal Corps before Indianisation;
- the number of British officers and British soldiers now authorised for the above corps;
- to what extent the corps have been Indianised;
- whether any increase in the establishment of British officers and British soldiers has been sanctioned for the purpose of Indianisation, if so, how much by ranks; and
- what is the annual cost of the increase of the above British officers and soldiers?

Mr. C. M. G. Ogilvie: (a) Officers...155.

Other ranks...2,190.

(b) Officers...152.

Other ranks...1,991.

(c) The following units are being Indianised:

4th Cavalry Brigade Signal Troop.

One Divisional Signals Headquarters.

One Operating Section.

One Cable Section.

One Wireless Section.

Two Infantry Brigade Signal Sections.

One Field Regiment Indian Artillery Signal Section.

These units still retain a cadre of British officers and British other rank instructors. Indian commissioned officers are being posted to these units as they become available and at a later date the British other rank instructors will be withdrawn.

(d) No.

(e) Does not arise.

INCREASE IN THE NUMBER OF BRITISH SOLDIERS AND DECREASE IN THE NUMBER OF INDIAN SOLDIERS DUE TO MECHANISATION, ETC.

1608. *Sri K. B. Jinaraja Hegde: Will the Defence Secretary be pleased to state whether the reorganisation and mechanisation in the army has involved an increase in the number of British soldiers and a decrease in the number of Indian soldiers? If so, what are the numbers of such increase or decrease by arms of the services concerned?

Mr. C. M. G. Ogilvie: No, there has been a decrease in the number of both British and Indian soldiers but the decrease has been greater in the case of the former. I place on the table a statement showing in what arms and to what approximate extent the decrease has taken place.

Statement showing changes that have taken place as a result of mechanisation, reorganization and reductions.

Name of unit or service.	British.		Indian.	
	Increase.	Decrease.	Increase.	Decrease.
British Cavalry	..	564	..	56
British Infantry	..	3,452	..	2,099
Indian Cavalry	..	1,494	160	..
Royal Artillery	..	59	..	42
Royal Tank Corps	..	..	..	154
Indian Signal Corps	..	3	..	..
Sappers and Miners	..	38	342	..
Royal Indian Army Service Corps	..	..	..	25
Indian Army Veterinary Corps	..	..	..	..
Indian Army Ordnance Corps	..	..	..	..
Total	38	6,100	502	2,178

SERVICE BOOKS OF GOVERNMENT SERVANTS.

1609. *Mr. Kuladhar Chajha: Will the Honourable the Home Member please state:

- (a) whether a service book is supplied at his own cost to every officer;
- (b) whether it is given up to the officer when he resigns or is removed from service;
- (c) what offences are intended to be included in the term "fault" in Article 818, Civil Service Regulations;
- (d) whether an officer can claim its being given him on removal from service; if not, why not;
- (e) whether Government repay the cost of the service book when it is not returned even on the officer's request; if not, why not;
- (f) whether Government propose to issue orders that the service book may be returned when the officer concerned applies for it, and it is not proposed to debar him from further Government service or he is not punishable by any law; if not, why not; and
- (g) whether Government propose to issue orders that when it is decided to forfeit the service book, the officer concerned may be informed of the cause and repaid the cost; if not, why not?

The Honourable Sir Reginald Maxwell: (a) and (b). The Honourable Member's attention is invited to Supplementary Rules 197 and 198 on page 385 of the Posts and Telegraphs compilation of the Fundamental and Supplementary Rules, a copy of which will be found in the Library.

(c) There is no precise definition but the term is ordinarily interpreted to mean inefficiency or misconduct.

(d) No. A service book is a Government record and not the personal property of the individual. Service books are only returned when the service is terminated without fault.

(e) No. The sum recovered is for the supply of the book, and no question of refunding this arises when once the book has been used.

(f) and (g). No change in the present practice and rules is contemplated.

KHAKSAR MOVEMENT.

1610. *Babu Kailash Behari Lal: Will the Honourable the Home Member be pleased to state:

- (a) whether his attention has been drawn to an article in the *Sunday Statesman* of 26th March, 1939, under the heading "Indian Dictator's 400,000 Khaki clad soldiers";
- (b) whether the Central Intelligence Bureau has information about the Khaksar movement; and
- (c) whether the Sind Government have granted gun licences to the Khaksars?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) Yes.

(c) Government have no information.

Babu Kailash Behari Lal: May I know, Sir, what is the information in the possession of Government with regard to the Khaksar movement?

The Honourable Sir Reginald Maxwell: I cannot answer a general question of that kind and give an entire account of our information.

Babu Kailash Behari Lal: May I know, Sir, what is the exact information in the possession of Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member said he cannot answer a general question of that kind.

Babu Kailash Behari Lal: There must be some information in the possession of Government about this movement. I want to know what is that information which they have.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should put down a question to that effect.

Babu Kailash Behari Lal: But the Honourable Member was prepared to answer the question . . .

Mr. President (The Honourable Sir Abdur Rahim): He said that he is not in a position to answer a general question of that kind.

Mr. K. Santhanam: May I know, Sir, whether these people are trained in a military fashion? What I mean is, whether the training given to these volunteers is of a military kind?

The Honourable Sir Reginald Maxwell: No, Sir, it is not really of a military kind. They go through some form of drill, but I should not describe it as military.

Mr. K. Santhanam: Are they taught shooting?

The Honourable Sir Reginald Maxwell: No, Sir.

STATEMENT OF TOTAL WEALTH OF ASSESSEES DEMANDED BY THE INCOME-TAX DEPARTMENT.

†1611. *Mr. Sri Prakasa: With reference to his answer to starred question No. 1147 on the 18th March, 1939, will the Honourable the Finance Member state:

- (a) if it is a fact that in the statement of total wealth called for under solemn affirmation from certain assesses by the Income-tax Department in the financial year 1938-39, a list of jewellery, landed property, house property, investments and cash not invested in business, is required; and
- (b) the number of European businessmen who have been required to make a return of their total wealth in the financial year 1938-39?

The Honourable Mr. A. J. Raisman: (a) and (b). I have no further information to give beyond that contained in Sir James Grigg's reply referred to by the Honourable Member.

†Answer to this question laid on the table, the questioner being absent.

RECOMMENDED INDIAN FINANCE BILL.

1612. *Mr. Mohan Lal Saksena: (a) Will the Honourable the Finance Member be pleased to state when the Governor General recommended the Finance Bill this year and when the recommended Bill was sent to the Honourable the President?

(b) When was the recommended Bill received by the Assembly Department and when was it sent to the press?

(c) Is it a fact that the recommended Bill was printed on the 24th March? If so, why was no notice of the recommended amendments sent to the Members of the Assembly?

(d) Was any meeting of the Executive Council held to consider the amendments to the Finance Bill carried by the Assembly? If so, when?

The Honourable Mr. A. J. Raisman: (a) The Governor General's recommendation was made on the 25th March and the signature copy of the Bill in the form recommended was handed to the Honourable the President along with the Governor General's message at about 10-15 A.M. on that day.

(b) Printed copies of the Bill in the form recommended were furnished to the Assembly Department at about 10-15 A.M. on the 25th March.

(c) The Bill was sent to the Press on the 24th March and printed copies were received from the Press on the 25th March. Notice of the amendments required to bring the Bill into the form recommended could not, in the nature of things, be given in advance of the recommendation.

(d) I am not prepared to furnish the information sought by the Honourable Member.

Mr. Mohan Lal Saksena: With regard to part (c) of the question, may I know, Sir, whether the Bill sent to the Press for printing was in the same form as it was presented to the House?

The Honourable Mr. A. J. Raisman: No.

Mr. Mohan Lal Saksena: What was the difference between the two?

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

CONSULTATIONS WITH REGARD TO THE APPOINTMENT OF HIGH COURT JUDGES IN INDIA.

1613. *Mr. K. Santhanam (on behalf of Mr. S. Satyamurti): Will the Honourable the Home Member please state:

(a) the method by which the Secretary of State for India consults the Governor General with regard to the appointment of High Court Judges in India;

(b) whether the Governor General consults the Governors of the Provinces concerned;

(c) whether the Governors of the Provinces consult the Chief Justices of the High Courts concerned;

(d) whether the Governors of the Provinces consult the Premiers of the Government of their own Provinces; if not, why not;

(e) whether the attention of the Government of India has been drawn to a statement made by the Premier of Madras recently in Madras Legislature wherein he stated that the Madras Government are not at all consulted about the appointment of High Court Judges; and

(f) whether Government propose to reconsider the whole position and arrange for the Governors of Provinces when they are consulted with regard to such appointments to consult the Provincial Governments or at least the heads thereof, namely, the Premiers; if not, why not?

The Honourable Sir Reginald Maxwell: The question should have been addressed to the Honourable the Leader of the House.

DEBT DUE FROM BURMA TO INDIA.

1614. *Mr. K. Santhanam (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

(a) the considerations on which the debt due from Burma to India has been calculated at Rs. 50,79,81 lakhs;

(b) the considerations on which the annuity to be paid in 43 years has been fixed at Rs. 2,24,56 lakhs; and

(c) the actual amount which the Burma Government will pay towards the $7\frac{1}{2}$ per cent. of the liability of the Government of India in respect of the central pensions in issue on the date of separation?

Mr. K. Sanjiva Row: I would invite the Honourable Member to the replies given by me to part (c), (e) and (f) of Mr. Manu Subedar's starred question No. 1314 on the 27th March, 1939.

DISBANDMENT OF THE MADRAS REGIMENT.

1615. *Mr. K. Santhanam (on behalf of Mr. S. Satyamurti): Will the Defence Secretary please state:

(a) whether the attention of Government has been drawn to the answer of the Premier, Madras Government in the Madras Legislative Assembly regarding the disbandment of the Madras Regiment;

(b) whether it is a fact that the Government of Madras on more than one occasion had drawn the attention of the Government of India to the inequity of disbanding the regiment and had strongly pressed for the revival of the recruitment to the army in this province; and

(c) the reasons why the Government of India have not conceded the demand of the Madras Government?

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

(c) I refer the Honourable Member to the reply I gave to part (d) of starred question No. 1493 asked by Mr. T. S. Avinashilingam Chettiar on the 4th April, 1939.

Mr. K. Santhanam: With reference to part (c) of the question, may I ask the Honourable Member to place the correspondence on the table of the House?

Mr. C. M. G. Ogilvie: No, I cannot do that.

Mr. K. Santhanam: May I know, Sir, if the Madras Government demanded that enlistment should be thrown open to all Madrassis without any kind of discrimination?

Mr. C. M. G. Ogilvie: Government, as far as I am aware, has received no communication from the Government of Madras on the subject for some time.

Mr. K. Santhanam: What is the last occasion on which they got a communication from the Madras Government?

Mr. C. M. G. Ogilvie: Some years ago.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have received the recommendation that has been sent by the present Madras Government?

Mr. C. M. G. Ogilvie: I would inform the Honourable Member that recently no recommendation or representation has been received in the Defence Department from the Madras Government.

LEVY OF AN EMPLOYMENT TAX IN THE UNITED PROVINCES.

1616. ***Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

- (a) whether his attention has been drawn to the question and answer in the House of Commons about the United Provinces Employment Tax;
- (b) whether the attention of Government has been specifically drawn to the question of Sir Alfred Knox who said "that if there was any doubt about the legality of this tax would Colonel Muirhead refer the matter to a court, and not leave it to some unfortunate civilian to undertake such a task"; Colonel Muirhead replied: "That raises a different question. Perhaps Sir Alfred Knox would allow him to consider that";
- (c) whether this answer was given with the consent or knowledge of the Government of India;
- (d) whether the attention of Government has been drawn to the question of Sir Henry Page Croft and the reply of Colonel Muirhead "we will realise that in certain matters, the Secretary of State has a particular responsibility. I have no reason to doubt whether he will undertake his responsibility";
- (e) whether the Government of India was consulted in this matter;
- (f) whether any correspondence is going on between the Government of India and the Secretary of State; and
- (g) at what stage the matter now stands?

The Honourable Mr. A. J. Raisman: (a), (b) and (d). Yes.

(c), (e), (f) and (g). I am not in a position to make any statement.

Mr. Lalchand Navalrai: May I know, Sir, following the example of some of the Provincial Governments, whether the other Provincial Governments, who have not done so, propose to introduce the employment tax in their provinces or they have also already done it?

The Honourable Mr. A. J. Raisman: That is a question which should be addressed to the other Government.

Mr. Lalchand Navalrai: May I know, Sir, if the Honourable Member will call for the information, because there are Provincial Governments who will have to be addressed on the subject?

The Honourable Mr. A. J. Raisman: I cannot obtain from Provincial Governments for the Honourable Member advance information of what they may possibly be intending to do.

Mr. K. Santhanam: May I know, Sir, if the U. P. Government communicated their proposals to the Central Government before they introduced the employment Tax in that province?

The Honourable Mr. A. J. Raisman: The Provincial Government did not consult the Government of India before they introduced the measure.

Mr. K. Santhanam: I know they need not, but my point is whether they actually did consult the Government of India?

The Honourable Mr. A. J. Raisman: My answer was that they did not

CONCORDAT ENTERED INTO BETWEEN THE FINANCE DEPARTMENT AND THE AUDITOR GENERAL.

1617. ***Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable the Finance Member please state:

- (a) whether the concordat entered into between the Finance Department and the Auditor General in respect of certain matters within the scope of audit is now working;
- (b) whether the Auditor General's report this year on the accounts of last year will be based on the principles enunciated in the concordat; and
- (c) whether Government will lay on the table a copy of the concordat, if not, why not?

The Honourable Mr. A. J. Raisman: (a) Yes

(b) Yes.

(c) I do not think that it would be suitable to lay this informal instrument on the table. Government are, however, quite ready to make it available to the next Public Accounts Committee and to invite the Auditor General to explain to them its scope and intentions.

Mr. M. Ananthasayanam Ayyangar: Will the Finance Member ascertain from the Law Department whether such an agreement is *intra vires* or *ultra vires* and whether it is open to the Auditor General to enter into such a concordat?

The Honourable Mr. A. J. Raisman: I have no doubt that this working arrangement is perfectly *intra vires*.

Mr. M. Ananthasayanam Ayyangar: May I ask if the Honourable Member will lay on the table a skeleton of the agreement, so that the House may have an opportunity of seeing whether the agreement is right or wrong?

The Honourable Mr. A. J. Raisman: I have already offered to place it before the Public Accounts Committee and have it fully discussed and explained there.

Mr. K. Santhanam: May I know whether this will be included in the proceedings of the Public Accounts Committee, or will it be confidentially communicated to the members of the Public Accounts Committee?

The Honourable Mr. A. J. Raisman: I am afraid I did not quite gather what the Honourable Member said.

Mr. K. Santhanam: May I know whether that will be printed in the proceedings of the Public Accounts Committee or it will be communicated confidentially to the members of the Committee?

The Honourable Mr. A. J. Raisman: I cannot answer that question now.

REPRESENTATIONS FROM THE RETRENCHED OFFICIALS OF THE MADRAS POSTAL AUDIT OFFICE.

1618. ***Mr. M. Ananthasayanam Ayyangar:** With reference to his reply to part (f) of my question No. 878 of the 8th March, 1939, will the Honourable the Home Member be pleased to state:

- (a) whether any representations from any of the retrenched officials of the Madras Postal Audit Office have been received addressed to His Excellency the Viceroy through the Auditor General submitting that there was an irregularity in procedure in the selection of posts for abolition due to non-observance of rules on the subject and praying that His Excellency may be pleased to constitute a new Committee of Enquiry or direct the Federal Public Service Commission to hold an enquiry in the matter and send a report to His Excellency for final orders;
- (b) if the reply to part (a) above be in the affirmative, what orders were passed on the same; and
- (c) whether Government are prepared to direct that the case may be referred to the Public Service Commission, if such orders had not been passed already?

The Honourable Mr. A. J. Raisman: (a) No.

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

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that the latest recruit was retained in the department whereas senior officers were given the option of retirement or going to Burma and taking service there?

The Honourable Mr. A. J. Raisman: I am not aware of that.

Mr. M. Ananthasayanam Ayyangar: Has not the Honourable Member or his department received a number of representations from those persons

affected that though they were senior officers they were transferred to Burma or given the option of retirement from service?

The Honourable Mr. A. J. Raisman: The department has received a large number of representations on this subject.

Mr. M. Ananthasayanam Ayyangar: What has the department done so far? Have they found out whether the complaint of these people was real or fancied?

The Honourable Mr. A. J. Raisman: The department has given these representations the most careful consideration in consultation with the Auditor General and come to the conclusion that nothing further could be done.

Mr. M. Ananthasayanam Ayyangar: May I know what objection the department can have to place this matter before the Public Service Commission for an impartial enquiry seeing that nearly 100 persons are affected by this?

The Honourable Mr. A. J. Raisman: It is not a subject which would normally be dealt with by the Public Service Commission.

Mr. M. Ananthasayanam Ayyangar: May I know to whom an appeal lies in such matters as this?

The Honourable Mr. A. J. Raisman: I believe a memorial lies to His Excellency the Viceroy.

APPEALS OF MEMBERS OF THE SUBORDINATE SERVICE LYING TO HIS EXCELLENCY THE GOVERNOR GENERAL.

1619. ***Mr. M. Ananthasayanam Ayyangar:** With reference to answers to parts (c) and (d) of question No. 878 of the 8th March, 1939, will the Honourable the Home Member be pleased to state whether in the case of the members of the Subordinate Services an appeal or a revision does not lie to His Excellency the Governor General under section 241(3) and 241(5) of the Government of India Act, 1935?

The Honourable Sir Reginald Maxwell: No appeal lies either to the Governor General or the Governor General in Council. But under rule 18 of the rules for subordinate services, which were published with the Government of India, Home Department, Notification No. F. 9/19-30-Ests., dated the 27th February, 1932, and are still in force, the Governor General in Council, not the Governor General, has power to revise an order passed by an authority subordinate to him in exercise of powers conferred on such authority by the rules.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable the Home Member aware that the answer just now given by the Honourable the Finance Member to a supplementary question on my previous question was that an appeal lies to His Excellency the Governor General in such matters as this?

The Honourable Mr. A. J. Raisman: I said, I believe a memorial lies to His Excellency the Viceroy. But this is a technical matter on which I cannot give a definite reply off-hand.

Mr. M. Ananthasayanam Ayyangar: If a review or revision lies to the Governor General in Council and not to the Governor General, the Governor General has got those papers relating to revision of certain cases and what will happen to them?

The Honourable Sir Reginald Maxwell: I do not know the particulars of the cases to which the Honourable Member refers. I have only spoken in general terms to say that a revision application does lie to the Governor General in Council.

Mr. Lalchand Navalrai: May I know if a revision application to the Governor General in Council will be treated in the same manner and with the same procedure as an appeal, or if there is any difference; and, if so, what is the difference?

The Honourable Sir Reginald Maxwell: I have said that there is no appeal. A revision application is in its nature different from an appeal.

PROMOTIONS TO THE ASSISTANTS' GRADE IN THE GOVERNMENT OF INDIA SECRETARIAT.

1620. *Rao Sahib N. Sivaraj: Will the Honourable the Home Member please state:

- (a) whether promotions from second division clerks grade of the Government of India Secretariat to the first division assistants grade are made by selection;
- (b) what is the basis of selection; whether seniority alone or merits and suitability are the primary factors for such promotions;
- (c) whether the second division clerk who is promoted to the post of an assistant, temporarily, is required to do the work attached to that post;
- (d) whether it is a fact that in some Departments of the Government of India Secretariat promotions from second division to first division either temporarily or permanently are made only on grounds of seniority, while in other Departments selection is made from amongst those second division clerks who are declared on grounds of merit alone fit for such promotion; and
- (e) if answers to part (d) be in the affirmative, do Government propose to issue definite instructions to all Departments impressing upon them the desirability of adopting a uniform practice in the matter of such promotions?

The Honourable Sir Reginald Maxwell: (a) and (b). Under the rules, promotion from the second to the first division is made strictly by selection from amongst the most meritorious candidates, seniority being taken into account only when merit is equal.

(c) Not necessarily. The promoted clerk is always required to do the work of an Assistant, but it may not be the work of the Assistant in whose vacancy he is officiating.

(d) I am not aware of any such practice.

(e) Does not arise.

GRANT OF EXTENSIONS OF SERVICE IN THE GOVERNMENT OF INDIA SECRETARIAT.

1621. *Rao Sahib N. Sivaraj: (a) Will the Honourable the Finance Member please state whether it is incumbent upon the head of a Department of the Government of India Secretariat to submit his recommendations at least six months ahead for granting extension of service after superannuation age or completion of thirty years' service whichever is earlier to any member of the ministerial establishment of the Secretariat?

(b) Have Government decided to give extension of service only very sparingly and that also in very hard and deserving cases?

(c) If the answer to part (b) be in the affirmative, have Government issued any instructions to Heads of Departments for not making their recommendations in any case for extension of service? If not, do Government propose to issue such instructions now?

(d) Is it a fact that candidates who are declared successful in examinations held by the Federal Public Service Commission for recruitment to ministerial establishment have to compete in subsequent examinations if they fail to get an appointment during the prescribed period of one year?

(e) If the answer to part (d) be in the affirmative, are Government aware that the grant of extension for service in cases referred to in part (a) affect the cases of such candidates adversely and put them to incur extra expenses?

The Honourable Sir Reginald Maxwell: (a) No, though as a matter of departmental procedure the question of the retirement of a ministerial servant is taken up before he reaches the age of retirement.

(b) As prescribed in Fundamental Rule 56(b) extensions of service beyond the age of superannuation are granted only in very special circumstances.

(c) In view of the replies to parts (a) and (b) the issue of such instructions is unnecessary.

(d) I may explain that candidates are not declared successful as a result of an examination held by the Federal Public Service Commission for recruitment to the ministerial establishment, but are placed in order of merit in a list and are offered appointment in this order, subject to communal considerations, to vacancies that may arise while the list is in force. Candidates who do not secure appointments may, if they so desire and are otherwise eligible, appear in subsequent examinations.

(e) As extensions of service are granted only in exceptional cases and, consequently, are very few in number, their effect on the prospects of candidates is negligible.

Mr. Lalchand Navalrai: With reference to the answer to clause (b) of the question, may I know if extensions are at present granted for one year or even more than one year?

The Honourable Sir Reginald Maxwell: I imagine the periods will vary, but I do not suppose they would often be more than one year at a time.

INCREASE OF PAY OF SUBALTERNS OF THE BRITISH ARMY SERVING IN INDIA.

†1622. *Mr. Sri Prakasa: With reference to his reply to Mr. Satyamurti's starred question No. 1302, dated the 25th March 1939, will be Defence Secretary state:

- (a) the items of necessities, comforts and luxuries, increase or decrease of the cost of which is a determining factor in Government's decision regarding the salaries of subalterns and other officers of the British Army in India;
- (b) what were the relative rises in prices under the various heads of commodities which induced Government to increase the pay of subalterns on the last occasion; and
- (c) when was this increase given and what were the figures of the pay before and after the increase?

Mr. C. M. G. Ogilvie: (a) The main items of necessities, comforts and luxuries are:

Food.
Fuel and lighting.
Clothing.
House rent.
Servants.
Conveyance.
School Fees.
Passage.

(b) The rates of pay fixed in 1925 were in fact less than the rates previously in force. The increase was due to the grant of an Indian allowance. It is, of course, impossible precisely to relate this allowance to any known items of expense.

(c) The increase was given with effect from the 1st July, 1924. I lay on the table a statement showing the rates of pay for each rank before and after the revision.

Statement showing the pre 1924-25 and the 1924-25 rates of emoluments of British Service officers of the Army in India.

Rank.	Pre 1924-25 rates.	1924-25 rates.	
		Unmarried.	Married.
	Rs. per mensem.	Rs. per mensem.	Rs. per mensem.
Lieut.-Colonel	1,250	1,300	1,450
Major after 5 years' service as such	1,050	1,090	1,235
Major	950	965	1,105
Captain after 15 years' service	850	810	955
Captain	750	680	795
Lieutenant after 7 years' service	550	530	620
Lieutenant	475	460	545
2nd-Lieutenant	425	405	490

†Answer to this question laid on the table the questioner being absent.

CANDIDATES INTERVIEWED AT JUBBULPORE FOR APPOINTMENT TO THE ARMY IN INDIA RESERVE OF OFFICERS.

1623. *Mr. Govind V. Deshmukh: Will the Defence Secretary please state if applicants were interviewed at Jubbulpore for appointment to the Army in India Reserve of Officers in March 1938? If so, what was the number of applicants interviewed and how many were appointed out of them? What were the grounds for rejecting the applications of those who were interviewed? When were the results of the interviews communicated to the applicants?

Mr. C. M. G. Ogilvie: 14 candidates for appointment to the Army in India Reserve of Officers were interviewed. None were appointed but two are on the waiting list and the case of another is still under consideration. The ground for rejection was general unsuitability for military service. The results were communicated between April and July, 1938, to those who made enquiries or were rejected by Army Headquarters.

Mr. Govind V. Deshmukh: May I know whether there were any applicants who belonged to the University Training Corps?

Mr. C. M. G. Ogilvie: I am unable to say without notice.

Mr. Govind V. Deshmukh: May I know if the persons who applied were those who belonged to the province or were from outside?

Mr. C. M. G. Ogilvie: I have not the information to hand.

Mr. Govind V. Deshmukh: May I know if such interviews are held every year for the appointment of officers?

Mr. C. M. G. Ogilvie: I am not sure about that.

BAN ON THE RETURN OF RAJA MAHENDRA PRATAP TO INDIA.

†1624. *Mr. Sri Prakasa: With reference to his replies to supplementary questions to starred question No. 1146 on the 18th March, 1939, will the Honourable the Home Member state the reply that the Government of India have sent to the United Provinces Government's representation regarding Raja Mahendra Pratap?

The Honourable Sir Reginald Maxwell: The United Provinces Government have been informed that the Government of India are not prepared to allow Mr. Mahendra Pratap facilities for return to India at present.

SELECTION OF CANDIDATES FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

1625. *Maulvi Syed Murtuza Sahib Bahadur: Will the Honourable the Home Member be pleased to state:

- (a) the number of candidates and the number of Muslim candidates who applied for admission to the Indian Audit, Accounts and allied services examination that was held in November 1937 from the Delhi Province;

†Answer to this question laid on the table, the questioner being absent.

- (b) the number of candidates and the number of Muslim candidates who were selected from among those applicants for admission to the above mentioned examination;
- (c) the number of candidates who actually appeared for the examination; and
- (d) the number of candidates who were declared successful?

The Honourable Mr. A. J. Raisman: (a) 28, including five Muslims.

(b) The number of candidates who were selected from the Delhi Province was ten of whom one was a Muslim.

(c) Six candidates, including one Muslim, appeared from the Delhi Province.

(d) The results have not yet been announced.

Mr. Lalchand Navalrai: May I know why is it that the Finance Member is answering for the Home Member?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that now. The question should probably have been addressed to him, and as he is here, he has answered it. No harm has been done.

Mr. T. S. Avinashilingam Chettiar: We want to know for future guidance in case the Finance Member and the Home Member are answering on different dates.

Mr. President (The Honourable Sir Abdur Rahim): If there is any difficulty, the answer will be given by the Member to whom the question ought to have been addressed, when his turn comes.

Mr. T. S. Avinashilingam Chettiar: In that case we have to give fresh notice. We lose a day. It is better that we know to whom this subject belongs.

Mr. President (The Honourable Sir Abdur Rahim): In some cases it is very difficult even for the Assembly Department to find that out.

Mr. K. Santhanam: Should a question like this be addressed to the Finance Member or the Home Member?

The Honourable Mr. A. J. Raisman: Questions relating to the Audit and Accounts Service belong to the Finance Member.

ADMISSION OF CANDIDATES TO THE INDIAN AUDIT AND ACCOUNTS SERVICE EXAMINATION.

1626. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable the Home Member be pleased to state whether a maximum limit is set for candidates to be selected for admission to the Indian Audit and Accounts Service examination and that there is no such corresponding restriction in the number of candidates for any other competitive examination conducted by the Federal Public Service Commission where practically all the applicants are admitted to the examination?

(b) If the answer to part (a) be in the affirmative, are Government prepared to admit to the Indian Audit and Accounts Service examination all the candidates who seek admission thereto?

The Honourable Mr. A. J. Raisman: (a) and (b). A maximum limit is set to the number of candidates admitted to the Indian Audit and Accounts Service Examination, because the number of applications every year for admission to the examination is so large that to admit all applicants would render the proper conduct of the examination impossible. The rules for other competitive examinations conducted by the Federal Public Service Commission also provide for the imposition of a similar limit, if it is found necessary. Government do not propose to depart from this policy.

ALLOWANCES OF THE IMPERIAL SERVICE OFFICERS SERVING IN THE PROVINCES.

1627. *Mr. Abdul Qaiyum: Will the Honourable the Finance Member please state:

- (a) whether he has read the United Press message in the *Hindustan Times*, of the 23rd March, 1939, on page 2, column 4, under the heading "Imperial Services; Secretary of State's Circular" which includes the following "That very recently a circular from the Secretary of State for India has been received by the Provincial Governments regarding the allowances of the Imperial Services working under these Governments was officially admitted by Mr. Bhanjuram Gandhi, Finance Minister, North-West Frontier Province";
- (b) what is this circular and when was it issued;
- (c) what are its contents, and whether it forbids Provincial Governments from even touching the allowances of such public servants;
- (d) whether any of the Provincial Governments have protested and, if so, how many;
- (e) whether the Government of India were consulted before the same was issued; and
- (f) the attitude of the Central Government with regard to this circular?

The Honourable Mr. A. J. Raisman: (a) Yes.

(b) and (c). It is presumed that the reference is to Finance Department Notification No. F-5 (12)-R. I/39, dated the 15th February, 1939, which appeared in the *Gazette of India* of the 18th February, 1939.

(d) No, none.

(e) and (f). I am not prepared to make any statement. The powers in the exercise of which the rules in question have been framed are vested by the Government of India Act in the Secretary of State.

Mr. Abdul Qaiyum: I did not hear the answer to parts (c) and (d). May I know whether any Provincial Governments have protested against it?

The Honourable Mr. A. J. Raisman: The answer was 'None'.

Mr. Abdul Qaiyum: May I know if this circular aims at limiting the power of the Provincial Governments to reduce the allowances of the Imperial services?

The Honourable Mr. A. J. Raisman: This is a rule framed by the Secretary of State relating to the travelling allowances of Secretary of State's officers.

Mr. Abdul Qaiyum: May I know whether the Provincial Governments can reduce the allowances of members of the Imperial services?

The Honourable Mr. A. J. Raisman: The effect of this is that they cannot reduce the travelling allowances of Secretary of State's officers without the approval of the Secretary of State.

Mr. Abdul Qaiyum: May I know if this rule has been framed in accordance with some section of the Government of India Act?

The Honourable Mr. A. J. Raisman: It has certainly been framed in the exercise of powers conferred on the Secretary of State by the Government of India Act.

VISIT OF THE OFFICERS OF THE BUREAU OF PUBLIC INFORMATION TO INDIAN STATES.

1627A. *Sardar Sant Singh: Will the Honourable the Home Member please state:

- whether it is a fact that officers of the Bureau of Public Information are going to various Indian States;
- which are the States visited by them during the last six months and who are the officers;
- whether these officers have gone there at the invitation of the States or at the initiative of the Government of India;
- whether the expenses of these visits were paid by the States or by the Government of India and what is the total amount of the money spent on these visits during the current financial year;
- if it is the policy of the Government to influence the States in the matter of the appointment of their publicity officers and publicity methods in the States;
- whether the Deputy Principal Information Officer recently visited Jaipur and recommended the appointment of one Mr. Bobb for the post of Publicity Officer of the State; and
- whether this was done in his official capacity as Deputy Principal Information Officer, Government of India, or in his personal capacity?

The Honourable Sir Reginald Maxwell (a), (b) and (c). The Principal Information Officer visited Hyderabad State in December, 1938, in the course of a journey from Madras to Bombay, in order to meet the Editor of the *Payam* who had made a request for the supply of publicity material. This is the only occasion on which an officer of the Bureau has visited an Indian State.

(d) The expenses of the visit were paid by the Government of India and amounted to Rs. 20 halting allowance.

(e) No.

(f) No.

(g) Does not arise.

Sardar Sant Singh: May I know if it is a fact that the Deputy Principal Information Officer visited Jaipur recently?

The Honourable Sir Reginald Maxwell: It is not a fact.

Mr. Lalchand Navalrai: May I know if they go for collecting information for the Central Government?

The Honourable Sir Reginald Maxwell: No, for giving it.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 44 asked by Mr. Sham Lal on the 1st February, 1938.

PROGRAMME OF RURAL DEVELOPMENT IN THE CENTRALLY ADMINISTERED AREAS.

(a) The programme of rural development in the centrally administered areas during 1935-36 and 1936-37 included :—

1. Improvement of communications.
2. Improvement of agricultural and sanitary conditions.
3. Improvement of water supply.
4. Cattle breeding.
5. Irrigation works.
6. Anti-malarial measures.
7. Supply of quinine.
8. Co-operative training.
9. Expansion of education.

The expenditure incurred in each area was :—

Name of area.	Expenditure in 1935-36.	Expenditure in 1936-37.
	Rs.	Rs.
Ajmer-Merwara	4,890	21,717
Coorg	19,580	47,281
Delhi	1,84,111	2,15,364
Baluchistan	14,476	32,630
Total	2,23,057	3,16,992

(b) The expenditure has produced satisfactory results.

Information promised in reply to starred question No. 1346 asked by Mr. P. R. Damzen on the 21st November, 1938.

CLASSIFICATION OF ARMENIANS EMPLOYED ON THE EAST INDIAN RAILWAY AS ANGLO-INDIANS.

(a) Yes. I understand that owing to the fact that Armenians governed by the old East Indian Railway Company leave rules were treated as Anglo-Indians for the purpose of leave privileges, they had been included among "Anglo-Indians" in the Asansol Division. This has since been rectified.

(b) Sixteen. They are classified under the head "other minority communities", for whom there is no reservation of posts.

Information promised in reply to part (c) of starred question No. 216 asked by Mr. K. S. Gupta on the 8th February, 1939.

IMPORT AND EXPORT OF CATTLE FROM AND TO AUSTRALIA.

(c) There are no restrictions on the export of cattle from India to Australia but importation into that country of cattle is controlled with special reference to the following two conditions :—

(i) The existence of known diseases of animals in the particular country concerned and

(ii) The degree of effective organisation in the country concerned for the control of such diseases.

As the restrictions are not of a discriminatory character, the Government of India do not think it necessary to impose reciprocal restrictions.

Information promised in reply to part (b) of starred question No. 268 asked by Mr. S. Satyamurti on the 9th February, 1939.

SIMLA EXODUS.

The strength of the establishment which is this year moving to Simla from each Department is as follows :—

Departments.	Officers.	Minis-terial staff.	Inferior staff.	Remarks.
External Affairs Department	5	87	72	
Legislative Department	10	51	63	
Legislative Assembly Department	4	62	36	
Military Finance Department	15	99	48	
Military Accountant General	5	58	21	
Defence Department	9	104	54	
Executive Council Office	..	3	7	
Railway Department	27	183	114	
Reforms Office	2	21	23	
Commerce Department	17	109	75	

Departments.	Officers.	Minis-terial staff.	Inferior staff.	Remarks.
Indian Stores Department	15	174	74	
Office of the Economical Adviser to the Government of India.	7	17	11	
Communications Department	6	69	43	
Civil Aviation	1	6	5	
Director General Posts and Telegraphs	7	10	19	
Labour Department	5	77	46	
Central Public Works Department	1	2	4	
Controller of Printing and Stationery	1	7	6	
Education, Health and Lands Depart-ment.	9	94	64	
Director General of Indian Medical Service.	5	11	10	
Finance Department	15	115	86	
Central Board of Revenues	7	67	40	
Auditor General	2	5	7	
Director of Audit Defence Services	2	18	6	
Home Department	8	75	64	
Federal Public Service Commission	5	11	14	
Principal Information Officer	7	59	38	
Director Intelligence Bureau	10	58	54	
Total	207	1,652	1,104	

Information promised in reply to starred question No. 300 asked by Mr. K. S. Gupta on 10th February, 1939.

CONTRACT FOR REMODELLING OF WALTAIR STATION YARD.

(a) No.

(b) Rs. 3,85,433.

(c), (d) and (e). The contractors are as follows :—

1. Messrs. Tata Iron & Steel Company Limited
2. Mr. K. K. Pradhan.

3. Messrs. Himmatsinka Timber Ltd
4. Messrs. S. N. Sen.
5. Messrs. H. Deer Co.
6. Messrs. Bengal Timber Trading Co.
7. Mr. S. K. Bose.
8. Messrs. Britannia Iron & Steel Co
9. Messrs. H. H. Robertson & Co.
10. Messrs. Cowans Scheldon & Co., Ltd.
11. Messrs. Britannia Engineering Co.
12. Messrs. Howrah Engineering Co.
13. Messrs. Calender's Cable Co.
14. Messrs. Brocho & Co.
15. Messrs. Saxby & Farmer (India) Ltd.,
16. Mr. B. Bheemasunkaram.
17. Mr. Premji Khengar.

There is no major contract. All the previously mentioned contractors may be regarded as having minor contracts, but the last mentioned contractor has signed a current work contract for the section, and has been given work orders as follows :

1. No. M/16 of 22-7-38—Rs. 1,561.
2. No. M/18 of 29-7-38—Rs. 1,004.
3. No. M/17 of 29-7-38—Rs. 971.
4. No. M/33 of 8-11-38—Rs. 1,046.
5. No. M/2/63 of 18-1-39—Rs. 3,315.
6. No. M/2/61 of 18-1-39—Rs. 829.

(f), (g) and (h). The conditions under which Free Service Way Bills, Railway Material Consignment Notes and Railway Material Certificates are issued are defined in the attached circular (Chief Engineer's Circular No. 14 of 1936).

In certain exceptional circumstances freight is borne by the Railway when the terms of the agreement provide for this.

Booking of Railway material on Concession Certificates.

C. E.'s Circular No. 14 of 1936.

This note indicates the correct procedure for the booking of Railway material on Concession Certificates enumerated below :—

(1) Free Service Way Bill—Form S. N. 15—

All parcels weighing 10 maunds and less for the Departments of the Home Railway are booked under Free Service Way Bill by Passenger train free of charge.

(2) Railway Material Consignment Note—Form S. N. 37—

When Railway material is booked over the Home Railway by one Railway Official to another, a Railway Materials Consignment Note is used for all consignments despatched by Goods train and also for those weighing over 10 maunds booked by Passenger train. No freight is charged when the consignment weighs ten maunds or less. For consignments weighing over ten maunds freight is charged at the Home Railway material rate and this is debited to the Department concerned by the Chief Auditor.

(3) Railway Material Certificate—Form E. D. 3-4—

This Concession certificate allows material to be carried at the Home Railway material rate over the B. N. Railway and at Foreign Railway rate over Foreign Railways.

This Certificate is issued under the following circumstances :—

(a) When material is despatched by a Contractor or a firm to a Railway Official or vice versa.

The freight is paid, if payable by the Railway, by the issue of Credit Note Form B. N. 101 and if by a Contractor or firm in cash.

Material rejected after arrival at the destination should be re-booked to the supplier "FREIGHT TO PAY" at the Home Railway material rate.

If the rejected supply is not required to be replaced, the freight paid by the Railway on the original consignment should be recovered from the Firm's or Contractor's bills. If the rejected supply is required to be replaced, the replacement consignment should be booked by the Contractor or firm "Freight Paid" at the Home Railway Material rate, no recoveries in respect of freight on the original booking being made from the suppliers in such cases.

(b) When a Contractor obtains material for use on Railway works which he himself is carrying out.

He is both the consignor and consignee in this case except as provided for on the form, and freight is paid by him in cash.

Great care must be exercised to see that not more material is included than the work demands. Each Railway Material Certificate must contain a description of material to be booked the station at which it is to be delivered and the name of the work for which it is required.

When a Contractor desires to book a larger quantity than is required for a given work for stock for future work the Certificate must be obtained through the Assistant Engineer, from the District Engineer. In other cases it is left to the discretion of the District Engineer whether the Certificate be issued by the Assistant Engineer or by himself only, but in any case it must be signed by an Officer.

A Ledger Register of Railway Material Certificates issued must be maintained for each Contractor separately by the office of issue and put up to the issuing officer with any future application for a certificate to enable him to see that the demand is reasonable.

The Register shall show the following information :

- Name of work.
- Date of issue and No. of Certificate.
- Station of delivery.
- Material.
- Quantity.

A monthly abstract of the Certificates issued by Assistant Engineers shall be sent to their District Engineer who will be responsible for scrutinising it and for enquiring into any apparent excessive issue.

(4) Certificate for condemned material and Stores.—Form S. 65 (Revised).—

This Certificate is issued when condemned Railway Material is sold and the conditions of sale permit of the material being carried at Home Railway Material rate. Such consignments are booked as public consignments and freight paid in cash by the purchaser.

This cancels C. E.'s Circular No. 17 of 1926.

Information promised in reply to part (e) of starred question No. 724 asked by Mr. C. N. Muthuranga Mudaliar on the 27th February, 1939.

SIMLA EXODUS.

The cost of the exodus during 1936-37 and 1937-38 was Rs. 9,88,840 and Rs. 10,78,939, respectively. These figures include house rent allowances paid in Simla and Delhi.

DELEGATIONS TO THE LEAGUE OF NATIONS.

Year.	In what connection expenditure was incurred.	Amount.
		Rs.
1936-37 . .	Indian Delegation to the League Assembly	1,269
	Indian Delegation to the International Labour Conference	44,431
1937-38 . .	Indian Delegation to the League Assembly	3,987
	Indian Delegation to the International Labour Conference	34,473
1938-39 . .	Indian Delegation to the League Assembly	3,687
	Indian Delegation to the International Labour Conference	21,201
	Indian Delegation to the Advisory Commission on Social Questions.	3,809

SCHEMES FOR WATER SUPPLY AND DRAINAGE FOR AJMER.

(b) Yes.

Information promised in reply to starred question No. 841, asked by Maulvi Muhammad Abdul Ghani on the 7th March, 1939.

(a) 19 and 11, respectively.

(b) The Chief Inspector of Boilers, Delhi Province.

(c) Details relating to the quotations called for in 1936-37 and 1937-38 are not available. Quotations were called for in seven cases during 1938-39 and the statement below gives details regarding the names of the firms who gave the highest and lowest quotations.

	Number of quotations.		
	Highest	Lowest.	
(1) Royal Welding and Repairs Works	3	4	
(2) Britannia Engineering Works .	2	2	(plus one received late).
(3) Expert Iron Foundry Works .	2	1	

(d) (i). Royal Welding and Repairs Works.

(ii) Britannia Engineering Works.

(e) The Executive Engineer, Provincial Division, Central Public Works Department.

(f) The Chief Inspector of Boilers, Delhi Province.

Information promised in reply to parts (b) and (c) of starred question No. 967 asked by Mr. Mohan Lal Saksena on the 10th March 1939.

IMPORT AND PRODUCTION OF ELECTRIC BULBS.

Statement regarding the capacity of the various electric lamp factories in India and the value of electric lamps produced by them during the last three years.

Serial No.	Name of factory.	Quantity and/or value of bulbs manufactured.						Capacity (monthly).	
		1936.		1937.		1938.		Normal.	Maximum.
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.		
1	Messrs. Bengal Electric Lamp Works, Ltd., Calcutta.	No. 219,000	Rs. 1,43,000	No. 317,000	Rs. 2,34,000	No. 633,000	Rs. 4,36,000	Lamps. 75,000	Lamps. 90,000
2	Messrs. Phillips Electrical Company Ltd., Calcutta.	515,000	5,00,000	1,110,000	1,050,000	892,000	800,000	150,000	
3	Messrs. Bharat Electric Bulb Works, Ltd., Calcutta.	Not available.	32,000	Not available.	30,000	Not available.	35,000	15,000	20,000
4	Messrs. India Electric Lamp Manufacturing Company, Ltd., Calcutta.	20,000	Not available.	30,000	Not available.	50,000	Not available.	20,000	50,000

Statement regarding the capacity of the various electric lamp factories in India and the value of electric lamps produced by them during the last three years—contd.

Serial No.	Name of factory.	Quantity and or value of bulbs manufactured.						Capacity (monthly).	
		1936.		1937.		1938.		Normal.	Maximum.
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.		
5	Messrs. Bijli Products (India) Limited, Bombay.	No. *80,000	Rs. 40,000	No. †65,000	Rs. 32,500	No. ‡90,562	Rs. 45,281	Lamps. 14,400	Lamps. 72,000
6	Messrs. Hindustan Electric Lamp Works, Ltd., Agra.	Started in 1937.		§1,722	861	100,879	50,440	60,000	180,000
7	Messrs. Mysore Lamps Works, Limited, Bangalore.	Started in 1937.		75,323	35,000	179,269	85,000	30,000	105,000
8	Messrs. Calcutta Electric Lamp Works, Limited.	Not available.						8,000	16,000

* For the period 1st April 1936 to 31st March 1937.

† For the period 1st April 1937 to 31st March 1938.

‡ For the period 1st April 1938 to 28th February 1939.

§ Worked for one month on a small experimental basis.

|| Four months.

Information promised in reply to starred question, No. 1032 asked by Shrimati K. Radha Bai Subbarayan on the 14th March, 1939.

HOSPITALS UNDER GOVERNMENT CONTROL IN DELHI PROVINCE.

(a), (b), (c) and (d). A statement giving the information asked for by the Honourable Member is placed on the table.

STATEMENT.

Serial No.	Name of Hospital.	Particulars as to constitution and functions of Governing Body of Advisory Council (if any).	Charges for treatment in the public wards (if any).	Discrimination on racial grounds (if any) in accommodation and difference in scale of charges.	Whether the wards and private rooms are classified on communal or racial basis.
1	2	3	4	5	6
1	A.—Government Hospitals. Irwin	An Advisory Committee exists consisting of Chief Medical Officer, Delhi, Civil Surgeon, New Delhi, Chief Health Officer, Executive Engineer in charge of buildings, representatives of Lady Harding Medical College Hospital (1), Delhi Municipal Committee (1), New Delhi Municipal Committee (2), two non-medical ladies nominated by Delhi and New Delhi Municipal Committees respectively, and one non-official medical practitioner nominated by Chief Commissioner. Nursing Superintendent acts as Secretary but does not vote. Functions of Committee are advisory, but recommendations not accepted by Chief Medical Officer are referred to Chief Commissioner for orders.	No charge is made for treatment in the public (i.e., the general) wards.	None	No.

Serial No.	Name of Hospital.	Particulars as to constitution and function of Governing Body or Advisory Council (if any).	Charges for treatment in the public wards (if any).	Discrimination on racial grounds (if any) in accommodation and difference in scale of charges.	Whether the wards and private rooms are classified on communal or racial basis.
1		3	4	5	6
2	Hindu Rao	No Advisory Committee exists	There are no public wards. The Hospital treats patients living in European style, on nursing home lines and fees are charged under rules approved by the Government of India. Indigent European patients for whom no other accommodation exists are sometimes treated free, but the Chief Commissioner's sanction has to be obtained in each case.	None	No.
3	Balak Ram	No Advisory Committee exists	Government servants are admitted, and treated free of charge.	None	No.
4	Police Hospital	No Advisory Committee exists	A Departmental hospital at which members of the Delhi Police Force are treated free of charge.	None	No.

5	B.—Aided Hospitals. Lady Hardinge Medical College Hospital.	The Hospital is administered by a Governing Body and Executive Committee, these being organs of an Association registered under Act XXI of 1860. A copy of the "Memorandum of Association Rules and Regulations and Byelaws" will be found in the Library of the House.	No charge is made for treatment in the public (i.e., the general) wards.	None	No.
6	St. Stephen's	The Hospital is administered by a Standing Committee of the Mission Council of the Cambridge Mission to Delhi and the South Punjab. This Committee consists of the Medical Superintendent, and the doctor next senior under her; the Nursing Superintendent and the Sister next-senior under her; the head dispenser and Evangelist; the Head of the Cambridge Mission and the Head of the Community of St. Stephen; two men and one woman belonging to the Mission selected respectively by the men and women members of the Mission; and two representatives elected by the Delhi Municipal Committee.	Treatment is free for poor patients in the public (i.e., the general) wards. A lump sum fee of Rs. 5 is charged for patients admitted to the general wards and able to pay, and a fee of Rs. 5 is similarly charged for confinements specially attended by staff nurses instead of student nurses. Operation fees not exceeding Rs. 10 are also charged when patients can afford to pay.	None	No.
7	Victoria Hospital.	The Hospital is administered by a Society registered under Act XXI of 1860. A copy of the Memorandum of the Association and of the Rules and Regulations is appended.	No charge is made for treatment in the public (i.e., the general) wards.	None	No.
	C.—Municipal Hospitals. Willingdon Hospital, New Delhi.	Managed by the New Delhi Municipal Committee.	No charge is made for treatment in the public (i.e., the general) wards.	None	No.

NOTE.—Rural dispensaries some of which take in patients are omitted. In all these dispensaries treatment is free.

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LEGISLATIVE ASSEMBLY.

[11TH APRIL 1939.]

Memorandum of Association of the Queen Victoria Zanana Hospital Society.

(Registered as a Charitable Society under Act XXI of 1860.)

1. The name of the Society is the Queen Victoria Zanana Hospital Society.
2. The object of the Society is to start and maintain a Pardah Zanana Hospital for medical and surgical aid to women, and especially pardah women, in suitable quarters, and in connection therewith, if possible, to maintain a training institution for Nurses and Dais in the name of our beloved Queen Victoria, by public charity and the doing of all such other things and acts as are incidental or conducive to or necessary for the attainment of the abovementioned object.
3. A copy of the Rules and Regulations of the Society certified to be a true copy by three members of the Governing Body is filed with this Memorandum of Association.

Rules of the Society and Regulations of the Queen Victoria Zanana Hospital.

1.—RULES OF THE SOCIETY.

1. Every person who has made, or who in future will make, a donation of not less than Rs. 500 to this Society, or his nominee shall be a member of this Society.
2. If the number of the members is at any time less than forty, the then members may elect other male adults of the Province of Delhi to make up forty.
3. A member shall cease to be member on his death, resignation, bankruptcy, insanity, or conviction of an offence cognisable by the Police.
4. A register of such members as have from time to time been elected or as are members, by reason of their donations, shall be maintained by the Honorary Secretary of the Society.
5. A meeting of the members on the above mentioned register shall be held once in every year to pass accounts. A special meeting shall be called at any time on the request in writing of not less than five members presented to the Honorary Secretary of the Society.
6. The Chief Commissioner of Delhi, the Deputy Commissioner, the Civil Surgeon Delhi and the Honorary Secretary of the Society shall be *ex-officio* members of the Society. The Chief Commissioner of Delhi shall be President of the Society.
7. The Chief Commissioner or in his absence the Deputy Commissioner shall preside at every meeting of the members; in the absence of both the Chief Commissioner and the Deputy Commissioner, the members present shall choose one of their members to be chairman of such meeting.
8. Every member shall have one vote: in case of equality of votes on division the chairman for the time being shall have a casting vote.
9. Votes may be given either personally or by proxies, provided that no proxy shall be accepted unless it has been received by the Honorary Secretary before the time appointed for the meeting.
10. Eight members present in person or by proxy (of whom at least five must be present in person) shall form a quorum for a meeting of the members.
11. The Governing Body of this Society constituted under the next following rule
As amended by resolution No. 3, dated 3rd August 1926. shall appoint one of its members as Honorary Secretary of the Society and of the Governing Body, and the Secretary so appointed shall hold office for three years or for so long as he remains such member, whichever be the shorter.
12. The management of the business of the Society shall be carried on by a Governing Body consisting of :—
As amended by resolution No. 3, dated 3rd August 1926.

- (a) The Deputy Commissioner and the Civil Surgeon of Delhi;
- (b) Four members of the Society of the Victoria Zanana Hospital nominated by the Society in a General Meeting once every three years.

(c) Eight Municipal Commissioners nominated by the Municipal Committee of Delhi from time to time as vacancies occur; two of whom to be the Members of the Society.

(d) Two persons to be nominated by the Countess of Dufferin Fund.
Provided as follows :—

(a) All Municipal Commissioners shall cease to be members of the Governing Body as soon as the Municipal Committee of Delhi ceases to contribute a sum of not less than Rs. 10,000 (Ten thousands) annually to the Society for maintenance of the Hospital.

The representation of the Countess of Dufferin Fund is Contingent on its contributing a sum not less than Rs. 6,000 to the funds of the Society.

(b) A Municipal Commissioner shall cease to be a member of the Governing Body as soon as he ceases to be a Municipal Commissioner.

(c) Casual vacancies occurring in the office of Governors nominated by the Society under rule 12 (b) may be filled up, for the remainder of the period of the term of office of such Governors, by the remaining Governors from amongst the members of the Society.

(d) No proceedings of the Body of Governors shall be invalid by reason of any vacancy remaining unfilled, in their number.

(e) Quorum for a meeting of the Body of Governors shall be three.

(f) The Governing Body may delegate any of its powers to one or more of their members, by a resolution.

13. The members of the Society in general meeting may from time to time, alter or modify these regulations, subject to the approval of the Local Government.

II. REGULATIONS.

I. The staff shall consist of women only, and the treatment of the patients shall rest entirely with the lady doctor in charge.

II. The following shall be visitors of the Victoria Zanana Hospital, Delhi.

(a) The Chief Commissioner and the Chief Medical Officer, Delhi, and any other person appointed by the Local Government.

(b) The wives of the Chief Commissioner and the Deputy Commissioner of Delhi.

(c) Such members of the Governing Body and their wives as may be from time to time deputed by that body.

(d) Other ladies who may be nominated as visitors by the Governing body.

III. The lady Doctor in charge, Victoria Zanana Hospital, shall submit annually to the Governing Body a report of the Administration of the Hospital.

IV. All contributions towards the Victoria Zanana Hospital received by the Honorary Secretary, whether from local bodies, from Provincial Funds, from Private individuals, or otherwise shall be credited to the hospital fund.

He shall maintain for the Hospital an account as follows :

(a) On the credit side shall be entered from time to time as may be paid in all contribution to or other income of, the Victoria Zanana Hospital.

(b) On the debit side shall be entered all sums disbursed for the Hospital.

(c) On the 31st day of March in each year the balance of this account shall be struck, and the amount to credit or debit, as the case may be, shall be carried forward to the account for the following year.

(d) The accounts for each year shall be submitted to the members of the Society and shall be advertised in one daily paper for the information of the public.

(e) The Governing Body shall maintain the following registers :

1. Members of the Society for the time being.
2. Movable and immovable property of the Society.
3. Proceedings of the members of the Society and the Governing Body.

V. Strict pardah shall be observed throughout the Hospital. Any member of the staff introducing a male or allowing one to enter any part of the Hospital except under condition laid down by the Governing Body will render herself liable to immediate discharge without compensation.

VI. The Governing Body shall meet at least once a quarter and all communications for that body shall be submitted through the Honorary Secretary.

VII. The accounts of the Society shall be audited annually by a certified auditor nominated by the Deputy Commissioner.

Information promised in reply to starred question No. 1063 asked by Mr. Mohan Lal Saksena on the 15th March, 1939.

CALLING OF THE INCOME-TAX ASSESSEES IN RAI BARELI DISTRICT TO FYZABAD.

(a) Yes, from January 1939.

(b) A representation was received from the President, Traders' Association, Rae Bareli.

(c) Yes.

(d) The matter is under consideration.

Information promised in reply to starred question No. 1068 asked by Mr. Brojendra Narayan Chaudhury on the 15th March, 1939

FALSE CHARGES AGAINST AJIT KUMAR BARDHAN, BY SERJEANT-MAJOR W. J. BERRAGAN, WHILE TRAVELLING BY THE DARJEELING MAIL.

(a) and (b). The facts of the case are stated in full in public documents, namely, in the charge to the jury and the finding and sentence of the Court of the Additional Sessions Judge, Alipore, District, 24 Parganas, Bengal, in trial No. 2 of November Sessions of 1938.

(c) Yes.

(d) None, as Government do not consider any action on their part necessary.

Information promised in reply to unstarred question No. 37 asked by Mr. Muhammad Azhar Ali on the 18th March, 1939.

PERSONS EMPLOYED IN THE DELHI POLICE FORCE.

(a) Three Superintendents of Police, one Assistant Superintendent of Police, three Deputy Superintendents of Police, 12 Inspectors, 12 Sergeants, 45 Sub-Inspectors, 31 Assistant Sub-Inspectors, 225 Head Constables and 1,790 Constables.

(b) All are of the male sex.

(c) The information is given in the attached statement (Statement A).

(d) The information regarding place of birth is not readily available but a statement (Statement B) showing districts of origin is enclosed.

(e) The required information is given in the attached statement (Statement C).

(f) Recruitment to the Police is made from the types most suitable for police service, and not in accordance with communal considerations. There is not, however, any undue preponderance of any community or district.

(g) It will be seen from the statements furnished in reply to parts (d) and (e) of the question that residents of Delhi (which is little larger than a tahsil) are adequately represented in the lower ranks. Officers of the rank of Assistant Sub-Inspector and upwards are deputed from the Punjab.

STATEMENT A.

Statement showing the community to which the Officers and men of the Delhi Police belong.

Rank.	Community.					Remarks.
	Euro-peans.	Hindus.	Moham-madans.	Sikhs.	Indian Chris-tians.	
Superintendents of Police	2	..	..	1	..	
Assistant Superintendent of Police.	1	..	..	..	..	
Deputy Superintendents of Police.	1	1	1	..	..	
Inspectors	4	5	3	..	..	
Sergeants	12	..	..	..	..	
Sub-Inspectors . . .	..	17	24	4	..	
Assistant Sub-Inspectors	..	5	18	7	1	
Head Constables . . .	..	78	128	17	..	There are 2 vacancies.
Constables	..	580	1,004	169	..	There are 37 vacancies.
Total	20	686	1,178	198	1	

[illegible][illegible]

[11TH APRIL 1939.]

STATEMENT B—contd.

Name of districts.	Supdt. Police.	Asstt. Supdt. Police.	Dy. Supdt. Police.	Insp.	Sergeant.	S. I.	A. S. I.	H. C.	Constable.	Total of each district.
71. Bharatpur State	..	..	..	..	..	..	..	..	1	1
72. Garhwal State	..	..	..	..	..	..	..	..	1	1
73. Loharu State	..	..	..	..	..	..	..	..	1	1
74. Jaipur State	..	..	..	..	..	..	..	..	1	1
75. Keshmere State	..	..	..	..	..	..	..	3	15	18
76. Nabha State	..	..	..	..	..	..	..	..	4	4
77. Gwalior State	..	..	..	..	..	..	..	2	8	10
78. Patiala State	..	..	..	..	..	..	..	..	4	4
79. Vacancies	..	..	..	..	..	..	..	4	21	25
Total	3	1	3	12	12	45	31	225	1,790	2,122

STATEMENT C.

Statement showing the total number of each community by districts of officers and men of the Delhi Police Force.

Serial No.	District.	Euro-peans.	Hindus	Moham-madans.	Sikhs.	Indian Chris-tians.	Total
1	Europeans	20	..	..	..	..	20
2	Delhi	..	219	82	..	..	301
3	Rohatak	..	144	160	..	..	304
4	Gurgaon	..	80	77	..	..	157
5	Karnal	..	17	28	..	..	45
6	Hissar	..	4	4	..	..	8
7	Ambala	..	10	18	10	..	38
8	Ludhiana	..	3	9	16	1	29
9	Jullundur	..	14	28	37	..	79
10	Amritsar	..	2	5	10	..	17
11	Simla	..	..	1	..	..	1
12	Ferozepore	..	4	14	15	..	33
13	Lahore	..	5	6	4	..	15
14	Hoshiarpur	..	19	32	34	..	85
15	Sheikhupura	..	..	2	2	..	4
16	Sargodha	..	9	12	1	..	22
17	Rawalpindi	..	17	169	6	..	192
18	Lyallpur	..	..	9	44	..	53
19	Gujranwala	..	1	4	3	..	8
20	Shahpur	..	4	17	..	..	21
21	Sialkot	..	3	15	5	..	23
22	Jhelum	..	6	85	2	..	93
23	Kangra	..	8	1	..	..	9
24	Attock	..	3	10	..	..	13
25	Montgomery	..	1	6	..	..	7
26	Gujrat	..	4	34	2	..	40
27	Jhang	..	2	1	..	..	3
28	Gurdaspur	..	4	9	3	..	16
29	Multan	..	1	1	..	..	2
30	Mianwali	..	1	2	..	..	3
31	Kohat	..	..	1	..	..	1
32	Mardan	..	..	2	..	..	2
33	Dera Ismail Khan	..	1	..	..	..	1
34	Dera Ghazi Khan	..	2	..	..	..	2
35	Hazara	..	..	5	..	..	5
36	Peshawar	..	1	3	..	..	4
37	Aligarh	..	2	17	..	..	19
38	Bijnor	..	..	20	..	..	20
39	Saharanpur	..	..	11	..	..	11
40	Bareilly	..	..	2	..	..	2
41	Agra	..	7	..	..	..	7
42	Muzaffarnagar	..	2	61	..	..	63
43	Meerut	..	32	43	..	..	75
44	Moradabad	..	3	28	..	..	31
45	Hardoi	..	..	1	..	..	1
46	Unao	..	..	1	..	..	1
47	Mirzapur	..	1	..	..	..	1
48	Gonda	..	1	..	..	..	1
49	Faizabad	..	..	1	..	..	1
50	Farrukhnagar	..	..	1	..	..	1
51	Muttra	..	1	1	..	..	2
52	Bulandshahr	..	10	31	..	..	41
53	Shahjahanpur	..	1	3	..	..	4
54	Mainpuri	..	1	1	..	..	1
55	Partabgarh	..	1	1	..	..	2
56	Budaun	..	1	11	..	..	12

STATEMENT C—contd.

Serial No.	District.	Euro-peans.	Hindus.	Moham-madans.	Sikhs.	Indian Chris-tians.	Total.
57	Etawah	..	1	..	..	..	1
58	Indore	..	..	1	..	..	1
59	Sultanpur	..	3	..	..	..	3
60	Khulna	..	1	..	..	..	1
61	Fatehpur	..	..	2	..	..	2
62	Farrukhabad	..	..	3	..	..	3
63	Calcutta	..	2	..	..	..	2
64	Fatehgarh	..	..	1	..	..	1
65	Alwar	..	4	24	..	..	28
66	Faridkot	..	..	1	..	..	1
67	Rampur	..	..	2	..	..	2
68	Jind	..	5	11	..	..	16
69	Punjab	..	..	2	..	..	2
70	Kapurthala	..	..	4	..	..	4
71	Bharatpur	..	..	1	..	..	1
72	Garhwal	..	1	..	..	..	1
73	Loharu	..	..	1	..	..	1
74	Jaipur	..	3	14	1	..	18
75	Kashmir	..	..	4	..	..	4
76	Nabha	..	3	6	1	..	10
77	Gwalior	..	2	2	..	..	4
78	Patiala	..	9	14	2	..	25
	Vacancies	..	..	..	..	..	39
	Total	20	686	1,178	198	1	2,083
							39
							= 2,122.

Information promised in reply to starred question No. 1225 asked by Mr. M. Ananthasayanam Ayyangar on the 22nd March, 1939.

EFFECT ON THE POSTAL AUDIT OFFICES IN INDIA OF THE SEPARATION OF BURMA.

- (a) (i) 148 (including temporary posts).
(ii) 159.
(iii) 115
(iv) 17.
(v) Nil.

(b) Yes. 22 temporary posts were created from August, 1937, in the office of the Deputy Accountant General, Posts and Telegraphs, Calcutta. They were filled up in the usual manner either by recruitment or by promotion of officials from lower grades.

(c) and (d). The entire pensionary liability of all officers transferred to the service of the Burma Government is to be borne by them as part of the general financial settlement between India and Burma.

STATEMENT LAID ON THE TABLE.

3.

Information promised in reply to starred question No. 1412 asked by Mr. Brojendra Narayan Chaudhury on the 30th March, 1939.

CONDUCT OF A EUROPEAN MILITARY OFFICER AND HIS WIFE TOWARDS THAKUR KALYAN SINGH, AIDE-DE-CAMP TO HIS HIGHNESS THE MAHARAJA OF JODHPUR, WEARING A Dhoti, WHILE TRAVELLING IN THE FRONTIER MAIL.

(a) and (b). The facts of the case are set out in the judgment by Rai Sahib Lala Dwarka Das in the Gujranwala District criminal case No. 217/3.

(c) Yes, by ordinary educational methods and lectures.

(d) A major in the Royal Indian Army Service Corps.

(e) and (f). Do not arise.

THE HINDU WOMEN'S RIGHT TO DIVORCE BILL.

PRESENTATION OF PETITIONS.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce) Sir, I present 113 petitions signed by 4,164 petitioners regarding the Bill to give a right to divorce to Hindu women under certain circumstances.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): May I put a question to Mr. Bajoria.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot put any question.

Mr. M. Ananthasayanam Ayyangar: The rules contemplate questions being put by one Member to another Member. I want to know how many.....

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow any questions now, as the Honourable Member is only presenting certain petitions.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural) May I enquire.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may not enquire.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative business. Sir Cowasji Jehangir.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban): Mr. President, I beg to move:

"That the Bill to amend the Indian Succession Act, 1925, as respects Intestate Succession amongst Parsis, as passed by the Council of State, be taken into consideration."

This Bill was originally introduced in the Council of State by the late Honourable Sir Phiroze Sethna on the 20th of September, 1937. On the same day, the same Honourable Member moved that the Bill be sent for circulation to elicit public opinion, and that the opinions be asked

[Sir Cowasji Jehangir.]

for by the 15th of January, 1938, at the latest. On the 4th of April, 1938, the late Sir Phiroze Sethna moved that the Bill be referred to a Select Committee. Before the Bill could be considered by the Select Committee, the untimely death of Sir Phiroze Sethna took place, and all proceedings that had taken place up till then came to a sudden end under the rules of the Council of State.

The identical Bill was re-introduced into the Council of State by the Honourable Mr. M. N. Dalal, who had been elected in the place of the late Sir Phiroze Sethna, and referred to a Select Committee, consisting of the Honourable Sir David Devadoss, the Honourable Rai Bahadur Lala Ram Saran Dass, the Honourable Mr. Ramadas Pantulu, the Honourable Mr. G. S. Motilal, the Honourable Mr. M. N. Dalal, the Honourable Mr. R. H. Parker, and the Honourable Mr. S. A. Lal.

The Select Committee's Report was presented on the 23rd of March of this year and the Bill was passed by the Council of State on the same day.

Mr. President intestate succession in the Parsi community is governed by the Parsi Intestate Succession Act XXI of 1865. This Act was repealed by the Indian Succession Act XXXIX of 1925, but no change whatsoever was made in the law with regard to intestate succession in my community. Therefore, the law is now 74 years old, and, in the opinion of my community, is becoming antiquated due to the progress and more enlightened views held today by the community. It was found necessary to redraft a few sections of the Indian Succession Act of 1925 not only to give effect to some radical changes, which the community thought were necessary, but to incorporate, as far as possible, the judicial decisions which had been obtained during the last 74 years. This work was first undertaken by the Parsi Central Association, of which, I have the honour to be President. It was referred to a committee of lawyers whose report was published and widely circulated for information, and criticism. Nearly every important Parsi Association submitted their opinions and the draft Bill was very carefully examined by the Trustees of the Parsi Panchayat, who, in January 1938, invited a conference of the representatives of all important Parsi Associations, which had expressed opinions on the proposed legislation. The Bill, as presented to the Council of State, and considered by its Select Committee, was the result of this conference, and the views expressed by the Trustees of the Parsi Panchayat. I can, therefore, say with confidence that the Bill, I have the honour to request this Honourable House to consider, has the complete support of my community and all my Co-Trustees of the Parsi Panchayat.

The proposed section 50 does not appear in the old Act and is purely explanatory due to some judicial decisions.

Under the old Act if a male Parsi died intestate, leaving a widow, sons, and daughters, each son got twice as much as the widow, and four times as much as each daughter. According to the proposed section 51 of the Bill each son will get the same share as the widow and only twice as much as each daughter.

In this Bill a new provision is included whereby the father and mother, if alive, of a Parsi male who dies intestate, shall, in the case of the father, get a share equal to half the share of each son, and in the case of a mother half the share of each daughter.

According to the present Act if a female Parsi died intestate leaving a widower and children, the widower got twice the share of each child. According to the proposed section 52 of this Bill, the widower and the children will get equal shares.

According to the old Act, if the child of a Parsi intestate dies during the life time of the parent, the widow or widower and issue inherit as if the child had died immediately after the death of the parent. In the Bill certain changes are made by the proposed section 58, the main effect of which is to exclude the son-in-law, but give to children of a predeceased daughter her share in equal portions. The second change is that if a son dies in the life-time of an intestate Parsi leaving no lineal descendant but a widow, half his share goes to his widow, but the other half reverts to the intestate's property.

Proposed section 54 is a reproduction of the existing section 55 with necessary changes of a consequential nature, and proposed section 55 reproduces the existing section 56 in the same manner.

There is no material change in the Schedule except adding to the list a father and mother of deceased intestate Parsis.

I have now given the Honourable House the material amendments proposed to be made in the Act and I can only conclude by assuring the Honourable House that this measure has the fullest support of my community.

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

"That the Bill to amend the Indian Succession Act, 1925, as respects Intestate Succession amongst Parsis, as passed by the Council of State, be taken into consideration."

The motion was adopted.

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

"That clause 2, as passed by the Council of State, stand part of the Bill."

The motion was adopted.

Clause 2, as passed by the Council of State, was added to the Bill.

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

"That clause 3, as passed by the Council of State, stand part of the Bill."

The motion was adopted.

Clause 3, as passed by the Council of State, was added to the Bill.

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

"That clause 1, as passed by the Council of State, stand part of the Bill."

The motion was adopted.

Clause 1, as passed by the Council of State, was added to the Bill.

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

"That the Title and the Preamble, as passed by the Council of State, stand part of the Bill."

The motion was adopted.

The Title and the Preamble, as passed by the Council of State, were added to the Bill.

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LEGISLATIVE ASSEMBLY.

[11TH APRIL 1939.]

Sir Cowasji Jehangir: Mr. President, I beg to move:

"That the Bill, as passed by the Council of State, be passed."

I thank the House for the courtesy shown to me and for the short time within which it proposes to pass this Bill.

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

"That the Bill, as passed by the Council of State, be passed."

The motion was adopted.

THE HINDU WOMEN'S RIGHT TO DIVORCE BILL.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will now resume consideration of the motion moved by Dr. Deshmukh on the 18th February, 1939, namely:

"That the Bill to give a right to divorce to Hindu women under certain circumstances be referred to a Select Committee consisting of the Honourable Sir Reginald Maxwell, the Honourable Sir Muhammad Zafrullah Khan, Mr. C. J. W. Lillie, Mr. A. K. Chanda, Mr. Ghulam Bhik Nairang, Maulvi Syed Murtuza Sahib Bahadur, Mr. F. E. James, Mr. Suryya Kumar Som, Mr. Bhulabhai J. Desai, Shrimati K. Radha Bai Subbarayan, Sardar Jogendra Singh and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Mr. President, I recommend the Bill—which I had the honour to put forward before this House—to the approval of this House. Sir, I want the House to approve of it for these reasons. I think it will help the House if I explain the reasons as to why I wish that the Bill should be passed as soon as possible. To begin with, Sir, this Bill is what you might call only an enabling measure, or what is technically called, I suppose, a permissive measure. Now, if this Bill is passed, what is going to happen?

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): "Om Mandli" perfected!

Dr. G. V. Deshmukh: It might help my friend, Mr. Lalchand Navalrai, to start another "Om Mandli", Sir.

Mr. Lalchand Navalrai: But you are sending it round the world and round the whole of India!

Dr. G. V. Deshmukh: I think all the divorces would help you to establish a new "Om Mandli".

Well, Sir, it is an enabling measure, in the sense that if this right is given to Hindu women, so far as this aspect of the married state is concerned I say it will not interfere with those women who do not want to have their divorce.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): How many are waiting for it.

Dr. G. V. Deshmukh: I will answer that. It does not compel any Hindu woman, if she so wants, to continue in her present stage of religion or superstition or misery or agony. She can continue in that life. It does not compel her to give that up and ask for the divorce. After all, it is her choice. What does the Bill do? Supposing any woman thinks that the life that she is carrying on is not consistent and it is not what a human being is entitled to carry on, then, all that this Bill does is just to give her the right to ask for the divorce. In other words, this is merely a measure of relief given to her. It does not compel anybody. On the other hand, if there is some person who wants to have this measure of relief from the distress, then all that the House has to do is merely to show her a way of escape out of the miserable life that she is likely to lead at the present time. So much for the simplicity of the Bill.

So far as the Hindu religion is concerned, it will not interfere with the observance of the Hindu religion in any way. My orthodox friends will tell me that it is a question which is 3,000 or 30,000 years old. I do not know what is the length of the period that my orthodox friends consider of Hindu religion. But it will not interfere with a single observance of any of the Sanatanists, both men and women, if this Bill is allowed to be passed. The merit of this Bill is not only this but I claim that it is a hundred per cent. Hindu measure. That is another merit of this Bill. If it were not a hundred per cent. Hindu measure, I cannot imagine that one of the most orthodox Ministers at the present time, my Honourable friend, Mr. Rajagopalachariar of Madras, would have agreed with the principles of the Bill.

Mr. M. S. Aney (Berar: Non-Muhammadan): He is not orthodox.

Dr. G. V. Deshmukh: You are blaspheming him. There is a tendency amongst the superstitious and ignorant orthodox people that they are the only people who are orthodox and Sanatanists. If it is pointed out to them that this is not heterodoxy but this is only the tenets of Hinduism which are only to be looked upon not in the light of blind faith but in the light of reason and if a lamp is shown to them and they are told what is contained in their real religion, the charge is brought forward by the super-orthodox gentlemen that they are not orthodox. Now, who is an orthodox person? I can lay claim as much to my religion, its literature, its philosophy and its lore, as my friend, Mr. Bajoria.

Mr. Lalchand Navalrai: Is he opposing you?

Dr. G. V. Deshmukh: I do not know. But I have an idea that being really an orthodox and a really religious person after the light that I show him, it is quite likely that he will not oppose it. Any little change that is suggested, even according to the tenets of the religion itself, is resented by these super-orthodox gentlemen and they say it is not Hinduism. Then, what is Hinduism? On the other hand, you will find that Hinduism has been doing nothing but changing and changing all the time so that it can adapt itself to the changing circumstances.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Why not explain the Bill first?

Dr. G. V. Deshmukh: It is not necessary at the present stage. Sir, I may be allowed to put forward my arguments in the way in which I am accustomed to, and in which I think best. I might as well request the House to have a little patience with me.

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Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member proceed.

Dr. G. V. Deshmukh: I make this request for this reason also that like my Honourable friend, on the left, I am not very fond of hearing my own voice or taking the time of the House unnecessarily. As the House well knows, I do not usually take the time of the House on all questions. Therefore, I hope that I will have your indulgence and also the indulgence of the House in putting forward my arguments in the way in which I think it best.

As I was saying, Hinduism has been changing repeatedly. It is only those who will not look at their own religion who will maintain that Hinduism is fixed and it cannot ever change. Even according to Manusmriti, which is supposed to be the book for Hinduism, my friends will admit that it says :

अन्ये धर्मे कलियुगे नृणां युगं स्वामुत्तमः ।

There are different religions for different Yugas. There are different religions for Kal Yuga; different religions for Satya Yuga; different religions for Dwapara Yuga. Perhaps I may bring to the notice of the House how Hindu religion changes by a very apt example which exists in this House. Formerly, as you know, only Brahmins and Kshatriyas were entitled to speak on religion, from amongst the Hindus. What is the present position? My Honourable friend, Mr. Bajoria, who does not belong either to the Brahmin or the Kshatriya class and is not entitled to speak on religion, is the President of all the Indian Sanatanists today.

I do not grudge the position which my friend, Mr. Bajoria, occupies today. With his vast influence and with his vast knowledge of Hinduism, he is fully entitled to speak on this subject and nobody is more happy at this change than I am. The point that I want to urge on this House, and I hope I am not offensive to my friend, Mr. Bajoria,—is this and I want to explain the whole thing in a thoroughly Hindu fashion. I am myself a hundred per cent. Hindu, and I believe in transmigration, re-birth, of individuals from age to age.

Maulana Zafar Ali Khan (East Central Punjab: Muhammadan): You are Hindu today and you may become a Mussalman tomorrow.

Dr. G. V. Deshmukh: I hope not. My friend, Maulana Zafar Ali Khan, will be sorely disappointed, because, I believe that my Hindu religion gives me all the liberties, supplies me with all the philosophy of life and gives me all the happiness that I want. If my religion is looked at from the proper point of view and if it is adapted to the circumstances, not only me, but no Hindu need look at any other religion. Therefore, I am very sorry, my friend, Maulana Zafar Ali Khan, will be disappointed. If, even in this twentieth century, it is thought that only that man who belongs to a certain religion and who practises certain rituals, according to some priests, is good and no other people, then it is very wrong. Although I am a proud Hindu, it is not that I do not admire the universal brotherhood of Islam. It is not that I do not admire the justice that has been done to women in Islam.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable 12 Noon. Member is speaking too much to interruptions.

Dr. G. V. Deshmukh: I will take just sufficient notice which serves any purpose. As I was saying Hindu religion has been changing. As I was giving an illustration, it may be, that my Honourable friend, Babu Baijnath Bajoria, might have been a Manu in the older age or he might have been one of the 14 Swambura Manus. He is naturally interested in orthodoxy. I am prepared to admit that. But with the changing times, instead of being born a Brahman he has allowed himself to be born in the Vishya caste which has nothing to do with religion, but whose main duty is "krishi" and "go rakshana Vanejyam". The point I am urging is that these are changing times. If you look round and if you will not shut your eyes to the progress that is going on all round you and that has been going on admittedly in Hinduism also, then, I say, the time has come when we must change, if not rapidly at least slowly, and if slowly, efficiently. It is no good remaining stationary when all round everything is changing. I say, the time has come when we must change ourselves if not radically, at least, to the extent that our religion allows us to change. Therefore, besides being an enabling Bill, I say this is cent per cent Hindu Bill. I was talking of my friend, Mr. Rajagopalachariar. If this had not been a 100 per cent Hindu Bill, how would Mr. Savarkar, the President of the Hindu Mahasabha, have approved the Bill? All intelligent Hindus have approved of this Bill (Interruption). I am prepared to go to the extent of saying that those who do not approve of this measure are not intelligent Hindus, that is my opinion. It is not merely the political leaders that I am quoting to this House to show that this is a cent per cent Hindu measure and approved of by all of them. After what I saw my Honourable friend, Babu Baijnath Bajoria, did, I am emboldened to present this to the House. My Honourable friend, Babu Baijnath Bajoria, presented to the House a petition signed by 4,000 persons. I have a better opinion to offer to the House and that opinion I have already taken the liberty to circulate to all the Members of the House including you, Sir, the Honourable the President of this House. I hope you received it, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not expect the Chair to read every document that he sends.

Dr. G. V. Deshmukh: I thought the Post Office was efficient enough to deliver it to you.

I might have asked the Honourable the Home Member to include this also amongst the list of public opinion elicited in connection with this Bill. I did not do that because, in any case, this opinion is circulated to Honourable Members in the House.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): How many people have signed your opinion?

Dr. G. V. Deshmukh: Signed by all the leaders of Hindu community all over the country. I see my Honourable friend, the Leader of the House, shaking his head.

The Honourable Sir Nripendra Sircar (Law Member): I was not shaking my head. They are big men, but their opinions are not for your Bill.

Dr. G. V. Deshmukh: I hope the Honourable Member has read them. If the Honourable Member is alluding to opinions which have been received by the officials, later on, I am going to analyse them and I will prove to

[Dr. G. V. Deshmukh.]

the House that the Honourable the Leader of the House is wrong in saying that the opinions are not in my favour. If the Honourable the Leader of the House has really read them, then I say, without fear of contradiction, that he would not have made that interruption that it is not in my favour.

The Honourable Sir Nripendra Sircar: I have read them, I have analysed them, and I will give them to the House.

Dr. G. V. Deshmukh: Nobody will be more pleased than myself.

The Honourable Sir Nripendra Sircar: You would be very much displeased.

Dr. G. V. Deshmukh: Displeasure will be on the other side. What is the opinion that I have received and from whom? Before I come to this Bill, I will let the House into a secret. I may inform the House that what a difficult position it is for a Legislature to enact any laws especially with regard to social legislation, knowing, Sir, how difficult it is for social legislation to pass through the House, knowing also how, not only the Government should approve a social legislation but that social legislation must be approved of by all the public—the orthodox section of the public—I took the trouble of consulting the elders, the Pandits, the leaders of religious opinion. In my list of opinions is included the opinions of Vidwaratnas, Tathva Shastris, Shravtacharyas, and so on—these are all titles given by their own orthodox people—Vedanta Vachaspathis and Shastris and many learned Pandits were consulted. I wanted to know what exactly my position was. As I said it is not that I do not know something about my own religion. I claim to know something about my religion, not as a superstitious ignorant person saying merely that Hinduism is this or that, but I take pride in thinking that I am a student of Hinduism; if it comes to that, I am a student of everything with which I have to deal, and, therefore, having this humble mentality, I took the liberty of asking these learned men their opinions, so that I may have some guidance from them and I was amazed and I was astonished that I got the opinion that my Bill was not outside the four corners of Hindu law; and what is more, later on, the House also will have to admit and the Government also if it is to occupy a consistent position will have to admit that this is not outside the four corners of Hindu law. Therefore, I claim that this is a cent per cent Hindu measure.

I know that if a measure is to be opposed, then it can be opposed on many grounds: if it is according to religion, then it is not according to logic, and if it is according to logic, then it is not according to technicalities of law or general principles of law. I know, Sir, all these arguments can be trotted out. There are insuperable difficulties in the way of social reform. If a reform is too narrow, this is too narrow, this is doing work piecemeal and you cannot achieve very much by it. If you put forward a measure which is comprehensive and which will deal with many aspects of the evil, then it is too radical; you want this country to be torn asunder by Bolshevism. These are the sort of arguments which can be put forward. Having gone through a certain amount of experience with regard to social legislation, I admit frankly that thanks to the help and assistance of Government—and here I acknowledge frankly on the floor of the House—thanks to the help that I have received from the Honourable the Leader

of the House himself, but for whose assistance, I know that many of the social Bills which have seen the light of day and succeeded at present in ameliorating the social conditions of Hinduism would never have been passed. I am honest enough to stand here and admit all this. But I say, in spite of that, when a measure is not to be carried out, then you will find all these hundred and one difficulties trotted out. Therefore, on account of this, I thought that I should at least make certain of one thing, namely, whether what I am suggesting is only according to logic, only according to rationalism, only according to humanity, or does it come within the four corners of Hindu law? And I myself thought that it would be a better, wiser and more practical policy to eschew logic and technicalities and general principles of law, and, instead, take something which can come within the four corners of the Hindu law. If at a later stage Members of the House point out some legal irregularities or inconsistencies with logic or general principles, I want the House to bear this fact in mind that it is not that these things were not thought of; but I thought that it would be much better to give something practical which is likely to be accepted,—not without resistance of course,—by the general masses and the public, than come forward with a paper Bill, ideal in all its conditions though it may be. Anybody can easily do that with the assistance of one or two members of the legal profession, and it is not that I did not consult members of the legal profession. But taking their opinions I thought it would be much better if I could put forward a Bill, not so much to change the society or to remove the evils of Hindu society with one fell swoop; but that if I can help to remove whatever acute, pressing and urgent evils there may be I would be doing as much as one possibly could. And it was with that intention that I started collecting opinions and I started with the orthodox people. After that, I necessarily thought that it would be much better to have the opinion from the administrators and those who had a great deal to do with the general masses and the public life of the country. I do not know if I am entitled to put this book of opinions on the table.

Mr. President (The Honourable Sir Abdur Rahim): The original documents should be placed on the table. The Chair understands printed copies have been circulated. The Chair does not know if the Honourable Member wants the whole thing to be printed. That may be a bulky document.

Dr. G. V. Deshmukh: No, Sir, it is very small. It is only a quarter of the opinions collected officially.

Mr. President (The Honourable Sir Abdur Rahim): Without creating any precedent, it may be laid on the table.

Dr. G. V. Deshmukh: I was speaking now about religious men and Pandits. They say:

"This Conference is of opinion that the right of divorce should be granted to both men and women belonging to such sections of the Hindu community in which at present no such right exists, under the following conditions:"

The Honourable Sir Nripendra Sircar: That is not your Bill.

Dr. G. V. Deshmukh: Yes, I know, and I will tell you why I modified it. I thought I was explaining all the time why I modified it. Sir, I do not want to take the time of the House unnecessarily by reading from this.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member has supplied copies to all Members, he can refer to particular passages. But he need not read the entire document.

Dr. G. V. Deshmukh: Very well, Sir. Therefore, as I say, this Bill is an enabling Bill; it is a hundred per cent Hindu Bill. Now what is the state of public opinion with respect to it? Even so far as the opinion collected by the officials is concerned, I see that opinion is in favour of the principle of the Bill. And apart from any legal technicalities, the principle of the Bill is divorce.

The Honourable Sir Nripendra Sircar: No; divorce for women.

Dr. G. V. Deshmukh: That is a detail. That is the qualifying clause. Anyway I do not want to cross swords with the Honourable the Law Member.

The Honourable Sir Nripendra Sircar: Then don't.

Dr. G. V. Deshmukh: I do not want to cross swords with him so far as legal matters are concerned. But on every other matter he will not find me hesitating to cross swords with him; and he will find me a fairly tough opponent. And what is more, I do not expect to be worsted by him or by anybody else. I have got what is known as "plus" mentality and I do not expect failure. I know Government will oppose this Bill on some trivial technical points, because I do not see how even Government can oppose it so far as the principle of adaptation to changing circumstances is concerned. Even, if Government oppose this Bill I have not the slightest doubt that this House will not be frightened by the Government opposition and will show the same grit and spirit in social matters as it has been showing in political and speaking to my European friends—in economic matters. After all, what is it I saw the other day?

Babu Baijnath Bajoria: This wooing will not succeed.

Dr. G. V. Deshmukh: It has succeeded already.

Sir, as I was saying, I have seen the Muslims, Europeans, Congress and Congress Nationalist Parties going into the same Lobby in spite of Government opposition. And, therefore, let this House not be frightened by Government opposition, because we are not such spineless people in the House at the present time. If we are convinced that the measures we bring forward are righteous and according to good conscience and the dictates of humanity, it does not matter two hoots whether Government support or oppose them. If they support, we will welcome their support; but if they oppose it is their funeral and not ours. They will carry again the reputation that they do not want the people of this country to improve either socially or politically or morally and that they want to keep us down-trodden, no matter where. Even if it is a social legislation which is suggested by a private Member's Bill they will not lend their support but over some trivial technicality they will come forward and oppose it. Therefore, I am not frightened. I have faith in my colleagues who are representatives of the people. I know they will follow the right path; and if the Government oppose, I am sure they will come forward to support me and defeat this Government in their unrighteous attitude. It is most surprising to me to see the attitude of the Leader of the House, because not so very long ago

Mr. President (The Honourable Sir Abdur Rahim): Has the Leader of the House spoken yet on this Bill? The Honourable Member is anticipating too many difficulties. The Law Member has not yet spoken on the Bill, and the Chair thinks, the Honourable Member (Dr. Deshmukh) had better deal with the Bill itself.

Dr. G. V. Deshmukh: I wish to urge on the House why it should accept the Bill

The Honourable Sir Nripendra Sircar: I have not yet declared my attitude towards this Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will have a right of reply. It is no good going on in this fashion.

Dr. G. V. Deshmukh: If I am going to have a right of reply, I shall take up this matter later. I was told by some experienced Members that I will not have a right of reply.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has a right of reply.

Dr. G. V. Deshmukh: In any case, this is quite relevant. I will put it this way: I hope that the Government will take up the same attitude as they took in the other House on the Resolution to restrict polygamy

An Honourable Member: That was different.

Dr. G. V. Deshmukh: From the official report of the Council of State Debates, on the Resolution regarding the appointment of a committee to undertake legislation in regard to Hindu marriages, it appears that the Honourable Mr. Puckle said:

"Either the first or the last subjects, monogamy *versus* polygamy, or divorce, would be full occupation for a committee. I cannot believe that any committee could tackle the two together. And in any case it seems to me that to put both these things into the terms of reference of the same committee is attacking the matter in a wrong way. The restraint of polygamy and the grant of facilities for divorce are the two opposite ends of the same subject. If you had adequate divorce facilities, coupled with some law providing for maintenance, I take it that polygamy would within a few years die a natural death except for those who prefer that state of married happiness."

Further on, he said:

"But it must not be taken that because we oppose this Resolution the Government are not interested in seeing progress made in this matter or that we never propose to offer any contribution to the proper solution of the problem except mere obstruction."

All that I want is that the Government will take up the same attitude in this House and will not put forward a policy of mere obstruction. Mr. Puckle further said:

"As regards divorce reform, I think the Government in the United Kingdom never did undertake legislation. It was left to a private Member and it was only when Government realised that the electorate was behind it that they gave facilities to Mr. A. P. Herbert to pass his famous Bill. I think the Honourable Mover may take heart and if he finds it difficult at the moment, he has only got to confront Government with a demand which, though not unanimous, is at any rate general and we may be able to help."

This is what the Government said in the other House.

Babu Baijnath Bajoria: It is against you!

Dr. G. V. Deshmukh: That shows how you will interpret your religion. I am waiting for it. My Bill seems to me to satisfy all the canons that the Government representative in the Council of State wanted. This Bill is by a private Member. I want the Government not to take up an attitude of obstruction but to follow the canons they laid down in the other House. This is a private Bill, and provided there is sufficient general opinion the Government should be prepared to support it. This is all I want and that is why I quote from the Council of State Debate.

I hope, Sir, that the Government will take up an honest attitude with respect to this Bill. It would hardly be right for them to determine their attitude by one set of principles in one House and another set of principles in the other. The principle laid down in the other House was that the Bill should not be a comprehensive one dealing with a certain kind of evil and it should be brought forward by a private Member and there need not be absolute unanimity of opinion but merely sufficient public opinion to support the measure. I hope that the same policy will be followed in this House, provided the measure brought forward satisfies those conditions. I hope that the Government will be honest and that the spirit of Colvin and Grant is not dead from the administration. The last social measure of reform of any importance was in 1856 when the Widows Remarriage Act was passed. The British Government is never tired of pointing out to us how they have stopped the great evil of *suttee* in Hinduism. My countryman had a share in it—Raja Ram Mohan Roy who came from the same province as my Bengali friends here and from which province we have the honour of having the Leader of the House himself. I will not be wanting to give full credit to the Government of the day for this reform of *suttee*, but I say, that in that measure which wiped out a great disgrace from the face of Hinduism my countryman was associated. After 1829, when this *suttee* was abolished, the next social reform of any importance came in 1856, after 27 years. What I want to know is this. Between 1856 and 1939

Babu Baijnath Bajoria: On a point of information, the Honourable Member has not yet spoken one word about the Bill.

Dr. G. V. Deshmukh: If I may put it this way, I do not see why the House should be impatient about this, because this is a Bill which does not give you all the arguments beforehand. It is not like the Income-tax Bill or the Motor Vehicles Bill which every Member is supposed to have thought and read about. There are many people—my European friends for example do not know anything about what I am bringing forward: or my Muslim friends for that matter

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it they are waiting for him to explain the Bill.

Dr. G. V. Deshmukh: I am. It is a matter of persuasion. I have got to persuade my colleagues to accept this Bill and that is why I said the House may be indulgent towards me. It is no secret—it has been given out that Government is going to oppose the Bill

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is attempting to reply before the Government have spoken. It seems to the Chair that the Honourable Member is devoting a little too much time in anticipating difficulties.

Dr. G. V. Deshmukh: I will just read this, and I hope, Sir, that the spirit of Grant and Colvin is not dead in the administration of today. Now, what did Mr. Colvin say in 1856?

Mr. M. S. Aney: That was before the mutiny?

Dr. G. V. Deshmukh: Yes. This is what he said then. If he knew certainly that but one little girl would be saved from the horrors of *Brahmacharya* by the passing of this Act, he would pass it for her sake.

I am reading this, because, later on, the House will find that among the objections raised to the Bill, arguments have been advanced to show that this is not so much of an evil

Mr. M. S. Aney: What is the date on which that speech was made?

Dr. G. V. Deshmukh: It was made on 12th July, 1856. Then, continuing his speech, he observed:

"If he believed as firmly as he believed the contrary that the Act would be wholly a dead letter, he would pass it for the sake of the English name."

