लाल बहादुर शास्त्री प्रशासन अकादमी
Lal Bahadur Shastri Academy of Administration
मसूरी
MUSSOORIE

पुस्तकालय
LIBRARY

प्राप्ति संख्या
Accession No. 592 119646
वर्ग संख्या
Class No. R 328.5402
पुस्तक संख्या
Book No. Ind. 1934
V.6

THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE EIGHTH SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY)

VOLUME VI—1934.

LEGISLATIVE ASSEMBLY.

Monday, 16th July, 1934.

The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the First Day of the Eighth Session of the Fourth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act. Mr. President (The Honourable Sir Shanmukham Chetty, K.C.I.E.) was in the Chair.

MEMBERS SWORN.

The Honourable Sir Nripendra Nath Sircar, Kt. (Law Member) ;

The Honourable Sir Percy James Grigg, K.C.B. (Finance Member) ;

Mr. L. C. Buss, M.L.A. (Nominated Non-Official) ;

Lieut.-Colonel Arthur Friedrich Rawson Lumby, C.I.E., O.B.E., M.L.A. (Army Secretary) ;

Mr. George Hemming Spence, C.I.E., M.L.A. (Secretary, Legislative Department) ;

Mr. Abraham Jeremy Raisman, C.I.E., M.L.A. (Government of India : Nominated Official) ;

Mr. Edward William Perry, C.I.E., M.L.A. (Government of India : Nominated Official) ;

Mr. Chandulal Madhavlal Trivedi, O.B.E., M.L.A. (Government of India : Nominated Official) ;

Mr. Kodikal Sanjiva Row, M.L.A. (Government of India : Nominated Official) ;

Khan Bahadur Mir Zyn-ud-din, M.L.A. (Madras : Nominated Official) ;

Rao Bahadur Krishna Raddi Basappa Bhadrapur, M.L.A. (Bombay : Nominated Official) ;

Mr. Hamid Moizuddin Abdul Ali, M.L.A. (Bombay : Nominated Official) ;

Shams-ul-Ulema Mr. Kamaluddin Ahmad, M.L.A. (Bengal : Nominated Official) ;

Khan Bahadur Abu Abdullah Muhammad Zakaullah Khan, M.L.A. (United Provinces : Nominated Official) ;

Mr. Dionys John Norris Lee, M.L.A. (Central Provinces : Nominated Official) ; and

Mr. Walter Lawrence Scott, C.I.E., M.L.A. (Assam : Nominated Official).

QUESTIONS AND ANSWERS.

COUNTING TOWARDS PENSION OR GRATUITY OF THE SERVICES OF DISMISSED POSTAL EMPLOYEES.

1. ***Mr. Lalchand Navalrai :** (*a*) Will Government be pleased to state what rule or policy they adopt in regard to counting towards pension or gratuity, the previous service of a Government servant in the Postal Department, who has been dismissed after putting in some years' service and is again employed in Government service ?

(*b*) If Government do not count such service towards pension or gratuity, will they be pleased to state their reasons for not doing so ?

(*c*) If they do take into consideration such service, will Government be pleased to state if such a rule is followed in practice ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). The rule which is applicable to all Government Departments and is laid down in Article 418 (*a*) of the Civil Service Regulations is that dismissal from Government service entails forfeiture of past service and ordinarily disqualifies from future re-employment.

(*c*) Does not arise.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether that service would be counted again or not.

The Honourable Sir Frank Noyce : I will read the answer again :

"The rule which is applicable to all Government Departments and is laid down in Article 418 (*a*) of the Civil Service Regulations is that dismissal from Government service entails forfeiture of past service and ordinarily disqualifies from future re-employment.

(*c*) Does not arise."

Mr. Lalchand Navalrai : One supplementary question, Sir : Does the Honourable Member know that there are two methods in connection with the dismissal of public servants ? One method is that when an officer is dismissed, his dismissal is notified in the Gazette ; and the other method is that when such a dismissal is notified in the Gazette, the notification in the Gazette says that he will not be taken up in service. I would like to know whether the rule that the Honourable Member is referring to applies to both classes of dismissals or to only one class ?

The Honourable Sir Frank Noyce : That, Sir, is a question which could more suitably be answered by my Honourable colleague, the Finance Member, as it deals with the interpretation of Civil Service Regulations, for which I am not responsible, but I take it that this rule applies to both the classes mentioned by the Honourable Member opposite. He will notice that the words used are "ordinarily disqualifies from future re-employment". There may be cases in which there is no disqualification from future re-employment.

Mr. Lalchand Navalrai : I will not disturb the Honourable the Finance Member on the very first day, but I would like to know from the Honourable Member himself whether any such instances have occurred in the Postal Department where people had actually asked that their service should be counted and it has been counted ?

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

Mr. Lalchand Navalrai : I would also request the Honourable Member to consider this question from the viewpoint of both the methods I have mentioned and give me a reply later on, if not now.

APPOINTMENT OF GUARDS IN THE DINAPUR DIVISION, EAST INDIAN RAILWAY.

2. *__Pandit Satyendra Nath Sen__ : (*a*) Is it a fact that in response to a representation made last year the Railway Board passed orders that no direct appointment of guards should be made in the higher grade ?

(*b*) Is it a fact that two Anglo-Indian guards were appointed in April, 1934, by the Divisional Superintendent, Dinapur, in Grade A, and that the claims of about 50 B class Indian guards, who have been drawing maximum salary for many years, were ignored ?

Mr. P. R. Rau : (*a*) I am not aware of any orders issued last year on the subject. Perhaps my Honourable friend is thinking of the rules for recruitment issued in 1931, where it is provided that direct appointment to the highest grade of guards will not be made.

(*b*) In accordance with the policy of the East Indian Railway to offer employees, who fail in eye test, employment on pay as near to their original pay as possible, one Anglo-Indian fireman and one Anglo-Indian shunter who were in receipt of Rs. 120 and Rs. 150 respectively and who failed to pass the periodical re-test of eye-sight in Class A1, but were certified as fit for Class A2, were absorbed as guards grade I.

Pandit Satyendra Nath Sen : May I know if the claims of the Indian guards were ignored in the two cases cited by the Honourable Member ?

Mr. P. R. Rau : I have just stated that these two persons were offered employment, because they had failed in the eye tests for their previous posts and were absorbed in some other posts for which their eyes were suitable.

Mr. M. Maswood Ahmad : Had they passed the examination for posts of guards ?

Mr. P. R. Rau : I am afraid I must ask for notice.

Mr. Muhammad Azhar Ali : Are those orders still in force ?

Mr. P. R. Rau : That is the general rule.

MALADMINISTRATION IN THE DINAPUR DIVISION, EAST INDIAN RAILWAY.

3. *__Pandit Satyendra Nath Sen__ : (*a*) Will Government please state if it is the policy of the Railway Board not to interfere in matters of administration ?

(*b*) Are Government aware that the attention of the Railway Board has been drawn to various cases of maladministration in the Dinapur Division of the East Indian Railway, by a large number of questions asked by various Members of this House during the last twelve months ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government please state if the Railway Board have taken any action in any matter ? If they have, what action has been taken, and in which cases ?

Mr. P. R. Rau : (*a*) It is the policy of the Railway Board not to interfere ordinarily in matters which lie within the competence of Agents of State-managed Railways.

(*b*) Government are aware that a number of questions have been asked, for many of which, I believe, my Honourable friend himself was responsible, about the Dinapur Division of the East Indian Railway.

(*c*) Government obtained information from the Agent in certain cases and after examination they came to the conclusion that their interference was not called for.

Pandit Satyendra Nath Sen : Will the Honourable Member kindly explain the meaning of the word " ordinarily " ?

Mr. P. R. Rau : I would suggest to my Honourable friend that he should consult a dictionary.

Mr. Lalchand Navalrai : May I know if the Honourable Member and the Railway Board have laid down a dictionary meaning for the words " ordinary " and " extraordinary ", and if they have been sending for reports relating to " ordinary " cases and " extraordinary " cases ?

Mr. P. R. Rau : May I ask the Honourable Member to repeat the question ?

Mr. Lalchand Navalrai : May I know the meaning of the words " ordinary " and " extraordinary " according to the Railway Board's dictionary ?

Mr. P. R. Rau : The Railway Board have not published a dictionary of their own.

Mr. Lalchand Navalrai : Have they laid down any policy in black and white with regard to their interference in " ordinary " and " extraordinary " matters ?

Mr. P. R. Rau : No, Sir ; we follow the ordinary dictionary meaning.

Mr. Lalchand Navalrai : May I know if since the last Session there have been any cases in which the Honourable Member himself treated ordinary cases as extraordinary after calling for reports from the Agents ?

Mr. P. R. Rau : My Honourable friend who put the question knows that because he was very insistent on a particular case being re-examined, it was re-examined by Mr. Colvin, a Member of the Railway Board.

Mr. Lalchand Navalrai : To the credit of the Honourable Member I must say that he also did interfere.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Dr. Ziauddin Ahmad : In view of the fact that all questions relating to the subordinates in the Railway service cannot be asked in any Provincial Council except in this House, is it not a fact that the Railway Board is responsible for the action of all their subordinates to this House ?

Mr. P. R. Rau : Sir, I have pointed out many times on the floor of this House that to discharge that responsibility the Railway Board must delegate certain powers to their Agents.

Dr. Ziauddin Ahmad : That is not my question. Delegation is an internal arrangement between the Railway Board and their Agents with which we are not concerned. What we are concerned with is this. The Railway Board is responsible to the Legislature for all the action taken by their subordinates in the Railway Department as distinct from the general administration for which the local officers are responsible ?

Mr. P. R. Rau : These questions ordinarily relate to matters which are within the province of the local administration.

Dr. Ziauddin Ahmad : Certain questions were asked about the Dinapur Division of the East Indian Railway. Then the Honourable Member cannot shove the responsibility to the Agent, because the Agent cannot answer any of those questions in the Legislature and so the Railway Board is responsible for all the actions of their subordinates here, and I should like to say that they should not shirk their responsibility to the House.