I hope, Sir, that the same spirit which animated that noble-minded Englishman to make this statement still prevails, at any rate I hope that spirit is not dead, and that in the interest of humanity and righteousness, the Government will support the measure I have brought forward, if not for the sake of humanity and righteousness, at least for keeping up their own fair name as one of their own representatives said a long time ago. Further, I need hardly point out to the House that the conditions that prevail today,—after this I shall come to the Bill,—are far more propitious the circumstances are far more favourable, than they were in the year 1856, because what were the conditions prevailing then? You will presently see what they were when I come actually to the opinions on the Bill. You will see the same objections that were raised in those days are brought forward today that this measure is against Hindu religion, that it will uproot the whole society, that it is a coercive measure, that it is not according to the technicalities of the law and so forth. Therefore, I hope that the Government of India, today, will take the same bold and sound view which Mr. Colvin took in those good old days, which the Legislators maintained under very different and adverse circumstances in those days. There is another additional advantage today, Sir, and it is this. Today we have an Indian Law Member and Indian Members on the Executive Council who can guide us. In 1856 there were only six or seven European Members. The Government need not be frightened at the present day by supporting a public measure of this kind, because, all of us, on this side, are elected representatives of the people. If there is any odium or criticism to be borne on account of the measure that we bring forward, it is we who will face it. Government need not be frightened about it. In those days, Sir, there were any number of objections to the measure, the plea was put forward that it was interfering with the liberties given to the people by the Queen's *magna charta*, that it uprooted the whole Hindu society and so forth, yet, in spite of all this opposition, the measure was regarded as good and sound in the interest of humanity

[Dr. G. V. Deshmukh.]

and in the interest of the society as a whole by those five or six Englishmen who, taking courage in both hands, passed it bravely, and without any fear, because they believed that the measure was an absolutely right one. What I want to urge upon the Government today is, the circumstances at the present time being far more favourable than in those days, they should boldly support this Bill.

Now, Sir, the House has been somewhat impatient with respect to what I might call a very necessary introduction to the subject. Therefore, I shall presently come to the Bill itself and say that the time I took for introduction might perhaps be shortened,—at any rate I will try to shorten it.—when I come to deal with the Bill itself. Now, Sir, what is the problem today? I think the problem is a very simple one, and let me put it this way. I, as a married Hindu, am impotent, but all the same I want my wife, because according to Hinduism marriage is not a contract but a sacrament. I think I am putting the case before the House quite fairly. But what does the State say? Government in its rational moments realises, I hope, that marriage with an impotent person cannot be a marriage in fact or in law or in reason,—I am not bothered about the technicalities of it, and that even according to scientists, according to physiology and biology, such a union cannot be regarded as marriage in the true sense, but the State comes forward and says—“Yes, according to Hinduism marriage is a sacrament and not a contract, and therefore, although you are impotent you must have your wife, and the State with all its powerful machinery and courts supports the impotent person”—me,—I am illustrating it,—although I have no business, according to all ideas of common sense to have a wife. Now, what does this Bill seek to do? It merely asks you to take a natural view of things, and it says that such a marriage shall not continue. Are there not authorities in our own Shastras to support this? I say there is every authority to support this view in our own Shastras, to show that there shall not be a marriage with an impotent person. Nay, the Shastras go even one step further. They lay down that an impotent person has no business to marry. Later on, when I come to deal with this matter in detail, I will cite the authorities. At present I merely want to place before the House the whole problem in a summary form, so that the House may be able to follow my arguments which I may urge later on, because, then they will neither be impatient nor charge me as being irrelevant. This is so far as impotency is concerned. Then coming to the next clause

Maulana Zafar Ali Khan: If a woman happens to be barren, can she divorce her husband?

Dr. G. V. Deshmukh: I will answer it later.

Then, Sir, the next part in the Bill deals with change of religion. This Bill is intended for Hindus, the very people who say that marriage is a sacrament and not a contract. Now, even if I change my religion, I claim my wife as a matter of right. Though we were married according to Hindu rites, I may become anything, I may become a non-Hindu, and yet I claim my wife, because, I have been married according to the Hindu sacrament, and, therefore, I must have the claim of having that individual as my wife. I think the joke has gone too far. What do the opinions say? The opinions say, “No, no; you cannot do that. This Bill is all wrong and is going to destroy the whole of the Hindu society”, because, this thing is put

forward. The proposition is plain. If I am a Hindu and if I want to claim any of the privileges of a Hindu, then I must continue as a Hindu, but if I change my religion, surely, the rights that I have got and the privileges that I enjoy on account of being a Hindu should not be allowed to continue. What was it in the older Shastras? As soon as a man changed his religion he was considered to be dead, he had no right either to property, wife or to anything else, and yet the present day claim of many of these orthodox gentlemen and superstitious gentlemen is this. They say, “No. This shall not be because marriage is a sacrament and not a contract”. The Government come forward and say, “You are quite right. You may change your religion; all the same we will support you because according to Hinduism marriage is a sacrament and not a contract”. One of the objections I see, in the papers, is that we cannot have this Bill because there is not sufficient representation of Sanatanists or people holding Sanatani views in this House. If this kind of argument is going to prevail, what legislation are you going to pass here? Can you pass any legislation with respect to labour? What representatives are there for labour except my Honourable friend whom I always admire,—I mean, Mr. N. M. Joshi? There is only one representative of labour, and yet this House will undertake legislation for labour. In the case of the Motor Transport Bill, what representation had we with regard to the chauffeurs and drivers? They had no representation at all and, still, we undertook legislation. Instances may be multiplied to an innumerable extent, and yet as an argument it is put forward against this Bill that we cannot undertake legislation of this kind because we have not got sufficient representation of the orthodox section. I, therefore, submit, that if any argument of this kind is brought forward, it should not be supported by this House. What is the third condition?

Marrying another woman while the first marriage is in force. They all think that this is really against religion. It is nothing of the kind. It is not against religion at all. What it is against is this. It is against the privileges of the so-called marital selfishness and not against religion. What is the good of saying that it is against religion? Religion does not sanction a thing of this kind. I shall go into this in greater detail later. I as a Hindu can marry 100 wives, and my friends here are at a disadvantage here. They can marry only four, but as a Hindu I can marry 100 wives. And what is the argument? Marriage is a sacrament and not a contract. What is a sacrament? I do not profess to know what is a sacrament, although I have tried to understand what it is. But I do know one thing, and that is that marriage is not a unilateral sacrament. For a marriage two parties are required and if marriage is a sacrament, it ought to be a sacrament for both of them. If that is so, how is it, I want to know from all gentlemen who are connected with administration, who are connected with Sanatanism and all the other important affairs of this world—I want to know, if it is a sacrament for both, how is it that one of the parties to the sacrament can marry 100 times, whereas the other party is totally prevented from marrying another. This is what I would like to know with respect to the sacrament. Therefore, I say that this idea of sacrament is all wrong and nonsense. If it is to be a sacrament, then I, personally, have no objection if it applies to both equally, and a woman who is prevented from marrying again—the same law should apply to man. Do not let me be misunderstood by anybody, that I am caring for this Bill.

[Dr. G. V. Deshmukh.]

No, I am not. If you are going to have a better Bill than this, by all means have it, and I will support it whole-heartedly. I do not care who brings it forward. On the floor of the House I make an open offer to the Government that if, as in the case of the anti-Phookah Bill, they bring forward a Bill or promise me that they will get rid of this evil as soon as and as quickly as they did in the case of the anti-Phookah Bill, that before the end of the Simla Session they will bring forward a Bill which will get rid of all the evils in the Hindu society, I am perfectly willing to withdraw

The Honourable Sir Nripendra Sircar: The anti-Phookah Bill dealt with cows and not with women.

Dr. G. V. Deshmukh: In Hinduism cows are supposed to be more respectable than women. It is a natural progress; from cows; let us come to women. Unnecessarily I have been misunderstood. I do not care if I am misunderstood. I have been misunderstood by both my sisters and my Sanatani brothers as well as by my progressive friends. I am not bothering about it. I know that is the fate of everybody who wants to bring forward some kind of practical social legislation. I underline the word practical. My sisters say, "You have brought this Bill forward only for women. Why not for men?" Idealists and those paper theorists come forward and say, "No, no. This is not right. You should bring it both for women as well as men". I have managed to displease all the parties, but I have this consolation, and that is the usual one. When you displease all the parties you can be certain that you are in the right.

Sir Cowasji Jehangir: If you displease everybody, what chances has the Bill?

Dr. G. V. Deshmukh: I know. I am not bothering about it. It is not a Parsi Succession Bill, because, I have to move 150 millions of mass. It is quite easy for you, but you can get through your Bill quite easily, but it is not the same for me. If I can give a little motion or momentum to this inert mass, I feel that I have done something, as much as you could do with a small community like yours. (Interruption.) If you do not want to be answered, do not interrupt.

If this is the stunt or this idea among the Hindus and if the State is going to support it, then I say it is the first duty of the State to enforce right ideas of sacrament on the parties. This is not a sacrament like the Upanayan or getting one's hair cut. This is a sacrament in which two human beings are involved and, therefore, the conditions which apply to one must apply to the other. To those logical persons who say that the defect of this Bill is that it does not provide divorce for men, I say this. Under the present circumstances they cannot do it. If they are really sincere about it I hope that they will allow polyandry. May I explain. I see a little astonishment on some faces: At the present time as a Hindu, I can marry a dozen or a hundred wives, because, amongst Hindus marriage is a sacrament and not a contract. These gentlemen know that at present, as things are, unless a Bill is brought forward for divorce, they cannot change the conditions. The only logical thing for them to do is to allow their wives to marry as many husbands as they want.

An Honourable Member: Then, she cannot be a wife.

Dr. G. V. Deshmukh: I welcome these interruptions. They help me. It is true that a man who has 20 wives cannot be a husband. You may call him a debauchee but according to your religious ideas you have to call him a husband. After all, this is only according to rationalism. It is also according to Hindu religion. Really speaking according to the old Hindu religion a man can only marry one wife and he can only marry another after he had burnt the first wife. I will quote history.

An Honourable Member: Mythology.

Dr. G. V. Deshmukh: No. I will quote shastras. That will be even better, so that I am on firm ground there. The strict injunction is that the Hindu husband can only marry a second time after the death of the first wife,—not by *sati*. At the same time, he could not be a husband of more than one wife. I hope there will be no misunderstanding as to why I have dropped out this idea of equal rights so far as divorce is concerned from my Bill. I have been very badly criticised all over the country by my legal friends and by my logical friends as to why I dropped this provision out. It was not done on account of foolishness or inadvertently. It was done because I am brought more in contact with the practical sides of life on account of my profession. Now, Sir, my friend, Mr. Shivalal Motilal, I am proud to say a Congress colleague of mine, freely mentioned that it was only after seeing my Bill that he gave notice of his monogamy Bill. I said "Very well, let us get whatever we can. If you get monogamy in the Upper House and I get divorce in the lower House, then two of the worst evils in Hindu society would have disappeared and there would be no question of whether we are starting at the right end or the wrong end and there would be no excuse given to conscientious objectors". Now, we are reduced to this position. So far as the Government are concerned, they will not have anything to do with the measures of polygamy or monogamy. If you read the speeches of some Members in the Upper House, you will see that they say "there is already a divorce Bill in the Lower House and, therefore, let us postpone the consideration of this question till that is decided". That is what has happened to one end of the question. At this end of the question, it is said that it is only a divorce Bill for women. It must be connected and associated with a monogamy Bill. Otherwise, it is an imperfect and illogical measure and let us have nothing to do with it. This is a reprehensible kind of attitude on the part of any person, much less the Government or any institution and it is for that reason I pointed out what the Europeans of 80 years ago did. I really hope that humanitarian spirit has not died out of the administration. This kind of chicanery and cleverness may be all right for a court of law—we cannot take the divorce Bill because the monogamy Bill is already in the Upper House. We cannot take the monogamy Bill because we want to see what happens to the divorce Bill in the Lower House. This finesse may be all right for a court of law but it will not do where human miseries and agonies are concerned. Let us not have recourse to all these legal chicaneries. If we don't want a measure, come forward and say so that we will continue this business of sacrament in Hindu law. This kind of alliance between orthodoxy and Government has gone on too long. This Government-orthodoxy axis must be weakened. I may go further and say that this Sircar (Sircar means Government) Sanatani axis

[Dr. G. V. Deshmukh.]

must be put an end to. This male totalitarianism in Hindu law has gone too far and too long and it is about time that the democratic forces on this side put their foot down and said "No, you cannot go on."

Now, I come to the fourth clause "if her husband has deserted her for a continuous period of three years". If the husband has deserted the wife for three years, may I know if it is to be called marriage? I am not wedded to this period of three years. This period is not sacrosanct. If for "three years" the House accepts "five years", I am quite willing. (Interruption.) I know that some of my Honourable friends have read their Hinduism—I said, according to Kautilya कौटिल्य it does not exceed more than one year; according to the ideas of those days, the period of desertion does not exceed more than one year.

An Honourable Member: Question.

Dr. G. V. Deshmukh: The Honourable Member himself is a question to me. Sir, I have put forward three years as a compromise. 1 P.M. Sir, if the House says that three years is too long a period, I am willing to accept any other figure but do not let us have any quibbles and do not let them say, "this is not in your Bill and, therefore, we cannot accept it". Sir, if it is not in my Bill, my offer to the Government is, "bring forward a Bill of your own". Government having plenty of time, they can bring forward these measures whenever they want. What kind of pretext is this,—that this Bill does not contain provisions for both, therefore, both the Bills cannot be accepted. I say, if Government are anxious to improve these defects in the Bill, Government have ample reasons for seeking to remove them.

An Honourable Member: Will that not be an interference with religion?

Dr. G. V. Deshmukh: If the Government are willing to give time today, I can put forward another Bill in consultation with the legal luminaries here; provided Government give me time to bring it forward on an official day and we can get through all the stages, I am perfectly willing to take the odium of my community upon myself. If the Government will only be good enough and gracious enough—as Government did with respect to even this Bill, because I do not want to be ungrateful to anybody, they have helped with respect to this, so let them do the same and we can get rid of this difficulty. There is another way, namely, that do not let Government or anybody oppose this measure today. Let it be sent to a Select Committee. When it goes to a Select Committee, Sir, well, improve it then, put forward all the provisions that you think necessary. I want both the Honourable the Home Member and the Honourable the Law Member to help me. I say that there is another way. I belong to a constructive profession

An Honourable Member: Destructive.

Dr. G. V. Deshmukh: . . . Yes, destructive so as to construct. I say that this kind of objection can easily be got over. If you are not agreeable to allow time for a fresh Bill by me or any other individual Member, I am not bothering about it; I say what Government can do is to send it to a

Select Committee, fill in all the lacunae, make up all the defects and so you can say that the Bill is so changed that we want to send it round for public opinion. I am prepared to go to that extent but on one condition and that is that the Bill is not unnecessarily prolonged on account of technical difficulties and on the condition of a promise being given that in the Simla Session they will give time for the report of the Select Committee to be considered fairly early in the Session. There is another way and it can be done in that way. All these technicalities I have heard from my legal friends do not impress me at all. My object with regard to this Bill is somehow or other this question of the "deserted wife" in Hinduism must be solved. You see it every day. Nowadays, it is of recent public importance. So long as you can solve the question I am more than happy. That is what I am anxious about, and if the Government will do that, very well, nobody will be more happy. Now, with regard to the desertion for a continuous period of three years, I say, the Hindu law does not allow the wife to be deserted. I have known of instances where people deserted their wives for five, six and seven years and even know of instances where young married girls, before they had had any children, had been deserted by their husbands and had been away for seven, eight, nine and ten years and then returned. (Interruption.) This is an enabling measure. I wish these irrelevant interruptions may not occur. I say that as regards a woman who is deserted, if she likes to continue in that state of happy marital life, it is nobody's business. This Bill will not interfere with her, but if she does want a change, you must certainly give her some way of relief and escape and that is all that this Bill aspires for. Sir, I have known of instances where they have returned after their child-bearing period was over. I want to know what is the good of such marriages. It is true that so far as the marriage itself was concerned, it was a sacrament and not a contract according to the Hindu religion. Therefore, this is the fourth condition I have put forward in my Bill. Now, you will find, therefore, that by consultation with both legal gentlemen as well as religious persons, I hoped that I would be able to reduce the Bill to such a skeleton that there should not be any opposition.

Babu Baijnath Bajoria: To such a skeleton that there would be no life left in it!

Dr. G. V. Deshmukh: My friends will never see any light anywhere; it is utter darkness. I think I would reduce it to such an irreducible minimum so that nobody can object to the Bill. I very much regret to see that the Bill has been objected to. Now, I can understand a superstitious obstinacy in objecting to this Bill. I can understand that because nothing better could be expected. I certainly expect to meet their opposition as I said at the earlier stage of my speech. But when I am informed that, with this superstitious obstinacy, power and prestige and legal knowledge and influence is going to be allied, then I say that the time has come when I must explain the whole position to the House. I could have, at this stage, easily left this Bill and brought my speech to a conclusion and said that, "very well, you know the problem, you know the position, and I leave it to your equity, justice and good conscience" and I feel a confidence that the Bill would have been passed, at least so far as the present Bill is concerned, that is, sending it to a Select Committee is concerned; but on account of this other alliance, this axis business, I find I will have to take a little more time of the House in explaining the position to the House so that, in spite of

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this alliance or mis-alliance or unholy alliance, the House would be able to come to an independent and right conclusion—which as I know I consider to be in favour of my Bill. Let me, therefore, say this that it is not likely that both this House as well as the country outside will object to the principle of the Bill. Of course, I am not talking about those obstinate Hindus who will merely say, "We will have nothing to do with it" and, who believe in the government of this world by some mysterious power and not by the Government of India.

I suppose Honourable Members have read the opinion from the Premier Hindu Sanatanist Sabha somewhere or the other. I can understand their position when they say: We do not acknowledge anybody, although I see that they are acknowledging the present Government inasmuch as they pay the taxes and they certainly will have to obey the police even if they do not acknowledge the Government. But, after all is said and done, that lot is a very small lot indeed. Even amongst the opinions which we have received I was glad to see that one of them has said that they do not take such a die-hard no-change attitude. They are willing that this sacrament should, if not abolished, at any rate be diminished. I can say from my knowledge which I have gained by hobnobbing and mixing with the public that a large section of the Hindu population is quite amenable to reason whatever the so-called orthodox people may say. Therefore, if things are put to them properly both in this House as well as outside this House, I have full confidence that the Bill will be accepted. Even if it is not accepted today, I won't break my heart on it. But I do maintain that this is a God-sent opportunity to educate my public with regard to this very difficult question of Hindu marriage. I am going to utilise that opportunity for what it is worth, without infringing the laws of the debate. I feel that I may not be able to do proper justice to the question which I have undertaken without explaining to the House what the marriage means and what the sacrament means because the position of this question has been taken on one of those gramophone records which keeps on repeating through all the opinions that we have received that Hindu marriage is a sacrament and not a contract. Both the educated and the uneducated people have said the same thing. What I want to explain to the House is the background of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech after Lunch.

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

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

Dr. G. V. Deshmukh: I was mentioning, Sir, that the fate of the Bill, so far as either this House or the public is concerned, depends on what view the public at large takes on marriage. The whole opposition and public opinion is based on this that in Hindu law marriage is a sacrament and not a contract. I have to clear the position so far as Hindu opinion is concerned with respect to marriage and sacrament. So far as I can see from the opposition opinions that have been received we are told that marriage

is a sacrament which means that it is an indissoluble bond which exists not only in this world but is transferred also to the other world and that this religious ceremony continues into the other world. What is the object of marriage? According to the opinion that is prevailing and the opinion which has been received, official and non-official and those who oppose the Bill, the idea is that marriage is meant for the procreation of a son. I want to point out to the House that this idea is entirely erroneous. The idea of marriage being a sacrament and indissoluble, that marriage is only wanted for a son is wrong. On the other hand, if it is put forward that marriage is for the purpose of having children, then I agree. Let me give the House some quotations from the Hindu scriptures which will prove to the House that this idea of sacrament is wrong. This is rather important because in the public opinion, which we have received with respect to the polygamy Bill also, it was repeatedly pointed out that polygamy cannot be prevented because that will interfere with marriages of more than one. Supposing the first marriage happens to be barren, the religious excuse for second marriage has always been advanced as the procreation of a son. What do the Hindu scriptures say with regard to the object of marriage? To begin with let me take *Manusmriti* which after all has been acknowledged to be the standard work, better than all the eighty *smritis* which we Hindus consider to be an authoritative book and a divine revelation. Manu says that women are meant for procreation of children:

प्रजनार्थम् महाभागाः पूजार्हा गृह दिप्तया

श्रियः स्त्रीयश्च गेहेषु

Women are meant for the procreation of children. He does not say, son. For anybody to come forward and say that if he has issues, he will marry again because he must have a son seems to be an irreligious view altogether. Not only that, but the desire of women to have children has always been respected by the older *Shmritikaras*. Let me point out what the same scripture writer, Manu says. A Hindu widow having no children was allowed the opportunity of having children which is called *neyog* in Sanskrit. This is not a system of which one need be ashamed of; because at one time looked at from the anthropological point of view it cannot be said that this thing is particularly against Hindu society, or that it should not be discussed here. What was the provision even so far as Manu is concerned with respect to a widow:

या पत्यावा परित्यक्ता, विधवा वा स्वेच्छया । उत्पादयेत् पुनर्मुत्वा

That is to say that every woman has a right of having children; mind you he does not say sons. It has been acknowledged even by Manu. If she were a widow, she was given permission to have an issue. The idea underlying is that she will get a child. It is not that she will get a son or a daughter. After all is said and done, we have to go by what the scriptures say, because, after all, this has been turned into a religious question and since all the miseries of women in Hindu society have come on account of the spirit of the scriptures, on account of the wording of the scriptures, it is important to see what the actual words are so far as the scriptures are concerned. Here again the word used is "*santhanam*" and not "son". Further on the same writer says: So far as woman is concerned she is the field and so far as the man is concerned he is the seed and practically the origin of all animals is from a combination of both. The word used here is (*sarvadehinam*), that is, those who have a sort of body, without any distinction of sex. The point that I am making is that all this superfine idea that

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marriage is meant only for procreation of a male issue is not supported by the scriptures. Again, so far as the duties of women are concerned, religiously what are those duties supposed to be? The duty of a woman is not only to give a male issue to the husband but production of children. It does not say a male issue. In the public opinion that we have received you will find that it is mentioned that "Supposing there is not a male issue, therefore, a man must be allowed to marry again according to Hindu shastras."

Therefore, it is in connection with that point that I want to bring to the notice of this House how the scriptures support one clause of the Bill. What is the woman at home for? It is for the purpose of having issues; it does not say that it is only for a son. Not only that but even Heaven is supposed to be in the hands of the woman in the house because she can produce children. Therefore, they say that not only one's own welfare but also the welfare of one's own ancestors remains in the hands of the woman.

Then, let me go back to a time, even before the *Smrutis*. We all know that before the *Smrutis* came into existence we had religious rules which were included in the *Sutras*; and even in the case of the *Sutras* and some of the *mantras* which are pronounced at the present time and without which no marriage can be sanctified or considered legal, let us see what these *mantras* say. Even there you will find that there is no ground for thinking that marriage is a sacrament only intended for male issue. Not only that. If you only look at it in the proper perspective you will find that marriage is looked upon in such a good light that it could not be looked on in a better fashion than by even modern writers.

Now, Sir, to give the non-Hindus an idea of the rituals of a Hindu marriage, let me tell you what actually a Hindu marriage consists of in the majority of cases. Of course it may be that some of the things may be dropped out and it may be that in different provinces there are modifications in the service. But if this House has to make up its mind with regard to this question specially concerning marriage and the status of women, it is very important to know exactly what the position is. Now, it is a religious duty on the part of every Hindu to get married. Unless he marries he has not fulfilled one of his primary duties and he has not discharged one of the debts which every Hindu is supposed to discharge. Every Hindu, when he is born, has three debts: debt to the ancestors, to the *rishis* and to the Gods. You can discharge the debt to the Gods by means of sacrifices; you can discharge the debt to the *rishis* by means of learning; but when it comes to the debt to your ancestors you can only discharge it by producing children.

"Prajaya (प्रजा) pitrivyah (पितृव्यः)", —that is, by getting children and not sons only.

Mr. Deputy President (Mr. Akhil Chandra Datta): All this disquisition about Hindu law is certainly very interesting, but the Chair is afraid the Honourable Member is going far away from the real point at issue.

Dr. G. V. Deshmukh: No, Sir, I am not, because. . .

The Honourable Sir Nripendra Sircar: Sir, will you allow me to make a statement to the House, more by way of an appeal to the Speaker and to his Leader rather than asking for a ruling from you? I am placed in

a very unusual situation because, when the debate will be continued in Simla in September, I shall cease to be a Member of this House, and I do beg of my Honourable friend to give me a chance of speaking today. It is now only a quarter to three and I shall be quite satisfied if I am allowed to rise at four o'clock. I am not suggesting that my friend has been talking incoherently or irrelevantly or anything of that kind, but he has spoken for an hour and a half before Lunch and till four o'clock he has got another hour and a quarter. So I appeal to his fairness to allow me to rise and speak at four o'clock.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair hopes the Honourable Member will finish by four o'clock, because it is in his own interest also not to confine the speech to himself only, but to allow other Members of the House to express their views on his Bill.

Dr. G. V. Deshmukh: Sir, personally I have no desire to carry on longer than I can help. But, at the same time, I must draw the attention of the House and also of the Leader of the House to the fact that it is a very large question which involves the giving of elementary rights to 150 million human beings. It is a question which extends to hundreds of miles from one end of India to the other; and on a very large and vital question like this to be requested to finish within a scheduled time is hardly fair to the Mover of this Bill. I have not brought forward this Bill as a matter of pleasure and I do not want to speak unnecessarily, but this is a question on which not only I myself but other progressive sections of the House and the public feel very keenly. Therefore, although I would be the last person not to grant the request of such a distinguished person as the Leader of the House and, as I said before, such a social reformer as he is, I certainly cannot promise that I shall stop at four o'clock and, thereby, give up my opportunity of doing whatever I can in the interest of 150 million human beings.

The Honourable Sir Nripendra Sircar: Sir, may I make a counter-suggestion? If my Honourable friend feels that he is unable to finish by four o'clock I have nothing to say. But in that case I may be allowed to start at four and finish at five and my Honourable friend can continue his speech the next day. I am not putting any difficulty in his way but am compelled to appeal to his sense of fairness. Of course, my Honourable friend, Mr. Kazmi, is shaking his head and Dr. Deshmukh has to carry that order out. I would like to avoid a ruling and come to an arrangement.

Mr. Deputy President (Mr. Akhil Chandra Datta): The suggestion made is a very reasonable one and if there is nothing in the rules against it, the Chair is inclined to accept it.

Dr. G. V. Deshmukh: If I finish off what I have to say,—and I frankly admit that I have a great deal to say on this subject,—I do not want to carry on any further. I think I owe it to myself as well as to the rights and privileges of every Member in this House; but apart from that, I owe a duty to the cause that I have espoused that I should not allow my rights to be trampled upon. . . .

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The Honourable Sir Nripendra Sircar: I am not objecting to your speaking as long as you like. You can give me an hour today and you can carry on the next day. This is an appeal and not insistence on any right.

Dr. G. V. Deshmukh: I really do not see how that can be done. I do not know whether the rules allow it.

The Honourable Sir Nripendra Sircar: The rules do not disallow it: it can be done if he does not object.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair has already said that the rules do not positively stand in the way. The suggestion is so very reasonable that the Chair will accept it.

Dr. G. V. Deshmukh: Sir, the continuity of my thought is likely to be broken. How can I pick up the thread of thoughts again. Therefore, I do not promise, but if I finish I shall be only too glad to hear the Leader of the House. Otherwise, I cannot

The Honourable Sir Nripendra Sircar: I am not asking my friend to promise: I am asking the Honourable Member to agree that I may be allowed to talk for an hour today and his thoughts will not be disturbed if he wishes to rise again at five o'clock today or if he wishes to resume in September. I have repeatedly said I seek an arrangement and not a ruling.

Mr. M. S. Aney: I am afraid, as a matter of fact, that much time is being wasted over this. The request is whether the Honourable Member should be allowed to have his say for an hour or so today: it is a perfectly reasonable request and in fairness no Member of the House should deny him that courtesy.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair has already ruled that unless anything to the contrary expressly can be shown, the Chair accepts the suggestion of the Leader of the House and he will get up at four o'clock and the Honourable the Mover of the Bill will be at liberty to continue his speech after that.

Dr. G. V. Deshmukh: You may have ruled, Sir, but I do not accept this.

The Honourable Sir Nripendra Sircar: You have got to accept the ruling. He has ruled that I get up at four o'clock.

Dr. G. V. Deshmukh: But I have a right to go on on a Bill as long as I like.

The Honourable Sir Nripendra Sircar: No, not after the ruling.

Mr. M. S. Aney: At four o'clock you have to make room for him, and, after that, you can make your speech again.

Mr. Deputy President (Mr. Akhil Chandra Datta): The position is so very clear that the Chair really wonders that any Honourable Member should take exception to it. Nobody stands in the way of the Honourable Member speaking for hours or days together if he chooses to do so and the Chair allows it. But the Chair cannot conceive what objection there can be to the course suggested by the Leader of the House.

Dr. G. V. Deshmukh: Is there any precedent for this kind of thing?

Mr. Deputy President (Mr. Akhil Chandra Datta): If the Honourable Member insists, then precedent or no precedent the Chair accepts that suggestion: that is the ruling of the Chair.

Dr. G. V. Deshmukh: Can there be rulings which trample on individual rights of Members unless there are some rules to that effect?

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has no right to challenge a ruling, right or wrong.

Dr. G. V. Deshmukh: Whatever your ruling may be, Sir, if I am forced to accept that, I do not say that I will not accept that; but I certainly have a right to protest

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member has a right to protest until the ruling is given; after the ruling has been given, he has no right to go on repeating his protest.

Dr. G. V. Deshmukh: I ask you to hear me before giving a ruling . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair has heard and has given the ruling.

Dr. G. V. Deshmukh: It is a very unfair ruling all the same

Mr. Deputy President (Mr. Akhil Chandra Datta): Order, order; will the Honourable Member withdraw that remark?

Dr. G. V. Deshmukh: If you want me, I will. It seems to me that I have to do everything that is ordered, whether there is justice in it or not. I will withdraw. But I think I have to keep up, not only my own rights, but that of every individual Member of the House

Mr. Deputy President (Mr. Akhil Chandra Datta): There will be no further discussion on this question. The Honourable Member may proceed with his speech.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): On a point of information, Sir. Is the request made by the Leader of the House as Leader of the House, or as Sir Nripendra Sircar? He represents the Government, and whether he is here or anywhere else

Mr. Deputy President (Mr. Akhil Chandra Datta): Is that a point of order?

Mr. Suryya Kumar Som: A point of information, Sir. He may go, but the Treasury Benches will go on for ever. If he wants to speak for himself, that is another matter. But as representing the Government I think it is not a proper request that the man who will fill up his post will not be competent to give the opinion of the Government.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): On a point of order, Sir. I want to draw your attention to rule No. 64 which says:

"After the Member who moves has spoken, other Members may speak to the motion in such order as the President may call upon."

It is a definite rule, that other Members can speak only after the Member who moves has spoken. It is in positive terms, and I would request you to reconsider your decision.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair has given its ruling.

Mr. Husenbhai Abdulabhai Laljee (Bombay Central Division: Muhammadan Rural): May I make a request, Sir, that I may be allowed fifteen minutes after Sir Nripendra Sircar has spoken? It is the same request.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair will consider it when the time comes. Now that the debate has taken this turn, the Chair hopes the Honourable Member will be absolutely relevant.

Dr. G. V. Deshmukh: I am not in the habit of being irrelevant. I think these injunctions are absolutely unnecessary to me. If others cannot see the relevancy in my arguments, I cannot help it.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member must not make such remarks and assertions.

Dr. G. V. Deshmukh: I did not mean about you, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta): In that case, the Chair does not take any exception.

Dr. G. V. Deshmukh: I was talking about the House.

Mr. Deputy President (Mr. Akhil Chandra Datta): Will the Honourable Member now proceed with his speech?

Dr. G. V. Deshmukh: I will proceed whenever you want me to and stop whenever you want me to.

Mr. K. Santhanam: We are being dictated to, and I object to our being dictated to. The arrangement of the House is not meant for the convenience of any one Member, whoever he may be.

Dr. G. V. Deshmukh: As I was saying, this is a vast question

Mr. Ram Narayan Singh (Chota Nagpur Division: Non-Muhammadan): On a point of order, Sir, I want to know whether the Chair can give any ruling against the Standing Orders.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair is extremely sorry. The matter has been discussed at length. After that, it is not quite proper for the Honourable Member to raise this question again.

Dr. G. V. Deshmukh: On a point of information, Sir: supposing you are not in the Chair at the time and the President comes in, can I put the point to him for his decision?

Mr. Deputy President (Mr. Akhil Chandra Datta): Whatever ruling has been given cannot be upset. It is not within the power of the President to upset it.

Dr. G. V. Deshmukh: Very good, Sir. I am sorry. The only point is that I hope that the House will take me at my word when I say that this is in the scriptures. It seems to me that that is the only way how it can be done, and I think the House has sufficient confidence in me to take me at my word. But I really regret very much—the members of my community outside and also those who sent me here, my voters—that I did not quote the actual scriptures, so that the position I am taking would carry better weight. As a piece of information I can tell you that I was elected on this promise to my constituency, that I will work for this reform; and, at the time, I was standing for election, no less a person than the Shankaracharya came to Bombay to oppose my election and to say that he must get a promise from me that nothing against the Hindu religion would ever be moved or suggested by me. I would request Honourable Members not to be impatient. Let them not think that the only thing one can speak of on a Bill is to say that such and such are the provisions of the Bill and whether the opinions received on it are for or against. If that were the case, I think we could easily finish the whole work of the Assembly in one week, and we need not spend the ratepayer's money by staying here for months on end.

Now, Sir, this is the information I want to give the House. Although **Shankaracharya** was opposing me, I was distinctly given to the **3 P.M.** understand by my voters that if ever I was elected to the Assembly, then I should put forward progressive measures, and it was on one of those promises that I not only secured a large number of votes, but as my friend, Sir Cowasji Jehangir, will bear me out, I topped the poll. Therefore, Sir, if I merely tell the House the English translations without quoting the scriptures themselves, an impression is likely to be created in the public mind that I dealt with the whole question of such an important nature on, what may be called, western lines, and I did not do justice to it in the way I should have done.

An Honourable Member: Read those scriptures.

Dr. G. V. Deshmukh: There is no time for me to read them. What is the good of reading them here; they say I can continue in the next Session and so forth, but I feel that I must read them while I am advancing arguments in support of my Bill.

Well, Sir, let me come back to the religious service which, nobody can deny, has been in existence much earlier than even the *Smritis* or *Shastras*. And what does this religious service say? When the service of *Pani Grahani* takes place, the man says:

"गृह्णामि ते सोमगत्वाय हस्तम्"

[Dr. G. V. Deshmukh.]

"I am holding your hand for happiness." When the bridgroom afterwards praises the Agni and the other different Gods, for what? Not for merely creating a son,—no,—but for Garyapatyaya (गार्हपत्यायत्वाद्देवाः) which the Gods have given me,—so that we should conduct a house, so that there should be a mistress in the house. What do the so-called Mantras at the time of the marriage mean? The Hindu marriage service is so beautiful that you can hardly find a parallel to it anywhere in the whole world. It says: "You are that, that am I, I am that, that you are, you are the Rook (रुक्), I am the som (साम) you are the Prathvi, I am the heavens; let us come together and have children; let us mix up our creative elements and let us live a hundred years—*Prajam Prayam Vahai*". (प्रजाम प्रजयावहै जीवेम शतम्)

Now, Sir, I want my friends to observe this particularly. When they say that marriage is only a sacrament and there is no suggestion of any contract in it, I say they are talking nonsense, the marriage service itself says "let us be two together". If it is such a religious service, then where does the question of "we come together" come in at all? And so "Sumasuya mana" (सुमनस्य मनौ) "let us live happily for a hundred years". This is what the service says. It does not say anything about the fact that you must have a son. Further on, when the bride and the bridegroom are made to tread on the stone or the *Sapthapathi* is there any mention of any son in that? Not a bit of it. There are so many steps in this service, the first is for juice, the second is for prosperity, the third is for happiness and so on, and when they reach the seventh step, they say "and now we have become friends" (सखा सप्त पदामवः). Further on, when the bridegroom takes the bride to show her the polar star, even then they say "be thou firm". Further, he takes her to show the polar star *Arundhati*. This is the service

Mr. M. S. Aney: "Be thou firm as a polar star" goes against your Bill.

Dr. G. V. Deshmukh: It does not, because the woman is soon dislodged, because she does not remain as the polar star. Even otherwise, when she is daily offering *Bali*, as you yourself know, Sir, what does she say? "*Prajam me dadytu*" (प्रजाम मे दद्यतु) I could have given more quotations from the original text on marriage itself. You have not got either children or heaven, and yet you get public opinion, Hindu opinion, to support that marriage is a sacrament and not a contract and, therefore, we must be allowed to marry as often we like or that if once a sacrament is formed, it cannot be broken. Now, what is a sacrament? We are all talking of sacrament without understanding what it means. Sacrament is not a word borrowed from any of our vernaculars or even from Sanskrit. It has come to us either from French, Latin or Greek

An Honourable Member: It has come from Latin.

Dr. G. V. Deshmukh: Thank you; I accept it. My point is, it is not a Sanskrit or an Indian word. As to *Samskar*, I know what it means, but I don't understand what a sacrament means. It seems to me that all those gentlemen who have expressed these opinions do not know what they are talking about. What does sacrament mean? Sir, I have taken some pains over this, and if I am given sufficient time, I shall be able to explain to the House in greater detail what sacrament means. The word sacrament is derived from *essor*. It has a different meaning, it has a bad meaning also. It has come from the Greek word which means

mystery. That is really the origin of this word, and according to the meaning of the Oxford Dictionary, it means "religious ceremony or act regarded as the outward or visible compression of inward grace". What I want to know is, how many of my Hindu friends understand what is meant by the word sacrament. It is not in their religion. I can understand their grasping the meaning of the word *Samskar*, but when they talk of sacrament, I am afraid they really don't understand its meaning, because that word is taken from a language which is foreign to this country, and it can be used to express 101 connotations. Now, Sir, coming down from the sublime to the ridiculous, even ordinary words in a language like the French language, words like weekend, flirt, etc., are taken bodily from the English language. You cannot exactly express the different shades or meanings of the whole word when it is borrowed from one language and adopted into another. But if it is going to be used for legal purposes, then you can understand what a horrible mess this kind of joke would make. It is as good a joke as what happened the other day in this House. Somebody said, henpecked, and my friend, Mr. Sri Prakasa said, cockpecked. Both may mean the same thing, but connotations are entirely different. There is a story of an English hostess and a French guest. According to custom, the hostess asked at a party, how the gentleman was doing. Like a good hostess she asked the French gentleman, "Well, Monsieur, how are you enjoying yourself?" This Frenchman thought that being a lady she asked how he was enjoying himself, and he replied, "I was cockjoking herself immensely" because he thought, he must use the masculine word cock, in contradistinction to hen. You may realise what must have happened in the earlier days.

I very much regret to say that our pandits who were paid to interpret the Hindu law to the English judges—I have every respect for them, whether it is Colebrooke, or Wilson or any of those great men—when they interpreted the Hindu Sastras to them, they thought that they were speaking to them in their own language, which evidently although it might mean something was not interpreted correctly by the English judges, and that is why we find this curious interpretation of our Hindu law. If it had been left to the Indian judges, it might have been adapted to mean exactly, the law might have been followed in the interests of the society and with the meaning that should be properly given to those texts. And with those so-called synonyms, you cannot blame them if they interpreted these religious words with wretched connotations in their own way and interpreted them more in the western light than in the eastern light. But since then a lot of research work has been done, both by western scholars as well as by eastern scholars, on the old texts which throws a flood of light both on Hindu law as well as Hindu society of those days. In the light of that, now, many of the ideas that we had with respect to our Hindu society, the construction, the law, the morals,—those ideas have to be considerably modified and changed. To give you as the latest instance, so late as 1909 Kautilya's *Arthashastra* was published. Evidently the date of this book was 300 B. C., and all the western scholars and even the best of Hindu scholars put the date of Manu Smritis somewhere between 200 B. C. and 200 A. D. What do we find from these? That divorce was allowed. Not only that, but the woman enjoyed very much better and more liberty than the impression one is likely to receive from the so-called, alleged ancient text books of Manu and others.

Babu Baijnath Bajoria: Will you give us some facts?

Dr. G. V. Deshmukh: You had better request the President to give me time and I will give you. That being the sentiment in which marriage had been held among the Hindus and the erroneous ideas prevailing about marriage—that marriage is meant not for something worldly, but something other worldly, that marriage is only meant for sons and not other children—those being the ideas it is no wonder that both the public as well as those who had to interpret the law should be carried away by this public opinion; and, particularly, after this, the idea, the western idea,—I do not know, it may be an eastern idea too—of custom prevailing over law, and all that, came in. Naturally, we find the whole of our society in a mess. With respect to sacrament and *samskar* I have tried to explain what is *samskar* really. It means something which is made better. That is really the meaning. Before, we were supposed to have 84 *samskaras*, they dwindled down to 16 and now you know there are only two *samskars* so far as the Hindus are concerned. One is the *samskar* of Upanayana or *Moonja* ceremony

An Honourable Member: Not always.

Dr. G. V. Deshmukh: I am glad to know that even that does not exist with respect to all the Hindus. I am talking of those who have a very high regard for religious sentiments and who think themselves very superior. Even in those castes, in those classes you have only two *samskars* left, one is the *Moonja* ceremony or Upanayana or initiation to pupilship, and the other one is marriage. Marriage, therefore, is not something so very mysterious that we cannot interpret it properly and that we should merely grovel before this so-called sacrament business and simply put our head in dust and say, "Oh, yes. It is sacrament. Therefore, do not analyse it, do not try to know what it is, but because it is a sacrament, therefore, in the name of that sacrament, let us go on to whatever practices it may lead to". May I point out to you, Sir, that it was this idea of sacrament that was responsible for *Sati*. Because husband and wife were supposed to be made one, therefore, when one has disappeared or banished or died the other one must not live. It was this superstitious ignorance, wretched idea of sacrament that was responsible for *Sati* business. I am glad that the so-called idea of sacrament was brought down a few pegs when *Sati* was abolished. It was this idea of sacrament under which widows, and child widows at that, were prevented from re-marrying. Now that we have the Widow's Re-marriage Act,—it may be said that it has not been utilised. In that case, it is an additional argument for my Bill, that if you pass this enabling Bill, it will not be utilised to any particular extent and so it will not uproot the society altogether. It is on this idea of sacrament that a woman, whether she is married to an impotent person or is married to somebody who changes his religion or is tacked on to somebody who has about 100 wives, or what is more, even if he keeps a concubine, provided he does not keep her in his house—that she cannot separate herself from that man on account of this idea of sacrament. We did well to get rid of this idea of sacrament in the case of *Sati*. We did well to get rid of this idea of sacrament in the case of re-marriage. I do think that we shall be doing well to kick this idea of sacrament into its proper position when we allow a Hindu woman to marry another husband if she was unhappily married in her first marriage.

Now, Sir, another idea is that so far as this Vedic ceremony is concerned, that was the only system and that there is no other system. It is true that these *mantras* are meant only for the marriage of virgins. I admit that, according to "*panigrahana*" *mantra*, but to say that once a woman is married she cannot be married by any other *samskar* is again a travesty of Hindu law. We have got 16 *samskars* out of which 14 have gone. We still have two of them. *Samskars* are evidently something which we can bring forward or abolish but in any case that is beside the point. The point I would urge is that the "*panigrahana*" *mantras*, although used for the marriage of virgins, were not inapplicable to those who were to be married again. There are other *samskars* and we have authorities from the different *rishis*. We have for instance, what is called the "*punarboo*". Those who say that the Hindu woman once married cannot marry another husband again are either wilfully blinding themselves or are not taking the proper pains to know what is contained in their own religion. What does "*punarboo*" mean? The woman who marries another man when her first husband is alive or dead would be "*punarboo*". This is not my definition but it is the definition which has been given by no less a person than the law giver, Vashista, himself. Then, what does Manu himself say? One of the verses of Manu has been dropped out purposely by all Pandits. As has been pointed out, many of the verses of Manu have been dropped out when it suited some of the Pandits who wanted to interpret the Shastras in their own way, because they were paid or bribed. It is well-known that many of the Pandits were bribed by certain interested parties in Bengal at the beginning and they interpreted the Shastras to the English judges in a particular way. All shame to those Pandits for doing this.

An Honourable Member: Only in Bengal?

Dr. G. V. Deshmukh: I am not inclined to blame the Pandits of Bengal. I do not know what would have happened if the same thing had taken place in Bombay. I cannot stand guarantee. After all is said and done, I do not want to look at Bengal in any other light than in a glorious light. We owe the widow remarriage reform to Ishwar Chandra Vidyasagar. Some of the Bills that were passed in the life of this Assembly, including the Hindu Women's Right to Property Bill, we owe to the distinguished gentlemen who come from Bengal. Now, this "*poonarboo*" has been referred to by no less a person than Bodhayana. It was Bodhayana who robbed the Hindu women of their rights to property. This is the Sanskrit text:

निरीद्रीयाः अतएव अदायादाः ही स्त्रीयाः ।

Women have no desires or senses and, therefore, they are incapable of holding any property, and it was on that pretext that Hindu women have been robbed of their rights for the last so many hundreds of years. There are some people who are prepared to quote Bodhayana when it suits them but who are not prepared to follow Bodhayana when it does not suit them. What does Bodhayana himself say:

यदि वा बाल विधवा, बाला त्यक्ताथवा कचित् ।

तदा मुयः स्तु संकार्यी, गृहीता येन केनचित् ॥

If she is a child widow or if she has been forcibly taken away or if she has been abandoned by her husband then she should be married

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If, as between the pair one hates the other, then there had to be a dissolution of marriage. There again you may say, "very well, it only meant that they were to be separated from each other but it did not necessarily mean that they were to be allowed to marry again". Then, विन्देत अपरं पतिम्. "Under certain conditions, they can marry a second husband".

An Honourable Member: But you have not provided for that in your Bill?

Dr. G. V. Deshmukh: I am merely pointing out that this idea of "one wife", "one husband" and that there never was any right for a Hindu woman to marry a second time because the first marriage of sacrament is existing, for all time, is all nonsense: what I want to urge is that that is all wrong. Not only a Hindu woman used to be fully allowed to marry after the death of her husband, but, in certain circumstances, in the life-time of her husband also,—that is the point I want to make. Then,

मृते भर्तरी जीवे वा विन्देत अपरं पतिम् ।

"Under certain conditions, whether the husband was alive or dead, she can marry another husband". Again, you may say that this was only for the lower castes; so far as the Brahmin castes are concerned, "no, this was not allowed". Now, here is something more (this is for a Brahmin woman):

अष्टौ वर्षाणि उदीक्षेत ब्राह्मणी प्रोषीत पतिम् ।

अप्रसूता च चत्वारि ततोऽन्य समाश्रयेत् ॥

"If her husband went away, then, she had to wait for eight years."

And who says, Sir, that the Hindu law of divorce had no sense of either humanity or practical sense? If she had no children, then she had to wait only for four years and if she had a child, then she was asked to wait for eight years. Now, this is quite reasonable and it will be accepted even by our modern law. After that period, she should marry. (Interruption by Mr. M. S. Aney.) I am glad that my Honourable friend, Mr. Aney, who is निखिलगुण्यः above all the qualities and who has reached the supreme idea स्थितप्रज्ञ, स्थितधी has interrupted me. So far as this Bill is concerned, whether it passes or it fails, it is nothing to him because he is beyond all the three qualities. I will, therefore, request him to keep himself as pure and as unaffected as he is now by all these passions न मुह्यति, न काँक्षति I do not want his poise to be disturbed. He is all that ideal which Sri Krishna taught Arjun for the perfect development of a human being. It is not as a joke that I am saying all this but that is my regard to my friend and my elder brother, Mr. Aney. Therefore, whatever he says, I am willing to accept but I know how healthy, clean and very much above the worldly considerations his mind is. Therefore, if he supports this Bill, it will be a great help; but if by any chance he is inclined to oppose it, then it will be again on account of the Members of his Party "संस्कार दोष". Now, Sir, I am glad he has asked this question. Are my Hindu friends going to make a point of this? Then, what do your law-givers mean by this? Are they recommending debauchery or unchastity? Can you ever imagine any Hindu law-giver recommending unchastity? It may be the highest ideal maintained by abandoned women but it is not the ideal that is

put forward before the Hindu society. The ideal that every law-giver has put forward is the ideal of chastity for every woman. Who in his senses can ever imagine that when they said "Let a woman associate herself with any other man and create children", it was meant that they were recommending unchastity? It can only be interpreted as a moral injunction and a moral injunction means that she was allowed to marry and have children. But let me point out something else which has been accepted by this very Government on which the reform of 1856 was based. So far as the *Kal Yuga* (the present age) is concerned, कलौ पराशर स्मृति is to be the rule of life. If that is to be the rule of life, then irrespective of what Manu or anybody else says, you must observe and you must follow the scripture and be true to scriptural sayings.

नष्टे मृते प्रव्रजिते हिने च पतिते पतौ । पंचस्तु आपस्तु नारीणां पतिरन्यो विधीयते ॥

You will find this in the religious literature also and also in the other Puranas. When translated, it means that if a husband disappears or dies or he takes renunciation or is impotent or changes religion or is fallen, then the women can take another husband. I need not go into all the details. You all know how the thing was explained by all the hostile Pandits. They said it applied to *Neog* (नियोग). Shame to them. Then they said that it was to apply in the case of only those whose betrothal had taken place and the consummation of marriage had not yet taken place. Again, it seems to me to be without any meaning. I am glad that the Government of the day was again convinced and kept a healthy mind and did not give much credit or credence to this kind of explanation and accepted one provision of this religious law which is in existence for the last 80 years. Now, 80 years is a sufficiently long time for any institution in the country or even for a Government if it comes to that to give the appearance of gradual progress to any reform that may be suggested. This happened in 1856 and now we are in the year of grace 1939, which makes it over 80 years anyway. If a progress of 80 years is not considered to be gradual, I do not know what is considered to be a gradual progress. Those who are very keen about saying that social reform must be very gradual and we, the Congressmen, are described as heretics because we want to proceed at a rapid pace and we want to revolutionise the country, must realise that it is after 80 years that I have come before this House with this Bill which seeks to put into operation one of the other conditions that were then agreed to. It will indeed be a very sad commentary in case the other provisions of the *Shloka* were rejected.

Now, what are these provisions? In the first place, disappearance, which is the same as desertion according to my Bill. Then, there is the renunciation. I would not have any objection to accepting this but it is not a practical proposition and so I have not taken notice of it. Then, there is the provision of impotence, which is to be found in my Bill. Then, one who falls. You know what it means in Hindu religion. Perhaps you know it better than anybody else that anybody who commits one of these महापातक (great sins), one of which is drinking, and the Congress is bringing in prohibition to get rid of it. I hope the Hindu community will be still better off if prohibition comes into force because drinking is one of the conditions mentioned. I do not want to go into further details. All that I have done so far as my Bill is concerned is to bring it within the framework of what really for all practical purposes was already accepted

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by the Government. I have not gone beyond these four provisions. So far as I am concerned, I have already told you that it was with great reluctance that I brought the scope of the Bill to this minimum skeleton so that at least it would then be something that has already been accepted by the Government, because after all my provisions are the same according to the older *smrithikaras*.

Babu Baijnath Bajoria: Which Government accepted those proposals?

Dr. G. V. Deshmukh: In 1856. This means that under these five conditions another husband is permitted for a Hindu woman. These five conditions are that if the husband disappears or deserts, if he dies, if he accepts renunciation from the world, if he is impotent and if he changes religion. Then under those conditions a Hindu woman is at liberty to marry another husband. On what ground was this right of a Hindu woman to marry another husband taken away? It was on nothing else except this:

२ द्वितीयः इह सप्तमीनां कचित् मर्तो उपदिश्यते ।

Manu never advised a married Hindu woman to have another husband. This is how it has been interpreted by those who insisted on marriage to be a sacrament or *samskar*. This was how English judges interpreted it. *Sathvi* means a good woman. It does not necessarily mean a wife, because 'wife' has a definite status. In Sanskrit, every word has a definite meaning "धर्मस्य शब्दमुलत्वात्". This is from the Mimamsa shastra of Jaimini, that every word has a meaning. You say, *kanya*. (कन्या), you say "*dara*" (दारा), you say "*patni*" (पत्नी) and so on. "*Sathvi*" (सत्वी) is a general word. What Manu said was that so far as a good woman is concerned there should be nobody else except her husband to maintain. "*Bhartha*" really means one who nourishes. Some commentators of Hindu law have made a mess of the whole thing and they have freely drawn upon *smrithis*, superstitions, customs and usages. English Judges have been following these commentators. The Hindu law has been evolving for the past over 30 to 50 centuries and I have got to finish the whole thing in five minutes. What do we find in these commentaries? One gentleman interprets it and says:

एवं च सति पुनर्मुर्त्वं अपि प्रतिशिद्धं ।

Therefore, Manu also prohibits '*punarbhutham*'. I am glad that my Honourable friend, Mr. Aney, is here. In Aitereya Brahmana it is said:

एकस्य बहवो ज्याया भवन्ति न सह पत्यः .

(Interruption)

One man can have many wives, but a wife cannot have many husbands at the same time. That was the older injunction from the time of Aitereya Brahmana that no Hindu woman should have two husbands at the same time. I am glad that I did not quote this text and I made my Honourable friend, Mr. Aney, repeat, this text, because coming from him everybody will believe that it could not be misquoted. What does that mean? "*Sahapathya*"; सह पत्यः no woman can have two husbands together at one and the same time. Manu only brought forward that point. I find that in all legal text books

mention is made that Manu prohibits second marriage and, therefore, no second marriage can take place for a woman. I am not a lawyer. I am an humble research scholar and I should like to know what is the real position with regard to my own religion. The whole thing seems to be nothing but ridiculous that a word should be interpreted in different ways by mere play on it. Therefore, in the Hindu religion there is absolutely no sanction that a woman cannot have more than one husband, whether that husband is alive or dead. There is absolutely no sanction for this position: that a woman under certain conditions such as that if a husband is impotent, if he goes away, if he is a criminal and if he is affected by venereal diseases is not at liberty to marry somebody else. Nearly all the law givers from Manu to Kautilya, Vasishta, Vishnu, Narada, Parasara and a host of them included in their religious texts the conditions which I have put forward in my Bill, namely, when there is desertion, when there is impotency, a woman can remarry. Indeed some of them go to the extent of saying that when there is bodily defect in a husband, he is not entitled to marry at all.

The time you have stipulated for my speech is now nearing its end, I am not over-anxious to speak, but, certainly, if I get the time, I should certainly like to explain the whole position from the point of view of a Hindu trying his best to know what is best and purest in the Hindu religion, certainly from the point of view of one who is struggling hard to see whether he could improve his own society for whatsoever little extent he could possibly do, whether he could allow a little light to be thrown where it is absolute darkness. If I get the time, for after all every Member has his right in the House to have his full say on any subject according to the Rules, then I will explain the whole position by means of suitable quotations in a more detailed manner, not to show off my own knowledge, but simply to improve conditions of my sisters and mothers to whom I owe a duty. According to your Ruling, Sir, I stop now because it is exactly four o'clock, but I stop under protest.

Mr. Sami Vencatachalam Chetty (Madras: Indian Commerce): Sir, on a point of order, may I request that the question be stated before any other gentleman is allowed to speak?

Mr. Deputy President (Mr. Akhil Chandra Datta): The motion has been moved.

An Honourable Member: It has to be put to the House.

Mr. Sami Vencatachalam Chetty: Sir, I do not intend to question the ruling you have given, but I want to make an humble submission. I quite see the reasonableness of giving the Law Member the hearing which he desires.

An Honourable Member: Why?

Mr. Sami Vencatachalam Chetty: It is only a matter of courtesy. But if it is going to be taken as a ruling, I respectfully request you to abrogate that ruling and allow the Leader of the House to intervene in the debate as a matter of personal courtesy, because the rule is definitely against allowing another gentleman to speak. No question was put to you on which you could give that ruling, because nobody asked as a matter of

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right that he should be heard. It only originated as a request from the Leader of the House and it was because Dr. Deshmukh did not agree to that request that you made that observation which you call ruling. I, therefore, beg of you, in order that the normal procedure of the House may be observed and in order not to create a precedent, that the Leader of the House may be given a chance to speak and Dr. Deshmukh may be given a chance to resume his speech later on.

Mr. Deputy President (Mr. Akhil Chandra Datta): In the first place, the Chair has made it abundantly clear that Dr. Deshmukh will be allowed to continue if he chooses to do so. In the second place, in view of the opinions expressed, the Chair is prepared to concede to this extent that this will not be treated as a precedent. It is a special case.

Dr. G. V. Deshmukh: Sir, I am the person who is concerned in this and I do not know anything about this. What is your ruling? I want to maintain my right. It is not so much that I care to speak, but it involves the right of all Members.

Mr. Deputy President (Mr. Akhil Chandra Datta): Will Dr. Deshmukh tell the Chair more plainly what his point of order is?

Dr. G. V. Deshmukh: My point is this. In my humble opinion, as a layman I think it is not right that my right to speak should in any way be taken away in favour of any other Member of the House, if there is no rule to that effect. It is not a question of my right only, but of every Honourable Member of this House. And, therefore, I request you to change your ruling and allow me to go on.

Mr. Deputy President (Mr. Akhil Chandra Datta): In view of what has happened the Chair is not prepared to change its ruling, but the Chair explained at length that it will not be a precedent. The Honourable Member can resume his speech later on.

Mr. Husenbhai Abdullahai Laljee: Sir, on a point of order, I should like to know on what question the ruling has been given by the Chair.

Mr. Deputy President (Mr. Akhil Chandra Datta): That has been made sufficiently clear.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, the point is this. Dr. Deshmukh moved for reference to Select Committee, and the Chair has got to put it to the House before the Leader of the House can be allowed to speak.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member is under a misconception. It was moved on a previous day earlier in the Session and was, as a matter of fact, put to the House.

Maulana Zafar Ali Khan: Sir, on a point of order, I want to know one thing. Dr. Deshmukh had a right to continue his speech without interruption until such time as he has finished.

Mr. Deputy President (Mr. Akhil Chandra Datta): That point has been decided.

Maulana Zafar Ali Khan: I have not been able to understand it.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, on a point of order, I think it is a very important point and it affects the rights of every Member of this House. According to the Rules and Standing Orders, on a motion that a Bill be taken into consideration there is no time limit fixed for the Mover. Of course, if the speaker is abusing his rights in an undesirable manner, the Chair can take steps against him. But I respectfully submit that it is not open to the Chair to say that he must finish his speech by some particular time. And all that you can do is to request him to finish his speech as soon as he can in order that you may give an opportunity to somebody else who wants to speak and who may not be here later on.

The Honourable Sir Nripendra Sircar: Sir, if my Honourable friend will pardon me, this question may be avoided, because I understand that Dr. Deshmukh is going to finish in ten minutes. If that is so, I shall myself ask that no ruling be given, a position which I have taken throughout.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, your ruling was given in the interest of convenience and in the interest of courtesy, and there is no question of insisting on any rules and I feel certain that Dr. Deshmukh would extend the same courtesy to the retiring Leader of the House as any one of us would like to do. It is in that spirit that Dr. Deshmukh may now continue, and I hope and trust that there will be no occasion for a ruling and that the Leader of the House will have ample opportunity, even by sitting longer, if necessary, and if the Chair permits, to make his speech and finish it. I think that is the best way to proceed in this case.

The Honourable Sir Nripendra Sircar: Sir, I accept that suggestion and I ask you to withdraw your ruling, because the occasion will not arise. I leave it to the sense of fair play of the Honourable the Mover.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair is quite prepared to accept that position, and the Chair wishes to say expressly that it never intended it to be a ruling or a precedent. The Chair expressly stated that in the interests of convenience this may be made a special case; that is all that was said.

Mr. M. A. Jinnah: Then that must be left to Dr. Deshmukh.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair has already stated that it is a suggestion made by the Leader of the Opposition and the Chair accepts that position and that suggestion. If Dr. Deshmukh wishes to speak again now, the Chair will call him.

Dr. G. V. Deshmukh: I want to know first whether it is my right to speak and I do not want to be interrupted. I want to know from the Chair whether it is my right to speak. (Cries of "Yes.") If the Chair says that it is my right to speak, then I will consider. I do not like to encroach on anybody's rights, but I do not want anybody to encroach on my rights; and if I showed temper at the time of your ruling, it was only on account of my nature; therefore, unless I am told that it is my right to speak, I do not want to take up time. Let the Chair say so.

Mr. Deputy President (Mr. Akhil Chandra Datta): Why should the Chair be asked to say the same thing over and over again?

Dr. G. V. Deshmukh: I take it then the ruling has been withdrawn.

Bhai Parma Nand (West Punjab: Non-Muhammadan): I rise to a point of order. I want to know whether any private Bill can be moved on an official day and whether this Bill has been allowed specially as a favour to Dr. Deshmukh, and, if so, what is his right? Has he a right to move the Bill?

Mr. Deputy President (Mr. Akhil Chandra Datta): That is not a point of order.

Dr. G. V. Deshmukh: Mr. Deputy President, I am very thankful to the House for taking up the rights, not of mine, but of every individual Member of this House; because I take it that, so far as the House is concerned, one Member is as good as another. After that attitude has been approved by the House and you, Sir, having accepted it, I am always willing to show courtesy and accede to the request of one whom I may claim as my friend—to whatever request he makes; and, therefore, I will allow him to go on. I do not want to make a speech now, and I will allow him to go on and make his speech.

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

The Honourable Sir Nripendra Sircar: Sir, I regret very much if there was any misunderstanding, because I shall be the last person to impute any motives to Dr. Deshmukh. We have known each other very well, and Dr. Deshmukh was the first to acknowledge that, in respect of his previous Bill as well as in respect of this Bill, I have gone out of my way to give him all the assistance that I could. This Bill was introduced on an official day: it had no chance of coming up for a year but for my going out of my way to allow him to move the circulation motion in the last five minutes on an official day; so that I think I may claim, whatever other people may think, that over this legislation, as well as over the last legislation for which Dr. Deshmukh was responsible, I have, at every step, gone out of my way to help him, although I was subjected to severe criticism by people who did not see eye to eye with Dr. Deshmukh for helping him in this matter. Dr. Deshmukh has shown his gratefulness by trying to prevent me from speaking.

Now, as regards this Bill, the matter is one of great importance. The matter is one which deserves very sympathetic consideration. After listening to Dr. Deshmukh's speech, the only conclusion to which I could come is that it is a tragedy that a good cause has been spoiled by the championship of Dr. Deshmukh, having regard to the way in which he has drafted his Bill: he was good enough to say in a modest way that any Hindu who did not agree with him was not intelligent; and if the Government did not agree, the Government were not honest. But, at the end of my speech—I will not take more than 45 minutes,—I hope every one will agree that, however great his sympathy may be for this cause, he would not be inclined to touch this Bill with a pair of tongs; and, with the best of intentions, my Honourable friend, Dr. Deshmukh, has done no service to the women, whose cause he has taken up. He was right in saying "My brothers are displeased with me; my sisters are displeased with me; the

orthodox people are displeased with me, and the other sections also are displeased with me." That is the amplest testimony to the skill with which the Bill has been drafted.

My Honourable friend realised, as every one must, that a Bill which unsettles the settled practice of centuries, whether you call them in your enlightenment superstitions or not—it does not matter,—to justify the Government in supporting that measure the onus is heavy on the Mover of the Bill and the protagonists of the cause to show that the majority of the community which is going to be affected by this measure wants it and there is a demand for it. My Honourable friend saw very well—as he could not help doing—the force of that contention; and, therefore, he took the trouble of issuing a kind of tabular statement giving a summary of the opinions which had been received, dividing them into three classes—for, against and neutral. With commendable prudence, my Honourable friend has not referred to this summary, which was handed over to everybody, because I hope to show in five minutes that this is wrong from beginning to end. If we had done it, I am sure, Dr. Deshmukh would have said that we had dishonestly done it. I do not make any such insinuation against Dr. Deshmukh. I am sure, he did not want to deceive anybody; but the House will have no difficulty in coming to the conclusion that he has completely deceived himself. Members have got this tabular statement and I do not propose to tire them by taking them province by province and opinion by opinion. If I take up two provinces and the opinions of the Governments, you will see how wrong he is. He has worked out percentages here—50 per cent. and 40 per cent. and 60 per cent.; and in those percentages he is wrong, not to the extent of 5 or 10 or 15 or 20 per cent. but wrong by more than half. If you will take, by way of illustration, only two provinces, Assam and Madras, you will see what the position is. I shall also give the Government opinions if time permits. These Madras opinions are to be found in paper No. 3, from pages 26 to 33. And, before I draw your attention to one or two sentences from each of the opinions which I shall have to refer to, I will, first of all, make one point clear. When is an opinion for and when is an opinion against a Bill? Those opinions which, while accepting the principle of the Bill suggest modifications, I take them to be in favour of the Bill, if the modifications are such as can be introduced in the Bill in the Select Committee. But opinions which, as a term of acceptance of the Bill, insist on conditions which cannot be put in the Bill by the Select Committee, those are really against the Bill. We must not mix up the two matters: one, the issue, is it right to give the right of divorce to women? That is one question. The second question is, is this Bill acceptable to the persons concerned? Now, the answer, according to some, to the first part is yes. They say that in justice, fairness, and what not, the right should be given to women, but unless certain conditions are introduced in the Bill, I am not going to accept it. That opinion is certainly in favour of the principle, but against the Bill if the proposed conditions are outside the scope of the Bill. Judged in that light, you will find that the summary is altogether wrong, and there is no doubt that the bulk of the opinions is preponderately against the Bill.

Then, again, Sir, to avoid repetition, may I ask Honourable Members, if they so desire, to look at the Bill once again. Many of the opinions, as Honourable Members will remember, point out that this is a one-clause Bill. In divorce law,—take for instance, the Indian Divorce Act runs into 49 or 50 sections, each section consisting of several sub-sections making various

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provisions which are very necessary. Dr. Deshmukh's idea is to have a one-clause Bill. There is no provision made for succession, no provision for maintenance, nothing for the custody of the children, no direction as to how the divorce is to be obtained, in what court, what is the procedure to be followed. He simply says—"I am putting forward this Bill; Oh, the Select Committee will do the rest". Why then favour us with a one-clause Bill? Why not be satisfied with only the preamble and the title and say "Whereas it is expedient and necessary to give a right to divorce to Hindu women under certain circumstances . . .", stop there, and then allow the Select Committee to do the rest. Now, Sir, I have mentioned some of the conditions which many of the opinions insist upon, namely, the custody of children, maintenance and so on.

Sir, I will concede, wherever there is any doubt, as to whether the matter is within or outside the scope of this Bill, my friend, Dr. Deshmukh, should have the benefit of that doubt. Let it be conceded, to save arguments at present, that rights of maintenance, custody of children and other things can be introduced in this Bill, but most of the opinions including those received from women say that they will not have a look at this Bill unless the right of divorce is made mutual, unless that right is given to both men and women, and I ask any Honourable Member of this House, whether he is a lawyer or a layman, to consider whether that matter is within the scope of this Bill. This is, Sir, a Bill to give a right of divorce to Hindu women under certain circumstances.

The preamble says:

"Whereas it is expedient to give a right to divorce to Hindu women under certain circumstances; It is hereby enacted as follows."

Now, look at the Statement of Objects and Reasons. It says:

"Cases are occurring frequently in which a married Hindu women's life is made unbearable under circumstances brought about by her husband. The Bill aims at removing some of these, recognising that a Hindu wife has a human personality."

It does not go on to say that "whereas cases are frequently occurring in India in which a married Hindu husband's life is made unbearable under circumstances brought about by his wife, the Bill aims at removing some of these by recognising that a Hindu husband has a human personality". (Laughter). I venture to submit, Sir, making all allowances, and, as I said, giving Dr. Deshmukh the benefit of doubt, wherever it can be reasonably argued both ways as to whether the matter is within or without the scope of the Bill, there cannot be the slightest doubt that the majority of the opinions received are against the Bill. As I said, Sir, although I have not too much time, I have got to take the House through at least two of the provinces which I took out at random, because when an Honourable Member says that he has devoted his life to the cause of social reform, when he takes the trouble of printing the summary and circulating it himself paying the postage, as he himself explained to the House, I cannot be satisfied with a general treatment by saying "Oh, he is all wrong". Now, let us see whether he is all wrong or whether I am wrong. Now, I would ask Honourable Members to take the Madras opinions printed at page 33. What does Dr. Deshmukh say in his summary,—"Opinions for 8, against 3, neutral 3". The House should remember that, because I may have something, if time permits which is doubtful, to say about the reliability of this

percentage basis, later on, but I am now confining myself to the mathematical accuracy of Dr. Deshmukh,—opinions for are 8, against 3 and neutral 3. I would now ask Honourable Members to turn to the Madras opinion, remembering that, according to Dr. Deshmukh, there are only 3 opinions there which are against his Bill. We start, Sir, from page 26. The first opinion is—"The Hindu Women's Right to Divorce Bill is opposed to Hindu law and I consider that it should not be forced on the community". That is No. 1 against the Bill. I do not propose to read all these opinions. Then No. 2 is on the same page. Eight reasons are given against the Bill here, and none in favour, and I presume that cannot be said to be opinion in favour of the Bill. Then the third is,—Honourable Members should remember that Dr. Deshmukh said there are only three opinions in Madras against his Bill,—the second opinion on the top of page 26 which says—"There is no need for this legislation now". This is No. 3. Then we come to page 27, in the second paragraph it says—"Opinion is unhesitatingly against disturbing the hoary traditions of India" and so on. That is also against the Bill. That is No. 4. Then come to page 29. While the second opinion is in favour of the principle of the Bill, it insists that mutuality of rights should be given both to men and women. Again on the same page, the last but one at the bottom, after saying that there appears to be no objection to this Bill, it ends by saying that this Bill is not worth-while and it is not necessary to offend the Hindu sentiment and so on. This is against the Bill. Then, Sir, we come to No. 8. Sir Sivaswamy Aiyar says this: "I have to say that I am in favour of introducing a law of divorce for Hindus. But the Bill introduced by Dr. Deshmukh is utterly defective, inadequate, one-sided and unsatisfactory. There is no reason why the right of divorce should be conferred upon Hindu wives alone". That is opinion No. 8 against the Bill from Madras.

Then, on the next page, you will find another unequivocally against the Bill, in the first column. On the same page, in the second column, the last but one, some Bar Association says:

"At a General Body meeting held, the Bar Association passed a resolution that it is against the principles of the Bill."

Sir, I have shown to the House, although my friend claims that out of all these opinions only three opinions are against his Bill, that at least nine are against it. As I said, my time is short, and if you will go through the opinions received from Assam, Bengal and other provinces you will find that Dr. Deshmukh is wrong in some cases by only about three hundred per cent. He comes to the conclusion that the percentage is sixty in his favour. If he will make a proper calculation,—I would not say an honest calculation, because I am not fond of charging my opponents with dishonesty,—he will find that the bulk of the opinion is against his Bill. It does not require any nice mathematical calculation to see, that preponderating bulk of Hindu opinion,—no doubt from superstitious unenlightened Hindus waiting for the lamp to be shown to them by Dr. Deshmukh,—is entirely against this Bill. If that is so, one has got to consider what is the position of Government. In various statements, which have been made from time to time on behalf of Government, it has been pointed out that in one class of case an exception should be made to the ordinary rule that there should be no legislation against the wishes of the bulk of the community to be affected, and that is, where the practice or social custom is one which is opposed to the

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ordinary and generally accepted notions of humanity and of morality, for instance, the case of infanticide. If Government has got to stop infanticide, it will not listen to the argument that say 55 per cent. is in favour of infanticide while 45 per cent. is against it. But this is not that case. One may remember in connection with the Sarda Act—and even that was bitterly opposed—Mr. Gadgil gave us figures of widows under one and two, of thousands, I do not remember them now, but it was thousands. Those are cases where Government should not examine with meticulous care the percentages of opinions. But in a case like this where we are trying to unsettle the foundations—no doubt, foundations due mainly to custom—and matters which will require adjustment, a very careful adjustment—there Government cannot ignore the fact that the opinions received have been against Dr. Deshmukh's Bill, however much some of them may have been in favour of the principle of divorce. So far, I have not said anything about whether I am in favour, or I am against the principle. I shall, of course, make my position clear. But before expressing any personal opinion I would like to state that I have no power and no desire to commit Government to this attitude that at no time will they consider any Bill for giving the right of divorce to Hindu men or women. They will have to consider the state of public opinion, the nature of the Bill. If it is a worthless Bill like this, we need not give it any consideration, we can throw it out at sight, but if it is a proper Bill, and if public opinion has advanced or changed by that time, Government must retain the liberty to act in such a way as it thinks best when the occasion arises. Government cannot acknowledge the position that sanction for a reform of this type lies in the probability of a division in this House being in favour of the Bill. Something more is wanted to induce the Government to help the reforming minority to have their opinion forced down the throat of the majority of the community, by supporting such minority, by direct support of vote, or indirect support by neutrality.

I should, before making further general observations, come to the Bill itself, and if there is any time left, I shall have some more general remarks to make. Coming to the Bill, I have already read to the House that the reason of this Bill is:

"Cases are occurring frequently in India in which a married Hindu woman's life is made unbearable under circumstances brought about by her husband."

The first is, "if her husband acquires impotency which is incurable any time after the marriage." How has it been brought about by the conduct of the husband? I dare say he tried to preserve his potency as long as he could, but if he has failed, that is not a thing brought about by him. Then secondly, it opens the door to the medical profession,—it says, if it is proved incurable. Who is going to swear that? In Dr. Deshmukh's opinion it may be incurable, but six learned brothers of his, provided the client is rich enough to pay the fees, may say, "We can cure it within a year, we can cure it within ten years." If it can be cured within three years or within the next ten years, it is not incurable, and the position of the unfortunate Hindu woman who has got to be saved from a friend, like Dr. Deshmukh, is this. She will, first of all, come to court and say, "My husband is impotent. Will your Honour kindly release me from the marriage? If your Honour does not know

how unbearable my life has become, please read Dr. Deshmukh's speech which shows what it is to a woman to have an impotent husband." Then the kind of evidence which the woman has got to lead must be rather embarrassing, to put it at its lowest, to that woman. What was happening in the times of dear old Manu I do not know. But probably ten thousand years ago, if two of the hoary-headed panchayat said, this fellow is impotent, that was enough. But, now, the woman has got to get into the witness box, the doctor has got to get into the witness box, and with the assistance of Dr. Deshmukh you cross examine that wretched woman and the doctor for three days, and then the court has to come to a conclusion whether it is curable or incurable. Let me pause to consider what happens. If the court finds that it is curable, the unfortunate husband says, I have got rid of a bad habit, I do not want to be cured. Then there is no relief. I am not drawing from my imagination when I say that it is not very easy to prove whether it is curable or incurable. But following Dr. Deshmukh's example, as he was speaking about matters about which he knows nothing, may I equally speak about medical subjects in which I am equally ignorant? I will read only one paragraph from page 466 of Price's book. I am not going to read the whole of it, it may be very interesting, about the signs of impotency and so on, iodides, carbo-hydrates, and what not. I am not going to read all that, but in the conclusion this learned author says:

"A certain distinguished surgeon, who never refuses to operate—(he must be very distinguished indeed)—and in whose hands the mortality from the operation is 1.5 per cent., states that the indication for operation. . . ."

That is, according to that very eminent doctor who kills only 1.5 out of 100 patients, if there is an early operation this man may be cured. But let us see what that means. The author says:

"It is difficult to find fault with this statement, but there are few surgeons and nursing homes or hospitals available in which such excellent results are obtainable."

You may easily go to a doctor who kills 99.5 per cent. of his patients:

"This skill and experience of the surgeon and the type of nursing home or hospital are amongst the data to be considered. The economic position of the patient is also of considerable importance."

Taking a very serious view of the thing, or a practical view of the thing, is an issue of this kind very easily decided in court, whether a man is curable or incurable, remembering that if the finding is, it is curable, he can continue to be in that condition. There is no provision here that a mandamus should be issued by the court asking him to cure himself of his impotency. That is as regards the first ground.

Then I had the virtues of Dr. Deshmukh from Dr. Deshmukh himself. Of course, we learnt a lot about Hindu law from him. We also learnt, as I have said from him, some of the many virtues he possesses. For instance, he said among other things: "I am practical, I am an optimist. I am not frightened of anybody". Now, Sir, he is so practical that he has drafted a Bill which deserves a place at some unmentionable place. That is about his being practical. He is an optimist. Therefore, every ten minutes he was saying "If you don't like this, will you kindly draft a Bill? Will the Government draft some Bill or will the Government do what they can to see that this Bill is passed" so that he may say that Dr. Deshmukh set the ball rolling. This is optimism. Then, Sir, he is not frightened of anybody. That, of course, is easily understood.

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There is some old saying that some people will rush where others fear to tread. They are not frightened of anybody. Then we come to change of religion. Honourable Members will notice that it is not a case of renouncing Hinduism but any change of religion. If the husband becomes a Brahmo, or a Jain or a Sikh, he, of course, remains a Hindu for certain purposes but is that change of religion? I do not know but why is life made necessarily unbearable by the change of religion of the husband. Dr. Deshmukh is aware of the provisions of Mr. Kazmi's Bill which provides that it will not be a ground for dissolution of marriage unless by reason of change of religion, the religious practices of the wife are interfered with. Now, suppose a husband changes his religion and he does not interfere in any way with the religious practices and beliefs of the wife, why is life made unbearable. One unbearable circumstance is impotence. But why is life necessarily made unbearable by change of religion. What if the woman changes her religion. The husband has no remedy. The answer of Dr. Deshmukh is that the husband can marry again but, surely, Dr. Deshmukh is aware that under the Hindu law the husband by changing his religion cannot get rid of the rights of maintenance, even where the wife is leading an improper life, an unchaste life, the husband has to provide starving maintenance if the wife gives up her improper mode of life. It is all very well to say "You have a remedy. You can marry another". Surely, it is not so easy as Dr. Deshmukh thinks and I do not think that Dr. Deshmukh was really serious when he twitted his Muslim friends by saying "You can marry only four wives. I can marry a dozen wives or a hundred wives". Well, I think, Mrs. Deshmukh may have something to say about it, and in fact not more than three out of a thousand Hindu husbands have two wives.

Then, Sir, the third ground is that the husband marries another woman while the first marriage is in force. Now, I want the House to realise two of its implications. Dr. Deshmukh does not like polygamy. I cannot say that I like it or in my personal capacity I will support it. If the man marries a second time, the marriage is not invalid. It is not illegal. It is only in such cases as the wife may choose to come to court that she can get a divorce but we know what will happen. The Act about which Dr. Deshmukh was almost lyrical, talking of the spirit of Grant and Colvin, and so on, that law, I believe, he will agree, is a dead letter. There has been no change whatever worth mentioning in Hindu society. It has not touched the outermost fringe of Hindu life. Similarly many women will come forward to bring a suit for divorce. I do not know whether a suit is meant but I presume that is what Dr. Deshmukh means. Dr. Deshmukh thinks "After all there is a Select Committee and surely they can attend to this. I need draft only four lines".

Dr. G. V. Deshmukh: You said that this is going to unsettle the settled facts of society. Now you say it will be a dead letter. How do you reconcile the two?

The Honourable Sir Nirpendra Sircar: I said that the settled ideas have got to be unsettled. I am perfectly right there and there is no occasion for this interruption. As this Bill is drafted no decent woman ought to look at it and I am not surprised at the Resolution which was

passed at a large meeting of women and men held in Delhi. They said this:

"While approving of the principle underlying Dr. Deshmukh's Bill (*I am all the time separating the two matters, the right of divorce to women and the particular Bill before us*) this public meeting is emphatically of opinion that the Bill should be so amended as to make it applicable to both men and women and to make adequate provisions for the maintenance and custody of the children and other safeguards."

Supposing these ladies were told "No, that cannot be done. The Bill has been so cleverly and skilfully drafted by Dr. Deshmukh that you cannot have this mutual right of divorce on which you are insisting", what would they say? After this Bill is passed, it will be proper for the husband to have a couple of concubines and then he gets out of this Bill.

Then, Sir, the fourth provision is "if her husband has deserted her for a continuous period of three years". Needless to say that such a small matter as defining desertion is beneath the notice of Dr. Deshmukh. He has not defined desertion. What he really means is that the husband should come back after two years, 11 months and 29 days and visit the woman once and go away. Then, there will be no continuous desertion. That is a matter that can be looked into the Select Committee. I am not confusing the issue. This does not stand on the same footing as insisting on the right to give right of divorce to women. I do not want to use an unfair argument but this is another example of the intense and anxious thought that my friend has given to his Bill. Then, Sir, if the husband is a true rascal, he can beat his wife every day. He can treat her cruelly but that will not be one of the conditions on which the woman can seek divorce. Dr. Deshmukh is anxious about the terrible condition of not having a husband nearby who is potent. But he is not thinking of the other situation that the woman may be assaulted and tortured every day—that is no ground—or that the husband may be leading an extremely improper sexual life coupled with cruelty or without cruelty—that is no ground—what he is anxious to remove is the severe agony of not having a husband near by who is "potent". That is the one thing. The husband, in my example, that is to say a thorough scoundrel, he does not change his religion, he remains a Hindu and he says, "I am a hundred per cent. Hindu" and he continues to be a hundred per cent. Hindu. If you can catch hold of a person who says he is a hundred per cent. Hindu, you cannot measure the percentage. No one can say, "I have not changed my religion. I have not married another man, I have kept a couple of concubines". That is quite true, but that is permissible under Dr. Deshmukh's Bill. So, better make no mention of it. At the end of two years eleven months and twenty nine days I go and see her. I tell her, "my dear wife, will you prepare some good food for me". That is no continuous desertion, nor do I understand what Dr. Deshmukh's idea is if the husband really does not turn up for three continuous years but supplies the wife with ample maintenance, gives her a good house and a motor car to drive on the sea side of Bombay and all other luxuries and medical attendance, including the "help" of the most eminent doctors, but he goes nowhere near the wife; I do not know whether that is desertion, but that can be attended to in the Select Committee.

Sir, as I said, the Bill is a one-clause Bill, in addition to the preamble which my friend has taken care to draw up, there is no mention for the custody of the children. Now, assuming that these rights are given, and the husband has married another woman, in nine cases out of ten the woman who has got the right of divorce will not go to the courts if

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she knows that no provision can be made as regards the custody of the children. Her concern for the children, her anxiety for the children, would, as I said, in nine cases out of ten, rather induce her to continue to suffer than to go to court and get divorced. Now, as regards maintenance, Hindu law is much more generous than the law which Dr. Deshmukh would like this House to pass. If I may give him one passage only—because my friend was talking of *tyaga* and divorce, judicial separation, and so on—this right already exists and as I indicated to the ladies who came on deputation the other day, this does require some improvement and in that matter they have my sympathy, but they have got rights which are in no way mixed up with divorce but which are tolerably large rights. I shall not read more than six lines from Mulla's Principles of Hindu Law, page 587 :

"Separate residence and maintenance".—(He is talking of the wife's maintenance here) "She is not entitled to separate residence or maintenance, unless she proves that, by reason of his misconduct or by his refusal to maintain her in his own place of residence, or for other justifying cause, she is compelled to live apart from him. Neither unkindness not amounting to cruelty, nor the fact that"—and I draw your special attention to this—"nor the fact that the husband has taken a second wife, nor ordinary quarrels between husband and wife, justify the wife in leaving her husband's house. But she would be justified in leaving his house, and would be entitled to separate maintenance from him, if he kept a concubine in the house, or habitually treated her with such cruelty as to endanger her personal safety."

Now, under the Hindu Law, as it stands, I feel that this law, as to the maintenance of a Hindu woman, although that may not have a very direct bearing on this Bill, which is altogether silent about maintenance, does require attention in the interest of the status of the Hindu woman, and I cannot go into that matter too much today,—I have not got the time, nor is it directly relevant but, surely, what my friend was calling judicial separation, as regards that, that right of the woman is there if there is cruelty or any concubine is kept or if the other things happen which are mentioned in the question. She has the right to live separate from the husband and to claim a maintenance. It may be that Hindu opinion, owing to changes which are now taking place, will not object to extend this right of separate residence and maintenance in a case where, under the present law, she has not got that right, *viz.*, a second marriage. It may well be that provided that there will be a certain amount of elasticity in the courts and in a proper case, on the evidence, if it comes to the conclusion that the woman cannot reside consistently with her self-respect or, having regard to the treatment which is meted out to her, then she would be entitled to a separate maintenance. That, however, is a question which the House is not asked to consider, except as a matter ancillary to this Bill.

Sir, then, within the three minutes left I would like to say that there has been no provision for succession. Will this divorced woman have any rights in the property of her husband—not late husband in the sense of the dead husband but one who is divorced? What will happen to the five or six different classes of *stridhan* property? What will be the inheritance law applicable to the property of the woman? As Honourable Members, at least most of them who are Hindus, know, some of these properties, in the absence of a daughter and son, go back to the husband and the husband's family. Will that happen after divorce? Nothing is said here and all I am pointing out to the House is this omission. In fact all material provisions have been omitted and none included. I must conclude in two minutes. The motion before the House is, "should

we accept this motion for a Select Committee"? Now what will that mean? It will mean that the House will accept the principle of this Bill. What is the principle? There is only one principle, *viz.*, in certain circumstances the right of divorce should be given to Hindu married women. Is the House, having regard to the opinions which have been received and according to their notions of justice, equity, and good conscience, going to deny that right to the man, to allow the woman to lead any kind of life she likes, change her religion, desert her husband and what not, and yet, the husband cannot get rid of the wife but that in exactly similar circumstances the wife will have the right to get rid of the husband? Now, that is the only principle in this Bill. There is no other principle here and that is the only principle which the House is being asked to accept in face of the overwhelmingly strong opinion against it. Having regard to this, I am sorry I could not make some more general observations on this Bill, but I must state that Government will oppose the Bill at all its stages.

Babu Baijnath Bajoria: I would request the Chair that the House may sit a few minutes longer today.
5 P.M.

The Honourable Sir Nripendra Sircar: I do not want to make a request of that kind.

Mr. President (The Honourable Sir Abdur Rahim): So far as the Chair is concerned, I am willing to sit late if that is the desire of the House.

The Honourable Sir Nripendra Sircar: I will take another five minutes. Sir, I really do not want to tire the House. I recognise the courtesy to which Dr. Deshmukh has most unwillingly been compelled, and which gives me the chance of speaking on this Bill, and I do not want to abuse it. Dr. Deshmukh, within the very limited time, namely 3½ hours, devoted one hour to the expounding of the law or rather his misreading of the law based on the use of the word "sacrament". He diverted into French, digressed into Greek and told us, ultimately, that the idea of sacrament is due to the English Judges being misled by the word 'sacrament'. They did not know that the real Sanskrit word is 'Samskar'. These poor European Judges may be excused and may be forgiven because they did not know what they were doing. But if my friend will turn up only some of the rulings which are cited in the opinions, the rulings of the Judicial Committee and the rulings of the Indian Judges, he will find that they have used the 'sacrament' and taken the trouble to find its real meaning after putting within brackets the Sanskrit word 'Samskar'. If these learned Judges of the High Court have come to this conclusion, I would rather prefer their opinion to Dr. Deshmukh, except in a surgical case.

Dr. G. V. Deshmukh: It is a surgical case.

The Honourable Sir Nripendra Sircar: He also said that Hindu religion is changing. I admit that. I would use that as an argument for not brushing aside the case of the Hindu woman for the improvement of the status of the wife, the sister and the daughter of a Hindu and I shall myself take up that argument for giving the best consideration to her case. I think he casually mentioned that the old custom or practice of what is called the raising of issue on wife by Kinsman has gone out for thousands of years. I entirely agree with him that a custom which might have

[Sir Nripendra Sircar.]

been good in 5000 B.C., owing to changing conditions in this world, may not be good today. If some of the customs which were at one time based on very sacred texts have been given up by the Hindu themselves, the question is whether that would be the only method by which other customs which do not now fit in with the changed social ideas of the Hindu community can be got rid of or modified. If that is so, it can never be done. A custom must be ancient, well-established and so on. How can we now establish an age-long, thousands of years old custom in favour of divorce? That custom exists, particularly in some parts of the Bombay Districts but it is confined to some of the lower classes of Hindus. As regards what may be called the higher classes, no case of divorce is known. If my friend's researches will induce him to go back even to the days of the epics, he will not find a single case of divorce. Therefore, whatever the law might have been and whatever my friend's reading of obsolete and ancient texts might be, the fact is that by practice, usage and custom for two thousand years, possibly more, the practice of divorce has been practically abolished. But my point or rather the point of view which I represent, not in my personal capacity as a Hindu but as a Member of the Government, is this, that this must be left to the change of social ideas among the Hindus themselves. I do not suggest that there should be an artificial rule that it is only when 51 per cent. of the Hindu population are in favour of this reform, it should be seriously considered by the Government. At the same time, if there is such a change and the Government can say or feel that it may not be exactly the majority but very near it, and that the bulk of the people who are going to be affected really want this measure, then, surely, it will be time enough for Government to support the measure. And it is for this reason that I want to make is clear that it is obvious that ideas are changing and although our women have every reason to be dissatisfied with their generally helpless condition and a lot of amelioration is required, they can legitimately say that within the last 15 years they have done more than had been accomplished within previous centuries. If this kind of change is to be made, it must be either by persuasion, by reasoning, and by propaganda converting the minority community into a majority, or by very substantial increase of the reforming minority. From the point of view of that it is not a hopeless task judging by the way in which progress is being made, 'progress' as affirmed by Reformists and denied by others. Before I resume my seat, if I may offer them a bit of advice as a sincere friend of Hindu women, I should say :

"For Heaven's sake have a better champion than Dr. Deshmukh".

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 12th April, 1939.

LEGISLATIVE ASSEMBLY.

Wednesday, 12th April, 1939.

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.

CLOSING OF CERTAIN RAILWAY LINES.

1628. *Mr. T. S. Avinashilingam Chettiar: Will the Honourable the Railway Member state:

- (a) whether Government contemplate discontinuing any more lines than those that the Honourable Member mentioned in the last Simla Session;
- (b) if so, which those other lines are, the closing of which is now contemplated; and
- (c) whether the Provincial Governments are always consulted before a conclusion is come to in such matters?

The Honourable Mr. A. G. Clow: (a) and (b). The closing of the Santipur-Krishnagar City and Krishnagar City-Nabadwip Ghat sections of the Eastern Bengal Railway is under consideration.

(c) Yes.

Mr. Badri Dutt Pande: Have the Kangra Valley Railway and the Rishikesh-Hardwar Railway also been abandoned?

The Honourable Mr. A. G. Clow: Information has been given about other lines in reply to a previous question. These two railway lines have not hitherto been mentioned.

Mr. T. S. Avinashilingam Chettiar: What about those ten lines which the Honourable Member mentioned in reply to a previous question? Have these lines been closed?

The Honourable Mr. A. G. Clow: No, Sir.

Mr. M. Thirumala Rao: What has become of the Cocanada-Kothapalli Railway line? That was one of the lines mentioned in the list?

The Honourable Mr. A. G. Clow: I cannot speak without notice about the progress made in the consideration of the various lines.

Mr. T. S. Avinashilingam Chettiar: In the last answer the Honourable Member said that Government were considering the question of closing the lines mentioned in the list. May I know whether Government have come to any conclusion finally over that matter and decided which lines ought to be closed. I am referring to all the ten lines.

The Honourable Mr. A. G. Clow: I can not answer without notice as to the progress reached.

LEVY OF ECONOMIC RENTS FROM EUROPEAN REFRESHMENT ROOMS ON RAILWAYS.

1629. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Railways state:

- (a) whether in the matter of charging economic rents to European refreshment rooms, said to be in discussion between the General Managers of Railways and the Railway Board (question No. 1081, dated the 16th March, 1939) any conclusions have been reached;
- (b) if so, what is the conclusion; and
- (c) when it will be placed before the Central Advisory Board for Railways?

The Honourable Mr. A. G. Clow: (a) No.

(b) Does not arise.

(c) At the first meeting of the Central Advisory Council after the close of this Session.

Mr. T. S. Avinashilingam Chettiar: When is the next meeting? Is it not usual that the meetings are held only once a year?

The Honourable Mr. A. G. Clow: There will be a meeting during the Simla Session, if not earlier.

PROSECUTION OF THAKUR KALYAN SINGH, AIDE-DE-CAMP TO HIS HIGHNESS THE MAHARAJA OF JODHPUR.

1630. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Railways please state:

- (a) whether the Railway officials had any hand in the prosecution of Thakur Kalyan Singh, Aide-de-camp to His Highness the Maharaja of Jodhpur under section 120 of the Railway Act on the complaint of certain European fellow passengers at Lahore station;
- (b) who took the initiative in taking the case to the Police and the court;
- (c) whether any railway officer assisted the said Europeans to seek the help of the Police or the court; and
- (d) if so, the steps taken to admonish the Railway officer or officers for his or their conduct?

The Honourable Mr. A. G. Clow: (a) No.

(b) The complainant.

(c) No.

(d) Does not arise.

Mr. Brojendra Narayan Chaudhury: May I know whether any steps have been taken to admonish the railway servants for their conduct in abetting the ejection of a railway passenger and his prosecution under section 120 of the Railway Act?

The Honourable Mr. A. G. Clow: That question does not arise.

Mr. Brojendra Narayan Chaudhury: Is it not the bounden duty of a railway servant to eject a passenger from a compartment if he is alleged to be disorderly as Thakur Kalyan Singh is said to have done in this case?

The Honourable Mr. A. G. Clow: I am not prepared to express any legal opinion.

ACCIDENTS ON THE ASSAM-BENGAL RAILWAY.

1631. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Railways please state:

- (a) whether he is aware that in the current year in the district of Sylhet more than nine persons have been killed by railway accidents against only two by road accident;
- (b) the special steps taken to minimise railway accidents in the Assam-Bengal Railway in the district of Sylhet such as (i) fencing of permanent way at dangerous places, (ii) guarding of the usual crossings used by villagers, (iii) employment of better trained and more responsible drivers;
- (c) whether continuous user for any period gives the villagers the right of way over the crossings;
- (d) whether in building the permanent way in the district of Sylhet long way user and the necessities of the villagers crossing the line were considered and recognised; if so, in how many cases the right of way was recognised, and where;
- (e) the steps taken to ensure the safety of those crossing the railway line at spots where the right is recognised in unfenced lines;
- (f) the maximum speed of trains on unfenced railway lines within the district of Sylhet;
- (g) whether at places in Sylhet the railway line passes close to the homesteads of the villagers and even through the homesteads and whether there are fencings at these places; and
- (h) whether the railway has any arrangement for "safety first" training of children where the railway runs close to the houses and huts?

The Honourable Mr. A. G. Clow: (a) In the present calendar year four trespassers were killed on the Railway in the Sylhet District. Information is not available as to the number of persons killed in road accidents.

(b) (i) Based on the recommendations of the Railway Enquiry Committee, 1937, the policy of Government is to provide fencing in suburban and industrial areas, in station, yards and in the immediate neighbourhood of important level crossings.

(ii) When gates are provided, crossings are manned.

(iii) Competent and reliable drivers are employed.

(c) No.

(d) Yes, the District Magistrate settles at the time of construction the level crossings of a, b, c or d class, according to the requirements of each case. Numbers are not available.

(e) Where fencing is not provided, the existence of railway lines and ballast is considered to be a sufficient warning.

(f) 35 miles per hour.

(g) I am afraid it is not possible to give a general reply. If, however, the Honourable Member will put down a question specifying the particular places he has in mind, I shall endeavour to obtain the necessary information for him. Generally the policy of Government is as stated in my reply to part (b) (i).

(h) No.

Mr. Brojendra Narayan Chaudhury: With reference to part (a), may I know whether the attention of the Honourable Member has been drawn to the reply given to question No. 1204 where it is said that four were seriously injured and 15 killed?

The Honourable Mr. A. G. Clow: I have not seen the reply.

Mr. Brojendra Narayan Chaudhury: May I know whether there are any obstruction gates in the usual crossings to prevent villagers from passing through the places where railway lines pass?

The Honourable Mr. A. G. Clow: In some places the lines are fenced and in others, unfenced. There are gates also in some places.

Mr. Brojendra Narayan Chaudhury: I am asking whether there are gates in places where there are not fences?

The Honourable Mr. A. G. Clow: There are places where there is no fence and also no gate.

REPORTING OF CERTAIN CASUALTIES ON RAILWAYS TO THE RAILWAY BOARD.

1632. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Railway Member please state:

(a) whether deaths and serious injury to human beings have to be reported to the Railway Board in the following cases; if so, within what time of the accident:

by collision of engines, and carriages with human beings, loads carried by human beings, road vehicles, other railway carriages and engines, on permanent way, level crossings and station yards;

(b) the number of such casualties since the beginning of the current railway year;

(c) in which class of cases the Railway Board order an inquiry after receipt of the report;

(d) the number of such inquiries held since the beginning of the railway year;

(e) of the above, in how many cases responsibilities have been fixed on railway employees and how the employees have been dealt with;

(f) whether in any cases it has been discovered that the railway has not reported within the time required by the rule or at all;

(g) whether any inquiry is held by the Railway Board in cases where the railway reports that the collision is due to trespass; and

(h) whether the Honourable Member is aware that in a police inquiry into trespass cases, the injured party, more often than not, does not appear before the police to press its grievances against the railway, owing to the general inclination of the people of this country to pardon the offender and the dead or injured party having no friends to take up its cause?

The Honourable Mr. A. G. Clow: (a), (c) and (g). I would refer the Honourable Member to the Railway Department (Railway Board) Notification No. 1926-T., dated the 19th March, 1930, which details the nature of the accidents which have to be reported to the Railway Board with as little delay as possible, and from which it will be seen that the Railway Board do not order or hold enquiries.

(b) One. Since the 1st April, 1939.

(d), (e) and (f). These do not arise, but the Government Inspector is making an inquiry.

(h) As the question relates to police enquiries, I am afraid I have no information.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have finished the consideration of the matter which the Central Advisory Committee recommended, namely the institution of a public enquiry in every case where life is lost?

The Honourable Mr. A. G. Clow: I cannot answer without notice.

MUSLIMS IN CERTAIN SERVICES ON THE BENGAL AND NORTH WESTERN AND EASTERN BENGAL RAILWAYS.

1633. *Maulvi Muhammad Abdul Ghani: Will the Honourable Member for Railways please state:

(a) the total number and the number of Muslims in the following services over the (1) Bengal and North Western Railway and (2) Eastern Bengal Railway on the 31st December, 1938:

- (i) Permanent Way Inspectors.
- (ii) Inspectors of Works.
- (iii) Signal and Block Inspectors.
- (iv) Sub-Divisional Officers; and

(b) the total number of apprentices and the number of Muslims taken for training during the last three years as:

- (i) Permanent Way Inspectors.
- (ii) Inspectors of Ways and Works, and
- (iii) A and B class apprentices in the Locomotive Department?

The Honourable Mr. A. G. Clow: (a) and (b). I am laying on the table a statement giving the information so far as it is available.

Statement.

Posts.	Eastern Bengal Railway.				Bengal and North Western Railway.			
	Employed on 31st December 1938.	Muslims employed on 31st December 1938.	Apprentices recruited during last three years.	Muslim apprentices.	Employed on 31st December 1938.	Muslims employed on 31st December 1938.	Apprentices recruited during last three years.	Muslim apprentices.
Permanent Way Inspectors.	29	5	Nil	...	19	2	5	3
Inspectors of Works.	22	2	Nil	...				
Signal and Interlocking or Block Inspectors.	11	Nil	...	...	2	Nil	...	...
Sub-Divisional Officers.	18	1	...	...	1	Nil	...	...
Apprentice mechanics in the Locomotive Department.	...	...	50*	3*	...	...	...	...

*On the Eastern Bengal Railway the term "A and B Class apprentices in the Locomotive Department" is not in use.

Mr. Muhammad Nauman: Is the Honourable Member aware that on the E. B. Railway there is one Chief Clerk, Ganguli, who has been manipulating the appointment of apprentices in the Permanent Way Inspectors' cadre?

The Honourable Mr. A. G. Clow: I do not see how that arises. I have no reason to suppose that is the case.

POSTCARDS AND ENVELOPES SOLD IN RURAL AND URBAN AREAS.

1634. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member for Communications please state with regard to last year:

- (a) the value of postcards sold (i) by the rural post offices, and (ii) in the total in both rural and urban areas;
- (b) the value of stamped envelopes and postage stamps sold by—
(i) rural post offices and (ii) in the total for both rural and urban areas;
- (c) the income from rural post offices and the expenditure on them; and
- (d) the subvention from the public, or section of the public, received for maintaining rural post offices?

The Honourable Mr. A. G. Clow: (a) to (d). No statistics are maintained giving the particulars desired by the Honourable Member. The only figures available are those of the total values of embossed envelopes and postcards issued by the Central Stamp Store, Nasik, to the treasuries which serve as a source of supply to Post Offices and of postage stamps, issued by the treasuries to Post and Telegraph Offices. For 1937-38 these figures were:

	Rs.
Embossed envelopes	65,62,500
Embossed postcards	1,11,56,250
Postage stamps, embossed envelopes and postcards.	7,02,74,000

Mr. Brojendra Narayan Chaudhury: May I know if the Honourable Member will consider the utility of collecting statistics on the lines suggested in the question?

The Honourable Mr. A. G. Clow: I do not think the value to be received would be worth the very large expense involved.

Seth Govind Das: What would be the cost if the accounts are maintained according to part (a) of this question?

The Honourable Mr. A. G. Clow: It will involve a large amount of statistical work. I cannot give the Honourable Member the exact cost.

Mr. Brojendra Narayan Chaudhury: With reference to part (a) what is the income from the rural post offices?

The Honourable Mr. A. G. Clow: I have explained that we do not keep accounts separately for rural and urban post offices.

Mr. K. Santhanam: Will Government consider the desirability of finding out from a particular limited area, rural and urban, so that it may be possible to know whether the postal work is increasing or decreasing?

The Honourable Mr. A. G. Clow: The Honourable Member can judge from the Director General's report how far postal work is increasing or decreasing. I doubt if a small area can be taken as typical of the conditions throughout India.

Mr. K. Santhanam: May I know if they will undertake an inquiry in typical areas year by year and find out the relative service as between rural and urban areas? Our contention is that the utility of post offices in rural areas is diminishing.

The Honourable Mr. A. G. Clow: The difficulty is that if you select any particular area the factors which come into play, in affecting the amount of postal business, are so numerous that you could not take the results as affording a fair guide to conditions throughout India.

Mr. Brojendra Narayan Chaudhury: May I take it that Government are entirely in the dark about the progress made in the rural and urban areas?

The Honourable Mr. A. G. Clow: No, they are not.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that Government do give us figures about the number of rural post offices existing in this country, may I know why it is difficult to give us the income of the post offices and the expenditure on them? Every year I have been putting questions and receiving answers about the number of rural post offices that are opened in this country.

The Honourable Mr. A. G. Clow: I believe the number of post offices is somewhere about 19,000 and the collection of material in a statistical form would involve a very large tax both on the energies of the post offices themselves and on those who would compile the statistics.

GENERAL POST AND TELEGRAPH OFFICE BUILDING AT LUCKNOW.

†1635. ***Mr. Sri Prakasa:** Will the Honourable Member for Communications state:

- (a) the cost of the General Post and Telegraph Building at Lucknow;
- (b) if the clock tower at the top of the building was raised after the building was finished, or if the construction of that was a part of the original plan;
- (c) if no clock has yet been set up in that clock tower; and
- (d) the reason why this has not been done and the estimated cost of doing so?

The Honourable Mr. A. G. Clow: (a) Rs. 8,61,192.

(b) The clock tower was part of the original plan.

(c) and (d). An electric clock has been installed in the tower at a cost of Rs. 6,779.

IMPROVEMENT OF THE DUFFERIN BRIDGE AT BENARES.

†1636. ***Mr. Sri Prakasa:** With reference to his reply to starred question No. 662 on the 23rd February, 1939, will the Honourable Member for Railways state:

- (a) the estimated cost of the projected improvement of the Dufferin Bridge at Benares;
- (b) when the work is expected to be taken in hand and when it is expected that the same will be finished; and
- (c) if the Provincial Government have contributed to the cost of the Bridge; and if so, how much?

The Honourable Mr. A. G. Clow: (a) The estimated cost of the railway portion of the work is Rs. 57 lakhs, and of the roadway portion, including approaches, about Rs. 29 lakhs.

(b) and (c). The question of provision of funds for the roadway portion is still under discussion with the Provincial Government. The work would take about three years from the date of sanction.

†Answer to this question laid on the table, the questioner being absent.

TOLLS LEVIED ON THE SONEPORE BRIDGE ON THE BENGAL AND-NORTH WESTERN RAILWAY.

1637. ***Maulvi Muhammad Abdul Ghani:** (a) With reference to the reply given by the Honourable the Railway Member to my starred question No. 924, dated the 9th March, 1939, is he prepared to call for the figure from the Bengal and North Western Railway Company regarding the amount of toll realised up to the 31st March, 1939 for the foot-path on the Sonapore Railway Bridge and see whether all charges in connection with the construction of the foot-path on the said bridge as borne by the Bengal and North Western Railway have been satisfied? If so, do Government propose to abolish the toll?

(b) Will he lay on the table a statement showing the amount spent on the construction of the footpath, interest thereon and depreciation charges, also the amount of toll realised up to 31st March, 1939?

The Honourable Mr. A. G. Clow: (a) The figure has been obtained. The amount realised from 1925 to 1939 inclusive was Rs. 2,03,525, giving an average of about Rs. 14,000 annually. As regards earlier years, the Honourable Member is referred to the reply given to starred question No. 1907 asked on the 15th September, 1924. As Sir Thomas Stewart has already informed the Honourable Member, Government do not propose to abolish the tolls, and even if it were the case that the receipts had more than covered the charges, this would not affect that decision.

(b) Figures for the income have been given in reply to part (a) and an estimate of the cost of the footway was given to the House in reply to starred question No. 1907 asked on the 15th September, 1924. I understand that the annual cost of ordinary maintenance is about Rs. 1,600. Depreciation can be calculated at 1/60th and interest at 4½ per cent. I hope these figures give the Honourable Member the particulars he requires.

NON-GRANT OF OFFICIATING ALLOWANCE TO MUSLIM CLERKS ON THE GREAT INDIAN PENINSULA RAILWAY.

1638. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable Member for Railways be pleased to state the reason for not giving officiating allowance to only Muslim clerks over the Great Indian Peninsula Railway, as is evident from the reply to my starred question No. 673, part (c), of the 23rd February, 1939?

The Honourable Mr. A. G. Clow: Officiating allowance is given, only when it is admissible under the rules; its grant does not depend on communal consideration.

SPECIAL RATES ON SMALL CONSIGNMENTS OF FRESH FRUITS ON RAILWAYS.

1639. ***Mr. Kuladhar Chaliha:** (a) Will the Honourable the Railway Member please state if special rates of freight are quoted for green and fresh fruits over the railways in India for a small consignment of fruit?

(b) If not, are Government prepared to do so for the benefit of small fruit growers from the intermediate stations to small towns over the railway systems of India and to centres of business in India as well?

The Honourable Mr. A. G. Clow: (a) and (b). Ordinarily, consignments of fresh fruit are carried by passenger trains and are chargeable at half the parcels rate. Most of the principal Railways, however, quote rates lower than half parcels rates, ranging from one-third to one-eighth parcels rates. These special reduced rates are in operation between fruit producing and consuming centres and are notified as operating between intermediate stations, small towns and centres of business where the demand is considered justified by the Railway Administration.

EXPERIMENTS IN REFRIGERATED TRANSPORT MADE BY RAILWAYS.

1640. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable the Railway Member please state:

- (a) whether any Railway authority is interested in refrigerated transport and wanted to make or made, any experiments; if so, which Railways and where;
- (b) whether any of these experiments required dry ice;
- (c) whether the experiments are said to have been handicapped for want of dry ice;
- (d) whether any tenders were called for for dry ice; if so, how the tenders were notified; and
- (e) whether, tender or no tender, any offers were received; if so, why the offer, or offers, was not accepted?

The Honourable Mr. A. G. Clow: (a) and (b). I have, in reply to another question, given particulars of the supply of refrigeration in railway transport and I assume that the Honourable Member's question refers to the North Western Railway, where experiments were contemplated in the use of dry ice as a refrigerant. Action was taken to supply fittings and convert a van. But on the abandonment of the scheme for a Central Abattoir and cold storage depôt at Lahore, it appeared very unlikely that dry ice could be used on a commercial basis and the General Manager was informed that it had been decided not to proceed with the experiments. In reply he said that a Lahore firm was about to commence the production of dry ice and he desired to complete the preparation of the vehicle for experimental purposes. He has been permitted to proceed but the adaptation of the vehicle is not yet complete.

(c) No.

(d) and (e). No. In the original scheme it was intended that a firm which was interested should supply the dry ice free, and no occasion for inviting tenders has arisen.

Dr. Sir Ziauddin Ahmad: What is the difference in cost between ordinary ice and dry ice?

The Honourable Mr. A. G. Clow: I cannot give the cost but dry ice is more expensive.

Mr. Brojendra Narayan Chaudhury: The reply which I got yesterday from the Defence Secretary was that Government cannot consider this experiment of dry ice before dry ice is in general commercial use. May I know whether Government are aware that there are five factories in India namely, Madras, Calcutta. . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is making a speech.

Mr. Brojendra Narayan Chaudhury: In view of the fact that Government have come to the conclusion that dry ice is not made on a commercial scale, will they inquire whether dry ice is not used on a large commercial scale in Baroda, Bombay, Calcutta, Lahore and Madras?

The Honourable Mr. A. G. Clow: If the Honourable Member will wait for a few minutes, there is another question regarding the manufacture of dry ice. I did not say it was not manufactured or used on a commercial scale.

Seth Govind Das: Is it a fact that much less of dry ice is spent if it is used in place of ordinary ice?

The Honourable Mr. A. G. Clow: That is hardly a matter for which I am responsible; but I believe that is the case.

CONTRACT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1641. ***Sri K. B. Jinaraja Hegde:** Will the Honourable Member for Railways be pleased to state:

- (a) how many times extension of contract with Messrs. Martin and Company in respect of the Shahdara Saharanpur Light Railway has been made and under what circumstances;
- (b) when the present contract expires;
- (c) whether Government intend to give further extension to the said company; if so, why; and
- (d) whether Government are prepared to take over this Railway after the expiry of the term; if not, why not?

The Honourable Mr. A. G. Clow: (a) Twice; in April, 1927 and 1934. On these occasions, the United Provinces Government with whom the option to purchase rested did not exercise it.

(b) The next date when the option to purchase can be exercised is April, 1941.

(c) and (d). These questions have not yet been considered.

Qazi Muhammad Ahmad Kazmi: Have the Government of India anything to do with the purchase of this railway, either in the form of consultation or advancement of loan or in any other manner?

The Honourable Mr. A. G. Clow: I believe that this question as to who has the option to purchase in 1941 admits of some doubt and is under examination.

Sri K. B. Jinaraja Hegde: Is it left to the Provincial Government to purchase the railway or to the Central Government?

The Honourable Mr. A. G. Clow: I have said that that is being examined.

Qazi Muhammad Ahmad Kazmi: Is it being examined by the Central Government?

The Honourable Mr. A. G. Clow: To the best of my recollection, the question whether the option rests with us is being examined.

INCONVENIENCES ON STATIONS OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1642. *Sri K. B. Jinaraja Hegde: Will the Honourable Member for Railways be pleased to state whether:

- (a) it is a fact that there are no coolies available at most of the railway stations on the Shahdara Saharanpur Light Railway;
- (b) he is aware that the waiting rooms at most of the stations are unhealthy and uncomfortable;
- (c) it is a fact that the platforms are all *kachha* and that there are no seats for passengers;
- (d) he is aware that the water and light arrangements at all stations are insufficient; and
- (e) he is aware that lorries carrying passengers from and to trains are not permitted to enter the railway station premises and that the passengers are inconvenienced thereby?

The Honourable Mr. A. G. Clow: (a) I understand that coolies are provided at the six principal stations, but not at the minor stations where the amount of work would not give them reasonable employment.

(b) and (d). No.

(c) The platforms are at ground level and are not paved. No seats are provided on the platforms.

(e) Yes. The approach roads to station premises are fit for light vehicle traffic only.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member kindly send this question to the General Manager of the Railway so that he may take action if necessary?

The Honourable Mr. A. G. Clow: I have no objection to sending the question to the General Manager for information.

Dr. Sir Ziauddin Ahmad: With reference to part (e) of the question, may I know why these lorries are not allowed within the railway station premises?

The Honourable Mr. A. G. Clow: I said that the approach roads are fit for light vehicle traffic only.

INCONVENIENCES ON STATIONS OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1643. *Sri K. B. Jinaraja Hegde: Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that carriages on the Shahdara Saharanpur Light Railway mostly have no latrines;
- (b) whether it is true that water trickles inside the railway carriages during rainy season;

- (c) whether it is a fact that there is only one intermediate class compartment in all trains consisting of only six seats;
- (d) whether he is aware that passengers cannot properly protect themselves from rain and insects in the rainy season for want of proper shutters;
- (e) whether he is aware that there is insufficient room for luggage in the carriages; and
- (f) whether it is a fact that third class compartments have very narrow seats and very little room to move about and their constructions do not conform to the regulations governing equipment of carriages?

The Honourable Mr. A. G. Clow: The information is being collected and will be laid on the table of the House in due course.

Mr. Badri Dutt Pande: Does the Government Inspector inspect this line also?

The Honourable Mr. A. G. Clow: I think he does.

INCONVENIENCES ON STATIONS OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1644. *Sri K. B. Jinaraja Hegde: Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that there are only two up and down trains between Shahdara and Saharanpur stations;
- (b) whether it is a fact that goods wagons are also attached to passenger trains between Shahdara and Saharanpur stations;
- (c) what is the average speed of these trains between Shahdara and Saharanpur stations;
- (d) whether it is a fact that trains stop at Baraut station for more than one hour and the lights in the compartments are extinguished during that time to the great inconvenience and danger to the passengers and their luggage;
- (e) whether it is a fact that a large number of theft cases are reported on the Shahdara Saharanpur Light Railway;
- (f) whether Government are aware that people are dissatisfied with the management of the Shahdara Saharanpur Light Railway; and
- (g) whether Government are prepared to appoint a committee to enquire into the management of this railway and to suggest improvements in all matters concerning the travelling public?

The Honourable Mr. A. G. Clow: (a) and (b). Yes.

(c) The average through speed for day trains is roughly 13½ miles per hour. For night trains the average through speed is ten miles per hour in the summer and about seven miles per hour in winter.

(d) Between October and April, the night train No. 4 Down Mixed reaches Baraut at 3-41 and re-starts from there at 6-15. During the halt, the lights are extinguished, 15 minutes after arrival and lit 30 minutes before departure, as train lighting batteries do not stand up to prolonged

periods of discharge. These trains are stabled opposite the station Kitson lamps, with a view to minimise any inconvenience to passengers who happen to be remaining in the train.

(e) No. Only three cases of running train thefts were committed in 1938-39.

(f) and (g). No.

Sri K. B. Jinaraja Hegde: Do Government realise that when trains are standing on platforms, the trains should be lit up?

The Honourable Mr. A. G. Clow: I have explained that it is difficult in this case. The position really is that there are two trains only separated by an interval of some hours; for convenience the company use the same rake which therefore waits for about 2½ hours on the platform.

Sri K. B. Jinaraja Hegde: Will Government consider the desirability of having a through train and not have two trains in effect which is only one train?

The Honourable Mr. A. G. Clow: Government do not fix the timings on this line.

PROMOTION OF CLERICAL STAFF IN THE DIVISIONAL CHIEF MECHANICAL ENGINEER'S OFFICE, AT JAMALPUR.

1645. *Babu Kailash Behari Lal: Will the Honourable the Railway Member be pleased to state:

- what procedure and practice, if any, are in vogue in the Divisional Chief Mechanical Engineer's office at Jamalpur for promotion of clerical staff from one grade to another;
- if seniority in length of service is considered as the prime factor for promotions to higher grades; and
- if it is a fact that in some cases junior clerks have been given double and treble lifts superseding the claims of their seniors?

The Honourable Mr. A. G. Clow: (a) The procedure followed is that prescribed in rule 76 of the "Rules for the recruitment and training of subordinate railway staff", a copy of which is in the Library of the House.

(b) In the case of posts that are not within the category of "selection" posts, promotion is normally by seniority subject to the candidate being qualified for promotion.

(c) I understand that during the last twelve months two clerks who were not the most senior were appointed to posts of head clerks on the recommendations of a selection board.

FLOODS ON CERTAIN LINES OF THE BENGAL AND NORTH WESTERN RAILWAY.

1646. *Babu Kailash Behari Lal: Will the Honourable the Railway Member be pleased to state:

- if it is a fact that the railway lines between Mansi and Bhaptiahi and between Nirmali and Bhaptiahi on the Bengal and North Western Railway have been the subject of devastation annually by the floods of the Kosi river and have been so threatened that the authorities have decided to abandon those lines;

(b) if it is a fact that on the eastern side of Bhaptiahi the old railway line running to Raghapur Partapganj side is now free from the floods of the Kosi river and the old station buildings and railway roads are intact; and

(c) if the authorities, in view of the fact that the railway communications in North Bhagalpur have been so threatened, contemplate to construct a line from Kursaila to Raghapur or Bhimnagar and Partapganj via Madhipura?

The Honourable Mr. A. G. Clow: (a) Yes, but only the section Supaul-Bhaptiahi-Nirmali will be abandoned. The line from Mansi to Supaul will be worked as a fair-weather line and closed only during the flood season.

(b) It is possible that certain portions of the old railway formation and buildings exist.

(c) No.

Babu Kailash Behari Lal: May I know if the authorities have considered the question of asking the railway authorities about the possibility of opening of such a line?

The Honourable Mr. A. G. Clow: The matter has been examined. As I have said the answer to part (c) is "No".

ASSAULT ON PASSENGERS ON THE SHERPUR RAILWAY STATION.

1647. *Mr. K. S. Gupta: (a) Has the attention of the Honourable Member for Railways been drawn to the statement, dated the 18th March, 1939, of Pandit Rajnath Kunzru "Lawlessness on Railway Station", published on page 3 of the *Health and Welfare*, of the 3rd March, 1939?

(b) Is it a fact that at 3 P.M. on the 17th February, 1939, at Sherpur railway station, a large party of men armed with lathis rushed towards a compartment and dragged out an old man and a woman and forcibly tried to lead the latter out of the railway station?

(c) Is it a fact that one old man and a lady were severely assaulted by the gang?

(d) Is it a fact that another woman was dragged out of the compartment and bodily lifted over the fencing and carried off in a tonga?

(e) Was there any Railway policeman travelling on the particular train? If not, why not?

(f) What were the station staff doing when such a tragedy was being enacted before their very eyes?

(g) Was there any report made to the Police by the Railway authorities? If so, what is the result? What has been done to trace the miscreants?

The Honourable Mr. A. G. Clow: (a) to (d). I understand that the facts are substantially as narrated by the Honourable Member, but that the injuries sustained by the lady and others were simple. The report I have received does not state whether *lathis* were carried or not.

(e) No. I understand that no constable accompanies this train.

(f) The station staff consisting of one Station Master, one porter and one sweeper could not be expected to offer resistance to a body of men making an attack of this kind.

(g) Yes. I understand that a number of arrests were made.

Mr. Lalchand Navalrai: How did the raiders get into the platform, through the platform door—or were they seen beforehand with these *lathis* or were they seen all at once?

The Honourable Mr. A. G. Clow: The report I have in front of me does not give these particulars.

Dr. Sir Ziauddin Ahmad: Was the matter reported to the Local Government and, if so, what action did that Government take?

The Honourable Mr. A. G. Clow: The matter is in the hands of the police: I understand a number of arrests have been made, and I presume that a prosecution will follow.

Mr. Lalchand Navalrai: Were there no policemen on that train?

The Honourable Mr. A. G. Clow: That is the case.

Mr. Lalchand Navalrai: If that is so, what is the Honourable Member going to do for future safeguard?

The Honourable Mr. A. G. Clow: I cannot put a constable in every train.

Mr. Lalchand Navalrai: Why not?

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

Mr. T. S. Avinashilingam Chettiar: Have the people been arrested on a private charge by those who suffered or by the railway company?

The Honourable Mr. A. G. Clow: I do not imagine that the Railway Company filed a complaint: it must have been done at the instance of the complainants or of the police.

POSTS OF TECHNICAL ASSISTANTS ADVERTISED BY THE ALL-INDIA RADIO.

†1648. ***Khan Bahadur Shaikh Fazl-i-Haq Piracha:** (a) Will the Honourable Member for Communications please state if it is a fact that some posts of Technical Assistants have been advertised by the All-India Radio? If so, what is their number?

(b) What is the total number of applications received, and how many of them are from Muslims?

(c) Will Government please lay on the table a statement showing the names and qualifications of the Muslim applicants?

The Honourable Mr. A. G. Clow: (a) Yes, nine.

(b) 353 and 32 respectively.

(c) I do not propose to lay on the table a list of the unsuccessful candidates, but a list is available in the Communications Department and can be inspected by any Honourable Member who so desires. The two successful Muslim candidates were B.Sc.s.

†Answer to this question laid on the table, the questioner being absent.

FREIGHT CHARGES FOR DRY ICE ON RAILWAYS.

1649. ***Mr. Govind V. Deshmukh:** Will the Honourable the Railway Member please state:

- whether 'dry ice' is manufactured in India; if so, where and the names of the manufacturers;
- whether it is produced in the Punjab and near Calcutta;
- whether any railways such as the North Western Railway and the Great Indian Peninsula quoted freight charges for 'dry ice' to any party or parties, and if so, the quotation;
- whether the North Western Railway quoted a temporary reduction of 25 per cent. only on parcel rates and the Great Indian Peninsula of 33½ per cent. reduction;
- whether any other Railway has agreed to reduce the rate on 'dry ice' from the ordinary parcel rate;
- whether the rate on 'water ice' is generally about one-fourth the parcel rate;
- whether water ice gradually melts in transit and spoils the vans;
- the reason for freight on 'dry ice' being higher than on water ice; and
- whether he is aware that 'dry ice' is essential for refrigerated transport?

The Honourable Mr. A. G. Clow: (a) and (b). Dry ice is manufactured in India. The following firms are, I understand, engaged in the manufacture; there may be others:

In or near Calcutta, Messrs. Bengal Aerating Gas Factory Limited, and Linde Maschinenfabrik Surth;

In Bombay, the Dry Ice Corporation of India;

In the Punjab, Ice and Refrigerators, Limited;

In Cawnpore and Madras, Messrs. Spencer & Company;

In Baroda, the Alembic Chemical Works Company, Limited.

(c) and (d). The Great Indian Peninsula Railway, with a view to encouraging this traffic, has quoted one-third of the full parcels rate. The North Western Railway, as an experimental measure towards fostering the traffic, have quoted quarter parcels rate, which represents a reduction of 50 per cent. on the half parcels rate.

(e) I understand that the matter is under correspondence between Railway Administrations.

(f) No. Ordinarily, the rate for "water ice" is half parcels rate, but certain Railways, i.e., the Great Indian Peninsula, East Indian, Bengal and North Western and North Western, charge a special reduced rate which is roughly equivalent to a quarter of the parcels rate.

(g) Melting ice is liable to cause some slight damage to vans.

(h) Dry ice is much more expensive, lasts longer and can bear a higher freight.

(i) No.

Mr. Brojendra Narayan Chaudhury: May I know whether dry ice is only 25 per cent. higher than water ice in price and that that 25 per cent. is counterbalanced by the fact that there is no wastage and no injury to the railway carriages?

The Honourable Mr. A. G. Clow: I have not got the prices here and I cannot answer that part of the question.

Dr. Sir Ziauddin Ahmad: May I understand that the price of dry ice is only 2½ pice per seer as compared with two pice for water ice?

The Honourable Mr. A. G. Clow: That is substantially the question asked by the previous Member. I have not got the prices here; and I think the question ought to be addressed to the Honourable Member for Commerce and Labour.

ENGINEERING SUBORDINATES OFFICIATING IN GAZETTED RANKS OF THE NORTH WESTERN RAILWAY.

1650. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state the number of Engineering subordinates, by communities, i.e., Europeans, Hindus, Sikhs and Muslims, who are at present officiating, or who have officiated in leave vacancies, etc., during the last year in the gazetted ranks of the North Western Railway?

(b) Is it a fact that some of the non-Muslims so officiating or who were allowed to officiate have not even passed their qualifying examinations at the Walton Training School?

(c) Is it a fact that qualified Muslims who have passed their examinations from reputable engineering institutions, both foreign and Indian, and have also creditably passed their qualifying examinations from the Walton Training School have not been allowed to so officiate?

(d) Is it a fact that such promotions are made on the recommendations of officers who are mostly non-Muslims?

(e) Will the Honourable Member please state the basis of making such promotions—seniority or selection? If selection, what is the criterion for the selection?

The Honourable Mr. A. G. Clow: (a) Five Europeans and Anglo-Indians, nine Hindus, three Muslims and three Sikhs.

(b) and (c). I have not the particulars of the qualifications of those receiving officiating appointments, but would observe that no examination is prescribed as qualifying for such promotion.

(d) Promotions must obviously be influenced by the recommendations of those in a position to judge the fitness of an employee.

(e) Promotions to gazetted posts are made by selection, due consideration being given to fitness, approved service and seniority of all employees eligible for consideration.

PROMOTION OF MUSLIMS TO THE LOWER GAZETTED SERVICE ON THE NORTH WESTERN RAILWAY.

1651. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways be pleased to state the total number, by communities, i.e., Europeans, Hindus, Sikhs and Muslims, of the present incumbents of the various posts in the Lower Gazetted Service of the North Western Railway by Departments?

(b) Will the Honourable Member be pleased to state the total number of promotions made during the last three years in the various Departments of the Lower Gazetted Service by communities?

(c) Will the Honourable Member please state what steps Government propose to take to ensure adequate representation of the Muslim community in this service?

The Honourable Mr. A. G. Clow: (a) and (b). I am laying on the table a statement giving the information required.

(c) Recruitment to the Lower Gazetted Service is by promotion from the subordinate establishment, and is not regulated by communal considerations.

Statement.

Branch.	Europeans and Anglo-Indians.	Hindus.	Sikhs.	Muslims.	Total.
Engineering	9	20	4	3	36
Transportation (Traffic) and Commercial	19	7	..	2	28
Transportation (Power) and Mechanical	16	1	..	1	18
Signal	3	..	..	1	4
Electrical	1	..	..	..	1
Stores	1	1	..	..	2
Medical	4	..	..	..	4
Specialist	1	..	1 (On deputation from Civil Department.)	..	2
Accounts	..	8	2	1	11
	54	37	7	8	106

The following permanent promotions were made during the last 3 years :—

Branch.	Europeans and Anglo-Indians.	Hindus.	Muslims.	Total
Engineering	4	6	1	11
Transportation (Traffic) and Commercial	10	3	1	14
Transportation (Power) and Mechanical	8	..	1	9
Signal	2	1	..	3
Electrical	1	..	..	1
Medical	3	..	..	3
Accounts	..	1	..	1
	28	11	3	42

Dr. Sir Ziauddin Ahmad: Is there any direct recruitment in the lower gazetted rank?

The Honourable Mr. A. G. Clow: I believe not.

ABSENCE OF MUSLIM PERSONNEL OFFICERS ON THE NORTH WESTERN RAILWAY.

1652. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that there is not a single Muslim Personnel Officer in the Headquarters Office of the North Western Railway?

(b) Is it a fact that the office Superintendent, Superintendent Personnel Branch, and all head clerks of the Personnel Branch (except one officiating as such since a few days) of the Headquarters Office are non-Muslims?

(c) Is it a fact that all Divisional Personnel Officers of the North Western Railway are non-Muslims?

(d) Is it a fact that all office Superintendents on divisions and all Superintendents in the Headquarters Office are non-Muslims?

(e) Is it a fact that it is the declared policy of Government to ensure equal distribution of Muslims and non-Muslims so that "particular communities should not be handicapped by the preponderance of any one community in the establishment sections of railway offices." *vide* reply of the Honourable Member to my starred question No. 1001, dated the 18th March, 1939?

(f) If so, will the Honourable Member please state what action Government propose to take to ensure such equal distribution to implement the declared policy of the Government?

The Honourable Mr. A. G. Clow: (a) and (b). Yes.

(c) Yes, but the Assistant Officer in independent charge of personnel work on the Quetta Division is a Muslim.

(d) Yes, except that the Superintendent of the Lost Property Office at Lahore is a Muslim.

(e) The inference in regard to policy which the Honourable Member has apparently drawn from the reply given to the question to which he refers is not correct.

(f) Does not arise.

CONFIRMATION AND PROMOTION OF CERTAIN STAFF IN THE LOCO. SHOPS, MOGHALPURA.

1653. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether the confirmation and promotion of Journey-men, Junior Chargemen, Senior Chargemen and Assistant Foremen and Foremen working in the Loco. Shops, Moghalpura, depends on the recommendations of the Efficiency Section of the Production Branch of the Loco. shops?

(b) If not, how far is this section concerned with establishment matters, and what are the functions of this section?

(c) What are the minimum qualifications laid down for the Chargemen and Foremen for appointment or promotion to this section?

The Honourable Mr. A. G. Clow: (a) No.

(b) The Efficiency Section is not concerned with establishment questions. I am laying on the table an extract from the North Western Railway Mechanical Workshops Manual detailing the functions of this section.

(c) Knowledge of job costing, workshop statistics and workshop routine generally.

North Western Railway Mechanical Workshops Manual.

Chapter IX.—Efficiency.

1. Duties of the Efficiency Section.—The duty of the Efficiency Section is to investigate into cases of inefficiency and to assign a definite reason for it. Some criterion of efficiency must, therefore, be set as a definite basis for the investigation of such cases. Since the piece-work basis is definite, a man's piece-work earnings give an approximate indication of his efficiency, but such an indication is not strictly correct due to adverse effects on a man's efficiency of circumstances beyond his control. For instance, he may have an incorrect rate, lack equipment or material, have excess material to remove, lack supervision, lack tools, lack instructions, or he may be incompetent, etc. But if he is unable to earn his daily wage on piece-work, the matter requires investigation both in the interest of the man and the administration. Piece-work results will, therefore, be taken, shop by shop and piece-work ticket by piece-work ticket, in order of the greatest losses, and investigated with a view to discover the reason for the same. Similarly, all gains over 50 per cent. will be subjected to investigation with a view to ascertain whether they are justified by special skill, or whether a man has devised a way not thought of previously. If the latter, the administration will benefit by the man's device or discover the inaccuracy of a rate fixed, incorrect booking by shop clerical staff, etc., and thus rectify errors.

2. Investigation into complaints of short payment.—The investigation into complaints of short payment of piece-work money to men, and the submission to Superintendent, Mechanical Workshops, monthly, of a statement of complaint so that he can take up the matter with the Accounts Branch is another important duty of the Efficiency Section.

3. Divisions of the Efficiency Section.—The Efficiency Section is divided into three branches:

(a) The duty of the first branch is to abstract all necessary information and reduce it to such a form that the shop branch, which investigates matters on the spot, is saved all clerical work other than making out their reports.

(b) The duty of the second (or shop) branch (consisting of men who are skilled at the particular job they are concerned with and are the antithesis of rate-fixers, having been trained as rate-fixers) is to either prove or disprove the times set by the rate-fixers and give reasons.

(c) The duty of the third branch is to compile the information given by the second or shop branch regarding reasons for inefficiency, etc. The information when compiled will be passed on to the planners, rate-fixers, progressmen, inspectors, etc., as may be necessary, to familiarize them with any details affecting their sections.

4. Scrutiny of operation check cards.—It is a part of the duties of the Efficiency Section to systematically go through the operation check cards hanging on machines or branches, with a view to find out whether there are any men not earning piece-work money and, if so, to investigate such cases. If matters cannot be rectified immediately, the cause of the man's failure to earn piece-work money should be recorded and the code letter representing it inserted in the space provided for it on the operation check card. The Cost Section will punch the Paramount cards accordingly and report the number of items against each code heading, at 10-day intervals, to enable steps to be taken to remedy matters.

PROMOTION BY SENIORITY OF SANITARY INSPECTORS ON THE NORTH WESTERN RAILWAY.

1654. *Bhai Parma Nand: Will the Honourable Member for Railways be pleased to state:

- (a) if the rule of promotion by seniority is observed in the cadre of Sanitary Inspectors on the North Western Railway;
- (b) whether changes can be made in the lists of seniority by the authorities, as has been done in some cases in the Ambala Division; and
- (c) if so, whether such a case is subject to an appeal or not?

The Honourable Mr. A. G. Olow: (a) Yes, other things being equal.

(b) Yes, if it is found that a mistake has been made.

(c) Any individual adversely affected may appeal.

Dr. Sir Ziauddin Ahmad: May I understand from this that if a senior man is not promoted and a junior man for some other reason is promoted, then he has got a right of appeal?

The Honourable Mr. A. G. Olow: I have frequently seen memorials of that kind. One can always appeal against supersession.

CASE OF MR. S. W. RALPH, DEPUTY CONTROLLER, DINAPORE.

1655. *Mr. Kuladhar Chaliha: Will the Honourable the Railway Member please state:

- (a) whether the appeal by Mr. S. W. Ralph, Deputy Controller, Dinapore, against the sentence of a fine of Rs. 500 has been disposed of and sentence confirmed;
- (b) if so, whether the District and Sessions Judge's following observations have attracted the attention of the Honourable Member "It was possible that the accident might have been averted if Ralph had done his duty" and

"In the circumstances the sentence of a fine of Rs. 500 is, in my opinion, sufficient to meet the ends of justice. The conviction of the appellant would ordinarily mean that he would lose his service, gratuity and the Railway contribution to his provident fund. If we add together the amounts which he stands to lose by his conviction, it would be abundantly clear that the sentence passed on the appellant is adequate and does not call for any interference." (A. P. I., Patna, dated the 27th March);

- (c) whether Government and the Railway authorities have decided to dismiss Mr. Ralph and forfeit his gratuity and contribution to provident fund; if not, why not; and
- (d) the aggregate value of the gratuity and the provident fund contribution mentioned above?

The Honourable Mr. A. G. Olow: (a) Yes, by the Sessions Judge.

(b) I have not yet received a copy of the judgment.

(c) The reply to the first part is in the negative as the necessary material is not yet available.

(d) The amount of gratuity admissible at the time Mr. Ralph was arrested was Rs. 5,460. The amount standing to his credit in the Provident Fund on the 31st March, 1939, was about Rs. 24,000.

Mr. Brojendra Narayan Chaudhury: May I know, Sir, whether in considering the question of dismissal of Mr. Ralph, Government have kept in mind the observations made by the District and Sessions Judge?

The Honourable Mr. A. G. Olow: The order will be examined.

Mr. Kuladhar Chaliha: May I know, Sir, whether Mr. Ralph is still in service, or he has been dismissed and his gratuity forfeited?

The Honourable Mr. A. G. Olow: He has not been dismissed from service. I think he is under suspension.

Mr. Kuladhar Chaliha: May I know whether the Honourable Member has called for the judgment after the question was put by me?

The Honourable Mr. A. G. Olow: I have explained that the necessary material is not available. The question as to what action should be taken will be considered upon receipt of a copy of the judgment.

Mr. Kuladhar Chaliha: Has the Honourable Member seen a copy of the press report?

The Honourable Mr. A. G. Olow: I am not prepared to take any action upon a press report.

NON-ADMISSIBILITY OF OFFICIATING ALLOWANCE ON THE EAST INDIAN RAILWAY.

1656. *Mr. T. S. Avinashilingam Chettiar (on behalf of Mr. Sham Lal): Will the Honourable Member for Railways please refer to paragraph 2 of office order No. C./ES./257-B, dated 3rd June, 1937, issued by the Deputy General Manager (Personnel), East Indian Railway, and state the Fundamental or Supplementary Rule number under which officiating allowance in a higher vacancy is not admissible?

The Honourable Mr. A. G. Olow: I have not seen the office order referred to by the Honourable Member. Fundamental Rules 30 to 35 regulate the pay of Government servants officiating in another post.

STENOGRAPHERS ELIGIBLE FOR SPECIAL PAY ON THE EAST INDIAN RAILWAY.

1657. *Mr. T. S. Avinashilingam Chettiar (on behalf of Mr. Sham Lal): Will the Honourable Member for Railways please state the class and pay of stenographers on the East Indian Railway eligible for special pay of Rs. 20 per mensem?

The Honourable Mr. A. G. Olow: I would refer the Honourable Member to the reply given to Mr. D. K. Lahiri Chaudhury's question No. 125 on the 29th November, 1938.

HEADS OF BRANCHES AND OFFICES ON STATE RAILWAYS.

1658. *Mr. T. S. Avinashilingam Chettiar (on behalf of Mr. Sham Lal): Will the Honourable Member for Railways please state:

- (a) the head of branches on the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways;
- (b) the head of offices on those Railways;
- (c) the powers vested in those heads in respect of establishment matters; and
- (d) whether delegation of those powers is permissible?

The Honourable Mr. A. G. Clow: (a) and (b). I do not know what precisely the Honourable Member means by the words "Heads of Branches" and "Head of Offices". A list of officers declared to be Heads of Departments will be found in Appendix XXXIII on page 478 of the State Railway Establishment Code.

(c) and (d). I would refer the Honourable Member to Appendix X page 360 of the State Railway General Code in which the powers of General Managers of State-managed Railways are prescribed. The delegation of these powers is permissible to the extent indicated therein. Details of such sub-delegation to Heads of Departments, as may have been made, are not readily available.

NON-CONFIRMATION OF CERTAIN STAFF OF THE PUBLICITY DEPARTMENT OF THE EAST INDIAN RAILWAY.

1659. *Mr. T. S. Avinashilingam Chettiar (on behalf of Mr. Sham Lal): Will the Honourable Member for Railways please state the reasons for not confirming those staff of the publicity department of the East Indian Railway, who joined the services in 1927, and have been continuous in service since then from the date they joined that administration? Is their seniority for promotion affected in any way by such non-confirmation? If so, why?

The Honourable Mr. A. G. Clow: The staff in the Publicity Branch were confirmed from the 1st April, 1932, when the posts they held were made permanent. Seniority is reckoned from the date of confirmation.

STENOGRAPHERS ON THE EAST INDIAN RAILWAY.

†1660. *Mr. B. B. Varma: Will the Honourable Member for Railways please refer to the reply given to part (e) of unstarred question No. 125 asked on 29th November 1938 and the Deputy General Manager (Personnel), East Indian Railway's circular No. C./ES./257-B, dated 3rd June, 1937, reading as under:

"Re: Stenographers.

with immediate effect the designation of 'confidential stenographer' will be abolished and the 40 sanctions in the head office will be divided as follows:

	Rs.	
Class I	200	number of posts 2.
Class II	180	number of posts 5.
Class III	160	number of posts 7.
Class IV	100—10/2-120	number of posts 26.

†Answer to this question laid on the table, the questioner being absent.

"2. Promotions from one class to another will only be made when vacancies occur and no officiating allowance will be given to a stenographer working in a higher vacancy. As already decided promotions will be based on the common seniority list maintained by the personnel branch, irrespective of the offices in which the stenographers are posted. Special pay of Rs. 20 per mensem will, however, be given to a stenographer working for one of the following five officers:

Agent,
Chief Operating Superintendent,
Chief Engineers,
Chief Commercial Manager,
Chief Mechanical Engineer.

This allowance of Rs. 20 will apply to all those stenographers drawing pay in any of the scales mentioned in paragraph (1) above as also to those drawing pay in the revised scale (1931).

"3. Staff drawing pay on the old East Indian Railway scales or revised scales of 1931 will continue to do so, but that does not mean that certain special scales which were made applicable to a special appointment such as the Chief Mechanical Engineer's stenographer or the two posts in the Agency on Rs. 280—10—350, will be made applicable to other stenographers on the old scales of pay since they would not have been eligible for these appointments unless specially selected for them."

and state:

- (a) whether the issue of that circular has been established;
- (b) the reasons for denial of the issue of that circular;
- (c) the rule, principle or custom for detaching stenographers to work for those five officers; and whether they are detailed in seniority and regard of class or otherwise;
- (d) since when the higher grades are held in abeyance and why and what are those; and
- (e) whether the principle and policy laid down in that circular is still in force; if not, since when and by what it was substituted?

The Honourable Mr. A. G. Clow: (a) and (b). The quotation given by the Honourable Member is from an Office Order communicated to Heads of Departments under endorsement No. A.E. 148-II, dated 3rd June, 1937.

(c) and (e). The information is being called for and a reply will be laid on the table in due course;

(d) The higher grades, particulars of which were shown in the statement laid on the table in reply to Mr. Lahiri Chauhury's question No. 125 on the 29th November, 1938, are still in operation.

CONFIRMATION OF STAFF OF THE PUBLICITY ORGANISATION ON STATE RAILWAYS.

†1661. *Mr. B. B. Varma: Will the Honourable Member for Railways please state the date of confirmation of the Publicity Organization on the Eastern Bengal, East Indian, Great Indian Peninsula and North Western Railways and whether the staff of that organization was also confirmed? If so, from which date, i.e., the date of confirmation of the organization or the date of joining the service under that organization.

The Honourable Mr. A. G. Olow: I have called for the information desired by the Honourable Member and will place a reply on the table of the House when it is received.

CONFIRMATION OF CERTAIN TICKET COLLECTORS, ETC., OFFICIATING AS GUARDS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

1662. *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 East Indian Railway, Moradabad Division, some old travelling ticket examiners and ticket collectors were posted as guards more than a year ago, and have been performing their duties as such?

(b) Does the East Indian Railway Administration contemplate confirming these entrants as guards? If not, why not?

(c) Is it a fact that even without a decision about their confirmation or reversion, they are being called upon to appear for the periodical examination of travelling ticket examiners and ticket collectors?

(d) Looking to the duties and engagements of guards, have Government considered the advisability of not calling upon them to appear in the aforesaid examination, unless they have been actually reverted to their old posts and given some time for preparation?

The Honourable Mr. A. G. Olow: (a), (b) and (c). These are matters of detailed administration in regard to which Government have no information. I am, however, sending a copy of the question to the General Manager, East Indian Railway, for such action as he may consider necessary.

(d) No.

Dr. Sir Ziauddin Ahmad: With reference to part (a) of the question, will not the Honourable Member send for the information from the Divisional Superintendent, because we have no other means of getting the information except by putting questions in this House. That is the only method open to us.

The Honourable Mr. A. G. Olow: I have no reason to doubt the information given by the Honourable Member that some old travelling ticket examiners and ticket collectors were posted as guards more than a year ago, and as I said, I am sending a copy of the question to the General Manager, E. I. Railway for such action as he may consider necessary. But I have no reason to doubt the accuracy of the Honourable Member's information.

†Answer to this question laid on the table, the questioner being absent.

EXTENSION OF A LINE FROM ARARYA TO KISUNGANJ ON THE EASTERN BENGAL RAILWAY.

1663. *Maulvi Muhammad Abdul Ghani: (a) Will the Honourable the Railway Member be pleased to state, regarding the Eastern Bengal Railway whether Government, in view of the profitable working of "Katihar-Jogbani and Barsoi-Kisungunj" branches and the public demands, are prepared to investigate the question of extending a line from Ararya to Kisungunj via Bahadurganj?

(b) When do Government propose to undertake the investigations?

(c) Who is the authority to receive suggestions or representations on the question of extending a line between Ararya and Kisungunj?

(d) Have Government, or the Eastern Bengal Railway, invited any suggestion or representation?

The Honourable Mr. A. G. Olow: (a) No. The line would cross the natural drainage of the country involving very costly constructions; further, as it would short circuit existing lines, there would be little chance of its earning an adequate return on the capital cost.

(b) Does not arise.

(c) Suggestions for any new lines to be constructed are best made to the Provincial Government concerned.

(d) Normally Provincial Governments represent to the Government of India cases of any new lines which they desire to be constructed.

GRIEVANCES OF TICKET COLLECTORS ON THE NORTH WESTERN RAILWAY.

1664. *Mr. T. S. Avinashilingam Oshettiar (on behalf of Mr. Sham Lal): (a) Will the Honourable the Railway Member be pleased to state if it is a fact that the promotion of some of the ticket collectors on the North Western Railway is blocked at Rs. 60, though their services range from 18 to 26 years and some of them have been waiting for years to get grade No. 2?

(b) Is it a fact that some of the junior hands have been selected for grade No. 2 but the claims of most senior hands have been ignored?

(c) Is it a fact that these ticket collectors were called for selection of S. T. E. but without assigning any reason whatsoever the following communication was received by them:

"No. 42-E./40 III, dated 29th March 1939.

I send herewith a list showing first 20 Senior Ticket Collector's Grade I who are fit or unfit to officiate in Grade II for your information and guidance, officiating arrangements in Grade II against vacancies should be made strictly in accordance with the list?"

(d) Is it a fact that before the receipt of these communications most of the ticket collectors who were officiating in Grade II, are now being declared as unfit?

(e) Is it a fact that all these ticket collectors have passed their examination of ticket collectors duty from the Walton Training School and their service sheets are quite good?

(f) Are Government prepared to make a thorough enquiry into the case of these ticket collectors and redress their grievances.

The Honourable Mr. A. G. Clow: (a) Yes.

(b) I understand that the claims of all senior men were considered.

(c) The General Manager, North Western Railway, has not been able to trace the issue from his office of the communication referred to.

(d) to (f). An enquiry will be made into the facts and the results will be placed on the table in due course.

Dr. Sir Ziauddin Ahmad: With reference to part (b) of the question, may I know, Sir, when the claims of all the men in the lower grade were considered for promotion in Grade II, were all of them found to be unfit with the result that outsiders had to be appointed?

The Honourable Mr. A. G. Clow: It does not necessarily follow that because a junior man is promoted the senior man is found unfit. It may be that both are qualified, but the junior man may be better qualified than the senior man.

Mr. T. S. Avinashilingam Chettiar: If after 26 years of service a man's promotion is blocked at Rs. 60, does it mean that he is regarded as incompetent for the next grade?

The Honourable Mr. A. G. Clow: Not necessarily. Persons with a lot of service may have to remain in the same grade just because there don't happen to be vacancies.

Mr. K. Santhanam: With reference to the answer to part (c), may I know whether that particular communication has disappeared from the office of the General Manager or it is denied that such a communication was issued?

The Honourable Mr. A. G. Clow: Inquiries have been made from the General Manager, N. W. Railway and I understand he has not been able to trace it in his office; it may be in some other office.

LEASING OUT OF STALLS FOR THIRD CLASS PASSENGERS ON THE ASSAM BENGAL RAILWAY.

1665. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways be pleased to state the percentage of income derived from the third class passengers out of the total annual income of passenger traffic on the Assam Bengal Railway?

(b) Is he aware that the Railway stalls for third class passengers in the Assam Bengal Railway are sold by auction to the highest bidder and they are also charged for light, etc., supplied by the railway whereas European refreshment rooms are not auctioned to the highest bidder but they are let out free and are also given free lights, fans, furniture and free provision passes and quarters for staff?

(c) Is it not a fact that Railways other than the Assam Bengal Railway lease out to *bona fide* vendors the railway stalls for third class passengers on a nominal rent and sanitation tax?

The Honourable Mr. A. G. Clow: (a) The percentage is approximately 90·7.

(b) Except that the refreshment rooms are not restricted to Europeans the statement made is substantially correct.

(c) No. The conditions applying to the vending contracts vary on different railways. The Honourable Member is referred to the memorandum No. 357-T., dated the 11th September, 1936, prepared for the meeting of the Central Advisory Council for Railways.

Mr. Muhammad Nauman: Are Government prepared to investigate the position and see that no difference is made? Is it not desirable that the convenience of the third class passengers should also be kept in view in giving out contracts?

The Honourable Mr. A. G. Clow: The reason for the difference is simply commercial. The fact is that there is keen competition for the vending of stores in which very little capital expenditure is involved. That is a profitable source of business whereas the maintenance of refreshment rooms is much less profitable. There is no question of discrimination here.

Mr. Brojendra Narayan Chaudhury: May I know, Sir, whether Government have directed the Assam Bengal Railway authorities to follow the policy adopted in all other State Railways, like the E. I. Railway, which, according to the statement laid on the table the other day in reply to my question, says that the E. I. Railway considers the refreshment rooms as an essential amenity provided by the Railways for the passengers, and not as a source of income. May I know whether Government will direct the Agent of the A. B. Railway to follow this policy and regard the stalls as an amenity provided for the convenience of passengers and not as a source of income?

The Honourable Mr. A. G. Clow: The question of catering is under consideration. I am unable to give any promise of action on those lines.

Dr. Sir Ziauddin Ahmad: With regard to part (b), may I draw the attention of the Honourable Member to the fact that the Central Advisory Committee explicitly said that these stalls should not be a source of income to the Railways, and, if that is so, why are they sold by auction?

The Honourable Mr. A. G. Clow: That is an argument.

Dr. Sir Ziauddin Ahmad: Will the Honourable Member inquire into the matter and see that this particular action is against the definite wishes of the Central Advisory Committee?

The Honourable Mr. A. G. Clow: I should certainly take note of their opinion.

Maulvi Abdur Rasheed Chaudhury: May I know, Sir, why third class stall keepers have to pay for lights, etc., while European refreshment room keepers have not to pay for lights?

The Honourable Mr. A. G. Clow: I think I have answered that already. **NON-SUPPLY OF DRINKING WATER ON THE ASSAM BENGAL RAILWAY STATIONS.**

1666. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways please state if he is aware that the drinking water is not supplied on the platform to third class passengers on 90 per cent. stations of the Assam Bengal Railway?

(b) If the reply to part (a) above be in the affirmative, are Government prepared to enforce the sufficient supply of drinking water at all the stations? If not, why not?

The Honourable Mr. A. G. Olow: (a) and (b). I understand that water is available to passengers at every station on the Assam Bengal Railway.

Mr. Muhammad Nauman: Have Government investigated the matter, because the allegation is that drinking water is not supplied on the platform to third class passengers on 90 per cent stations on the Assam Bengal Railway?

The Honourable Mr. A. G. Olow: Yes, Sir, I have some detailed particulars here if the Honourable Member wants them.

MUSLIM EMPLOYEES ON THE ASSAM BENGAL RAILWAY.

1667. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways be pleased to state the total number of employees on the Assam Bengal Railway and the total number of Muslim employees on this Railway and their comparative percentage?

(b) Is it a fact that all the chief clerks, head clerks and heads of sections are all non-Muslims and that there is not a single Muslim employee in a responsible position on the Assam Bengal Railway?

(c) If the reply to part (b) be in the affirmative, do Government propose to issue such circulars as would secure Muslims in responsible positions on the Assam Bengal Railway soon?

The Honourable Mr. A. G. Olow: (a) 17,310 on the 31st March, 1938, of whom 6,161 were Muslims, the percentage of the latter being 35.5.

(b) I have no particulars of the communities of officials holding the posts mentioned but there are several Muslim officers in the employ of the Company.

(c) The policy in regard to communal representation in railway services is explained in two letters, both bearing the number E.-34-C.M.-113 and dated 12th December, 1934, one addressed to the Agent, Assam Bengal Railway, and the other to several railways, including the Assam Bengal Railway: copies of these are in the Library of the House. The Assam Bengal Railway Company have agreed to observe in direct recruitment the communal proportions suggested in these letters. Promotions to responsible positions depend on suitably qualified men being available in the lower grades.

Mr. Muhammad Nauman: What is the percentage suggested for Mussulmans?

The Honourable Mr. A. G. Olow: The Honourable Member will have to consult the letters which are in the Library of the House.

MUSLIM CLERKS ON THE ASSAM BENGAL RAILWAY.

1668. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways be pleased to state the total number of clerks employed on the Assam Bengal Railway and the number of Muslims on this line?

(b) Is it a fact that in spite of seniority Muslim clerks were not given chance of being heads of important sections or chief clerks?

The Honourable Mr. A. G. Olow: (a) I have no information regarding the number of clerks employed. The number of Muslims employed is 6,161.

(b) I am not aware of any such cases, but as the Honourable Member will realise seniority is not the only criterion for promotion.

CONTRACTS ON THE ASSAM BENGAL RAILWAY.

1669. *Shaikh Rafiuddin Ahmad Siddiquee: (a) Will the Honourable Member for Railways be pleased to state if he is aware that in the matter of contracts on the Assam Bengal Railway, local contractors are being replaced by outsiders?

(b) Is it a fact that higher tenders were accepted in spite of lower tenders of local contractors?

(c) Are Government prepared to investigate the whole range of contracts which have been placed by the Assam Bengal Railway during 1936-37 and 1937-38?

The Honourable Mr. A. G. Olow: (a) I am informed that outsiders are not being employed as the amount of work available is insufficient to keep contractors on the list fully occupied.

(b) It is not the practice of the Company to accept a higher tender unless it is clear that the lower tender is based on rates which cannot be worked to for the class of work required.

(c) No.

RAILWAY EARNINGS.

1670. *Mr. K. Santhanam (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Railways please state:

(a) the latest figures available of railway earnings up to the end of last financial year;

(b) the receipts respectively under passengers and goods traffic;

(c) how they compare with the earnings of the railways during the last year; and

(d) whether Government are keeping a watch on the tendencies of railway earnings with a view to balancing the railway budget and to pay the contribution to general revenues over and above interest charges; if not, why not?

The Honourable Mr. A. G. Olow: (a) Only approximate figures are available. They disclose total earnings of Rs. 94.01 crores. This figure is liable to adjustment on the receipt of the final accounts for February and March and though no reliable estimate can be given of the extent of the adjustment, it resulted in the two previous years in an average addition to the approximate figures for February and March, of about 35 lakhs.

(b) Passenger (i.e., coaching) earnings are Rs. 31.15 crores, and goods Rs. 60.84 crores.

(c) The approximate coaching and goods earnings of 1938-39, given in answer to (b) which as indicated in the reply to part (a) above are liable to adjustment, are less than the actual earnings of 1937-38 by about Rs. 60 lakhs and 43 lakhs respectively and the miscellaneous earnings are 18 lakhs more.

(d) I can assure the Honourable Member that any tendencies in railway earnings and expenditure are very carefully watched.

Mr. K. Santhanam: May I know in what lines deterioration has taken place?

The Honourable Mr. A. G. Clow: I have not the particulars line by line here.

RETRENCHMENT IN THE TELEGRAPH DEPARTMENT AND INCREASE IN THE AIR MAIL POSTAGE.

1671. ***Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Honourable Member for Communications please state:

- (a) whether Government have considered the suggestions made in the course of the debate on the cut motion regarding the reduction of the post card rate to six pies, particularly the suggestions for retrenchment in the Telegraph Department to make that department self-supporting for increasing the postage on air mails;
- (b) the result of that consideration;
- (c) whether Government propose to retrench the Telegraph Department; if so, in what direction; if not, why not;
- (d) whether Government propose to increase the air mail postage; if not, why not; and
- (e) whether Government propose to take on hand and pursue all schemes of economy and retrenchment with a view to introducing a half-anna post card as early as possible; if not, why not?

The Honourable Mr. A. G. Clow: (a) and (b). Such suggestions have been considered on more than one occasion. As regards the first of the two suggestions mentioned, I would refer the Honourable Member to Mr. Bewoor's speech in this House on 23rd March, 1939. There is no possibility of financing the reduction of the rate on postcards by raising the air mail postage.

(c) and (d). I would refer the Honourable Member to the reply given by Sir Thomas Stewart to his starred question No. 291 on the 10th February, 1939.

(e) I would refer the Honourable Member to the reply given to part (c) of his starred question No. 1724 on the 2nd December, 1938.

Mr. K. Santhanam: With regard to the answer to part (a) of the question, may I know whether the matter was considered after the cut motion on the budget was passed?

The Honourable Mr. A. G. Clow: I have not considered it since the Finance Bill was passed.

Mr. K. Santhanam: May I know whether Government propose to consider it in the light of the cut motion that was passed?

The Honourable Mr. A. G. Clow: I understood that a cut motion was not adopted on this.

Seth Govind Das: Is it not a fact that recently the air mail postage to certain countries has been markedly reduced?

The Honourable Mr. A. G. Clow: No, I do not think so. I do not know if my Honourable friend was referring to the Empire Air Mail scheme. That involved a reduction of rates, but that was not recent.

Seth Govind Das: For how long has it been reduced?

The Honourable Mr. A. G. Clow: Over a year ago, I think.

(Mr. Joshi rose in his place.)

Mr. President (The Honourable Sir Abdur Rahim): The matter was fully discussed. Next question.

GOVERNMENT'S RELATIONS WITH THE TRIBES OF THE NORTH-WEST FRONTIER PROVINCE.

1672. ***Mr. K. Santhanam** (on behalf of Mr. S. Satyamurti): Will the Secretary for External Affairs please state:

- (a) the latest position with regard to the relations between the Government of India and the tribes of the North-West Frontier Province;
- (b) with how many of them Government are still at war;
- (c) what are the points of difference which are still unsettled between Government and certain tribes involved in hostilities; and
- (d) whether any attempt is being made to bring about a settlement, if so, on what lines?

Sir Aubrey Metcalfe: (a) and (b). I would invite the Honourable Member's attention to the reply given to parts (a) and (b) of his question No. 1444 on the 31st of March, 1939, to which I have nothing to add.

(c) The main point of difference between Government and the tribes of Waziristan is the failure of the latter to control their hostile individuals, who raid into the settled Districts.

(d) Reference is invited to the reply given by me to part (d) of question No. 1180 asked by Mr. Abdul Qaiyum on the 10th of November, 1938. Negotiations with representatives of the tribes are constantly in progress with a view to the cessation of raiding and re-establishment of normal relations.

PROMOTIONS TO THE SUPERINTENDENT'S GRADE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†1673. ***Mr. Muhammad Azhar Ali:** (a) Will the Honourable the Communications Member please state if it is a fact that in matters of promotion to the grade of office Superintendent in the office of the Director General, Posts and Telegraphs, service in the second division is not taken into consideration?

†Answer to this question laid on the table the questioner being absent.

(b) If the reply to part (a) above be in the affirmative, will Government kindly state the reason for not giving the benefit of the length of service in the case of promotion of officials who were originally recruited as second division clerks?

(c) Do Government propose to revise the procedure for fixation of seniority accordingly?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) Because seniority is measured by length of service in the grade from which promotion is made.

(c) No.

REPRESENTATION OF MUSLIMS IN THE SUPERINTENDENT'S GRADE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†1674. ***Mr. Muhammad Azhar Ali:** (a) Will the Honourable the Communications Member please state if it is a fact that under the existing principle of routine seniority followed in matters of promotion from assistants to Superintendent's grade, no Muslim assistant in the office of the Director General, Posts and Telegraphs, will get promotion to the Superintendent's grade earlier than 1951?

(b) Is it also a fact that promotion of Muslim assistants is probable in 1951 on the verge of their retirement only if extensions are not granted to Superintendents and assistants after the age of 55 years?

(c) Will Government kindly state how they propose to get the Superintendent's cadre in the office of the Director General, Posts and Telegraphs adequately represented by Muslims?

The Honourable Mr. A. G. Clow: (a) and (b). Promotion to this grade is by selection and I am not prepared to frame forecasts of the nature referred to by the Honourable Member.

(c) The question does not arise. The orders relating to communal representation apply only to direct recruitment and vacancies in the Superintendent's grade are always filled by promotion.

GRANT OF OFFICIATING ALLOWANCE TO SECOND DIVISION CLERKS ENGAGED ON THE DUTIES OF ASSISTANTS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

†1675. ***Mr. Muhammad Azhar Ali:** (a) Will the Honourable Member for Communications please state if it is a fact that some of the old second division clerks of the Posts and Telegraphs Directorate were engaged on duties of assistants who proceeded on leave or deputation prior to the 15th June, 1938—the date of re-organisation of the office?

(b) Is it a fact that statistics were collected to find out which of the old second division clerks were actually engaged on such duties?

(c) Is it a fact that the advice of the Accountant General, Posts and Telegraphs was sought as regards the admissibility or otherwise of the officiating pay to such second division clerks?

(d) Is it a fact that the Accountant General, Posts and Telegraphs opined that officiating pay was admissible to the second division clerks in spite of the existence of supernumeraries in the grade of assistants?

†Answer to this question laid on the table, the questioner being absent.

(e) If the above replies be in the affirmative, will Government kindly state the reasons for not granting officiating pay to those second division clerks who were engaged on duties of assistants?

The Honourable Mr. A. G. Clow: (a) No.

(b) to (d). I am not prepared to disclose particulars of the course of inter-departmental discussions, which are confidential.

(e) Does not arise.

NEW RULES FOR THE EXAMINATION FOR RECRUITMENT OF INSPECTORS AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES, ETC.

†1676. ***Pandit Lakshmi Kanta Maitra:** Will the Honourable Member in Charge of Communications be pleased to state:

(a) whether new rules have been framed for the examination for recruitment of Inspectors of Post Offices and Railway Mail Service and Head Clerks to Superintendent of Post Offices and whether the new examination will be a competitive one and thrown open to all and the system of nomination for selection of candidates has been abolished;

(b) whether it is a fact that under these rules, an examination would be held in August this year and whether nine months' notice as contemplated under the rules was given and if not, why not;

(c) whether it is a fact that the selection of candidates has been completed in all the circles;

(d) whether it is a fact that in Bombay Circle as many as fifty per cent. of the applicants have been rejected on the whole.

(e) whether it is a fact that in the Bombay Circle in one of the divisions only ten per cent. of the applicants have been rejected while in certain other divisions the percentage rejected ranges between seventy and eighty whereas in the Bengal and Assam Circle nearly cent. per cent. of the applicants have been selected in a particular unit while in some other units only fifteen to thirty per cent. have been selected;

(f) if the reply to the above be in the affirmative, will Government please state the reasons for this great disparity in the result of selections made in different units of the same Circle;

(g) whether it is a fact that the conditions laid down in the rules were the fulfilment of certain criteria regarding age as also good record of service;

(h) whether copies of all adverse remarks in the character sheets were supplied to the parties concerned as required by the rules; and

(i) if the reply to part (h) above be in the negative, whether Government propose to take steps to cause supply of those remarks to the parties concerned; if not, why not?

The Honourable Mr. A. G. Clow: (a) Yes. I would invite the attention of the Honourable Member to the Director General's Special General

†Answer to this question laid on the table the questioner being absent.

Circular No. 19, dated the 18th October, 1938, a copy of which has been placed in the Library of the House.

(b) On account of certain unforeseen difficulties, the examination has been postponed to December, 1939. The dates in August originally proposed for holding the examination were notified more than nine months in advance.

(c) I understand this is the case.

(d), (e) and (f). Enquiries are being made and the results will be laid on the table in due course.

(g) I would refer the Honourable Member to rule 3 of part II of the Circular mentioned in reply to part (a).

(h) The rules do not require all such remarks to be shown.

(i) Does not arise.

SANCTION FOR THE BATALA-BEAS RAILWAY LINE PROJECT.

1677. *Bhai Parma Nand: (a) Will the Honourable Member for Railways please state when was the Batala-Beas Railway Line Project sanctioned and what amount was sanctioned for (i) acquisition of land, (ii) earth work, (iii) bridges, (iv) station buildings and residential quarters?

(b) How many railway stations were proposed to be opened on this line?

(c) How much of the work as regards acquiring of land, earth work, bridges and station buildings was finished?

(d) Is it a fact that everything except placing of rails was completed up to Sri-Hargobindpur? If so, why the rails were not placed up to Sri-Hargobindpur?

(e) Is the Batala-Qadian Section a source of profit or loss to the railway? If it is a losing concern, why, and how the loss is being made up?

(f) Have any memorials reached or did a deputation wait upon the railway authorities for the completion of the line? If so, what answers were given to them?

(g) How and where were the figures regarding income and expenditure on the Batala-Beas Section collected and calculated?

(h) Did the Secretary, Railway Recommendation Committee of Batala-Beas Section, request the railway authorities that the officer deputed to make enquiries should get his assistance in this connection and make enquiries at the central place (in Sri-Hargobindpur and at other proposed railway stations)?

(i) Was this request of his acceded to, if not, why not?

(j) Is it a fact that the Railway authorities have decided to auction the land acquired, the material of bridges and railway buildings erected?

(k) Is it a fact that the station buildings at Sri-Hargobindpur which cost the railway about three quarter of a lakh were auctioned for Rs. 1.400 only on the 18th March, 1939?

(l) Are Government, instead of auctioning the buildings, etc., at such a reduced price, prepared to reconsider the question and complete the project?

The Honourable Mr. A. G. Clow: Information is being obtained from the Railway Administration concerned and a reply will be laid on the table in due course.

INSPECTORS AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES IN THE BENGAL AND ASSAM CIRCLE.

1678. *Sir Abdul Halim Ghuznavi: Will the Honourable Member for Communications be pleased to state:

(a) the total number, in Bengal and Assam Circles respectively, of Inspectors of Post Offices and Railway Mail Services, as also of Head Clerks to the Superintendents of Post Offices, showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, who are departmental approved candidates for the fifty per cent. posts of Superintendents of Post Offices and Railway Mail Services reserved, in accordance with the recent revised orders, for the employees of the Postal Department;

(b) the total number of Inspectors of Post Offices and Head Clerks to the Superintendents of Post Offices showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, in each of these circles, on the 1st of February, 1939;

(c) the total number of clerks, showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, recruited in these two circles from (1) outsiders and (2) departmental candidates respectively by competitive examination on each occasion such examination was held since the existing issuing orders on the subject came into effect;

(d) the total number of boy peons showing the number of (1) Hindus, (2) Mussalmans and (3) others separately in each of these circles on the 1st of February, 1939; and

(e) the total number of Engineering Supervisors of Telegraph on the 1st of February, 1939, showing the number recruited before as also after the new system of recruitment fixing fifty per cent. for departmental candidates and fifty per cent. for outsiders came into force, and showing also the number of (1) Hindus, (2) Mussalmans and (3) others separately in each case.

The Honourable Mr. A. G. Clow: (a) Bengal and Assam form one Postal Circle. Four departmental candidates have been approved for that Circle, of whom three are Hindus and one is a Muslim.

(b) to (e). As stated in the reply to part (a) of the question, Bengal and Assam form one Circle. The Honourable Member is referred to the statements laid on the table in reply to parts (a) (ii) to (v) of Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1339 on the 28th March, 1939.

†Answer to this question laid on the table the questioner being absent.

Circular No. 19, dated the 18th October, 1938, a copy of which has been placed in the Library of the House.

(b) On account of certain unforeseen difficulties, the examination has been postponed to December, 1939. The dates in August originally proposed for holding the examination were notified more than nine months in advance.

(c) I understand this is the case.

(d), (e) and (f). Enquiries are being made and the results will be laid on the table in due course.

(g) I would refer the Honourable Member to rule 8 of part II of the Circular mentioned in reply to part (a).

(h) The rules do not require all such remarks to be shown.

(i) Does not arise.

SANCTION FOR THE BATALA-BEAS RAILWAY LINE PROJECT.

1677. *Bhai Parma Nand: (a) Will the Honourable Member for Railways please state when was the Batala-Beas Railway Line Project sanctioned and what amount was sanctioned for (i) acquisition of land, (ii) earth work, (iii) bridges, (iv) station buildings and residential quarters?

(b) How many railway stations were proposed to be opened on this line?

(c) How much of the work as regards acquiring of land, earth work, bridges and station buildings was finished?

(d) Is it a fact that everything except placing of rails was completed up to Sri-Hargobindpur? If so, why the rails were not placed up to Sri-Hargobindpur?

(e) Is the Batala-Qadian Section a source of profit or loss to the railway? If it is a losing concern, why, and how the loss is being made up?

(f) Have any memorials reached or did a deputation wait upon the railway authorities for the completion of the line? If so, what answers were given to them?

(g) How and where were the figures regarding income and expenditure on the Batala-Beas Section collected and calculated?

(h) Did the Secretary, Railway Recommendation Committee of Batala-Beas Section, request the railway authorities that the officer deputed to make enquiries should get his assistance in this connection and make enquiries at the central place (in Sri-Hargobindpur and at other proposed railway stations)?

(i) Was this request of his acceded to, if not, why not?

(j) Is it a fact that the Railway authorities have decided to auction the land acquired, the material of bridges and railway buildings erected?

(k) Is it a fact that the station buildings at Sri-Hargobindpur which cost the railway about three quarter of a lakh were auctioned for Rs. 1,400 only on the 18th March, 1939?

(l) Are Government, instead of auctioning the buildings, etc., at such a reduced price, prepared to reconsider the question and complete the project?

The Honourable Mr. A. G. Clow: Information is being obtained from the Railway Administration concerned and a reply will be laid on the table in due course.

INSPECTORS AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES IN THE BENGAL AND ASSAM CIRCLE.

1678. *Sir Abdul Halim Ghuznavi: Will the Honourable Member for Communications be pleased to state:

(a) the total number, in Bengal and Assam Circles respectively, of Inspectors of Post Offices and Railway Mail Services, as also of Head Clerks to the Superintendents of Post Offices, showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, who are departmental approved candidates for the fifty per cent. posts of Superintendents of Post Offices and Railway Mail Services reserved, in accordance with the recent revised orders, for the employees of the Postal Department;

(b) the total number of Inspectors of Post Office and Railway Mail Services and Head Clerks to the Superintendents of Post Offices showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, in each of these circles, on the 1st of February, 1939;

(c) the total number of clerks, showing the number of (1) Hindus, (2) Mussalmans and (3) others separately, recruited in these two circles from (1) outsiders and (2) departmental candidates respectively by competitive examination on each occasion such examination was held since the existing issuing orders on the subject came into effect;

(d) the total number of boy peons showing the number of (1) Hindus, (2) Mussalmans and (3) others separately in each of these circles on the 1st of February, 1939; and

(e) the total number of Engineering Supervisors of Telegraph on the 1st of February, 1939, showing the number recruited before as also after the new system of recruitment fixing fifty per cent. for departmental candidates and fifty per cent. for outsiders came into force, and showing also the number of (1) Hindus, (2) Mussalmans and (3) others separately in each case

The Honourable Mr. A. G. Clow: (a) Bengal and Assam form one Postal Circle. Four departmental candidates have been approved for that Circle, of whom three are Hindus and one is a Muslim.

(b) to (e). As stated in the reply to part (a) of the question, Bengal and Assam form one Circle. The Honourable Member is referred to the statements laid on the table in reply to parts (a) (ii) to (v) of Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1339 on the 28th March, 1939.

*Answer to this question laid on the table the questioner being absent.

FILLING UP OF POSTS OF PACKERS IN THE POSTAL DEPARTMENT.

†1679. *Sir Abdul Halim Ghuznavi: (a) Will the Honourable Member for Communications be pleased to state if it is a fact that the posts of packers of the postal department have been reserved for boy peons of the Telegraph Traffic Branch as also of those postmen?

(b) Is it also a fact that fifty per cent. of the clerical posts are filled in by promotion from postmen and packers, and if so, is it not in effect reserving the posts of such postmen and fifty per cent. of the clerical posts for the boy peons of the Telegraph Department?

(c) If the answer to parts (a) and (b) above be in the affirmative, how is the communal representation in these two distinct classes of services, namely, of postmen and of boy peons of the Telegraph Traffic Branch, to be determined and given effect to?

The Honourable Mr. A. G. Clow: (a), (b) and (c). The attention of the Honourable Member is invited to the reply given to part (b) of Shaikh Rafiuddin Ahmad Siddiquee's starred question No. 1339, dated the 28th March, 1939.

COMPLAINTS AGAINST SHOUTING OF WARES ON THE NORTH WESTERN RAILWAY.

1680. *Mr. K. S. Gupta: Will the Honourable Member for Railways please lay on the table a list of the complaints received against shouting of wares by Contractors on the North Western Railway from:

- (i) upper class passengers excluding pass holders;
- (ii) intermediate class passengers, excluding pass holders; and
- (iii) third class passengers excluding pass holders, along with the name of the station against which complaint is made and the train number in which the complainant was travelling?

The Honourable Mr. A. G. Clow: I am calling for the information and if available it will be laid on the table of the House.

COMPLAINTS AGAINST POSTAL OFFICIALS BY CERTAIN NEWSPAPERS OF DELHI.

1631. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Communications Member be pleased to state if his attention has been drawn to the various articles and notes which have been published in the various issues of the *Peshwa* a monthly journal of Delhi regarding the complaints against Post Office officials?

(b) Has the Honourable Member, in particular, seen the issues of Shaban and Ramzan, pages 15 and 16, respectively, which deal with:

- (1) the loss of papers during transit;
- (2) late delivery of *dak* in the *Peshwa* office; and
- (3) irresponsible attitude of the postal department authorities towards the complaints on the aforesaid points?

(c) Has the attention of the Honourable Member been drawn to the similar complaints of other leading papers of Delhi, viz., *Rayasat*, *Alaman*, *Din-o-Dunya*, *Moulvi* and others?

†Answer to this question laid on the table the questioner being absent.

(d) Have Government considered the advisability of making an enquiry in the matter and punishing the persons responsible for such irregularities?

The Honourable Mr. A. G. Clow: (a) I cannot guarantee that I have seen them all.

(b) Yes. Enquiry showed that apart from the misdelivery of a letter and a postcard the allegations were not substantiated.

(c) As the Honourable Member has neither supplied relevant extracts nor mentioned the dates of issue of the newspapers referred to, I have not been able to see these complaints. If the Honourable Member is referring to the alleged complaints of the *Riyasat* and *Din-o-Dunya* mentioned in the Ramzan issue of the *Peshwa*, I understand that the former were found on enquiry to be groundless, while the Editor of the *Din-o-Dunya* has stated in writing that he has no complaints to make.

(d) Does not arise in view of the reply given to parts (b) and (c) of the question.

Qazi Muhammad Ahmad Kazmi: Has the Honourable Member taken into consideration the complaints that were sent along with this question?

The Honourable Mr. A. G. Clow: I have looked at the complaints.

DELAY IN PAYMENT OF MONEY ORDERS, ETC., IN DELHI.

1682. *Qazi Muhammad Ahmad Kazmi: (a) Is the Honourable Member for Communications aware that there are general complaints in Delhi by newspapers and businessmen that the payment of money orders and the money of value payable papers and articles are often delayed in Delhi Post Offices?

(b) If the answer to part (a) above be in the affirmative, have Government considered the advisability of making an enquiry into the matter?

The Honourable Mr. A. G. Clow: (a) No.

(b) Does not arise.

CONTRACT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1683. *Pandit Sri Krishna Dutta Faliwal: (a) With reference to part (d) of question No. 910 asked on the 9th March, 1939, will the Honourable Member for Railways be pleased to state as to when the decision of terminating the contract of the Shahdara-Saharanpur Light Railway is likely to be reached?

(b) Is it or is it not a fact that a twelve months notice is required for terminating the contract and that it must at the latest be served on the Railway before the 18th April, 1940?

(c) If the answer to part (b) be in the affirmative, do Government propose to serve the notice in time to terminate the contract?

The Honourable Mr. A. G. Clow: (a) and (c). These questions have not yet been considered

(b) Yes.

PAY OF WORKMEN IN THE LOCOMOTIVE DEPARTMENT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1684. *Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Railways be pleased to state whether it is a fact that in the Locomotive Department of the Shahdara-Saharanpur Light Railway the payment of workmen is very low, viz., Rs. 30 per mensem only, while persons of similar qualifications with similar duties on the North Western Railway get about Rs. 75 per mensem?

The Honourable Mr. A. G. Clow: Government are not in possession of the scales of pay on this railway, but I should doubt if the conditions of work in the Locomotive Department were identical with those on the North Western Railway.

Qazi Muhammad Ahmad Kazmi: Will the Honourable Member send this question to the Manager for consideration?

The Honourable Mr. A. G. Clow: I have no objection.

AGE OF THE ASSISTANT LOCOMOTIVE SUPERINTENDENT OF THE SHAHDARA-SAHARANPUR LIGHT RAILWAY.

1685. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable Member for Railways please state if it is a fact that the Assistant Locomotive Superintendent of the Shahdara-Saharanpur Light Railway is about ninety years old with 55 years of service?

(b) Have Government considered the advisability of pressing upon the Shahdara-Saharanpur Light Railway authorities to remove this officer?

The Honourable Mr. A. G. Clow: (a) No. Such information as Government have in regard to this officer will be found on page 222 of the Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways corrected upto the 31st December, 1938, a copy of which is in the Library of the House.

(b) No.

Mr. R. N. Basu: With reference to the answer to part (a) of the question may I know what is the age of the Assistant Locomotive Superintendent of the Shahdara-Saharanpur Light Railway?

The Honourable Mr. A. G. Clow: I believe he is about 63.

An Honourable Member: Still going strong?

The Honourable Mr. A. G. Clow: I hope so.

Qazi Muhammad Ahmad Kazmi: Has the Honourable Member got any idea as to how long it has been since he retired? Is it not a period of 20 years since he retired from the service?

The Honourable Mr. A. G. Clow: I was not aware that he was a retired official. I am quite prepared to take it from the Honourable Member.

Mr. N. M. Joshi: May I know what is the number of years of service of this gentleman?

The Honourable Mr. A. G. Clow: I do not know that.

Mr. N. M. Joshi: If he has put in 55 years' service as mentioned in the question, his age could not be 63.

The Honourable Mr. A. G. Clow: On the other hand, if he is 63 years of age, he could not have put in 55 years' service.

Qazi Muhammad Ahmad Kazmi: May I know how long it is proposed to retain this gentleman?

The Honourable Mr. A. G. Clow: It is not a question for Government.

PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1386. *Mr. Umar Aly Shah: (a) Will the Honourable Member for Railways please state if he is aware that there is a great deal of discontentment and resentment prevailing in the staff of the Railway Clearing Accounts Office regarding promotions to Sub-head's grade?

(b) Is it also a fact that several representations from the staff were made in this connection to the Director and Controller of Railway Accounts? If the reply is in the affirmative, what steps have Government taken or propose to take to redress the grievances of the staff in this connection? If not, why not?

The Honourable Mr. A. G. Clow: (a) Government have no information beyond the fact that certain representations have been received from time to time by the Director, Railway Clearing Accounts Office, and the Controller of Railway Accounts.

(b) The reply to the first part is in the affirmative. As regards the second part, I understand that the representations were carefully considered and that legitimate grievances have been removed. The third part of the question does not arise.

PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1687. *Mr. Umar Aly Shah: In answer to question No. 581 (a) and (b) put by me in the Legislative Assembly debates of the 2nd March, 1938, the Honourable Member for Railways has stated that the posts of 1938, the Honourable Member for Railways has stated that the posts of Sub-Heads are governed by selection in the Railway Clearing Accounts Office and that three selections took place from 1928 to 1934 in which lists of candidates who were considered *prima facie* fit for promotions to the rank of Sub-Heads were made and that a general list of the three selections was prepared in the order of seniority. If so, will the Honourable Member for Railways please lay on the table a list of these selections and state if this list is being followed now? If not, why not?

The Honourable Mr. A. G. Clow: The list referred to by the Honourable Member was prepared by the Director, Railway Clearing Accounts Office, for his own convenience; but promotion to each vacancy in the rank of sub-head is made personally by the Director, in consultation with his officers where necessary, on a basis of strict selection with due regard to experience. The lists were not lists of officials selected; they were merely guides indicating the officials eligible for selection, and I do not propose to make them public.

Dr. Sir Ziauddin Ahmad: May I know whether the Honourable Member is aware of the representations made to the Financial Commissioner about these particular matters, as we can expect no justice at the hands of the Director, Railway Clearing Accounts.

The Honourable Mr. A. G. Clow: Is the Honourable Member entitled to say that he does not expect justice from an officer in this matter?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to withdraw that remark.

Dr. Sir Ziauddin Ahmad: I withdraw, though I speak from my experience.

The Honourable Mr. A. G. Clow: That is not withdrawing.

Dr. Sir Ziauddin Ahmad: I withdraw.

PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1688. *Mr. Umar Aly Shah: Will the Honourable Member for Railways state the method laid down for judging the merit of each individual clerk in the Railway Clearing Accounts Office who is promoted to the post of a Sub-Head? Is the recommendation of Sectional Officers called for in writing on every occasion when promotion is made on merit? If not, why not?

The Honourable Mr. A. G. Clow: The merits of each individual case are judged by the Director personally after taking all the relevant factors into consideration. The recommendations of section officers, whether orally or in writing, are also called for where necessary.

KEEPING OF ORISSA UNDER THE ADMINISTRATION OF THE POSTMASTER GENERAL, BIHAR.

1689. *Mr. K. S. Gupta: Will the Honourable Member for Communications please state:

- the reason for keeping Orissa under the administration of the Bihar Postmaster General;
- the difficulties for not creating a separate circle for Orissa after the separation of the province;
- whether he proposes leaving the administration of appointments to a Deputy Postmaster General whose appointment as such may safeguard the interest of Orissas; and
- whether he proposes separating the administration of Orissa and create an independent circle for the province, if so, when; if not, why not?

The Honourable Mr. A. G. Clow: (a) and (b). Considerations of efficiency, economy and administrative convenience.

(c) No. The Postmaster General is responsible in such matters.

(d) No, for the reasons stated in reply to parts (a) and (b) of the question.

RELEGATION OF CERTAIN CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1690. *Maulana Zafar Ali Khan: (a) Will the Honourable the Communications Member please state if it is a fact that about 80 per cent. of the old second division clerks in the office of the Director General, Posts and Telegraphs have been counted as third division in consequence of the recent re-organisation of the office?

(b) If the reply is in the affirmative, will Government kindly state whether similar action of counting the staff of higher division to lower division has ever been taken in the past in any attached office of the Government of India?

(c) If the reply to part (b) above be in the negative, will Government kindly state the reasons for such unprecedented treatment in the case of the staff of the office of the Director General, Posts and Telegraphs?

The Honourable Mr. A. G. Clow: (a) No. There are a number of clerks belonging to the old second division whose posts are counted against vacancies in the third division. The men retain their old scales of pay and the corresponding posts in the third division remain unfilled until these clerks vacate their posts.

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

Maulana Zafar Ali Khan: May I know what is the percentage of the old second division clerks who have been counted against vacancies in the third division?

The Honourable Mr. A. G. Clow: I think it is in the neighbourhood of the percentage given in the Honourable Member's question.

Maulana Zafar Ali Khan: May I know whether these old second division clerks who have been relegated to the third division will get promotion in the normal course?

The Honourable Mr. A. G. Clow: There is no question of relegating them to the third division. They continue on their old scales of pay. The point is that we have too many posts in the second division and as people holding those posts vacate them we will not fill those posts. The position of the clerks in the second division remains as it was in respect of grade.

Maulana Zafar Ali Khan: May I know whether these second division clerks who have been counted against the third division will get promotion or not. Will their rights be taken into consideration?

The Honourable Mr. A. G. Clow: It is not a question of their rights. Promotion normally depends on the occurrence of vacancies in the upper division but there also the same position holds good. There are a large number of supernumeraries who are not required for that division.

FILLING UP OF VACANCIES IN THE ASSISTANT'S CADRE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1691. *Maulana Zafar Ali Khan: (a) Will the Honourable Member for Communications kindly state how many vacancies in the cadre of Assistants occurred since December 1935, till the date of re-organisation in the office of the Director General, Posts and Telegraphs?

(b) Will Government kindly state whether the said vacancies were filled up by the old second division clerks of the office in the proportion ordered by the Home Department of the Government of India?

(c) If the reply to part (b) above be in the negative, will Government kindly state the reason for not acting upto the order of the Home Department?

The Honourable Mr. A. G. Clow: (a) 14 vacancies occurred from December, 1935, to June, 1938, in the Assistants grade, which contained 43 supernumerary posts.

(b) and (c). These vacancies were not filled as a re-organisation scheme was under consideration.

Maulana Zafar Ali Khan: May I know whether this re-organisation scheme was under consideration in December 1935?

The Honourable Mr. A. G. Clow: No. There were no vacancies for the whole of the first year. I think the first vacancy occurred a year after.

Maulana Zafar Ali Khan: This re-organisation scheme came in 1937 or 1938. It was not under consideration in 1935?

The Honourable Mr. A. G. Clow: There were no vacancies in 1935 so far as I remember.

INADEQUATE STAFF IN THE ISSUE SECTION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

1692. *Maulana Zafar Ali Khan: (a) Will the Honourable the Communications Member please state if it is a fact that the staff of the Issue Section of the office of the Director General, Posts and Telegraphs, attended office daily for six hours during the Christmas holidays for clearing up huge arrears accumulated in the section?

(b) If the reply be in the affirmative, will Government kindly state whether the Issue Section is under-staffed in comparison with the volume of work in that section?

(c) If the reply to part (b) above be in the negative, will Government kindly state the reasons for the huge accumulation of arrears?

(d) Do Government propose to strengthen the Issue Section with adequate staff? If not, why not?

The Honourable Mr. A. G. Clow: (a) No. Some members of the staff attended office for some hours on some of the Christmas holidays.

(b) and (c). The strength of the staff is adequate for normal working but there are, as in all offices, rush periods during which arrears accumulate.

(d) This does not arise; but I may mention that three temporary posts of typist were added to the staff from September, 1938.

Maulana Zafar Ali Khan: May I know whether this rush period coincides with the Xmas holidays or whether there were accumulated arrears before the Christmas holidays?

The Honourable Mr. A. G. Clow: Christmas is a period of congestion.

Maulana Zafar Ali Khan: May I know if the staff is adequate?

The Honourable Mr. A. G. Clow: The Honourable Member can form his own conclusion. I have stated one conclusion.

Mr. K. Santhanam: May I know whether these clerks get extra pay for working on holidays?

The Honourable Mr. A. G. Clow: It is part of their duties.

Mr. R. N. Basu: May I know whether any compensatory leave is given to them?

The Honourable Mr. A. G. Clow: No.

PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1693. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Railways please refer to the reply given by the Honourable Sir Thomas Stewart to question No. 580 put by Mr. Umar Aly Shah in the Legislative Assembly debates of the 2nd March, 1938, in which it was stated that "Promotion in the Railway Accounts Department is made at every stage by merit, due regard being paid also to seniority"?

(b) Is the Honourable Member aware that in the Railway Clearing Accounts Office promotions in sub-head's grade are made on the basis of the length of officiating service as sub-head with no regard for efficiency and seniority; the principle laid down for such promotion? If so, is the Honourable Member for Railways prepared to investigate and take suitable steps to remedy matters? If not, why not?

(c) Is it a fact that the clerks who have passed appendix 'C' examination and who are senior and efficient and have also officiated for about eight or ten months in the sub-head's grade have been reverted and their juniors have been made to officiate, simply because they officiated as sub-head for a longer period? Is the Financial Commissioner for Railways preferred to intervene and set the matter right? If not, why not?

The Honourable Mr. A. G. Clow: (a) and (b). It is not a fact that in the Railway Clearing Accounts Office promotion in the grade of sub-head is made only on the basis of the length of officiating service as a sub-head. I would refer the Honourable Member to the reply given to part (d) of starred question No. 581 asked by Mr. Umar Aly Shah on the 2nd March, 1938, from which it will be seen that there is no need for any investigation.

(c) The answer to the first part is in the negative, the other parts do not therefore arise.

SENIORITY LIST OF STAFF IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1694. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Railways please state if it is a fact that the seniority list of the staff of the Railway Clearing Accounts Office was drawn up according to the orders passed by the Financial Commissioner for Railways on the recommendation of the committee appointed by him for the purpose?

(b) Is he also aware that the seniority list in question is not being followed in the Railway Clearing Accounts Office while making promotions to higher grade in general and particularly in the case of Sub-Heads? If so, what was the purpose of the Government in appointing a committee for fixing the seniority of the staff?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) Promotions to superior ranks are made on a stricter basis of selection than promotion to lower ranks, but due regard is paid to experience.

Maulvi Syed Murtuza Sahib Bahadur: May I know if seniority is not taken into consideration?

The Honourable Mr. A. G. Clow: I said that due regard is paid to experience.

PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1695. *Maulvi Syed Murtuza Sahib Bahadur: Will the Honourable Member for Railways please state whether any check is exercised by the Controller, Railway Accounts, to ensure that promotions to higher grade in general and particularly in the sub-head's grade in the Railway Clearing Accounts Office are made strictly in accordance with the spirit of the orders issued by him or higher authority from time to time? If the reply is in the negative, what other means there are with Government to feel satisfied that promotions to sub-head's grade are fairly and justly made? If the reply is in the affirmative, what is the nature of the check exercised and what has been the result so far?

The Honourable Mr. A. G. Clow: The power to make promotions rests with the Director, Railway Clearing Accounts Office. Any one who feels aggrieved has the right of appeal to the Controller of Railway Accounts who is in a position to amend the orders passed by the Director where necessary.

Dr. Sir Ziauddin Ahmad: May I know if appeals are to be heard by the Financial Commissioner or the Controller of Railway Accounts?

The Honourable Mr. A. G. Clow: By the Controller.

Dr. Sir Ziauddin Ahmad: Has the Financial Commissioner anything to do with this office?

The Honourable Mr. A. G. Clow: The Financial Commissioner has responsibility in respect of certain matters.

Dr. Sir Ziauddin Ahmad: May I know whether he is also authorised to listen to the cases of appeal?

The Honourable Mr. A. G. Clow: The appeals lie to the Controller of Railway Accounts.

PROMOTIONS TO SUB-HEAD'S GRADE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

1696. *Maulvi Syed Murtuza Sahib Bahadur: (a) Will the Honourable Member for Railways please state if there was any list of selected candidates for promotion to sub-head's grade in the Railway Clearing Accounts Office upto 1934 and on what principle it was drawn up?

(b) Is there any similar list maintained at present in the said office? If the reply be in the affirmative, what are the principles on which the present list is drawn up? If the reply be in the negative, under whose orders the same has been abolished and why?

The Honourable Mr. A. G. Clow: (a) and (b). I understand that officials regarded, as eligible for promotion, are placed in order of seniority on the list which is intended for the convenience of the Director and is still maintained.

Dr. Sir Ziauddin Ahmad: The Honourable Member may deny it, but it is a fact that the administration of the Railway Clearing Accounts Office is thoroughly unsatisfactory. I have myself made representations with regard to complaints.

USE OF RUNNING ROOMS BY TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1697. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable Member for Railways be pleased to state how many rests are T. T. Es. over the East Indian Railway granted in a month?

(b) Is the system of working recommended by the Moody and Ward Committee in 1931 still in force over the East Indian Railway? If not, has the sanction of the Railway Board been taken for the deviation, if any?

(c) Is it a fact that T. T. Es. programme of working in the Howrah Division does not permit any room for T. T. Es. to use their running rooms?

(d) If the reply to part (c) be in the affirmative, will Government state the reasons for maintaining these running rooms?

(e) How many T. T. Es. running rooms are there on each Division?

(f) What expense is incurred over the maintenance of each running room annually?

(g) Is it a fact that by working the programmes suggested in the Moody and Ward Committee Report, the use of running rooms can be made by the T. T. Es.?

The Honourable Mr. A. G. Clow: I am calling for the information required and will place a further reply on the table when it is received.

REPRESENTATION OF MUSLIMS IN THE PERSONNEL BRANCH OF THE NORTH WESTERN RAILWAY HEADQUARTERS OFFICE.

1698. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a fact that there is not a single Muslim officer in the Personnel Branch of the Headquarters Office of the North Western Railway?

(b) Is it a fact that out of five personnel officers two are Hindus?

(c) Is it a fact that the question of the importation in the Headquarters Office of another Hindu officer in the senior scale is at present under contemplation?

(d) Is it the intention of Government to give all these posts to Hindus?

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(e) Is it a fact that both the Superintendent and the Assistant Superintendent of the Personnel Branch are Hindus?

(f) Is it a fact that out of six Head Clerks of the Establishment Branch only one is a Muslim?

(g) Is it a fact that the representation of Muslims in the Personnel Branch even in the category of junior clerks, for which posts no special qualifications are necessary, is quite negligible?

(h) Are Government prepared to reserve at least two posts for Muslim officers in the Personnel Branch of the Headquarters Office? If not, why not?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) No. Only one is a Hindu.

(c) I am not aware that this is contemplated at present.

(d) and (h). The posting of officers to branches in an office is not regulated by communal considerations.

(e) Yes.

(f) There are four posts of Head Clerk; one of them is held by a Muslim.

(g) Of the 59 men in the establishment branch, 21 are Muslims.

CONTROL OVER PRICES CHARGED AND KIND OF LITERATURE SOLD AT RAILWAY BOOK-STALLS.

†1699. ***Shrimati K. Radha Bai Subbarayan:** (a) Will the Honourable Member for Railways be pleased to state whether and how Government exercise any control or supervision over the prices charged for and the kind of literature sold at the book-stalls on railway platforms?

(b) If Government have any rules in this behalf?

(c) If the answers to parts (a) and (b) above be in the negative, are Government prepared to consider this matter from the point of the educational value of the literature sold at railway platforms and prescribe the necessary regulations?

The Honourable Mr. A. G. Clow: (a), (b) and (c). Book-stall contracts are given separately by each Railway Administration and the terms of those contracts vary on different railways. Generally, however, provision is made for the sale of newspapers, books and periodicals at rates not exceeding those usually charged by firms carrying on similar business in large towns. The contract also provides that the Administration reserve the right of criticising the sale of anything which they consider objectionable. The contracts do not bind the lessee to stock any particular type of literature and Government do not propose to secure the adoption of a condition of this kind. It may be presumed that contractors are prepared to stock such literature as finds a ready sale.

ASSISTANT SURGEONS ON THE NORTH WESTERN RAILWAY.

†1700. ***Mr. Mohan Lal Saksena:** (a) With reference to the reply to question No. 1344, dated the 28th March, 1939, will the Honourable the Railway Member please state whether all the four Assistant Medical Officers on the North Western Railway are non-Indians? If so, why?

†Answer to this question laid on the table the questioner being absent.

(b) Is it a fact that it is Government's policy now-a-days not to grant any extension of service to officers after their attaining the age of superannuation?

(c) Is the Railway Department aware that military assistant surgeons of the Indian Medical Department are invariably retired on attaining the age of 55?

(d) Do Government propose to grant an extension of service to the non-Indian Assistant Medical Officer stated in the above-mentioned reply to be due to retire in August 1939? If so, why, and if not, is it proposed to re-employ him after his retirement from the military service?

(e) Have Government considered that this will prejudicially affect the promotion in the service from the lower ranks?

(f) Have Government considered the financial effect of the re-employment of the non-Indian Assistant Medical Officer as against the recruitment of a fresh person into the service at the bottom in these days of unemployment?

(g) What are the reasons for according a special treatment, administrative or otherwise, in the matter of granting extensions to non-Indians? Has any Indian assistant surgeon been also treated similarly within the last two years? If not, why not?

The Honourable Mr. A. G. Clow: (a) Three are statutory Indians and one is a European.

(b) Extensions of service are given in exceptional cases where circumstances justify this being done.

(c) Yes.

(d) The matter is under consideration.

(e) and (f). These and other considerations will not be overlooked when a decision is being taken.

(g) As regards the first part, the considerations influencing a decision vary according to the circumstances of each case. As regards the second part, Government have no information, but there is nothing to preclude the railway administration concerned giving an extension of service if public interests require this to be done.

GRIEVANCES OF MUSLIMS ON THE EASTERN BENGAL RAILWAY.

1701. ***Mr. Muhammad Nauman:** (a) Has the attention of the Honourable Member for Railways been drawn to an article published in a Calcutta monthly magazine volume IV No. 2-3, March-April 1939, page 5 and 10 styled, "Bullying Muslim Employees"?

(b) Have Government investigated into Muslim grievances in their reference on the Eastern Bengal Railway?

(c) Are Government prepared to make thorough enquiries into such Muslim cases under the Watch and Ward Department on the Eastern Bengal Railway?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) and (c). Inquiries were made into an allegation made against the Superintendent, Watch and Ward Department, and it was found to be erroneous. No further enquiry is contemplated.

Mr. Muhammad Nauman: Is the Honourable Member aware that 12 Noon. certain cases of this nature also happened at Lalmonir Hat on the Eastern Bengal Railway and that there were men who behaved like that?

The Honourable Mr. A. G. Clow: I am not aware of those particular cases.

Mr. Muhammad Nauman: What is the result of the investigation which the Railway Board has made? What is the information available to the Railway Board in this connection?

The Honourable Mr. A. G. Clow: There is a good deal of information including extensive correspondence between the Honourable Member and the General Manager of the Railway.

Mr. President (The Honourable Sir Abdur Rahim): The answers to the next three questions are to be laid on the table as the Honourable Member has already asked five questions.

(b) WRITTEN ANSWERS.

DIRECT RECRUITMENT OF CERTAIN STAFF ON THE NORTH WESTERN RAILWAY.

1702. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether, since the issue of the July 1934 Resolution of the Government of India, direct recruitment in intermediate grades of certain categories of staff on the North Western Railway has been stopped or substantially curtailed; if so, in which categories?

(b) Have the minimum educational and technical qualifications laid down for appointment to certain categories of staff been raised?

(c) Has the basis of recruitment in certain categories been changed from a Divisional to an inter-Divisional basis?

(d) If the reply to parts (b) and (c) be in the affirmative, will the Honourable Member please state why this has been done?

(e) If not, are Government prepared to consider the question of restoring *status-quo*?

The Honourable Mr. A. G. Clow: (a) The reply to the first part is in the negative, and the second, therefore, does not arise.

(b) No.

(c) Yes, in the case of ticket collectors, class I, grade II, who are now being recruited by the Headquarters Office instead of, as previously, by Divisional Superintendents.

(d) Recruitment by the Headquarters Office was considered necessary in order to regulate promotions to grade II of the ticket-collectors' cadre and to the grade of special ticket examiners.

(e) Government do not consider that their interference in this matter is called for.

EMPLOYMENT OF MORE MUSLIM WATERMEN ON THE NORTH-WESTERN RAILWAY.

1703. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state whether it is a general complaint from the travelling public that sufficient number of Muslim watermen are not employed on the stations of the North Western Railway, particularly during the hot weather?

(b) Will the Honourable Member please give figures of the Hindu and Muslim watermen separately employed permanently and temporarily for the ensuing hot weather?

(c) Is the Honourable Member prepared to issue the necessary instructions to ensure the employment of at least sixty per cent. Muslims as watermen for the 1939 hot weather and for subsequent years, and also to see that the number of permanent Muslim watermen attains an adequate level with the least possible delay?

The Honourable Mr. A. G. Clow: (a) I am not aware of any general complaint in this respect.

(b) I have called for the information required by the Honourable Member, and will place a reply on the table of the House when it is received.

(c) No.

EMPLOYMENT OF MUSLIMS IN THE PERSONNEL BRANCHES OF THE NORTH WESTERN RAILWAY.

1704. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please state the number of clerks, sub-heads and head clerks employed in the Personnel Branches of the North Western Railway in the various Divisional, extra-Divisional and Headquarters Offices separately by communities on the 1st March, 1938 and 1st March, 1939?

(b) Will the Honourable Member for Railways please state what is the difficulty in bringing the proportion of Muslims in these branches to an adequate level by inter-branch transfers, particularly in the case of the lower grades, the incumbents of which are termed merely routine clerks?

(c) Is the Honourable Member for Railways prepared to issue instructions to ensure that an adequate number of Muslims are imported in the Personnel Branch so as to avoid the preponderance of the non-Muslim element at present existing therein?

The Honourable Mr. A. G. Clow: (a) I have not figures for the dates specified. But such figures as are available show that the total number of all communities employed in the Establishment sections on the North Western Railway on 30th June, 1936, was 413 clerks and 22 head clerks, of whom 107 and three, respectively, were Muslims. The corresponding figures for 1st December, 1938, for all communities were 425 clerks and 28 head clerks, of whom 137 and five, respectively, were Muslims.

(b) The Honourable Member will observe from the figures I have given that during a period of 17 months the number of Muslims in the Establishment sections rose from 110 to 142.

(c) Instructions have already been issued to guard against particular communities being handicapped by the preponderance of any one community in the Establishment sections of railway offices.

SCHEME FOR THE ESTABLISHMENT OF FLYING SCHOOLS IN INDIA.

1705. *Mr. Kuladhar Chaliha: Will the Honourable the Communications Member please state:

- (a) whether the attention of Government has been drawn to a paragraph in the *Hindustan Times*, dated the 28th March, 1939, with the heading 'cost of flying';
- (b) whether Government propose to draw up a scheme for the establishment of flying schools in the different parts of India to obtain 'A' licence at a reasonable expense of Rs. 50, or thereabout and accommodation expenses of Rs. 50, more or less, in order to have a large number of young men trained in flying;
- (c) whether Government have considered the heavy cost of flying in Delhi and the necessity of reducing it further; and
- (d) whether Government are prepared to consider the feasibility of reducing the cost of flying to the same level as that of the rate of a civil air guard in Britain?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) No.

(c) and (d). Government would welcome a reduction in the cost but are not prepared to grant subsidies on the scale that would be necessary to carry out the Honourable Member's suggestion.

STATEMENT OF THE PREMIER OF THE NORTH-WEST FRONTIER PROVINCE ABOUT TRIBAL AREA.

1706. *Mr. Abdul Qaiyum: Will the Secretary for External Affairs please state:

- (a) if he has read the following statement of the Premier of the Frontier Province in the *Tribune*, Lahore, dated the 30th March, 1939:

"I expressed this view officially and non-officially that the only solution is that the tribal area and the people who are owners of that land should be left alone, and we must create a line of defence between the settled and tribal areas. I am sure that if this is done or left to the Provincial Government, if the Central Government hand over the tribal territory, I have every hope that this question, which is within the reach of the Provincial Government, will be settled amicably";

- (b) whether the Central Government approve of this policy;
- (c) if not, the reasons for such attitude; and
- (d) what is the policy of Government with regard to the treaties?

Sir Aubrey Metcalfe: (a) Yes.

(b) and (c). It is not clear what policy the Premier is reported to advocate. Since on the one hand he speaks of leaving the people of tribal areas alone and on the other of handing them over to the Provincial Government presumably for administration. Government can obviously express no views on vague and contradictory suggestions of this kind.

(d) The policy of Government with regard to all treaties into which they have entered is to observe them.

SYSTEM OF ENROLMENT OF COOLIES ON THE NORTH WESTERN RAILWAY.

1707. *Bhai Parma Nand: (a) Will the Honourable Member for Railways be pleased to state what system is followed for the enrolment of the coolies at railway stations over the North Western Railway?

(b) Who appoints and controls the jamadar of the coolies, and what are his remunerations?

(c) What does the Railway Department get from the jamadar?

(d) Will Government be pleased to state the number and communal proportion of coolies at the stations having a jamadar?

The Honourable Mr. A. G. Clow: (a) and (b). I would refer the Honourable Member to the information laid on the table in reply to the Honourable Pandit Hirday Nath Kunzru's question No. 270 in the Council of State on the 5th October, 1937.

(c) Nothing.

(d) Government have no record of this.

UNSTARRED QUESTIONS AND ANSWERS.

EUROPEANS, ANGLO-INDIANS AND INDIANS EMPLOYEES IN PORT TRUSTS.

59. Mr. S. Satyamurti: Will the Honourable Member for Communications be pleased to lay on the table a tabular statement giving the number of Europeans, Anglo-Indians and Indians as on 31st December, 1938, in the different Port Trusts in India whose monthly salaries are between:

(1) Rs. 500 to Rs. 999.

(2) Rs. 1,000 to Rs. 1,999, and

(3) Rs. 2,000 and over but excluding in class (1).

those whose initial monthly salaries are below Rs. 500?

The Honourable Mr. A. G. Clow: I lay on the table a statement giving the information required so far as concerns the Ports of Chittagong, Madras and Karachi. Information regarding the Ports of Calcutta and Bombay is being collected and will be laid on the table in due course.

Statement showing the number of Europeans, Anglo-Indians and Indians in the employ of the Chittagong Port Commissioners and the Madras and Karachi Port Trusts on the 31st December, 1938, who were receiving salaries of Rs. 500 and over.

Name of Port	(1) Initial salary of Rs. 500 to Rs. 999.			(2) Rs. 1,000 to Rs. 1,999.			(3) Rs. 2,000 and over.		
	Euro-peans.	Anglo-Indians.	Indians.	Euro-peans.	Anglo-Indians.	Indians.	Euro-peans.	Anglo-Indians.	Indians.
Chittagong	3	...	1	3	...	...	...	...	...
Madras	5	...	1	4	...	...	1	...	...
Karachi	6	1	3	9	...	3	1	...	...

EUROPEAN AND INDIAN TRUSTEES IN PORT TRUSTS.

60. Mr. S. Satyamurti: Will the Honourable Member for Communications be pleased to lay on the table a tabular statement giving the number of European and Indian Trustees in each of the Port Trusts in India on 1st January, 1939 and on 1st January, 1929?

The Honourable Mr. A. G. Olow: The following statement gives the information required:

Statement showing the number of Indian and European Trustees or Commissioners of the major ports of Madras, Bombay, Karachi, Calcutta and Chittagong on the 1st January, 1929, and the 1st January, 1939.

	1st January, 1929.			1st January, 1939.		
	Indians.	Europeans.	Total.	Indians.	Europeans.	Total.
Madras	4	11	15	5	10	15
Bombay	8	13	21	12	10	22
Karachi	6	8	14	7	8	15
Calcutta	5	13*	18*	5	14	19
Chittagong	4	8	12	4	8	12

*Excludes one vacant seat to be filled by the Bengal Chamber of Commerce.

NEW APPOINTMENTS MADE IN PORT TRUSTS.

61. Mr. S. Satyamurti: Will the Honourable Member for Communications be pleased to lay on the table a statement showing how many new appointments have been made by the different Port Trusts in India since January, 1929, in positions with initial monthly salaries of:

- (1) Rs. 500 and over,
- (2) Rs. 1,000 and over, and
- (3) Rs. 2,000 and over of persons who at the time of such appointments were not already in Port Trust employ, giving the number of Europeans, Anglo-Indians and Indians in each of the three classes in each Port Trust?

The Honourable Mr. A. G. Olow: The information is being collected and will be laid on the table in due course.

CATERING ARRANGEMENTS ON RAILWAYS.

62. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to his speech on page 1058 of debates, dated 23rd February, 1938; viz., "In pursuance of the assurance given by Sir Joseph Bhowe 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," and

(i) lay on the table a statement showing:

- (a) the amount received as licence fees from stall-holders on each of the four State-managed Railways during 1938;
- (b) the amount received as rental charges for the use of refreshment rooms on those railways during 1938;
- (c) the amount received to cover the actual cost of supplying electricity and water to contractor, shopkeeper or stall-holder on those railways during 1938;
- (d) the opinions of the civil authorities on price lists of goods sold on those railways during 1938;
- (e) the reasons for not giving the contracts to local men on those railways during 1938 and for 1939;
- (f) inspections made by local public Health Authorities (other than Railway Medical Officers) on those railways during 1938 along with their remarks;
- (g) the reasons for giving ice and aerated water contracts on the North Western Railway for a period of three years and for deviating from the policy, viz., "contracts in regard to ice and aerated waters should be for a limited period, one year at a time (page 1059 of that debates)"; and

(ii) state if the reply to part (i) be in the negative, the reasons for not carrying out the decisions of the Central Advisory Committee during 1938?

The Honourable Mr. A. G. Olow: (i) The amount received in respect of licence fees from platform vendors and tea stall holders on the Eastern Bengal Railway during 1937-38 was Rs. 30,868. Enquiries will be made regarding the figures of income under this head on other State Railways and if the information is readily available it will be laid on the table of the House in due course. As regards the amount received as rental charges for the use of refreshment rooms, the Honourable Member is referred to the statement laid on the table on the 7th February, 1939, in reply to parts (a) to (c) of Mr. Satyamurti's starred question No. 1088 asked on the 16th September, 1938. The material required under the heads (c), (d) and (f) is not available. As regards the heads (e) and (g), there is no definite rule that contracts should be given to local men or that they should not be given for a period of three years.

(ii) As Sir Thomas Stewart explained in the House on the 23rd February, 1938, the tentative conclusions of the Central Advisory Council, which were not unanimous in all cases, differed in some important respects from the views expressed by a deputation of Honourable Members to Sir Sultan Ahmed. It was, therefore, necessary to reconsider the decision with a view to further consultation of the Central Advisory Council.

DELEGATION OF POWERS TO ALTER THE DATE OF BIRTH OF RAILWAY EMPLOYEES.

63. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 123 asked on the 28th March, 1938 and state:

- (a) the date and number of the notification under which the Agents were delegated the powers under paragraph 228-A of State Railway Open Line Code, Volume II; and
- (b) whether the Agents have been vested with powers to redelegate that power?

The Honourable Mr. A. G. Clow: (a) Powers were delegated to Agents (now General Managers) and to Heads of all Departments in a letter issued by the Railway Board in July, 1918.

(b) No re-delegation of the powers referred to in (a) above was permissible.

DENIAL OF HOLIDAYS TO STATION AND RUNNING STAFF ON RAILWAYS.

64. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please state the section of the Negotiable Instrument Act under which the railway station and train staff are not permitted to enjoy the holidays sanctioned under that Act?

The Honourable Mr. A. G. Clow: The Act does not regulate the grant of holidays to railway staff.

TAKING UP OF COMMERCIAL APPOINTMENTS IN ENGLAND BY RETIRED MEMBERS OF THE RAILWAY BOARD.

65. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the concluding reply on page 2780 of the Assembly Debates, dated 8th April, 1938 given to starred question No. 1266 of that date regarding the taking up of commercial appointments in England by retired members of the Railway Board, and state the result of the re-examination?

The Honourable Mr. A. G. Clow: The question of amending the Government of India Resolution No. 1140, dated the 21st April, 1920, regarding the acceptance of private employment with business concerns by retired officers has been reconsidered and it has been decided that until experience shows that there is any real need for its revision no change should be made therein.

CLASSIFICATION OF CERTAIN STAFF ON RAILWAYS AS RUNNING STAFF.

66. Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Railways please state the consideration and material upon which the staff referred to the Rule 3 (2) issued under Government of India, Railway Department Notification No. 40-L., dated the 31st January, 1931, were defined as running staff?

- (b) Was nature of duty considered?

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- (c) Was pay of staff considered?
- (d) Are staff paid on the nature of duty?

The Honourable Mr. A. G. Clow: On the presumption that the Honourable Member desires to know what considerations determine the classification of employees under the category of "running staff", the reply is:

- (a) the fact that the staff referred to undertake duties the efficient performance of which necessitates their being in a moving train;
- (b) Yes;
- (c) No;
- (d) This is one of several considerations determining the scales of pay.

APPLICABILITY OF THE GOVERNMENT SERVANTS' CONDUCT RULES TO THE STAFF ON RAILWAYS.

67. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the reply given to unstarred question No. 165, asked on the 8th April, 1938, regarding the applicability of the Government Servants' Conduct Rules to the staff on State Railways and state the result of the consideration?

The Honourable Mr. A. G. Clow: I would refer the Honourable Member to the reply given to Mr. Satya Narayan Sinha's question No. 117 on the 29th November, 1938. Certain points that have arisen in connection with the draft rules to which reference was then made are under examination.

CATERING ARRANGEMENTS ON RAILWAYS.

68. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to his speech on page 1059 of the Assembly Debates, dated the 23rd February, 1938, viz., contracts should be given to local men, and state the nature of orders passed thereon, and if no orders have been passed by this time, the reasons therefor?

The Honourable Mr. A. G. Clow: I would refer the Honourable Member to the reply given to part (ii) of his unstarred question No. 62.

NON-GRANT OF LEAVE TO RAILWAY EMPLOYEES.

69. Pandit Lakshmi Kanta Maitra: (a) Will the Honourable Member in charge of Communications be pleased to state if the Railway employees both of the station and ministerial sections do ordinarily and generally get leave earned by them under the rules on application for the same?

- (b) Is the Honourable Member aware that the Railway employees are not granted due leave for want of adequate relieving staff?

(c) Are Government aware that for granting due leave to the employees at least one relieving hand is necessary for eleven permanent hands and if so, are there requisite number of relieving hands at present and what is their number and the number of the permanent hands both ministerial and in the station sections?

The Honourable Mr. A. G. Clow: (a) to (c). I would refer the Honourable Member to the statement made by Sir Thomas Stewart in this House on the 22nd February, 1938, and reproduced on page 961 of the Debates for that day.

AREA UNDER A MEDICAL OFFICER FOR RENDERING TREATMENT TO RAILWAY EMPLOYEES.

70. Pandit Lakshmi Kanta Maitra: (a) Will the Honourable Member in charge of Communications be pleased to state:

- (i) the approximate area including the number of railway stations a medical officer, viz., a Sub-Assistant Surgeon has under him for rendering medical treatment to the employees under the Railway; and
 - (ii) the number of such medical centres?
- (b) If the answer to part (b) above be in the affirmative, will the Honourable Member be pleased to state whether Government contemplate taking steps for better arrangements of medical relief by reducing the local limit of a medical officer?

The Honourable Mr. A. G. Clow: (a) (i). Enquiries are being made as to the average number of stations for which a Sub-Assistant Surgeon is responsible on each of the four State Railways and the information received will be laid on the table.

(ii) I am not clear as to what the Honourable Member means by "such medical centres".

(b) Government have no reason to believe that the existing arrangements are inadequate.

SUBMISSION OF LEAVE APPLICATIONS IN SERVICE COVERS IN THE POSTAL DEPARTMENT.

71. Pandit Lakshmi Kanta Maitra: Will the Honourable the Communications Member be pleased to state:

- (a) whether it is a fact that a Postmaster *while on duty* is required to forward his own application for leave in a postage paid cover whereas he can submit leave applications of his subordinates in a service cover;
- (b) whether the Postmaster who is on duty is not permitted to send his personal leave application in a service cover with an endorsement thereon in his official capacity as Postmaster;
- (c) whether the rule in the Postal Manual is interpreted to mean that any official who is on leave cannot submit his application in a service cover through the local Postmaster to whom he may not be subordinate; and
- (d) if the reply to part (c) above be in the affirmative, whether necessary instructions or amendments to the rule clarifying the point will be issued in the matter?

The Honourable Mr. A. G. Clow: (a) to (c). Yes.

(d) No. The rule is unambiguous.

PAYMENT OF MONEY ORDERS TO VILLAGERS OF BHATGAON POST OFFICE IN CHIPLUN TALUKA.

72. Pandit Lakshmi Kanta Maitra: Will the Honourable Member in charge of Communications be pleased to state:

- (a) whether the villagers of Bhatgaon post office in Chiplun Taluka are required to go to the post office to receive payment of money orders;
- (b) whether it is a fact that the village is hilly and measures lengthwise nearly five miles and that the farthest locality from the post office is three miles;
- (c) whether any villages are served by this post office and the villagers thereof are also required to come to the post office for payment of money orders and, if so, the distance of such villages from the said post office; and
- (d) whether a departmental postman or two extra-departmental agents authorised to pay money orders and registered articles are proposed to be sanctioned to remove the grievance of villagers and whether Government are prepared to retain the said post office?

The Honourable Mr. A. G. Clow: (a) to (d). I have no information regarding the conditions in the area served by Bhatgaon post office but am forwarding a copy of the Honourable Member's question to the Postmaster-General concerned for such action as he may consider necessary.

POST OFFICES UNDER SELECTION GRADE POSTMASTERS IN THE BOMBAY CIRCLE.

73. Pandit Lakshmi Kanta Maitra: Will the Honourable Member in charge of Communications be pleased to state:

- (a) whether it is a fact that a post office with one Postmaster and four clerks is to be in charge of a Selection Grade Postmaster;
- (b) the number of such offices in Bombay Postal Circle which are in charge of time scale officials; and
- (c) when Government propose to raise those offices to the status of Selection Grade Post Offices?

The Honourable Mr. A. G. Clow: (a) No.

(b) I have not the information and I presume, in view of the answer to part (a), that the Honourable Member does not desire that it should be collected. If, however, he still wants it, I shall be pleased to obtain it for him and lay it on the table at a later date.

(c) Does not arise.

CONTRACT FOR HINDU REFRESHMENT ROOM, ETC., AT AMRITSAR RAILWAY STATION.

74. Mr. Umar Aly Shah: (a) Will the Honourable Member for Railways please state whether the contract for Hindu refreshment room and Hindu *roti wala* is held by one and the same person at Amritsar, North Western Railway?

- (b) Is that person a local man? If not, where does he reside?
 (c) Do Government propose to order the distribution of that contract to persons of that locality? If not, why not?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) No. He resides at Lahore.

(c) No. The Administration consider the existing arrangement satisfactory. A large contractor can supervise work of this nature without residing at the station.

LEVY OF LICENCE FEE ON INDIAN REFRESHMENT ROOMS ON THE NORTH WESTERN RAILWAY.

75. Mr. Umar Aly Shah: (a) Will the Honourable Member for Railways please refer to the reply given to starred question No. 784 asked on the 28th February, 1939 and state the result of the consideration with regard to the levy of licence fee on Indian refreshment rooms on the North Western Railway?

(b) When that result is likely to be placed before the Central Advisory Committee on Railways for discussion?

(c) Is it likely that those results may be considered by the Central Advisory Committee before this Honourable House adjourned *sine die* and before they are brought into effect? If not, why not?

The Honourable Mr. A. G. Clow: (a) The matter is still under consideration.

(b) and (c). The question will be placed before the first meeting of the Central Advisory Council held after the close of this Session.

APPLICATION OF REVISED SCALES OF PAY TO CERTAIN STAFF IN DELHI DIVISION OF THE NORTH WESTERN RAILWAY.

76. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the reply to a supplementary question to starred question No. 1454 asked on the 31st March, 1939, that is: the pay of the staff on promotion is regulated according to the scales (old, new or revised) applicable to them on entrance in the services; and state:

(a) the justification, the North Western Railway, Delhi Division, had in circular No. 681-P—10, dated the 8th October, 1938, by applying the new or revised scales to staff drawing pay in old scales on promotion; and

(b) who can order the devaluation of scales?

The Honourable Mr. A. G. Clow: I have called for the information required by the Honourable Member and a reply will be placed on the table of the House in due course.

IRREGULARITIES DETECTED UNDER THE PAYMENT OF WAGES ACT ON RAILWAYS.

77. Mr. Sham Lal: Will the Honourable Member for Railways please refer to the reply given to starred question No. 1215, asked on the 21st March, 1939, and lay on the table a statement showing:

(a) the irregularities detected by the Inspector under Payment of Wages Act and brought to the notice of the Railway Administrations; and

- (b) the action taken thereon by the Railway Administration, if no action has been taken the reasons therefor?

The Honourable Mr. A. G. Clow: The question should have been addressed to my Honourable colleague in charge of the Department of Labour.

GRIEVANCES OF THE EAST INDIAN RAILWAY STAFF SERVING IN THE DELHI DIVISION.

78. Mr. Sham Lal: Will the Honourable Member for Railways please refer to the information published in the Assembly Debates, dated 27th February, 1939, in connection with unstarred question No. 109, asked on 29th November, 1938 and state:

- (a) the number of vacancies in higher grades occurred since 1927 to which those staff were eligible for promotion;
 (b) the dates on which they were considered unfit for promotion; and by whom;
 (c) the dates on which they were considered fit for promotion and by whom; and
 (d) the periods during which they were given training in courses prescribed for their promotion, (whether in schools or at stations) the subjects taught and the result of such training?

The Honourable Mr. A. G. Clow: (a), (b), (c) and (d). This information is not available and its compilation would involve the examination of the personal file of each individual and extensive research into the occurrence of vacancies in a number of grades over a long period of years. It is regretted that this task cannot be undertaken.

ATTENDANCE RECORDING MACHINE IN THE RAILWAY BOARD'S OFFICE.

79. Bhai Parma Nand: Will the Honourable the Railway Member be pleased to state:

- (a) whether it is a fact that, in addition to the maintenance of daily attendance registers, "daily-attendance-recording" machines are for the last few years being maintained in the Railway Board's office?
 (b) whether on these machines the Railway Board office staff are required on their arrival in office to sign their names and the time of their actual attendance is automatically recorded by the mechanism in the machines;
 (c) whether on any member of the staff being late by even a few minutes he is penalised to stay behind after office hours for a period of not less than half an hour, and on a recurrence of this offence the fact is noted in his service sheet against which there is no appeal;
 (d) whether when these machines were first introduced all the officers and staff alike were required to sign their attendance daily;

- (e) whether gradually the officers dropped off from doing so, and later the Superintendents of Branches of the Railway Board's office were also exempted from signing their attendance on these machines;
- (f) whether now the office staff are only required to sign their attendance on these machines;
- (g) whether he is aware that the office staff feel aggrieved at this treatment;
- (h) whether in any office of the Government of India Secretariat such attendance machines are maintained or such attendance regulations are prevailing; and
- (i) whether other offices of the Government of India Secretariat which come under the category of "Commercial Secretariats" have ever introduced such machines in their offices or resorted to such attendance regulations?

The Honourable Mr. A. G. Clow: (a) and (b). Yes.

(c) No.

(d) The machines were intended for staff only but officers including the Chief Commissioner of Railways used it in order to set an example to the staff to attend office punctually.

(e) Does not arise in view of the reply given to part (d).

(f) Yes.

(g) No representations have been received from the staff to this effect.

(h) and (i). Not to my knowledge.

APPLICATION FOR REGISTRATION OF THE MONTHLY MAGAZINE *AMRIT* OF MANSEHRA.

80. Bhal Parma Nand: Will the Honourable Member for Communications be pleased to state:

- (a) whether it is a fact that one doctor Sain Dass of Mansehra (district Hazara) applied to the Postmaster General, Lahore, on 31st January, 1939, for the registration of *Monthly Magazine* the *Amrit* Mansehra;
- (b) whether the registration number has been assigned to the *Amrit*, if not, why not;
- (c) whether it is a fact, that the Postmaster General, asked the Sub-Postmaster, Mansehra, to verify the list of subscribers by the proprietor of the *Amrit*; and that the verification was sought only in the form of the money orders delivered to the V.P.P.S. despatch by the proprietor, if so, under what law this procedure was adopted;
- (d) whether he is aware that subscribers are sometimes local and sometimes pay the subscription after the expiry of the period, of which the post office can have no record; and
- (e) whether the Honourable Member proposes to make a change in this procedure for the future?

The Honourable Mr. A. G. Clow: (a) Yes.

(b) No. There was no satisfactory evidence that the paper had at least 50 *bona fide* subscribers.

(c) The answer to the first and second parts of the question is in the affirmative. As to the third part, no specific procedure is prescribed for the verification of lists of subscribers. I may mention that the Postmaster General, who, on receipt of a representation from Dr. Sain Dass, undertook verification by another method, also independently came to the conclusion that the paper had not requisite number of *bona fide* subscribers.

(d) Yes.

(e) No.

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 Bill further to amend the Indian Tariff Act, 1934 (Second Amendment), which was passed by the Legislative Assembly at its meeting held on the 6th April, 1939, was passed by the Council of State at its meeting held on the 11th April, 1939, with the amendment shown in the enclosed statement. The Council of State requests the concurrence of the Legislative Assembly in the amendment."

Sir, I lay on the table the Bill, as amended by the Council of State.

Statement showing the amendment made in the Bill further to amend the Indian Tariff Act, 1934, (Second Amendment), by the Council of State at its meeting held on the 11th April, 1939.

"In sub-clause (c) of clause 2, in the fourth column of the proposed item No. 43, for the letters and figures 'Rs. 35' the letters and figures 'Rs. 30' were substituted."

NEW DELHI;

The 11th April, 1939.

SHAVAX A. LAL,

Secretary of the Council of State.

DRAFT CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK IN THE PRINCIPAL MINING AND MANUFACTURING INDUSTRIES, INCLUDING BUILDING AND CONSTRUCTION AND IN AGRICULTURE, ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I lay on the table the Draft Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction and in agriculture, adopted by the Twenty-fourth Session of the International Labour Conference in June, 1938, together with a statement indicating the action which the Government of India have taken on the Draft Convention.

DRAFT CONVENTION ADOPTED BY THE CONFERENCE.

DRAFT CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK IN THE PRINCIPAL MINING AND MANUFACTURING INDUSTRIES, INCLUDING BUILDING AND CONSTRUCTION, AND IN AGRICULTURE.

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-fourth Session on 2 June 1938, and

Having decided upon the adoption of certain proposals with regard to statistics of wages and hours of work in the principal mining and manufacturing industries including building and construction, and in agriculture, which is the sixth item on the agenda of the Session, and

Having determined that these proposals shall take the form of a Draft International Convention, and

Having, determined that, although it is desirable that all Members of the Organisation should compile statistics of average earnings and of hours actually worked which comply with the requirements of Part II of this Convention, it is nevertheless expedient that the Convention should be open to ratification by Members which are not in a position to comply with the requirements of that Part,

adopts, this twentieth day of June of the year one thousand nine hundred and thirty-eight the following Draft Convention which may be cited as the Convention concerning Statistics of Wages and Hours of Work, 1938:

PART I.—GENERAL PROVISIONS.

Article 1.

Each Member of the International Labour Organisation which ratifies this Convention undertakes that:

- (a) it will compile as required by this Convention statistics relating to wages and hours of work;
- (b) it will publish the data compiled in pursuance of this Convention as promptly as possible and will endeavour to publish data collected at quarterly or more frequent intervals during the succeeding quarter and to publish data collected at intervals of six or twelve months during the succeeding six or twelve months respectively; and
- (c) it will communicate the data compiled in pursuance of this Convention to the International Labour Office at the earliest possible date.

Article 2.

1. Any Member which ratifies this Convention may, by a declaration appended to its ratification, exclude from its acceptance of the Convention:

- (a) any one of Parts II, III, or IV; or
- (b) Parts II and IV; or
- (c) Parts III and IV.

2. Any Member which has made such a declaration may at any time cancel that declaration by a subsequent declaration.

3. Every Member for which a declaration made under paragraph 1 of this Article is in force shall indicate each year in its annual report upon the application of this Convention the extent to which any progress has been made with a view to the application of the Part or Parts of the Convention excluded from its acceptance.

Article 3.

Nothing in this Convention imposes any obligation to publish or to reveal particulars which would result in the disclosure of information relating to any individual undertaking or establishment.

STATISTICS OF WAGES AND HOURS OF WORK IN CERTAIN INDUSTRIES. 3651

Article 4.

1. Each Member which ratifies this Convention undertakes that its competent statistical authority shall, unless it has already obtained the information in some other way, make enquiries relating either to all, or to a representative part, of the wage earners concerned, in order to obtain the information required for the purpose of the statistics which it has undertaken to compile in accordance with this Convention.

2. Nothing in this Convention shall be interpreted as requiring any Member to compile statistics in cases in which, after enquiries made in the manner required by paragraph 1 of this Article, it is found impracticable to obtain the necessary information without the exercise of compulsory powers.

PART II.—STATISTICS OF AVERAGE EARNINGS AND OF HOURS ACTUALLY WORKED IN MINING AND MANUFACTURING INDUSTRIES.

Article 5.

1. Statistics of average earnings and of hours actually worked shall be compiled for wage earners employed in each of the principal mining and manufacturing industries including building and construction.

2. The statistics of average earnings and of hours actually worked shall be compiled on the basis of data relating either to all establishments and wage earners or to a representative sample of establishments and wage earners.

3. The statistics of average earnings and of hours actually worked shall:

- (a) give separate figures for each of the principal industries; and
- (b) indicate briefly the scope of the industries or branches of industry for which figures are given.

Article 6.

The statistics of average earnings shall include:

- (a) all cash payments and bonuses received from the employer by the persons employed;
- (b) contributions such as social insurance contributions payable by the employed persons and deducted by the employer; and
- (c) taxes payable by the employed persons to a public authority and deducted by the employer.

Article 7.

In the case of countries and industries in which allowances in kind, for example in the form of free or cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of average earnings shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

Article 8.

The statistics of average earnings shall be supplemented, so far as practicable, by indications as to the average amount of any family allowances per person employed in the period to which the statistics relate.

Article 9.

1. The statistics of average earnings shall relate to average earnings per hour, day, week or other customary period.

2. Where the statistics of average earnings relate to average earnings per day, week or other customary period, the statistics of actual hours shall relate to the same period.

Article 10.

1. The statistics of average earnings and of hours actually worked, referred to in Article 9, shall be compiled once every year and where possible at shorter intervals.

2. Once every three years and where possible at shorter intervals the statistics of average earnings and, so far as practicable, the statistics of hours actually worked shall be supplemented by separate figures for each sex and for adults and juveniles; provided that it shall not be necessary to compile these separate figures in the case of industries in which all but an insignificant number of the wage earners belong to the same sex or age group, or to compile the separate figures of hours actually worked for males and females, or for adults and juveniles, in the case of industries in which the normal hours of work do not vary by sex or age.

Article 11.

Where the statistics of average earnings and of hours actually worked relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

Article 12.

1. Index numbers showing the general movement of earnings per hour and where possible per day, week or other customary period shall be compiled at as frequent and as regular intervals as possible on the basis of the statistics compiled in pursuance of this Part of this Convention.

2. In compiling such index numbers due account shall be taken, *inter alia*, of the relative importance of the different industries.

3. In publishing such index numbers indications shall be given as to the methods employed in their construction.

PART III.—STATISTICS OF TIME RATES OF WAGES AND OF NORMAL HOURS OF WORK IN MINING AND MANUFACTURING INDUSTRIES.

Article 13.

Statistics of time rates of wages and of normal hours of work of wage earners shall be compiled for a representative selection of the principal mining and manufacturing industries, including building and construction.

Article 14.

1. The statistics of time rates of wages and normal hours of work shall show the rates and hours:

- (a) fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards;
- (b) ascertained from organisations of employers and workers, from joint bodies, or from other appropriate sources of information, in cases where rates and hours are not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards.

2. The statistics of time rates of wages and of normal hours of work shall indicate the nature and source of the information from which they have been compiled and whether it relates to rates or hours fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, or to rates or hours fixed by arrangements between employers and wage earners individually.

3. When rates of wages are described as minimum (other than statutory minimum) rates, standard rates, typical rates, or prevailing rates, or by similar terms, the terms used shall be explained.

4. "Normal hours of work", where not fixed by or in pursuance of laws or regulations, collective agreements or arbitral awards, shall be taken as meaning the number of hours, per day, week or other period, in excess of which any time worked is remunerated at overtime rates or forms an exception to the rules or custom of the establishment relating to the classes of wage earners concerned.

Article 15.

1. The statistics of time rates of wages and of normal hours of work shall give:

- (a) at intervals of not more than three years, separate figures for the principal occupations in a wide and representative selection of the different industries; and

- (b) at least once a year, and if possible at shorter intervals, separate figures for the main occupations in the most important of these industries.

2. The data relating to time rates of wages and of normal hours of work shall be presented, so far as practicable, on the basis of the same occupational classification.

3. Where the sources of information from which the statistics are compiled do not indicate the separate occupations to which the rates or hours apply, but fix varying rates of wages or hours of work for other categories of workers (such as skilled workers, semi-skilled workers and unskilled workers or fix normal hours of work by classes of undertakings or branches of undertakings, the separate figures shall be given according to these distinctions.

4. Where the categories of workers for which figures are given are not separate occupations, the scope of each category shall, in so far as the necessary particulars are given in the sources of information from which the statistics are compiled, be indicated.

Article 16.

Where the statistics of time rates do not give the rates per hour but give rates per day, week, or other customary period:

- (a) the statistics of normal hours of work shall relate to the same period; and
- (b) the Member shall communicate to the International Labour Office any information appropriate for the purpose of calculating the rates per hour.

Article 17.

Where the sources of information from which the statistics are compiled give separate particulars classified by sex and age, the statistics of time rates of wages and of normal hours of work shall give separate figures for each sex and for adults and juveniles.

Article 18.

Where the statistics of time rates of wages and of normal hours of work relate not to the whole country but to certain districts, towns or industrial centres, these districts, towns or centres shall, so far as practicable, be indicated.

Article 19.

Where the sources of information from which the statistics of time rates and of normal hours of work are compiled contain such particulars, the statistics shall at intervals not exceeding three years indicate:

- (a) the scale of any payment for holidays;
- (b) the scale of any family allowances;
- (c) the rates or percentage additions to normal rates paid for overtime; and
- (d) the amount of overtime permitted.

Article 20.

In the case of countries and industries in which allowances in kind, for example in the form of free and cheap housing, food or fuel, form a substantial part of the total remuneration of the wage earners employed, the statistics of time rates of wages shall be supplemented by particulars of such allowances, together with estimates, so far as practicable, of their money value.

Article 21.

1. Annual index numbers showing the general movement of rates of wages per hour or per week shall be compiled on the basis of the statistics compiled in pursuance of this Part of this Convention, supplemented, where necessary, by any other relevant information which may be available (for example, particulars as to changes in piece-work rates of wages).

2. Where only an index number of rates of wages per hour or only an index number of rates of wages per week is compiled, there shall be compiled an index number of changes in normal hours of work constructed on the same basis.

3. In compiling such index numbers due account shall be taken, *inter alia*, of the relative importance of the different industries.

4. In publishing such index, numbers indications shall be given as to the methods employed in their construction.

PART IV.—STATISTICS OF WAGES AND HOURS OF WORK IN AGRICULTURE.

Article 22.

1. Statistics of wages shall be compiled in respect of wage earners engaged in agriculture.
2. The statistics of wages in agriculture shall :
 - (a) be compiled at intervals not exceeding two years ;
 - (b) give separate figures for each of the principal districts ; and
 - (c) indicate the nature of the allowances in kind (including housing), if any, by which money wages are supplemented, and, if possible, an estimate of the money value of such allowances.
3. The statistics of wages in agriculture shall be supplemented by indications as to :
 - (a) the categories of agricultural wages earners to which the statistics relate ;
 - (b) the nature and source of the information from which they have been compiled ;
 - (c) the methods employed in their compilation ; and
 - (d) so far as practicable, the normal hours of work of the wage earners concerned.

PART V.—MISCELLANEOUS PROVISIONS.

Article 23.

1. Any Member the territory of which includes large areas in respect of which, by reason of the difficulty of creating the necessary administrative organisation and the sparseness of the population or the stage of economic development of the area, it is impracticable to compile statistics complying with the requirements of this Convention may exclude such areas from the application of this Convention in whole or in part.
2. Each Member shall indicate in its first annual report upon the application of this Convention submitted under Article 22 of the Constitution of the International Labour Organisation any areas in respect of which it proposes to have recourse to the provisions of this Article and no Member shall, after the date of its first annual report, have recourse to the provisions of this Article except in respect of areas so indicated.
3. Each Member having recourse to the provisions of the present Article shall indicate in subsequent annual reports any areas in respect of which it renounces the right to have recourse to the provisions of this Article.

Article 24.

1. The Governing Body of the International Labour Office may, after taking such technical advice as it may deem appropriate, communicate to the Members of the Organisation proposals for improving and amplifying the statistics compiled in pursuance of this Convention or for promoting their comparability.

2. Each Member ratifying this Convention undertakes that it will :

- (a) submit for the consideration of its competent statistical authority any such proposals communicated to it by the Governing Body ;
- (b) indicate in its annual report upon the application of the Convention the extent to which it has given effect to such proposals.

PART VI.—FINAL PROVISIONS.

Article 25.

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

Article 26.

1. This Convention shall be binding only upon Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.
2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Secretary-General.
3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

Article 27.

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

Article 28.

1. A Member which has ratified this Convention may denounce it, after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.
2. Each Member, which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 29.

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 30.

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides :
 - (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 28 above, if and when the new revising Convention shall have come into force ;
 - (b) as from the date when the new revising Convention comes into force this convention shall cease to be open to ratification by the Members.

This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 31.

The French and English texts of this Convention shall both be authentic.

Statement.

The following statement indicates the action which the Government of India have taken in respect of the Draft Convention concerning statistics of wages and hours of work in the principal mining and manufacturing industries, including building and construction, and in agriculture, adopted by the Twenty-fourth Session of the International Labour Conference held at Geneva in June 1938 :—

As the competent authority for the collection of the necessary statistics is in all the industries concerned, except mining, the Provincial Government, and as the Convention does not require implementing by legislation, the Government of India have addressed the Provincial Governments, enquiring whether they wish to give effect to the provisions of the Convention.

Mr. N. M. Joshi (Nominated Non-Official): May I ask whether the Honourable Member will kindly circulate to the Members of the Assembly this statement, so that they need not wait till the statement is published in the proceedings? I may point out to you that many Members will leave Delhi before we get the last number of the Debates containing this statement. I would, therefore, ask that the statement may be circulated to Members so that if any action has to be taken, it may be taken before the Session is over.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member desires, I should be glad to read out the statement?

Mr. President (The Honourable Sir Abdur Rahim): The Chair understands, there are copies available which will be circulated to Honourable Members.

(B) RESOLUTION RE POSITION OF WOMEN UNDER THE EXISTING LAWS.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will now resume consideration of the following Resolution moved by Sri K. B. Jinaraja Hegde on the 15th February, 1939 :

"That this Assembly recommends to the Governor General in Council that a committee be appointed, consisting of a chairman and eight other members, of whom not less than five shall be non-officials, who shall include women to examine and report on :

(1) the present position of women under the existing laws with special reference to—

- (a) rights and disabilities in regard to ownership and disposal of property,
- (b) rights of guardianship over children,
- (c) rights to maintenance,
- (d) rights in respect of joint family property,
- (e) rights of inheritance and succession,
- (f) marital rights;

(2) the various other aspects in which the existing laws relating to these matters stand in need of reform;

(3) the legislative measures that should be enacted to carry out the necessary reform."

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I beg to move the following amendment:

"That for the original Resolution, the following be substituted :

"That this Assembly recommends to the Governor General in Council that a Committee be appointed consisting of a Chairman and six other Members, of whom not less than four shall be non-officials and of whom one at least shall be a woman, to report on the reforms which are necessary for improving the right of Hindu women to residence and maintenance, and the legislative measures necessary to give effect to such reforms."

Mr. President, I beg to recommend my amendment to the acceptance of the House, because I think the House will well realize by now that the circumstances have very considerably changed, particularly in the last twenty years or twenty five years in the social life of the Hindus and, therefore, it is only right that some kind of a measure may be undertaken to have an idea as to how far the change has taken place and how to adapt the laws to the changing circumstances.

With respect to this Resolution, I would like to make only three suggestions. The first suggestion, in connection with this Resolution of mine, is that so far as the personnel of this Committee is concerned, that personnel should not be restricted to this House. My reason for this suggestion is this that we have really very many competent persons, those who have taken a very great deal of interest and a great deal of active part in the social reforms all over India,—for instance, a person like Mr. V. P. Joshi of Baroda, a friend of mine—would be of invaluable help to a Commission like this and, therefore, Sir, the choice of the personnel need not be restricted to the Members of this House but let us get the best persons, whether men or women, from all over the country.

An Honourable Member: They should be Members of the House.

Dr. G. V. Deshmukh: It does not say that they should be Members of the House. Anyhow, my second suggestion is this that, after all, when this Commission goes into all kinds of evidence and it does produce a report, when that report should come before this House, we should not be in a position to say that this was not meant or that this is wrong or that this cannot be included. Before we start on this Commission let us have some kind of standard for interpretation so that when the report comes, it may not be mis-interpreted by different Members of the House. Perhaps, to explain what I mean, for instance, after our recent experience of yesterday, I think honestly that some of the opinions received were in favour of the measure; on the other hand, the Honourable the Leader of the House equally honestly thinks that they are against the measure. So, unless there is a standard of interpretation, and supposing, in so far as the evidence is concerned, somebody says, "I accept the principle of the Bill but I want to make the following suggestions", and then, on the other hand, if that is to be rejected and this is to be considered as being against the measure, then it will be most unfortunate. This is my second suggestion. My third suggestion is that instructions should be issued in detail to the personnel of this Commission so that they may include only those citizens who are likely to be accepted by this House and will come within the four corners of the inquiry and that they should not make suggestions which may be very useful, which may be advantageous, which may be for the good of the object that we are pursuing but which, for instance, are not included or cannot be included in the legislative measures, for instance, which cannot be included in such measures as the House may adopt as a Select Committee; then, they must be told beforehand that they will be invalid,—because, unless you take all these preliminary precautions, I am afraid, Sir, all the labours of the Commission are likely to be wasted.

In conclusion, may I hope that after all the labour and trouble of this Commission, we may get a report which is not worthless but which contains sauce for the geese as well as the gander, and that the women of India, instead of touching it with a pair of tongs, will grasp it with both hands.

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

"That this Assembly recommends to the Governor General in Council that a Committee be appointed consisting of a Chairman and six other Members, of whom not less than four shall be non-officials and of whom one at least shall be a woman, to report on the reforms which are necessary for improving the right of Hindu women to residence and maintenance, and the legislative measures necessary to give effect to such reforms'."

[Mr. Bhulabhai J. Desai.]

except perhaps in the matter of what is called the will of husband and wife, there is absolutely nothing that this House can undertake except in small matters. I do not for a moment deny that in the matter of Hindu Law they may say, "We want monogamy" and those who want it, I have every sympathy with them, and if any measure to that effect were before the House, I, for one, at all events, will wholeheartedly support it.

Then, there are others who say that the Hindu Law ought to enlarge itself in marital relations by introducing divorce and state grounds for it. On that I speak not with so much assurance as on monogamy, not because what happened yesterday, but for the reasons which I propose to give now. The reason is this. There is at present a law by which any two Jains, Sikhs and Buddhists can inter-marry, and have, as a part of such marriage, among other things, the right of divorce. Therefore, it is open to those who believe that they should enter into marriage with a right of divorce to utilise the provision which is already there. The law has already made a provision for it. And when we take the next step of introducing an enabling provision for divorce as an incident of all Hindu marriages, it is a step with which the House will in due course deal when the time comes. So long as you have taken the first step of what is called an opportunity for a man and a woman to marry on the conditions under which, if they so wish it, they can marry, they can also add to that marriage the extra right of divorce. I think it is an unfortunate disability, but to call it a right, I think, is a wrong view of marital relations altogether. To think that it is the right of a woman to divorce a man and *vice versa* is entirely misunderstanding the marital relations of man and woman and marriage itself. It may be a mitigation of an unfortunate condition in individual marriages, but to be told that it is the right of a man to divorce a woman or a woman to divorce a man is something which does not appeal to my moral sense. I may be wrong, I may be orthodox, I may be very un-Hindu. But I still believe and continue in that belief. I do not deny there are social evils. My own belief is that the word "right", which has been so much talked of in relation to this matter, is a thing which, speaking for myself, I must deny.

Dr. G. V. Deshmukh: What other word will you substitute?

Mr. Bhulabhai J. Desai: I do not deny that, incidental to many incidents of human life, there are difficulties and evils. But you may have to mitigate them. That is a very different proposition from talking about things which are mitigations of evils as rights. I do not call them so. Whether it is right or wrong is not the issue, but the essence of the matter in my opinion is that whereas you may meet a difficulty, you may meet a danger, but you do not call these things rights. I, therefore, speak with some hesitation on the question of divorce as being necessarily incidental to every Hindu marriage. At the same time, I am not one of those who will stand in the way of any such reform if I felt—not merely 50 per cent. of the people ask for it—if I felt there was a general feeling in society that requires, not on the ground that Government with their neutrality stands, but on the ground that it is no use forcing on society a system of beliefs which a few necessarily in advance or retrograde as the case may be may feel it is good for the rest of the society. Therefore, in that matter, I do lay a great deal of emphasis, not on the opinion of Shastras, because that really does not matter. I am one of those who is bold enough to think

that even if divorce did not exist in olden days in Hindu society, we should yet introduce it if the needs of the society demand it. I will not take the trouble of proving that divorce existed in Hindu society in the pristine days of the hoary past. It is unnecessary. I will take the word "sacrament". It is a word that I fully understand. It is significant, of course, that if you must speak in English, you must use an English word for the original Sanskrit, Gujarati or Mahratti, or whatever it may be.

Dr. G. V. Deshmukh: If others do not understand then why should they not say so?

Mr. Bhulabhai J. Desai: The idea of marriage has in it an element, one might or might not accept it, it has a religious element for every Christian also. As regards Christian marriage, for example, even today, so far as Roman Catholics are concerned, whatever the Civil Courts have done, whatever the Ecclesiastical Courts have done, it requires the special sanction of His Holiness the Pope in many cases before such marriage tie is really dissolved, in the eye of faith. Therefore, one need not argue about it. I, for one, will say that even if the original marriage had this idea of both religious and a sacramental, I think it is good to recognise that there was this double idea of both secular and religious behind it. I do not pretend slightly that it was the one or the other. I do not pretend for a moment that there was any such thing as the general system of divorce in Hindu Law. But that does not prevent me from saying that if the circumstances have altered that, society requires it. I am not opposing my Honourable friend, Dr. Deshmukh. He entirely misunderstood me if he thought that I was arguing against him. I would cut a bolder ground and say if divorce did not exist formerly, I will assume it did not exist, I will assume that marriage has that double significance, yet I feel the time has now arrived when, having regard to the conditions of thought and knowledge, this is a step which we should take up. I think that policy is infinitely better than an attempt to convince my Honourable friend, Babu Baijnath Bajoria, which he will never succeed in.

Dr. G. V. Deshmukh: I entirely agree with my Leader.

Mr. Bhulabhai J. Desai: The position really is that, in matters of this kind, it is not so much an enquiry that is needed as to decide in your mind what are the particular items relating to the legal position of women which require amelioration, mitigation, or change or whatever else you like according to the degree which you wish to apply to that particular measure. Therefore, I do commend this modest amendment to the House that we propose to consider only a small matter, in itself small, but which might operate to a large extent over realities. For instance, second marriage among Hindus is a right which exists and which is very common, which I do not believe. But if it is so common as it is supposed to be, let us, for example, enquire if Hindu Law does not today confer on the wife the right, if the husband chooses to marry another wife, to separate maintenance and residence. This committee can investigate that, whether they may not recommend legislation by which the mere fact that a husband has re-married should enable the first wife for separate maintenance and residence. That itself would be a great deterrent on the second marriage for one thing. Incidentally, it will also mitigate to a large extent the life that the woman would have to lead and to the extent to which the man has any property at all to confer upon her the right to

[Mr. Bhulabhai J. Desai.]

separate maintenance and residence. It appears to me, therefore, that in this modest looking amendment there are many grounds and many incidents that I can think of where the position of Hindu women, if the committee so thinks, can be altered for the better.

As regards marital relations the only reason why it is not necessary now to enquire is that it seems to me that it is too late, and we have passed the stage of enquiry as a preliminary to take any steps. Those who are gathered here are alive to what are the rights. The rights are that a husband may not marry a second wife. If you must translate it in modern language, it is really an obligation laid that marriage shall be monogamous marriage. Let us not translate it in wrong terms. We see that a system of marriage properly founded on moral and social notions requires that a man may not conspire with more than one woman in marriage at a time. There is my Honourable friend, the Leader of the House, who would say you can get on with a concubine. That is a matter on which I propose to offer no opinion. The meaning is that you may not marry a second wife, but you may still keep a concubine. But, none-the-less, in monogamous countries, . . .

The Honourable Sir Nripendra Sircar (Leader of the House): Because it is more expensive.

Mr. Bhulabhai J. Desai: That is a matter of experience.

There is this disability and the law takes no notice of it; while the law takes notice of what is called a legal marriage with a second wife, it refuses to take any notice of the other relation. To that extent, if the position of the Hindu women is improved, there is no reason why we should not do so. I am only putting forward the point of view that monogamy is the basic idea of marriage as it is undoubtedly accepted in western countries. I think that is one to be commended on grounds as I said of social good and morality irrespective of any breaches of these rules which human beings commit or may commit irrespective of any rules of law. But, within the realms of the law, I think monogamy is one of those principles which you may well adopt. Then, you may come to the question of divorce which also requires no enquiry. You have had many Bills in England. There is a continuous change coming on from time to time as to the grounds on which divorces could be allowed. Recently, my friends, the Parsis, have gone just as far as they could and some 300 odd Parsi ladies, who were waiting for it, got themselves divorced as soon as the Bill was passed. Only one thing I want to add.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Don't push us too far. You have already done enough.

Mr. Bhulabhai J. Desai: I only want to add incompatibility of temperaments. They have a safeguard in that the Jury consists entirely of Parsis, who either believe or disbelieve facts, not because they are facts but that they do not wish to believe them.

The real issue is this that the grounds of divorce are really more important than the question of divorce. I do think myself most commonly the grounds are the unfaithfulness of the wife or the husband as the case may be. These are axioms which we cannot forget. Because they are the most frequent grounds and incidents of weakness

in society which require more than any other to be remedied. Of course, so far as marrying a second wife and the other four grounds given by my Honourable friend, Dr. Deshmukh, are concerned, they stand there. But I think the most prolific sources of the grounds for divorce in society, as we see it, are, as I said, unfaithfulness on the part of husband or wife or cruelty, either mental,—a stage which we have not reached in many parts of Europe,—or at all events personal, involving danger to life or person. For these reasons we feel that the amendment, as now put forward by Dr. Deshmukh, will be the first and the most important step towards the investigation of this matter. But I conclude, as I began, by saying that, so far as the two branches are concerned, which might usefully engage the attention of those who wish to look for a change in this matter, are, as I said, the law of marriage with which I have dealt and rights of residence and maintenance for which this committee is being appointed.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, so far as the Resolution or the amendment is concerned, our Party is in favour of it, and we will support whatever decision is come to by the Mover or the Congress Party or the Congress Nationalist Party or by any other Hindu gentlemen. Our policy has always been to stand by the right cause. We know for certain that the rights of Hindu women have been tampered with, nay, they have been undermined. So we are prepared to support this wholeheartedly. But, at the same time, some irrelevant points have cropped up in this connection. I was really sorry that the Leader of the Congress Party, for whom I have the greatest regard, made an unnecessary allusion to the Alexandria Library.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into all that.

Maulvi Syed Murtuza Sahib Bahadur: Reference was made to it and I want to give the true facts without criticising him.

Mr. President (The Honourable Sir Abdur Rahim): That question is not under discussion now.

Maulvi Syed Murtuza Sahib Bahadur: I will only say this that it is in the same category as the Black Hole of Calcutta with regard to which.....

Mr. President (The Honourable Sir Abdur Rahim): The Chair must ask the Honourable Member not to go into these matters which have nothing to do with the Resolution.

Maulvi Syed Murtuza Sahib Bahadur: The Honourable the Leader of the Opposition said that it would be better if uniformity were observed by all Indians, Hindus, Christians, Parsis, Sikhs, Muslims, etc. At least, as regards this point, I have to clarify the issue. Our laws specially those of inheritance and succession, and other laws are based on Quoranic principles. So, as a community, we follow our own laws, not for the sake of convention.....

Mr. President: (The Honourable Sir Abdur Rahim): Are not the Resolution and the amendment both confined to the rights of Hindu women?

The Honourable Sir Muhammad Zafrullah Khan: The Resolution is not confined to Hindus.

Maulvi Syed Murtuza Sahib Bahadur: I was saying that we are obliged to follow our laws, not for the sake of convention, but because we have no option but to follow them. Therefore, we do not come under that category. This point must be clarified before we lend our support to this. As regards the other matters I will say that we whole-heartedly support them.

The Honourable Sir Nripendra Sircar: Sir, I will start by saying that Government will accept the principle of this amendment. I do not agree that this is a small matter. I indeed think that this is a matter of great importance to Hindu women; and although I will try to finish my speech within the permissible limit of 15 minutes, I hope you will, if necessary, use your discretion to give me a few minutes more. Sir, I do not want to be dragged into the question of divorce on which the learned Leader of the Opposition practically devoted 14 out of his 15 minutes. But I take his speech as if it was made yesterday on the Divorce Bill. Nor do I want to controvert him on one matter. According to him, whether a wife or concubine is more expensive is a "matter of experience". Having no experience myself, I submit to his ruling.

Sir, as I said, Government are accepting this amendment and I am not disclosing any secret,—because if I come to any arrangement, I want the House to know about it,—that it was in fact I who suggested this amendment, and possibly Dr. Deshmukh will agree that the draft is mine. I think the origin of this amendment is this. I was pressed very much by various Members of this House as also by a deputation of ladies who came to see me that my attitude on the original Resolution was rather flippant and not fairly respectful to the serious nature of the question involved. It is not strange to me, though it may seem unexpected to others that the ladies were convinced—at any rate they said so,—that my attitude was justified and that the original Resolution would have done no practical good, even if it could be passed in face of Government and Muslim opposition. I, therefore, suggested that the Resolution should be confined to the maintenance of Hindu women; we are not concerned with the rights of women of other communities, whether Muslims or Christians; but Jains, Sikhs, etc., have been recognised as Hindus, by Hindu Law. I think I should recapitulate, very shortly, before the House the position of Hindu women as regards maintenance. I am not suggesting in what manner improvements should be made or what are improvements. If a committee is appointed it will be a matter for them to decide to report what should be done; but the House should know how exactly a Hindu woman stands in the matter of maintenance. I do not desire to go into any authorities or cite cases or discuss texts, but will give you a concise though not exhaustive summary of the position of the Hindu woman, regarding maintenance. As regards the liability to maintain a wife, this liability is a personal obligation of the husband which is not dependent on the possession of property. If he has no property whatsoever, self-acquired or joint property, and he may have only a small salary; yet he cannot avoid the liability to maintain the wife. About that proposition there is no doubt.

Secondly, in a joint Mitakshara family, (I find that Mr. Bajoria is pricking up his ears)—the manager is under the liability to maintain all members of the co-parcenary including their wives and children. His liability arises from the fact that the manager or *karta* is in possession of the family property. That is the position of a woman in a joint Mitakshara family, and, I presume, the quantum of maintenance varies with the length of the manager's foot.

Then, under the Bengal school, which governs my Province there is no co-parcenary between the father and the son; and, further, on the death of the co-parcener, without son, the widow inherits the estate of her husband although she gets a limited estate but should there be a son, then her right is only to maintenance; and the rights of maintenance of widows and other members and not only of wives have got to be considered by the committee, if one is appointed after the amendment is accepted by the House.

Then, about daughters, the position is one of some complexity and not entirely satisfactory. As regards unmarried daughters, it is the liability of the father to maintain unmarried daughters. On his death they are entitled to be maintained out of the estate of the father. But we have got to consider other positions also which are not altogether free from complaints from her point of view and which the committee might very well attend to for clarifying the position. On marriage, the daughter ceases to be a member of the father's family and she is entitled to be maintained by the husband and, after the death of the husband, out of the estate of the husband. But if the husband left no estate, her father-in-law, if he has got separate property—I want the House to consider that—is morally bound, but not legally, to maintain the daughter-in-law. That is a matter on which I express no opinion, whether this position is right or wrong; but, surely, that is a position which ought to be attended to by the committee if this amendment is accepted and if a committee is, as I hope, actually set up. It is said by the authorities that after his death she acquires a legal right, that is to say, so long as the father-in-law is alive the right is a moral right, if it can be called a right at all; but on his death, on the property passing to his heirs, this daughter-in-law gets a legal right. This is not a very happy position, nor is it one free from complications or difficulties. If she is unable to obtain maintenance from her husband, or, after his death, from his family, her father-in-law, if he has got separate property, is under a moral though not under a legal obligation to maintain her. Whether a Hindu woman will be justified in claiming maintenance both from the father's family and also from the husband's family in certain circumstances is a matter which I am not discussing now. I am only pointing out their position in law, where, under certain circumstances, the obligation to give her maintenance is merely moral and not one which a court could enforce and not a legal one. On the question whether after the father's death she acquires a legal right to be maintained by his heirs out of his estate, unfortunately, the High Courts are in conflict. That again necessitates the law being settled one way or the other. The Bombay High Court's answer is 'no'. But as Bengal is always more reasonable than Bombay, the Calcutta High Court has answered the question in the affirmative and acknowledged the right of the woman. I do not propose to go through all who will come under the heading of women entitled to maintenance like grand-daughters or sisters, but the Committee have to consider these

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questions, as also the matter of maintenance of widows and wives of disqualified heirs. No doubt there are rulings: their position is established in these reported decisions; but that is a matter which cannot escape the attention of the committee if it is doing its duty in a proper manner, which I have every reason to believe it will.

Then, as regards the widow's right of maintenance, there again, for instance, in the Mitakshara family where she does not succeed to the husband's estate but is only entitled to maintenance, what is her claim? Her claim is out of her husband's separate property, out of property in which the husband was co-parcener at the time of his death. On this, again, I have no desire to tire the House by telling them what the exact position of the woman is; but, surely, these are all matters which have got to be gone into; as also the case of the widowed daughter-in-law. I am not going into the authorities, I am only telling you what the matters are which require consideration. Along with them is a very important question, namely, the existing law under which this woman can be completely done out of her right of maintenance by a transfer made by the owner of the property to a *bona fide* purchaser without notice. Unless there has been a decree and the maintenance has been charged on the property, then the *bona fide* purchaser without notice, gets the property free from all obligations of maintaining any of the women in the family. That, again, I should submit is a matter which ought really to be carefully gone into, because, at the present moment, it is an impossible situation for a woman that unless she takes the precaution of bringing a suit, getting a decree and under the decree having a charge declared on the property, she is absolutely at the mercy of the owner of the property. He sells away the property and the claim for maintenance is defeated. On the other hand the law should not be such that all transfers of property are made impossible. This matter is of great importance.

The amendment specifically relates to the matter of separate residence—the rights of Hindu women to residence and maintenance. That again is a very vexed question as to what are the circumstances under which a wife or a widow living away from the family dwelling house is entitled to separate maintenance. I do submit that the position of the woman ought really to be established as clearly as possible, whatever the decision of the Legislature may be in this matter, on which I do not desire to express an opinion. I do think, however, all uncertainty about the position should be removed. But at the present moment if I may once more read the four lines which I read yesterday in another connection about the wife's right to separate residence and maintenance,—they are summarised by Mulla, at page 587. She is not entitled to separate residence or maintenance unless she proves that by reason of her husband's misconduct or refusal to maintain her in his own place of residence or for other justifiable cause she is compelled to live apart from him. This is what is stated here:

"Neither unkindness not amounting to cruelty nor the fact that the husband has taken a second wife nor ordinary quarrels between husband and wife justify the wife leaving his house."

The very matter which was referred to by the Honourable the Leader of the Opposition is mentioned here, that is to say, under the existing Hindu law, the mere fact that a second wife has been married by the

husband is no ground for the first wife to claim separate residence and maintenance. I do not suggest that there may not be cases where the first wife has consented to the second marriage and is quite willing to remain in the family, but the authorities are rather unsympathetic in the matter of the right of separate residence and maintenance. In so far as the authorities are concerned, they say—If there is any danger of life to the wife or any danger of physical violence, she would be entitled to claim separate residence and maintenance, but at the same time, there may be hundreds of ways of torture and cruelty which are far more serious than mere physical torture. She may be treated in such a way that it may not be consistent with the self-respect of any woman to live in the family house, and it will be for the Committee to consider whether they should not suggest that the law should be amended in such a way that in a proper case the courts will have jurisdiction to grant separate residence and maintenance, although it does not come under any of the specific heads, namely, of physical violence or danger to life. Then in the next four lines the author proceeds to say:

"She will be justified in leaving the House and will be entitled to separate maintenance from him if he kept a concubine in the house",—*We are coming back to the concubine repeatedly this morning*,—"or habitually treated her with such cruelty as to endanger her personal safety."

As I have submitted to the House, there may be no question of any danger to personal safety, yet the treatment may be such that all reasonable men should come to the conclusion that the woman should not be forced to live in the house of her husband. I do not suggest that the courts would lightly exercise their jurisdiction, but, surely, they should have some larger power than they have now. I want the House to remember that this is merely my personal opinion which I am expressing here. If the matter goes before the Committee, it would be for them to suggest as to what should be done, and then for the Legislatures what recommendations should be accepted with or without modification.

Then, Sir, as regards the third and last aspect of the case, namely, the quantum of maintenance, I do believe that the present law is quite satisfactory, because in fixing the amount of maintenance regard is paid to the size of the estate of the husband, the status of the husband, the position in life of the family and so on, and yet, the matter has got to be attended to, and that I am sure will be done by the Committee.

Now, Sir, we have every hope, although today I am not giving a positive undertaking,—that we shall be able to set up a Committee. Now, turning to the terms of the amendment, Honourable Members will see that it suggests,—I do not say it is an unreasonable suggestion,—a Chairman and six other members, but it may be quite possible to have a satisfactory Committee consisting of a Chairman and four other members, and also to recognise the principle of having non-officials on it and a woman member. Without ignoring that, it may be possible to have five, but we cannot possibly make any pronouncement, until we have inquired into the matter as to who are likely to accept such duties as will be delegated to this Committee. I do think,—that is my hope,—I have no information,—but it is my hope that it will not be difficult to get eminent men like the gentleman my friend mentioned or there may be others who will not be reluctant to discharge the duties of a member of this committee or who will be only too glad to help the Legislature and the women of this country by doing the best they can to submit a proper Report.

[Sir Nripendra Sircar.]

I have done, Sir, but there are only three small points which were mentioned by Dr. Deshmukh which require to be dealt with. He said something about the standard of interpretation. About that I would say nothing. My friend is still troubled with "sacrament and divorce". The Report will be prepared in plain English, and with the help of the Dictionary he will be able to find out what the Report actually means. No separate standard of interpretation is necessary.

Then, he said, that instructions should be given to the Committee as to what they should do. But who is going to give instructions? Are we to take away from the Committee the duty which they have got to discharge? They have to tell us what are the matters on which improvement or change or modification is required. But am I to write to the Members of the Committee and say beforehand—"Dear Sir, you have been selected to the Committee, but for Heaven's sake, do not increase the rights of women in any way if you can help it". That is not the kind of instruction which can be given, nor can we specifically tell them that these are the matters which they should attend to. I daresay, it will be open to them to inquire what are the matters to which attention should be paid by them for making their suggestions.

Then, Sir, the last thing, but not the least, is that invariable goose and gander. The position here is that the gander has got to find the food for supplying it to the goose,—that is the right of maintenance. That is what the Committee will duly attend to. Sir, I support the amendment.

Mr. N. M. Joshi (Nominated Non-Official): Mr. President, being by nature a confirmed co-operator, I generally feel satisfaction in the fact that the Government of India and the Congress Party show signs of greater co-operation and collaboration.

An Honourable Member: Axis is changed.

Mr. N. M. Joshi: I am told that the axis is changed, but, Sir, in spite of the fact that I am generally satisfied, recently some pacts have been made between the two great Parties in the country, the Government and the Congress, which have not met with my approval. Sir, today's pact does not give me much satisfaction, because the terms of the Resolution are much wider.

An Honourable Member: Omnibus.

Mr. N. M. Joshi: It is not omnibus, but they are wider, and I feel that the amendment moved by my friend, Dr. Deshmukh, unnecessarily restricts its scope. In the first place, he asks that the investigation should be limited and restricted only to Hindu women. He did not explain why there should be no investigation at all into the rights of Muslim women, Parsee women or Christian women. I feel there should be no communal distinction in this matter. I, therefore, suggest that wherever women's rights are restricted, as is mentioned in the Resolution, as regards rights and disabilities in regard to ownership and disposal of property, rights of guardianship over children, rights to maintenance, rights in respect of joint family property, rights of inheritance and succession, and, lastly,

marital rights, in all these matters wherever these rights are restricted, there should be an investigation. Let the Committee find out what the position is in a particular community, let the Committee find out what the public opinion of the particular community is, whether a particular change, which the Committee thinks as best and fair is supported by public opinion, and whether the public opinion of the communities will support any changes which the Committee may think best to promote. I feel, Sir, that the original Resolution, therefore, was not only wider but fairer. And Dr. Deshmukh not only restricts the investigation to Hindu women but he restricts it to two questions, namely, the question of maintenance and the question of separate residence. I have no doubt that these two questions are of great importance. If those two questions are solved, some good will come, therefore, there is nothing to oppose Dr. Deshmukh's amendment. But, at the same time, I feel, that he has unnecessarily restricted the scope of the investigation and the Government, as usual, have supported him. I can understand the Government. They are not anxious for reform. If reform is forced on them, they sometimes undertake it and support it. Therefore, from the point of view of Government it is quite natural that they should support the smaller proposal. But I feel that the Legislature should not accept either the proposal of Dr. Deshmukh or of Government. Let us show a little bolder spirit of reform, and ask for larger reform, larger investigation and bolder proposals. If we adopt the method selected by my Honourable friend, Dr. Deshmukh, the Committee may investigate for a year, may report after a year, and the Government may take a year or two years to pass this reform into legislative action. Then, we may take up the other questions as regards rights over property and disposal of property, we may then even separate both these. Then, we may take up the question of guardianship after two or three years. In that way progress will be slow. Admittedly, we are in a hurry as regards reform and, therefore, we want the Legislature and the Government and the Congress Party also to be in hurry, and we cannot go on, when the whole world is progressing so fast, at a snail's pace as regards reforms in various directions. I am glad that the Government of India, on second thought, have given up their attitude that this Committee may not be able to do anything but to state the law.

The Honourable Sir Nripendra Sircar: That is the first thought.

Mr. N. M. Joshi: You have now by supporting the amendment admitted that the Committee can state the law, at least somewhat better than what the books on law have stated.

The Honourable Sir Nripendra Sircar: No, no. On a point of personal explanation, Sir. The Honourable Member has misunderstood me completely. I do not want the Committee to report what is the existing law. As I said, Rs. 7-6-0 Mulla's Hindu Law will do. I want them to suggest what changes and improvements should be made.

Mr. N. M. Joshi: The Honourable the Law Member may have great confidence in Mr. Mulla's book

The Honourable Sir Nripendra Sircar: I have.

Mr. N. M. Joshi: but the Committee, I am sure, will state what its view is as regards the law of maintenance and residence. I am glad that the Government of India have given up the attitude that reforms of this kind can best be made by private legislation. I do not suggest that private legislation is of no use. Certainly, if Government will not move, then private legislation will be undertaken and Government will be forced to support reform. But I cannot understand why the Government of India should not initiate reform themselves instead of waiting for private Members to initiate reform. I hope Government will give up the attitude that maintenance of law and order and maintaining an army for the defence of the country are the only duties of the Government of India but that the contentment and happiness of the human beings in this country are equally the duty of the Government, as they are the duty of private members. I am glad, therefore, that the Government of India have for once given up that attitude as they are supporting Dr. Deshmukh's amendment. I hope that they will reconsider their decision and support the whole Resolution and initiate reform on a wider scale so that progress may be achieved at a faster speed than what is proposed by Dr. Deshmukh's amendment.

Mr. M. S. Aney (Berar: Non-Muhammadan): I feel great pleasure in supporting the amendment of my Honourable friend, Dr. Deshmukh, which reduces the Resolution to what I consider a practical form. The remarks which my Honourable friend, Mr. Joshi, has made as regards the distinction between private Members and public Members I have been unable to follow, because I am always under the impression that every Member of this House is a public man and a public servant, and, therefore, all acts done by the Members are public acts. What he meant by private legislation—that also I was unable to understand. Probably a Bill introduced by a non-official Member is, according to him, a matter of private legislation.

Mr. N. M. Joshi: Yes.

Mr. M. S. Aney: I thought that "private" has got something to do with what is done outside the House. I have never thought that anything done in this House is a private matter; it is always a public matter. We have to excuse all these things in the case of Mr. Joshi inasmuch as he is not a lawyer. But my Honourable friend thinks that even if it be a matter which belongs to the sphere of law, he must have his say. Labour was not virtually involved in this affair. Labour women would not labour under greater disabilities than non-labour women. It is a matter of common interest to everybody. He should have thought that the matter was quite safe in the hands of such eminent lawyers as my Honourable friend, the Leader of the Opposition, and my Honourable friend, the Honourable the Leader of the House, whose absence we shall be very much feeling hereafter. (Interruption.) You have to reform the law. One who can understand the law is the proper person to suggest what reforms are needed. If there is initial ignorance about the state of the law, can anybody expect that gentleman to come and suggest any reforms at all? He will land us in a very difficult position out of which it will be very difficult to escape. However, that is immaterial.

The main merit of this amendment is that it serves to concentrate the attention of the Committee on two specific points which urgently need the consideration of all those who have the interests of our women at heart,—the question of maintenance and the question of residence. I do not want

to elaborate those points: I would not be able to do it better than what was done by my Honourable friend, the Leader of the House, himself. I am sorry I was not present to hear the Leader of the Opposition and the luminous speech he made in support of this amendment. A full statement of the existing law on the point of maintenance has been made by the Leader of the House, and those who have listened to him carefully will see that he has also succeeded in showing the particular points on which the Committee will have to concentrate its attention. Where the obligation of maintenance is of a moral nature, how that moral obligation has, in a majority of cases, been disregarded and injustice has been done to a large number of women on that count, is a point which the Committee will have to consider, and the Committee will have to see whether we should allow, hereafter, a claim to maintenance to rest merely upon a moral obligation like that. Similarly, also, the distinction between indigent daughters and well-to-do daughters today which is made in law has very often caused a good deal of injustice; and as to what constitutes indigence which entitles a daughter to preferential treatment in the matter of maintenance over a daughter who is not so entitled—those are matters on which we have not got very clear rules by which the courts could be guided. There are many other matters of detail which can be thought of when we sit down and consider those points.

Similarly, the question of residence. Once the relations between husband and wife and the woman and the other male members of a family become strained, for one reason or another, it is extremely difficult for that woman to live comfortably in the company of the husband or the other members of the family. Many little things are done in the House which affect her self-respect, that offend her sense of dignity and, therefore, a very compassionate and generous view of that difficulty has to be taken and from that point of view the suggestion that there should be one woman member is very important, as it is very likely that some points may escape the attention of men and the woman, I hope, out of her feminine sympathies can bring those delicate points to the notice of the committee. The scope of the inquiry has undoubtedly been narrowed down but I think that on that account the inquiry will be more penetrating and searching than would be the case if the committee's terms of reference were very unwieldy. A big roving inquiry with very comprehensive terms of reference would involve a mass of evidence which the committee themselves may be unable to digest and assimilate. And when the report is presented to Government, they would have taken decades over it. My friend, Mr. Joshi, has been in this House for a number of years and he knows the result if comprehensive and unwieldy committees are appointed with unlimited terms of reference. The committee itself will take a long time to present its report and the Government in their own dilatory way would take years to consider those recommendations.

Mr. N. M. Joshi: They will take ten times the period over this.

Mr. M. S. Aney: In that case, they would have taken 100 times over the other inquiry. A committee with limited terms of reference is likely to yield better results than the committee suggested in the original Resolution. With the best of intentions the Resolution was brought by my friend, Mr. Hegde, and our sister Mrs. Subbarayan who is not present here today. I know intentions by themselves do not carry us far. They

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have to be carried out in a proper manner and Dr. Deshmukh has done a great service by bringing in his amendment. In my view he has done greater service today and, partially, made amends for the disservice done by the Bill which he brought forward yesterday. Sir, I support the amendment with great pleasure.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I congratulate the Leader of the House on cleverly sidetracking the issue, and I warn the women of India not to trust him. I do not care if they trust me or not. The original Resolution wanted to confer certain benefits on the entire womanhood of India. It wanted the committee to address itself to rights regarding property. Now, by the amendment which my friend, Dr. Deshmukh, has been forced to adopt on account of the attitude of Government, the reforms that the women of India are going to get are more illusory than real. When the Leader of the House was talking in this House on the original Resolution, he said that he wanted to make a present of Mulla's Hindu Law and Mulla's Muhammadan Law to my friend, Mr. Hegde, and, so far as the present position of women regarding rights of maintenance and residence is concerned, he has done little better than my friend, Mr. Hegde, who wanted an investigation. I could have easily presented him with these books on Hindu and Muhammadan Law

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. M. Ananthasayanam Ayyangar: Sir, before dispersal for Lunch, I was submitting that the Honourable the Leader of the House cleverly suggested an amendment for adoption by the Honourable Dr. Deshmukh, but, as a matter of fact, the amendment does not carry us any further. The Honourable the Leader, with his ability and his experience of the bar, has tried to take this House through the various forms of maintenance that are now given and the other rights that the Hindu women enjoy, pointing out some defects which exist under the present system and for which, according to him, remedy is to be provided. I am not able to see that position so far as regards residence and maintenance can really be improved, and, therefore, my impression is that this kind of side-tracking does no good to women. I will presently take one after another the several categories of women for whom by this amendment the Honourable the Leader of the House seeks to give some relief.

Women can be classified under four heads: (1) mother, (2) daughter, (3) widow, (4) wife.

An Honourable Member: Wife, last of all?

Mr. M. Ananthasayanam Ayyangar: I shall presently show as to why, so far as the right of redress of the wife is concerned, she must come last. Sir, it is the duty of the wife under every system of law to live together with

the husband and *vice versa*. If the wife wishes to be a wife, she must live together with her husband. If she wants to get separated, this provision is only a sort of concubinage. Therefore, I will not join hands with anybody who stands up as the protagonist of women's rights and says, "Let the woman live in another compartment of the same house or elsewhere. He will take another wife, but he will give you a comfortable largesse. You shall not be his wife, and he will not be your husband". What is it if the law is to recognize this sort of concubinage? Therefore, let us not tell women that we are bettering their lot by saying that as a wife you can get separated from the husband. Is it for this that the husband married his wife and the wife married her husband? Therefore, I am right in saying that I put the wife in the last category. The wife's right to maintenance is an exception to every rule of Law—Christian Law, Indian Succession Law, Hindu Law and Muhammadan Law also. Normally, the wife is not entitled to maintenance under any system. So far as the mother and the widow are concerned, the mother is also a widow, or may be a widow. Only last year, or year before last, in 1937, Dr. Deshmukh brought in another Bill, and in that instance that Bill was passed into law. Some defects were remedied in the next year,—1938. Both the Acts put together confer on the widow the right of inheritance, not the right of maintenance, where the widow is the widow of a member of a joint Hindu family or where he was a separated member or where he had separate property or joint property; only in those cases, the widow is now, under this Act, protected. There is no question of maintenance so far as the widow is concerned. The widow has a right to the husband's property. If it is separate property, she has a right to the entire property in the absence of sons. If she has sons, she shares equally with the sons in respect of property. In the case of joint family property, if she has no sons, she will share *pro rata* along with the brothers-in-law; and if she has sons, she will take one share to which her husband was entitled, etc. These rights of a widow are amply safeguarded or protected. Hitherto, under the law, she had only the right of maintenance, and even then the degree of maintenance must have ample reference to the share of the husband in the property.

Then, as regards the mother, it is no doubt true that when the son dies leaving a widow or children, the mother is not given a share. But if the mother dies after the husband, she, as the widow, inherits her husband. The mother and widow are equally entitled to shares. The daughter, it is true, does not get a share if she should have brothers sharing in the father's property. That is a defect or peculiar feature of the Hindu Law, *viz.*, that so long as there are sons, they take preference over the daughter. There was some extension of right to the widow, but it was not extended to the daughter. Dr. Deshmukh included a provision for the daughter also in his Bill, but unfortunately the Honourable the Leader of the House did not agree with him and asked him to restrict it to the case of the widow. Therefore, provision has to be made for the daughter by giving her a share if the general consensus of opinion is in its favour—a share equal to that of a son or half of that. But as regards her maintenance, the unmarried daughter is now entitled to maintenance by the father, both under the civil law as also under the Criminal Procedure Code. There is a summary remedy there. The civil law may be said to be dilatory, but a first-class magistrate can always say that a child has got to be protected and can award much more than what the father is capable of affording for the child. I am talking of the unmarried daughter, because I am so much associated with Hindu Law that I believe we need

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not contemplate unmarried daughters or spinsters 75 years old looking for maintenance at the hands of a father long buried before that.

Mr. Bhulabhai J. Desai: We had such a difficult case in Bombay.

Mr. M. Ananthasayanam Ayyangar: That is not the rule in Hindu Law. Therefore, both under the civil law as also under the criminal law, the father is bound to maintain the children.

Then, as regards brothers after the father's death, the brothers are bound to maintain the children if they have a property, and, until her marriage, the mother is the guardian. After marriage, the duty of maintaining her falls upon the husband. What then is the further right that my Honourable friend is going to confer? The only thing that could be done is the disposal of the property after the father's death. Unless Dr. Deshmukh's Bill was modified and restricted to the rights of a widow, the Honourable the Leader of the House was not satisfied with it. He expressed a threat that he would throw out the whole Bill if Dr. Deshmukh persisted that it should go to the daughters also. After all, the Resolution wants only a Committee to be appointed. The Committee can go into this matter more carefully. The only thing that has got to be done with respect to Hindu women is whether a daughter should be given a share or not. If a Committee is to go into this matter, they will deal only with the question of maintenance, and the present position, I am afraid, will not improve.

Let us now come to the last case, the case of the wife. So far as the wife is concerned, when does her right of maintenance accrue? It is only when she wants to live away from her husband that the question of maintenance comes in. Is there any Member of this House including the Leader of the House who is unconditionally prepared to allow any woman to live separately from her husband even though there may have been ill-treatment? Which husband will allow his wife, however educated she may be, to attend to cinemas and not to look after the domestic affairs and yet to insist upon the husband to provide for her maintenance? I think this is a reckless kind of advice, and no system of law would encourage it. Therefore, all this is moonshine, and let no ladies be tempted by it. The only reasonable thing which is already provided in the Hindu Law and which is being followed in the Courts is that, on account of cruelty, a woman is entitled to be separated. If a concubine is brought to the house, the woman is entitled to live separately. The only other question is: If the husband marries another woman in addition to his wife, is she entitled to maintenance? It is true that, under the present system of Hindu Law, which is polygamous, a man can have more than one wife. My friend, Mr. Asaf Ali, raises his little finger, but he can marry four wives at the same time. But I do not want to digress. All that I wish to say is this: let us not abuse another system and then say that that system is bad, and, therefore, let us stick to our system. Nor should we say that unless the polygamous system is converted into a monogamous system, we can't proceed in the matter, or support yesterday's case for divorce and then release the man from his obligation. Let us make up our mind once for all that bigamy is wrong, and, therefore, if a husband takes to another woman during the life time of the wife, it is open to her to sever her connection. But to tell the woman that she will be a widow and will live separately and so much allowance will be

given to her for her maintenance and no husband, is not the way in which to improve her position by this amendment. I am really sorry for relegating these women by a distasteful means. I do not attribute any dishonesty, but it is unfortunately to deceive ourselves as the Leader of the House said.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is nearly up.

Mr. M. Ananthasayanam Ayyangar: I will close now. I do not know how many daughters the Leader of the House has. Possibly his sons may be more than his daughters.

Mr. M. S. Aney: On a point information, Sir. May I know what is the state of things with the Honourable Member himself?

Mr. M. Ananthasayanam Ayyangar: I have got more daughters than sons. The only consideration is as to whether a daughter should be given a share or not. As far as I am able to see it, that is the only improvement that can be done, and, if that is done, some of the difficulties will disappear. Other things are a mere eye-wash. All the same, I am bound to accept them, because the Government says ditto. But I warn once again the ladies of my country that Sir Nripendra Sircar is not their friend: we are their friends.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, the original Resolution, in my opinion, was more harmful than even the Bill that came before the House yesterday. In the first place, it is so omnibus in character that it will give rise to so many questions that there will be more disturbance and more disharmony in the House than there was yesterday. The point at present before us is whether we are going to accept the omnibus Resolution or the amendment moved by Dr. Deshmukh. So far as the amendment is concerned, I only wish to say that I credit Dr. Deshmukh with having a just mind, an equitable mind and also good conscience. But I think yesterday he had given leave to all these good qualities. But today I do feel that his amendment is a very salutary amendment and I will wholeheartedly support it. Yesterday, my Honourable friend, Dr. Deshmukh, put me a question and asked: "If the Divorce Bill was passed, what will happen?" My reply was that "The Om Mandli will be perfected". I will now explain that, but before I do that, I want to show the difference between the two. So far as the amended Resolution is concerned, if such a question had been put to me as was put yesterday, I would have told the questioner that the Om Mandli would be destroyed by such an amended Resolution as this and it will not remain in India.

So far as the amendment is concerned, it is restricted to the question before us with regard to the appointment of a Committee to consider the questions which have been now put as the questions only of residence and maintenance of the woman. Before I come to the merits of the question, I must say that the appointment of a Committee will have a very salutary effect on what is happening in the country. We cannot ignore the cry that is being raised by the women of this country. What I am submitting is that we cannot ignore all these complaints that are being put forward by women. They are also as human as we are and we have to consider

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their complaints with patience, but we should not run as fast as my Honourable friend's original Resolution wants or as my Honourable friend, Dr. Deshmukh, wanted to disrupt society and the family yesterday. We know how these things happen. Those who are fascinated by what they see in places like the Simla Mall in the evening scenario and the evening glow, they will come forward and encourage these ladies to go and open the door for others to enter the same scenario. But, I submit, the time has not yet come for us to go to that length. We have to do some justice but that justice should be done in a manner suitable to them. We have yet to see that the majority of women in India are educated. Those that are modernly educated now have no family system on, I mean, Hindu society. It is only the highly educated men and their wives who follow the modern society. They are economically high. They do not realise that their sisters are in a lower plane economically. Those who are highly educated and live in modern style are now, so to speak, ostracised from the family system. They remain separate, they are individualised. They feel for themselves and God for all. I submit, therefore, that there ought to be some check. We should tell them that if there is any complaint, there should be suitable remedy not in the fashion as Dr. Deshmukh was speaking yesterday. The two important questions are maintenance and residence and the remedies are known to the House. The Honourable the Leader of the House said that so far as maintenance is concerned, so far as residence is concerned, there is legal and moral provision imposing a duty upon persons who are either managers or who are members of the family and the husband to provide for these for the woman. I will not reiterate those things now. My Honourable friend, Mr. Ayyangar, also referred to them. I am asking the proposed Committee also to deal with these difficulties and bring about a solution.

According to Hindu law women have the right of residence as well as maintenance. That is not being denied. That being so, do they really get what the law provides for them? I submit no. There are many difficulties in their way. Very often, the manager or a member of a joint Hindu family, whenever there is the question of maintenance, never satisfies the provisions of the law. The remedy then, for the woman, is to go to courts. Honourable Members know how difficult and costly it is to go to courts. How much time it takes. In regard to this question, I submit something should be done by the committee that is being appointed to see that facility is provided for the woman to get maintenance and residence.

Mr. M. Ananthasayanam Ayyangar: What is the remedy?

Mr. Lalchand Navalrai: I submit there should be remedy. I suggest there should be arbitration when there is dispute between husband and wife or between the manager of a family and a woman who is entitled to maintenance and residence at the expense of the family. We have got the Arbitration Act. I suggest there should be arbitration to decide these questions also.

An Honourable Member: With or without the consent of the parties?

Mr. Lalchand Navalrai: The Arbitration Act provides only with consent. If consent is refused it provides for the court to arbitrate. Even, if a decree is passed, then, in the execution thereof many difficulties arise.

They should also be removed. These two questions must necessarily be decided by the Committee. The remedy suggested by my Honourable friend, Dr. Deshmukh, namely, divorce, would have disrupted the society and the family. My suggestion of arbitration will strengthen the family and society.

An Honourable Member: Please tell us about the *Om Mandli* to which you referred yesterday when the Divorce Bill was under discussion.

Mr. Lalchand Navalrai: I will give a short account so far as it is relevant to the Resolution now under discussion. One Lek Raj belonging to Hyderabad—Sind—was doing business in silk and jewellery. He went round the world as Sind merchants generally do. Sometime ago he settled in Calcutta, some four years ago, and there he happened to meet a Sadhu and learnt from him hypnotism and mesmerism. Then, he came to Bombay and from there migrated to his own native place. Coming there, he started an association what is called '*katha*' reading in the evenings and he preached sermons on religion. Men and women gathered in the evenings to listen to his precepts. This was going on quietly for about 1½ years. Then, all of a sudden, he started his mania of saying that he is *Brahma* or God. He preached that everybody is *Brahma* or God. This is the doctrine he preaches. You are God, I am God, and everybody is God or *Brahma*. He said when everybody is *Brahma* why should any one marry another? He began inculcating these ideas into the minds of women who came in contact with him. To the institution which he started he gave the name of '*Om Mandli*'. He said that no woman should marry a husband. Not only that but he also said that even married women should leave their husbands and come to the *Om Mandli*. Several grown up married women, several young girls and even children went in. You may ask me why young girls and children went in to the *Mandli*. Just as it is pointed out by my Honourable friend, Dr. Deshmukh, that women require residence and maintenance, so when these are offered to women they go to that place. Lek Raj being a rich man he provided freely for all these things. He opened a school, built a hospital and also a hostel for women to live there and eat and drink and do whatever they liked. He said he would give them education, teach them that they are *Brahmas* and so on. This was the origin of the *Om Mandli*. Slowly he went on collecting these women and girls who refused to go back to their own homes. This created bitterness throughout the country and so there was *Satyagraha*. In the meantime, this man used to play like Krishna with his crown and with these girls as *gopis* all round him. One unmarried girl of 23 years of age is called '*Om Radha*', and that man is called Dada Lekhraj—the Krishna Himself. Afterwards, Government were asked to intervene.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member's time is up.

Mr. Lalchand Navalrai: Very good, Sir, This man puts antimony into their eyes and also mesmerises them. These women and girls refuse to go to their houses and now a tribunal has been appointed by Government, and let use hope this *Mandli* will be destroyed. But if Dr. Deshmukh's Bill had been passed yesterday, these women would have claimed divorce easily but, on the basis of this Resolution, they will get maintenance and residence and they will remain happy and the *Om Mandli* will go away.

The Honourable Sir Muhammad Zafrullah Khan: Sir, Mr. Joshi expressed some dissatisfaction with the amendment moved by Dr. Deshmukh inasmuch as it curtailed the scope of the original Resolution in two directions; one of the directions being that whereas the original Resolution applied to all women, Dr. Deshmukh's amendment was restricted to Hindu women. The Honourable the Leader of the Opposition also expressed some dissatisfaction regarding that aspect of the amendment because his feeling, as he said, was that in these matters there should be uniform advance and that we ought to aim at an objective which should apply to all communities. Now, Sir, if the Resolution had continued in its original form it would have been impossible for Government to accept it. Apart from many other considerations, which would have stood in the way of Government accepting the original Resolution, one consideration certainly would have been that the Muslim Members of this House and the Muslim community as a whole would not have been able to make themselves parties to a Resolution of that kind. They could not have reconciled themselves to the setting up of a committee, the terms of reference of which would be the terms of the Resolution inquiring, as the Resolution expresses, into the rights and disabilities of—among others—Muslim women with reference to the matters set out in the Resolution. One clear objection on their part would be that these matters that are set out in the original Resolution are parts of the Muslim personal law in their case, as they are parts of the personal laws of other communities in the case of those communities. But, so far as the Muslim personal law is concerned, it is based upon the Quran which is believed in by all Muslims as the very word of God. Whatever the appreciation of non-Muslims may be with regard to that position the Muslim position is clearly that. That being so, the development of Muslim personal law must be left to take place along certain defined lines and in certain defined channels, and ideas and considerations which may be relevant with regard to other systems of personal law would be entirely irrelevant so far as the Muslims are concerned. And the difficulty in the case of a committee like this would be that almost certainly it would have a majority of non-Muslims on it. The Muslim community can never consent to place itself in a position where, with regard to its personal law, recommendations should be made by a committee consisting of Muslims and non-Muslims of which the majority are non-Muslims.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): Sir, is that the position of the Government of India or of my Honourable friend alone? Do the Government of India admit that non-Muslims cannot legislate for Muslims?

The Honourable Sir Muhammad Zafrullah Khan: The Government's position is that all legislation, duly passed, is binding upon everybody. I am saying that, with regard to the original Resolution, one of the difficulties would have been,—not by any means the sole difficulty,—that Muslims were not willing to accept a Resolution of that kind. That is one reason why its terms have had to be confined to Hindu women as it was felt that Honourable Members who represent the Hindu community might be anxious to have an inquiry of that kind. It is no secret that the Muslim Members were not anxious for it; they, as a matter of fact, were extremely anxious that there should be no committee of this kind. And I am explaining why that point of view is held by Muslims. I have said that Government's difficulty was that Muslims would not want it.

Mr. M. Ananthasayanam Ayyangar: What about Select Committees of this House? Is it to be the same attitude there?

The Honourable Sir Muhammad Zafrullah Khan: I am not talking of legal or constitutional doctrines; I am merely explaining the attitude of Muslims over this matter.

Mr. S. Satyamurti: I want to know what is the attitude of the Government.

The Honourable Sir Muhammad Zafrullah Khan: The attitude of the Government has been and is the same today as it has been in the past: that one of the considerations that has weight with Government in these matters is whether the representatives or an overwhelming majority of the representatives of the particular community which is likely to be affected by any matter that is under consideration is or is not in support of the proposal. The Muslim attitude would be that a committee of that kind could not put themselves in the position of the Muslims who would be affected by any changes, that, as a result of the investigation of such a committee, might be made in their personal law. After all, it is not a novel point of view. Speaking purely personally I would think that the question of setting up a committee to investigate into certain aspects of the Hindu law or certain aspects of the law affecting Hindu women is one entirely for the Hindu community. Similarly, the Muslims can say that if it affects them, it ought to be a matter entirely for them. I am aware that sometimes Select Committees are set up to consider questions of that kind where all sections of the House are represented, but we have recently had a very happy experience of a Select Committee of that kind where the principle was accepted that where matter affects a particular community only it must be left entirely to the representatives of that community. I have referred to that matter because it has been raised by certain Honourable Members. Reverting to the Resolution what the Muslims are afraid of is that people who are not fully conversant with the basis of the Muslim personal law and are unable to appreciate the nature of the allegiance that Muslims owe to that basis might commit the Muslims to doctrines and principles to which the Muslim community and their representatives could never become parties. Muslims have in the past suffered and today suffer from that kind of knowledge more mischievous than ignorance which people profess with regard to all these matters affecting the Muslim community. In complete unconsciousness of the fact that Muslim sentiments may be involved, expression is often given to myths which are treated as historical facts, which have no more basis than the purest fiction and which wound the sentiments and feelings of Muslims. One has often heard of the adage—if the mountain will not go to Muhammad, then Muhammad must go to the mountain. That kind of thing is glibly repeated, based upon a pure invention that at some time or the other the Holy Prophet said he could make the mountain move to him, as a kind of miracle that he volunteered to show; that again is a gross libel and yet, day after day, it is repeated not only in literature but also in speeches, cruelly wounding Muslim feelings. . .

Mr. M. S. Aney: When Muslims themselves use that expression sometimes? We have heard them say it.

The Honourable Sir Muhammad Zafrullah Khan: If they do it they are worse offenders than the others. Another thing which continues to be repeated is—hanging between earth and heaven like Muhammad's coffin—another of those libels against Islam. Yet another libel is the alleged doctrine that whatever is supposed to be in accord with the Quran should be permitted to survive and whatever is not in accord with the Quran should be destroyed—like the long exploded myth put forward as a fact this morning that the library at Alexandria was burnt by the Muslims. This kind of ignorance makes Muslims apprehensive that if a committee of this kind is set up to investigate into questions affecting only themselves, it might commit them to doctrines and principles which would be most obnoxious to the Muslims generally. This is not an attitude to which any objection can be taken. . . .

Mr. S. Satyamurti: Oh, yes.

The Honourable Sir Muhammad Zafrullah Khan: Very good then: object.

Mr. S. Satyamurti: They are not above the law!

The Honourable Sir Muhammad Zafrullah Khan: Exactly. They are not above the law and, therefore, their anxiety is all the keener that the law should not be changed in a manner which would be in conflict with their religious sentiment. . . .

Mr. S. Satyamurti: This House can make any law.

The Honourable Sir Muhammad Zafrullah Khan: Yes: if it could not, they would not be worried: it is because the Legislature can change any law that they are worried that such changes might take place. That is their apprehension, and I do hope that it will be realised that their personal law, according to their belief, being based on the Quran, which is the very word of God Himself, they cannot make themselves parties to any committees of this kind. No doubt there has, in the past, been misinterpretation of that law; no doubt the development of that law has in many directions been arrested; but that is a matter of which the Muslims themselves are conscious and they are making efforts that these misinterpretations should be rectified, that the development which has been arrested should proceed along well recognised channels. Their attitude is that it is for them to undertake the necessary investigation and to decide to what extent the law which is accepted by Anglo-Indian courts should be modified so as to bring it into conformity with the real spirit of the Muslim law. That is the whole distinction.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I was rather surprised to find that a Member of the Government of India should feel called upon to explain what is exactly the Muslim point of view. There are other, and I hope, equally able representatives of the Muslim community in this House who do not have any dual role to play as the Honourable Member. All the time he was speaking, I was wondering whether he was speaking as the spokesman of the Government of India or as spokesman of the Muslim community. In one sentence he was speaking about the attitude of the Government of India and in the next sentence he was speaking as a spokesman of the Muslim

community. I suggest that he may conveniently avoid such a double role. I have no objection to his argument itself: I am not questioning it; but it would have been better offered by those who do not occupy his position, because I have got a serious fear and this fear is shared by many, that this idea of thinking in terms of community by persons who occupy responsible positions would affect the very fountains of justice in this country. (Interruption.)

I have, as a Hindu, absolutely no objection that this committee should not go into the question of Muslim women if the Muslim community do not want it. I am not questioning that at all, but I want to put forward two considerations. There is not a single amendment in the order paper either by the Honourable Member or by any other member of the Muslim community to that effect.....

Some Honourable Members: There is.

Mr. K. Santhanam: I am sorry. At least they have not moved it. Secondly, I want to point out that there is not a single Muslim lady representative here. If the Muslims are so anxious about their rights, why do not they have a lady Member here to see that at least one woman spokesman of their community can be heard in this Assembly? It is not enough for them to say that they are Muslims, and I suggest that our Muslim friends are not willing, are not anxious to give any freedom for Muslim women to speak what they feel.....

An Honourable Member: What do you know about them?

Mr. K. Santhanam: Please send some Muslim lady in your place next time.

Let me proceed to deal with the points at issue. I am quite content if this Committee goes into the question of the rights of Hindu women, and I shall not be surprised if, in the future, the Muslim women complain that this Committee did not go into their difficulties. The Muslim community is already complaining that they are backward in education, and they are trying their best to make up for their backwardness, and, probably, at some future time Muslim women will realise that their cause has been ignored altogether by their representatives in this House when considering the question of their Hindu sisters. Well, I am quite willing for the present to confine myself to the Hindu community.

Now, Sir, after the speech of my friend, Mr. Lalchand Navalrai, the House will understand why Dada Lekhraj went to Sind to start the *Om Mandli*. The circumstances are apparently very auspicious there for a revolt by the women of Sind, and it is a pity that this House should be full of old men who can think of women only as property and want to deal with them as such. Sir, there is a proverb in our province that no doctor should be allowed to treat his own child. I wish that yesterday's Bill had been in hands which were more detached towards the Bill, what at any rate I expected was, that when a doctor adopted a child, he would take good care to see that the child was a healthy one. I am sorry that Dr. Deshmukh did not take good care to see that the child which he adopted was quite a healthy one. I am afraid, it is altogether anæmic, and I wonder whether it is going to survive all this onslaught.

[Mr. K. Santhanam.]

Sir, I know that the atmosphere of the House today is not quite propitious for a consideration of these questions in a proper spirit. There is too much of an atmosphere of patronage. I do not want that the women of India should take any rights under a feeling of patronage on the part of men. Either these rights should be conceded to them as matter of fundamental human dignity or not at all. They say that the Committee will go into the question of maintenance. Sir, I object to the word itself. Why should a woman, in any part of the world, be maintained by anybody else? Either she has got the right to property or not at all. Let the women of India revolt, let them refuse to marry.....

Mr. Lalchand Navarai: Here is another Dada Lekhraj! (Laughter.)

Mr. K. Santhanam: If all husbands are like Mr. Navarai, we may become like Dada Lekhraj.

Well, Sir, I suggest that what women require are rights of property, in their own right, because they are born in this country, and they are citizens of this country, and not rights of maintenance conceded by a husband or a father or a son. It is said, Sir, that the Hindu system of inheritance is an ancient thing, but what is happening to Hindu society today? We are breaking it up in all directions. We have destroyed the caste system, though, of course, a few people nowadays, especially when they make a lot of money, profess allegiance to it. We have completely destroyed the Hindu caste system; we send our sons and daughters to Europe and America for education, and only when we come to the question of inheritance we say it is a venerable ancient system. Sir, I am one of those who believe that Hindu society has to be reconstructed from the bottom to the top if it is to survive. And, Sir, fortunately, efforts are being made in this direction by many eminent Indians, there are leaders who have got the spirit, who have got the ability not only to reconstruct the Hindu society, but also to re-write the Vedas. I do not think that we are going to swear by the Vedas for all time, Vedas which were written about ten thousand years ago. Mahatma Gandhi is actually re-writing the Vedas. He is re-writing the Vedas for our politics and for our social system, and there are others equally eminent who are not only reconstructing our political system but also our systems of inheritance, marriage and the conditions of marriage and so on. Here, the only conditions should be absolute equality and human dignity. Subject to those conditions, if there are any good things in the old regime, by all means let us keep them. If there is anything bad in the old regime or unsuited to present conditions, let us sweep them away. I do not believe in these piecemeal reforms of giving rights of maintenance to women. I am sorry that there should be any body of women who would agree with the Honourable the Law Member when he said that they only want maintenance from somebody. I want the women of India to say—"Take away these reforms, we do not want to be maintained in any place or by anybody. Today we want our rights to property, we want our rights as daughters". In fact, if they want rights from their husbands, they should also insist that their husbands should get them equal rights. It is only on such conditions that the women of India can attain self-respect and dignity. Sir, I suggest that small reforms are the enemies

of great reforms, and in this matter of fundamental principle, in this matter of fundamental human dignity, the women of India ought not to compromise; they ought to claim absolute equality, and no favour.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, my friend, Mr. Santhanam, said something about the Honourable Sir Muhammad Zafrullah Khan. There are two points to which I should like to invite the attention of the House. If the Honourable Sir Muhammad Zafrullah Khan accepted an office under Government, it does not follow that he has ceased to be a Muslim. He is as much a Muslim as any other Muslim, and nobody is expected to change his religious views merely because he has accepted an office under Government. Then, the second point is this. Mr. Santhanam suggested that the Hindus should re-write the Vedas, but if any one among the Muslims said that we should re-write the Quran, there would be enormous agitation in the country, not only in India, but in all the Muslim countries of the world.

Now, Sir, coming to the Resolution itself, it is proposed that a Committee should be appointed of non-Muslims to discuss questions relating to the rights and disabilities of women, their ownership to property, and so forth. This particular motion will certainly interfere with the tenets of Islam, and if any Committee of the kind proposed recommended a thing against the tenets of Islam and as a result there is a strong agitation in the country among the Muslims, then the Government would say: "Oh, why did you not tell us in time about it? All this agitation has been started now; it was your duty to inform us in time". Therefore, I think the Honourable Sir Muhammad Zafrullah Khan has done his duty in time by pointing out on the floor of the House that if a Committee of this nature is accepted by Muslims, it will certainly create an immense amount of agitation among the Muslims outside, and, therefore, the Honourable Sir Muhammad Zafrullah Khan has done his duty as a member of the Muslim community and warned the House of the consequences if a proposal of this kind were accepted by the House.

Then, Sir, it has been pointed out time after time that the present position of women is very bad in India. It is said that the position of women in India, with special reference to their rights and disabilities in regard to ownership and disposal of property, is entirely hopeless. Now, Sir, in the Muslim religion there is a fixed right, and our religion is the first religion which has not ignored women with regard to their rights to the ownership and disposal of property. Our religion gives a full share in the property to our women which no other religion does, and now the Honourable Member by his Resolution wants an outside body to interfere in this matter. Take, again, the question of rights of guardianship over children—here we have got a definite rule for this among Muslims, and, therefore, we do not want any outside Committee to interfere in our affairs. Then, we take the question of rights of inheritance and succession; for these also we have got a regular Code, and no change of any kind is needed for us from anybody, especially non-Muslims. Then comes the question of marital rights. It is all very well for my friend, Dr. Deshmukh, to propose an amendment about divorce, but Mussalmans do not want anything of the kind. Those are direct interferences with the Muslim religion.

Mr. M. Ananthasayanam Ayyangar: What about Mr. Kazmi's Bill?

Dr. Sir Ziauddin Ahmad: I am sorry, my Honourable friend never understood Mr. Kazmi's Bill, and it is useless to argue with him. This is a direct interference with the Muslim religion, and there would be very great excitement if a Resolution of this kind was accepted and the Government make the slightest attempt to give effect to such a Resolution. It is certainly right for anybody who is a Muslim in this House to point out very clearly that any attempt at such interference will be strongly resented by the Muslims. It may be said, this is of a permissive nature, which the Muslims may or may not do. Now, if a person says, you should not do a particular thing, it becomes obligatory on him. Suppose there is a mosque and it is said that I may go and say my prayers in that mosque or I may not; it is optional whether I do it or not. But if anybody comes and tells me, you must not say your prayers in this particular mosque, it is obligatory on me to go there and say my prayers. There are many other things of this kind which probably would be solved if there were no external interference. External interference is a thing which Muslims could not tolerate. The next point is this. I do not want to refer to the question of the burning of the Library at Alexandria which has been ruled out. It has been repeatedly pointed out both

Mr. M. S. Aney: May I have a little information from the Honourable Member? What did the Mussalmans try to do when the late Mustafa Kemal Pasha did away with many of these things?

Dr. Sir Ziauddin Ahmad: If you go by newspaper reports—do not believe what appears in the papers. I do not want to pursue the point, but my Honourable friend, Syed Murtuza Sahib Bahadur, has said clearly that the Library had been burnt long before that, and there was nothing left to be burnt. Therefore, that thing was invented by one historian maliciously, and it was copied one after another, but this thing was clearly explained by Maulana Shibli in his book, and the last couplet of his book:

*"Ilzám auron pe dete the,
Qusur apná nikal áyá"*

This proves that this Library was not burnt by Mussalmans. The argument of the Leader of the Opposition was this, that the Mussalmans are not anxious to have anything which is outside the Koranic law, so much so that they have even burnt the Library. That is not the case. As far as these religious tenets are concerned, we do believe that the Koran is complete by itself; we do not want any reformer, we do not want any Legislature, we do not want any person to make any change in the Koranic law. In this respect, Muslims are very strong, whether it is the 20th century or the 40th century. Up to the day of resurrection, this is the firm religious belief that Koran remains and no addition can be made, and we cannot tolerate any society or any committee to consider and alter the tenets which are really prescribed in the Koran. If my Honourable friend will excuse me, I will make a quotation from Branford. If you read his book on psychology, you will find, he asks, what is Hindu religion? He says that Hindu religion is a collection of

dogmas which can answer to everything except a religion which is complete in itself. They can change the Vedas as my Honourable friend, Mr. Santhanam, said but a religion which is complete in itself has got no room for alteration of any kind whatever.....

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): The remarks of my Honourable friend are objectionable.

Dr. Sir Ziauddin Ahmad: I have quoted Branford. Why did you not object to Mr. Santhanam when he spoke?

Babu Baijnath Bajoria: I will reply to him.

Dr. Sir Ziauddin Ahmad: We do not object if our Hindu friends bring forward a measure about their own social customs. That is a domestic question for themselves, and we do not interfere in that; but if they want to extend this to the Muslims, then we do certainly stand in the way and would not allow it. We have had sad experience about the Sarda Act. When the Bill was introduced, it was clearly understood that it was a measure to be applied to Hindus only, but when it went to the Select Committee, the whole thing was changed and we were astonished to find that it applied not only to Hindus, but also to Muslims. (Interruption.) My Honourable friend says, it was at the request of Muhammadan Members. I say, there are always some Muslims who do not believe in many things, but their opinion cannot be taken as an authority by the whole bulk of Muslims. The Act was opposed so much by the Muslims that the Government had to make an announcement that it was not to be applied in the case of Muslims. I apprehend that if a Resolution of this kind is adopted and if a committee is appointed to look into the matter, as far as we are concerned, I have no doubt that it will be very strongly opposed and will be regarded as an interference in our religion and as going against the formal announcement made by the British Government that they will not interfere in the religion of any particular community. It is not for me to comment on the views of the Hindu Members, but I would like to say that a Resolution of this kind will interfere in our religious tenets and will be strongly resented by the Mussalmans, and the less we say about them, the better.

Babu Baijnath Bajoria: I have no objection to the amendment.

An Honourable Member: Mr. Bajoria has already spoken on the Resolution.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Chair understands the position is this. Mr. Bajoria spoke on the former occasion when this amendment had not been moved, and he is now entitled to speak on the amendment. He can speak on the amendment and not on the original Resolution.

Babu Baijnath Bajoria: I won't speak on the original Resolution; I will speak only on this amendment. I have not much objection to this amendment. As a reasonable man, I always take a sane view of things. I am being abused that I am against social reforms. I am against such social reforms that go against the tenets of Hinduism. I think that so far as religion is concerned, it cannot be mended, it can be ended only.

[Babu Baijnath Bajoria.]

Sir, I was very much surprised to hear the remarks of my friend, Mr. Santhanam. I still wonder whether as a Hindu he can utter these words. If he will utter these words outside this Assembly, he will find that he is tabooed.

Mr. K. Santhanam: On a point of personal explanation. I may inform the Honourable Member that I have done so in tens of public meetings, if not hundreds.

Babu Baijnath Bajoria: Can any Hindu attack the Vedas on which the Hindu religion is based? If you take away the Vedas, the Hindu religion is absolutely gone. It will be any other religion, but not Hinduism.

An Honourable Member: It is a new edition.

Babu Baijnath Bajoria: It may be Lord Krishna in Mr. Santhanam's form. In view of the harm his remarks have done to the Hindus in general and to the Hindu Members of this House in particular, I would request the Honourable Member to withdraw those words. I am sorry that this debate had taken a new turn after the Lunch interval. We have been going into many other things and the main subject of the Resolution has been given the go-by. The Honourable Sir N. N. Sircar, the Leader of the House, said, that this amendment was drafted by him and made a present of to Dr. Deshmukh. It was so to say giving him some consolation after the severe thrashing he got from the Honourable the Law Member yesterday. He was wiping his tears. It is said that Dr. Deshmukh is a great champion of women.

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

He is advocating a policy which superficially may be to their benefit, but in reality he is taking them to the abyss. I am one of those who wants that our ladies, whether they be Hindus, Muhammadans or others, should live in comfort and peace and respectably in their houses. There can be no question about that. As a true Hindu, I would also like that after their death the women should also get their salvation, which is, after all, the aim of human life and of Hindu religion and I am opposed to such legislation as divorce, inter-caste marriages and so on, because I really feel that they are directly against the tenets of the Hindu religion and will lead to the misery of women in this life and eternal degradation afterwards. What is meant by social reform? At the present moment it means getting away from the social code of Hinduism and the overthrow of Hindu theology. This is the so-called social reform. I should like Hindu women to get decent maintenance and a decent residence. I do not think there is much complaint about this. There are cases of hardship amongst the Hindus as there are cases of hardship in all communities and in all countries but, as a matter of fact, Hindu ladies are generally well contented. I have no hesitation in saying that it is only those women who have got Western education and who have become graduates and lawyers and have taken up to the so-called learned professions that are disgusted with the present state of things. In this connection I would remind the House about Mahatma Gandhi's advice to the modern girl. I think my friend, Dr. Deshmukh, must have read it.

Dr. G. V. Deshmukh: I am prepared to follow Mahatma Gandhi in everything. Look after yourself.

Babu Baijnath Bajoria: He is taking exception to the mode of living of the Hindu women. He has told them that they should look after their hearth and home and not look after many other things which do not concern them. I would like to tell the House what Bernard Shaw has observed:

"Undoubtedly, in nine cases out of ten, the mad restlessness of the modern woman, discontent with her home, with her lot, with herself and with her husband most of all is a curious psychological anathema."

I do not want to go very much farther than that.

Then, Sir, I have got a cutting here, which is a letter written by a person who calls himself "Disillusioned". It is a very small paragraph and, with your permission, I will read it. It is from the *Statesman* and not from any Sanatanist paper. He writes:

"My wife is a well educated, cultured modern girl. Having received her education at a regular public institution, she can play bridge, badminton, basket ball, etc., dress herself up in the modern style, read novels and journals and even discuss politics at home and abroad. She can do all that; but, more than that, I have now ceased to expect from her. She does not know the alphabets of cooking and sewing. Keeping the milkman's account, the laundry account and other household accounts and also the general supervision of the House still remains my job, which I have no alternative but to carry out to the best of my ability. Would some sympathetic reader kindly tell me if this is what is meant by enlightenment and progress. Her discussions regarding Hitler and Mussolini may perhaps lead to a disentanglement of the European political situation and avert a world war, but have most certainly thrown my house into chaos and deprived me of all peace of mind."

Sir, these are the women who are discontented with their lot and these are the women whose cause has been championed by Dr. Deshmukh.

Sir, I will not now go into the matter of divorce, because, if I were to do it, all the interest of the debate, when it comes up during the Simla Session, will be gone. Now, about residence and maintenance. As I have already said, I strongly approve of the idea that women must have a decent residence and a decent maintenance and if there are cases of hardship, if these can be removed by any Committee or by legislation, let that be done, but do not revolutionize our ancient customs or the ancient law or the ancient Hindu religion. There is one thing which I would like to point out about this Committee, however. What do we generally find when such Committees are appointed? The terms of reference are restricted to particular things; in this case the terms of reference are only restricted to maintenance and residence. But they may go roving into other matters—matters for instance like divorce. I have got some precedents about this. If I remember aright, a Committee was appointed under the presidency of Sir Moropant Joshi. That Committee, as far as I know, was appointed to inquire about the age of consent Bill. But they went into all sorts of matters and it was on the report of that Committee principally that the Sarda Act was passed. (Interruption. Question.) I will not now go into the matter of that Act but will only say this that when Mr. Sarda introduced the Bill, he wanted the ages of twelve and sixteen but those ages were raised in the Select Committee to fourteen and eighteen on the basis of the Joshi Committee's Report.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Babu Baijnath Bajoria: I will take only one minute more, Sir, if you will allow me. About this personnel of the Committee, that is an important thing. I agree that in these matters the personnel of the Committee must be very eminent men and men of judicial ability, and there must be men equally of orthodox views and of reformist views. I do not claim to be a member of this Committee because I am neither a lawyer nor a jurist or anything. With these remarks, I support the amendment of Dr. Deshmukh.

Mr. B. Das (Orissa Division: Non-Muhammadan:) Sir, it is gratifying to me that at least once in the life of a social reform measure I am speaking after my friend, Mr. Bajoria, has spoken. I find Mr. Bajoria's old citadel of the Shastras has been shelved. He now quotes as authority Bernard Shaw and the *Statesman* and justifies his opposition to social reforms. I congratulate him on the attitude that he has taken up now and am glad that he supports the amendment which has been moved by my friend, Dr. Deshmukh. Sir, it is very regrettable that the only woman member of the House, Shrimati Radhabai Subbarayan, is not present on the floor of this House to voice the women's view-point. Otherwise, we would not have heard the speeches that were delivered by my Honourable friend, Mr. Lalchand Navalrai or, by my friend, Mr. Ananthasayanam Ayyangar. Sir, it is surprising, as my Honourable friend, Mr. Santhanam, has pointed out, how man always takes up the position of patronizing everybody and, particularly, when it comes to any social reform legislation about women. Unfortunately, as this House is constituted, there is so far only one woman Member and so the woman's case has not been properly represented. Sir, woman does not want to have special favours from men, but she has a right to live in this world. Women have every right to get equal status of life in this country and I am glad that this amending Resolution is acceptable to Government; at least there will be some inquiry on problems affecting rights and privileges of women although it is at present limited to residence and maintenance of Hindu women.

Sir, it is very unfortunate and this is not the first time, but always when social reforms measures are discussed, mere man talks in this House and talks of religion. I cannot understand and I have never understood, not being a lawyer, how social reforms are so deeply connected with religion. To Mr. Bajoria every little custom is religion. Sir, to me, though I am a Hindu, I do not think my God has asked me to recognise every little practice that is observed at present as part of my religion. Sir, I regret very much that though my Muslim friends on the floor of this House have sympathised with this Resolution, they have taken up the attitude—"discuss not the similar aspect of the life of the Muslim woman, that should be entirely left to Muslim erudites and to Muslims." Sir, one thing I would point out; I do not regret it. My Muslim friends, when they take up that attitude, probably are afraid that the more reforming principles of other religious denominations might bring about revolutionary changes in their own religious and social customs. I maintain, Sir, that if there are certain reforms introduced for Hindu women, Muslim women will naturally be affected by that in time. Although we men-folk have been thinking in terms of religion, caste and creed, I have heard it from my women friends that whenever they meet, they never talk in terms of religion; they always talk in terms of one community; their problem has been always that of oppression by men and then men-folk. Though I do not

understand what is religion, I feel that women have suffered everywhere because it is the priest-craft and the men, through their man-made laws whether in the name of religion or in the name of the State, have not been giving women their proper rights. Sir, to me it is a matter of gratification that the Government have come up a step or two forward and have supported the amendment which has been moved by my Honourable friend, Dr. Deshmukh. Sir, I am an optimist. I am not one of those who think that man will always patronise women or man will always legislate for women.

The time is coming as I stated on another historic occasion on the floor of this House when this House will have a preponderatingly large number of women. I will not go to the extent of saying that half the number will consist of men and half of women but the time is coming when Bajorias and Lalchands will have to be more modest on the floor of this House in their patronising tones and in their repetitions from dusty papers which have no bearing on the realities of life. With these observations, Sir, I support the motion.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. President, this afternoon the discussion of the Resolution engendered considerable heat and my Honourable friend, Mr. Santhanam, charged my Honourable friend, Sir Muhammad Zafrullah Khan, with introducing communalism into Government, because he expressed the view of the Muslims, both outside and inside this House. My friend perhaps is overlooking one aspect of the Government of India as it is constituted today. The Government of India always includes a representative Hindu and a representative Muslim element.

Mr. S. Satyamurti: Nothing of the kind.

Sir Abdul Halim Ghuznavi: Certainly that is the position.

Mr. S. Satyamurti: Nothing of the kind: Two Indians please.

Sir Abdul Halim Ghuznavi: "Two Indians" means one a Muslim and the other a Hindu. That is a fact, and it is no use denying it. The Muslim Member is bound to express to and inform the Government of the views of the Mussalmans and the Hindu Member is bound to express to and inform the Government of the views of the Hindus. We, the Muslim Members of this House, would have charged the Honourable Sir Muhammad Zafrullah Khan of having neglected his duty if he had not expressed clearly the views of the Mussalmans in this House in the way in which he has done. He has made it abundantly clear that he expressed the views of the Mussalmans and he as a Mussalman also agreed with that view. That has nothing to do with the Government or with anybody else. If Dr. Deshmukh had not moved this amendment to restrict the scope of the Resolution for the improvement of the rights of Hindu women only, the Government would not have accepted the Resolution. Although there may not be a mandate for us, the Members of the Muslim League Party can talk on this Resolution. We can talk or kiss, but we can do nothing else. The observance of neutrality would not have applied to this case, and then I would have seen how the Honourable Members would have carried this, in spite of the enormous majority which they have. We realise that we are under the Congress Government.

Mr. M. S. Aney: Not here.

Sir Abdul Halim Ghuznavi: Everywhere now. The Congress Government dictate and the Government of India or the Governments of the Congress Provinces carry out those orders. That is the position. Nevertheless, let them not play with the Mussalmans. The Mussalmans stand by their Holy Quran. They take it as the word of God, and no amount of talking and no amount of persuasion will make us change our views.

Pandit Sri Krishna Dutta Paliwal (Agra Division: Non-Muhammadan Rural): What about Kemal Pasha?

Sir Abdul Halim Ghuznavi: He dared not talk anything about the Holy Quran. He dared not change one word of the Holy Quran, otherwise his head would have been chopped off straightaway. Therefore, so far as the Mussalmans are concerned, we do not require anything to be done for us. Everything that this Resolution seeks to provide is being provided and has been provided by the Holy Quran to our Muslim women. They enjoy more rights under the Quranic law than the rights that you want to give to your Hindu women.

Sir, this morning, my Honourable friend, Maulvi Murtuza Sahib, said that so far as the Muslim League Party was concerned, we have no objection if the Hindus in a majority want to have these reforms. We know the result of these reforms. We had the taste of the Sarda Act and we do not desire other similar dishes served out to us. My friend, Mr. Bajoria, read out a very nice little story from the *Statesman* which should be an eye-opener to those reformers who wanted to rush reforms at the topmost speed. In the meantime, we had better wait and see how it is received in the country.

Sir Cowasji Jehangir: Mr. President, I had no intention of taking part in this discussion today, but I cannot help feeling and expressing the opinion that today's debate does not augur well either for the future of this country or for social reform in this country. I would like to make one point perfectly clear which I have often felt. The House, as it is constituted, has representatives of all communities. There are Honourable Members in this House who are for reform in a hurry, and there are others, who are against reform altogether. Therefore, it is a fairly representative body expressing and echoing the views of large sections of our people. But because the House has the power to legislate, that does not mean that anyone community in this Honourable House, even if they are in a majority, and even when we get further reforms in this House, should use that majority for thrusting social reforms down the throats of any community in this country. That principle must always be borne in mind. Let us make sure that in future when the real "Swaraj" Government sits on these Benches and will, I hope, have a large majority behind them, they will not take advantage of their position to thrust social reforms down the throats of any minority community, which does not want those reforms for themselves.

Dr. G. V. Deshmukh: Are you talking about prohibition in Bombay?

Sir Cowasji Jehangir: I am talking of general principles which you will have to follow in the future if you do not want anarchy in this country.

Dr. G. V. Deshmukh: Your community is kicking up a row about it.

Sir Cowasji Jehangir: And you will hear more about it in the future.

By all means, let my Honourable friends, the Hindus, have reforms for their own community, and nobody will be more pleased to see that those reforms become effective than myself. I for one would like to see these reforms go as far as it is possible even to meet the views of those who want reform in a hurry. Let them try, let them have it and may Providence help them to get it. But because I come from a very small community, they cannot keep my community back from having the reforms they desire. I put the reverse question. Supposing, Mr. President, when the Parsi Divorce Bill came before this House a couple of years ago, a measure which is more advanced than any measure in Europe today, supposing my Honourable friend, Mr. Bhulabhai J. Desai, who helped us to a great extent, would have turned round and said: "no, because my community cannot go so far ahead, and we have a large majority, we will not allow you to go so far ahead". He would never have taken up that attitude. He helped us, notwithstanding the fact that he knew very well that his community was not going to get any benefit from it. We wanted to go further and faster than anybody else in the world. With regard to divorce law, he came forward to help us. In the same way if a small community came forward and said, "you are going too fast for us, by all means go yourself, but do not drag us with you", I would suggest that under those conditions my Honourable friend, the Leader of the Opposition, would say, "all right, have your way. If a large majority of your community do not want to go as far as some other sections of the House want to go, you stay behind and follow in good time". That is the spirit which this House should adopt and that is the only spirit which will bring peace and prosperity to India. But let us not exercise the powers that we may have in this House in future with a big majority behind the Government to thrust social reforms down the throats of people who will not accept them. But if, God forbid, any Government in the Provinces or any Government in the Centre in the future attempts to use its majority in that way, I will warn my countrymen that it must end in anarchy.

Mr. President, we are not in this country all people belonging to one religion. We are not in this country people speaking the same tongue. We are not in this country all people having the same culture. There are other countries placed like ourselves, where there are several tongues spoken in the same country, several religions being professed and held sacred by its people.

Mr. Bhulabhai J. Desai: The Honourable Member evidently does not know the history of other countries.

Sir Cowasji Jehangir: It is no use for the Honourable the Leader of the Opposition to say that he is the only man in this House who has all the knowledge of all the worlds and of all subjects including law and hypocrisy.

Mr. Bhulabhai J. Desai: I confess I have no knowledge absolutely of hypocrisy. I agree with you there.

Dr. G. V. Deshmukh: All that knowledge is possessed by the Honourable Member who is speaking just now.

Sir Cowasji Jehangir: I do not say that I have a monopoly of all knowledge. I deny to any one in the House a knowledge of all subjects and of all places. Sir, there may be difference of opinion. But to say

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[Sir Cowasji Jehangir.]

that nobody else has knowledge of any other country but his own is arrogating to oneself a claim which this House will not admit. If the future of this country is to be peaceful, if we are all to get on well with one another, we must not thrust our opinions down the throats of others. We may have them for ourselves. We may thrust them down the throats of our own people, but do not thrust them down the throats of people who do not believe in them. I say the same about prohibition.

Dr. G. V. Deshmukh: The cat is out of the bag.

Sir Cowasji Jehangir: It is the guilty conscience of my Honourable friend that prompted him to remind me of this subject.

Mr. Bhulabhai J. Desai: I rise to a point of order, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I would remind the Honourable Member that he is digressing from the subject matter of the Resolution. He has dealt with it in general terms. He may now proceed with the Resolution.

Sir Cowasji Jehangir: I never brought up the subject myself. It was the guilty conscience of my Honourable colleague from Bombay that reminded me of it.

I will only conclude by saying this. Let us all consider ourselves brothers out to help each other in getting such measure of social reforms as we desire.

Mr. S. Satyamurti: Each brother must mean a family according to my Honourable friend!

Sir Cowasji Jehangir: My Honourable friend, Mr. Satyamurti, must realise that he and his community cannot hope to legislate, in future, for all communities, nor in this country can the same social legislation apply to all communities. If that doctrine were to be accepted that the same social legislation should apply to all communities in this great country, where will my small community be?

Mr. Bhulabhai J. Desai: With us.

Sir Cowasji Jehangir: We will have social reform as far as we want to go. Would you say, "remain with us because we cannot advance and we will not let you advance". I will put the reverse. Those who want to advance further and more rapidly, let them by all means do so, but do not drag others along with you. (Interruption.) Let the watchword of this Honourable House be tolerance, and as long as there is tolerance, we shall all have the social reform that we deserve. If we do not deserve it, we will not get it. We shall get the social reform that we deserve and I do wish all success to this Committee that is to be appointed, and I sincerely and honestly desire that this should be only the forerunner of many more committees of this character, not only for my Hindu friends, but if necessary even for my Muslim friends, and if need be also for my poor small community.

Maulana Zafar Ali Khan: Sir, I vehemently oppose the Resolution moved by my Honourable friend, Mr. Hegde. There were amendments against by name and the names of my Honourable friends, Maulvi Abdul Ghani and Syed Murtuza Saheb Bahadur, and we would have pressed our

amendments had it not been for the fact that my Honourable friend, Dr. Deshmukh, spared us the necessity for doing so. But as regards the original Resolution as it stands, I must give my views as to what it is, whether it is worth the paper on which it is written. I have been hearing many times that Muslims must look upon themselves as a community. Our Hindu friends want the Muslims to be part and parcel of the great Hindu nation that lives in India. It is incorrect to say that we are a community. We are a nation.

Mr. M. S. Aney: No, no.

Maulana Zafar Ali Khan: No, the Hindus are a nation. But we the Muslims are also a nation.

Mr. M. S. Aney: No, no.

Maulvi Muhammad Abdul Ghani: No, no.

Maulana Zafar Ali Khan: We are not a community. The Muslims are a nation. We in India are a nation; we have a civilization of our own, and we have got traditions of our own. We cannot merge into the great body which calls itself the Hindu nation. Our conception of God, our conception of the Prophet and our conception of religion is quite different from theirs. Just now I have heard Dr. Deshmukh who is a Hindu of Hindus and a blue-blooded Hindu. Yesterday, he was telling us that Hinduism is changing constantly, from time to time and from epoch to epoch; and when I humbly reminded him that if Hinduism is changing he can tomorrow become a Muslim, he said that he can never do that. I welcome his constancy but this is arguing in a circle. Hinduism is changing but you cannot change. What is that? Then again today I heard from my Honourable friend, Mr. Santhanam,—and I hear it today for the third time from the intelligentsia,—that the Vedas are not revealed and they can be re-written. Now what is religion with the Muslims? With us religion is based on revelation, and we do not say like free-thinking Hindus that revelation as a basis of thought and belief is fatal to the intellectual development of man. The law of Islam is the Quran; the jurisprudence of Islam is the Quran; and that is our fundamental creed from the earliest times till Doomsday. It is unchangeable and we believe in it as the final word of God to man. It is the natural rule and law of life, it is the social code, it is the moral code, it is the economic code, it is the religious code. These things that you are thinking of today were provided for 1,350 years ago. And I assure my Honourable friend, Dr. Deshmukh, that I will support him not because it is a reciprocal courtesy but because broad-mindedness is a virtue that has been denied to them. Only the other day, when the law of divorce for Muslim women was being enacted, my friend, Maulvi Syed Murtuza Sahib, proposed a slight amendment and the whole of these Congress Benches went against us. What would have happened

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not refer to all that. He must not say anything which would revive the controversy.

Maulana Zafar Ali Khan: We are not so narrow-minded as the Englishmen and we are not so narrow-minded as the Hindus. Let these narrow-minded bodies join together and stew in their own juice; we stand apart as the balance of power between the two and we will look at each

[Maulana Zafar Ali Khan.]

question on its merits. Wherever there is right, we will be on the side of the right; wherever there is wrong, we are against the wrong. And so with regard to this question of the rights of women, because I find that some sisters sitting over there

Mr. S. Satyamurti: You cannot refer to the gallery.

Maulana Zafar Ali Khan: Hindu women all over India are being trampled under foot. (*Voices of "No, no."*) They are suffering from many disabilities, otherwise, there is no use bringing forward this Resolution. So, in order to remove those disabilities, my Honourable friend, Dr. Deshmukh, has brought an amendment to the original Resolution in which it is stated that the right of maintenance and the right of residence which have been denied to Hindu women should be conceded to them through a legislative measure, and six persons including a woman should constitute a committee and consider these things and then place the matter before the House. I have nothing to say to that because Dr. Deshmukh was wise enough not to include Muslim women within the ambit of the law which he proposes; and he is right there. For Muslim women every law has been made already. The law of residence, the law of maintenance, the law of contract, the law of inheritance, the law of divorce,—everything has been clearly laid down; and, therefore, we do not want any one to interfere in our personal law. That is our sacred domain and we do not want anybody to get in there. Sir, with these words, I oppose the Resolution and support the amendment.

Mr. M. Asaf Ali (Delhi: General): Sir, I am extremely sorry that a certain atmosphere has been generated in this House over this matter. The Resolution was a very simple one and the amendment was simpler still. Why certain persons of any community should be perturbed over it or why certain Members of the House should exasperate themselves unnecessarily over it I really do not know. The original Resolution, as drafted, was a very comprehensive one but it appeared after talks that had taken place between various Members of this House that particularly one community, namely, the Muslims did not like to be included in the Resolution. I think Dr. Deshmukh accepted that position and has now proposed an amendment which excludes the Muslims. Why should we go any further than that? In other words, in so far as the Congress Party is concerned, it is now supporting this amendment; and since we are backing the amendment nobody need have any apprehension whatsoever. In so far as the principle is concerned, I may remind every one that the Congress stands pledged to a definite principle which is none other than that the Congress shall respect and safeguard the personal laws of every community in India. That means that in so far as the various communities in India are concerned, we shall force nothing upon any minority. It is one of the fundamental rights guaranteed to minorities. If they wish to have any changes we shall help them to whatever extent we can, but we reserve to ourselves the right of advising them from time to time. But if they do not wish to accept our advice it is for them to make any changes that they like in their own laws, that is to say, their personal laws. Therefore, there should be no apprehension on that score at all as far as the Congress is concerned. It has been suggested in some quarters that there is a desire on the part of the Congress to

Maulana Zafar Ali Khan: Talk in this strain after the Britishers retire from India.

Mr. M. Asaf Ali: Maulana Zafar Ali Khan was an ardent Congressman at one time

Maulana Zafar Ali Khan: But I found you out.

Mr. M. Asaf Ali: I stand where I was. I do not find fault with Maulana Zafar Ali Khan, because he has changed his political faith. We have been prisoners together and we are good friends even today outside the House, and I still hope that reason will dawn one of these days. But, apart from that, I was dealing with this particular Resolution which is before the House and I was stating that an apprehension has been expressed in certain quarters of the House that there is perhaps a desire on the part of the Congress to use their power wherever they may be in a majority, to the detriment of some communities. I can assure every community living in India that there is not the slightest desire on the part of the Congress to do anything of the kind, because we are perfectly aware of the situation. Talking of Hindus, for instance, would the Congress be so foolish as to imagine that in the North-West Frontier Province or in Sind or wherever else the Muslims happen to be in a vast majority, they should be free to ram any law down the throats of the Hindu minority? They would not allow such a principle to operate and if they are not willing to allow this principle to operate in the North-West Frontier Province or Sind or in any other part of India, surely, they would not allow it to apply elsewhere. There must be one uniform law for everybody, namely, that in so far as the personal laws are concerned, different communities must be left to themselves. If they are backward it is most unfortunate that they should not move fast enough; if they are going too fast it is unfortunate that we are not moving fast enough with them; but it is perfectly simple: we do not wish to coerce any one against his will. That being the position we have naturally now modified our original Resolution and we are now backing nothing else but the amendment which has been proposed by Dr. Deshmukh. Therefore, why should there be any cause for exasperation or controversy or bickering? I wished merely to explain the position of our Party and no more and having said that I do hope that the House will support the amendment.

Some Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will now put the amendment to vote. The question is:

"That for the original Resolution, the following be substituted:

"That this Assembly recommends to the Governor General in Council that a Committee be appointed consisting of a Chairman and six other Members, of whom not less than four shall be non-officials and of whom one at least shall be a woman, to report on the reforms which are necessary for improving the right of Hindu women to residence and maintenance, and the legislative measures necessary to give effect to such reforms."

The motion was adopted.

RESOLUTION RE NON-INDIAN COMPANIES AND PROTECTIVE TARIFFS.

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

"That this Assembly recommends to the Governor General in Council that measures, legislative and otherwise, be taken immediately to prevent companies and concerns, the capital, membership, control or management of which is not predominantly Indian from taking advantage of protective tariffs imposed to foster the industrial development of this country."

The Resolution comes at a very appropriate time inasmuch as several years have elapsed since this country has adopted the policy of what is known as discriminating protection. This policy of protection essentially means that the country wants to build up its own industry and in the words of Professor Bastable it means "national apprenticeship" in industrial matters. But the expectations that were then raised, when this policy was adopted, have not been completely fulfilled, in my opinion, after a period of more than ten years. When the Government of India appointed a committee to report on the use of external capital, Pandit Madan Mohan Malaviya made a thorough review of the whole situation and, in his Minute of Dissent, he has stated what should have been the object of the protection policy and how it should have been carried out. He said:

"When we Indians asked for protection we did so in order to promote Indian enterprises with Indian capital and under Indian control. The Government of India understood us correctly and agreed with us. Speaking in 1916 on the Resolution which led to the appointment of the Industrial Commission, Sir William Clarke, the then Member of Commerce, said:

"The building up of industries where the capital, control and management should be in the hands of Indians is the special object we all have in view."

He deprecated the taking of any steps which 'merely mean that the manufacturer who now competes with you from a distance would transfer his activities to India and compete with you within your own boundaries.' In concluding my note appended to the report of the Industrial Commission I said: 'I cannot conclude this note better than by endorsing the following generous and wise words of Sir Frederick Nicholson: 'I beg to record my strong opinion that in the matter of Indian industries we are bound to consider Indian interests firstly, secondly and thirdly. I mean by 'firstly' that the local raw products should be utilised; by 'secondly' that industries should be introduced; and by 'thirdly' that the profits of such industry should remain in the country'. We did not ask for the introduction of protective duties in order to benefit foreigners, nor did the majority of the Indian Members of the Fiscal Commission recommend that such duties should be introduced for the benefit of foreigners. The following paragraph from the minute of dissent of the minority of the Commission is important:

"There is one aspect of the question to which attention must be drawn. If our colleagues' recommendation is accepted it will be open to every foreigner to establish manufacturing industries in India by means of companies incorporated in their own countries and in their own currency. This danger did not exist under a policy of free trade, but it is bound to materialise when the benefit of protective duties becomes available. We may have under such circumstances companies incorporated elsewhere, say, in America in dollars, in France in francs, in Italy in liras, in Germany in marks, in Japan in yens and in China in dollars, etc. It will also be possible for these companies to obtain their whole capital in their own countries and thus carry away the entire profit of manufacturing industries established behind the tariff wall. The consumer will have paid a higher price, due to protective duties, and the entire manufacturing profit will have gone out of the country'."

(3696)

Sir, their worst fears have been realised. Very recently, in one of the issues of *Harijan* a list of companies was given: each of them in appearance was 'India Limited'; but for all purposes, that is, for the purposes of capital, membership, control or management, they were entirely non-Indian or predominantly non-Indian. The list extends to all sorts of articles, both those which are protected and which are not protected; it is a very lengthy list and I do not want to go through the whole list; but I may point out that it is in two sections—one contains 125 companies and the other contains 58 companies—altogether more than 180 companies have been incorporated in the year 1934-35 or near about, under 'India Limited' and under the provisions of the Indian Companies Act. This will, I am sure, convince the House to what extent foreign capital has recently come into India. I am not one of those who, at any rate, would like here and now to eliminate the entire use of foreign capital, although that should be the objective towards which all our administrative and legislative efforts should be directed.

The Committee which reported on the use of external capital agreed that there must be certain conditions under which external and foreign capital should be allowed some participation in the industries of the country; but the evils are so many that unless proper precautions are taken the benefit that may accrue to the country will be considerably less than the disadvantages that the country will have to meet. In the first place, it is obvious that if foreign capital is to be used, then capital will naturally insist on its own directorate. If the directorate is foreign, we have little chance, as has been our experience throughout these thirty or forty years, that Indian talent will be encouraged and there will be no facilities for training Indians in those concerns. Then another aspect is with regard to profits. They leave the country absolutely without any chance of their coming back at all. Then, Sir, there are the vested interests which will be created. Not only they create an economic problem, a problem which relates to industries only, but they create a political problem as well, and here, in this very House, we have found during the last so many years that on any question of economic importance, it is the voice of the European Group which has prevailed more than their strength in this House justifies. The position of the English capitalist is so great in this country that not only he commands the economic power and is able to dictate to us, but, today, he has also got the political power behind him. Therefore, Sir, the whole business is doubly regrettable. The finding of this Committee is that there is Indian capital available, in fact, this Committee has gone to the length of saying that there is enough potent capital in this country, and if tactfully tapped, it is bound to be of great service for the industrial expansion of this country. Sir, very recently, Sir Stanley Reed, writing in the November, 1938, issue of the *Lloyd Bank Monthly Review*, stated that in India there was capital more than enough, and was waiting for opportunities for cautious and prudent investment. The position in India today is not that there is lack of capital and there is necessity for attracting foreign capital. If there was any need, that need has already disappeared, I submit, Sir, that the need is more for the British financier and British capitalist to find more profitable territory for investment. The international situation in Europe has made it impossible for any long term investment, and in the eastern countries, particularly in China, it is not possible for the European capitalist to invest with any hope of profit, because of the political situation and the continued and persistent

[Mr. N. V. Gadgil.]

opposition of the Japanese industrialists and Japanese manufacturers. Therefore, the danger today is all the greater, because the capital that may be released from those territories is more likely to find some outlet in India, and under the commercial safeguards, with the political power and with the present policy of the Government of India, there is nothing to prevent it from being dumped on this country, and I shall not be surprised if, in the near future, say, within the next ten years, the catastrophe that has been contemplated in the Minute of Dissent, to which I made reference just now, actually materialises.

Now, Sir, protection was granted to some industries for what purpose? It was granted so that the national industries should be built up, so that Indians can be trained suitably, but what has been the result? Take, for example, the case of matches. Protection was granted to the match industry, and what is the result? The result is that foreign companies like the Western India Match Company Ltd. (Swedish Match Co.) and others have been started in this country with huge combines, with the result,—the Honourable the Commerce Member is aware of it,—that 17 factories which were owned and controlled by Indians were closed down in Calcutta, another 13 factories which were owned and conducted by Indians in Bombay were closed down. That was the result. In fact, the foreigners control sixty per cent. of the production of matches in India. Was that the object of granting protection?

Then, Sir, take the case of cigarettes. 95 per cent. of the production is under the control and ownership of foreigners in this country. Another notable illustration of this intrusion of foreign concerns is the launching of a chemical concern by the Imperial Chemical Company in the Punjab. This is foreign in every respect. Then, there are other articles like soap, rubber, boots, etc., and in all these things you will find that foreigners have made such a great headway that it has become increasingly difficult for our industrialists, in the first place, to start new factories and in the second place, to expand the activities of those concerns which are already in existence. Sir, this is not merely a temporary loss to the country, but it is a permanent loss, and when I plead, Sir, that there should be regulations and restrictions imposed, it is not as if it is a novel claim that I am putting forward. If you will kindly refer to the International Draft Convention which governs relations and activities of foreigners, you will find that this policy of regulation and restriction has been accepted there. In fact, at the International Conference on the treatment of foreigners held at Paris in 1929, Professor D'Aliva Lima laid down a very nice principle, and, with your permission, I propose to read it to the House:

"The exercise of the right of foreigners to acquire property could not fail to be subject to total or partial restrictions necessitated by the vital importance of safeguarding the national wealth, *e.g.*, in the case of the riches of territorial waters and of the sub-soil, motive power, monopolies, and in general, any activity which might lead, in fact or in law, to an excessive hold over the soil and vital resources of a country."

Now, Sir, that is exactly the thing that is happening in India. You take the mining industry, and I am told that 80 per cent. of the production is controlled by foreigners. You take the shipping industry, even in our territorial waters you find that a substantial tonnage is owned, controlled and managed by non-Indian concerns. Take again the Railways. They are practically mortgaged to the British capitalists, although the rigours are somewhat modified on account of State-management and the policy of this Government of buying up some of the concerns. Now, Sir, the real

question is what was the object of having a policy of discriminating protection. In fact it was a wrong policy to adopt,—it should have been a straight protection. Then, this discriminating protection has always discriminated against the Indians and not against non-Indians. There should not have been this policy at all, but we have accepted it for a long time, and so let us see whether the object of this policy has been fulfilled and the evils to which pointed attention was drawn by the External Capital Committee have disappeared and what remedies the Government have adopted to remove them. Anyway, I have pointed out that the extent of the evil is so much and so great that any Government with any claim for national good or for national progress ought to have come into the field earlier for remedying this evil.

This Resolution, Sir, merely asks the Government to undertake legislative and administrative remedies to stop this evil. I do not think I shall be in a position to suggest all sorts of remedies, but there are certain remedies which were pointed out to the Tariff Board which inquired into the match industry, and which could be adopted with advantage by the Government. One of those remedies was that either there should be a quota system,—I don't personally agree to it, but I am merely mentioning it,—or there should be differential excise duties so as to differentiate between Indian and non-Indian concerns. But the Tariff Board brushed aside all these suggestions and recommended that there should be licensing and non-official agency to control sales. If the Government justifies its policy of interference and gives protection, then the Government has full moral and legal right to further interfere, and not only to control the industries, because the industries are under an obligation on account of the tariff protection accorded to them, but also to see that the full effects of protection are realised for the benefit of the sons of the soil. Sir, if I were the Honourable the Commerce Member, I would at once put a stop to all non-Indian companies. I can only justify, as I have said, the use of foreign capital if I find that I have not enough capital in the country, but if you look today to the figures of investments in Government securities, if you look to the deposits in Post Office Savings Banks, and also in other banking institutions, you will find enough money is locked up. But why is it not coming forward? It is because the moment the Indian industrialist tries to start some concern, the policy of the Government is not to adopt a thorough going policy of supporting such industries, but to adopt a discriminating protecting policy, and as I have said, this discrimination works not in favour of Indians, but it always and usually goes against them. Therefore, I think that it is high time that Government should review and find out whether what they had really in view when they adopted this policy of discriminating protection has been successfully achieved or not. As I have said, in my opinion at any rate, there is an overwhelming case to show that the manufacturing field in India is more and more captured by the Englishmen. It is not merely that the English capital has come, but the English capitalist also has come with his close control, with his patronage, and there are many other things in which by showing their patronage they can create trouble between caste and caste and communities and communities. Therefore, my submission to the House is that if the House agrees with me that there has been a set-back to Indian industries owned and controlled by Indians and progressive conquest of Indian industries by non-Indian capital and if the House is convinced that an overwhelming case has been made out, then it will be only logical if it accepts my Resolution. Sir, I move.

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

"That this Assembly recommends to the Governor General in Council that measures, legislative and otherwise, be taken immediately to prevent companies and concerns, the capital, membership, control or management of which is not predominantly Indian, from taking advantage of protective tariffs imposed to foster the industrial development of this country."

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muham-madan): Sir, I move:

"That the following words be inserted between the words 'Indian' and 'from' in lines four and five of the Resolution:

'or which do not employ all Indian communities in due proportion in their services and labour'."

The Resolution, in the form I want it to be amended, would read as follows:

"That this Assembly recommends to the Governor General in Council that measures, legislative and otherwise, be taken immediately to prevent companies and concerns, the capital, membership, control or management of which is not predominantly Indian, or which do not employ all Indian communities in due proportion in their services and labour from taking advantage of protective tariffs imposed to foster the industrial development of this country."

Sir, I will confine my remarks only to the amendment that I have moved. On the 14th March this year, my Honourable friend, Mr. Nauman moved a cut motion to discuss the conditions to be imposed on subsidised or protected industries in India, and there he explained his object to be that of providing for a proper representation of all the communities in the services and labour of such concerns as are receiving benefits from the protection provided under various protective laws. My amendment today is a natural corollary to that cut motion which was moved, but which unfortunately, for want of time, could not be proceeded with. It is quite possible that it will be argued that these concerns are private managed concerns and, therefore, it will not be possible to impose such conditions on them, that conditions which are easily enforced in Government services may not be so easily imposable on those concerns—that may be the argument which may be brought forward against my amendment. But I have this much to say. Though these concerns and companies are said to be private concerns, they are being supported from public funds in this way that the consumer pays for the protection that these concerns receive. The consumer is, after all, the taxpayer, the ratepayer of this country, and, therefore, he can have the right to say how and in what manner these concerns should be managed. We, in this House, as the representatives of the consumers, that is to say, the taxpayers and ratepayers, certainly have a right to say what we think should be the conditions under which these concerns should be managed. That is how I justify my amendment. There is no exaggeration when I say that it is the heavy sacrifice made by the consumers that keeps some of these concerns in their present position today. So, the consumer can certainly have the right to say what he thinks should be the conditions under which he will continue to make that sacrifice. When we come to the consumer, we find in that term are included all the communities of this country. They all suffer and suffer alike, so that the industries of their country may progress. If they do suffer and if they are prepared to suffer, it is our duty to see that they all enjoy the benefits which come out of this protection which is given at the sacrifice of these consumers, and that is where my amendment comes in. It is found that so far as the profit from this great sacrifice of the

consumer is concerned, a great portion of it goes to one community only. Of course, I am not complaining against it, I am not blaming anybody for it but the fact remains (Interruption.) I am only mentioning the fact. If it is a fact that all communities are not enjoying the benefits of protection, then it stands to reason that some arrangement should be made, so that the benefits accruing from protection may be shared by all alike, and that is why I have moved my amendment.

Now, I come to another objection that has been raised here; namely, after all, these enterprises have been started by private capitalists and, therefore, this House should have no say in this. I think the first argument that I adduced serves to reply to this objection also. That is to say, it is not private enterprise alone, it is not the capital of capitalists alone that is running these concerns and companies. It is really the contribution made by the consumers that is today responsible for keeping these industries and these concerns in their present position. (Interruption.) The capital was there, but the capitalist was not able to run these things successfully, and that is why the consumer has been asked to make sacrifice. I believe I have established the fact that today it is much more the consumer who is responsible for running these concerns in their present conditions than the original capital.

Now, I take up another objection that may be raised and raised vehemently in this House. It may be said that this is a cry of communalism. I know that derisive comments will be made that communalism is being carried too far—that even in private concerns the communalists want to have their finger

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to conclude his speech now?

Mr. H. A. Sathar H. Essak Sait: No, I will take some time more.

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th April, 1939.

LEGISLATIVE ASSEMBLY.

Friday, 14th April, 1939.

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.

DISPOSAL OF LAND BY THE DELHI IMPROVEMENT TRUST.

1708. *Mr. K. S. Gupta: (a) Will the Secretary for Education, Health and Lands please state the reasons for which the Delhi Improvement Trust has not followed one principle regarding the disposal of its land and whether it has finally adopted the procedure of the tender system for the sale of land?

(b) On what basis have all these conditions been allowed to be fixed and how do the same compare with the lands recently sold by the Delhi Municipality?

(c) Are extra amenities etc. proposed to be provided by the Delhi Improvement Trust in comparison to those provided by the Delhi Municipality for which the Government have allowed it to levy monthly or yearly rents on its plots of lands over and above the sale price? If so, what are they? If not, why has the Delhi Improvement Trust been allowed to fix yearly rents and that to be enhanced also in comparison to the freehold land sold by the Delhi Municipality?

(d) Was there any proposal by the Delhi Improvement Trust to sell its land freehold or without any lease to be charged? If so, why, and how was it not accepted?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer questions Nos. 1708 and 1709 together. The information required by the Honourable Member has been called for and will be laid on the table of the House as soon as possible.

DISPOSAL OF LAND BY THE DELHI IMPROVEMENT TRUST.

†1709. *Mr. K. S. Gupta: (a) Will the Secretary for Education, Health and Lands please state how many plots of land have so far been disposed of by the Delhi Improvement Trust in each of the different localities, and at what prices and by what procedure?

(b) What has so far been done by it to afford better and attractive facilities to those who belong to the middle or low classes and are eager to possess houses at as low a price as possible?

†For answer to this question, see answer to question No. 1708.

APPOINTMENT OF AN ADDITIONAL CIVIL SURGEON IN DELHI.

1710. *Mr. K. S. Gupta: (a) Will the Secretary for Education, Health and Lands please state the grounds necessitating the appointment of the Additional Civil Surgeon, Delhi? When was it sanctioned and for how long?

(b) Was the possibility of creating an appointment of Assistant Surgeon instead of the Additional Civil Surgeon considered? If so, with what results?

(c) Was the desirability of having an Honorary Surgeon of high repute in place of the present Indian Medical Service officer considered? If so, why was it dropped and why did the Chief Medical Officer only recommend the replacement of highly qualified Assistant Surgeons who have generally twenty to twenty-five years experience at their back by private practising doctors as Honorary Surgeons and Honorary Physicians?

Sir Girja Shankar Bajpai: (a) The post of the Additional Civil Surgeon was created in 1937 to cope with increased medical and public health work in Delhi due largely to the opening of the Irwin Hospital and the fact that the Civil Surgeon of New Delhi moves in the summer to Simla. The post was sanctioned for six months in the first instance and was later placed on a permanent footing.

(b) The appointment of an Assistant Surgeon was not specifically considered as the duties of the post necessitated the appointment of an officer of the senior service.

(c) The answer to the first part is in the negative; the second does not arise.

Mr. Brojendra Narayan Chaudhury: May I know the particular reasons why the Civil Surgeon of New Delhi moves to Simla during the summer?

Sir Girja Shankar Bajpai: There is no particular reason. It is an old arrangement. Simla is divided into two districts for medical purposes,—Simla West, and Simla East, and, as a measure of economy, instead of keeping the western district Civil Surgeonship filled all the year round, we keep it filled only for six months.

APPOINTMENT OF HONORARY SURGEONS AND PHYSICIANS IN THE IRWIN HOSPITAL, DELHI.

1711. *Mr. K. S. Gupta: (a) Will the Secretary for Education, Health and Lands please state the scheme approved for the appointment of Honorary Surgeons and Honorary Physicians in the Irwin Hospital, Delhi, or elsewhere and its financial effect?

(b) What length of experience and academic qualifications:

(i) are possessed by those who are working as Honorary Surgeons and Physicians; and

(ii) would be required of a private doctor to make him eligible for such an appointment?

(c) Is the Education Secretary aware that the Assistant Surgeons, who have in the past worked in Delhi, have almost all been men with at least twenty to twenty-five years service besides being highly qualified in the profession?

Sir Girja Shankar Bajpai: (a) Rules have been made for the appointment of honorary medical officers at the Irwin Hospital, New Delhi, a copy of which is laid on the table of the House. No other scheme has been approved.

(b) Information has been called for and a reply will be furnished as soon as it is received.

(c) Government have not checked the Honourable Member's statement but are prepared to agree that it may be correct.

Rules for the appointment of Honorary Medical Officers at the Irwin Hospital, New Delhi.

1. Honorary Medical Officers will be appointed by the Chief Commissioner, Delhi, on the recommendation of the Chief Medical Officer, Delhi.

2. Honorary Medical Officers will be designated as follows:—

(1) Clinical Assistants.

(2) Honorary Assistant Surgeons or Honorary Assistant Physicians.

(3) Honorary Surgeons or Honorary Physicians.

Honorary Medical Officers appointed for a speciality such as Ophthalmology, Ear, Nose and Throat work, Pathology etc., will be appointed to one of the above three grades with further indication as to their speciality.

3. Ordinarily Honorary Medical Officers will be appointed in the first instance as "Clinical Assistant", the vacancies in the other categories being filled by promotion; but in exceptional cases the Chief Commissioner may sanction departures from this rule on the recommendation of the Chief Medical Officer.

4. *Qualifications.*—A candidate for appointment as Clinical Assistant should hold the degree of M.B., B.S., or its equivalent.

A candidate for appointment as Honorary Assistant Surgeon or Honorary Assistant Physician should ordinarily have previous service as a clinical assistant for a minimum period of two years.

A candidate for appointment as Honorary Physician or Honorary Surgeon should possess one of the higher medical qualifications, such as M.D., M.S., M.R.C.P., F.R.C.S., or one of the special diplomas signifying skill in the speciality of his appointment.

5. *Tenure of appointments.*—Appointments are tenable for three years, terminable by three months' notice in writing on either side, the period of probation being one year. The tenure of an appointment may be extended by the Chief Commissioner by successive periods of three years each if the incumbent is considered fit to continue in the post.

A Clinical Assistant must serve for two years before he is eligible for promotion to Honorary Assistant Surgeon or Honorary Assistant Physician. Promotions to the grade of Honorary Physician and Honorary Surgeon will be made as vacancies arise, and if the Honorary Medical Officer is considered in every respect fit for the appointment. An Honorary Medical Officer must retire from his appointment on attaining the age of 55 years. Honorary Medical Officers on their retirement may be appointed Consulting Physicians and Surgeons. Such appointments will be made strictly on grounds of merit and will not be subject to any age limit. Consulting Physicians or Surgeons will not ordinarily be required to do any duty at the hospital. They will be accorded all such general privilege as are granted to other members of the medical staff.

Government medical officers may, after retirement, be appointed by the Chief Commissioner in special cases, and strictly on grounds of merit, as Consulting Physicians or Surgeons.

6. Vacancies for appointments as Honorary Medical Officers will be advertised in the Press.

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7. The Chief Medical Officer is empowered to grant leave to Honorary Medical Officers up to six months, provided that the leave does not extend beyond the expiration of their tenure.

He may appoint suitable substitutes during the leave period in such cases.

8. All Honorary Medical Officers are required to submit to the rules of the hospital and to the disciplinary control of the Superintendent of the Hospital.

9. Appointments of Honorary Medical Officers will be notified in part II-A of the Gazette of India by the Chief Commissioner.

10. Honorary Medical Officers will be allowed to admit their private patients to the paying wards of the hospital. They will be entitled to receive the proportion of fees for treatment allowed by the Government Rules in force. They must not accept fees privately from patients, whether in the general or the paying wards.

REJECTION OF THE INDO-BRITISH TRADE AGREEMENT BY THE LEGISLATIVE ASSEMBLY.

1712. *Sardar Mangal Singh: Will the Honourable Member for Commerce please state:

(a) whether the Government of India have considered the question arising out of the vote of this Honourable House on the 28th March, 1939, regarding the rejection of the Indo-British trade pact;

(b) whether they have made any representations to His Majesty's Government in the United Kingdom about the modification of the trade pact in the light of the speeches of the Honourable Members belonging to the opposition parties during the course of the debate on the pact; and

(c) whether Government have come to any decision in regard to the ratification or otherwise of the pact?

The Honourable Sir Muhammad Zafrullah Khan: With your permission, Sir, I shall reply to questions Nos. 1712 and 1713 together.

I would refer the Honourable Member to the Indian Tariff (Third Amendment) Bill, 1939, introduced in this House on the 31st March, 1939, and to the Statement of Objects and Reasons appended thereto.

MODIFICATION OF THE INDO-BRITISH TRADE AGREEMENT.

†1713. *Sardar Mangal Singh: Will the Honourable Member for Commerce please state:

(a) whether Government intend to set up a committee to examine the provisions of the Indo-British trade pact; and

(b) whether Government intend to take up the question of the modification of the pact in the light of the criticism by the Indian public opinion generally?

APPOINTMENT OF AN INDIAN AGENT IN BURMA.

1714. *Sardar Mangal Singh: Will the Secretary for Education, Health and Lands please state:

(a) whether Government have come to any decision in regard to the appointment of an Indian Agent at Rangoon; and

†For answer to this question, see answer to question No. 1712.

(b) when the announcement is likely to be made about this appointment?

Sir Girja Shankar Bajpai: (a) The matter is still under consideration.

(b) As soon as a decision has been reached.

Mr. Brojendra Narayan Chaudhury: May I know if the Government of Bengal will be consulted in this matter?

Sir Girja Shankar Bajpai: I informed my Honourable friend on a previous occasion that the appointment is in the discretion of the Governor General in Council. No Government is formally consulted as such, but all points of view are naturally taken into account before the appointment is made.

Mr. Brojendra Narayan Chaudhury: May I know whether Government do not think it advisable to consult the Governments of Madras and Bengal about what experience this officer should have about the races of Indians who live in Burma?

Sir Girja Shankar Bajpai: As I have already informed my Honourable friend Government make the appointment with due regard to all the relevant circumstances, which include the requirements of the different sections of the Indian community living in Burma.

Mr. M. Ananthasayanam Ayyangar: May I know what are the proportions of Bengalis and Madrasis in Burma?

Sir Girja Shankar Bajpai: I could not say off-hand.

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

INDIAN LANCASHIRE COTTON COMMITTEE.

1715. *Sardar Mangal Singh: Will the Honourable the Commerce Member please state:

(a) whether the Indian Lancashire Cotton Committee is still in existence; and

(b) whether it has issued any annual reports after the Ottawa Agreement was rejected by this House in 1936?

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

(b) The last report issued by the Committee was the one for the year ending 31st December, 1936.

SEGREGATION OF INDIANS IN SOUTH AFRICA.

1716. *Mr. T. S. Avinashilingam Chettiar: (a) Will the Secretary for Education, Health and Lands state whether Government have received any representation from Indians in South Africa on the matter of attempts at segregation of Indians?

(b) What is the latest situation in the matter?

(c) What steps have Government taken in the matter?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer to questions Nos. 1716 and 1726 together. I have nothing to add to what I stated on the 3rd of this month in reply to Mr. Abdul Qaiyum's starred question No. 1464 and the supplementaries arising from it.

SALE OF IMPROPER VACCINES.

1717. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether it has been found that the anti-Cholera vaccines in the market have been found to have been prepared not from the proper strain and are worthless as antidote; and
- (b) whether Government propose to penalise by legislation or otherwise the sale of improper vaccines or to control effectively the manufacture thereof; if the latter, how?

Sir Girja Shankar Bajpai: (a) Some of the vaccines on sale have not been prepared from true strains and are, therefore, worthless.

(b) Government propose to make provision for controlling the manufacture and sale of biological products in the Bill for the control of drugs which is under preparation.

PROTEST BY THE FEDERATION OF INDIAN CHAMBERS OF COMMERCE AND INDUSTRY AGAINST THE CHARACTERISATION OF A STATEMENT WITH REGARD TO CHROME LEATHER.

1718. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state:

- (a) whether he has received a communication from the Secretary of the Federation of Indian Chambers of Commerce and Industry protesting against the Honourable Member's characterisation in this House of a particular statement of the committee of the Federation with regard to chrome leather "as false"; and
- (b) whether a reply or communiqué in reply to the above-mentioned protest will be given or issued; if so, what; if not, why not?

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

(b) I would refer the Honourable Member to Commerce Department letter No. 20-T-(11)/39, dated the 4th April, 1939, addressed to the Federation of Indian Chambers of Commerce and Industry, a copy of which was supplied to each Member of this House.

Mr. Brojendra Narayan Chaudhury: May I know whether Government have since received a rejoinder from the Federation to that reply?

The Honourable Sir Muhammad Zafrullah Khan: Government have received a further reply from the Federation.

Mr. Brojendra Narayan Chaudhury: Do Government intend to abide by the advice given in that letter that they should not impute motives and should not follow the footsteps of the ex-Finance Member?

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

CERTAIN GRIEVANCES OF THE TEA INDUSTRY.

1719. *Mr. Brojendra Narayan Chaudhury: Will the Honourable the Commerce Member please state:

- (a) whether his attention has been drawn to the fact that at a meeting of the Kangra Valley Tea Growers Association held recently in Palampur town the members demanded a reduction in the import duties on certain machineries and favourable railway freights which were at present four times more than the rates by lorries carrying their goods to Amritsar and other stations (the *Hindustan Times*, dated 30th March, 1939, page 8, column 5); and
- (b) whether it is proposed to discuss the above-mentioned grievances with the Finance and Railway Departments for the welfare of the tea industry; if not, why not?

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

(b) No. The question of the reduction of import duty leviable on machinery for the industry will be considered along with similar requests from other industries as and when financial conditions permit. As regards railway freights, the North Western Railway has already quoted special reduced rates from the Kangra Valley stations which represent a reduction from 26 to 61 per cent. of the ordinary rates.

Mr. Brojendra Narayan Chaudhury: May I know whether the rates now quoted by the Railways are competitive with those charged by lorries?

The Honourable Sir Muhammad Zafrullah Khan: I am unable to say obviously.

PROPORTION OF MUSLIMS AMONGST THE COTTON GROWERS IN INDIA.

1720. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state whether Government have any statistics or reliable information to show the proportion of Muslims amongst the cotton growers in India?

Sir Girja Shankar Bajpai: No.

EXPERIMENTS IN THE MANUFACTURE OF COTTON SACKS.

1721. *Mr. Brojendra Narayan Chaudhury: Will the Secretary for Education, Health and Lands please state:

- (a) whether in America (New Orleans) cotton sacks for handling sugar are being made; whether these cotton sacks are five times more durable than jute sacks and only slightly dearer; and
- (b) whether similar experiments are being attempted in India in view of the fact that difficulties are being experienced in finding a market for India's cotton?

Sir Girja Shankar Bajpai: (a) Government have seen press reports to this effect.

(b) The question of finding new uses for Indian cotton is being examined by the Indian Central Cotton Committee.

DELAY IN PAYMENT OF PIECE-WORK WAGES IN CERTAIN WORKSHOPS OF THE NORTH WESTERN RAILWAY.

†1722. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Commerce please state whether piece-work payments are to be made to workers in the Locomotive and Carriage and Wagon Workshops of the North Western Railway within seven days of the last day of the wage period in which the work in question is completed?

(b) Is it a fact that piece-work payments are not made to many workers in these shops for six to seven months after the completion of the work and that to one man such payments have not been made even for about one year?

(c) Is it a fact that about 175 workers have not been paid their piece-work wages for the works completed in September, 1938?

(d) Is the Honourable Member prepared to cause an independent enquiry to be instituted into this case of violation of the law enacted by this Assembly and put up a report before this House?

The Honourable Sir Muhammad Zafrullah Khan: The question should have been addressed to the Honourable Member for Railways.

NOTICE REGARDING PURCHASE OF SPECTACLES IN DR. SHROFF'S CHARITABLE EYE HOSPITAL, DELHI.

1723. *Mr. Kuladhar Chaliha (on behalf of Mr. Lalchand Navalrai): Will the Secretary for Education, Health and Lands be pleased to state in reference to the answer to part (e) of my starred question No. 1804C., asked on the 5th December, 1938, and laid on the table on the 3rd February, 1939:

- (a) whether it is a fact that Dr. Shroff's Charitable Eye Hospital had put up notice boards in English, as well as in Urdu and Hindi that the patients had to purchase the prescribed spectacles from the hospital; if so, how this fact is consistent with the answers given in clause (e);
- (b) whether it is a fact that since the aforesaid answer was given the board written in English has been removed and the board in Urdu and Hindi still exists there; and
- (c) what steps Government propose to take to see that in consonance with the aforesaid answers given by Government, such boards are removed and the patients are given full liberty to obtain their spectacles from any firm they choose?

Sir Girja Shankar Bajpai: I have asked for information and will furnish a reply when it is received.

LEGISLATION FOR REGULATION AND PREVENTION OF MANUFACTURE AND SALE OF ADULTERATED DRUGS AND BIOLOGICAL PRODUCTS.

†1724. *Sri K. B. Jinaraja Hegde: Will the Honourable the Leader of the House be pleased to state whether Government have in contemplation of introducing a Bill for regulation and prevention of manufacture and sale of adulterated drugs and biological products?

Sir Girja Shankar Bajpai: I invite the Honourable Member's attention to the reply given by me to Sardar Mangal Singh's starred question No. 39 on the 4th February, 1939.

†Answer to this question laid on the table, the questioner being absent.

LIFE OF THE LEGISLATIVE ASSEMBLY.

†1725. *Mr. S. Satyamurti: Will the Honourable the Leader of the House please state:

- (a) whether any decision has been arrived at as regards the duration of the life of the Legislative Assembly; if so, what the decision is;
- (b) whether Government are aware of the keen anxiety felt by several political parties in the country as regards the date of elections to the next Legislative Assembly with a view to preparing themselves for the contest; and
- (c) whether Government propose to expedite the decision on this question and its announcement as early as possible?

The Honourable Sir Nripendra Sircar: I have nothing to add to my replies to similar questions asked during the last special Session and the current Session.

POSITION WITH REGARD TO ANTI-INDIAN LEGISLATION IN SOUTH AFRICA.

†1726. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands please state:

- (a) the latest position in South Africa with regard to anti-Indian legislation;
- (b) whether the Government of India have any information as regards the intentions of the Government of the Union of South Africa in respect of this legislation as to when it is to be brought into effect;
- (c) whether Government have taken any steps in the direction of preventing this legislation; if so, what they are;
- (d) whether Government are aware of the keen feeling on the part of Indians in South Africa and on the part of the people of this country against this ill-treatment of the citizens of South Africa by the Union of South Africa; and
- (e) whether Government propose to take steps to vindicate the national honour and self-respect of India and of Indians in South Africa; if so, what steps they propose to take?

PROPOSAL TO REPATRIATE CERTAIN INDIAN LABOURERS IN CEYLON.

†1727. *Mr. S. Satyamurti: Will the Secretary for Education, Health and Lands please state:

- (a) whether the attention of Government has been drawn to the news appearing in the newspapers to the effect that the Board of Ministers in Ceylon have agreed to the proposal to repatriate the Indian daily paid labourers in the Government departments there;
- (b) what is the latest information in this behalf in the possession of the Government of India;

†For answer to this question, see answer to question No. 1716.

‡Answer to this question laid on the table, the questioner being absent.

- (c) whether Government have taken any steps to persuade the Government of Ceylon to stay their hands in this matter;
- (d) whether Government have received satisfactory assurances from the Government of Ceylon that they will stay their hands pending discussion of this matter between the Government of India and the Ceylon Governments;
- (e) whether the Government of India propose immediately to take steps to press on the Government of Ceylon to include this matter as one of the matters to be negotiated between India and Ceylon with respect to the next trade agreement between the two countries; and
- (f) whether Government will place on the table of the House the latest information in the matter?

Sir Gita Shankar Bajpai: (a) Yes.

(b), (d) and (f). The attention of the Honourable Member is invited to the supplementaries arising out of Mr. T. S. Avinashilingam Chettiar's starred question No. 1577 on the 6th April, 1939.

(e) This will depend upon the result of the representations that the Government of India may have to make on the merits of the scheme meanwhile.

IMPORT OF BURMA RICE INTO THE MADRAS PRESIDENCY.

†1728. *Mr. S. Satyamurti: Will the Honourable the Commerce Member please state:

- (a) whether his attention has been drawn to the question and answer in the Madras Legislative Assembly on the 28th March, 1939, about the quantity of Burma rice imported into the Madras Presidency for the last six months and the price of Burma rice as compared with the price of country rice and the extent of the fall in prices of country rice as a consequence of the imports of Burma rice;
- (b) whether the Government of India have any information on the matter; if so, whether they will place it on the table of the House;
- (c) whether the attention of Government has been drawn to the statement of the Parliamentary Secretary to the Madras Government that the Madras Government had made necessary representations to the Government of India to stop the import of rice from Burma;
- (d) whether the Government of India have been addressed by the Madras Government in respect of this matter; and
- (e) whether Government propose to take steps in this behalf, if so, what they are; if not, why not?

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

(b) I place on the table statements showing (1) the prices of rice in certain cities of the Madras Presidency from September, 1938, to February, 1939, and (2) the figures of import of rice and paddy from Burma into the Madras Presidency for the same period.

†Answer to this question laid on the table, the questioner being absent.

The final rice forecast published in the *Indian Trade Journal*, dated 2nd March, 1939, estimates that production of Indian rice in the year 1938-39 will be lower by 3 million tons, i.e., by about 12 per cent. than in the previous year. It is to be expected, therefore, that this deficit will be partly made up by imports from Burma.

(d) and (e). The Honourable Member's attention is invited to the replies I gave on the 13th February, 1939, to parts (b) and (c) of Mr. Santhanam's question No. 351 and the supplementaries arising out of it.

Prices of rice during the last week of each month in certain cities of the Madras Presidency (Rs. per maund).

Cuddalore.

	Tanjore Boiled rice Superior (Kothamati Samba).	Local rice Superior (Samba).	Remarks.
September 1938	4.11	3.46	Burma rice is not quoted.
October 1938	4.22	3.57	
November 1938	4.33	3.68	
December 1938	4.22	3.79	
January 1939	4.00	3.57	
February 1939	4.00	3.57	

Calicut.

	Cocanada boiled.	Thadapali boiled.	Palghat boiled.	Rangoon milcha.	Rangoon full boiled.	Rangoon raw.
September 1938.	3.59	3.53	4.34	3.28	3.16	3.16
October 1938	3.53	3.53	4.34	3.28	3.16	3.16
November 1938	3.41	3.22	4.28	3.22	3.10	3.28
December 1938	3.97	3.84	4.46	3.78	3.60	3.78
January 1939	3.77	3.71	4.21	3.32	2.97	3.16
February 1939	3.53	3.28	4.21	3.09	2.91	3.09

Cochin.

	Inferior Milchar (Burma II).	Rangoon raw.
September 1938	3.38	3.32
October 1938	3.26	3.32
November 1938	3.19	3.26
December 1938	3.19	3.26
January 1939	3.13	3.07
February 1939	3.07	3.01

Madras City.

	Calcutta Nagra boiled.	Coconada boiled.	Rangoon boiled milchar.	Whole sugandhi Rangoon raw.
September 1938	3.76	3.54	No quotation.	No quotation.
October 1938	3.76	3.34	No quotation.	No quotation.
November 1938	3.76	3.21	3.27	No quotation.
December 1938	4.28	3.66	3.92	No quotation.
January 1939	3.83	3.28	3.34	3.41
February 1939	3.88	3.34	3.21	3.08

IMPORTS of rice and paddy from Burma into the Madras Presidency during September, 1938 to February, 1939.

	Rice (Tons)	Paddy (Tons)
September 1938	15,254	Nil.
October 1938	21,529	5
November 1938	27,186	4
December 1938	13,286	2,261
January 1939	32,665	7,967
February 1939	56,997	7,722

APPLICABILITY OF THE CHILD MARRIAGE RESTRAINT ACT TO CANTONMENTS

1729. *Pandit Sri Krishna Dutta Paliwal: Will the Honourable the Leader of the House be pleased to state:

(a) whether any steps have been taken to make the Child Marriage Restraint Act (popularly called the Sarda Act) applicable to the cantonments in Central India since January 1938; if so, what;

(b) whether Government propose to apply that Act in these cantonments; if so, when;

STARRED QUESTIONS AND ANSWERS.

(c) whether it is a fact that the Sarda Act is in force in the Non-regulated Rajputana Agencies; and

(d) if it is also a fact that all the important neighbouring states such as Indore and Gwalior have got similar Acts in force in their States?

The Honourable Sir Nripendra Sircar: (a) and (b). The position is still as explained in the reply given on the 5th October, 1936, in the Assembly by Sir Aubrey Metcalfe to starred question No. 957 to which the Honourable Member is referred and in the reply given by Sir Aubrey in the Assembly on 20th March, 1936, to starred question No. 1372 to which a reference was then made.

(c) The phrase "Non-regulated Rajputana Agencies" is not understood. If the reference is to areas in Rajputana other than the administered areas, the matter is purely one for the consideration of the State administrations concerned.

(d) Here also the matter is purely one for the consideration of the State administrations concerned.

Mr. K. Santhanam: With reference to part (d) of the question, it is only asked whether it is a fact whether the neighbouring States have similar Acts. My Honourable friend said that this is a question to be considered by other people. The question is whether the fact mentioned in clause (d) is true or not?

The Honourable Sir Nripendra Sircar: I cannot say whether all the important neighbouring States—Indore, Gwalior, etc.,—have similar Acts, but my information is that some of them have.

Mr. K. Santhanam: May I know which of the States have these?

The Honourable Sir Nripendra Sircar: I am afraid I cannot tell the Honourable Member without notice.

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

CONSULTATIONS WITH REGARD TO THE APPOINTMENT OF HIGH COURT JUDGES IN INDIA.

†1730. *Mr. S. Satyamurti: Will the Honourable the Leader of the House please state:

(a) the method by which the Secretary of State for India consults the Governor General with regard to the appointment of High Court Judges in India;

(b) whether the Governor General consults the Governors of the Provinces concerned;

(c) whether the Governors of the Provinces consult the Chief Justices of the High Courts concerned;

(d) whether the Governors of the Provinces consult the Premiers of the Government of their own Provinces; if not, why not;

†Answer to this question laid on the table, the questioner being absent.

- (e) whether the attention of the Government of India has been drawn to a statement made by the Premier of Madras recently in the Madras legislature wherein he stated that the Madras Government are not at all consulted about the appointment of High Court Judges; and
- (f) whether Government propose to reconsider the whole position and arrange for the Governors of Provinces when they are consulted with regard to such appointments to consult the Provincial Governments or at least the heads thereof, namely, the Premiers; if not, why not?

The Honourable Sir Nripendra Sircar: (a) to (f). The Government of India Act vests the power to make permanent appointments to Provincial High Courts in His Majesty and appointments of acting and additional Judges in the Governor General in his discretion. The question, therefore, relates to a matter which is not the concern of the Governor General in Council.

UNSTARRED QUESTIONS AND ANSWERS.

ALLOWANCES PAID TO THE FAMILIES OF CERTAIN PERSONS.

81. Babu Baijnath Bajoria: (a) Will the Honourable the Leader of the House be pleased to lay on the table a statement showing the pension and allowance that are being paid to the following families, mentioning the names of individual persons and the monthly allowances against each of them:

- (1) late Mir Jafar family of Murshidabad, Bengal;
- (2) the family of His Majesty the King of Oudh;
- (3) the Mysore family; and
- (4) the family of late Raja Uday Narayan of Murshidabad, Bengal?

(b) Is it a fact that the allowance paid to the descendant of late Raja Uday Narayan had been transferred from district Murshidabad to Birbhum (Bengal) in or about 1817 and was acknowledged by Mr. Holt Mackenzie, acting Secretary to Government in his letter dated 18th April, 1817, addressed to Mr. C. Buller?

(c) Has the pension or allowance been continued up till now to the descendants of the late Raja Uday Narayan? If not, when was it stopped, and who was the last recipient?

(d) Is it a fact that Jagadananda Rai, a descendant of the late Raja Uday Narayan, had been allowed to enjoy the pension of his brother after the death of his brother's wife and was confirmed by the Board of Revenue in their letter, dated 19th September, 1830? If so, will Government be pleased to state if the said pension had been paid to the son of the late Jagadananda? If not, to whom was it paid, and what was the amount of pension and the period for which it had been paid?

The Honourable Sir Nripendra Sircar: (a) to (d). The information is being collected and will be supplied in due course.

IRREGULARITIES DETECTED UNDER THE PAYMENT OF WAGES ACT ON RAILWAYS.

82. Mr. Sham Lal: Will the Honourable Member for Labour please refer to the reply given to starred question No. 1215, asked on the 21st March, 1939, and lay on the table a statement showing:

- (a) the irregularities detected by the Inspector under Payment of Wages Act and brought to the notice of the Railway Administrations; and
- (b) the action taken thereon by the Railway Administrations, if no action has been taken the reasons therefor?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). As stated in my answer to Pandit Sri Krishna Dutta Paliwal's question No. 707 on the 24th February, 1939, it is impossible to state the number of irregularities detected or the action taken thereon by the Railway Administrations.

THE SUGAR INDUSTRY (PROTECTION) BILL.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will now resume consideration of the following motion moved by the Honourable Sir Muhammad Zafrullah Khan on the 6th April, 1939:

"That the Bill to provide for the continuance for a further period of the protection conferred on the sugar industry in British India be taken into consideration."

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I was discussing last time the question of the sugar industry and I gave some important quotations from the Fiscal Commission's Report in which I drew attention to three points. Those three points were these:

"Before coming to our final conclusion, we must refer to certain disadvantages which are inherent in any system of protection, namely, the risk of encouraging inefficient methods of production, the danger of political corruption and the possibility of a combination of manufacturers."

I will show, in the course of my speech today, that all the three disadvantages pointed out by the Fiscal Commission are now inherent in this particular industry and I will give definite illustrations later on. As I pointed out last time, so far as we are concerned we have fulfilled our obligations. We gave them the protection which was promised to them by the Tariff Board of 1931 but the sugar manufacturers did not fulfil their obligations. Neither did they pay the proper price for the sugarcane nor they gave promised wages to their skilled and unskilled workmen.

Bhai Parma Nand (West Punjab: Non-Muhammadan): What about the excise duty that was levied?

Dr. Sir Ziauddin Ahmad: My friend forgets that when the excise duty was levied, the protection was raised by an equivalent amount. As I pointed out last time, the Tariff Board gave them a protection of Rs. 7-4-0 per cwt., but by the mistake or the folly of the Government it was raised without any justification to Rs. 9-1-0. Then, we realised that it was a mistake and it should be reduced to Rs. 7-4-0. But instead of doing that, they put an excise duty of Rs. 1-5-0, thus giving them a protection of Rs. 7-12-0, that is, eight annas more than the recommendation of the Tariff Board. Later on, when the excise duty was raised to Rs. 2, the protection which they enjoyed continued to be Rs. 7-4-0, with the result that the

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protection which we promised to them has been given to them all the time. So, as far as we are concerned, we have fulfilled our obligations but that is not the case with the manufacturers.

Now, I will show from the report of the Tariff Board itself that the manufacturers have not fulfilled their obligation. When the Tariff Board calculated the cost of production, it clearly said that the price of the cane will be eight annas a maund. This will be found on page 65 of the Tariff Board Report for 1931. So, the protection of Rs. 7-4-0 per cwt. or Rs. 5-5-0 per maund was given to them on the explicit understanding that the sugar manufacturers will purchase sugarcane at the rate of eight annas a maund. I will now quote from page 108 to show that this is what they explicitly said:

"On review of the cost of cultivating cane in different provinces and of the level of good prices, we consider that a fair price for sugarcane is eight annas delivered at factory and by the end of the period of protection this might reasonably be expected to have fallen to six annas."

This was the price that was put down at the time when the quantum of protection was calculated.

Now, I will mention other grounds why the sugar manufacturers have not fulfilled their obligations towards the sugarcane producers. In the first place, their maund was not eight times five but it was twelve or thirteen times five seers. Secondly, they never paid eight annas for one maund of sugarcane but only about three annas. In fact, three annas is the figure which is quoted by the United Provinces Government in their official report. When this question came up before the United Provinces Legislative Assembly, the Minister stated in his speech on the 17th January, 1938, that the price which was given to the sugarcane growers at that time was only three annas. So, they made a profit of five annas directly by the sugarcane. Thirdly, they did not pay the price of the sugarcane till it was dried up, with the result that a maund of sugarcane was reduced to 25 or 30 seers. In this way the very object for which the protection was given, that is, to encourage the sugarcane growers, was frustrated.

The next thing that I wish to mention is that they treated the employees very badly. Here, I do not want to express my own opinion but I would like to quote from a speech of the Minister of the United Provinces which he delivered during the course of the same debate. He said:

"Then, again, the Government received a representation on behalf of labour, skilled and unskilled, that their condition in the factories was truly pitiable. So far as the skilled labour was concerned, the condition was that the factory owner would employ them for about six months in the year and for the rest of the year they had to shift for themselves. In some factories, so far as the higher appointments were concerned, technicians, engineers and people of that class, only half wages were paid to them for the remaining six months but in many other factories they employed engineers and skilled labour just at the beginning of the season and when the season ended, they dispensed with their services and, I believe, every year effort was made to pay less and less. If in one year they paid the engineer Rs. 300, the next year they paid Rs. 250. There was no question of an increase in the salary or any other amenity but always effort was made to cut down the wages."

This is an extract from the speech of the Congress Minister and it clearly shows the manner in which labour, skilled and unskilled, is being treated. Of course, we have heard of this thing in the case of some educational institutions. It was pointed out in the report of a committee that some dismiss the whole staff at the end of the session and re-employ them at a cheaper rate after the vacations are over. There was a very strong

protest made by the Commission which considered these problems. But here we find that this condition has existed in these factories, as mentioned by the Minister in the United Provinces, and in spite of this fact, there was no strong protest made by the Tariff Board about the manner in which the skilled and unskilled staff was treated by these manufacturers. But that is not the point. The point that I wish to make out is this. When we calculated the fair selling price and gave them the protection of Rs. 7-4-0 per cwt., it was explicitly understood that the manufacturers will pay to the sugarcane growers eight annas per maund and they will employ the staff for the whole year and pay them wages on remunerative basis.

Bhai Parma Nand: You are talking about their obligations, but can you produce any evidence to that effect? When the protection was given, there was no understanding of the kind which the Honourable Member is suggesting.

Dr. Sir Ziauddin Ahmad: My Honourable friend has not carefully read the report of the Tariff Board. If he studies it carefully, I am sure he will change his opinion. I am quoting the figures given by the Tariff Board themselves and no sensible person will ever contemplate that a person should be employed for four or five months in the year and then he should be let off. So, this is the second point about which they have not carried out their obligations. They have been very unfair to the sugarcane growers and they were unfair to their employees. They have been very unfair to the very persons for whose benefit these sugar mills were established.

Take the case of the United Provinces. When the sugar mills were installed in Gorakhpur, it was expected that the people of Gorakhpur will get some kind of employment, skilled or unskilled labour. We found, actually, that these capitalists from the Punjab and other places came there and brought also labour from their own villages because they found Punjab labour cheaper.

Bhai Parma Nand: Nobody took labour from the Punjab to the United Provinces.

Dr. Sir Ziauddin Ahmad: My Honourable friend does not know anything about the problem and yet he wants to poke his nose into all these things. He knows nothing about the conditions of labour. I assert that these capitalists from the Punjab did take labour along with them to the United Provinces factories. In a majority of cases they did not even employ labour from the places where the factory was erected. These are the three obligations which they did not fulfil.

The next point to which I should like to draw the attention of the House is that they calculated fair selling price at Rs. 8-13-1. Here is para. 22 of the summary of Recommendations of the Sugar Tariff Board report, where it is said:

"Since about half the sugar produced in India is of second class quality which fetches on the average about eight annas a maund less than the best sugar, an adjustment on this account is necessary and the fair selling price must be raised to Rs. 8-13-1 per maund during the protective period."

In para. 27 they state clearly:

"We propose therefore that the assistance given should be by way of duty. In order to enable the industry to face initial difficulties and to safeguard the position of the manufacturer of indigenous sugar by the bel method in Rohilkund we propose that for the first seven years the duty should be fixed at Rs. 7-4-0 per cwt. and for the remaining period at Rs. 6-4-0 per cwt."

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There it was clearly stated in 1931 that the duty of Rs. 7-4-0 will remain up to 1939 and from 1939 the duty will be reduced to Rs. 6-4-0. This was the thing which we were told very clearly and in spite of that we find that there is great objection in diminishing the duty from Rs. 7-4-0 to Rs. 6-4-0 and even they challenge the small reduction of eight annas which Government have proposed. This is very unjustifiable which I shall discuss later on. They enjoyed this protection and in addition they enjoyed special protection of 25 per cent. which was given them in 1931.

Sir Joseph Bhore formulated a theory that if we give over-protection then it is possible that by cut-throat competition the prices will be lowered. I do not accept this particular theory and I always challenged it and I maintained that it was against the interest of the consumers. It will not lower the prices. I say on the authority of the United Provinces Government that manufacturers had been paying only three annas per maund and they have now suggested that that price ought to be raised to 5½ annas per maund. It is still 2½ annas less than the price offered by the Tariff Board at the time protection was given.

Another point is they have been exceedingly unkind to labour which I have just quoted. They employ them for four or five months and then dismiss them and re-employ them at a reduced salary. As regards selling price, it is much more than was promised by the Tariff Board. Thus they enjoyed a profit at a rate higher than Rs. 7-4-0. There is no doubt that in spite of these four conditions the sugar factories made enormous profits during the year. I will just quote the profits made by some of the sugar factories which I have taken from the paper *Capital*.

Basti sugar mills: Capital, 12 lakhs.

Blocks grants, 35.69 lakhs.

Reserve and Depreciation, 24.03 lakhs.

Cash deposit, 1.03 lakhs.

Dividend, 15 per cent.

Punjab sugar factory: Subscribed Capital, 9.63 lakhs.

Block grants, 20.14 lakhs.

Reserve and depreciation fund, 24 lakhs.

Fixed deposit, 11 lakhs.

Dividend, 15 per cent.

Upper India sugar factory: Subscribed Capital, 10.20 lakhs.

Block grants, 18.11 lakhs.

Depreciation and reserve, 5.12 lakhs.

Cash, 12 lakhs.

Dividend, 10 per cent.

I have got figures for a large number of other factories which I do not wish to quote at length now, because I find there is not a single factory which gives a dividend of less than ten per cent. This is after allowing all other concessions. Later on we find that in South Basti sugar factory, the subscribed capital is only 6.5 lakhs, block value of their buildings, 25.21 lakhs, depreciation and reserve fund, 11.58 lakhs, cash, 84 lakhs and dividend, 15 per cent. On account of these four factors which I have just enunciated these factories have been making enormous profits. The cost of production has been Rs. 7-8-5 while the selling price has been much above that. If you take the figures for the last several years, it

will be much more than this particular amount. The price of sugar at Karachi—I am quoting from today's *Statesman* is Rs. 14-14-9, the price at Calcutta is Rs. 11-6-0, Delhi Rs. 12-8-0, Hapur, Rs. 11-8-0. This is the price at which sugar is sold.

Mr. J. Ramsay Scott (United Provinces: European): Are they all uniformly maunds or cwts. I think at least so far as Karachi is concerned the unit of weight is cwt.

Dr. Sir Ziauddin Ahmad: My Honourable friend has raised this question of cwt. and maund. This was also my difficulty in discussing the Tariff Board reports. They always shift from cwt. to maund. It is very desirable that we should adopt a uniform standard of weight. I am glad that we have already passed a Bill to that effect. I take it these quotations are in maunds. This clearly shows the prices of sugar are different in different places. The price of sugar in Delhi is different from that in Hapur and also from Calcutta, etc. Therefore, in quoting the values at a certain place, in fixing the quantum of protection there will be difficulty and, therefore, the best thing is to compare the *c. i. f.* price and the factory price instead of the price at a certain place. The Sugar Tariff Board of 1938 and the other Tariff Boards in recent years have fallen into the error of reckoning the freight from the factory to a particular locality; but prices differ in different towns and you cannot come to any conclusion. Therefore, I assert that in determining the quantum of protection of an article you have to compare the *c. i. f.* price with the factory price. In order to avoid the freight, the promoters will choose a particular location for factory to suit their own purpose. It is for the capitalist and not for the Tariff Board or the legislature to decide what would be the quantum of protection at a particular place.

My second reason for quoting these prices is that the present prices are much higher than the prices that were promised to them by the Tariff Board, and so the quantum of protection need not be so much as is provided in this Bill.

Sir, there are two other points which the Fiscal Commission mentioned and I shall draw attention to them. One was that they thought there may be a combine among the different factories leading to difficulties, and they say:

"A protectionist system certainly gives an opportunity for undesirable form of combination. In a free-trade country no combination of manufacturers is able to keep the price of a commodity above the world price. If all the manufacturers of a particular country agree not to sell below a certain price which was above the world price, the only effect would be that their home market would be captured by foreign manufacturers selling at the world price. The case of protectionist countries is, however, different. Here we have a tariff wall affording, when the foreign manufacturer has been partly or wholly excluded, a certain latitude of price to the home manufacturers."

So, in the case of a combine in any heavily protected commodity, like sugar, the position of the consumers becomes very hopeless. Here we find that the manufacturers have combined together in fixing the price. There is a syndicate called the Sugar Syndicate, representing all the 143 factories in India and they determine the price. They disregard the fair selling price fixed by the Government. Government have no power to compel them to sell at the price fixed by the Tariff Board, *i.e.*, the fair selling price, and by combination they can raise the price to anything and they have actually done it now. The figures that I have given show

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that in Delhi the price of sugar is Rs. 12-8-0 a maund which is Rs. 4 higher than the fair selling price offered to them by the Tariff Board. Then, the next thing is corruption.

For their work of combination they have a Sugar Syndicate; for their work of corruption they have got the Sugar Mills Association which collects large sums of money to spend on propaganda which is of a very peculiar kind. Before Sir James Grigg or Sir Muhammad Zafrullah Khan came to this House I said that the propaganda carried on by these sugar merchants went beyond what Lord Crewe ever dreamt of. Lord Crewe said that you can carry on propaganda on something but not on nothing. But these sugar manufacturers are doing it on nothing, and I will give an illustration to support my point. Sir, in the original Bill to impose an excise duty on sugar, Government suggested an excise duty of Rs. 1-5-0 per cwt., and *khandsari* sugar was excluded. But when the Bill was in the Select Committee these sugar manufacturers carried on such a propaganda that the Select Committee roped in the cottage industry. The Committee was hypnotised and it added the following clause:

- "The duty payable under sub-section (1) shall be at the following rate, namely,
- (i) on *khand-ari* sugar at the rate of ten annas per cwt.; (*Entirely new thing.*)
 - (ii) on all sugar except palmyra sugar at the rate of one rupee per cwt.;
 - (iii) on palmyra sugar at such rate, if any, as may be fixed on this behalf by the Governor General in Council after such inquiry as he may think fit."

Therefore, on account of their propaganda Government and the Legislature were forced to put an excise duty on the cottage industry, which was not originally thought of in the Bill. They brought in palmyra sugar also but Madras had some influence at that time on account of Sir Joseph Bhore and so it was ruled out, but a kind of duty was put on that as well. When the Bill emerged from the Select Committee, I was the only person to protest against the taxing of the cottage industry and lowering of the duty without justification. In this particular case I partly succeeded, because the duty on sugar factories was restored to Rs. 1-4-0 but we could not save the *khandsari* sugar; and Mr. Joshi, Prof. Ranga and myself were the three persons who fought for it. Therefore, I say, that though I am in favour of protection I am not in favour of that kind of protection where you kill your cottage industries and do not fulfil your obligation to the sugarcane growers and to the employees, and so on. If this is the meaning of protection I say strongly that God save us from our friends. You may protect the industries but you should not put unnecessary and unjustifiable tax on the consumers and you should not destroy cottage industries. I am sorry these things have not been noted by the Tariff Board of 1938.

What has been the result of protection for the last eight years? I find that the contribution to this industry by the taxpayers of India is about 46 crores. I shall give the figures—anybody can check them. The import duty on sugar, realised in 1931-32, was 10-70 crores; in 1932-33, it was reduced to 6-84 crores; in 1933-34, to 4-72 crores and in 1934-35, to 3-81 crores. In that year we put on an excise duty and we got in addition to 3-81 crores a sum of -97 crores or a total of 4-78 crores. In 1935-36, lakhs or a total of 482 lakhs; in 1936-37, the import duty was reduced to 38 lakhs which, together with the excise duty of 263 lakhs, gave a total of 296 lakhs; in 1937-38, the import duty was reduced, still further, to

25 lakhs and together with the excise duty of 331 lakhs gave a total of 356 lakhs. In 1938-39, during the last eleven months, the import duty gave 18 lakhs together with an excise duty of 349 lakhs or a total of 367 lakhs. Therefore, during the last eight years the revenue of the Government of India from sugar excise and import has been 39-34 crores. Had this sugar protection not come into existence, and had protection not been given to sugar, had the sugar Act not been passed and the Tariff Board not been appointed, then the income of the Government would have been 85-6 crores under sugar. That means there has been a definite loss of revenue to the Government to the extent of 46-26 crores during the last eight years. This had to be made up by some other taxes and it really means that the taxpayers in this country have contributed 46-26 crores during this period to this industry alone. That is the contribution from the taxpayers. I have calculated the contribution by the consumers also and I have come to the conclusion that the consumers are now paying or have paid 45 crores to this particular industry in the same period. I calculate it this way. I have taken the price which the consumer would have paid by putting a duty of Rs. 6-8-0 per cwt. had the protection not been given and the Sugar Protection Bill not been passed and the prices which they have actually been paying, and the difference comes to 45 crores.

Now, Sir, the total contribution made by all the mills in India—143 in number—that is, their capital value, is 14 crores. Therefore, our capitalists by contributing 14 crores have attracted 46 crores from the pockets of my friend, Mr. Raisman, and about an equal amount from my pocket and the pocket of Prof. Ranga and Mr. Joshi. I have heard of the proverb that money attracts money. I think the proverb is correct, but I have never heard of this enormous force of magnetism that 14 crores should, in the course of eight years, have attracted 46 crores from the taxpayers and another 45 crores from the consumers! It is really a very powerful magnetism. I have not calculated in this the amount of the contribution given by the poor cultivators or the contribution made by the skilled and unskilled labour in this industry. That is really the position of the factories here in India.

With this introduction (Laughter) I now come to the Tariff Board report of 1938—the report is under consideration. As a preliminary I may say that this report ought to have been circulated before the Government came forward with their proposals the public should have been given an opportunity to examine the arguments and find out whether the arguments are correct or not. At present I am not going to challenge anything as regards the facts, but I challenge two points: the first point is their arithmetic. If I can show that their arithmetic is wrong, then, I think I have every right to challenge their figures. The second point is that they should not calculate the price at a particular town but they should compare the *c. i. f.* prices with the prices at the factory: otherwise they would lead to no conclusion, because they may arrive at one figure by taking Calcutta as the place of reference and entirely different figures if they select Karachi or Delhi as a place of reference; and it is absolutely impossible to come to any definite conclusion in this manner.

Now, I shall refer you to page 18 of the Report. Here we find that protection has worked very well in the best interests of the industry, because, first, the acreage has increased definitely from 2-9 million acres to 4-5 million acres. The number of factories has increased from 32 to 143. The sugarcane crop has substantially increased and is in the

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neighbourhood of 71.4 million tons out of which 69 per cent. is transformed into *gur* and only 22 per cent. into sugar and nine per cent. is used for seed and other purposes. We also find that manufacture has made enormous progress from 120,000 tons in 1931-32 to 11,29,000 tons now. The import of sugar has definitely diminished from 898,000 tons to 22,000 tons. I am glad to find that the imports have diminished because protection was really intended for that purpose but there are other factors which we cannot overlook. Then at page 31 they say this:

"The previous Tariff Board estimated the cost of cultivation of cane in Northern India at between four and five annas a maund and on this basis, allowing for interest on working capital, insurance against damage to crop, cost of transport and profit at one anna a maund, fixed the fair selling price of cane delivered at factory as eight annas a maund which they expected to be six annas a maund at the end of 15 years, allowing for the spread of new varieties of cane and improved methods of cultivation which would reduce the cost of production. Actually the price paid by factories in the United Provinces and Bihar since 1935-36 has not generally reached this level and during the 1936-37 season fell to three annas per maund."

That is to say, the Tariff Board made a calculation and fixed the quantum of protection on the supposition that the selling price of cane would be eight annas a maund, but the finding of the Tariff Board is that it has not been more than three annas, and, now, on account of the protection Bill which the United Provinces Government have introduced, they have increased it to 5½ annas. . . .

Mr. J. Ramsay Scott: Rs. 0-7-6.

Dr. Sir Ziauddin Ahmad: The United Provinces Government have fixed Rs. 0-5-6.

Mr. J. Ramsay Scott: The United Provinces Government have fixed Rs. 0-7-6 a maund, and not Rs. 0-5-6.

Dr. Sir Ziauddin Ahmad: The Committee which the United Provinces Government appointed about four years ago said that when calculating the prices, for every increase of eight annas in the price of sugarcane, three annas will be given to the sugarcane growers. That was their basis of calculation and now this is the price they have fixed as the cost of production has gone down. Here, at pages 80-81, the cost of production is given as Rs. 6-13-10.1 per maund. I think, even this figure is too much, because they have given a greater allowance than is really justified. For the cost of raw material they have allowed Rs. 0-5-6 per maund, and then, they have put down the profit to be ten per cent. on the block capital of 16 lakhs; then they have put down over-head charges as Rs. 1-8-1 per maund, and all these I think are rather excessive. The interest on the working capital is also excessive, but making allowance for all these things, I think the figures are somewhat over-estimated, and the actual figure Rs. 6-13-10.1 is too high, but I take it for calculation.

Then, Sir, there is one point which I referred to earlier, and that is in regard to the propaganda which the sugar mills are carrying on in respect of the *khandsari* sugar. I am now giving another illustration of the manner in which they carried out their propaganda. When the Tariff Board was appointed, they engaged the ex-Assistant Director of the Council of Agricultural Research, paid him handsomely, and made him the watchdog of

the Tariff Board. Wherever the Tariff Board went, this gentleman travelled with them on behalf of the millowners. Sir, I have got a different idea of integrity; some persons may consider it all right to do this kind of thing. I think a barrister is perfectly justified to write a brief for his client and send his client either to hell or to some garden, that is his business. I think an economist may write his report and give his advice, but certainly it is not the business of an ex-Assistant Director to act as the watchdog of the Tariff Board and travel with them wherever they went, and influence them in every possible manner. This is really the kind of propaganda which the sugarcane millowners had carried on. This incident was narrated to me by an important person.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Did Sir Abdoola Haroon tell you about this?

Dr. Sir Ziauddin Ahmad: Who told me is not the question, but this is a fact that the sugar millowners engaged the services of the ex-Deputy Director of the Council of Agricultural Research for this particular purpose and he travelled with that Board throughout, all the time influencing them. All these things were clearly prophesied by the Fiscal Commission and which we are now visualising. Sir, the Commerce Department have got no means to check such things; they have no department by which they can judge the profits of these protected industries, year after year.

There is no permanent Tariff Board. We have been pressing from this side of the House two alternative suggestions, one to appoint a permanent Tariff Board to watch the effects of the protection given to some of these industries. This is not the only industry which has got protection; there is the steel and iron industry, paper and many other industries which have received protection, and, therefore, I think, there should be either a permanent Tariff Board to watch the results of the protection, year after year, or failing that, there should be a permanent department attached to the Commerce Department whose duty it should be to watch the effect of the protection, and if the Government had done either of these things, they need not have come forward with the small quantum of protection, and their opinion would have been very different.

Now, Sir, as regards sugarcane, the cost of cultivation is different in different provinces. In the United Provinces it is Rs. 0-3-1, in Bihar it is Rs. 0-3-1, in the Punjab it is Rs. 0-5-0, Bengal Rs. 0-4-0, Bombay it is Rs. 0-5-10, Madras Rs. 0-5-0, and duration of the working of factories is different in different provinces. In this connection, I should like to refer to a very interesting controversy between the Syndicates and manufacturers that is now going on. There is a desire on the part of the Bengal people to start sugar industry in their province, because when they found there is a lot of money in this industry, and it is more profitable than jute, they also thought it desirable to start sugar industry, and some people said —"Oh, why should we not grow sugarcane in Bengal and make sugar here", but the sugar manufacturers say to the people of Bengal, "Oh, no, you satisfy yourself with jute, that is your lot, but leave the sugarcane to us". And, though Bengal is quite as good as any other place for the sugar industry, these people are now carrying on a propaganda and inducing the Bengal people to confine themselves to jute and not to go in for the sugar industry, although the soil and other factors are very favourable for the growth and development of the sugar industry. There is a very interesting

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controversy going on between Mr. Choudhry on the one side and Mr. Roy on the other. Mr. Choudhry, speaking for the people of Bengal, says that if in the United Provinces people who are interested in sugarcane industry could make such decent profits, there is no reason why it should not be possible for the people of Bengal also to do the same. Later on he says that "Mr. Roy has a narrow provincial outlook when I ask the people of my province to develop the sugar industry and that only reveals a regrettable phase of Mr. Roy's mentality which is certainly 'prejudiced' if not 'interested'". (*Financial Times*, page 257.)

I say, that since there is an enormous profit, naturally there is a desire on the part of the people of Bengal to develop this particular industry, and we find the same propaganda, of which two examples I have given, is being carried on there also and they are telling that Bengal is not a province where the sugar industry could be properly developed, that the circumstances and conditions of the soil are not favourable for the cultivation of sugarcane and so on. People knew very well that very good sugarcane is grown in Dacca, in Mymensingh and also in other places, and if that is so, I don't see why the soil of Bengal should be considered as less favourable for the development of sugarcane industry, and why they should be forced to carrying less profitable cultivation of jute. But still the propaganda of the sugar manufacturer, of the millowners, is against it and they will always put a number of things in the way of its development at any other place or the opening of a new factory.

There is another point, an entirely new one, to which I would like to draw the attention of the House, and that is in connection with 12 Noon. point No. 1 raised by the Fiscal Commission. I have already discussed points Nos. 2 and 3 but not No. 1. According to the report of the Tariff Board of 1931 the cost of production per maund is Rs. 6-13-10.1 here, and that in Java is only Rs. 2 per maund. They say, further, at page 34 of the Report, that the price after paying freight, etc., is Rs. 2-7-0. The Tariff Board ought to have discussed this enormous difference and found out the reasons on account of which we are not in a position to reduce the cost of production here. Is this protection to continue for ever, or will the time ever come when it will be removed? The Fiscal Commission explicitly said that any protection that is given is for a limited period; it is not given for an indefinite time. When the difference in the costs of production here and in Java is so great, the Tariff Board ought to have discussed it in details and suggested what steps we ought to take to reduce the cost of production in India in order to remove from the consumers this burden of heavy taxation. If the manufacturers are allowed to go on to manufacture at uneconomic rates without any check, they will come after every five or six years with a hat in their hands, propaganda at their back and money in their pocket and the protection will never be removed.

Mr. President (The Honourable Sir Abdur Rahim): The Chair would remind the Honourable Member that there are other Members who wish to speak on this subject.

Dr. Sir Ziauddin Ahmad: Then I shall finish very soon and take up the rest of my points when I come to my amendment.

The point I want to emphasise is that there is an enormous difference between the costs of production in Java and in India, and it is the duty of the Tariff Board or of a special committee appointed by the Government or by the millowners to see how and in what manner the cost of production can be reduced in this country. (Interruption.) They may not be able to bring it down to Rs. 2 per maund, but we should reduce it from Rs. 6-13-0 to some lower figure so that we may give relief to the consumer, at least partially if not entirely.

Then I come to the quantum of protection. Here I will just say that it is simple arithmetic. The Tariff Board themselves have said on page 81 that the cost of production in India is Rs. 6-13-10.1, that it is excessive and that it can be further reduced. They have also said that the cost of production of Java sugar is Rs. 2-10-8, and, therefore, the quantum of protection is the difference between the two, and that is Rs. 4-3-2.1, per maund, and it comes to Rs. 5-0-0 per cwt. This is according to their own calculation accepting all the figures that they have given. I see no reason why the Tariff Board should recommend a protection of Rs. 7-4-0 and the Government should accept a high figure of Rs. 6-12-0. I shall not discuss this any further now.

There are one or two minor points to which I want to draw the attention of the House. The first one is about the use of molasses. The Tariff Board say:

"We recommend the manufacture of power alcohol for admixture with petrol as the only possible means of absorbing surplus molasses."

We have in this House by means of questions and resolutions been pressing on the Government that they should conduct some kind of research in order to make use of the bye-products, because if we can make use of the bye-products it would lower the cost of production. Their second recommendation is:

"The possibilities of utilising bagasse for the manufacture of paper boards deserve further investigation."

If we can utilise these two bye-products it is quite possible that they might go some way in lowering the cost of production and thus reduce the quantum of protection.

Therefore, generally speaking, I come to the conclusion that the protection which we gave to sugar in 1931 when raising 25 per cent. duty all round was really more than what the circumstances demanded. During this period, they have earned enormous sums of money at the sacrifice of the taxpayers and the consumers and the sugarcane growers, and they have accumulated and as I have said, the amount of 14 crores which they invested has been recovered several times over. Still the industry is a progressive industry and we cannot give it up, it should continue to be protected. I do not want to give it up at this stage but we should protect it only to that extent which it needs at the present moment and give as much protection as is absolutely necessary.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is repeating himself too much.

Dr. Sir Ziauddin Ahmad: I am just recapitulating, Sir.

This quantum of protection should just be sufficient. If you give them a little more, then I am positive in my mind that the protection will delay

the day when it can be taken off altogether. With these words, I resume my seat.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): After the departure of Sir James Grigg from this country, Sir Ziauddin Ahmad is the greatest enemy of the industry in this country.

Mr. President (The Honourable Sir Abdur Rahim): That Honourable Member is no longer here. The Honourable Member (Mr. Datta) can attack the Government if he likes.

Mr. Akhil Chandra Datta: Very well, Sir. As the Honourable Sir Ziauddin spoke against the policy of protection, allow me to present the other side of the picture. Ever since protection was given to this industry, there was never peace in that industry. The first blow upon that industry was inflicted by the excise duty of 1934. The industry was then only a baby of one year. The second blow was inflicted two years after, in the shape of the additional excise duty of 1937. Then, came the third and the heaviest blow. That was the international sugar agreement which prohibited the export of sugar by sea except to Burma and Ceylon and this attempt to reduce the protective duty is still another blow though not an excessively cruel blow. Let us consider the result of these blows. First of all, the excise duty of 1934. I must admit that the duty was not very excessive. All the same it certainly hit the new factories which began their career after the protection came into force and specially hit those factories which were damaged by the earthquake of January, 1934. Then, as regards the additional duty of 1937, we must remember the story. It was rejected by this House but was certified. Can anybody deny that that duty hit the industry in general and the cultivator in particular. I do not think there is any controversy over that question. That is the opinion of the United Provinces Government and the Bihar Government. That was the evidence of the non-official witnesses examined by the Tariff Board and that is the finding of the Tariff Board. I am reminded by an Honourable colleague that in Bengal as a result of that policy two of the five or six sugar mills had to be closed down. Now, Sir, that was the inevitable result of the additional excise duty of 1937 and we all know how the factories threatened to close down in the United Provinces and Bihar. Then, there was the intervention of the Government and they were induced to carry on their operations only on the assurance that the price of cane would be reduced and, as a matter of fact, the price of cane was reduced with the result that according to a certain estimate which I consider to be a reliable estimate, the cultivators of these two provinces lost 40 lakhs of rupees in the first three months and, so far as the factories are concerned, many factories incurred loss and although some factories made a slight profit, that was at the expense of the cultivators. This is in fact the story told by the balance sheets of the sugar mills in the United Provinces and Bihar. Then, comes the international agreement. By that time the industry had made phenomenal progress and the production was not only sufficient for the consumption in the country but there was some surplus for export and when scope for export was necessary, it was precisely at that psychological moment that under this agreement exports were stopped. We all know that ever since India became sugar-conscious

in 1932, there was a panic in the whole world market and it was necessary to solve that world problem and India had to make a sacrifice and stop her export by sea. It is common place that every country in these days is anxious to capture new markets for their exports. The only exception is to be found in India. In spite of these destructive measures, the industry prospered under the policy of protection, and in five or six years the country became absolutely self-sufficient so far as this particular commodity is concerned, I do not know whether Dr. Ziauddin realises this fact that in spite of the virulence of his speech we can now do without any import of this very necessity of life.

Now, the position is that there is over-production. We produce more than is necessary for consumption in the country. That is one fact and the other fact is that which I have already mentioned. Export has been stopped by sea and there is no prospect of export by land in the near future. That being the position internal prices will necessarily fall and if the price falls, the poorer consumer will fall back upon the *gur*.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): *Gur* is very costly now. It is being sold at four seers per rupee.

Mr. Akhil Chandra Datta: But *Gur* is always cheaper than sugar. My point is, if there is no export and if there is over-production, then certainly the price of sugar will fall. If the price of sugar falls, the poorer section of the people will take to *Gur*.

Sir Muhammad Yamin Khan: Provided *Gur* is manufactured in sufficient quantity. There is no manufacture of *Gur* now.

Mr. Akhil Chandra Datta: If there is a demand, there will be a supply. Now, Sir, it comes to this. The Tariff Board report says that the present position of the sugar industry is critical. The problem now is how to stabilise the industry. We have not yet got any plan or programme to solve that problem. We must stabilise the entire industry. Some action has been taken by some Provincial Governments to give some protection to the cane growers. But no step has been taken up till now nor is there any programme to stabilise the whole industry. I hope I shall not be misunderstood. It is no doubt very essential to give protection to the cultivators. My contention is that it is equally important to safeguard the interests of the manufacturers. It is important not only for themselves but equally important in the interests of the cultivators. Unless there are manufacturers, the position of the cultivators will become simply hopeless. In fact, the interests of the cultivators and the interests of the manufacturers are inter-linked. On this question of the stabilization of the industry, various suggestions have been made by the Tariff Board, but the Government has not yet considered them. Let us hope that the recommendations of the Tariff Board for the stabilisation of the industry will be seriously considered by the Government without delay. So far as we know, the only step taken up till now is the reduction of the protective duty by the Bill before us. My point is that no case has been made out at all for the reduction of the excise duty. The reasons for this reduction of the protective duty are given by the Government in paragraphs 5 and 6 of

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their Resolution. One ground is that they "are disposed to consider, in the light of recent information, that the figures proposed by the Board for certain items, notably manufacturing costs and profit and for adjustment of difference in quality are susceptible of reduction". I cannot conceive of a more half-hearted and halting finding. Government say that they are disposed to consider. They do not challenge the figures given by the Tariff Board. It is not the case of Government in these paragraphs that the reduction in these items is an accomplished fact. Their only case is that these items are susceptible of reduction and it is said that the Government are disposed to consider. This reminds me of the judgment of a certain Judge in my district who, after giving all the facts against his finding, added one sentence: "But all the same I am disposed to think". It is no finding at all. Then in paragraph 6 of the same Resolution they say:

"The application to the sugar industry of an elaborate and extensive system of control by the United Provinces and Bihar Governments and their decision to levy a provincial cess on cane supplied to the factories and to enforce minimum price regulations. . . ."

My contention there is that these are not facts which go to prove that there is any chance of reducing costs of manufacture or minimising the margin of profit. After all, what is the finding? The finding is only this that the industry is still in an unstable condition. If the position is still unstable, is it fair that in the midst of that uncertainty and chaos, there should be an attempt made for the reduction of the duty? If the position is unstable, why make it still more unstable? Why not maintain the *status quo*? It is admitted "that it is not possible to fix the level of protection for the whole of the unexpired term without a further inquiry". It is so unstable just now that it is impossible even to make an inquiry and to find the level of taxation for the unexpired term of seven years. Therefore, why not maintain the *status quo* for these two years. It is said that the reduction is a very modest one. It is true that it is a modest reduction but that shows the mentality of the Government and it produces a fear in the minds of the people to invest their money in this business. Therefore, my submission is that no case has been made out for the reduction of the duty. With these remarks, I conclude my speech.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I do not propose to make a very long speech like my Honourable friend, Dr. Sir Ziauddin. He traversed a large ground in trying to make out a case, though I could not really make out whether he was speaking for protection or for its abolition. There is one thing very striking about this, *viz.*, the attitude of the Government as regards the protection to this industry. We find, to start with, that they set up a Tariff Board and the Tariff Board's report was in the hands of the Government for about a year and a quarter. Since, then, the Government of India have been trying to come to a decision on the question of protection to this industry, and, ultimately, they find that the report of the Tariff Board, over which they had been sitting for a number of months—or may be they were deliberating but could not come to a decision, had become out of date. Then, the unexpected happens. Though there is a reduction in the amount of protection to this industry, the period of protection is cut down to two years. At least, the suggestion was that the period of protection should extend over seven years. Now, this attitude of the Government of India in the matter of

sitting over the report of the Tariff Board, and not even publishing it for the benefit of the public and the Members of this Honourable House, and then cutting down the period of protection to two years, certainly results in insecurity and uncertainty as far as this particular industry is concerned. In this connection, it is also very interesting that in all these three reports which have now been published for the information of the public and the Honourable Members of this House, the Government have differed from the recommendations of the Tariff Boards which had been set up by themselves, and they have not only differed as regards the measure of protection which should be afforded to these industries but they have also differed as regards the duration for which that protection should be afforded. Sir, here we have a case and a very strong case made out for a revision of the question of the setting up of these Tariff Boards. It is no use setting up *ad hoc* Tariff Boards to deal in a haphazard manner with some industry when matters have gone so far that the Government want some information as to the amount of protection which they should grant to it. After the Tariff Board has reported, then the Government differ from the conclusions and suggestions made by the very Tariff Board set up by themselves. Now, this is a very unfortunate state of affairs and I think that the Government of India should now seriously take into consideration the question of setting up a permanent Tariff Board, because, after all, there is no denying the fact that the question of discriminating protection has come to stay in this country, and that the vast majority of the people in this country are very staunch supporters of the interests of the cultivator and the labourer. When discriminating protection is the order of the day and is supported by the overwhelming majority of the thinking people in this country, there is absolutely no reason why the Government of India should not set up a permanent Tariff Board consisting of persons who have a great knowledge of the industries concerned,—economists, politicians and people who will represent the interests of the consumers and the cultivators, so that it will not be possible for the Government of India to have to differ from the conclusions and recommendations made by such a Tariff Board.

Now, in this connection, I should like to draw the attention of this Honourable House to the two suggestions made by the Fiscal Commission and it seems to me that these suggestions have not been seriously considered by the Government of India. Observations were made by the Indian Fiscal Commission first of all, as regards the publishing of the reports that the Government should publish the results of the inquiry promptly whether it agrees with the conclusions of the Board or not. In the present instance, it is noteworthy that the Government, who have themselves sat over the Tariff Board report all these months, characterize the report as already out-of-date. If the Government feel some difficulty about coming to any definite conclusion as regards the recommendations of a particular Tariff Board, at least, there is absolutely no substantial reason why the publication of such reports should be withheld for such an inordinately long time. Then, I come to another observation of the Fiscal Commission which pointed out that "the successful working of the scheme of protection depends on the existence of a thoroughly competent and impartial Tariff Board. The Board must be one"—the Fiscal Commission goes on to say—"which will command the confidence of the country". We are passing through a stage when there can be no two opinions as far as the composition of a satisfactory Tariff Board is concerned, and I hope and

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trust that the Government of India will now decide this matter once for all by setting up a permanent Tariff Board which will command the confidence, not only of the Government but, of all those people who are interested in tariff matters. In the course of my speech, Sir, I want to emphasize two or three aspects as far as this particular industry is concerned. Firstly, the condition of labour, secondly, the position of the cultivators, i.e., the people who grow sugar-cane. I must here say that I myself am a believer in protection and I think that we do need protection to develop our industries. In the matter of protection the Government of India have not moved as quickly as the country desired them to move, and their response has not been entirely satisfactory. In the beginning they did not believe in the doctrine of protection at all. They resisted that doctrine but, overwhelmed by the force of public opinion, they had to revise their policy. Even now, I think that the spirit in which the doctrine of protection is applied in this country is not in keeping with the desire of a large majority of the people. Now, Sir, believing as I do in protection, I think that when the Government of India extend protection to any particular industry, they should see to it, first of all, that the cultivator gets a fair price for its raw products and, secondly, that the labour conditions are satisfactory. Before any protection is granted to any industry, the Government of India should see to it that the employers and industrialists concerned do give an adequate guarantee as far as the condition of labour is concerned and also as far as the price of the raw produce for the cultivators is in question. It is a good thing that the Tariff Board, in this particular case, has paid considerable attention to the condition of labour, and we find that the condition of labour is far from satisfactory. Now, what do we find? Here, in the sugar industry, we have technical and non-technical labour, and ordinary labour which consists mainly of agriculturists who come and work for a certain number of months in the year. Low salaries for technical and non-technical labour is the order of the day. The employment is absolutely irregular. Now, in this connection, I should like to invite the attention of this House to the state of affairs in the corresponding industry in England, where some sort of retaining fee is paid to persons during the period when the factories are not working. I should just like to read one small extract from page 77 of this particular Tariff Board Report. In the United Kingdom labour is paid something even during the period when the mills are not working. Now, this, I am sure, does not exist in this country; and then, as a result of this casual labour and irregular employment there is a hunt for staff and a considerable haggling as far as wages are concerned. In this connection, at page 77 of the Report of the Tariff Board, they remark:

"An annual hunt for staff and unseemly haggle for salaries every season reflects little credit on an organised industry. We feel strongly on this subject and we would suggest legislation on the lines of the British Sugar Reorganisation Act which determines the principle upon which the beet sugar manufacturer in the United Kingdom shall pay wages to his factory employees. We realise that our proposals involve some additional expenditure under the head 'Salaries and Wages' but we have taken this point into consideration in estimating the cost of manufacture."

It is obvious that the Tariff Board do contemplate an increase in the wages paid to the technical and the non-technical staff as well as the ordinary labour. In computing the cost of manufacture they have taken into consideration this increase in wages. Therefore, it is the duty

of the Government of India that they should see to it that the wages paid to the labourers are adequate and satisfactory. As far as ordinary labour is concerned, the wages are hopelessly low and, in this connection, the Tariff Board have remarked:

"The type of labour employed is mainly agricultural drawn from the villages in the neighbourhood of factories" (the following words are very important) "for which the Indian Sugar Mills Association regard a salary of Rs. 7 to Rs. 10 a month as fair."

This is a highly unsatisfactory state of affairs. It is the duty of the Government that while giving every protection to indigenous industry against foreign competition, they should keep an eye not only on the actual profits which are being made in the industry, but they should bring it home to the industries concerned that a minimum decent wage should be paid to the labourers concerned, so that they can lead a healthy existence. The Tariff Board here suddenly pose to be far more generous than even the Sugar Mills Association whom they very politely condemn. They say:

"We consider that the minimum wage should be not less than Rs. 10 and have made provision accordingly."

I think, even Rs. 10 if adopted is a scandalously low wage and it is the duty of the Government to see to it that decent adequate wages are paid in this industry. If and when the employers satisfy those conditions, it is only in that case that the Government of India should extend the benefit of protection to such an industry. It is but fair that if the consumer and the country at large have to make sacrifices by paying higher amounts for their sugar, it is but proper that labour should also share the same benefit from the sacrifices which are incurred by the vast majority of people who consume sugar in this country.

We now come to the question of hours of work, and it is estimated by the Tariff Board that labour is subject to longer hours of work than is desirable, that they are put to additional duties such as loading and unloading of wagons for which they are not paid overtime work. What are the corresponding conditions in the United Kingdom? There you find that labour in the factories is given leave or holiday from one week to one month with full pay. This certainly does not exist in our country. In the United Kingdom they are paid for trips to and from the nearest town and not only that, but the employers have provided houses for all, namely, technical and non-technical and ordinary labour which is a sort of additional wage. In addition the employers have provided welfare facilities, and what is more important that even to casual labour in the English factories, the first chance of employment is offered after the slack season. In India this state of affairs certainly does not exist. I think it is fair that the Government of India should insist that labour, which is employed in such factories, should be given the first chance soon after the slack season.

Coming to the housing conditions, it is absolutely unsatisfactory and I can do no better than quote the words of the Tariff Board. On page 152, paragraph 191 under the heading "housing conditions" they remark:

"The present houses provided for some skilled workers are not satisfactory and sometimes five or more persons live in one room."

This state of affairs is certainly scandalous and I think the Government of India are responsible, they cannot shirk their responsibility for this scandalous state of affairs as far as the housing of labour or the human element in this industry is concerned.

[14TH APRIL 1939.]

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House will adjourn for Lunch now.

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. Abdul Qaiyum: Sir, when the House rose for Lunch I was discussing the question of the condition of labour in the factories, and, in this connection, I should like to say that the sanitary condition of the factories in India is far from satisfactory. This has been admitted in so many clear words in the report of the Tariff Board. Not only this, but owing to the small number of inspectors the inspection of the factories on behalf of the Provincial Governments is irregular and quite unsatisfactory. There is no doubt, that in India, attempts have been made by the factory owners and the industrialists in the direction of spread of education, provision of recreation grounds, supply of medical relief, etc.; but there is no denying the fact that much remains to be done, and that what has been accomplished is far from enough. The most important point to consider in this connection is this—that the cane growers should be able to get an economic price for their produce. And here I must admit that the Congress Governments in the United Provinces and Bihar have done a lot in securing a better price for the cane grower than he ever got before; and, I am sure, that these two Governments are making strenuous efforts to raise the price of cane to that ideal which was recommended by the Tariff Board of 1931. In 1931, the Tariff Board estimated the cost of cultivation of cane in Northern India at between four and five annas per maund. Now, allowing for interest on working capital, insurance against damage to crop, cost of transport, and one anna per maund of profit, this Tariff Board fixed the fair selling price of cane, delivered at factory, at eight annas per maund. But in spite of the pious wish expressed by this Tariff Board in 1931 we find that in the year 1936-37 the price of cane in the United Provinces and Bihar had touched the low level of three annas per maund. In three annas per maund the cultivators and the growers of cane lost heavily. In 1934, the Sugarcane Act came into force which empowered the Local Governments to declare any area a controlled area. And here I must state that it would be very difficult to secure an equitable and reasonable price for the grower of cane, unless the Governments concerned are empowered to control and regulate the area which is under the sugarcane crop. It seems to me that the importance of this fact has now been realised and that attempts have been made to control the area actually under sugarcane cultivation. In the year 1936-37 there was more cane than was required; and, as I have said before, the price touched the lowest level of three annas per maund in the United Provinces and Bihar. Today, I have been informed by an Honourable Member belonging to the European Group that by means of legislation that price has now been fixed at 7½ annas per maund. Therefore, it is very gratifying to learn that for the first time in the history of this particular industry it fell to the Congress Governments of those provinces to realise an equitable and profitable

price for the primary producers of cane. But it is not entirely the duty of the Provincial Governments; the Government of India also are vitally concerned in the matter, inasmuch as protection is afforded by Government to the various factories which are producing sugar in India. And, therefore, it is the duty of the Government of India also to co-operate to the best of their capacity with the Provincial Governments concerned, and to facilitate their task of securing a profitable price for the growers of cane.

There are certain doubtful practices which are being resorted to at the present time, and these have been pointed out by the Tariff Board in their report. I think it is the duty of Government to turn their attention to these practices and to see that they are put down once for all. For instance, there is the practice of under-weighing and under-payment; and on page 42 of their report the Tariff Board have remarked thus:

"But making all allowances we feel bound to state that the prevalence of malpractices, a matter of common knowledge, is a serious problem."

We know, Sir, that the agriculturists are illiterate, and that they are not capable of looking after their interests as efficiently as it is desirable. Then there is that class which is known as the "purchasing agents" who are found in this particular industry, and it has been remarked that they are responsible for most of the malpractices from which the sugarcane grower suffers at present. In this connection, on page 43 of the Tariff Board Report, the following words appear:

"We are told that at some factories if there is a serious congestion of carts, growers are prepared to part with their cane at any price or to offer bribes to subordinates to get their turn at the weighbridge. So serious is the matter of detention that a system of delivery passes for carts should be made compulsory for all factories."

Then, it is admitted, that canegrowers' societies have met with a certain measure of success in this direction, but in spite of everything the malpractices still persist. There is no doubt that by very ordinary tactics they can be put down very easily if the authorities are so minded. The primary producers of cane are being done in the eye, and cheated of what is legitimately due to them. I have already stated that success in this direction can only be achieved if the authorities concerned control and regulate the area which is under sugarcane. Here, I must turn for a minute to my Honourable friend, Dr. Sir Ziauddin. I listened very carefully to his speech and it appeared to me that he was not in favour of protection being accorded to this industry.

Dr. Sir Ziauddin Ahmad: I am against over-protection.

Mr. Abdul Qaiyum: I think the sort of protection that Dr. Sir Ziauddin has in mind would be no protection, and the result would be that Java would regain the position from which we have with the greatest difficulty dislodged her. After all, the benefits of protection cannot be denied. My friend, Dr. Sir Ziauddin, has subjected himself to a lot of hard work, has gone through various reports and records, and has collected a formidable array of interesting and imposing figures. But I am afraid that the inferences which the learned doctor has drawn from these figures are not very satisfactory, nor do they necessarily follow. For instance, he dilated at considerable length on the fact that we have lost so many crores over a number of years in the form of customs

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revenue. We cannot look at things in this way, viz., that whatever was lost in the customs revenue is a positive loss to the country. He also talked very eloquently about the fact that the consumers have had to pay so much over a number of years in order to bolster up this industry. From the way he talked, it seemed that the learned doctor did not have much love for this industry. Now, there is no denying the fact that this policy of discriminating protection has done a lot for this country. After all in the year of grace 1939 we cannot be content with being mere hewers of wood and drawers of water; and the doctrine of economic self-sufficiency has come to stay. No country in the world can afford to be purely agriculturist, because, after all, India must advance not only in the direction of scientific agriculture, but we must also make rapid strides in industrialising our country. The two must go together hand in hand, and I think it is too late in the day to criticise and condemn the policy of protection by saying that it is over-protection, and that there should be less protection than has been hitherto accorded. After all, I must remind the learned doctor that it is due to this very protection that the area under sugarcane has risen to something like $4\frac{1}{2}$ million acres, that the area under improved varieties of cane has increased from 817,000 acres in 1930-31 to 3,341,000 acres in 1936-37; and not only that, but the average yield per acre has risen from 12.3 to 15.6 tons.

This means so much work for our people. The factories which have grown up in India, according to the latest figures, provide work for 20,000 skilled and semi-skilled labourers and 75,000 workers; and I am sure that these factories also contribute directly or indirectly in the form of income-tax and other duties to the coffers of the State, Central as well as Provincial. Indirectly, also, protection has helped a lot. It has given considerable encouragement to engineering and building trades. It has found indirect employment for transport of manure, transport of seeds, transport of implements, transport of huge quantities of sugarcane from the field to the factory. In addition it has encouraged the transportation of machinery, coal, coke, lime-stone, gunny bags, etc., and it has found employment for a large number of people in the distribution of sugar and its bye-products.....

Mr. M. S. Aney (Berar: Non-Muhammadan): It has also added to the breeding of the ants!

Mr. Abdul Qaiyum: That undoubtedly is so. I was rather surprised to see from the Report that lime-stone which is a very necessary ingredient in the manufacture of this particular commodity—its value I think is quoted as $1\frac{1}{2}$ Rs. or two rupees per ton or maund—I speak subject to correction—and the railway freight is something like 12 or 14 rupees, which is certainly a great handicap. This thing could not possibly have escaped the attention of the authorities concerned. We have all the advantages for manufacturing sugar. In spite of it all, this international trade agreement—which was trumpeted about so loudly as a blessing to this country, will act as a great hindrance. It is very interesting to note that while independent countries have been able to secure much better terms for their industrialists and for their nationals, the weaker States have fared badly. I will quote only one passage from the Tariff Board Report which will show the helplessness of the Government of India.

The official figures also indicate that in the year 1936-37 we manufactured 1,254,000 tons of sugar, which was 53,000 tons in excess of the estimated consumption in this country. That being the position, to declare India as a free market to the extent of 53,000 tons under the International Sugar Convention is not a fair proposition to India. After all, why should India, which can produce not only for its entire internal consumption but also can export to other countries, be declared a free country even to the extent of 50,000 tons? I would like to read just one extract to show that the weaker the country the worse the terms which its nationals get in this particular international "swindle". We find on page 15 of the Tariff Board Report:

"Among the non-exporting countries the United States will continue to import from the free market at least in the same proportions as at present. The United Kingdom will limit home production to 612.00 metric tons, and exports from the Colonies to 965,254 metric tons."

But the following passage is interesting:

"Australia is given an export limit of 426,323 tons and South Africa one of 209,000 tons."

Australia has not only reserved its entire internal market for its own industry but, in addition, the Australian Government has managed to get an export quota of something like 400,000 tons. Now let us see how India fares:

"India will prohibit seaborne exports to places other than Burma."

This is no concession to India because even before this convention came into force we used to export sugar to Burma:

"China will endeavour to see that her imports do not decrease and if possible increase."

Why? China is a weak country and, therefore, a duty has been cast on China to see that her nationals eat as much sugar as before, and if possible even increase their consumption. Therefore, the theory holds good—the weaker the country the worse the terms which the Government of that country has been able to secure. After all, why should India be included in the free market to the extent of 50,000 tons? It certainly passes my understanding why this should be so. India is quite capable of meeting all its internal demand and we could have turned our trade relations with the United Kingdom to much better account by insisting in the Indo-British Trade Agreement that Great Britain and its Colonies should buy and receive a specific quota of Indian sugar. I fail to see why this was not done, and why this matter, like shipping, was entirely left out of the picture.

I think I heard the word 'stop' from my Honourable friend, Mr. Gadgil, and for once I am not going to disappoint him. I will obey his orders and stop. With these remarks, Sir, I close my speech.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadan Rural): Sir, I thought my friend, Dr. Sir Ziauddin Ahmad, was not opposed to protection to this industry. He wants only some reduction to be made in the amount of protection granted to this industry. Sir, I am personally in favour of protection to this industry because one of the three conditions has been satisfied by the industry, that is the fixation of the minimum price for the primary producers of sugarcane, but the other two conditions

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are not satisfied. To that extent I join hands with my friend, Mr. Abdul Qaiyum, as well as Dr. Sir Ziauddin Ahmad in complaining that this industry has not played fair with the nation as a whole. We want minimum wages to be fixed for labour which is employed in this industry. It does not mean that we do not want minimum wages to be fixed in this country for all the other industries.

Mr. M. S. Aney: What are they getting now?

Prof. N. G. Ranga: I shall tell you presently. But we do want minimum wages to be fixed for all industries in this country, but the case for minimum wages in a protected industry like this is very much stronger, because, as far as this industry is concerned, a minimum assured profit can be looked for by the industrialists because of the protection that is granted to it. Under those circumstances it is only right that we should expect all the partners in this particular industry, the growers of sugarcane, the labour employed and the industrialists themselves together with the consumers, to get their proper benefit. That is why we are so very keen about the fixation of minimum wages.

It is not the fault of the industry itself if it has so far failed in providing these minimum wages, because, Sir, as it has been seen, not only in this country but elsewhere also, not only in regard to this particular industry but in regard to almost all the industries, the industry has never been able to either fix or to conform to any standard of minimum wages of its own accord. It has always been the function of the State to fix a particular limit and then say, below that particular limit no labour should be paid its wages. Therefore, I charge the Government of India for its failure to carry out this particular condition. The Government of India might say it is not part of protection, but it is a part of the protection, Sir. Both the Fiscal Commission of good old days and the Tariff Board have made it perfectly clear that behind the shelter of tariff walls in this industry, labour should be provided adequate wages. As I have said once before in another connection, the Government of India themselves have come out with their policy in regard to the contract labour that is employed on the Railways, and there they have fixed certain minimum conditions of decent wages employed by them. The same thing can be done and ought to be done even in this particular industry. The Government of India have failed to do this, not because it is against their own policy, but because they want to follow one particular policy with regard to Railways and another policy in regard to this particular industry. It may be all right for the Government to come forward here and say that these industrialists are making such huge profits and, therefore, the protection should be reduced. If the industrialists are making these profits, then it is for the Government to see that labour employed in this industry is assured a minimum wage, and not to simply come forward with this negative policy of reducing the protection offered to this particular industry.

Thirdly, Sir, there are the consumers. I am also in favour of seeing that the prices are reduced as soon as possible and to as great an extent as possible, but under the present circumstances unless and until the Government satisfies us that labour is paid adequately and the peasants are properly protected, I certainly cannot be a party to any proposal for

a drastic reduction in the total amount of the protection given to this industry. What is it beyond the fixation of minimum prices by the three Governments of the United Provinces, Bihar and Madras for cane that is done by the Governments concerned either the Central or the Provincial, for the cane growers? As far as research in the production of cane is concerned, they have done very little. They may say they have done a lot, but it is not enough, because the Government of India have failed to make adequate grants to the various research schemes that are started and that are being carried on in various parts of the country. The Tariff Board itself bears eloquent testimony to this fact and says that amount of research in this direction is not enough and that more money is needed. Three years ago, my friend, Sir Girja Shankar Bajpai, offered to place five lakhs of rupees per annum for the improvement of marketing conditions and also for research for the benefit of sugarcane growers. We do not know what has happened to that particular offer. In these three years we should have had at least 15 lakhs to be placed at the disposal of the research people for the benefit of sugarcane growers. We do not know what they have done with that money or whether they have placed this money at the disposal of the research people or whether they have simply forgotten all about it and, therefore, allowed it to be merged in the general revenues. But out of the revenues that the Government is getting from the import duties, it is the duty of the Government to set aside a good portion for the development of research in this country. They have not done so, and I am not satisfied with the Government because of that. Then, Sir, there is the question of marketing facilities for cane producers. It may be said by the Government of India that it is all a provincial matter, and, therefore, they cannot be blamed but it is the duty of the Government of India to see that marketing facilities are adequately provided and communications are also developed in these various provinces so that these producers are able to benefit themselves sufficiently as a result of this protection. We do not know what they have done; we do not know what they propose to do.

Therefore, I suggest that it would be well for the Government of India to publish an annual report of the working of this protection in regard to these various parties concerned in this country. I want them to publish facts in regard to the fixation of the minimum prices, marketing facilities; I want them to see that transport facilities are made available by the various Provincial Governments with or without the special aid of the Central Government and also the amount of research that is being carried on by the Government of India as well as by the Provincial Governments. I want them also to publish facts in regard to the prices for *gur*, *khandsari* sugar and sugar itself in various parts of the country, and lastly, Sir, I wish to sound a note of warning. There is a sort of craze now in various parts of the country to lay out more and more land under sugarcane, because to raise this particular crop, for the time being, is much profitable than any other crop. If we were to allow this to go on unchecked, I am afraid there will soon be glut in the market and over-production of sugar-cane, and, therefore, the cane growers will be placed entirely at the mercy of the manufacturers. It may be that the consumers may be able to gain, but at what expense, and at whose expense? Not only at the expense of the manufacturers, but also at the expense of the cane growers. Therefore, I want the Government of India to see that cane production is not allowed to develop in an arbitrary and anarchical fashion as it is done in

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various parts of the country, but it should be confined to particular provinces and in particular areas so that there may be no danger of over-production of cane. But then, there will be some people, especially those who come from Bengal, who say that Bengal is much more suited to grow cane than either Bihar or the United Provinces. There will be no end to this sort of argument. We began to use this against Lancashire and wanted to develop our own textile industry. It may be all right as between two countries, but as between two provinces in the same country this argument does not hold good. And what is more. For good or for bad these two provinces have had a major share in the production of this crop and in its production the poor kisans have had to invest large sums of money, and if in a thoughtless manner, inter-provincial competitive manner, all the other provinces are to try to compete with these provinces and hank them of the little benefit that they are getting, then there will be no end of trouble in the country. I want the Government of India to call for a conference of Industries Ministers and Ministers of Agriculture of the various provinces and get them to agree to a crop planning arrangement so that there will be no danger whatsoever of overproduction and the provinces that are already having a predominant share will not be made to suffer and the other provinces will be allotted only particular quotas of production of both cane as well as sugar. Otherwise, the sugarcane growers themselves will suffer. After all, taking my own province as an example, we find that we grow certain crops that other provinces do not grow, we benefit from tobacco, groundnut and even gingelly, whereas other provinces are not able to grow these crops. Just as we are able to derive particular benefit from these crops, those two provinces will also be allowed to benefit from the production of sugarcane. The Government may turn round and say, it is all a provincial matter and we cannot very well deal with it, but, there again, the Government of India will be committing a mistake. It is the duty of the Government of India to use their good offices, and more than that, to discharge their own duty especially in view of the fact that they have thought fit to protect this particular industry.

Mr. M. S. Aney: Let us have some idea as to how this can be done.

Prof. N. G. Ranga: They can certainly call for a conference and make it perfectly clear to these Ministers that some agreed crop planning should be prepared.

Mr. M. S. Aney: And accepted by them: otherwise the protection will be withdrawn.

Prof. N. G. Ranga: If they are not going to agree to any such constructive programme and if they are going to leave all these people to their own wits, then there is no meaning whatsoever in making large numbers of consumers in this country pay three or four times as much as they have to if sugar were to be allowed to be imported freely into this country.

Mr. M. S. Aney: Is the Honourable Member quite sure that Provincial Ministers will necessarily agree to an arrangement like that?

Prof. N. G. Ranga: I have some confidence in the reasonableness, on the whole, not only of our Ministers but also of the Legislatures behind them and the people of this country. I, in my own humble way, claim to speak for the kisans also, and I can assure my Honourable friends as well as the House that kisans today are coming to realise what is good for them and they have themselves, in the last All-India Kisan Conference, passed a resolution calling upon the Central and Provincial Governments and States to prepare a crop planning scheme and thus make it possible for our kisans—not only the agriculturists who produce sugarcane but also the kisans producing all other crops—to assure themselves a much more reasonable price for each one of the crops than they are able to grow now. I have that much confidence in the feasibility of the scheme. Therefore, I place it before the Government for their serious consideration. With these remarks, I support generally the need of the industry for protection.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, by this time the House must be almost sick of sugar, and I shall, therefore, not speak very long about it. At the end of the debate, I feel I have more to meet a case why Government have not proposed a greater reduction in the duty rather than a case why they have proposed a reduction at all. On the general case two points have been raised on which I might offer one or two observations. One is the complaint with regard to the delay that has taken place in coming to a decision on the Tariff Board's report. I dealt with that matter to some extent in my speech when moving for consideration. Here, all that I desire to say is, that in this particular case the delay has caused no prejudice to the industry. During the last year the industry has enjoyed protection at a higher level than would have been the case if a decision could have been arrived at on the merits. Even now, what has happened is that for another two years the industry will continue to enjoy protection at a level which I feel is higher than the level at which it is likely to continue as the result of the further enquiry, unless some extraordinary circumstances supervene. Government have been extremely cautious in their decision, and as I tried to explain in my first speech, though there was ample justification for a further reduction of the duty, as the industry has not yet got back to a stable condition, it would perhaps not have been fair to reduce the duty further. One criticism has been that Government's decision involves a curtailment of the period of protection. That, Sir, is a misapprehension. I tried to explain when I spoke on this motion on the 6th that the decision with regard to the rate of duty is provisional for a period of two years and that Government would come to a decision with regard to the remaining period of protection after the further investigation that may be necessary has been completed. The second matter to which I would like to advert was the criticism of the International sugar agreement to which expression has been given during the course of the debate. It has been alleged that India adhered to that agreement inasmuch as His Majesty's Government wanted to conciliate the Dutch Government having regard to the proximity of Singapore to Java. I should have thought that the connection between the two matters was rather remote.

Mr. Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): You will find that the Admiral of the Japanese Navy advised the Japan Government to look towards the East Indies which is very fertile and thinly populated.

The Honourable Sir Muhammad Zafrullah Khan: As I was saying it is rather difficult to appreciate an argument of that kind; that is to say, that India agreed not to export sugar for five years, because, according to the Honourable Member, if it had not agreed to restrict itself in that way, somehow the Dutch Government would have fallen out with His Majesty's Government! When one considers that India has in the past required a very high level of protection against Java, that the industry still asserts that it requires a very high level of protection against Java, one fails to understand in what manner India has been prejudiced by giving that undertaking. It has been said that we could have exported large quantities of sugar if there had not been this agreement but not one Honourable Member has tried to proceed further and to show how it was possible to compete with Java sugar in the world markets when, inside India, it is necessary to impose a duty of Rs. 7-4-0 per cwt. or Rs. 6-12-0 per cwt., on Java sugar, as the case may be. If Java is able to land its sugar in Bombay according to the Tariff Board at Rs. 2-7-0 per maund and according to the average prices that have been ruling during the last year, say at about Rs. 4 per maund and the price of sugar in India has ranged round about Rs. 9 and Rs. 10 per maund, I fail to see by what method of reasoning Honourable Members have been able to persuade themselves that had it not been for this international restriction Indian sugar could have competed in the world markets at economic prices. If there is anything in that argument, if that argument has any reasonable basis, then I should say there is no justification for the industry to ask for protection inside India. The mere fact that the industry asks for protection inside India is a complete answer to the argument that India can produce sugar at prices which would enable it to compete in world markets. The debate really has disclosed nothing which would indicate that the action proposed by Government is not justified so far as the rate of duty is concerned. As a matter of fact, all the factors which operate today indicate that the duty is still at a high level and is more than adequate to protect the indigenous industry.

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

"That the Bill to provide for the continuance for a further period of the protection conferred on the sugar industry in British India be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadian Urban): Sir, I move:

"That sub-clause (a) of clause 3 of the Bill be omitted and the brackets and letter '(b)' occurring in sub-clause (b), be omitted."

My amendment seeks to restore the level of protection to the rate at which it existed on the 31st March last. The Bill seeks to lower the rate of protection and the proposal of the Commerce Member is contrary to the recommendation of the Tariff Board. The Tariff Board recommended that the quantum of protection should be maintained at its then existing present level for some time to come. But the Honourable the Commerce Member held up the report of the Tariff Board for more than

a year and now has come before us with the proposal to reduce the rate of protection. This is a very unfair method, and I desire to record my protest against the manner in which the Tariff Board has been treated in this instance. The protection given to the sugar industry has been eminently successful, and this protection has been given only for a period of eight years. If the industry has shown a good deal of progress during this period we should see to it that protection should not be withdrawn or the amount of protection should not be reduced.

The Honourable Sir Muhammad Zafrullah Khan: On that argument, it should never be reduced and the industry will never stand on its own legs.

Dr. P. N. Banerjea: What is the normal period for which protection should be given? Is eight years too long a period for which protection should be continued? My view is that the industry should be allowed sufficient time to stabilise itself, and when it has stabilised itself and there is no fear of Java sugar again entering the country, then and then only should the quantum of protection be reduced. I am opposed to protection being given for all time, but in the present instance, no case has been made out for reducing the protection. We should, therefore, accept the recommendation of the Tariff Board. From that point of view I urge that my amendment should be accepted.

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

"That sub-clause (a) of clause 3 of the Bill be omitted and the brackets and letter '(b)', occurring in sub-clause (b), be omitted."

Dr. Sir Ziauddin Ahmad: I have got an amendment later on for the reduction of the duty and whatever I have got to say I say in opposition to this motion and I will move my motion without a speech. I advanced three arguments against this motion. First, I draw the attention of my Honourable friend to the recommendations of the Tariff Board on page 108, item No. 27:

"In order to enable the industry to face initial difficulties and to safeguard the position of the manufacturer of indigenous sugar we propose that for the first seven years the duty should be fixed at Rs. 7-4-0 per cwt. and for the remaining period at Rs. 6-4-0 per cwt."

so that the Tariff Board of 1931 definitely recommended that from the year 1931 to 1939 the duty ought to be Rs. 7-4-0 and in 1939 it should be reduced to Rs. 6-4-0. Circumstances have changed in my favour and not against me because I have shown, in a very extensive manner, the amount of profits which these sugar manufacturers have earned. There is no reason to go back to this particular recommendation. The second argument which I advanced is, look into the figures of the 1938 Tariff Board. My friend will find that even the protection of Rs. 6-4-0 is too high, and it ought to be lower. I refer him to pages 180 and 181 of the Tariff Board Report where the fair selling price and the cost of production have been given. The cost is five annas six pies: That is correct, because though they have been paying three annas, the United Provinces Government by passing the Sugar Protection Bill have now regulated that this price should be actually paid to the sugarcane grower. I do not contest that. Now, all the details of the manufacturing charges are given on pages 192 and 193 of this report. Now, there they provide for the permanent staff, viz., a manager on Rs. 825 a month, a Chief Chemist on Rs. 600 a month, a Chief Engineer on Rs. 600 a month, an Assistant Chief Engineer on Rs. 225 a month, and another

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Assistant Chief Engineer on Rs. 225, three Shift Engineers on Rs. 375 each, one Cane Superintendent on Rs. 125 a month, etc., etc. Total salaries per month Rs. 2,975. Now, may I ask whether the sugar factories employ this staff? If you go there you will find that they do not employ that staff which has been definitely put down in the calculation and large numbers of them are only liable for employment for six months. Coming to the other charges you will find that these charges, which have been calculated in order to determine the selling price, have not actually materialised and the sugar manufacturers never pay the salaries which are here provided for them. Then, coming to the other items, for example, five per cent. interest on working capital, this to my mind is also rather heavy. Instead of 2 as. 1/7 p., it ought to be 1 and 1/3; five per cent. is at present a very high price. All these mills have got ready money in their hands which is already provided for in the budget and it is unnecessary for them to borrow at such high rate. Then, under item No. 14, they have calculated a profit of ten per cent., not on the capital share but on the block capital. This is also rather high,—a ten per cent. profit on the block capital in these days when the bank charges are 2½,—and this ought not to be two annas seven pies as provided by the Tariff Board but ought to be reduced to one anna six pies. Now, if we make all these necessary reductions which are, I think, just and reasonable and according to facts, then the cost of production per maund will be reduced to Rs. 6, but, anyway, I do not challenge the statement. All right, let us take Rs. 6-13-10½ and give an allowance of extra profit to the sugar manufacturer. Now, let us see how we are to calculate the quantum of protection that is needed. The price of Java sugar *c.i.f.* is Rs. 2-10-10 as given in the Tariff Board report here, which I do not contest. Take the difference between Rs. 6-10-10½ and Rs. 2-10-10, the protection needed is Rs. 4-3-0 per maund. Give them that protection, *i.e.*, Rs. 5 per cwt. If we take the figures given in this Tariff Board report then the only protection which is justifiable is Rs. 5 per cwt. But the addition of the freight from the sugar factories to Calcutta, etc., are rather unfair. We should compare the *c.i.f.* price with the price at the factory. If we do that, then it works out to be Rs. 5 per cwt. But I honour the promise made in 1931 and I say, although they need Rs. 5 at present according to the figures of the Tariff Board—but I honour our own promise of 1931—I am prepared to give them Rs. 6-4-0 as was said in 1931. I believe honestly that even Rs. 6-4-0 is too much. The real protection needed is Rs. 5.

The second point raised by my friend is that we should give them a protection till it can stand on its own legs. The cost of production of Java sugar is Rs. 2 per maund in Java itself. Here, we have got Rs. 6-13-0 as our cost price. Now, in how many centuries and in what manner are we going to reduce our cost to the level of two rupees per maund as in Java so that protection may not be needed? How can I expect you to believe that this protection, even after half a century or three quarters of a century, will cease to exist, unless I am told that steps are being taken to reduce the cost of production to the level of Java. I think, it is very desirable that we should now make every effort to reduce the cost of production. Government should undertake a special inquiry to suggest the method of reducing the cost, so as to bring them to the level of Java and then and then alone the protection will no longer be necessary. I shall now make two more points. The price of sugar at Calcutta is Rs. 11. The

moment you book it for any other town, say, Singapore, then the value of sugar, Rs. 11-6-0 or even Rs. 9 will at once be reduced to Rs. 2-10-0. The price of one maund sugar on the shore is rupees eleven, but the moment I put it on the boat for export its price comes down to Rs. 2-10-0 at which we can get Java sugar. Now, who will pay this difference of Rs. 7? Evidently the taxpayers of this country. Sir, I am not against protection, but I just want to remind you that for every one rupee which the capitalist contributes for this enterprise, he gets Rs. 3-10-0 from the taxpayers and Rs. 3-6-0 from the consumers. For every rupee which any capitalist puts in, he is sure to get Rs. 7 more from the consumer and from the exchequer. . . .

Bhai Parma Nand: May I remind my Honourable friend that they are selling it at Rs. 2-8-0 now, simply to drive out Indian sugar from the market by unfair competition? What was the price they used to charge for Java sugar previously?

Dr. Sir Ziauddin Ahmad: The Tariff Board have given it *in exten o* that the price of Java sugar always varied between Rs. 2 and 4, and the duty varied between 5 per cent. before the war, then 15 per cent., and then the present duty. I am not going to repeat the whole argument. I am not against the protection but I just want the capitalist to keep in mind this that for every rupee he invests in this, he gets Rs. 7 more from the taxpayer and from the consumer. I am in favour of the proposition that we ought to make this industry stand on its own legs but, at the same time, we ought to realize that we are protecting the industry not for the benefit of the mills but it is also for the benefit of the sugarcane growers, and that they ought not to destroy altogether the cottage industry. And, thirdly, they ought gradually to lower the cost of production in order to bring it down as much as possible to the level of Java sugar. Of course, that may take some time. Sir, I am in favour of protection, but not excessive protection, and I am not in favour of such a kind of protection as is really for the benefit of the capitalist; I am in favour of a system of protection whereby the interests of the consumers, the interests of the sugarcane growers, the interests of workers and all other interests are safeguarded,—and not only for the benefit of one interest only, *viz.*, the capitalists, and this latter kind of protection I shall always oppose.

Mr. Suryya Kumar Som: Sir, I rise to support this amendment. I rise to speak now because it gives me some opportunity to reply to some of the observations made by my Honourable friend, Sir Muhammad Zafrullah Khan. He has asked us why this agreement was entered into and how does it affect India? As an innocent man he says, how does it affect India? The proper question to ask is, why did you enter into this agreement without consulting the Indian interests?

The Honourable Sir Muhammad Zafrullah Khan: Is the Honourable Member in order on the amendment?

Mr. Deputy President (Mr. Akbil Chandra Datta): The House is now on the amendment which relates to the quantum of protection and not to the question of the International Agreement. The Honourable Member has to show how his remarks are relevant to the amendment before the House.

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Mr. Suryya Kumar Som: My remarks about the International Agreement are relevant, because I am trying to show that by this agreement the sugar industry of India has been much crippled and has been rather restricted in its activity. If this agreement was not in the field, India might have exported a large quantity of sugar and the sugar mills would have been more prosperous and the price of sugar would have gone down and they would have needed lesser protection. Therefore, my remarks are relevant. As I was saying, the proper question should be: why did you secretly, without the knowledge of anybody in India and without the commercial interests of India being represented in that Conference, enter into an agreement debarring India to export its sugar? Why did you do it? Why did you spend so much ink and paper to write down all that? That is the proper question. I will show why you did it and also how it affects India. Unfortunately, I have not got the book with me from which I quoted various figures the other day. In my last speech I quoted the price of sugar in England, America, Canada, South Africa and other places and I showed that the price of sugar sold in India is almost half of that which prevails in those countries. I quoted these figures from the speech of Sir Gavin Jones, the President of the Associated Chambers of Commerce. It is argued that it is at the cost of the consumers that this protective duty is being maintained and, as an argument against that, he has shown that without this protective duty all those countries are purchasing sugar at double the price at which Indian consumers are purchasing. So, the question of protection has nothing to do with the rise of the price of sugar. It is the world situation and the world prices that determine the price of imports from other countries. Now, let me give one figure to the House. In America the price of sugar is about 4d. per pound. In India the price is about 2d. per pound. I have already shown that all over the world higher prices obtain for sugar as compared to India. So, if there was no such agreement and if in England the price of sugar is 15 to 20 rupees per maund, where was the difficulty for India to export its sugar to England and to America? You think that because the price of sugar has gone from Rs. 6 a maund to Rs. 9 or 10, it is very high, but in other countries much higher prices prevail. If that is so, there was the opportunity for India to produce more sugar and export it to foreign countries. The very fact that England was induced to commit India to such an agreement is proof positive that there was some gain for somebody else and some loss to India.

Now, there is another difficulty which has been created apart from the lowering of this protective duty. That difficulty is that this agreement is hanging like the sword of Damocles over all these mills. Only for one or two years this will go on and we have already got a hint from the speech of the Treasury Bench that it may be cut down to anything. Is this a healthy condition for an industry to develop? Why do you not limit it to five or six years? Why don't you make it a permanent condition for a definite period so that the investors may take into consideration this fact and may invest or not invest in this business.

The Honourable Sir Muhammad Zafrullah Khan: With great respect, I must again point out that the Honourable Member is absolutely irrelevant. He is talking not of the rate of duty, but of the period.

Mr. Suryya Kumar Som: Don't you frown at me. I must ask the protection of the Chair.

The Honourable Sir Muhammad Zafrullah Khan: I am only raising a point of order. I said and I repeat because it is no offence to the Honourable Member that there may be a thousand difficulties but they can only be discussed under relevant clauses and relevant amendments. The present amendment is with regard to the rate of duty. The Honourable Member is out of order in discussing the period.

Mr. Suryya Kumar Som: This is a point which the Chair will decide and I will abide by it. But why should the Honourable Member frown at me? I will give all these points because it is no use quarrelling on these petty matters. On the amendment, I would submit whether it is not very strange that for over a year they had this small report before them and they had enough time to consult and collect statistics during that period. Even within that period they could not come to a decision. Do you believe it? Is it sincere? I am afraid there are much worse things behind this because, even after more than a year, they have not been able to come to a definite decision.

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

That is the point, and now they lower it by eight annas and give you sufficient indication that nobody knows what they will do after two years. This short period given for the continuance of this protection is very unfair for the industry. If you have had sufficient time and material to stick to this reduction, then do it and do it for seven years or more.

The Honourable Sir Muhammad Zafrullah Khan: I am afraid I must take a point of order. The Honourable Member is discussing and has now for some time been discussing the question of the period. I was submitting, Sir, the question of the period of protection is irrelevant to the amendment now before the House which relates to the rate of duty. I pointed this out once before but the Honourable Member persists in discussing the question as to how long this rate should continue.

Mr. President (The Honourable Sir Abdur Rahim): The point of order is validly taken. The Honourable Member must confine his remarks to the amendment before the House which relates to the rate. The Honourable Member must not discuss the question of the period on this amendment.

Mr. Suryya Kumar Som: All right, Sir. The Government Resolution also does not give us sufficient materials for going against the report of the Tariff Board which report was drawn up by eminent persons and after careful consideration. The Government Resolution does not justify a departure from that and as facts stand, I submit that no case for reduction has been made out. I, therefore, support the amendment.

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

"That sub-clause (a) of clause 3 of the Bill be omitted and the brackets and letter '(b)', occurring in sub-clause (b), be omitted."

The motion was negatived.

[Mr. K. Santhanam.]

guarantee that though he has reduced it arbitrarily by eight annas, that if for any reason the prices go up, he will restore the protection to the original level and if necessary to a higher level by the operation of clause 4 of the Tariff Act. It is only on that basis that we can agree to be any party. Therefore, as the reduction is only eight annas and only for two years we are practically powerless to argue the case on its merits. It is a wrong way of dealing with any kind of protection. The stability of the industry is the only condition on which any protection can be effective. Now, they are adopting new tactics; they are saying that world conditions are most unsafe and, therefore, the protection policy will be a hand to mouth policy. It is a most unfortunate policy which Government have adopted. I do not want to elaborate the points which were made by my Deputy Leader in his speech; but, at the same time, I want to put in my word of protest against the manner in which this thing is being dealt with in a temporary, hand to mouth basis so that even the legislators are hardly able to deal with it in any intelligible or rational manner.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That in sub-clause (a) of clause 3 of the Bill, for the word and figures 'Rs. 6-12-0' the word and figures 'Rs. 6-4-0' be substituted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

• Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN TARIFF (THIRD AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Tariff Act, 1934, for certain purposes, (Third Amendment), be taken into consideration."

Article 16 of the Trade Agreement signed between the United Kingdom and India on the 20th March last provides:

"This Agreement shall come into force on a date to be mutually agreed between the two Governments. . . . Pending the coming into force of the present Agreement the two Governments will apply its provisions as far as may be possible."

It is in pursuance of that undertaking that this Bill has been introduced.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Which part of it?

The Honourable Sir Muhammad Zafrullah Khan: The second sentence that I have read out.

This Bill seeks to give, as far as is possible, effect to the provisions of the Trade Agreement and seeks to do the following things:

It seeks to take power to regulate the duties on piece-goods in accordance with the Cotton Articles of the Agreement; it also reduces them immediately in accordance with the provisions of the Agreement. It takes away the preferences enjoyed by the United Kingdom in India which are not to be continued under the Trade Agreement. It also provides for one new preference on motor cycles and it adjusts the preferences with regard to the colonies. Sir, I move.

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

"That the Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Third Amendment), be taken into consideration."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, I rise to oppose this motion, and it would not be necessary to elaborate the grounds in view of what the proposal before the House is and the contents of the Bill. My Honourable friend has told the House that the Bill which he is now moving for consideration is a Bill which is intended to give effect to what is euphemistically described as the provisional agreement between the Government of India and the Government of the United Kingdom. Of course, by a process of legislation and enactments in this country it is perfectly obvious that the provisional agreement has already begun to operate in that under the Acts in force the new duties would function. But if that were all, we would not want to re-examine the provisions of the Bill which is before the House, because the contents of the Bill are in substance the contents of the Agreement and with a view to giving effect to it. But there is a further reason which I wish to urge before this House. At all events we anticipated that Government would follow the policy of accepting the vote of the House on the question of the termination of the Ottawa Agreement in reference to the present agreement. There is really no integrity behind accepting the vote of the House in terminating the previous agreement inasmuch as that policy was to be continued whether a new agreement is to be entered into at all without the vote of this House or contrary to its vote as it is in this case. In other words, the only object of terminating the previous agreement was to place the Legislature in a condition where, having terminated the first, they will be able to examine on the merits the second proposal and thereby determine through the vote of the elected representatives of the people whether the proposed agreement was for the benefit of the country at large. That vote, Sir, has been unequivocal in its effect, whatever the efforts which may be made either by the press or other propagandists. For, in order to understand the responsibility in this matter of those who have to pay for the terms of the agreement, the only effective or valuable vote is that of the elected representatives including my friends of the European Group. But, at all events, so far as the other 39 Members of the House are concerned, it is an idle travesty to imagine that they either had the

[Mr. Bhulabhai J. Desai.]

option to vote one way or the other or that many of them, looking at them as they sit there, have applied their mind to the question really which was before the House, whether India should or should not accept this agreement. The fact remains that by their discipline, by their appointments and by their nominations they are bound to vote in favour of what was put before them. The effective vote, therefore, of the elected Members of the House is quite clear on this particular issue. But what is worse, as I was submitting to the House was this that at all events we believed that when the Bill was brought in, to the extent to which this House could vote on its different provisions, it would at least have the freedom to vote on it.

As regards one part of that, I frankly confess that by reason of your recent ruling, it would have been open to this House, if we proceed to the consideration of this Bill, to move up the cotton textile duties to what they were before the introduction of this Bill. But the fact remains that in so far as the surviving preferences are concerned, which, if there had been no agreement, we wanted to omit and get rid of altogether, we gave notice of amendments with a view to terminating the Tariff Act so far as to make all preferences in favour of the United Kingdom. As regards those amendments permission to move them has been refused, so that we fully appreciate that this House is not getting any real chance of expressing its opinion at all events by means of moving amendments, so that the Bill which is brought in for all practical purposes would restore things to the situation in which our vote would have wanted to restore it, namely, there being an agreement between the two countries to be adjusted according to the economic conditions of both countries and the other world conditions.

There is also the further point which has been made and which was made during the course of the debate, namely, that it was somewhat unfortunate, whether it was designed or not, I do not know—but it was unfortunate that the Finance Member, with a view to making up his deficit, was obliged, at all events as he conceived it, to impose an extra import duty on certain types of cotton. The result of all these measures was that the House considered that taking the plus and the minus, the agreement, as was put before them was not one which they believed to be generally in the interests of the country at large. For these reasons we feel that a re-discussion of the provisions of the agreement would not serve any purpose. I therefore, oppose this motion.

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadan Urban): Sir, I rise to oppose this motion, and I do so on three grounds. In the first place, I wish to point out that the subject-matter of this Bill was discussed a few days ago in this Assembly and the Assembly recorded its verdict on it. Now, this Bill has been placed before us before a fortnight has elapsed. What does this signify? It signifies the unrighteous attitude of the British Government towards India. The other day Hitler said in one of his speeches "England after having acted unvirtuously for three hundred years is now in her old age speaking of virtue". I am not an admirer of Hitler or of any other dictator. But truth should always be welcome from whatever quarter it may come. So far as India is concerned, England has treated her in the most unvirtuous manner for a long time past. In 1893, the Charter Act provided that the colour bar should be

removed and this was emphasised by the Queen's Proclamation of 1858. Now, what has been done? We find that the Honourable Sir Nripendra Sircar, who towers head and shoulders over every one of his colleagues and who, in capacity and in character, is far superior to all the officers of the Government in India, has not been considered fit to be a Governor of a Province, while men very much inferior to him have been made Governors. You, Sir, who have held the high position of a Chief Justice.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better leave the Chair out of it.

Dr. P. N. Banerjea: I am referring to the Honourable Sir Abdur Rahim

Mr. President (The Honourable Sir Abdur Rahim): These personal references to the Chair are hardly relevant or desirable. The Honourable Member had better think of anybody else.

Dr. P. N. Banerjea: I can quote many other instances. Indian gentlemen who have served the Government ably for many years and have occupied eminent positions have not been appointed Governors while their juniors by virtue of a different complexion

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think this Bill provides for the appointment of any Governor.

Dr. P. N. Banerjea: These are merely instances of the unrighteous conduct of the British Government and their subordinates, the Government of India.

My second ground is that this Bill has encroached on the rights of the Assembly.

Mr. N. M. Joshi (Nominated Non-Official): The Assembly has no rights in their opinion!

Dr. P. N. Banerjea: My Honourable friend, Mr. Joshi, says that in the Government's opinion the Assembly has no rights. I wish to point out that Mr. Montagu, then Secretary of State for India, made it clear in 1920 and 1921 that when the Indian Legislature decided upon a particular point that should be final so far as Indian fiscal policy was concerned

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): If the Government of India and the Legislative Assembly are in agreement and only then.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not interrupt.

Dr. P. N. Banerjea: I can quote to you the speeches made by Mr. Montagu. Sir Basil Blackett also emphasised this particular point. I have got his speech with me and I will ask my friend to contradict me if he can. Sir Basil Blackett said in 1923

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LEGISLATIVE ASSEMBLY.

[14TH APRIL 1939.]

Sir Syed Raza Ali: Let us begin with Montagu.

Dr. P. N. Banerjea: I have not got his speech with me just now. I should have thought that it was known to everybody and that it was not necessary to quote it. Sir Basil Blackett said:

"I accept whole-heartedly the doctrine that it is India's right to decide what fiscal policy she shall have and so long as I remain a Member of the Government of India, I shall whole-heartedly attempt to assist in the introduction of the policy which India has chosen."

This point was further emphasised by successive Finance Members and Members for Commerce. Now they are going back upon it. They may say that the Government of India have not agreed with the verdict of the Assembly. But the Assembly represents the views of the people of India and the Government of India are the subordinates of the British Government. So, if India's point of view is to be considered, it is the verdict of this Assembly, and not the opinion of the Government of India, which ought to count.

My third ground for opposing this motion is that it is derogatory to our self-respect. The other day we rejected the motion of the Commerce Member, and are we going to insult ourselves by going back upon our own decision? This Bill is really an insult to the whole House, and shall we accept this insult? I hope this House will be no party to such a procedure.

Sir, time and again the Government of India have treated this Assembly in a most disgraceful manner, and this is another instance in which they are going to treat us shabbily. And what should be our reply? Our reply should be that we refuse to take into consideration this Bill. Sir, in the name of fairness, in the name of the rights of the Assembly, and in the name of our own self-respect I appeal to all Members to reject this Bill.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh Muhammadan Rural): Mr. President, I support this motion. The Trade Agreement was brought before this House sometime ago and discussed and so far as I am concerned I felt and I said so that as a whole it was good for India. I am being supported in that point of view by even the Congressmen that as a whole it is good for India. The only difference was about the Lancashire quota on cotton. And why? My friends here know the reasons very well. The difference is that the whole agreement is to be sacrificed for the sake of the cotton mill interests in India. Lancashire interest clashes with the interests of Ahmedabad and Bombay millowners

Mr. Mohan Lal Saksena (Lucknow Division: Non-Mohammadan Rural): What about the shipping interests?

Sir Abdul Halim Ghuznavi: Shipping interests do not come in here. And why? I repeat myself,—suppliers of sinews of war must be protected and the rest may go to dogs. That is the position that my friends here have taken.

Sir, so far as the Indian Chambers are concerned, the Muslim Chamber of Commerce, Calcutta, favours the Indo-British Trade Agreement; it says it should be approved. That is the telegram they have sent to me.

Mr. Manu Subedar (Indian Merchants' Chamber and Bureau: Indian Commerce): And you are the President?

Sir Abdul Halim Ghuznavi: Yes.

Dr. P. N. Banerjea: Quoting his own view?

Sir Abdul Halim Ghuznavi: I was not in Calcutta when they held the meeting there. I was in Delhi then.

Dr. P. N. Banerjea: Then, I am sorry, I withdraw.

Sir Abdul Halim Ghuznavi: A Committee was appointed there to go into the whole matter, and the Committee reported to the Chamber, and the substance of their recommendation was sent here by telegram. This is what this telegram says:

"Committee Muslim Chamber favour Indo-British Trade Agreement which should be approved. Secretary."

I said, Sir, that one of the biggest benefits that Bengal gets through this agreement is about jute. What do we find today? Here is a cutting from the *Statesman*, dated the 11th of this month. This is what it says:

"A memorandum signed by Mr. Athole, F. Stewart, the President, and Mr. George R. Donald, the Secretary of Dundee Chamber of Commerce has been sent to the Board of Trade, all members of the Cabinet and Scottish M.Ps. urging immediate Government action to include some form of protection for the Dundee jute industry against the huge and increasing imports of jute goods into the United Kingdom from India in the new trade agreement between Britain and India. The agreement was signed by the representatives of the two Governments last week."

That is the feeling in Dundee. They want some sort of protection. They want a clause to be inserted in the Agreement so that there shall be free entry of jute and no preference on finished goods. Now, what does it mean? It means high price of jute for the cultivators of Bengal. The cultivators of Bengal get the benefit of these high prices which otherwise they would not have got

Mr. N. M. Joshi: War material.

Sir Abdul Halim Ghuznavi: War material?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member is entitled to have his say. He must not be interrupted in this manner.

Sir Abdul Halim Ghuznavi: Then, Sir, the Members of the Chamber of Commerce are certainly good judges as to whether this particular Trade Agreement is good or bad. I say that a great deal of attention has been given by the Muslim Chamber of Commerce to this question, and when they have unanimously come to this view that they should support it, I have no hesitation in supporting it.

Now, Sir, my friend, the Honourable the Leader of the Opposition, just said that they did not want even to go into the consideration of the question; he said it was not worthwhile, because they were not allowed to make the amendment which they wanted to make. He said, they had already said all that they had to say in regard to this Trade Agreement,

[Sir Abdul Halim Ghuznavi.]

and, therefore, he would say nothing more, he would not even discuss it; he said he would dismiss it straightaway. Is that the attitude to be taken, I ask? My Honourable friend, the Leader of the Opposition, is laughing . .

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): What do you propose?

Sir Abdul Halim Ghuznavi: You ask me what I propose?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not take notice of these interruptions.

Sir Abdul Halim Ghuznavi: My friends over there and here want to dispose of the Bill without further considering, even the merits of the Bill. Sir, we, Muslims, are in a very peculiar position. We have to fight two enemies,—Muslim Enemy No. 1, the Congress . . .

Some Honourable Members: Oh, oh!

Sir Abdul Halim Ghuznavi: and Muslim Enemy No. 2, the Government

An Honourable Member: And Muslim League No. 3.

Sir Abdul Halim Ghuznavi: Don't be led away by the fact that I have resigned from the Muslim League. Muslim League is in my blood. I will give you an explanation in the lobby as to why I resigned from the League. I resigned because I wanted to exercise my vote . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not discuss the reasons as to why he resigned from the League.

Sir Abdul Halim Ghuznavi: The League is in my blood. I want to fight the Congress, and that is why I have resigned. I will fight the Congress on behalf of the Muslim League

An Honourable Member: With the mandate of the Muslim League?

Sir Abdul Halim Ghuznavi: Certainly, with the aid of the Muslim League.

Mr. Badri Dutt Pande: Single handed you will fight?

Sir Abdul Halim Ghuznavi: Yes, I will fight single handed if need be. Sir, I am not going to take time by going into details. If I am satisfied that the Trade Agreement is good, I will support it with my vote, and not merely say it is very good and so on. But, Sir, we have to fight the Congress. We cannot fight the two together.

An Honourable Member: Oh, oh!

Sir Abdul Halim Ghuznavi: In fighting the Government, we have to co-operate with the Congress; otherwise victory will be far off. We are now to fight the Congress, and not the Government.

An Honourable Member: Always under protection.

Sir Abdul Halim Ghuznavi: Now, Sir, look at what they have done in all the provinces.

Mr. Bhulabhai J. Desai: How is this all relevant, Sir? I am afraid my Honourable friend is digressing from the main subject.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member is really digressing.

Sir Abdul Halim Ghuznavi: My friend, Sir Cowasji Jehangir, made a remark yesterday about my friend, the Leader of the Opposition

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better confine himself to the motion before the House.

Sir Abdul Halim Ghuznavi: The Federated Chambers of Commerce discussed this Trade Agreement in Delhi. Sir Purshotamdas Thakurdas paid a glowing tribute to the Honourable the Commerce Member as regards the part he played in the Indo-British Trade negotiations and his relations with his un-official advisers. He said that so far as the Commerce Member was concerned he had done everything, that he had given all the assistance that was needed, and placed all the information that was required. They were satisfied with the manner in which he has done his job.

Dr. P. N. Banerjee: Quite right, but he is not a free agent.

Sir Abdul Halim Ghuznavi: So far as I understand, the whole trend of opinion of the Congress was changed because of the six pies additional duty that was imposed on foreign cotton. They even say, though they would not admit that on the floor of the House, that if that duty had not been imposed they would have, perhaps, accepted this Agreement. I ask, did they make any offer of that kind to the Government? "Are you prepared to do this?" "No". From what has appeared in the newspapers, Sir Purshotamdas Thakurdas made that grievance, but he said that the Honourable the Commerce Member was not responsible for it but that the Government of India were responsible. Perhaps, if that duty had not been imposed, they would have accepted the Trade Agreement as a whole. My answer to that is, was any earnest effort made by the Leader of the Opposition or the commercial people to negotiate with the Government whether they were prepared under the circumstances to withdraw that extra duty of six pies? They did nothing of the kind.

An Honourable Member: Did you do anything?

Sir Abdul Halim Ghuznavi: I am in favour of this agreement, and there was no occasion for me to do anything?

An Honourable Member: In favour of the additional duty also?

Sir Abdul Halim Ghuznavi: Yes. It helps the cotton growers who are mostly Muslims. I could have shown from Congress Resolutions that they wanted that duty some time ago, though they do not want it today. It was the Resolution of the Congress that required the imposition of a duty on foreign cotton, so that foreign cotton might not come into India. They do not feel ashamed to say, "Don't impose this duty. We want to use this foreign cotton in India". They must be ashamed of this. In the Joint Select Committee the delegates asked the Lancashire people to take the short staple cotton and they undertook to take as much as possible of short staple cotton but when they had suitable machinery after the change thereof they would take very much more from India. But why can't we suit our mills in India to short stapled Indian cotton. The mills had enormous profits during the last war; they bled us in Bengal during Swadeshi days with all sorts of foreign goods passed as Indian goods at four hundred times the price. They made tons of money over that, and could they not save sufficient money now to alter their machinery in such a way that they can use cotton that is grown in India and not allow it to be exported? And still they come before the House and say, "Why did the Government impose that six pias additional duty?" That is the reason their heart is bleeding because poor Ahmedabad and Bombay, the suppliers of the sinews of war, would be hit. Therefore, this opposition to this agreement tooth and nail and the refusal to consider the various good points in it. That is the attitude they have taken and, I say, it is an unreasonable attitude. With these words I support the motion.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban). Sir, I really regret very much that Sir Abdul Halim Ghuznavi should have brought in this debate the question of his relationship with the Muslim League Party and the Muslim League. Sir Abdul Halim Ghuznavi has decided for himself to resign from the Muslim League Party

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not discuss that resignation.

Mr. M. A. Jinnah: He has introduced the matter here, and I am entitled to say

Mr. President (The Honourable Sir Abdur Rahim): But the Chair stopped him from discussing it.

Mr. M. A. Jinnah: But he has introduced the subject and I am entitled to say this. I must explain the position. I must say that he has resigned from the Muslim League and he has now had the opportunity of satisfying his conscience, and he says that he is going to serve the League. By the conduct that he has adopted—I say this on the floor of the House, that in that case God help the League. I extremely regret that he should have resigned, I regret more that he should have introduced this subject on the floor of the House.

Now, Sir, coming to the Bill itself, it seems that there are some people who either do not understand or will not understand the policy adopted by the Muslim League with reference to this Indo-British Trade Agreement. I want to make it quite clear, and I think Honourable Members who were present when I made my speech on the previous occasion, and the people

outside if they will read the official report of my speech will find that the position is quite clear; yet I find that in certain sections of the press outside we are blamed on the ground that we took up a "communal" attitude. It is absolutely false. You have got only to read my speech, but I do maintain on the floor of the House, as I said before in my speech, that we are here to consider also the interests of the Mussalmans. That does not mean, as I said in my speech, that we are indifferent, nay, hostile to the larger interests of India. I think I made it clear that even the Leader of the Opposition, Mr. Bhulabhai Desai, very rightly I said, laid down that he was representing a constituency in Guzerat who held one-third of the interests in the mills. I said he was perfectly right in taking that into consideration. And, why should we, therefore, not also take into consideration, as one of the factors, the interests of the Mussalmans. To my great regret, the Honourable Sir Muhammad Zafrullah Khan said—I think he must be sorry for it—I regret that he should have said that—that he was surprised that "a man of the standing and ability of Mr. Jinnah should have introduced the communal question", whereas, the very fact of his existence in this House is that he is a Mussalman.

Mr. S. Satyamurti: God help him!

Mr. M. A. Jinnah: You helped him a few days ago when he was thinking of the Muslim interests. Therefore, I want to make it quite clear as to what our position is. I hope we may be right or we may be wrong, but I hope that I have made my position clear on that account.

Then, again, it is a matter of regret that I should have been blamed by the Leader of the Opposition and he was good enough to remind me, not during the debate, but immediately after the debate, that Mr. Jinnah must know that the cotton grown by the Muslims does not bear the mark of "Suban Allah". What does he wish to insinuate?

Mr. Bhulabhai J. Desai: There is no insinuation.

Mr. President (The Honourable Sir Abdur Rahim): The Chair did not hear the Honourable Member.

Mr. M. A. Jinnah: I assure you, I was only quoting his speech. What is the meaning of it? Only one meaning can be put upon it, and that is that I was thinking of nothing else but the cotton grown by the Mussalmans. What else can it be? Surely, is that fair to make that insinuation? My Honourable friend was actually present in the House when I made my speech. I made it quite clear that I wish my Hindu friends to prosper still more. I want them to flourish, and what else did I say? The main interests are the interests of the Hindus, and I leave it to you. Take the responsibility of giving your verdict. Why get annoyed with me and make this insinuation? I knew you had a majority if we remained neutral. I knew the verdict was in your hands, whatever the effect of that verdict may be. Articles after articles are written in that paper, the *Hindustan Times*—"Communalism in Excelsis". Mr. Satyamurti gives the lead. Surely, be just, be fair. You are leading a great organisation, a great party, and I say to the *Hindustan Times*, "You claim to be one of the leading journals of this city". I will say no more about it.

An Honourable Member: What about Mr. Dow in the Council of State?

Mr. M. A. Jinnah: As regards what Mr. Dow said in the Council of State, I characterise that as the meanest attack that could have been made by anybody. He not only criticised me—a thing which he is entitled to do, but he attributed to me motives and he does that in the other place, the Council of State, when he was actually present here in the debate when I spoke. He said that Mr. Jinnah knew that he was throwing the dust in the eyes of those who were behind him. For a Government servant holding the responsible position of Secretary, Commerce Department, to have thought it fit to go into the other place and attribute motives to me in my absence (*Some Honourable Members:* "Shame"),—is that worthy of the traditions of the Civil Service, is this worthy of British statesmanship and British politics? Sir I do not want to say anything more.

We have fully considered all the pros and cons, and our attitude today with regard to the Bill is exactly the same as it was with regard to the Indo-British Trade Agreement a few days ago. As I said the agreement was a *fait accompli*. We were only holding a *post mortem* examination, and this Bill is a statute *fait accompli*, and we are only holding *post mortem* discussion. A certificate of the Governor General for the Bill is ready, and I say to the Congress Party you may walk into any lobby you like. But the law has been enacted and only formalities remain to be satisfied.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I rise to oppose the motion for reasons other than those stated by Honourable Members, who have preceded me. I would like the Honourable House to consider the position of this Bill as it strikes me and as it strikes the ordinary man in the street.

An Honourable Member: Like yourself.

Sir Cowasji Jehangir: Yes, like myself. By a vote of this House, the Ottawa Agreement came to an end, and Government decided to accept the vote of the House. Government then entered into negotiations with the British Government to see if they could come to terms about a new agreement, and it will be admitted, that that is exactly what the Honourable House desired them to do. Government decided that they should take a certain number of non-official Members along with them who should advise them. The Government of India, or as I would rather choose to call them, the agents for the Secretary of State for India, sent one of their members to England on two or three occasions and they took 2½ years to come to an agreement. It must be admitted that on one point the non-official advisers disagreed with the final terms of the agreement and that has already been mentioned here. It was on the question of the quota of cotton that Lancashire should be forced to take. But, before this agreement was brought before this Honourable House or made public, the Government took a certain action whereby the whole agreement was mutilated. It was not done so far as we know at the instance of Lancashire. So far as the man in the street knows, it was done on the initiative of the Government of India themselves, and the whole agreement was mutilated in its most important sections before it came to this House or before it was made public. One of the terms of the agreement was that the duty on the import of Lancashire goods should be reduced from 20 per cent. to 15 per cent. That was a concession of five per cent. Before that was brought before this House, Government imposed a duty on the import of foreign cotton into this country which they admit made a difference of three per

cent. against India. So, they worsened that concession which they gave to Lancashire, of their own free will, by 60 per cent. I contend that in certain grades they worsened it by 80 per cent.

Therefore, Sir, Government make an agreement. They take two and a half years to negotiate that agreement. One of their colleagues goes to England three times to do it. He has been given every credit for having done his very best, and, I believe, I am in a position to endorse that,—*viz.*, that he did his very best for India during all his visits to England. He brought back what he felt were the best terms,—and then he allowed the Government of India to worsen that agreement, to kill his own child, to murder it, to mutilate it, by worsening one of the terms of that agreement, a very vital term of that agreement by 60 to 80 per cent. (*Interruption.*) My Honourable friend, Mr. James, correctly says "infanticide". Well, Sir, no self-respecting country would accept any such agreement. May I ask if it was, in the opinion of the Government, in the interest of this country to give Lancashire a greater concession than five per cent., *viz.*, from 20 per cent. to 15 per cent., why did they not do it during the two and a half years of the discussion? Why did they allow the demands to go on for two and a half years? Why did they not concede the demands of Lancashire within the first year? It was on this very point, I believe, that most of the time was taken, namely, as to what should be the reduction of the duty on Lancashire goods imported into this country. It was on this very point, I believe, that days and days were spent in discussion, with the assistance of the non-official gentlemen who went with the Honourable Member, and then, when he had settled the agreement and given a concession of five per cent, he allowed the Finance Member of the Government of India—now fortunately for this country retired to his own country—to worsen that concession by 60 to 80 per cent. I do not know, Mr. President, who is going to benefit by this agreement.

An Honourable Member: Lancashire.

Sir Cowasji Jehangir: I doubt it; I have grave doubts about that. I do not think India is going to benefit, and I doubt very much whether Lancashire will finally benefit by it. Japan has already benefited by the concessions made by the Government of India. They are jubilant. But finally, when, as my Honourable friend, Mr. Jinnah, said, this will be certified, the only party who will have benefited will be Japan,—and I hope I may not turn out to be a true prophet,—Lancashire will rue the day the most.

An Honourable Member: So much the better for us!

Sir Cowasji Jehangir: And the responsibility for the harm that may come to that part of England will be on the shoulders of the Government of India as a whole, and its late Finance Minister in particular. Sir, I oppose the motion for these reasons, and I contend that God help this country from a Government which make a trade agreement with another country and worsens it for their own country, of its own free will! God help us from a Government of this sort! I heard Honourable Members to suggest that the Government should negotiate trade agreements with other countries. Is this going to be our experience—that they are to negotiate a trade agreement with, say, Germany . . .

Mr. F. E. James: Dr. Schacht is here.

Sir Cowasji Jehangir: and after they have satisfied Dr. Schacht and after they have signed the agreement and before they bring it before the Legislature for its so-called approval, they worsen it for India and say that they are doing their duty by this country! That is exactly what they have done, and what is the reason for doing it? To make up a deficit of fifty lakhs, Mr. President. Were there no other ways and means of making up the deficit of fifty lakhs but to worsen an agreement, which took two and a half years to negotiate. That was the only method they could find to make up the deficit. Sir, I am no great financier but I could have shown them other methods of making up the deficit of Rs. 50 lakhs without killing an agreement that took them two and a half years to make.

Well, Sir, I oppose this motion simply for the reasons I have given, and if the House refuses even to consider it, they are more than justified for the reasons I have given. If Government wish to make agreements in the future, let them at least see that the agreement has a fair chance for consideration, and let them not mutilate it, murder it, change it in its most important aspects, after having signed it.

Several Honourable Members: The question may now be put.

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

"That the question be now put."

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I would surely be inviting the application of a well-known proverb if I attempted to rush in where angels might fear to tread.

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

"That the Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Third Amendment), be taken into consideration."

The Assembly divided:

AYES—39.

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

Aiyar, Mr. T. S. Sankara.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhagchand Soni, Rai Bahadur Seth.

Buss, Mr. L. C.
Chanda, Mr. A. K.
Christie, Mr. W. H. J.
Clow, The Honourable Mr. A. G.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.

Ghuznavi, Sir Abdul Halim.
Greer, Mr. B. R. T.
Hardman, Mr. J. S.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.

Kushalpal Singh, Raja Bahadur.
Lillie, Mr. C. J. W.
Maxwell, The Honourable Sir Reginald.

Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.

Pillai, Mr. N. R.
Rahman, Lieut.-Col. M. A.
Raisman, The Honourable Mr. A. J.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Zafrullah Khan, The Honourable Sir Muhammad.

Abdul Qaiyum, Mr.
Abdul Wajid, Maulvi.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.

Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Laljee, Mr. Husebhai Abdullabhai.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Manu Subedar, Mr.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhuri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sham Lal, Mr.
Sheodass Daga, Seth.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.

The motion was negatived.

THE INDIAN RUBBER CONTROL (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Rubber Control Act, 1934, be taken into consideration."

It is not necessary for me to make a detailed speech at this stage as Government are willing to accept the motion to send this Bill to a Select Committee. Briefly, the position is this. The Inter-Governmental Rubber Control scheme was due to expire on the 31st December, 1938. The Inter-national Committee which administers this scheme circulated a draft scheme to the Governments concerned proposing that the scheme should be continued for a further period of five years from the 1st January, 1939. The Government of India consulted the Provincial Governments and the States and the other interests concerned and found that they were unanimously of the opinion that the scheme had been beneficial and they, therefore, decided to adhere to this scheme for the extension of the international control for a further period of five years. The India Rubber Control Act of 1934, which was passed to implement the original control scheme, empowers Government to extend the operation of the Act. Government, therefore, extended the operation of the Act under section 1 (4) of the Act by a notification gazetted on the 17th December, 1938, till the 31st December.

[Sir Muhammad Zafrullah Khan.]

1943. The present Bill is designed to make changes in the Indian Rubber Control Act which would bring it into conformity with the new agreement. Opportunity is also being taken to make certain improvements which the administration of the Act has shown are necessary. Sir, I move.

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

"That the Bill further to amend the Indian Rubber Control Act, 1934, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Indian Rubber Control Act be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Mr. Y. N. Sukthankar, Lieut.-Colonel M. A. Rahman, Mr. F. E. James, Mr. Muhammad Nauman, Khan Bahadur Shaikh Fazl-i-Haq Piracha, Sardar Sant Singh, Mr. T. S. Avinashilingam Chettiar, Mr. Kuladhar Chaliha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I will be very brief in moving this motion for reference to Select Committee. At the outset, I should like to remark that it is not proper on the part of the Government to extend previous agreement without immediately taking steps to bring the matter before the Assembly. Sir, this is not the only agreement of this kind, but with respect to steel, sugar and rubber, and with respect to various other commodities that are produced in this country and which we can export to foreign countries, from time to time international agreements of this kind are being entered into. Therefore, I would like to suggest to the Government that at least in future all such extensions ought to be made with the approval and previous consent of the House. Consequently, in this particular case, the need for reference to a Select Committee is clear from the fact that this Bill covers nearly about 30 clauses with a big Schedule also. The Bill has been conceived on the lines of the Tea Control Act, where, not only the export quota is to be fixed, but also areas have to be allotted which could be assigned to each province for the purpose of cultivating tea. On similar lines, this Rubber Control Act is conceived. There was a committee constituted for tea control, and likewise there is also a Committee here which will hereafter become body corporate. Details will have to be worked out and these things could not be done on the floor of the House, and, therefore, it is necessary that greater attention should calmly be paid in the Select Committee to these things. Sir, I move.

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

"That the Bill further to amend the Indian Rubber Control Act be referred to a Select Committee consisting of the Honourable Sir Muhammad Zafrullah Khan, Mr. Y. N. Sukthankar, Lieut.-Colonel M. A. Rahman, Mr. F. E. James, Mr. Muhammad Nauman, Khan Bahadur Shaikh Fazl-i-Haq Piracha, Sardar Sant Singh, Mr. T. S. Avinashilingam Chettiar, Mr. Kuladhar Chaliha and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

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

"That the amendment made by the Council of State in the Bill further to amend the Indian Tariff Act, 1934 (Second Amendment), be taken into consideration."

Sir, the Council of State have amended this Bill to this effect:

"That in sub-clause (c) of clause 2, in the fourth column of the proposed item No. 43, for the letters and figures 'Rs. 35' the letters and figures 'Rs. 30' be substituted."

Sir, the House will recollect that the duty on imported wood pulp as set out in the original Bill was 25 per cent. *ad valorem* and this was amended in this House and the words "or Rs. 35 per ton whichever is higher" were added. The Council of State have altered this to Rs. 30 per ton. I am sure it will be admitted on all hands that that provides sufficient protection for indigenous pulp. I hope the House will accept the amendment made by the Council of State.

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

"That the amendment made by the Council of State in the Bill further to amend the Indian Tariff Act, 1934 (Second Amendment), be taken into consideration."

The motion was adopted.

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

"That the following amendment made by the Council of State be agreed to:

"That in sub-clause (c) of clause 2, in the fourth column of the proposed item No. 43, for the letters and figures 'Rs. 35' the letters and figures 'Rs. 30' be substituted."

The motion was adopted.

THE CHITTAGONG PORT (AMENDMENT) BILL.

The Honourable Mr. A. G. Clow (Member for Railways and Communications): Sir, I beg to move:

"That the Bill further to amend the Chittagong Port Act, 1914, for a certain purpose, be taken into consideration."

Sir, as the House will see this Bill amends only one section of the main Act, that is the section which gives the Port Commissioners the power to repay loans taken from Government at any time when they may choose if they have money at their disposal. We no longer regard that condition as equitable from the point of view of the public purse, and the Chittagong Port Trust themselves have agreed to an amendment. In the amendment we propose that the condition will be abrogated in respect of future loans, but in respect of loans already taken, the position will remain unchanged. Sir, I move.

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

"That the Bill further to amend the Chittagong Port Act, 1914, for a certain purpose, be taken into consideration."

(3765)

LEGISLATIVE ASSEMBLY.

Saturday, 15th April, 1939.

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.

CONDUCT OF A EUROPEAN MILITARY OFFICER AND HIS WIFE TOWARDS THAKUR KALYAN SINGH, AIDE-DE-CAMP TO HIS HIGHNESS THE MAHARAJA OF JODHPUR, WEARING A *DHOTI*, WHILE TRAVELLING IN THE FRONTIER MAIL.

1731. *Mr. T. S. Avinashilingam Chettiar: Will the Defence Secretary state:

- (a) whether he has received the judgment of court that he referred to in his answer to question No. 1412 on the 30th March, 1939; and
- (b) if so, what action have Government taken against the European military officer concerned?

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

(b) I refer the Honourable Member to the information laid on the table on the 11th April, 1939, in reply to starred question No. 1412 asked by Mr. Brojendra Narayan Chaudhury on the 30th March, 1939.

Mr. T. S. Avinashilingam Chettiar: It is now the 15th April, and we have not got copies of the statement; will the Honourable Member read it over again?

Mr. C. M. G. Ogilvie: I am afraid, I have not got the statement laid on the table, but I have got the facts here, if the Honourable Member would like to hear them.

Mr. T. S. Avinashilingam Chettiar: Yes, I should like to hear them.

Mr. C. M. G. Ogilvie: The idea that there was a complaint against the gentleman wearing a *dhoti* is entirely wrong. It was not a question of wearing a *dhoti* at all; it was a question of undressing himself in public in a railway carriage in the presence of a lady and shielding himself, as far as that was possible, with a *dhoti* which did not appear to the persons occupying the carriage to be sufficient. He refused to go into the toilet

Mr. Brojendra Narayan Ohaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, I beg to oppose this motion. Sir, this is a one clause Bill. The object is to deny the right hitherto enjoyed by the Port Trust to repay loans as early as possible. Now, Sir, the main object of the grant of loan is to benefit the loan taker and the benefit which the loan giver gets is the amount of interest. That is the precise amount of benefit which he ought to get and which he does get. Now, there is no reason why if the debtor is able to pay earlier, the creditor should object and say, "No, I will not accept the payment". The thing looks very much like the tactics of the Jews or better still the tactics of the Kabuli moneylenders who abound in this country in such large numbers and who care more for interest than even for the principal sum. The Honourable Member said that it is undesirable from the new policy of granting loans by the Government of India. He has not told us how it is undesirable, how the Government of India will suffer by that. The money will be back to them and it will lie like other funds in the Government treasury and be utilised. How the Government of India will suffer by the premature payment of the debt is not known. Another point has been made out, that the Port Trust has agreed.

The Port Trusts, as we all know, are semi-official bodies and sometimes in liaison with the Government behind our backs and they are sure to agree to this. So this House will not put much faith in their agreeing to this. At any rate the Members of this House are quite free to exercise their own judgment as to whether these restrictions are desirable and whether it may not unnecessarily hurt the Port Trusts, when they have got the money, to keep it in their own hands and at the same time pay interest on it to the Government of India. Therefore, Sir, unless better reasons for this very peculiar position taken by the Government are forthcoming, I would advise the House to reject it.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, the Statement of Objects and Reasons says this:

"The recent changes in the constitutional position have caused the Government of India to modify their loans policy considerably."

I should like to know what the changes are which have caused them to modify their loans policy with regard to the Port Trusts. There must be a uniform policy in the matter of giving loans to Port Trusts and there must be Ports which have borrowed considerable sums from Government. There are certain ports which have newly come into existence and there are ports which are under the direct cognisance of the Government of India like Calcutta, Madras, Vizagapatam, and Cochin which is now considered to be a major port in the making. They have advanced large amounts to make these ports and now they have come forward with an amending Bill with regard to the Chittagong Port Trust alone. If this change in the loan policy of Government depends upon the change in the constitutional position, there must be such amending Bills with regard to all other ports; but as far as I am aware, there are no such Bills on the table of the House, nor are we aware of any intentions on the part of Government to introduce such Bills. Then they state in the Statement of Objects and Reasons:

"It is felt that it is no longer possible to continue to lend to the Commissioners while the statutory right of premature repayment conferred by section 80 remains in force."

Am I to understand that Government today do not feel it possible to lend money to these Port Trusts on the conditions on which they have been lending hitherto? If that is so, what about the other Port Trusts to which they have lent money? The Honourable Member adduced another argument which was that the Commissioners of the Chittagong Port Trust have agreed to this amendment; that is, hereafter they have agreed to pay the loans that they have received from Government only after the period for which it is borrowed has expired. I do not know whether public institutions like Port Trusts should be governed in the same way as those which govern private transactions; but I do think that an amendment of this sort should not be introduced, specially when it will seriously affect the conditions under which other ports also have borrowed from Government. A port is certainly a matter of public interest and I think loans are given to the Port Trusts on the specific understanding that they will help trade and in that way help the well-being of the country. Therefore I do not see why conditions which are imposed usually on ordinary and private transactions should be imposed on these public institutions also. I shall be glad if Government will explain to us the real changes in the constitutional position which have made them introduce this Bill. The Honourable Member in his short speech did not say anything about these changes, neither has he said why it is not possible hereafter to lend money on the conditions which have existed up till now.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 15th April, 1939.

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room for the purpose when asked to do so, and the Magistrate in his judgment has said that:

While it would have been more decent on the part of Thakur Kalyan Singh to have undressed in the toilet room and thus respected the sentiments of his fellow passengers, his act of undressing in the compartment and covering himself with a *dhoti* cannot amount to an offence punishable under section 120 of the Railways Act, and I acquit him."

Mr. Brojendra Narayan Chaudhury: Will any compensation be paid to the Thakur Saheb for this unnecessary harassment?

Mr. C. M. G. Ogilvie: As far as the Defence Department is concerned, most certainly not.

Mr. Brojendra Narayan Chaudhury: May I know if the Defence Department will ask the complainant officer to pay compensation?

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

Mr. Badri Dutt Pande: May I know if they will object to short skirts worn by ladies?

Mr. C. M. G. Ogilvie: That is a hypothetical question.

Mr. S. Satyamurti: Do the Defence Department accept the position that it is open to their employees travelling on the railways to enforce what they consider ideas of decency against fellow passengers, instead of calling the police and the railway authorities?

Mr. C. M. G. Ogilvie: The officer concerned very properly informed the Guard and, in my opinion, had ample reason for so doing.

Mr. S. Satyamurti: Did the Guard interfere?

Mr. C. M. G. Ogilvie: The Guard was informed and ultimately the Railway Police were responsible for the case being instituted against this person.

Mr. S. Satyamurti: I am asking about the earlier event. Do the Defence Department accept the position that it is open to their employees to use force against fellow passengers on alleged grounds of decency, in order to eject them?

Mr. C. M. G. Ogilvie: No force of any kind was used and the passenger was not ejected. He was merely politely asked to undress himself in the toilet room.

Qazi Muhammad Ahmad Kazmi: Was any charge of undressing in the compartment specifically laid against that gentleman when the prosecution was launched and is there any definite finding by the court whether he was or was not really undressing himself?

Mr. C. M. G. Ogilvie: Yes; I have already answered this question fully.

Mr. Sri Prakasa: Is the Honourable Member aware that it is possible to change decently from *dhoti* to *dhoti* but not from trouser to trouser?

ALLEGATIONS AGAINST SOLDIERS STATIONED IN THE FEROZEPORE CANTONMENT.

1732. ***Mr. T. S. Avinashilingam Chettiar:** Will the Defence Secretary state:

- (a) whether there have been cases of the soldiers stationed in the Ferozepore Cantonment having gone out of their place and assaulted or molested the civilians in the last two months;
- (b) if so, what are the cases, and how many soldiers have been involved; and
- (c) what steps have Government taken in the matter?

Mr. C. M. G. Ogilvie: (a) and (b). There have been two cases in which British soldiers are alleged to have been concerned. I referred to one in my reply on the 11th April, 1939, to starred question No. 1599. In the second case two chowkidars living in a hut near Ferozepore Fort are said to have been assaulted.

(c) One case is *sub judice*, and the other in the hands of the police. No further steps are at present contemplated.

Mr. T. S. Avinashilingam Chettiar: Is it the position of the Defence Department that they ought not to take any disciplinary action against people who have been parties to this, unless they are convicted?

Mr. C. M. G. Ogilvie: I cannot possibly say what action they will take if or if not they are convicted. One case is *sub judice* and the other is being inquired into by the police. That is all that in the circumstances I can possibly say about this.

Mr. T. S. Avinashilingam Chettiar: Apart from law, do the Defence Department take disciplinary action in these matters?

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

Mr. T. S. Avinashilingam Chettiar: What action has been taken in these two cases?

Mr. C. M. G. Ogilvie: None. As I have already said twice, one case is *sub judice* and the other is in the hands of the police. We shall see what they do.

ALLEGATIONS AGAINST BRITISH ARMY OFFICERS TRAVELLING TO EUROPE IN S.S. "CONTE BIANCAMANO".

1733. ***Mr. Mohan Lal Saksena:** (a) Will the Defence Secretary be pleased to state whether the attention of Government has been drawn to the communication sent to the President of the Indian National Congress by certain Indians travelling to Europe by the S.S. "Conte Biancamano"?

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of the Lloyd Triestino Line making complaints against the unruly and insulting behaviour of British Army officers and published in the *National Herald*, dated the 30th March, 1939?

(b) Have Government made any enquiries into the matter as to whether it is true that these officers forcibly stopped Indian music and used insulting and derogatory language towards Indian music and Indian travellers?

(c) What action, if any, have Government taken to put a stop to the repetition of such incidents?

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

(b) and (c). I am making enquiries but the Honourable Member will no doubt realise that some time must elapse before these are completed.

LAND OWNED BY THE MILITARY DEPARTMENT IN BEHALA NEAR CALCUTTA.

1734. ***Dr. Sir Ziauddin Ahmad:** (a) Will the Defence Secretary please state whether the Military Department owned 27 acres of land in Behala (near Calcutta)?

(b) Was it offered for sale? If so, through whom?

(c) Did the Government of India try to sell it through the Local Government? If so, will Government be pleased to lay the correspondence on the table?

(d) Why did Government not sell the land but lease it out for 99 years at nine annas *per cotta per annum*?

(e) Is it a fact that the maximum rent prevailing in that locality is Rs. 9 *per cotta*?

(f) If the reply to part (d) above be in the affirmative, will Government please state who is responsible for the loss of money to the Central Government?

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

(b)–(f). Do not arise.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

1735. ***Mr. Muhammad Azhar Ali:** Will the Defence Secretary please state if the intention of Government has been and is to honour (i) the recommendations of the Informal Committee on War Pensions, and (ii) the definition of the term 'attributable to military service' given in the Medical Regulations, 1925 edition as distinct from the one lately altered in other editions?

Mr. C. M. G. Ogilvie: (i) I refer the Honourable Member to India Army Order No. 580, dated the 25th September, 1933, a copy of which is in the Library.

(ii) There is no material change in the definition of the phrase "attributable to military service" since 1925.

Mr. Muhammad Azhar Ali: With regard to part (i) of the question, in honouring the recommendations will the department look seriously to the recommendations of the informal committee?

Mr. C. M. G. Ogilvie: The Army Order was based upon the recommendations of that committee. If the Honourable Member will see the Army Order he will see how far they have been followed.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

1736. ***Mr. Muhammad Azhar Ali:** Will the Defence Secretary please state the reasons as to why the unconditional family pensions, once granted for life, were lately stopped and then restored and the consequent arrears were given only for a limited period (disallowing arrears from eight to fifteen years) and not for the full period of suspension of such pensions?

Mr. C. M. G. Ogilvie: No pensions have been lately stopped. They are, moreover, never unconditional. I refer the Honourable Member to paragraph 248 of the Pension Regulations for the Army in India, a copy of which is in the Library of the House.

Cases for restoration of pensions are regulated in accordance with recommendation No. VII of the War Pensions Committee and the orders of Government thereon.

INCOME AND EXPENDITURE OF THE CURRENCY DEPARTMENT.

†1737. ***Babu Baijnath Bajoria:** Will the Honourable the Finance Member kindly state:

(a) whether it is a fact that the profits to Government from currency have been lower since the Reserve Bank has taken control of its management than those that accrued when Government were themselves the currency authority; if so, what are the causes of such decrease in profits;

(b) whether it is a fact that the expenses of management of the Currency Department have gone up from forty lakhs to one crore since the Reserve Bank has taken over the charge of management; if so, what are the reasons for such abnormal increase;

(c) what advantages, if any, have resulted by this transfer of management of currency from Government to the Reserve Bank; and

(d) what profits from currency to Government and the cost of management of Currency Department have been during each of the last five years?

The Honourable Mr. A. J. Raisman: (a), (b) and (c). I would invite the attention of the Honourable Member to my speech in the Council of State on the 28th March last.

(d) I would refer the Honourable Member to the Finance and Revenue Accounts and the annual reports of the Reserve Bank.

† Answer to this question laid on the table, the questioner being absent.

IMMIGRATION OF JEWISH DOCTORS INTO INDIA.

1738. *Mr. Kuladhar Chalhha: (a) Will the Honourable the Home Member please state if his attention has been drawn to an article published in the *Hindusthan Standard* of Calcutta, dated the 21st March, 1939, under the heading "The Jew question in India" by Mr. Habibur Rahman?

(b) Is the Honourable Member aware that a medical delegation waited on the Congress President to represent that the immigration of Jewish doctors to India must be stopped and that they should not be naturalised in India?

(c) Is the Honourable Member aware that in Bombay Jewish doctors are daily gaining ground jeopardising the position of Indian doctors?

(d) Did the All-India Medical Conference protest against the invasion of Jewish doctors and ask the Central Government to stop the immigration?

(e) If so, are Government prepared to see that Jewish doctors are not allowed to practise in India to the detriment of the Indian medical interest?

The Honourable Sir Reginald Maxwell: (a) Yes.

(b) Government have no information.

(c) Such information as I have received does not bear out the Honourable Member's suggestion.

(d) and (e). I refer the Honourable Member to the reply given by Sir G. S. Bajpai to part (c) of Mr. Lalchand Navalrai's starred question No. 52 of the 4th February, 1939.

LEASE AND PURCHASE OF LAND IN KOHAT CANTONMENT.

1739. *Mr. Abdul Qaiyum: Will the Defence Secretary please state:

(a) whether Government have taken any land on lease close to Kohat Cantonment; if so, the area so leased, and the amount which is being paid per acre both the minimum and the maximum;

(b) whether Government are about to or propose to buy land near the Royal Air Force landing ground Kohat; and

(c) if so, whether Government are aware that this will involve great hardship to private owners, and whether Government have considered that the same cannot be avoided; if not, the reasons therefor?

Mr. C. M. G. Ogilvie: (a) The following lands near Kohat Cantonment are held on lease by Government:

(1) 18.14 acres hired for the Military Grass Farm Stock Yard on payment of an annual rent of Rs. 48-9-0 per acre.

(2) 17.23 acres which form part of the Royal Air Force Landing Ground, aerodrome and camp on a 99 years' lease from the 1st April 1929 on payment of an annual rent of Rs. 84-9-0 per acre, and

(3) 26.787 acres for the accommodation of No. 40 Animal Transport Company. This area is temporarily held on a yearly basis. The actual rent paid is not known.

(b) Proposals are under consideration which may involve the purchase of land near the Air Force Landing Ground at Kohat.

(c) The purchase of any land likely to involve hardship to private owners will, if possible, be avoided.

Mr. Abdul Qaiyum: I am thankful for the information, but I should like to ask about (c), whether it would not be possible to take the land on long lease instead of purchasing it?

Mr. C. M. G. Ogilvie: In consideration of that and all other matters connected with the inconvenience which may be caused to local owners, the whole of this case is still being held up and a decision has not yet been arrived at.

Mr. Abdul Qaiyum: May I know if the alternative of the land being taken on lease is also being considered by the Government?

Mr. C. M. G. Ogilvie: I cannot say whether that is being considered or not, but I am prepared to inquire.

LEASING OUT OF THE FOOTBALL GROUND BETWEEN THE PESHAWAR SADAR POLO GROUND AND THE DAIRY FARM.

1740. *Mr. Abdul Qaiyum: Will the Defence Secretary please state:

(a) whether he has received a representation from the Vice-President, the Peshawar Cantonment Gymkhana Football Club, dated the 8th March, 1939, requesting that the football ground between the Peshawar Sadar polo ground and the dairy farm be leased to the said club;

(b) whether he has considered the request and come to any decision; if so, the nature thereof;

(c) whether this club had been formerly using this ground for twenty to twenty-five years; and

(d) whether he is prepared to give this ground on lease to the said club on suitable terms?

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

(b), (c) and (d). I am collecting the information and will lay it on the table in due course.

Mr. Abdul Qaiyum: May I know whether this ground was leased to a hockey club, while the football club has been asking the Government all along to lease this land to them?

Mr. C. M. G. Ogilvie: I understand that there is another club called the Frontier Hockey Club which is also an applicant for this land. Whether it has ever been leased to it or not I do not know.

Mr. Abdul Qaiyum: In view of the fact that this football club has used this ground for twenty to twenty-five years, will Government consider their claim also when the question of lease is being considered?

Mr. C. M. G. Ogilvie: Government will certainly consider their claims, yes.

BAN ON THE ENTRY OF CERTAIN NEWSPAPERS AND JOURNALS IN ARMY CIRCLES.

1741. *Qazi Muhammad Ahmad Kazmi: (a) Will the Defence Secretary be pleased to state whether the Army authorities ban the entry of newspapers and journals in Army circles, the policy of which is regarded by them as anti-loyalist?

(b) Are any lists maintained by the Army Department, and, if so, what is their nature, viz.:

(i) are they the lists of papers which are banned; or

(ii) are they the lists of papers which are allowed; or

(iii) do the lists contain the names of both?

(c) Are these lists ever revised, if so, who revises them?

(d) Have the military authorities received any representations in respect of their decisions in the matter of banning newspapers?

(e) What are the papers and journals issued from Delhi the entry of which is banned in the Army circles?

Mr. C. M. G. Ogilvie: (a), (b), (c) and (e). I refer the Honourable Member to the reply given by my predecessor to starred question No. 1552, asked by Mr. T. S. Avinashilingam Chettiar on the 14th April, 1938.

(d) No.

Mr. Badri Dutt Pande: Is it a fact that nobody can read a Hindi newspaper in the Lansdowne Cantonment Bazaar Area?

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

BAN ON THE ENTRY OF CERTAIN NEWSPAPERS AND JOURNALS IN ARMY CIRCLES.

1742. *Qazi Muhammad Ahmad Kazmi: (a) Will the Defence Secretary be pleased to state whether the Army authorities considered the views of the newspapers and journals advocating Congress policy as anti-loyalists?

(b) If the answer to part (a) above be in the negative, has the ban against the entry of such journals and newspapers in Army circles been removed?

Mr. C. M. G. Ogilvie: The question is not sufficiently explicit to enable me to give a reply. If the Honourable Member will state what he means by "Congress Policy" in this connection, I will be in a position to do so.

(b) I refer the Honourable Member to the reply I have just given to part (a) of his previous question.

Mr. S. Satyamurti: Does my Honourable friend seriously suggest that he does not know what the Congress policy is?

Mr. C. M. G. Ogilvie: Personally I have always been in grave doubts as to what it is. Certainly in this connection I cannot say possibly what Congress policy is, unless a precise definition was given to me.

Mr. S. Satyamurti: Has my Honourable friend not read the resolutions of the Congress published wide and broadcast in the press from year to year?

Mr. C. M. G. Ogilvie: I have read very many resolutions passed by the Congress.

Mr. S. Satyamurti: What is it due to then,—that he cannot understand what the policy of the Congress is?

Mr. C. M. G. Ogilvie: I want to know what the Congress policy is in this connection.

Qazi Muhammad Ahmad Kazmi: It is the attainment of independence

Mr. President (The Honourable Sir Abdur Rahim): He has not put down any question about it.

Mr. S. Satyamurti: My friend asked about journals advocating Congress policy, and my Honourable friend the Defence Secretary says he does not know what it is.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member, Mr. Kazmi, wanted to define what the policy was, and the Chair suggested that in that case he had better put it down in the question itself.

CHANGE IN THE TIME OF OUTSIDE WORK OF INCOME-TAX OFFICERS AND INSPECTORS.

1743. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state if it is a fact that income-tax officers and inspectors are required by the Commissioners of Income-tax to do 'outside work' in May and June—the hottest months of the year—unlike the practice in other departments?

(b) Is it a fact that during this 'outside work' the income-tax officers and inspectors have to visit and enter into the business premises?

(c) If the answer to part (a) above be in the affirmative, have Government considered the advisability of changing the time for the outside work?

The Honourable Mr. A. J. Raisman: (a) There is no fixed period of the year in which survey work is undertaken. Inspectors make outside enquiries throughout the year and Income-tax Officers when their other work leaves them free to do so, which often happens to be the months of May and June.

(b) In the course of their enquiries Income-tax Officers and Inspectors do visit and enter business premises.

(c) Government are making enquiries and will consider the advisability of revising any orders which involve hardship on the officers concerned.

TERRITORIAL RE-DISTRIBUTION FOR INCOME-TAX PURPOSES OF CERTAIN PLACES.

1744. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state how many times during the last fifteen years changes in the territorial distribution for income-tax purposes have been made with respect to the districts of Bulandshahr, Saharanpur and Mirzapur?

(b) What are the principles on which territorial re-distribution for income-tax purposes is so often made?

(c) Are Government aware of the great inconvenience both to the public and the staff, resulting from such changes, and have Government considered the advisability of appointing at least one inspector in each district and making the territorial distribution more stable?

The Honourable Mr. A. J. Raisman: (a), (b) and (c). The information is being obtained and will be laid on the table of the House in due course.

MAKING OF ADVERSE REMARKS AGAINST THEIR SUBORDINATES BY THE COMMISSIONERS OF INCOME-TAX.

1745. *Qazi Muhammad Ahmad Kazmi: (a) Will the Honourable the Finance Member please state by what rules the conduct of the Commissioners of Income-tax and lower gazetted staff of the Income-tax Department is regulated?

(b) Are the Commissioners of Income-tax entitled to, or as a matter of practice actually enter, remarks against their subordinates without first calling for their explanations?

(c) If the answer to part (b) above be in the affirmative, have Government considered the advisability of directing Commissioners of Income-tax not to make adverse remarks against their subordinate gazetted staff without first calling for their explanations?

The Honourable Mr. A. J. Raisman: (a) The Government Servants' Conduct Rules and the Civil Services (Classification, Control and Appeal) Rules.

(b) and (c). I would refer the Honourable Member to the reply given by the Honourable the Home Member on the 8th March, 1939, to parts (a) and (b) of question No. 871, put by Khan Bahadur Shaikh Fazl-i-Haq Piracha, and would add that the standard instructions of the Government of India referred to therein were communicated, among others, to the Commissioners of Income-tax for their guidance.

CONSTITUTION OF THE MANAGING COMMITTEES OF THE FATEHPURI MOSQUE AND JUMA MASJID IN DELHI.

†1746. *Pandit Sri Krishna Dutta Paliwal: (a) Will the Honourable the Home Member be pleased to state under what law or arrangement the managing committees of the Fatehpuri Mosque and Juma Masjid in Delhi have been constituted?

† Answer to this question laid on the table, the questioner being absent.

(b) Are these committees required to get their accounts audited and publish the information, or to submit them to Government?

(c) Is it or is it not a fact that these committees do not publish their accounts and that there has been great agitation amongst the Muslim public against the management and accounts of these committees, and the said committees do not enjoy the public confidence?

(d) Have Government considered the advisability of:

(1) getting the committees to submit their accounts to Government and publishing them; and

(2) changing the constitution of the committees in such a way as to make them representative of the public, and make the management efficient?

The Honourable Sir Reginald Maxwell: (a) The Committees are constituted under agreements or acknowledgments entered into by some Muslim members of the public with Government in 1862 for the Juma Masjid and 1877 for the Fatehpuri Masjid.

(b) No.

(c) I understand that accounts are not regularly published and that there has been some agitation among the Muslim public on this account. But whether the committees enjoy the public confidence or not is a matter on which Government cannot express a definite opinion.

(d) Government have not considered the suggestion made in the first part of the question. A Bill to change the constitution of the committee has recently been introduced in the Council of State and circulated for eliciting opinions thereon. Government will consider their attitude in the matter on receipt of the opinions elicited.

STOPPAGE OF RECRUITMENT IN THE GOVERNMENT OF INDIA OFFICES AND RAISING OF AGE-LIMIT FOR CANDIDATES ON THE WAITING LIST.

1747. *Bhai Parma Nand: (a) Will the Honourable the Home Member state if it is a fact that the Central Government issued an Economy Order in 1938 stopping recruitment in its offices till 31st March, 1940?

(b) Are Government prepared to raise the maximum age-limit in respect of such candidates at least whose names are on the waiting list for appointment in offices of the Government of India, e.g., a Civil Accounts Office who would otherwise be ineligible due to being over age?

(c) If not, why not?

The Honourable Sir Reginald Maxwell: (a) No. The orders are that recruitment is to be stopped until the number of vacancies reaches ten per cent. of the strength of the cadre, after which recruitment may be made to any further vacancies that may arise.

(b) and (c). If, as I presume, the Honourable Member refers to the recruitment of the ministerial establishment of the Government of India offices, I may explain that no waiting list is maintained in respect of offices which recruit their staff through the Home Department from the list of candidates successful at examination held periodically by the Federal Public Service Commission. These examinations are being held as heretofore and the question of taking action such as that suggested does not arise.

HOUSE SCAVENGING TAX IN KASAUJI CANTONMENT.

1748. *Mr. K. Santhanam (on behalf of Mr. Sham Lal): Will the Defence Secretary be pleased to state:

- (a) if it is true that the Cantonment Board, Kasauli, has undertaken the house scavenging of all the buildings and lands situated in notified bazar area under section 131 of the Cantonment Act, 1924 and in consideration thereof has imposed a tax at the rate of 6½ per cent. on the annual rental value of the houses of lands;
- (b) if it is true that this has been done without any notice to the persons affected as required by section 131 (1) of the Cantonment Act;
- (c) if it is true that notwithstanding the undertaking of house scavenging the Cantonment Board has made no arrangement for house scavenging as defined in section 131 (3) of the Cantonment Act;
- (d) if it is true that on account of strong representation of the inhabitants of the notified bazar area last year a similar proposal was dropped and this year this step has been taken without any opportunity having been given to the persons concerned as to why this should not be done;
- (e) if it is true that as a protest against the above mentioned imposition the inhabitants of the said area have refused to pay the tax; and
- (f) what action, if any, Government proposed to take in this matter?

Mr. C. M. G. Ogilvie: (a) to (f). I am collecting the necessary information and will lay it on the table in due course.

SUMMONING OF A CONFERENCE OF FINANCE MINISTERS.

1749. *Mr. S. Satyamurti: Will the Honourable the Finance Member please state:

- (a) whether he proposes to summon a conference of the Finance Ministers of the various Provinces with a view to discussing and exploring the possibilities of settlement of all outstanding questions of finance and of taxation between the Central Government and the Provinces;
- (b) if so, when; if not, why not;
- (c) whether the agenda for the conference will include the possibility of joint consultation as suggested by the Chief Justice of the Federal Court in respect of concurrent fields of taxation in the future; and
- (d) whether the conference will also consider the question of evolving as far as possible a uniform taxation policy from the point of view of just incidence of taxation in respect of central and provincial and local taxation?

The Honourable Mr. A. J. Raisman: (a) to (d). This is a question which will receive my early attention, but I am not yet in a position to make any announcement.

Mr. S. Satyamurti: May I know whether this answer covers the particular points mentioned by me in clauses (c) and (d) of the question, namely, the possibility of joint consultation as suggested by the Chief Justice of the Federal Court in respect of concurrent fields of taxation in the future, and the question of evolving a uniform taxation policy?

The Honourable Mr. A. J. Raisman: The determination of what problems should be discussed as well as the decision about having a conference are both matters which will receive my early attention. I cannot give an answer now.

Mr. S. Satyamurti: May I take it therefore that no problem has been decided by my Honourable friend as fit for consultation or ripe for consultation between the Central and Provincial Governments?

The Honourable Mr. A. J. Raisman: Not yet.

Mr. S. Satyamurti: May I know whether my Honourable friend realises the urgency of the point raised by me in clause (c) of the question about co-operation between the Centre and the provinces in view of the advice of the Chief Justice of the Federal Court?

The Honourable Mr. A. J. Raisman: I think I do, but there are other parties too who will have to realise the urgency of that question before the discussion can be successful.

Mr. S. Satyamurti: Does my friend refer to the Provincial Governments, and does he suggest that they are not willing to co-operate?

The Honourable Mr. A. J. Raisman: I do not suggest that they are not willing to co-operate, but I do suggest that it will be necessary to have a certain amount of preliminary consultation.

Mr. S. Satyamurti: Are these consultations going on now between the Central Government and the Provincial Governments?

The Honourable Mr. A. J. Raisman: I cannot say that I have set the machinery in motion within the last two or three days.

Mr. K. Santhanam: May I know, Sir, whether any steps are being taken to consult the Provincial Governments regarding the tax on sale of electricity sold to the Central Government which is sought to be taken over to the Federal List in the new India Bill?

The Honourable Mr. A. J. Raisman: I should require notice.

DECREASE IN IMPORTS OF SALT FROM NON-INDIAN SOURCES.

1750. *Mr. S. Satyamurti: Will the Honourable the Finance Member please state:

- (a) whether according to the latest information of Government the answer of the Honourable the Finance Member to my supplementary questions to starred question No. 1226 of the 22nd

March, 1939 that imports of salt from ~~new~~ Indian sources have decreased is correct;

- (b) whether it is a fact that in 1930-31, 3,27,028 tons of foreign salt were imported, that is during pre-protection days;
- (c) whether it came down during the days of protection and whether it was only 36,688 tons in 1937-38;
- (d) whether the imports of foreign salt have increased to 2,68,114 in the first 9½ months only from 1st May, 1938 to 15th February, 1939;
- (e) what are the latest figures in this behalf; and
- (f) whether Government are prepared to re-examine the question in the light of the increase of imports of foreign salt?

The Honourable Mr. A. J. Raisman: (a) Yes.

(b) to (c). A statement which explains the position is laid on the table. The figures given in parts (c) and (d) of the Honourable Member's question are not comparable because the figure in (c) excludes exports from Aden while the figure in (d) includes them.

(f) Does not arise.

Imports of salt into British India.

Year.	Imports in Tons.			Remarks.
	From Aden and its Dependencies.	From other countries.	Total.	
1930-31 (Full year) . . .	188,456	515,187	703,643	<i>Pre-protection. Last year of protection.</i>
1937-38 (Full year) . . .	305,637	41,233	3,46,870	
1937-38 (May to February) (10 months).	262,377	37,951	300,328	Do.
1938-39 (May to February) (10 months)..	135,351	146,937	282,288	<i>Post-protection. Latest information available.</i>

Mr. S. Satyamurti: With reference to part (f) of the question, I have not had the time to compare the statement that was laid on the table the other day; but may I know if Government have satisfied themselves that there is no increase in the import of foreign salt and therefore there is no need to re-examine this question?

The Honourable Mr. A. J. Raisman: We have satisfied ourselves that there has been no increase in the imports of foreign salt, and therefore, as I said in part (f) of the question, this question does not arise.

Mr. Manu Subedar: May I know, Sir, if Government have received any communication on the subject of a duty on foreign salt from the Government of Bengal?

The Honourable Mr. A. J. Raisman: We have received communications on the subject at various times. If the Honourable Member is referring to any particular recent communication, I shall require notice.

APPLICATIONS FOR EXPANSION OR CREATION OF UNIVERSITY TRAINING CORPS.

1751. *Mr. S. Satyamurti: Will the Defence Secretary please state:

- (a) how many applications were received from the several Universities during the last five years for the expansion or the creation of University Training Corps in their areas;
- (b) how many of them have been granted, how many refused; the causes of the refusal in all cases in which either the creation of University Training Corps or its expansion has been refused;
- (c) how many applications are now pending with Government from several Universities in this behalf; and
- (d) whether Government propose to take steps to grant the demands of all the Universities who want either to create or expand University Training Corps satisfying the military authorities on necessary conditions; if not, why not?

Mr. C. M. G. Ogilvie: (a) Six from all sources.

(b) All of them have been rejected owing to lack of funds.

(c) None.

(d) Government are anxious to provide for expansion of University Training Corps wherever there is a genuine demand, and will take steps to do so when the provision of funds can be arranged.

Mr. S. Satyamurti: With reference to the six applications to which my friend referred in answer to part (a) of my question as having been rejected, may I know, Sir, whether Government rejected them on the ground that there was no finance but were satisfied that they were all genuine demands?

Mr. C. M. G. Ogilvie: In one or two cases they were doubtful whether there was a sufficient number of possible applicants to make the formation of an U. T. C. possible, but in the others they were satisfied the demand was genuine.

Mr. S. Satyamurti: May I take it, with regard to the others to which my friend made reference, that they were genuine, the reason why Government did not make provision for finance, whether it was a case of the finance required being too much, or they did not want at all to provide for any finance for the expansion of the U. T. C.?

Mr. C. M. G. Ogilvie: I have answered that plainly, and I do not think there is any need for the insinuation in the latter part of the Honourable Member's supplementary question. The money was not forthcoming. As the Honourable Member well knows, it has been difficult to provide finance during the last few years.

Mr. S. Satyamurti: How much is the money required for these four or five, or whatever the number may be, of applications which my Honourable friend's Department considered genuine for which they wanted money, and did they make any application to the Finance Department, and was it turned down?

Mr. C. M. G. Ogilvie: Certain sums are at our disposal at present for this purpose, and as regards the rest I cannot exactly say what was the amount required in each of these cases, but as a general guide the Honourable Member may be interested to know that it costs approximately Rs. 1,88,000 initial expenditure to found a U. T. C., and if it is of the ordinary size, the recurring expenditure is about Rs. 54,000 a year.

Mr. S. Satyamurti: May I know, Sir, whether Government propose to provide for at least one or two University Training Corps in the near future, and take steps to find the money for these?

Mr. C. M. G. Ogilvie: I cannot say anything more clearly than what I have stated in my reply.

Mr. M. S. Aney: May I know, Sir, whether these applications were received simultaneously or they were received in separate years?

Mr. C. M. G. Ogilvie: They were received in separate years.

Mr. M. S. Aney: Was it impossible to make provision for at least one University Training Corps when the applications were received in separate years?

Mr. C. M. G. Ogilvie: That is the inference the Honourable Member must draw.

WORKING OF NEW SYSTEM OF THE RELATIONS BETWEEN THE CHIEF ACCOUNTS OFFICER AND THE GENERAL MANAGERS ON CERTAIN STATE RAILWAYS.

1752. *Mr. S. Satyamurti: Will the Honourable the Finance Member please state:

- (a) whether he has received any reports from the Financial Commissioner for Railways about the working of the new system of the relations between the Chief Accounts Officer and the General Managers on the Great Indian Peninsula and the North Western Railways;
- (b) whether these reports will be placed on the table of the House;
- (c) what the experience of the working of this system so far has been; and
- (d) whether Government have received any communications from the Auditor General in this behalf; if so, whether they will place it on the table of the House?

The Honourable Mr. A. J. Raisman: (a) to (d). A report will be submitted to the Public Accounts Committee in due course. It is yet too early to draw any conclusions about the results of the experiment.

Mr. S. Satyamurti: With reference to the answer to clause (b) of my question, may I know, Sir, whether the Government of India have received any communication from the Auditor General in this behalf?

The Honourable Mr. A. J. Raisman: No, I have not yet received reports from the Financial Commissioner or the Auditor General.

Mr. S. Satyamurti: With reference to the fact that this arrangement is entered into on the distinct understanding that the Auditor General must keep a close watch on the working of this experiment, may I know whether the Government have any means of judging for themselves from time to time that the Auditor General is as a matter of fact keeping a close watch in this respect?

The Honourable Mr. A. J. Raisman: I see no reason why means should be devised for seeing that the Auditor General carries out his function.

Mr. S. Satyamurti: With reference to the Financial Commissioner who is directly under my friend, may I know whether the Financial Commissioner is keeping a close watch on this experiment?

The Honourable Mr. A. J. Raisman: I think he is.

WAR PREPARATIONS IN INDIA.

1753. *Mr. S. Satyamurti: Will the Defence Secretary please state:

- (a) whether in respect of the present situation in Europe and the attitude of England towards the affairs in Central Europe the Government of India have received any specific communication from His Majesty's Government with regard to war preparation; and
- (b) if so, what they are?

Mr. C. M. G. Ogilvie: (a) and (b). It is not in the public interest to answer this question.

Mr. F. E. James: With reference to the reply to clause (a) of the question, may I know, Sir, whether Government have received any intimation from the President of the All-India Muslim League as to the Muslim reaction to Italy's invasion of Albania?

Mr. C. M. G. Ogilvie: Not so far as I am aware.

Mr. F. E. James: Is the Honourable Member aware as to whether the All-India Muslim League, as was the case with regard to Palestine, has taken any steps to make known its opinion upon the invasion of Albania?

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

Mr. Manu Subedar: In view of the fact that His Majesty's Government are frequently calling the Leaders of Opposition in conference over foreign and defence policy, may I know whether the Government of India have decided to take the party leaders in confidence over the defence issues?

Mr. C. M. G. Ogilvie: That does not arise out of this question.

Maulvi Syed Murtuza Sahib Bahadur: Is the Honourable Member aware of the fact that the Provincial Muslim League Conference which was held in Delhi last week passed a resolution regarding the Italian invasion of Albania?

Mr. C. M. G. Ogilvie: I am not myself aware, but at any rate it does not arise out of this question.

Mr. Manu Subedar: I submit, it does arise out of this, Sir, because the question asks whether in respect of the present situation in Europe the Government of India have received any communication from His Majesty's Government with regard to defence preparations, and the Honourable Member said that he cannot place before this House any information in public interest, then my question is whether the Government will place these communications or any information before the leaders of parties?

Mr. C. M. G. Ogilvie: I am not at present in a position to add anything further to my reply.

Mr. S. Satyamurti: May I take it, therefore, that Government propose to carry on their war preparations, without consulting the public at any stage?

Mr. C. M. G. Ogilvie: The Honourable Member should, I submit, by this time be aware that war preparations are never discussed in public.

Mr. S. Satyamurti: I am not suggesting that there should be a public discussion, but I am merely asking whether Government will be prepared to take the leaders of the parties in confidence and place the information before them.

Mr. C. M. G. Ogilvie: I am not at present in a position to say anything about that.

Mr. S. Satyamurti: May I know if my friend will be able to say something a little later as to whether Government will take at any stage leaders of parties in consultation, whenever they want the co-operation of the people, otherwise they won't get it.

Mr. C. M. G. Ogilvie: I do not know whether the Honourable Member is informing or threatening me or asking me a question.

Mr. S. Satyamurti: I am asking him a question.

Mr. C. M. G. Ogilvie: I can only answer that at present I have nothing further whatever to add to what I have already stated. Whether circumstances in future may arise which will necessitate consulting party leaders or others, I cannot at present say.

Mr. F. E. James: May I know whether Government have discussed war preparations with Dr. Schacht?

Mr. C. M. G. Ogilvie: Not to my knowledge.

DELAY IN THE SUPPLY OF APPLICATION FORMS FOR APPOINTMENTS OF ACCOUNTING ASSISTANTS UNDER THE SUPERINTENDENT OF INSURANCE.

1754. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Will the Honourable the Home Member please state if it is a fact that in December 1938, some qualified candidates from Madras sent for the application forms and other details regarding the five appointments of Accounting Assistants, under the Superintendent of Insurances, Government of India?

- (b) If so, when were the application forms despatched?
 (c) What was the last date for the applications to reach the Federal Public Service Commission, New Delhi?
 (d) Why were not the application forms despatched immediately after the receipt of those letters?
 (e) Was there any complaint from the candidates to the higher authorities concerned and what steps did they take in that connection?
 (f) Has the Chairman, Federal Public Service Commission, allowed an extension of time to the aggrieved candidates to submit their applications within a reasonable time?
 (g) What steps are the Government of India taking or propose taking to prevent such irregularities from being repeated in future?

The Honourable Sir Reginald Maxwell: Enquiries are being made and the information will be laid on the table in due course.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to part (c) of starred question No. 348, asked by Prof. N. G. Ranga on the 13th February, 1939.

ELECTION OF A NON-OFFICIAL CHAIRMAN TO THE BEAWAR MUNICIPAL COMMITTEE.

- (c) A resolution demanding that the notification should be cancelled was passed and forwarded to the Chief Commissioner late in 1936.

Information promised in reply to starred question No. 444 asked by Babu Kailash Behari Lal on the 15th February, 1939.

WANT OF LATRINES IN THIRD CLASS COMPARTMENTS ON THE BIHAR BAKHTIARPUR LIGHT RAILWAY.

- (a) and (b). A statement showing the total number of coaches on the line and the number provided with latrines is attached.
 (c) Government have had no complaints. As the line is only 33 miles in length, they do not consider that the existing latrine accommodation with that to be provided during 1939-40 is inadequate.

Statement showing the Number of Carriages fitted with Latrines on the Bakhtiarapur Bihar Light Railway.

Type of carriages.	Number of line.	Number fitted with latrine.	Remarks.
Third class bogie carriages	8	5	The balance of 3 will be provided with latrines during 1939-40.
First, second, Intermediate bogie	3	3	Female compartment only has latrine.
Intermediate, male and female	1	..	All have latrines, excepting one third class compartment.
Intermediate and third	3	..	R. M. S. only has latrine.
R. M. S. and Brake van	1	1	Third female only has latrine.
R. M. S. and third female	1	1	Third female only have latrines.
Brake van and third female	2	2	
Brake van and third	2	1	

Information promised in reply to parts (a) to (e) of starred question No. 905 and parts (a) to (e) of starred question No. 908 asked by Mr. K. S. Gupta on the 9th March, 1939.

TEMPORARY OFFICERS IN THE VIZAGAPATAM PORT.

Starred question No. 905.—(a) There are 62 temporary posts, three of which are at present vacant, and in addition ten persons are temporarily officiating in permanent posts.

(b) It is not possible to say at present if or when the 62 temporary posts will be made permanent or the ten temporary holders of permanent posts will be confirmed.

(c) A statement showing the rates of pay of each of the temporary men in question is laid on the table. I cannot predict what rates of pay would be fixed for the temporary posts if they were made permanent.

(d) Of the ten officers temporarily officiating in permanent posts, eight have been so officiating since February, 1937, one since July, 1938, and one since August, 1938.

(e) It is not clear to what Report the Honourable Member refers. No change has been made in the system of administering the Port of Vizagapatam since 1937.

Statement showing Officers holding temporary posts.

Group.	Designation.	No. of Posts.	Grade.
			Rs.
1. Traffic Department	Revenue Officer	1	125—10/2—175 + Rs. 28/4 C. T. allowance.
	Junior Revenue Inspector	2	30—3/2—45—2/2—55 + Rs. 10 vehicle allowance.
	Ditto	1	30—3/2—45—2/2—55.
2. Medical and Health	Manganese Overseer	2	40—2—60.
	Medical Officer	1	215—25—415 + 50 A.M. Allowance + 50 M.C. Allowance.
	Assistant Medical Officer	1	80—10—120 + 13/2/ (Vacant) C. T. Allowance.
	Compounder	1	45—5—70.
	Health Inspector	1	50—5—70 + 13.2.0 Con. Allowance.
	Assistant Health Inspector	1	30—2 1/2—50.
	Ditto	1	28—1 1/2—46.
3. Clerical.	Junior Inspector	1	1 per day.
	Senior Clerk	2	55—5/2—70.
	Do.	2	55—5/2—70.
	Junior Clerk	6	30—3/2—45—2/2—55.
	Checker	1	20—1—30.
	Do.	1	20—1—30.
	Do.	1	20—1—30.
	Do.	1	20—1—30.
4. Drawing Office.	Junior Draughtsman	1	45—3—90.
	Do.	1	45—3—90.
	Tracer	1	28—1—42—1/2—45.

Group.	Designation.	No. of Posts.	Grade.
			Rs.
5. Executive Subordinates.	Overseer	1	100—2 1/2—150.
	Inspector Watch and Ward	1	30—3/2—45—2/2—55 + 3 Con. Allowance.
5. Executive Subordinates—contd.	Stock Verifier	1	100—2 1/2—150 + 3 Con. Allowance.
	Electrical Foreman	1	180—7—250.
	Assistant Electrical Foreman	1	100—2 1/2—150 + 3 Con. Allowance.
6. Dredging Staff	Dredging Master	1	300—7 1/2—390—10—450 + 100 Allowance for Master's certificate.
	Do.	1	260—7 1/2—350.
	Do.	1	260—7 1/2—350. (Vacant).
	Gunner	1	75—2 1/2—100 (Vacant)
	Overseer	1	100—2 1/2—150.
	Sub-Overseer	2	45—3—90.
	Do.	1	45—3—90.
	Chargehand	1	50—2—80.
	2nd Engineer S. D. "Vizagapatam"	1	600—25—675 + 50 House Allowance.
	Ditto	1	600—25—675 + 50 House Allowance.
	Ditto	1	450—25—550 + 50 House Allowance.
	3rd Engineer S. D. "Vizagapatam"	1	450—25—550.
	Ditto	1	320—15—350.
	4th Engineer "Vizagapatam"	1	295.
	5th Engineer	1	250—15—295.
	Junior Assistant Engineer	1	40—70.
	Ditto	1	40—70.
	Ditto	1	40—70.
	Driver—I Class	4	50—1 1/2—65 + 10 Allowance.
	Sub-Station Attendant	4	40—2—60.
	Total	62	

Statement showing Temporary Officers officiating in permanent posts.

Group.	Designation.	No. of Posts.	Grade.
			Rs.
1. Traffic Department.	Typist	1	30—3/2—45.
	Junior Clerk	1	30—3/2—45—2/2—55.
2. Engineering Department.	Welder, 1st Class	1	100—2 1/2—150.
	Rivetter	1	30—1—40.
	Greaser	6	22—(fixed) + 10 Allowance.
	Total	10	

SIGNAL STATIONS IN THE VIZAGAPATAM PORT.

- Starred question No. 908.*—(a) One signal station, and three observation stations.
 (b) Two for each station, in addition to a signaller, a head signaller and one man for relief duty for all stations—a total staff of eleven.
 (c) No. For topographical reasons it is reported to be impossible to control the movement of vessels in and out of the Port with fewer stations.
 (d) and (e). No.

Information promised in reply to parts (a) and (d) of starred question No. 1037 asked by Mr. K. Santhanam on the 14th March, 1939.

GOVERNMENT GRANT TO THE NEW DELHI MUNICIPAL COMMITTEE, ETC.

- (a) Yes, so far as is consistent with the special conditions of New Delhi.
 (d) No.

Information promised in reply to starred question No. 1109 asked by Choudhri Raghubir Narayan Singh on the 16th March, 1939.

CRACKS IN THE NEW BUILDING OF HARDWAR RAILWAY STATION.

- (a) Certain cracks have appeared, but they are neither numerous nor serious.
 (b) No.
 (c) The building has not suffered serious damage.

REPORTS LAID ON THE TABLE.

The Honourable Mr. A. J. Raisman (Finance Member): Sir, I lay* on the table :

- (1) Central Government Appropriation Accounts (Civil) 1937-38 and the Audit Report, 1939;
- (2) Central Government Commercial Appendix to the Appropriation Accounts (Civil) 1937-38 and the Audit Report, 1939;
- (3) Central Government Appropriation Accounts (Posts and Telegraphs) 1937-38 and the Audit Report, 1938.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): This is the first time in the history of the House that I know of, that these reports are being placed on the table. I hope that they will be published for public criticism and that they will be circulated to Members.

The Honourable Mr. A. J. Raisman: I have laid these documents on the table and the question whether they will become part of the proceedings is, I think, one for you to decide.

Mr. President (The Honourable Sir Abdur Rahim): They want to know whether they would be circulated to Members. If there are sufficient copies supplied, the Legislative Assembly Department will undertake to circulate them to Members.

* Not printed in these debates. Copies have been placed in the Library of the House—E. of D.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): When they are placed on the table of the House they form part of the proceedings and they must be supplied.

The Honourable Mr. A. J. Raisman: I will consider the point, but if they were to be printed as part of the proceedings they would automatically become available to Members. If they are not so printed, then the question will be for our consideration whether we should circulate copies to Members.

Mr. President (The Honourable Sir Abdur Rahim): But these are very bulky.

Mr. S. Satyamurti: I suggest that Government should make arrangements to supply copies to Honourable Members. Placing on the table of the House involves, as it has always done in the case of all documents placed on the table of the House, circulation to all Members of the House. I suggest to the Chair and to the House that copies of these reports placed on the table of the House should be circulated to all Honourable Members of the House as early as possible.

Mr. President (The Honourable Sir Abdur Rahim): Yes, if the Government supply a sufficient number of copies. In any case, they will place copies in the Library of the House.

The Honourable Mr. A. J. Raisman: Copies will certainly be placed in the Library of the House.

Mr. M. S. Aney (Berar: Non-Muhammadan): May I submit to you for your kind consideration that it has always been held that there is a distinction between laying a copy of a document in the Library of the House and placing it on the table of the House. Whenever a document is placed on the table of the House, it becomes the property of the House in the sense that every Honourable Member is entitled to get a copy of that document either as part of the proceedings, that is, the debates here, or separately circulated to Members. When it is in the Library anybody can come in and read it as he likes. That distinction is always observed.

Mr. President (The Honourable Sir Abdur Rahim): The ordinary procedure is undoubtedly that any document when placed on the table of the House is incorporated in the proceedings, but there are cases where documents are very bulky and it would be expensive and costly to incorporate them in the proceedings, then they are not incorporated. It is not the invariable rule. It all depends upon whether the Government are prepared to supply sufficient copies for circulation to Members.

Sir Muhammad Yamin Khan: If the Government do not supply, will the Assembly Department get them printed and supply copies to Members?

Mr. President (The Honourable Sir Abdur Rahim): The Assembly Department is not expected to assume the responsibility of supplying them unless they get sufficient copies. But as regards the proceedings of the House that is a different matter altogether.

Mr. S. Satyamurti: I submit you may suggest to Government to make a sufficient number of copies available to your Department for being circulated.

[15TH APRIL 1939.]

Mr. President (The Honourable Sir Abdur Rahim): That is what the Chair has been enquiring of the Government, whether they are prepared to supply sufficient copies. Perhaps they will consider the matter.

Mr. S. Satyamurti: They should be asked to supply.

Mr. B. Das (Orissa Division: Non-Muhammadan): I wish to submit another point. So far these reports were not available to the press, but now that they have been laid on the table of the House, my submission is that as soon as they are laid on the table of the House, these documents must become available to the press and the public, and that means, four months' ahead.

Mr. President (The Honourable Sir Abdur Rahim): The press representatives may apply to Government for copies.

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 14th April, 1939, agreed without any amendment to the Bill to make further provision for safety in coal mines which was passed by the Legislative Assembly at its meeting held on the 4th April, 1939."

MESSAGE FROM H. E. THE VICEROY AND GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has to inform the House that it has received a Message from His Excellency the Viceroy and Governor General:

"Whereas by its vote of the 14th April, 1939, the Legislative Assembly has refused to take into consideration a Bill entitled further to amend the Indian Tariff Act, 1934, for certain purposes (Third Amendment);

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.

(Signed) LINLITHGOW,
Viceroy and Governor General."

THE INDIAN TARIFF (THIRD AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Labour): Sir, I move for leave to introduce a Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Third Amendment), in the form recommended by the Governor-General.

Mr. N. M. Joshi (Nominated Non-Official): Let us get a copy of the recommended Bill.

Mr. President (The Honourable Sir Abdur Rahim): It is exactly the same Bill.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): There is already another Bill under discussion and Mr. Chettiar is in possession of the House, and this motion cannot be brought forward before that is over.

Mr. President (The Honourable Sir Abdur Rahim): The Government can arrange their business in any way they like.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): But there is no notice.

Mr. President (The Honourable Sir Abdur Rahim): It is the ordinary practice. A point of order was raised on the last occasion and the Chair gave its ruling.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): An exception was made in the case of the Finance Bills.

Mr. Mohan Lal Saksena: May I know whether any Honourable Member can introduce a Bill when an Honourable Member has not finished his speech.

Mr. President (The Honourable Sir Abdur Rahim): That is not the Bill now under consideration. Something has been interposed before that.

Mr. Mohan Lal Saksena: Can it be done without notice?

Mr. President (The Honourable Sir Abdur Rahim): Yes. It is done every day.

Mr. Mohan Lal Saksena: There is no precedent.

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

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Third Amendment), in the form recommended by the Governor General."

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, on behalf of those who rejected the motion yesterday for the consideration of the Bill, called the Tariff Amendment Bill, I wish to enter an emphatic protest against the procedure that has been adopted in this case. We are of the view that the interests of this country did not require or demand that the power which His Excellency may have and has under the Statute should be used on this occasion and that this was a fit subject for its exercise. There is one thing more which I wish Government to take seriously into consideration. It has often been said here and quite rightly that the elected representatives of the Indian people who sit here, notwithstanding the fact that there are 39 votes commanded by the Government under the Statute, are the only people whose vote ought to count in a matter of this kind. It is not merely that. I wish to warn Government and the British Government who are behind them in this matter that they are taking a most suicidal and dangerous step. It may appear to them that our action is futile, and time alone will prove whether it is going to be really futile. After all, you can bring goods into a country under any conditions of favour you like, but to sell them is a very different

[Mr. Bhulabhai J. Desai.]

proposition. Hitherto, the Indian people, partly by reason of ignorance, and largely by reason of apathy, have, without considering the issues at stake, accepted things, merely because they are brought within the geographical bounds of this country. Government must take note of the changed conditions of public opinion in this matter, and it is a matter of extreme regret, painful regret to me that those in charge of this Bill in the Government of India and His Excellency the Governor General have failed to appreciate the changing conditions in this country and the public opinion that exists. The goods may come in, but let them also remember that perhaps a re-exporting of them would be a much worse humiliation than if they had left us to this expedient. It may appear to my Honourable friends here who represent Government to be a futile thing or even a threat. It is nothing of the kind. It is a statement which every patriotic statesman in a country makes and which is entitled to be accepted and adopted by his countrymen. Without that confidence in his countrymen, it is not worth his while to stand here and speak in the name of his country, and, therefore, it is that I do warn Government that, in a matter of this kind, relating to economic independence, we are as much, if not in a better position, to count the gain or loss. It must be remembered that our vote, irrespective of any constitutional right or absence of right, ought to have been respected, not on any ground of self-respect—it is a thing which we have said often—but because Government must recognise the realities of the situation and the changed condition of opinion in this country, and when all is said and done, as I remarked on a previous occasion during the course of the debate on the Indo-British Trade Agreement, it is one thing to bring goods, and another thing to be able to sell them. It is that voluntary act and subservient apathy on which alone British trade in this country has survived, and if it is further strained and taxed in the manner in which it is sought to be strained and taxed, you will have to face the consequences. Willing subservience has served its purpose and passed its day, and, therefore, we oppose this motion.

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

Some Honourable Members: We want to speak.

Mr. President (The Honourable Sir Abdur Rahim): No more speeches can be made. That is the Standing Order.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): May I point out that under the rules this House is entitled to go into the whole matter as if it was a Bill introduced.

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member will look at Standing Order 37, he will find that only one speech from the Mover and one speech in opposition are allowed.

The question is:

"That leave be granted to introduce a Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Third Amendment), in the form recommended by the Governor General."

The Assembly divided:

AYES—37.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab Sir.
Aiyar, Mr. T. S. Sankara.
Ayyar, Mr. N. M.
Bewoor, Mr. G. V.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Christie, Mr. W. H. J.
Clow, The Honourable Mr. A. G.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Ghuznavi, Sir Abdul Halim.
Hardman, Mr. J. S.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Lillie, Mr. C. J. W.
Maxwell, The Honourable Sir Reginald.

Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Mukerji, Mr. Basanta Kumar.
Nur Muhammad, Khan Bahadur Shaikh.
Ogilvie, Mr. C. M. G.
Pillai, Mr. N. R.
Rahman, Lieut.-Col. M. A.
Raisman, The Honourable Mr. A. J.
Rajah, Raja Sir Vasudeva.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Zafrullah Khan, The Honourable Sir Muhammad.

NOES—50.

Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.
Jogendra Singh, Sardar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
Laljee, Mr. Husenbhai Abdullabhai.
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Manu Subedar, Mr.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Chaudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.

The motion was negatived.

THE CHITTAGONG PORT (AMENDMENT) BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim): The Assembly will now resume consideration of the following motion moved by the Honourable Mr. Clow, viz.:—

"That the Bill further to amend the Chittagong Port Act, 1914, for a certain purpose, be taken into consideration."

[15TH APRIL 1939.]

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* No 10 Arcot: Non-Muhammadan Rural): Sir, this is a small Bill. I want to ask only a few questions so that certain points might be elucidated. As I stated yesterday, Sir, the Statement of Objects and Reasons states that:

"The recent changes in the constitutional position, however, have caused the Government of India to modify their loans policy considerably and it is felt that it is no longer possible to continue to lend to the Commissioners while the statutory right of premature repayment conferred by section 80 remains in force."

I would like to know what is the modification of their loans policy which they have referred to and what is the constitutional change that they have referred to in the Statement of Objects and Reasons. I have not had time to look up the law with regard to the other Port Trusts, exhaustively, but I have got one other Act here and this is the law about the Madras Port Trust. That Port Trust occupies an exactly similar position. If I may read section 80 of the Chittagong Port Act, 1914:

"The Commissioners may apply any sums which can be so applied without prejudicing the security of the other debenture-holders of the Commissioners in repaying to any Government any sum which may remain due to it in respect of the principal of any loans, although the time fixed for the repayment of the same may not have arrived: Provided as follows:

'no such repayment shall be made of any sum less than five thousand rupees'.', etc.,

The Madras Port Trusts Act has an exactly similar provision:

"The Board may apply any sums, which can be so applied without prejudicing the security of the other holders of Port Trust securities in repaying to the Secretary of State for India in Council any sum which may remain due to him in respect of the principal of any loan although the time fixed for the repayment of the same may not have arrived"—

subject to the same provisos as is contained in section 80 of the Chittagong Port Trust. May I know the reason why, if there is a general modification in the lending policy of the Government, why they have come forward with an amending Bill, only with regard to the Chittagong Port Trust. If it is a general modification of policy, it must be with regard to all other ports in which the same conditions prevail. I know that the general principle involved in this amendment is something to be supported. They might create a sinking fund if necessary to provide for the repayment of the loans which they might have borrowed but what I would like to suggest is that a uniform policy may be followed.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, the Bill is in the interest of the taxpayer. Supposing Government borrowed money at six per cent. interest for a definite period of ten years for Chittagong Port Trust. If during this interval at any time money became cheap, then the Port Trust, as the matter now stands, can refund the whole amount before the expiry of ten years. But the Government of India will not be able to pay back to their creditors, and the result will be that the difference of the interest between cheap money and the money at which the loan had been originally borrowed would have to be paid by the taxpayers of the country. Therefore, in order to relieve the taxpayers of the country and in order that the obligation of the Government of India may be fulfilled, I think, a Bill of this kind is necessary and I support the motion.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammadan): Sir, we are much interested in this Bill. The tea industry also is interested in this Bill inasmuch as we find that about eighty million pounds of tea are passing through this port. Apparently a small Bill has been introduced with the idea that the Port Trust will not be allowed to repay the loans it may have taken within a lesser time than was stipulated, although all over the world debtors are encouraged to pay up as early as possible. We have not been able to follow the principle by which even if there is a capacity to pay, they are not to pay. This Bill penalises that it should not be paid even if they are capable of paying it. This is a new proposition which has been enunciated in this little Bill and about which we have not heard anywhere in the world. In the Statement of Objects and Reasons, Government have not been able to give us any reasons why such a legislation is necessary. It is a short statement, and I shall read it to the House. It says:

"Under section 80 of the Chittagong Port Act, 1914, the Commissioners for the Port of Chittagong are competent to repay Government loans before the time fixed for such repayment without the consent of the creditor Government. In the past the Commissioners have borrowed freely from the Central Government for the purpose of supplying their capital requirements for improving and developing the port, and they desire to continue to do so. The recent changes in the constitutional position, however, have caused the Government of India to modify their loans policy considerably and it is felt that it is no longer possible to continue to lend to the Commissioners while the statutory right of premature repayment conferred by section 80 remains in force."

I do not understand whether the intention is that they should not pay at all or that they should not take as much interest as is possible. We know this that the Port Trust is a public utility service and it is also a social service, and, as such, it is in the interests of the Government that they should not pay more than is absolutely necessary. So, unless they give us cogent reasons for this change, we are not inclined to support this Bill.

We are told by some of our friends that the money comes to the Indian Government, and, as such, the money paid by the Port Trust to the Indian Government is our money, and, therefore, we should pay it. With all due deference, we do not agree with this view. We are now the Indian Government, but we resent it. Honourable Members noticed only a few minutes ago how our votes are flouted, and yet we are asked that we should consent to this Bill, because the Government of India will get more money. When the Government of India become a national Government, possibly we can think of doing it. But, at the present moment, it is a utility service which the irresponsible Central Government has asked to pay more than they should, as such, I oppose this Bill and I request the Honourable Members of this House to throw it out.

Mr. L. C. Buss (Nominated Non-Official): Mr. President, this is a very simple Bill and it contains only one operative clause. The Statement of Objects and Reasons sets out clearly the case for modifying the Chittagong Port Act and I merely wish to say that I accord my full support.

I think, however, that before we disperse it would be the wish of all of us to express our sense of loss when we realise that this is the last occasion on which we shall have Sir Nripendra Sircar amongst us. It has been my privilege to be a Member of this House during almost the whole of the Law Member's terms of office. It was my further privilege to be closely associated with him, both in the Select Committee and during the discussion of the Bills in the House, while we were considering the Companies Bill and

[Mr. L. C. Buss.]

the Insurance Bill. None of us who were present during the Simla Sessions of 1936 and 1937 will forget the indefatigable energy which Sir Nripendra displayed on those occasions, often in most difficult circumstances owing to ill-health. In spite of that, his courtesy and kindness never deserted him. He was always accessible to anyone who had anything to say to him. His name will go down to posterity as the creator of those two outstanding pieces of legislation, but we shall remember him more intimately for his inimitable humour and his imperturbable good nature. I should like, on behalf of my colleagues and myself, to offer Sir Nripendra Sircar at the close of his very distinguished term of office in the Governor General's Executive Council, not only our thanks for his unfailing courtesy and assistance at all times during our association with him, but also our very sincere good wishes for his health and happiness in the years yet to come.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Mr. President, in view of the statements made by my Honourable friends here on the question of this Bill, I wish to make clear what our position is with regard to it. I am aware that there are a large number of ports which are governed by their own Acts, particularly the Ports of Bombay and Calcutta with which I am familiar. They raise moneys on their own credit, and, therefore, questions like the one which have arisen in this Bill do not arise there. The amending Bill before the House seeks merely to remove one condition which gave an advantage and which might have been considered a desirable advantage to a port that is just in the making. I can well understand that even though the lender's term may be that the loan is not to be returned within a certain period of time, it is somewhat of an indulgence when the Government, either the Provincial Government or the Central Government, as a lender says by way of assistance that the term may be relaxed in order that there may be no undue strain on the finances of that particular growing body. This Chittagong Port has now long been in existence, and therefore, the condition which is sought to be now taken out had better be taken out. In other words, I understand the meaning of the amendment to be that, whereas it was competent to the Port Commissioners to repay a loan before its time, now they will not be able to do so except in terms of the contract or on some other special grounds as the case may be. Viewing it from that standpoint, we feel that we are in a position to support it.

I also wish to take this opportunity, as my Honourable friend, Mr. Buss, has done, to say a few words relating to the retirement of my Honourable friend, the Leader of the House. In doing so, I think it would be right for me to point out that, generally speaking, an opponent is a very much better judge of the other side if he manages to detach himself and consider the merits of different issues or even the individuals concerned. In that way, though I have not had the advantage of the close association of his colleagues, I have had the advantage of a constant recurring opponent, and that we have remained during the period of four years and a half. My Honourable friend has special gifts of a very rare character which he has used to support the cause which naturally he was bound to support, and I think his victims—and there are many of them in this House—will probably remember him not unkindly at all notwithstanding it. But if one may read human character, I am inclined to think myself—and I do not want any confession by way of reply from

my Honourable friend—that, generally speaking, people who use this kind of qualities, capacities and abilities have always a sneaking and lurking regard for their own victims, because I have not the slightest doubt that the constant reference to my friend, Mr. Bajoria, or Mr. Lalchand Navalrai—both of them are unfortunately absent today, and I think they enjoyed more what Sir Nripendra Sircar said than those of us who laughed it out for the moment—is an index of it. But it is the manner of it, and not the matter of it to which I refer. I commend the manner. As regards the matter, it depended on the issues which were raised on it by the opposite side.

There is one other thing which I would like to say about Sir Nripendra Sircar before he leaves us, and that is this. While the abilities he has hitherto used for supporting what we think, at all events, were lost causes, I hope I shall be able to welcome him in the larger life outside as a colleague whom we can always here as well as outside regard with esteem, confidence and deep personal regard.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, the Bill before the House is really a simple measure, and I do not want to make any more comments thereon. I endorse every word that has been said about the Bill by my Honourable friend, Dr. Sir Ziauddin Ahmad.

Like my other Honourable friends, I should like to take this opportunity of putting forward the views of myself and my Party about the Honourable Sir Nripendra Sircar. We are all really very sorry that he is leaving us within a short time, and we feel the loss to this House. With the great knowledge that he possesses, he enlightened the House, and on all great occasions he showed his great capacity in meeting the arguments of his opponents which we all enjoyed when we were not in the Opposition. My Honourable friend, the Leader of the Opposition, said that Babu Baijnath Bajoria and Mr. Lalchand Navalrai enjoyed the jokes of the Honourable Sir Nripendra Sircar even though they were the victims. Similar was the case when the duel was going on between the Honourable Sir Nripendra Sircar and the Honourable the Leader of the Opposition. The other Parties were enjoying it a great deal. The great gifts which he possesses are rarely to be found anywhere. He kept his head cool when there was great excitement, and in that cool-headedness, he gave what I may call tit for tat. The great gifts which he possessed are very seldom seen in this House. I will assure him that he will take with him the good wishes of every one of us in this Party and we earnestly hope that the great knowledge and experience he has gained in his capacity as the Law Member of the Government of India will not be lost when he is out of office, and I hope he will freely give the benefit of his knowledge and experience to the advancement of the country in the best manner that he can think of. We wish him good luck, good health and prosperity and success in his future life.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I do not want to make it a pretence that I want to speak on this Bill. But as the motion is before the House, I want to say that I support it. The real object of my rising is to express my appreciation in the same way, in which my other colleagues have shown, of the services which the Honourable Sir Nripendra Sircar rendered to this House. During his tenure of office as

[Mr. M. S. Aney.]

Law Member for the past five years, his personality has been looming large in this House and has served to mould the work here in a manner that will be of great use to those who follow him later on. His humour has been referred to as a rare gift. That was no doubt also his greatest weapon, and with that weapon he has dealt very hard blows, and those who received those blows will not easily forget them. But his charming manners served as a healing balm, and, therefore, we found in him not only a keen and hard debater, but a very amiable gentleman who could be relied upon for advice and guidance in any moment of difficulty. We know, Sir, that he has been extremely accommodating to various Groups in this House and he never failed to give assistance whenever that was sought for the convenience of Members of this House in spite of any difficulties that Government might feel in doing so. His courtesy as well as his readiness to accommodate Members of this House are matters which have no doubt left a deep impression about his personal character on our minds. But more than that we have found, on occasions of important debate, it was not merely a Government Member that was sitting on the Treasury Benches in the person of Sir Nripendra Sircar, but we had in him an Indian patriot of a high order. We cannot forget the memorable speech and observations which he made during the course of the debate on the Indian Companies Act (Amendment) Bill when, in reply to certain statements from the European Group as regards the right of Indians to have the right to do everything for their own industries, he observed "why should we not try to do everything we can for the promotion of our companies?" That memorable passage in his speech will always be ringing in the ears of every one of us here and it showed that it was not merely a Government Member, but it was an Indian patriot who was sitting on the Treasury Benches in whose hands the portfolio of Law was placed for the time being. We also know that he was a man of principles. There were occasions when as a Government Member his position was very difficult, but he stood firmly to his principles and refused to record his vote on a very important occasion when he knew that if he gave, his vote in a particular manner, it would be against his cherished principles. On that occasion, the real man was seen. We, naturally, feel as a man who has served both his country and done justice to his job with an ability of a very rare character is leaving this House very shortly and that loss is bound to be felt by all of us deeply. I, therefore, want to say that while he is leaving us, he is leaving behind a fragrant memory of great ability and great achievements and great courtesy uniformly shown to all sections of the House. I hope that his abilities will still be available and will be placed at the disposal of the country in as great a measure as it was till now placed at the disposal of the Government. We wish that his experience, during the last five years must have so enamoured him of the atmosphere of this House that we may expect him to come back to adorn this side of the House and not the Treasury Benches.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, my speech will be extremely brief, but my gratefulness to Honourable Members for the kind sentiments and good wishes expressed by them should not be judged by the length of my speech. I very much appreciate and shall always cherish the goodwill and friendliness shown to me. That reminds me of what my Honourable friend, Sir Muhammad

Yamin Khan, said when he wished me a happy future life. I have had blessings not only for a good life here, but I have your blessings also for the future life. For this I am very grateful. I can assure the House that I have not only learnt a great deal from my association here for the last five years during which I have received nothing but friendly co-operation from all quarters, but I shall miss very many attractive features of this House. Life will be fairly dreary without the supplementary questions from my Honourable friend, Mr. Satyamurti, I shall no more have any chance of watching the movements of the hands of my Honourable friend, Mr. Badri Dutt Pande. One has got to put up with life as one finds it, and whether I can be of any use to my country in future remains to be seen. Once more I express my deep gratefulness to the Honourable Members who have spoken to express their kindness and friendliness to me.

The Honourable Mr. A. G. Clow (Member for Railways and Communications): Sir, I must thank Honourable Members for the support given to this Bill. I do not think it is necessary for me to enter into any long explanation, but I feel that in courtesy I should say a word in reply to the direct questions put to me by one or two Members. Mr. Avinashilingam Chettiar referred to the reference to a change in the loans policy and asked what that meant. Actually the position is that since the closing of the Provincial Loans Fund, Government expect the Port Trusts to raise their requirements as far as possible in the open market. In the present case it has appeared rather unlikely that the Chittagong Port Trust would be able to get the small loan they require on advantageous terms, and it has, therefore, been thought better by both parties that this sum should be lent by Government. As regards the equity of the position, that has been clearly explained by the Honourable the Leader of the Opposition and Sir Ziauddin Ahmad and I need not expand on that. The real point is that Government are both lenders and borrowers: they are, in fact, lending money that they have borrowed, and as they borrow normally on long term loans without the right of repayment, it is hardly equitable that a Port Trust, particularly when it is well established, as the Honourable the Leader of the Opposition pointed out, should be able to hand back the money which it got, at any moment it chooses that is convenient for them.

Finally, a question was asked about the position of other Port Trusts. It is perfectly true that not only in the Madras Act quoted but in one or two others there are similar provisions. Actually, however, the major Port Trusts tend now to borrow their money in the open market, so that the condition has ceased to be of importance. If the question arises in connection with any other Port Trust of a loan in the future from Government we should probably approach this House for sanction to the amendment of the Act concerned.

If I may say just one word about the unwritten clause of this Bill--and that is the clause which expresses our deep regret at the loss of our Leader and our good wishes for his future happiness—I would say that that clause is as heartily supported on this side of the House as on every other.

Mr. President (The Honourable Sir Abdur Rahim): Before putting the question, I think I shall exercise the privilege of the Chair that is vested in me, and which I have seldom allowed myself to use, of making a statement. I am afraid it will not be on the merits of the Bill—and so the Honourable Members need not feel concerned about it. I wish only to add my appreciation and admiration of the manner in which Sir Nripendra Sircar, the Leader of the House, has discharged his high responsibilities—I wish also to mention that whenever Sir Nripendra Sircar was on his feet, I could take it quite easy: I knew that very few opponents of his would be able to give him so much trouble as to require the Chair to intervene.

The question is:

"That the Bill further to amend the Chittagong Port Act, 1914, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. A. G. Glow: Sir, I move:

"That the Bill further to amend the Chittagong Port Act, 1914, for a certain purpose, be passed."

The motion was adopted.

POSITION OF THE INDIAN OATHS (AMENDMENT) BILL AND THE COMMERCIAL DOCUMENTS EVIDENCE BILL.

The Honourable Sir Nripendra Sircar (Leader of the House): May I, Sir, with your permission, intervene for getting a ruling from you on a question which has arisen? There are two Bills before the Assembly—The Indian Oaths (Amendment) Bill and the Commercial Documents Evidence Bill—which were referred to a Select Committee in the Delhi Session of 1938 and in respect of which no motion other than a motion for the effecting of changes in the composition of the Select Committee has been made in either of the subsequent Sessions. It will be impossible in either case to present the report of the Select Committee before the termination of the present Session, with the result that both Bills will lapse on the termination of the present Session, unless a motion ranks as "a motion in regard to the Bill" for the purposes of the proviso to sub-order (2) of Standing Order 4. The question on which I seek your ruling is whether such motion so ranks.

I should explain that the question is not academic. If your ruling is that the making, during the current Session, of the motion for the effecting of changes in the personnel of the Select Committee saves the Bill from lapsing on the termination of the present Session, Government will take steps to convene the Select Committee on at least one of the two Bills in the interval between the termination of the present Session and the commencement of the next following Session. If, on the other hand, your ruling is in the contrary sense, the Bills will lapse on the termination of the current Session, and it will be impossible to convene the Select Committee on either Bill until after the adoption of a continuing motion at the commencement of the Simla Session.

I have no desire to discuss the merits of the question at issue at any length. A motion for the effecting of changes in the composition of a Select Committee on a particular Bill is a motion in regard to the Bill, with the result that on a literal construction of the proviso to sub-order (2) of Standing Order 4 the asking of such motion is effective to keep the Bill alive. But I would not regard as wholly unreasonable a contention that a subsidiary motion for the substitution of names on a Select Committee is not within the intendment of the proviso, and it is for this reason that I have ventured to ask for your ruling.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has considered this matter and its ruling is that a motion like this, that is, for effecting any changes in the composition of a Select Committee, is a motion which would save the Bill within the meaning of Standing Order 4(2). On any such motion the vote of the House has to be taken and only if the House decides in favour of any change in the composition, such change can be effected. The Chair holds that a motion like this saves the Bill from lapsing.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Reginald Maxwell (Home Member): Sir, I move:

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration."

The amendments made by the Select Committee are merely drafting changes which a consideration of the opinions received in circulation suggested to be necessary. They have imported no new matter into the Bill or any change of principle; and since the principle of the Bill has already been considered and accepted by the House I do not think I need take up the time of the House by further explanation. Sir, I move.

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

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I am opposed to the very object of the Bill and as it has emerged from the Select Committee it has not made any improvement. Section 565 enables a court, if it is a first class court or superior court which tries an offender for a second time for a similar offence, to pass an order that he should, for a period of five years or less after he is released or after he undergoes his sentence, report himself to the police authorities or any other authority about his change of residence from time to time, and if he fails to do so, he is liable under section 176 of the Indian Penal Code for simple imprisonment for a period of six months or fine for not giving information he was directed to give under section 565. By this Bill it is sought to convert this period of simple imprisonment into one of rigorous imprisonment. Thus, when this Bill is enacted into law, it will be open to the judge if he convicts a man for a second time to give a substantial punishment by way of rigorous imprisonment or transportation for life, and in addition, add a further rider that for a period of five years he shall be a helot or slave not being free to go from place to place or change his residence, except after notice to the police authorities. That provision is already there in the Criminal Procedure Code. I take exception to the provision itself.

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LEGISLATIVE ASSEMBLY.

[15TH APRIL 1939.]

[Mr. M. Ananthasayanam Ayyangar.]

The Criminal Procedure Code and the Indian Penal Code were enacted a number of years ago. The provisions in the Penal Code of 1864 were conceived at a time when things were quite different from what they are today; it was then assumed that everybody was guilty. They were old statutes which did not place a proper value upon the liberties of man. Now, on account of change of circumstances and times, it is no longer desirable that any man should, however low a position he may occupy, if he should err once, at all times he should be considered irredeemable. Sir, a change has come over, and the Provincial Governments are busy effecting jail reforms so that these people may spend their lives, when in jail, not as prisoners but as men who may reform themselves and pursue useful occupations after coming out of the jail, so that they may come out of the jails as better citizens, but if this provision is allowed to continue, just think of the consequences. A man is there in jail for a period of five years, coupled along with a number of others who have committed similar sins, who are not able to lift themselves much above that level and after coming out their position is much worse. I have known of persons who, after coming out of the jail, were asked to intimate their changes of residence to the police authorities; in fact, some of them were asked to stay in front of police stations. They are tied down, as if they were cattle, to the police stations, not by a physical rope, but by the mental and moral rope, and this is worse than the physical rope which ties down the animal. Sometimes the animal can kick against this and run away, but these fellows are morally bound down, and the moment a man goes out in search of employment, if he does not report himself to the police authorities, he is liable to imprisonment and what not. The Government do not assure him of any employment. The occupations in which the man is engaged, while in jail, are sometimes of no use to him when he leaves the jail, and, as such, he cannot eke out a living when he comes out of the jail. So, if he happens to go from place to place in search of occupations, he is always under restraint. The moment he goes out in search of work to avoid hunger, starvation and death, not only for himself, but for his wife and children, the man has to report himself to the police authorities who keep a watch over him wherever he goes. No person who has seen the lot of these people would have a good word to say about any of these sections.

There is a strong movement in my presidency for reforming the prisoners, and I understand similar movements are afoot in other presidencies also to reform the criminal tribes after the introduction of Provincial Autonomy, and I am surprised to see that while the Provincial Governments are active and are taking steps to improve the lot of these people, the Central Government have not taken any steps in this direction. I am reliably informed that the Madras Government is anxious to repeal this Act as early as possible. The Bengal Government may also do so. Only a short time ago there was a big conference held in Bengal of some of the members of the criminal tribes. Most of them have settled down and taken seriously to occupations such as agriculture. They, therefore, cannot any longer be called criminal tribes. Now, who can be called as one belonging to the criminal tribe? Why have they become criminal? It is because Government did not think it necessary to provide them with occupations, and, therefore, some of them have to resort to such things instead of facing starvation and death. There

is absolutely no scope to acquire anything by legitimate means for anybody in this country. I have known of cases where owing to limited means people have been driven to become criminal tribes. Persons who used to go to forests, stay there for three or four days, and collect a load of firewood and at the end of the day tried to eke out a small living by the sale of the wood have been driven out on the ground that forests have to be conserved. Though these people may die, they want to conserve the forests. It is unfortunate that no attempt is made, no plan is evolved to reform all these people who will be really useful citizens. I would tell the Honourable Member in charge of Defence,—he is now not in his seat,—that he need not be afraid of lack of suitable men for the army. He could collect a million people from among this class itself to fight the biggest nations of the world. I can assure my friend that these so-called criminal tribes are strong enough to face any difficulties, they will prove very valiant men, and if they are enlisted in large numbers, they will not only be able to earn a living, but they will also have the pleasure of defending their country. Sir, there is ample material in this country, but no steps are taken in the right direction. On the other hand, the Honourable the Home Member says that he is supported in this measure by a number of communications he has received from some of the Local Governments. I am exceedingly sorry for the Local Governments who have given their approval to this measure. What was the object of this Bill? If perchance a man after he is released from jail happens to move from place to place in search of work and if he fails to report himself to the police authorities, then the penalty of simple imprisonment is not enough, but he will be liable for rigorous imprisonment or something more. Look at the unfortunate position in which such a fellow is placed. Let us take a leaf out of the book of Russia where really God lives in the hearts of men. The other day, I heard that Mr. Bernard Shaw wanted to know if from the Chapels and Churches in Russia God had disappeared. He went there to know by personal contact with people what the exact position was. A story was narrated to me about him. It appears he saw a soldier standing, and Mr. Stalin himself took him there. The soldier was standing at his post and Stalin called him "My comrade", but the soldier retorted, "you call me comrade, but what about my boots, they are drenched in water". Immediately Stalin removed his boots and gave them to the soldier to wear. Well, you see that God lives there, and not in countries ruled by capitalists. I say I shall not be ashamed of being an ally of Russia or any of the Socialistic Governments where socialism really rules today. It is not merely in Chapels and Churches and temples that God lives, but God lives in humanity. I am exceedingly sorry to find that the Central Government have not even collected statistics of unemployment. Why don't they take up this question seriously in hand? If the Central Government do not move in this matter, I would ask the Madras Government to really send requisition to the Central Government to take courage in both hands and do the needful. I am sure there will be a lot of opposition in trying to ameliorate the lot of these people, who are really helots who have been degraded from time to time, and it is unfortunate that more stringent measures should be adopted to keep them under restraint for all time. I, therefore, gladly oppose this measure, and I would ask every Member of this House to press upon the Government to make a beginning in the right direction and show that this is not a reform which will ameliorate the conditions of these people. Let us make a beginning in the right way.

Mr. M. S. Aney (Berar: Non-Muhammadan): I am afraid that my Honourable friend will be accusing me of a dereliction of duty if I do not oppose the motion because he made reference to a Conference that was held at Tripuri of which I was the President. That Conference was intended to find out ways and means to remove the various disabilities under which the so-called criminal tribes labour. It was a Criminal Tribes Conference and the Leader of the Opposition called me the leader of the criminal tribes for having presided over that conference. I was in good company, most of his back-benchers were with me that day, and I like to be leader of that company—you may call it criminal tribe or anything else. However, Sir, the Bill looks simple, but the object of the Bill is to make the law more rigorous than what it was before. It seems that the Government are a great believer in improving humanity by making more repressive and more stringent laws than by treating them in a humane manner. I believe this method of legislation is no longer considered as a dignified and effective method at all. Ideas have changed all over the world, but of all the Governments, the Government of India are the last to welcome any change which does not fit in with their stereotyped notions and ideas. I feel that by merely making the punishment more stringent and deterrent, they are not likely to gain their object at all. Rather, it is by finding out some other ways, some honourable avocations in which those persons can be legitimately engaged that there is a hope of bringing about a real reform and making them less criminal. The criminal propensity is to be counteracted not by holding out threats and sending them to jail for every little fault or defect, but by showing them better walks of life in which they can usefully engage themselves. That being the conviction which I hold, I feel that the present Bill is going directly against all those salutary ways by which alone we can expect to bring about a healthy reform. I, therefore, think, that I have to oppose the motion, but I would be willing to support any amendment which may restore the old law or make it less deterrent than what it is here.

Sir Syed Raza Ali (Cities of the United Provinces: Muhammadan Urban): Availing myself of the right of free speech, a right which is not available everywhere, even in Imperial Delhi, I propose to make a few observations on this Bill. The right of free speech is a very valuable right and I consider myself a very lucky and fortunate man indeed that in this House, like everybody else, I can make use of that right. It was my lot the other day to be at a place. . . .

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): On a point of order, Sir. How is it relevant to this Bill?

Mr. President (The Honourable Sir Abdur Rahim): The Chair does now know how he wishes to utilise the right of free speech.

Sir Syed Raza Ali: I am very glad that the Honourable the Leader of the Opposition has intervened. That, I am led to believe, shows where the shoe pinches. I never proposed to cast any reflection at all on the Leader of the Opposition or his Party. What I say is very relevant, and relevant this way. If the right of speech were denied in this House, if, for instance, I objected to my Honourable friend, the Leader of the Opposition, making any speech, because I do not like the case. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought not to make any such remark. It might imply a reflection on the conduct of proceedings by the Chair, and the Honourable Member must not indulge in that. The right of free speech is laid down in the rules and Standing Orders.

Sir Syed Raza Ali: It is very fortunate that it is so. I was only referring to this. We have here rules, we have Standing Orders which guarantee to us the full right of free speech.

Mr. President (The Honourable Sir Abdur Rahim): Subject always to the rulings of the Chair.

Mr. Bhulabhai J. Desai: And relevant subjects also.

Mr. President (The Honourable Sir Abdur Rahim): The Chair thinks the Honourable Member had better address himself to the Bill.

Sir Syed Raza Ali: About the relevancy of the question I won't say more, perhaps I know the subject as well as the Leader of the House. (Laughter.) Unconsciously, I find I made a mistake; it may yet become true. The Leader of the House, as was hoped by some of the speakers earlier in the day, might one day become the Leader of the Opposition, and from that might pass on again as the Leader of the House. Coming to the Bill,—I value the right of free speech very much, here let me say that. Coming to the subject of the Bill, I think it is rather an important measure. It deals only with those people who are generally known as criminal classes or criminal tribes. They are the unfortunate people who, more from pressure of circumstances than any other reason, commit crime and earn their livelihood in that way. They are the men who appear before the court, on whom sentences are passed and who are required under section 565 of the Code of Criminal Procedure, after the expiry of the sentence, to give information relating to their movements. A good deal of lip sympathy was shown with these criminal tribes this morning, but I can say without hesitation that the body that has done more to improve the lot of the criminal tribes is a body where my own countrymen have not taken any very prominent part. So far as I know the subject and the measures that have been taken in various parts of the country to improve the lot of the ex-criminal tribes, important work has been done by the Salvation Army than by any Indian organisation to improve the lot of these classes. The Salvation Army movement have reclaimed the criminal tribes, of course, with the ulterior object present at the back of their minds always, I am afraid, of converting them to Christianity though this object has been denied on a number of occasions by some leading men of the Salvation Army movement. Yet they have done a lot. I know what has been done for the reclamation of criminal tribes in the territory to which I belong,—I mean the Rohilkund Division. Very good work has been done. Schools have been set up. Handicrafts and cottage industries are being taught to these unfortunate men. Some very fine hospitals, at the expense of a large sum of money, have been built for the benefit of the criminal tribes.

[Sir Syed Raza Ali.]

I was really surprised today at one suggestion that was made by my Honourable friend, Mr. Ayyangar, while opposing this Bill. Of course, it is open to him to oppose or support the Bill as he likes, but one remarkable suggestion that he made almost took my breath away. To be a soldier is a thing of which most people in all civilised countries are very proud. It is the best material from which the armies of different countries are recruited. So, it is, I am glad to say, in India. Our martial classes are people with a high sense of self-respect, who belong to very respectable families. Yet, according to my friend, Mr. Ayyangar, so low has the profession of soldiering fallen, that he would entrust the defence of the country to members of criminal tribes. If the future self-governing India's liberty and freedom are going to be defended by no better people than criminal tribes, I assure him, that I am not one of those who would care a fig for that liberty and that freedom. If we are to be a self-governing country, if we are to be a proud country, if we are to be a people who can lift their heads high among the nations of the world, then our best people, our most highly educated people and people belonging to our most illustrious families should man the ranks of our army. I am glad that it has been so up till now and I have no doubt that that will continue to be so in the future. While I have every sympathy for these unfortunate people belonging to the criminal tribes who appear before the courts so often, I am afraid that as long as the criminal propensities of some of them continue, which lead to their appearing in courts very often, it is necessary that this additional power should be given to the court to impose a sentence of rigorous imprisonment in proper cases instead of simple imprisonment. In this connection, I can say on the authority of my friend, Mr. Sri Prakasa, that simple imprisonment is really more oppressive than rigorous imprisonment. In his speech at an earlier stage, he referred to how monotonous simple life was and he pointed out that the rigours involved in simple imprisonment, at any rate in the case of a man like him, was more onerous than the severities imposed by rigorous imprisonment. That may or may not be so but surely there is a vast degree of difference between these criminal tribes and men of the type of my Honourable friend, Mr. Sri Prakasa. I, therefore, think that this provision is a healthy provision and I do not see on what ground it can be objected to. I support the Bill.

Prof. N. G. Ranga (Guntur cum Nellore: Non-Muhammadian Rural):

I for one cannot associate myself with this Bill which seeks to amend one particular section of the Indian Penal Code and another section of the Criminal Procedure Code. I object to these two codes as they are today on the Statute-book. I do not mean to say that there should be no criminal law at all but I certainly object to the law that we find on this particular subject under the present Statute-book. The whole thing was formulated in those days when in India, anyhow, law givers and law makers were under the impression that they should treat the great majority of our people as prospective thieves, robbers, dacoits and so on and their idea of punishment was very crude indeed. Those law givers were imbued with this spirit which animated the laws in England which made even poaching punishable with death or transportation for life. As my friend, Mr. Ananthasayanam, pointed out, it is high time that these two codes were

radically revised in the light of the present day science of criminology and of reformation. Today, almost all sociologists are unanimous that the law should be administered in a spirit not of anger but more of sorrow, as was beautifully put by my friend, Mr. Sri Prakasa, the other day. The society must feel itself responsible for any criminal tribes or any offences that may be committed by any particular section or group of people or even a few individuals against itself or against its own law. It may be said that it is the State that is responsible for this function but everything depends upon the kind of State we have. Today, we find in this country as in most other countries that the State is established and maintained in the interests of, not the masses but in the interests of, a few, who have got special privileges and vested interests. Naturally, it becomes possible for the State in this country to bring a large majority of our people at some time or other within the mischief of the penal law and get them into jail. Things have gone to such extremes that this Government have confessed their failure to reform the society and to ensure the society against its own wrong doers and, therefore, they have placed on the Statute-book that infamous law known as the Criminal Tribes Act. According to that Act, lakhs and lakhs of people in this country are permanently styled as criminals, whether they have committed any offence or not. They are to be treated as actual criminals, asked to be always on parole and they are to exist, from generation to generation, as criminals. It is these people who are likely to come mostly within the mischief of this particular Bill. I will point out how it would be possible for the magistrate to bring these people under this particular Bill.

Any member of a criminal tribe, who fails to act up to the various rules that are passed under the particular Act by the Provincial I.P.M. Governments, will be punished and on any pretence he may be hauled up for default; even on the pretence of his intention to commit a theft he may be punished and he is liable to be punished for the monstrous period of three years, and once he is punished he is sent to jail and he comes back and the next moment he commits any serious offence, the magistrate can order him to report himself to the police for five years thereafter. Now, how will it be possible for that man to get himself employed anywhere, and this particular order of the magistrate or of the court hangs about his neck like a heavy millstone and he cannot get himself freed from it. Then I come to the point of reforming these criminal tribes.

My friend, Sir Raza Ali, I am afraid, has not tried to inform himself fully about the actual position of the attempts that are being made to reform these people or to improve them. First of all, I will not dispute the point that he has made that the Salvation Army is trying to help these people to some extent. Now, to what extent it has been able to do this will be made clear from this particular extract that I am going to read from the report submitted to the Government of the United Provinces by a special enquiry committee that was appointed by it:

"To sum up, except for 23 per cent. of the Criminal tribes population committed to settlements adequate arrangements for the redeem of 99.77 per cent. of the notified and about 82 per cent. of the registered population do not exist."

[15TH APRIL 1939.]

[Prof. N. G. Ranga.]

Therefore, if they have helped anybody at all, it has not reached more than 23 per cent., and I wish to assure you, Sir, that it is not the Salvation Army alone that has tried to do some good in this regard. Not far from Delhi there is a place called the Harijan colony. It is in charge of a famous man Thakar Baba, who is a member of the Servants of India Society, not even of the Congress, and he is a distinguished member of that Society. He has devoted his life for a number of years to the regeneration of hill tribes known as Bhils somewhere in Betur district, in the Panchmahals districts and Brouach. There is another gentleman Mr. Manilal Kothari of the Congress who is doing a lot of work for criminal tribes.

An Honourable Member: He is no more doing it.

Sir Syed Raza Ali: The Harijan colony is not for criminal tribes but for the depressed classes?

Prof. N. G. Ranga: These men had devoted themselves to that work for a number of years previously, and if the Honourable Member will have the patience, he will learn a few things when he does not know them. Sir, there is a third gentleman who has been carrying on excellent work for the welfare of these people for nineteen years. Therefore, it is not fair for my Honourable friend to accuse us of not having done anything at all. There is another point. These people have been agitating in the various provinces in this country, notably in Andhra, in the Madras Presidency as a whole and in Bengal recently, for getting themselves freed from the provisions of this wretched Act, the Criminal Tribes Act, and also from these provisions that you find here. Government have not helped them; until this so-called Provincial Autonomy had been inaugurated, no attempt had been made even in the matter of inquiring into their fate not to speak of trying to redeem these people from their fate. Attempts are now being made, after the introduction of Provincial Autonomy, to have a Bill like this before the Bombay Legislature. The Madras Congress legislative party has appointed a sub-committee which has recommended in favour of the complete repeal of this Act.

Then, I have already referred to the report of the Committee appointed by the Government of the United Provinces. I do not know what the Bengal Government are doing but I hope it will also not lag behind these other Governments. Sir, all these efforts are being made in the Provinces. What have this Government of India done in this regard? Why is it that first of all they were a party to making this particular Criminal Tribes Act a provincial and concurrent subject? Why do they not keep the whole thing in their own hands and repeal it themselves? Why should they make it necessary for all these various Provincial Governments to try to repeal them? That is all because they do not wish to have their responsibility on their own shoulders. Why was this Act passed? Because this Government failed to help these people to become proper citizens. It may be said by my Honourable friend, Sir Reginald Maxwell, that after all this particular Bill, if passed, is to apply to these people who had been previously punished and sentenced to imprisonment for more than three years, and so on. But for what offence can a man be committed to jail for three years? Can a man be punished and sentenced to im-

prisonment for three years for an ordinary offence of theft? It may be any sort of theft, but it is all left to the discretion of the magistrate concerned, and the provision here is very wide indeed.

Sardar Sant Singh (West Punjab: Sikh): Theft is an ordinary offence in your opinion?

Prof. N. G. Ranga: My Honourable friend, the friend of the long staple, wants to sentence these people for more than three years' imprisonment for ordinary, private thefts.

Sardar Sant Singh: My Honourable friend should know that it is not merely by running away with theories that they can get self-Government. Do you know what is happening elsewhere?

Prof. N. G. Ranga: I confess to running away with theories, but my friend is running away with notes! I will read section 378 of this Indian Penal Code:

"Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft."

Mr. M. S. Aney: That cannot be an offence according to the socialists?

Sardar Sant Singh: That cannot be an offence in Professor Ranga's opinion?

Prof. N. G. Ranga: Sir, my Honourable friend has introduced a number of useless and infructuous Bills.

Sardar Sant Singh: You have voted in favour of those Bills?

Prof. N. G. Ranga: I say this that the wording of this section is so loose, so wide, that anybody can be brought within the mischief of this particular section and that is what I say; I do not mean to say that no theft should be punished. I do not say that anybody who commits a theft should not be taken charge of by society and dealt with properly, but I find today that this particular section is being taken advantage of by the police and, I say that many magistrates are misusing this, with the result that poor people who are not able and clever advocates but simpletons, people who cannot make black appear white, are punished and are sentenced to the maximum imprisonment permissible, that is, three years. Once a man is brought like that within the mischief of this Act, then the process of his further degradation is very conveniently provided for in this particular Bill. Thereafter, he is not able to get any employment. Therefore, supposing he commits a theft, in the first instance, but all this sort of thing.....

Sir Syed Raza Ali: The first theft was not a real crime—that was a joke?

Prof. N. G. Ranga: Therefore, supposing he does, then what happens? He is punished. But with this rider being added to it, the sting is in the tail, namely, that he should go on reporting himself to the nearest police officer who may be prescribed by the convicting Magistrate for a period extending up to five years. That I consider to be very cruel indeed and also very heartless. It is difficult, even when he had been convicted for the first time, to get himself employed after his release and it becomes well nigh impossible for him to get any decent employment, whatsoever, when he comes back from the jail and has got to report himself to the police about his doings. Which employer will care to employ any one who

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is subject to the constant watch of a police constable? There are very few employers in this country who are humanitarian enough to make it their business to give encouragement to these people and give them employment and thus help them to feed themselves. Therefore, this is a very cruel provision and we cannot be a party to it.

Then, I come to another point. My Honourable friend, Mr. Ananthasayanam Ayyangar, rightly said that if only proper opportunities are given to these people, they will make excellent soldiers. I agree with him for this reason that if it is possible for my Honourable friends and others to gloat over the fact that Sir Osborne Smith was here as the Governor of the Reserve Bank and he came from a country to which Englishmen at one time were sent as criminals, then it does not lie in their mouth to come here and say that they do not want to have anything to do with these criminals. Merely because this Government in their wisdom or unwisdom takes it into their head to call him or me a criminal, it does not mean that either he or myself is unfit to undertake responsibilities in this country. Well, Sir, I do not think anybody need be ashamed of himself even if he were to belong to the martial classes to be associated with anyone who had been till now described by the Government of India as a criminal man. Let me assure my Honourable friends that the United Provinces Government has already taken the necessary steps to withdraw this inhuman name from these people, namely, the criminal tribes. They are no longer to be called by that name. If anybody calls them by that name, he will be liable to be punished for insulting them under defamation. In this connection, I will refer my Honourable friends to the Budget speech of Pandit Govind Ballabh Pantji which he made as the Premier of the United Provinces in the Legislative Assembly there. ...

Sir Syed Raza Ali: I never knew that Pandit Govind Ballabh Pant's speech amounts to law.

Prof. N. G. Ranga: If people do not want to help themselves, what can I do?

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. President (The Honourable Sir Abdur Rahim) in the Chair.

Prof. N. G. Ranga: Mr. President, I was saying that no longer will these people be called criminal tribes in some provinces and, therefore, they will be entitled to be recruited to the army and navy and air force. If only Government were to have the sense to recruit them, all these who have the usual requisite physical and mental qualities will be recruited to the Defence Force of India, and I can assure my Honourable friends that people belonging to many of these tribes are very hardy and hefty fellows, very strong and brave and heroic too, and they will make excellent soldiers, if not generals; and I may assure them that not so very long ago many of them belonged to the ruling races in this country and some of

them used to rule certain parts of the country. Therefore, nobody need be afraid of having to allow his children to rub shoulders with these people either as cadets or as officers of the Defence Forces.

I come now to this point. Why do people commit thefts at all? I have found in my experience when I went over to England and countries on the continent that for very many of the things for which large numbers of people are found thieving in this country, people on that side do not think of committing any theft at all, merely because their standard of living is very much higher and their ability to earn is also much greater.

An Honourable Member: Smash and grab raids!

Prof. N. G. Ranga: There may be cat burglars, but they come into being only after the economic depression in Europe and, therefore, I draw the general inference that people resort to petty thefts for which they can be convicted for three years because of their poverty. I do concede that people commit such thefts also because of want of proper education and culture. But who is responsible for the poverty of the people, poverty in mind, poverty in culture and poverty in riches? It is the Government. If the Government have failed in their duty in providing people with adequate employment and education and culture, certainly it is not fair for the Government to turn round and say that for their own failure others should suffer, that all these masses of people who are poor and kept poor and who are not helped to get themselves educated or cultured should be made to suffer merely because of the policy of the Government. The Government have not taken sufficient steps to relieve the distress of the people, to improve their conditions of life, and that is why we find, in India, large numbers of people committing ordinary petty thefts, trying to get a little bit of grain out of a granary and then getting themselves convicted for three years. I am reminded of a popular story in my part of the country—and I dare say it is known to people in other parts also—there was a boy who was convicted for theft and he was being taken to the jail: on his way there was his mother and she began to cry and asked him to come to her and take her last blessing. He went to his mother and then instead of taking her blessing asked her "Why did you do this? If only you had taught me not to thieve, if only you had taught me to behave myself properly in society, I would not have been put to this plight." That is exactly the position. In the name of these unfortunate people who are being convicted day after day in the various courts in this country for petty thefts, I charge this Government for having failed to discharge their duty towards the citizens of this country. The proper thing for the Government is to provide adequate employment for all these people. They have not done so. They should educate them. They have not done so. They must at least try to tackle the social problems of those people who are committed to jails to various terms of imprisonment and improve their position by trying to educate them, while there to raise their cultural standards, help them to learn various trades and then follow them up after they leave the jail, and, as a friend, provide them with employment and treat them in a sympathetic fashion and look after them as a father would look after his errant children. Instead of that, the Government simply want to follow them up with this order of asking them to report themselves to the police for any period extending up to five years, and thus preventing them from getting any decent employment whatever. I consider that the degree of crime is the measure of a society's failure or success.....

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Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has said all that several times.

Prof. N. G. Ranga: I say, Sir, not only have the Government failed but our society also has failed in its duty to help its citizens, to run straight in life, to lead a healthy and wholesome and decent life. That is why society today is suffering from this inconvenient fear of defending itself any moment from thieves who may break into the House at any moment. I am struck with one peculiar thing. When I was at Simla, I found that our windows were provided with glass panes only and no bars or iron rods at all. But when I go to the villages I find that even the poorest man, if he were to have a window, bars his window with iron rods. In England you do not find them. In France you do not find them; but in our villages and in our towns we find them. What does this mean? Society here is obliged to convert every house into a prison so that the people who are inside may be safe from house-breakers from outside,—from thieves, robbers and so on. Thus, in order to have this poor comfort of having our own properties for ourselves we are converting our own homes into prisons and they are trying to condemn as many people as possible to jail. Not being satisfied even with that, we go in vindictive fashion to style certain classes of people as criminal tribes and condemn them for ages and ages. This is really a bad system of things. Society has got to reform itself.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has been repeating that from time to time.

Prof. N. G. Ranga: It ought to take the earliest possible steps to radically revise its course and thus help the poor people of this country to have a better chance in life. That is why I oppose this Bill.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I rise to oppose this motion. This Bill is intended to increase the rigour of the punishment meted out to what are known as habitual offenders by providing that the punishment to be given should be either simple or rigorous. If the Bill had provided that the choice whether it should be rigorous or simple should be left to the prisoner I would have supported it because I know many people who would certainly have preferred rigorous imprisonment to simple. Unfortunately, the Bill provides that the discretion should be given to the magistrate. I am not prepared to support this proposal. Not only am I not prepared to support this proposal which increases the rigour of the punishment, but I am opposed to the original section by which it is made an offence if a man fails to give notice or information about his residence and something else. It is wrong that if a man commits an offence and undergoes punishment and imprisonment for some years, to prolong his punishment for a further period which may extend to five years. When a man undergoes imprisonment he pays for his fault and nothing should be allowed to remain attached to him after he comes out of jail. From the point of view of sociology and criminology, I think it is a mistake to follow a man after he comes out from jail. For some years I did some work for the released prisoners aid society in Bombay in visiting jails and criminals sometime, before they were released and sometime, after they were released; and I can say from my own experience that this practice of giving information to the police and asking the police to have surveillance over these criminals, instead of curing the habitual prisoners, makes them very habi-

tual in their criminal habits. When I tried to find employment for these people known as habitual criminals, the real difficulty was that a man could not keep any employment because he was followed by the police and as soon as the employer came to know that this man was under police supervision and surveillance he lost his job. That is my experience after having tried to help several of these ex-prisoners and, therefore, this section which gives power to the magistrate to compel these people, who are known as habitual criminals, to notify their residence and place themselves under the power of the police is a wrong thing. It is against the principles of sociology. Instead of improving the criminals it makes them more habitual in crime. I, therefore, feel that we cannot support this measure. Several speakers referred to the criminal tribes who are also considered to be habitually criminal.

My Honourable friend, Sir Syed Raza Ali, paid, I think, a deserved compliment to the Salvation Army. But I think he was not quite just to indigenous agencies who try to improve the criminal tribes. There are several social agencies in this country who would certainly like to do more work for bettering the conditions of the criminal tribes. As a matter of fact I am connected with some organisations which are actually managing two criminal tribes settlements in Bombay. If we are not given more opportunities of managing any more criminal settlements it is due to the fact that the previous Governments had more faith in the politics of the Salvation Army than the politics of the social agencies of this country. I do not suggest that we Indians have done everything for the criminal tribes that we ought to do. I am prepared to admit that we have failed to do justice to these people who are known as criminal tribes. If we had done what we ought to have done, by this time there would have been no criminal tribes in India. Unfortunately, we neglected them and if they are criminal tribes today, it is due to the fact that these people being deprived of their lands have no other means of livelihood left. However, that subject is not before the House for discussion today. I shall, therefore, close my speech by saying that I oppose this Bill.

Khan Bahadur Shaikh Nur Muhammad (Punjab: Nominated Official): Sir, my observations on this subject shall be very brief. The first point I want to draw the attention of the House to is what class of criminals come within the ambit of this amendment. We have been talking a lot about the criminal tribes. That class, as such, is not touched by this amendment at all

Mr. N. M. Joshi: They are not excluded!

Khan Bahadur Shaikh Nur Muhammad: The class of people who are under consideration at the present juncture are the criminal individuals, not those who are registered because their fathers committed a crime or because their relations are criminally inclined but people who have actually gone before the courts not once but twice and have been convicted after evidence duly thrashed by the magistrate and the bar. Those people are known to be criminals. Criminal tribes should be distinguished from criminal individuals. We are dealing with criminal individuals, those who have had more than one conviction. The Government, if they justify their existence, owe it to society to protect the society from this class of people.

[Khan Bahadur Shaikh Nur Muhammad.]

A change in the law requiring such people to report their residence after their period of sentence is over is a most salutary one and has proved its usefulness for many a long year. Now, what does the change which this amendment contemplate mean? The law is there that if he does not report he shall have to suffer simple imprisonment for a certain period. What the change wants is that he should not have a bare holiday but should be made to work in jail. It is very strange that a high authority on labour questions should oppose an amendment which is intended to make criminals work. What does work do? It reforms the idle man. The idler's brain is the devil's workshop; and a criminal's brain if he is idle is doubly a devil's workshop. Would you send a man to jail to fatten there, then, they would like to commit offences merely for the sake of enjoying the easy life of the jail. I say, you should give him some work to do. Everybody knows that the amount of work required of a convict in jail is not killing. Most of them gain weight and come out healthier and fatter people.

If these people are made to work in jail they will not be losers. It is very strange that a salutary provision of this kind is being opposed. In fact, it is difficult to understand what the point of the opposition is. Do you want it to be made a perfect holiday for the criminal? Perhaps one can understand if the Opposition urge that restriction should not be placed on any individual's liberties. But that stage in the consideration of the question is passed. The law is already there that if a man does not report, he should be dealt with in a particular way. The change now required to be made is that in dealing with him, the punishment shall be made more effective when he is in jail. It should not be a mere idle passing away of his time. The change that is desired to be made is most salutary if the House gives consideration to the main point, not the subsidiary points, namely, the general philosophy of crimes or the logic of a criminal being dealt with in one way or the other. These things are beside the mark. If this point is kept in view, there is no reason why there should be opposition.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I am happy to have another opportunity of speaking just after my Honourable friend from the Punjab. Law abiding as he is, I am surprised how he has broken the law of the House by speaking from a seat not assigned to him.

Mr. President (The Honourable Sir Abdur Rahim): The Chair believes the Government are entitled to move their Members from one seat to another for purposes of debate. The Chair thinks there is an understanding to that effect.

Mr. Sri Prakasa: Government in our country is always in a favoured position.

Mr. President (The Honourable Sir Abdur Rahim): The Chair was not sure. But that is its recollection. The Chair now understands that when a seat is sought to be changed of any particular Member, notice is to be given. In this case, the Chair is told no such notice was given.

Mr. Sri Prakasa: I do not desire that you should take the matter too seriously.

Sir, the provisions of the Bill have to my mind two aspects and I shall deal with them one by one. The first, is the question of the simple *versus* rigorous punishment. On a previous occasion I had to say that simple though it looks, simple imprisonment was more rigorous than rigorous in its actual implications. So far as my Honourable friend's proposal goes, that these particular persons should be sentenced to rigorous imprisonment, I can only congratulate those whom he wants to punish. I hope he realises that instead of six months, in my province, at least, he will now have only five months and twelve days of imprisonment, for the rest will be remitted. In my province we always get a remission of three days for good conduct every month; and good conduct in the jail means that the convict is on the soft side of those who are in charge of the jail. Being on the soft side of those who are in charge of the jail means going against all the laws of the jail and doing many improper things for the jail officials. So, Sir, I congratulate these men, for they will now have a morning breakfast which they would have been deprived of if they had been awarded only simple imprisonment. They would get clothes which they would not have got if they had only simple imprisonment. They will have freedom to walk about the jail, even visit the outside garden and perhaps sometimes take a leap in the dark across the low wall! So, for these reasons I congratulate these men for real relief when my Honourable friend wanted to punish with more rigorous imprisonment. He is woefully wanting in personal experience of jail life and so does not realise what he is doing.

Now, Sir, I come to the second aspect of the problem, namely, the why of such a punishment? I am rather sorry that my Honourable friend, Sir Syed Raza Ali, is not in the House at the present moment. He seems to me rather exercised as to who a criminal is. I may, for his information, say that everybody, at least in India, is a criminal who is not a limb of the Government. When such a man is tired of his handsome life, he takes to what may be called politics which some people think is the last refuge of a scoundrel. He becomes an agitator. Any person who takes interest in politics in the street or on the public platform is an agitator. When he gets elected and sits in the Opposition the same man becomes a politician, and when he happens to change seats and become a member of the Government, he becomes a statesman. So the evolution from the criminal to the statesman is not so very difficult as he can well imagine. I should not wonder if he himself has undergone such a transformation. It is quite true that as my Honourable friend from the Punjab very pertinently pointed out, this Bill does not necessarily deal with the criminal tribes, but we are making a new criminal tribe or at least creating new criminals by the provisions of this law. In order to judge the exact effects of the law, we must compare the conditions of those who will come within the purview of the new law with those who are governed by a similar law, namely, the Criminal Tribes Act and who suffer enormous disadvantages.

If my Honourable friend opposite were ever to visit Benares, he will find in front of one of the police thanas in the Secrole Ward, not far away from where the District Magistrates and other high officers have their palatial residences, a lot of nasty little apologies for cottages right on the pavement. They are inhabited by some members of these so-called criminal tribes. They actually live their family life there in the open. Their women are delivered of children under the trees because they are

[Mr. Sri Prakasa.]

criminal tribes and, therefore, have to be under constant police surveillance. My Honourable friend, the Defence Secretary was indignant this morning at a man changing from one dhoti to another in a railway train, and not at the lady who persisted in looking on. What will he say when he finds that these men and women actually live all the 24 hours under the very eyes of the police because they belong to criminal tribes. They are kept in constant surveillance lest they should change their place of residence. This law is going to create a new set of criminals who will have to live under similar conditions.

I want the Honourable Member opposite to make both for himself and for me a simple research. I wonder if it has ever struck him—but it certainly struck me when I had nothing else to do except to think of such matters for 17 long months as to how it is possible for every jail to have just the number of sweepers that it wants. My investigation, such as it was, showed that as soon as the Superintendent of a Jail finds that the number of sweepers is less than the required number in any particular jail, a hint is thrown to his brother Superintendent of Police who has quite a number on his waiting lists. From among these lists, some persons are run in and without much of a trial, they are put into the jail and thus the requisite number of sweepers is always available.

Mr. President (The Honourable Sir Abdur Rahim): These experiences may be very interesting and instructive on particular occasions, but they have nothing to do with the provisions of the present Bill.

Mr. Sri Prakasa: The relevancy is this. Under the proposed law, these men are going to be punished with rigorous imprisonment. Rigorous imprisonment involves work about which my Honourable friend, from the Punjab, who has worked just for five minutes in the course of this whole term, waxed eloquent. These men will now be run in and made to work as sweepers if there are not a sufficient number of sweepers available.

Mr. President (The Honourable Sir Abdur Rahim): That is the responsibility of the Magistrate; we are not concerned as regards the trial of these men.

Mr. Sri Prakasa: The responsibility may be of the Magistrate but the work has to be done by the poor man who is being sentenced. So, the responsibility ultimately falls on him. Sir, my Honourable friend, Sir Raza Ali, was very angry that any one should have the temerity to say that the defence of a country should be entrusted to criminals. Let me give one case here. There was a man who used to cook our food in jail. He had been to the great war and if I mistake not his name was Basantu. He was a man from Hardoi who had, in the course of the war, fallen in love with a Russian girl and went to Moscow in pursuit of her. He came back to his own country, was demobilised and having nothing else to do he ultimately turned a dacoit. He was undergoing a sentence of seven years when I was undergoing a sentence of only one year.

Mr. F. E. James (Madras: European): As a dacoit?

Mr. Sri Prakasa: Yes, I was a dacoit, because I was trying to take away my friend's Government from him. And he was successful and I am still hoping to succeed.

As I was saying, he was sentenced to seven years' imprisonment. This shows that persons who are regarded as criminals and dacoits are very good soldiers. This man had served in the war for many years but because he was demobilised and because his country's Government had no further need for him he had to turn a dacoit. Therefore, I want to say to those who feel sanctimonious about these matters that these are just the men with such spirit who have built the British Empire for my Honourable friends opposite by going to Canada and Australia and who, in India, can defend their country much better than the present mercenaries if only they had the chance. Sir, really the work of the soldier and the work of the so-called criminal are very much alike. Both have to climb walls, both have to kill, both have to shoot.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not indulge in these observations; they are not relevant.

Mr. Sri Prakasa: In any case that happens to be my opinion and I do think that if these men were properly treated, instead of being harassed and bullied in the manner my Honourable friend opposite recommends, we shall have a fine race of men who can do good to society. Sir, the work has really to be taken in hand by the State. Private agencies can do very little and I will close with giving a little experience of my own. There was a person called Mokhu who was convicted of theft. He was put in charge of the barrack, which I and some other friends were occupying in jail, as a cleaner. He was a strong and hefty person and used to work hard. He had to be prematurely released in order to make room for us politicals. While he was going he said to me, "I have no chance in the world; people will not employ me. Will you employ me?" I told him I would and asked him to see me after I came out. So the man came to me when I returned home, and I employed him. My experience was not very happy because, though I was warned by the police not to have the man and though I got the Superintendent of Police to release him from the police register and allow him a chance in life, I lost a good bit of my gold and silver articles. He broke open the cash box and took away a gold watch and various other things. Naturally, I was expected to inform the police; but mine is an old-fashioned family and we regard servants as our own children and I said that just as I am not going to hand over my son to the police if he did anything out of the way so I am not going to hand over this man either. But I must say this that with all the efforts that we may make private individuals are likely to get into difficulties as I did. I am not very much deterred by this experience of mine and shall try another man if he comes my way, because, after all, the loss of a gold watch is not so harmful as loss of daily bread of these unfortunates. But if the State took the matter in hand, reform will come very easily and quickly. I must once more appeal to my Honourable friend opposite that instead of making the law more rigorous he should approach this problem in the spirit of social service and reform the man instead of punishing him more and more. He will then find that his good work will be requited to the full by good results and he will leave a happier race of men behind than he found when he first came.

Mr. Bhulabhai J. Desai: Sir, this is in itself a measure which may be regarded as somewhat insignificant, but inasmuch as I hold strong opinions in the question of the theory of punishment, I cannot be a party to this measure, and it is only for that reason that I wish and venture to occupy the House for a few minutes. The amendment is intended to arm the trying magistrate, or whoever the tribunal may be, with a power, among other things, to inflict rigorous imprisonment as an alternative no doubt in cases of persons failing to give information with regard to the whereabouts of those who had already been convicted of certain offences mentioned in the section.

I listened with great attention to the Honourable gentleman from the Punjab who occasionally enlightens this House with his experiences. I do not know exactly what he intended to convey. I think he was arguing more for the principle that I stand for than, as he thought, in support of the Bill. He said that people like that in society ought to be separated from society. I take it that he means what he says. But he did not understand that it is not the difference between rigorous and simple imprisonment that separates the man from society; it is the imprisonment itself that separates the man from society. I think my Honourable friend did not understand and did not appreciate that, when he was arguing for the measure of the Home Member, he was really arguing for the measure that I am suggesting. In other words, if segregation is the principle behind the punishment, that is amply met by the imprisonment whether simple or rigorous. But if vengeance is the element, of punishment, then I can well understand my Honourable friend saying that there should be rigorous imprisonment at all events as an alternative imprisonment for an offence of the kind. Now, believing as I do that segregation has a value, I am not one of those who believe in vengeance as an element of punishment, and, therefore, the very facts which my friend was relating without appreciating their true significance show that he was making a speech against the leader who called him to his aid only behind his back. That, Sir, is not enough. I am also one of those who believes that we have had a system of penal law which is not merely ancient in the sense that it had been enacted quite a long time ago, but it is ancient in the sense that it has failed always to take note of any changes of human society and the manner of dealing with criminals and others.

My friends here who come forward with Bills of this nature, however, often become Presidents of Prisoners-Aid-Societies. In my part of the country, I have known many Government officials who were first talking of rigorous imprisonment and inflicting harsh sentences the next day coming out with schemes of social measure and becoming Chairmen of Prisoners-Aid-Societies. I do not think their minds are either logical or consistent. They do not actually think out for themselves. What is it that these gentlemen do? An isolated suggestion is made either by a District Magistrate or by some others of that type, and immediately they feel "Oh, I have been told that people do not report their whereabouts after they are discharged, and the only way to punish them is to arm the magistracy with more stringent powers." As I said, their minds are not logical or consistent. We will take it that they are averse. Do you think that you are going to improve these released prisoners by making the punishment much more severe and rigorous? For my part I am not one of those who

believes that we have at all made any effort whatever in the direction of looking into our penal law from the right point of view. There is one thing which I should like to say, and that happened by accident,—I have some association with it. My friends probably generally get these reports and run off to have a measure, get the draftsman to get it, they come to this House, and probably at the end of the Session say, "Oh, after all, this is a small measure, it only seeks to give a little more punishment, and it does not matter." I am afraid, Sir, I cannot look at this measure that way, and I would commend to the attention of my Honourable friend, Sir Reginald Maxwell, whether this Bill passes or not, for his future guidance a book that was written by Lieut. Taraporevala on Prison Reform and the general attitude of the services and people of that type towards prisoners in general and convicts in particular, and I hope my friends will learn a good deal more from this than by reading some of the antiquated books of which new editions are not available from other countries, and they will recognise that from reports of tired officials sitting in their tents in some out of the way place where they get disgusted when a prisoner is brought before them for having failed to report himself to the authorities and saying "Oh, am I so powerless as not to inflict imprisonment", you should not come before this House with measures of this character. Sir, I recollect a Magistrate in Ahmedabad, when I was a Professor, who, having come to a judgment that a particular person was guilty, sentenced him to ten years' imprisonment, and his Registrar or the equivalent of the Registrar, the Sheristadar, as he is called in those parts, got up and said: "But, Sir, this particular section does not allow you to do this". But the Magistrate said: "Non-sense, the man is guilty, am I not empowered to inflict this punishment"? This is what Mr. Alcock said,—I am able to give his name, because he has now retired. He has been a very great friend of mine for a long time. This is how some of these Magistrates think, they think that they are not merely a Raja of some Indian State where what they will is law, but they have to deal with some of these unfortunates restricted by some sections. But the fact remains that those who are in charge of making laws and those who are in charge of dealing with the magistracy ought to look at it, not as a species of anger, not as a species of vengeance, not as a species of something which makes man more wild than he is, but in a humane manner, and do the right thing. After all is said and done, the offence in this particular case is merely failure to give information about their whereabouts. It is not an offence of such a character that a regular amending Bill is called for for the purpose of inflicting in a possible case rigorous imprisonment. I am really amazed at the manner in which these things are proposed before this House in matters of this kind, and if it were merely an isolated case, I would not have bothered. It is the mind behind it, it is the psychology behind it, it is a psychology of callousness, it is a psychology of indifference, it is a psychology, as I said very often, of anger, without realising that there is anger behind it, and it is that, I think, which requires a closer attention of the House when matters of this kind are brought before this House. After all, when you give punishment to a criminal, you must also consider that he has already undergone punishment for some other offence, and you should not think that it is not enough, and that there should be additional punishment if he fails to report himself, and for that infliction you are occupying the time of this House and seriously treating it as if it was one of those laws without which law and order or the society was going to be disturbed. I think we

[Mr. Bhulabhai J. Desai.]

are exaggerating things, and we are not appreciating the true principles of our penal law of this country. Sir, I oppose this.

The Honourable Sir Reginald Maxwell: Sir, I confess I was a little surprised that such a small measure of rectification in our criminal law as I have ventured to bring before this House should have excited such torrents of eloquence. But the explanation, to my mind, is to be found in the fact that what Honourable Members were interested in was not so much the actual measure to be enacted by means of this Bill as wider questions of the ethics of punishment and other questions of the applicability of our criminal law. I do not intend to be drawn aside into theoretical discussions of that kind. I find that even reducing those arguments to their simplest form the main line of attack was against the principle of section 565 of the Criminal Procedure Code. My friend, Mr. Ayyangar, launched the attack in his speech opening the debate, and so far as I could follow his argument, his idea was that the whole principle of requiring persons to report, after they had been convicted of certain offences, was wrong and undesirable. Well, my answer to that is this, that if this Bill were defeated, the result would be not that no orders under section 565 would be passed in future, but that persons who are convicted before a court of disobeying those orders would be punishable with simple imprisonment only. That is all-

An Honourable Member: It is noticed to you.

The Honourable Sir Reginald Maxwell: But in spite of the defeat of this Bill, section 565 would go on just the same. The object of this Bill is that when imprisonment is inflicted by a court for breach of an order passed under section 565, then the court is to have the option of inflicting either simple or rigorous imprisonment as it thinks fit. During the previous debate on this Bill, I drew the pointed attention of this House to the nature of the offences which rendered the persons re-convicted of them liable to orders under section 565. They are not just any offence. They are offences of a particular kind, serious offences against property,—those are the main group, and the other large group is offences against coin and currency. In other words, the persons whom we wish to get under control by means of section 565 and with whom we have to deal if they break the orders passed under section 565 are persons who have allowed themselves to be tempted from the paths of honesty to make money out of other people by delivering false coins or otherwise. I may say that all offences under Chapters XII and XVII of the Criminal Procedure Code do not make the offenders liable, if they are repeated. I think it was my friend, Professor Ranga, who said that the offences were altogether trivial which made the offenders liable to this action, but I would draw his attention to the fact that the offence of delivery to another of coin as genuine which. . .

Prof. N. G. Ranga: On a point of personal explanation, Sir. I did not refer to any sections of the law. I particularly referred to the particular provision, and I said that it was too wide, and, therefore, it left too much of arbitrary power to local Magistrates as well as the police, and my Honourable friend is somewhat irrelevant.

The Honourable Sir Reginald Maxwell: Anyhow, the Honourable Member may take comfort in the fact that he may deliver spurious coin to any other person as often as he likes provided he did not know that it was false money when received by him, without rendering himself liable to an order under section 565.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): You can get lots of false coins in Delhi all right.

The Honourable Sir Reginald Maxwell: That was the particular point of my allusion. I now turn to my Honourable friend, Prof. Ranga. I find that his main line of argument is not particularly against section 565 but it really proceeds from what I should describe quite seriously as an excessive sympathy for the criminal. I know it is always the line which my Honourable friend takes in discussion of such matters in this House that, firstly, no criminals are ever to be punished for anything, and secondly, that no police officer can be trusted to carry out the law properly.

Prof. N. G. Ranga: The second one is quite correct.

The Honourable Sir Reginald Maxwell: I would ask the House not to be misled by any such, what I might call, sloppy sympathy. We are dealing with persons who have caused severe loss to other people and have done it more than once. They have been punished once and they have had their *locus penitentiae* and after they were released they have again repeated the same crime. Those persons, therefore, are proved to that extent to be incorrigibles. In any case, I would seriously deprecate this idea that all our sympathy should be lavished on the criminal who victimises other people and that no sympathy whatever should be lavished on the victims of those crimes. It is a wholly wrong attitude of mind and I do not know whether it represents the considered policy of the Party to which my Honourable friend, Prof. Ranga, belongs. When he comes to this House and seriously asserts, as I understood him to say, that he disagrees entirely with the principle of the Indian Penal Code and the Criminal Procedure Code and, apparently, thinks that there should be no criminal law at all. . . .

Prof. N. G. Ranga: That I never said.

The Honourable Sir Reginald Maxwell: That is what I understood the Honourable Member to say and it certainly appeared to be the tenor of his argument,—I would seriously ask whether any considerable section of this House can identify itself with an attitude of that kind.

Prof. N. G. Ranga: Let us wait and see.

The Honourable Sir Reginald Maxwell: Let the Honourable Member's constituents wait and see if they ever get a Government formed with those convictions.

Prof. N. G. Ranga: Let us both go to that constituency and I will give you a good beating.

The Honourable Sir Reginald Maxwell: Honourable Members have occasionally shown themselves sensitive to the light in which they are represented by other people in the world. I do not know whether they have ever read a certain story of Rudyard Kipling entitled "The village that voted the earth was flat". . . .

Mr. S. Satyamurti: Do you still believe in Rudyard Kipling? He is an old fogey.

The Honourable Sir Reginald Maxwell: He is not alive.

Mr. S. Satyamurti: He is not alive, but he is an old fogey.

The Honourable Sir Reginald Maxwell: Is India at some future date going to be known as "the country that voted that no crimes should be punished", and in what kind of light would it be regarded by the unanimous opinion of other parts of the world, I should like to know?

Let me now turn to another misrepresentation which appears to have surrounded this Bill and that is that it has something to do with the criminal tribes. It is quite true that a member of a criminal tribe, who was reconvicted of an offence which made him liable to orders under section 565, may be affected by the Bill. But section 565 does not apply to members of criminal tribes any more than it applies to Prof. Ranga. Here is a measure which applies to anyone who is convicted twice by a court for a certain class of offences, and it is entirely misrepresenting the situation to call for our sympathy for criminal tribes as though it were the recognised principle of this Bill. But since the question of treatment of criminal tribes has been called in question in this debate I would here remark that I do not agree with some of the opinions which appeared to be held by Honourable Members who have spoken, as they imagined, on behalf of the criminal tribes and demanded things like that the criminal tribe settlements should be brought to a sudden and bitter end. From what I have seen of the criminal tribe settlements and of our policy, at any rate, in my own province, of dealing with criminal tribes, I say, it would meet very largely the principles which have been urged by several Honourable Members of the Party opposite, namely, that our policy in dealing with persons who have been so unfortunate as to inherit a criminal tendency should not be purely punitive but that some effort should be made to bring them under guidance which would accelerate their reform. And I know for myself, from personal experience, that the criminal tribes settlements which have, for many years, been established and operated in the Bombay Presidency have had very great effect in reforming persons who were otherwise regarded as incorrigibles and against whom the only remedy in the past used to be to incarcerate them and treat them as prisoners. There they are taught useful trades and they are kept in conditions which are far removed from those of a jail, and even the instance which I think my Honourable friend, Prof. Ranga, quoted, that of Australia, does show that in course of time criminal tribes or persons who in the past have been criminals are susceptible of reform and of becoming persons who, afterwards, become of real use to society. There is one final point which I would like to deal with regarding this Bill, particularly with regard to the speech of the Leader of the Opposition.

In considering this Bill this House is exercising its function of concurrent legislation. It is not a matter in which jurisdiction is confined to this House. Every province could, if it liked, pass a Bill in exactly the same terms without the interposition of this House at all. But in matters affecting the general administration of criminal law, particularly the Criminal Procedure Code, it is much more desirable that the legislation should be undertaken by the Centre in order that the uniformity of criminal law, throughout India, may be preserved. At the same time, when this Central Legislature exercises its function of concurrent legislation it is not responsible only to itself. It is responsible to all the provinces for which it is legislating, and it is one of the principles clearly envisaged by the Joint Select Committee in discussing the principle of concurrent legislation, that legislation by the Centre should be undertaken in close response to the wishes of the provinces, because on the subject of criminal law, the executive authority in that matter rests with the provinces; it is they who have to administer these laws, not we. We are only making the laws for them and each province is responsible not only for the administration of the law but for the results of the administration of that law on its own law and order, its own peace and its prison population. Therefore, this House should beware of lightly disregarding the clear opinions expressed by the provinces. Now, this is a matter in which all the provinces have been consulted.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I know in what years they were consulted?

The Honourable Sir Reginald Maxwell: They were consulted after the 1st April, 1937.

Mr. S. Satyamurti: Before the Congress Governments took office or after?

The Honourable Sir Reginald Maxwell: The Honourable Member can find that from the opinions. I can tell the House that they are the opinions of the Governments in power today, except possibly one that has changed since. I am not quite sure about that. Anyhow, as I have already informed the House, every Provincial Government that has been consulted, except one, has been in favour of the principle of the Bill and of those Governments which were in favour of the principle of the Bill, seven were Governments formed by the Congress Party, including the Government of the province to which the Honourable the Leader of the Opposition belongs.

Mr. Bhulabhai J. Desai: I have my own opinions, notwithstanding that.

The Honourable Sir Reginald Maxwell: I am saying that the Government here on these Benches has a mandate from the provinces, including the Congress Provinces, as against the Honourable Members opposite. I say we have our mandate and yet I am surprised that Honourable Members of the Congress Party opposite are urging us to disregard it.

Mr. Bhulabhai J. Desai: And for very good reasons.

The Honourable Sir Reginald Maxwell: I have seen reports in the papers which indicate to me that at the present moment there may be some lack of that central control which usually distinguishes the Party to which my friend belongs. In those circumstances, I am surprised that instead of proceeding with a little more caution they should openly dissociate themselves from those who, in the name of their Party, are carrying on extremely well the Government of their provinces.

Mr. Bhulabhai J. Desai: Thank you for the certificate.

The Honourable Sir Reginald Maxwell: Therefore, I assure this House that it is the considered wish of all Provincial Governments, except one, that this legislation should be passed.

An Honourable Member: Which one?

The Honourable Sir Reginald Maxwell: The one that is not in favour of it in principle is the Government of Bihar. It is in a minority of one against ten provinces. In fact, as I told the House, one Government even wishes the penalty to be enhanced for breach of orders under section 565 but no other Government has wished the penalty which we have proposed in this Bill to be altered and every one of them is in favour of giving the courts the option of inflicting rigorous and not merely simple imprisonment. I can, therefore, safely commend this measure to the acceptance of the House.

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

"That the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for a certain purpose, as reported by the Select Committee, be taken into consideration."

The Assembly divided:

AYES—43.

Abdul Hamid, Khan Bahadur Sir.
Abdul Rasheed Chaudhury, Maulvi.
Ahmad Nawaz Khan, Major Nawab Sir.

Aiyar, Mr. T. S. Sankara.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Christie, Mr. W. H. J.
Clow, The Honourable Mr. A. G.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.

Essak Sait, Mr. H. A. Sathar H.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Hardman, Mr. J. S.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.

Jehangir, Sir Cowasji.
Lillie, Mr. C. J. W.

Maxwell, The Honourable Sir Reginald.

Menon, Mr. P. A.
Menon, Mr. P. M.
Metcalf, Sir Aubrey.
Mukerji, Mr. Basanta Kumar.
Nauman, Mr. Muhammad.
Nur Muhammad, Khan Bahadur Shaikh.

Ogilvie, Mr. C. M. G.
Parma Nand, Bhai.
Pillai, Mr. N. R.
Raisman, The Honourable Mr. A. J.
Row, Mr. K. Sanjiva.
Sant Singh, Sardar.
Scott, Mr. J. Ramsay.
Siddique Ali Khan, Khan Bahadur Nawab.

Slade, Mr. M.
Spence, Mr. G. H.
Sukthankar, Mr. Y. N.
Sundaram, Mr. V. S.
Zafrullah Khan, The Honourable Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

NOES—37.

Abdul Qaiyum, Mr.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Basu, Mr. R. N.
Chaliha, Mr. Kuladhar.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Das, Mr. B.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hegde, Sri K. B. Jinaraja.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.

Joshi, Mr. N. M.
Kailash Behari Lal, Babu.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Muhammad Ahmad Kazmi, Qazi.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. M. Thirumala.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Satyamurti, Mr. S.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sri Prakasa, Mr.
Varma, Mr. B. B.

The motion was adopted.

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

"That clause 2 stand part of the Bill."

Sardar Sant Singh: Sir, I move:

"That in clause 2 of the Bill, for the words 'six months' the words 'three months' and for the words 'one thousand' the words 'five hundred' be substituted."

Sir, in commending this motion to the House I want the House to realise one thing, and that is that the only change that this Bill makes, in the already-existing provisions of section 565 of the Criminal Procedure Code, is that it changes the form of the imprisonment from simple into rigorous. If this House wanted to disagree with the principle underlying the Bill, the proper stage, in my opinion, was when the Bill was referred to the Select Committee. After having accepted the principle of the Bill and after referring it to a Select Committee, it is very surprising now that the Congress Party should vote against the same principle

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that.

Sardar Sant Singh: I am only referring to the attitude taken up by my friends of the Congress Party. However, I am not going into the principles underlying this Bill. I am only referring to this one fact, and I won't take the time of the House in dilating much upon that. The quantum of punishment provided in the Bill is to be judged from another point of view as well and which I will commend to the Honourable the Home Member to consider seriously and that is that, after all is said and done, this section 565 comes into operation after the criminal has undergone the punishment provided for the substantive offence for which he was convicted; that is to say, the object of punishment, namely, to purge him of the offence that he has committed had been achieved. He has actually purged himself of the offence and then the only thing which remains is to prevent him from further attempts to commit offences of the same kind or even of a different kind. The object of the section 565, Criminal Procedure Code, is to present the convict from committing offences after his release. It is not a substantive offence which you are punishing; you are punishing him because he does not conform to certain

[Sardar Sant Singh.]

rules and regulations made in accordance with the provisions of section 565. Therefore, in providing the punishment for that, we should bear in mind that the punishment should be as light as we possibly can make.

Sir, the Honourable the Home Member stated that the simple imprisonment had not proved effective in the past and that the Provincial Governments have moved the Central Government to make a more stringent provision in order that the punishment under section 565 should be made more effective. All right. If it is to be done, and if the simple is to be changed into rigorous imprisonment, in that case my submission is that three months is quite enough as the maximum term of imprisonment which should be awarded. The second point is that in these days of depression, it is difficult for any individual not to take to criminality and to resort to theft and dacoities and robberies and some such acts if he has to pay heavy fines. Therefore it is necessary that the punishment, so far as fine is concerned, should be as light as possible. It might be stated that the trial magistrate will have full discretion and that it is the maximum that has been provided. My submission is that we know how the magistrates are working and we have had experience of them. The maximum certainly tells upon their mentality when they are going to award punishment with a fine. We have seen very often that the fine is remitted by the appellate court more often than not, the reason being that the prisoner is unable to pay the fine. At this stage, I want to draw the attention of the Honourable the Home Member to one fact more and that is that in accordance with section 565 (3), "the Local Government may make rules to carry out the provisions of this section relating to the notification of residence or change of or absence from residence by released convicts." In the past the rules made have been very hard. As was pointed out by my friend, Mr. Ananthasayanam Ayyangar, these rules require the person bound down to give the information "in person" in the police station. That is really very hard. It is not only wasting the time of the criminal but it makes him to leave his job so as to go there and then puts him to unnecessary inconvenience. In these days, I think that, if the rules are relaxed and the Honourable the Home Member recommends to the Local Governments that the rules should be so made that the information about the change of residence should be communicated instead of being made in person, this will help the criminals to reform themselves rather than to condemn him for all time to come. Therefore, Sir, without any further speech, I want to commend this amendment to the House.

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

"That in clause 2 of the Bill, for the words 'six months' the words 'three months' and for the words 'one thousand' the words 'five hundred' be substituted."

Mr. Bhulabhai J. Desai: Mr. President, I am very glad my Honourable friend, Sardar Sant Singh, has satisfied his conscience and also has satisfied the law. He has satisfied his technical conscience by saying that inasmuch as this House referred the matter to a Select Committee, therefore he must allow the Bill to be considered. But he has realized the correctness of the principles I laid down and even more than merely passing the Bill, that is to say, abolishing the alternative of rigorous imprisonment, I am glad he has recognized—and what my Honourable friend, the Home Member, did not recognize,—the real distinction between

the offence which is the subject of this Bill and the offence out of which it originally arises, but he ought to have perceived that this derivative punishment is entirely wrong. In trying to answer my Honourable friend, Prof. Ranga, he said that Prof. Ranga did not notice that the offences of which he had already been convicted were serious. Who denies that? That is not the issue. It is admitted that the man has already been convicted of certain offences, some grave, and some not so grave, and yet all that we are dealing with is that having been so convicted and having suffered punishment for that crime, if there is any meaning in punishment from the point of view of my Honourable friends opposite, I take it that he has paid the penalty for that offence, because, according to the Draconian Code, every punishment is adequate to the crime. If, therefore, the original punishment was adequate to the crime, then it is obvious that so far as the first offence is concerned, he has paid for it.

Then, we come to the next. Here there is an additional difficulty, and that is the point which my Honourable friend, the Home Member, missed, namely, that he should be required to report his whereabouts or what he proposes to do in the future. Supposing he fails to report this. Now, imagine the nature of that offence. Is that an offence of such a character that you should visit it with a punishment the maximum of which is six months and a thousand rupees fine which my Honourable friend, Sardar Sant Singh, thinks and even my Honourable friends on the other side might think it difficult sometimes to produce at the end of the month. Therefore, the position really is this, that we have to consider whether the punishment is adequate to the crime. I am sure, my Honourable friend would consider his position to be like this: "I have now saved the Bill so far as the Bill goes, but I have now brought down the punishment to what it really ought to be."

There is another point that I wish to deal with, and that is the appeal that my Honourable friend made arising out of the support that he has got from Provincial Governments. If my Honourable friends on the other side do regard the Provincial Governments in the same way in which we regard them and do not occasionally resort to this as a mere vote catching practice it is an expression which I have merely borrowed from them then perhaps I may have more regard to the way in which they treat the Provincial Governments; but if they merely trot them out occasionally when it suits them—I think my Honourable friends must be laughing in their sleeves, I see they are laughing out of their mouth—then they are not really resorting to a real argument. The fact is that on the principles which I have enunciated before the House. I do stand for punishments which must not come under the category of a vengeance, but which may go up to the point of segregation, though even on that a man may truly differ from others. People are, I believe, more dangerous in society when they are guilty of political offences, because they are likely to spread the infection far too much for the comforts of my Honourable friends opposite. Therefore, a punishment by way of segregation is not the one which they should resort to first, but if segregation is not enough and if rigorous punishment has got to be resorted to, then, I believe, with people who have reformed their natures, there may be some chance. But when the hypothesis is that we are dealing with habitual criminals, then do you think you are improving his nature by inflicting more injury on him? In fact, you are making him worse. Therefore, my humble judgment is—whether any Member of this House agrees with

[Mr. Bhulabhai J. Desai.]

it or not—that we have got to have a different approach to punishments and to the way in which we deal with these criminals. I whole-heartedly support the amendment which is going to give a real relief to this class of criminals. In fact, I would have been sorry if the Bill was rejected at the consideration stage. I am rather glad of this defeat, because it has given a chance for the amendment of the law in a further right direction than I had anticipated. I was afraid lest the absence of Mr. Lalchand Navalrai would have deprived me of that opportunity, but I was prepared to take both the chances. If my Honourable friend, the Home Member, insists on this Bill, he must take all the consequences arising out of this amendment.

The Honourable Sir Reginald Maxwell: Sir, I am afraid I must strongly oppose this amendment. It is not the principle of this Bill to alter the quantum of punishment. The principle of the Bill is to alter the mode of punishment of certain persons. As I explained to the House when I first moved the consideration of this measure, we have taken a certain class of offences out of section 176 of the Indian Penal Code where the punishment provided is simple imprisonment for six months or a fine of Rs. 1,000. Out of all the offences which would fall under that particular section, we have extracted a particular group of offences, namely, those in which the failure to give the notice required by law takes the form of a failure to comply with orders under section 565. It would be upsetting the balance of the section entirely if we were to take out this class of offence in order merely to give the option to the court to inflict rigorous imprisonment and then to reduce the period of segregation, to quote the expression used by the Honourable the Leader of the Opposition. Besides, we know from the Honourable Member, Mr. Sri Prakasa, that rigorous imprisonment is really an attraction because you get the additional breakfast. Now, if we wish to persuade certain people not to commit breaches of orders under section 565 and if we first attempt to do that by offering them the attraction of an additional breakfast, and not only do we do that but we also limit the maximum period for which they may be subject to the segregation in question, then we are merely putting a premium on the breach of orders under section 565. Then, I come to the point which the Honourable the Leader of the Opposition has just made, namely, he does not like this Bill because, he says, it imposes an additional punishment where the person has already been punished.

Now, I did not overlook the distinction which he has made when I was commenting on the speech of Prof. Ranga. The reason why I used the argument that these persons were habitual criminals who had committed a serious offence was not to argue that they, therefore, ought to be punished further and over and above the punishment awarded by the courts but to argue that in the case of persons of that kind it was necessary that the police by means of an order under section 565 should be able to keep a better watch on their doings. The object of an order under section 565 is not to penalise a person. The object of an order really is that a person who has shown himself to be a habitual criminal of a serious kind should be more easily kept under supervision in case he should repeat the offence. We know that when a person becomes a habitual criminal, there is a great tendency to repeat the offence and my Honourable friend, Mr. Sri Prakasa, has had bitter experience of that fact. Therefore, as I said, the point of section 565 is that persons should

be kept under supervision and the point of the penalty is only to deter such persons from breaking the order to report their residence or change of residence. Therefore, a person of this character is not going to be deterred easily by simple imprisonment. That is the whole point. But the proposal to reduce the period of imprisonment to which he is liable would, in fact, mean a less heavy penalty than we already have under section 176 of the Indian Penal Code as it stands unamended. Therefore, I must oppose the change. In this connection, I would particularly mention that in all the opinions expressed by the provinces, there was practically no criticism of the period of punishment which we wish to retain in this measure except in the case of one province, and that was the province from which the Leader of the Opposition himself comes. They pressed us to increase the period of punishment from six months to one year. I leave the House, therefore, to consider whether we should be in any way helping the Provincial Governments or meeting their views by reducing the period.

Sir Syed Raza Ali: Sir, the scheme of the Bill that is before the House is a very simple one and fits in thoroughly with the law as it exists today. I will say only a few words to explain how the scheme of the Bill fits in with that of the existing Act.

Section 176 of the Indian Penal Code is divided at present into two parts. In the case of an offender who fails to give information, the law provides that he shall be punished with simple imprisonment for a term which may extend to one month and with fine which may extend to Rs. 500. The second portion of the existing section, namely, section 176, says that in the case of a person who has been guilty of a more serious character, if that person fails to give such information, he shall, on conviction, be sentenced to simple imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1,000, so that the punishment provided in the second part of the existing section 176 is more serious than that provided in the first part.

Now, the present Bill deals with the case of a person who, having been convicted of a more serious offence and being a habitual offender, fails to give information under section 565, Criminal Procedure Code, which information he is ordered to supply by order of Court. Obviously the offence contemplated in the Bill and provided for in the Bill is of a more serious character on the very face of it than the offence mentioned either in the first part or the second part of this existing section 176, Indian Penal Code. In all crimes there is such a thing as proportion of punishment that is to be meted out to the offender. It is just the scheme of the Act that the punishment provided in the first part of section 176 is more lenient than that provided in the second part. Therefore, the punishment that has been provided for in the Bill is more serious and ought to have been more serious than the punishment provided in the existing section 176. To me it seems that it is such a simple thing that it is hard to believe that anybody associated with the practice of the profession of law would raise any serious objection. It is such a simple scheme. (Inter-ruption.) I will ask my Honourable friend to draw his own inference. What I have said is said. To me it seems that the provision in the Bill is a well thought out one, and it is thoroughly in keeping with the spirit of the existing section. To say that six months simple imprisonment is equal to three months rigorous imprisonment, which I believe is the

[Sir Syed Raza Ali.]

deduction that can be drawn from some of the speeches that have been made, especially from the speech of the Honourable the Leader of the Opposition, this defies all canons of common sense and it is not to be taken seriously. How can it be said that three months rigorous imprisonment is equivalent to six months simple imprisonment. To me it seems strange logic coming from the quarters it did. Had it been the case, every one of us would certainly have been surprised at that logic. To me it seems that there is absolutely no question that a man who has committed a serious crime and has undergone punishment for that crime for having committed that crime should be punished more seriously after the expiry of first sentence of imprisonment. There is no question about that. But we should remember that the offence which an offender who has been ordered to supply information under section 565 has committed is certainly of a more serious character than the offence committed by the man which is to be dealt with under the existing section 176, Indian Penal Code. Therefore, it seems to me it is such an obvious thing that to go against the amendment or to oppose it in the name of consideration for humanity is to defy all canons of common sense and logic. I support the clause as it is embodied in the Bill and I oppose the amendment moved by my Honourable friend, Sardar Sant Singh.

Mr. M. Ananthasayanam Ayyangar: Sir, I do not know how long my Honourable friend, Sir Raza Ali, has been practising at the Bar.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will speak to the amendment.

Mr. Bhulabhai J. Desai: The Honourable Member, Sir Syed Raza Ali, remarked that some of us here, on this side, did not understand the distinction between simple and rigorous imprisonment. It is but right that my Honourable friend, Mr. Ayyangar, should meet those criticisms.

Mr. M. Ananthasayanam Ayyangar: Possibly my Honourable friend, Sir Syed Raza Ali, suspended his criminal practice for the past some years. He was absent from India for some time and that is why he has forgotten the Criminal Procedure Code and the Indian Penal Code. He has very little remembrance of his criminal practice. Sir, my Honourable friend has entirely misunderstood criminal jurisprudence. He forgets that the man who does not give information does not commit any offence against property or person.

Sir Syed Raza Ali: He commits an offence against society.

Mr. M. Ananthasayanam Ayyangar: Neither my sitting here is an offence against property or any person, but in special cases it may be an offence against the State. That is why this was originally made an offence under section 565 Criminal Procedure Code. This is only a preventive section that is introduced in section 565 Criminal Procedure Code. As there are preventive sections in sections 144, 145, 107 and 108, so also there is a preventive section here. It is not a substantive crime but is useful for the purpose of avoiding a trial or trying to obtain information, so that the man may be prevented in time from committing the crime. It is an obligation cast upon him. Therefore, there is absolutely no purpose in confusing the one with the other or reading section 176 again from beginning to end and saying that this fits in with the scheme of things. Of course, if it is printed, it fits in. If a thing is not printed, it does not fit in. How can an ill-printed thing fit in with a well printed thing?

Now, Sir, let me come to the Honourable the Mover of the Bill. The Honourable the Mover said that with a view to deter the criminal this kind of punishment ought to be introduced. A fine of Rs. 1,000 ought to be imposed as a punishment upon this man for not giving the information. On the other hand, let me consider from the attitude of the criminal whether he is guilty. He only goes out from one place to another without informing. Is he to pay Rs. 1,000 for that? This man is convicted for stealing not only once but twice. For the first time when he committed the offence he is sentenced to some imprisonment. A second time when he commits the same offence a larger sentence is imposed upon him. A third time, even though he does not commit the crime, he is punished for going away without giving information. He is a thief and a double thief and a third time without thieving he has to pay a thousand rupees. What the Honourable Member says is that if simply he goes but not commit theft he must pay a thousand. If he does not commit theft wherefrom is he to pay his thousand? It is not as if he had not gone to jail. He went to jail once and went to jail a second time and the third time he is asked to give information. The Honourable the Mover says if he does not inform he will pay a thousand but why should he not go out at all to commit theft so that he may pay a thousand? The Honourable the Mover with all his experience has forgotten that. If he commits an offence during the night he may not be caught but if it is during the day he may be punished only for the simpler offence. He can give the excuse of "reasonable cause" in section 176. But "reasonable cause" depends on the judge. One judge may decide it in one way and another judge in another way. Therefore, so far as the fine is concerned, the larger the amount of fine the larger is the inducement to thieve.

Now, let us come to the three months' rigorous imprisonment. I am a Mathematics graduate and I will ask my Honourable friend, Sir Raza Ali, what graduate he is. But I will ask him how many months of rigorous imprisonment are equal to six months of simple imprisonment. He said that the Leader of the Opposition had misunderstood it and said that three months' rigorous imprisonment are equal to six months of simple imprisonment. What is his calculation? How many months of rigorous imprisonment are equal to six months of simple imprisonment? I find that he is unable to answer. Therefore, according to my friend, Sir Raza Ali, six months of simple imprisonment are equal to six months of rigorous imprisonment. Rigorous is simple and simple is rigorous. I am presenting him with the same dictionary that he recommended to us and I give him all the other dictionaries that are here, because we are going away and he can see whether simple means rigorous. We are only seeking to convert it from six months to three months. My Honourable friend represents the seven cities. If he represented seven villages or 500 villages as I do he would know the difficulties of these people. Therefore, let us not be too rigorous in this matter and let us reduce it from six months to three months and from one thousand rupees to five hundred rupees.

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

"That in clause 2 of the Bill, for the words 'six months' the words 'three months' and for the words 'one thousand' the words 'five hundred' be substituted."

The motion was negatived.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Reginald Maxwell: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN SOFT COKE CESS COMMITTEE (RECONSTITUTION AND INCORPORATION) BILL.

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

"That the Bill to reconstitute and incorporate the Committee constituted under the Indian Soft Coke Cess Act, 1929, be taken into consideration."

When this Committee was first constituted practically all the proprietors of collieries producing soft coke were members of the Indian Mining Federation, and, therefore, the bulk of the non-official representation on the committee was allotted to the Federation. There are eight non-official members of the committee, out of whom seven are nominated by the Indian Mining Federation and one by the Indian Mining Association. Since then, there has been a split in the Indian Mining Federation and the Indian Colliery Owners' Association has come into being, and they represent a substantial number of the collieries that produce soft coke. It has, therefore, become necessary to re-allot the non-official membership on the committee between these three Associations. An attempt in that direction was made about two years ago but had to be abandoned owing to certain constitutional difficulties. The present Bill is designed to give effect to an agreement recently arrived at between these three Associations with regard to the representation of unofficial interests on the committee. As Honourable Members will observe, the Bill proposes to allot four members to the Indian Mining Federation, three Members to the Indian Colliery Owners' Association, and one Member to the Indian Mining Association. The Bill also seeks to make purely formal changes in the Act of 1929 which have become necessary as a consequence of Orissa having been constituted into a separate province. Opportunity is also being taken to incorporate the Committee. Sir, I move.

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

"That the Bill to reconstitute and incorporate the Committee constituted under the Indian Soft Coke Cess Act, 1929, be taken into consideration."

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I do not want to prolong the discussion on this Bill, nor do I wish to make any comments on the question of the necessity of a measure of this kind. My only objection is that when this Committee is remodelled and three seats have been allotted to the Indian Colliery Owners' Association, no regard has been paid to the question of Muslim representation there. I am afraid I may be misunderstood, and some people might feel that I am trying to introduce communal matters in this, but far be it from me. I merely want to point out to the House that in commercial matters the interests of Muslims should not be ignored. It is in order to safeguard the interests of Muslims that Muslim Chambers of Commerce have been organized in Calcutta and other places. Therefore, I think the Honourable

Member in charge of the Commerce Department should have made it a condition precedent that out of the three persons to be nominated by the Indian Colliery Owners' Association one should be a Muslim representative. That is the only modest request we like to make. The necessity for this measure has been explained by the Honourable the Commerce Member, and I should like the Honourable Member to give us an assurance on the floor of the House that efforts will be made or proper advice would be sent officially to Coal Mine Owners' Association to say that at least one out of the three seats would go to a Muslim representative. Sir, I have no more remarks to offer, and with these few words, I resume my seat.

The Honourable Sir Muhammad Zafrullah Khan: Can the Honourable Member tell me how many Members of the Indian Colliery Owners' Association are Muslims, and what is the proportion of soft coke produced by collieries owned by Muslims?

Mr. Muhammad Nauman: I have no information at the moment, but the Honourable Member can himself make inquiries.

The Honourable Sir Muhammad Zafrullah Khan: Then, what is your case?

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Sir, I had no desire to take part in this debate, but my friend, Mr. Nauman, made a statement to the effect that the Honourable the Commerce Member should have made provision for Muslim representation in the Colliery Owners' Association. My friend's colossal ignorance of the coal trade has made him make this statement here. As far as I am aware, Sir, there is hardly a single Muslim colliery owner at present either in Bengal or Bihar. All that they possessed has been passed over to other people. It is now open to the Members of the Indian Colliery Owners' Association who are now getting these three seats to see that if there are Muslim members, at least one of them should get a seat out of the three seats that they have got, and it is not for the Honourable the Commerce Member to dictate it to them.

Mr. Brojendra Narayan Ohaudhury (Surma Valley *cum* Shillong: Non-Muhammadan): Sir, my friend, Mr. Nauman, has made out no case whatever for Muslim representation on this body, because as far as we know, there are no Muslims who are colliery owners and who are members of that association. He has not told us any reason why among the colliery owners, when there are no Muslims as colliery owners, there should be Muslim representation. I was astonished to find in reply to the inquiry by the Honourable the Commerce Member that my friend, Mr. Nauman, did not know how many Muslim colliery owners there were. There may be some, probably there are. Even then there is no reason on earth why the colliery owners would refuse to elect a competent person simply because he professes the Muslim faith. The electors would look to their colliery interests which are the same for Muslim-owned and Hindu-owned collieries. But even if the Honourable the Commerce Member has in mind to give an extra seat for Muslims on this body, his hands will be tied after this Bill is passed. He cannot make any rule, because this clause here says clearly only three

[Mr. Brojendra Narayan Chaudhury.]

members nominated by the Indian Colliery Owners' Association will be elected jointly. I do not understand the significance of the inquiry made by the Commerce Member. Sir, I support the Bill *in toto*.

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

"That the Bill to reconstitute and incorporate the Committee constituted under the Indian Soft Coke Cess Act, 1929, be taken into consideration."

The motion was adopted.

Clauses 2 to 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Muhammad Zafrullah Khan: Sir, I move:

"That the Bill be passed."

The motion was adopted.

THE HINDU WOMEN'S RIGHT TO DIVORCE BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, I beg to present the Report of the Committee on Petitions on the Bill to give a right to divorce to Hindu women under certain circumstances.

The Assembly then adjourned *sine die*.

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- Question re—**
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- Oath of Office. 1, 323.

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ROW, MR. K. SANJIVA—

- Consideration of the Reports of the Public Accounts Committee. 83, 397, 565-68.

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- Question re** recruitments to the —. 2095-96.

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- Question re** tenders for the — at Manora, Karachi. 2631.

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RULING(S)—

— by Mr. Chairman (Mr. S. Satya-
murti)—

Cut Motion(s)—

— *re* conditions to be imposed
on subsidised or protected in-
dustries in India is in order.
2049.

The Honourable the Finance
Member must be in his place
all the time when — are being
moved. 2047.

Miscellaneous—

An Honourable Member is
perfectly in order in referring
to the previous speech of the
Government Member which
is relevant to the subject of the
motion that he is moving.
2052.

RULING(S)—*contd.*

— by Mr. Chairman (Mr. S. Satya-
murti)—*contd.*

Miscellaneous—*contd.*

Honourable Members should not
interrupt sitting. Interrup-
tion of one or two words may
be allowed, but the interrup-
tion of a long sentence or
sentences is wholly unparlia-
mentary. 2287.

It is not right that an Honourable
Member should put questions
across the floor to the speaker
who is addressing the chair. He
must get up and put the question
through the Chair. 2357.

No conversation should be carried
on across the floor of the House.
Honourable Members address-
ing the House should not take
any notice of remarks made by any
Honourable Member sitting
in his place. 2286.

No remark should be made upon
the Chair, however much an
Honourable Member may dis-
agree with its rulings. 2048.

Unless anything is uttered on the
floor of the House, the Honour-
able Member speaking should
address the chair. 2283.

Personal Explanation—

A point of — arises only when
another Honourable Member
says something which the Honour-
able Member said on the floor of
the House, but which is not what
was intended to be conveyed by
him. It cannot be used as a
cloak for answering an argument.
2135.

— by Mr. Deputy President (Mr.
Akhil Chandra Datta)—

Miscellaneous—

An Honourable Member has a
right to protest until a ruling is
given; but after the ruling has
been given, he has no right to go
on repeating his protest. 3561.

An Honourable Member has no
right to challenge a ruling,
right or wrong. 3561.

RULING(S)—*contd.*

— by Mr. Deputy President (Mr. Akhil
Chandra Datta)—*contd.*

Miscellaneous—*contd.*

The House is not at liberty to
discuss individual clauses over
again at the third reading of
a Bill. 3472.

— by Mr. President (The Honourable
Sir Abdur Rahim)—

Amendment(s) to Bill(s)—

An amendment, not seeking to raise
the duty to a figure which is higher
than what was prevalent on the
date the Bill was introduced, is
in order and sanction of the
Governor General is not required.
3455.

If sanction is required and has not
been obtained then the amend-
ment cannot be moved at all.
3450.

The period is not relevant *ipso facto*
to an amendment relating
to a certain rate of protec-
tion. 3749.

Answer to a question—

If any Honourable Member finds
that an — is not satisfactory,
it is up to him to find out any
remedy he can. The Chair
has no authority in the matter.
1139.

Bill(s)—

A motion affecting changes in the
composition of a Select Com-
mittee in regard to a certain
— saves it from lapsing even
if no other motion is made with
regard to the same during the
two consecutive Sessions.
3803.

The chair is not to call any Member
by name. It is the duty of an
Honourable Member to rise in
his place if he has an amend-
ment in his name. 3449.

Cut Motion(s)—

As the Central Government is not
responsible for the control of
Moplah prisoners, the — *re*
their release, etc., is out of order.
2032.

RULING(S)—*contd.*

— by Mr. President (The Honourable
Sir Abdur Rahim)—*contd.*

Cut Motion(s)—*contd.*

Honourable Members must re-
member that there must be a
limitation on the criticism of
the administration of the pro-
vinces which are autonomous
under the Act. All that
Honourable Members are
entitled to do is to deal with the
question of financial relation
between the provinces and the
Centre, and they may touch
on anything directly relevant
to that. 1916, 1917.

On a — relating to the demand
under the head "Home De-
partment", an Honourable
Member can discuss the general
policy of the Government of
India as regards prisoners who
are detained without trial and
illustrate his points by referring
to individual cases. 2228,
2229.

The — *re* Indians Overseas
raises questions relating to
Indians living within the
British Empire which alone is
dealt with by the Department
of Education, Health and
Lands. Any discussion relating
to the condition of Indians
living elsewhere, for instance in
Afghanistan, will not be in
order. 2188.

There can be no reference to Indians
in Afghanistan on the — *re*
Indians overseas. 2189.

Indian Finance Bill—

No provincial subject can be
discussed while discussing the
—. 2301.

Miscellaneous—

An Honourable Member cannot
address the chair except from his
allotted seat. 835.

An Honourable Member cannot
criticise the proceedings of the
House. 3405.

An Honourable Member must not
pass any reflection on the
Crown Representative. 1641.

RULING(S)—contd.

—by Mr. President (The Honourable Sir Abdur Rahim)—*contd.*

Miscellaneous—contd.

During the general discussion of the Indian Finance Bill arrangements should be made that some responsible Member or person on behalf of the Government should watch the proceedings and take notes of what is going on. 2298.

Honourable Members are free to vote or speak in any way; and to describe the exercising of that right in a particular way as criminal is unparliamentary. 3390. Honourable Members ought not to refer to past proceedings. 2044, 2045.

It is highly undesirable for any Honourable Member to use any abusive language about another Honourable Member within the precincts of the House. 2809.

On a motion for taking into consideration the Report of the Public Accounts Committee, an amendment for approving the appropriation of the Railway surplus towards repayment of temporary loans from depreciation fund is in order and supported by precedent. 84-86.

On a motion for taking into consideration the Report of the Public Accounts Committee, an amendment seeking a *post mortem* examination of the accounts would not be in order. It has been the practice that this House cannot have a vote on such a motion; if no vote is taken, there can be no amendment. 86.

The chair cannot compel any Party or any Honourable Member to vote in a particular manner nor can it compel any Party or individual to speak in the matter, whether any individual Member speaks in support or against any motion before the House and then abstains from voting, is a matter for him to judge and decide. 3462.

LING (S)—contd.

—by Mr. President (The Honourable Sir Abdur Rahim)—*contd.*

Motion(s) for Adjournment—

A motion for adjournment having being fixed up for discussion at 4 P. M. on a day, voting on a motion, actually in progress when the clock struck four, should be completed; but there can be no further disposal of the particular matter under consideration, and the motion for adjournment must then be taken up. 200.

Question(s)—

An indefinite authority to put — on behalf of an Honourable Member who is absent cannot be accepted. The whole object of allowing an Honourable Member to put questions in his absence is that, if any Honourable Member happens to be unavoidably absent, then the information he wanted might be supplied to another Honourable Member, and not that a Member is authorised to put down questions, say, for a series of 10 or 12 days or may be for a month, as it does happen, and then absent himself and let somebody else ask the questions. The authority should be sent to the office. The proper course is to mention the dates when the Honourable Member expects to be absent for unavoidable reasons, but it cannot be that an Honourable Member should absent himself for a number of days and ask some other Honourable Member to put his questions. 1696, 1717.

If it is a public concern, a question can be asked about an individual. 1634.

When a question was answered with a previous question, that was the time to put supplementary questions. 242.

When the Honourable Member for the Government says it is not in the public interest, it must be taken as such. 227.

RULING(S)—contd.

—by Mr. President (The Honourable Sir. Abdur Rahim)—*contd.*

Resolution(s)—

When Resolutions are set down in the name of one and the same Honourable Member in the List of Business, the moving of each subsequent Resolution depending on certain condition or conditions precedent, no subsequent resolution can be moved unless the condition or conditions precedent are satisfied; Honourable Members have no right to select a resolution on the floor of the House. 951.

Supplementary Demand—

Whenever a — of a big sum is made, it is but fair and, indeed, necessary that proper explanations should be given why this expenditure in excess of the original demand is incurred. It is not possible for the House to examine the details of expenditure, but it is the function of the Standing Finance Committee to examine the details which ought to be supplied to it. 2781.

Supplementary Grants—

No question of policy can be discussed on the —. The time for discussing it is when the budget is presented and the demand is made. The demand can then be rejected or reduced. But once that has been accepted and Government have incurred expenditure in accordance with the demand that has been passed, including the policy that is involved in the demand, any supplementary sum required will not involve the question of policy at all. 2271-73.

RUMOUR(S)—

Question re — of a raid on Bannu. 3119.

RUNNING ROOM(S)—**Question re—**

Discrimination in the supply of meals from European — to Muslims guards on the North Western Railway. 3369.

RUNNING ROOM(S)—contd.**Question. re—contd.**

Use of — by Travelling Ticket Examiners on the East Indian Railway. 3633.

RUNNING STAFF—**Question re—**

Classification of certain staff on railways as —. 3642-43.

Non-grant of holidays to station and — on Railways. 2825.

See also "Staff".

RUNNING TRAINS—

See "Train(s)".

RUPEE(S)—**Question re—**

Refusal by certain people to accept Queen Victoria's —. 249.
— of the Queen Victoria's reign. 826.

RUPEE DEBT—

See "Debt(s)".

RUPEE LOAN—

See "Loan(s)".

RURAL AREA(S)—**Question re—**

Denial of the right of purchasing lands by depressed classes in — of Delhi Province. 1223, 2631.

Drift of Indian population from — to towns in South Africa. 439.

Extension of post offices in —. 660-61.

Pie postage for newspapers circulating in —. 944.

Post offices opened in —. 680.

Postcards and envelopes sold in — and urban —. 3592-94.

Provision of postal facilities in —. 1147.

RURAL BROADCASTING PROGRAMME—

See "Broadcasting Programme".

RURAL DEVELOPMENT—

Question re programme of — in the Centrally administered areas. 3517.

RURAL INDEBTEDNESS—

Question re legislation to relieve — in the Centrally Administered Areas 1626.

RUSSIA—

Question re representation for the purchase of Indian tea by —. 3445.

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SABOTAGE—

Question re—

Notes regarding accidents and — on the East Indian Railway. 2900.
— on Railways. 3103-05.
— on the East Indian Railway. 2154-55.

SACK(S)—

Question re experiments in the manufacture of cotton —. 3709.

SADAR POLO GROUND—

See "Polo Ground".

SAFETY—

Question re correspondence with the Government of Assam regarding the Burrows Committee's Report on — and conservation of Coal. 1630.

SAFETY MEASURE(S)—

Question re—

Discussions regarding — against railway derailment at Patna. 1574.
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தமிழ்நாடு ஆவணக்காப்பக நூலகம்,
எழும்பு, சென்னை-600 008.

தவ ன்ணத்தாள்.

Q. 6. Explain :

1. **Order :**

[illegible]