RE-ARRANGEMENTS OF THE GANDHARA AND PRE-HISTORIC GALLERIES.

4. ***Mr. Gaya Prasad Singh** : (*a*) With reference to their reply to question No. 550 given on the 27th March, 1934, will Government be pleased to state which officer is responsible for the recent re-arrangements of the Gandhara and pre-historic Galleries ? Is it the Superintendent of Archæological Section, Indian Museum, or is it the Assistant Superintendent, Archæological Survey, Eastern Circle ?

(*b*) Is it a fact that the Central Iron Screen, arranged in a square, in the Gandhara Gallery has reliefs, etc., hanging on it on both sides without any common background to these sculptures ?

(*c*) Are the other sculptures in the Gandhara Gallery placed at a right angle to the windows or along the walls ? Are Government aware that light is very important for the effect of sculptures ?

(*d*) Were these changes in the Gandhara Gallery, detailed in parts (*b*) and (*c*), carried out under the instructions or with the approval of the Director General of Archæology ?

Mr. G. S. Bajpai : (*a*) and (*d*). The Galleries in question were re-arranged by Mr. N. G. Majumdar under the instructions of the Director General of Archæology in India. Mr. Majumdar was entrusted with the completion of the Guide Books to the collection of antiquities in the Archæological Section of the Indian Museum and it was considered that the task could most suitably be entrusted to him. The superintendents concerned concurred in this arrangement.

(*b*) Yes. The present arrangement is not ideal but cannot be improved on, partly because of the limitations of space and partly for lack of funds which prevents acquisition of suitable show-cases.

(*c*) The larger sculptures in the Gandhara gallery are arranged on onary benches, along the four walls, and parallel to them and every endeavour has been made to utilise the lighting capacity of the rooms to their best advantage.

RECRUITMENT OF INDIANS IN THE INDIAN LAC RESEARCH INSTITUTE.

5. *Mr. K. C. Neogy : With reference to the answers given on the 27th November, 1933, to the starred question No. 1181 and the supplementary questions connected therewith, regarding advertising the posts in the Indian Lac Research Institute and recruitment of Indians when the contracts of the present incumbents expired, will Government be pleased to state whether the Lac Cess Committee was duly apprised of the desirability of taking action on the lines suggested ? If so, with what result ?

Mr. G. S. Bajpai : Yes. The matter will be considered by the Lac Cess Committee at their next meeting which will be held in October or November.

PROTEST BY MUSLIMS AGAINST THE SACRILEGE OF THE GRAVES AND MOSQUES IN DELHI.

6. *Lieut. Nawab Muhammad Ibrahim Ali Khan : (*a*) Is it a fact that in 1930 when the work of clearing the site for the Irwin Hospital in New Delhi was taken in hand, the Muslim community of Delhi had made a vehement protest against the sacrilege of the graves and mosques situated there ? Is it also a fact that Government had to stop the work under orders of the Deputy Commissioner, Delhi, which read as follows ?—

> " All work that was being carried out on the site of the New Hospital has been stopped until the issues that have cropped up now are not thoroughly investigated. The issues will be decided in consultation with respectable members of the Muslim community.
>
> (Sd.) A. H. LAYARD,
>
> *Dated 16th September, 1930.* *Deputy Commissioner, Delhi.*"

(*b*) Is it a fact that several notice boards bearing these orders were fixed at the site, and that a few of them are still in tact at the site ?

(*c*) Is it a fact that in pursuance of the notice referred to in part (*a*) above, the Local Government held three meetings on the 4th November, 1930, the 19th November, 1930, and the 3rd December, 1930, for consultation with the Muslims of Delhi ?

(*d*) Is it a fact that at these meetings the Muslims made the following demands, *viz.* :

(*i*) re-construction of the demolished mosques,

(*ii*) reservation of the rights of public entry therein, and

(*iii*) preservation of their present approach roads to the places ?

(*e*) Is it a fact that at the meetings referred to in part (*c*) above, the Muslims submitted the Fatwas of the Ulemas, as well as the proceedings of a special meeting held at Jama Masjid, Delhi, as appeared in the *Aljamiat* of Delhi, dated the 13th and the 18th November, 1930, to impress upon Government the consensus of opinion of their religious leaders and the public with regard to their demands ?

(*f*) Is it a fact that at the last meeting held on the 3rd December, 1930, the Chief Commissioner, Delhi, promised to consider the results achieved by the discussion with the Muslim leaders and to make his recommendations to the Government of India ?

(*g*) If the replies to parts (*a*) to (*f*) above be in the affirmative, will Government please state whether the Chief Commissioner, Delhi, made any recommendations to the Government of India in the matter ? If he did, what were his recommendations and what orders were passed thereon by the Government of India ? Were the orders of the Government of India communicated to the Muslim leaders who took part in the proceedings of the meetings held by the Local Government ? If not, why not ?

Mr. G. S. Bajpai : (*a*) to (*f*). Yes.

(*g*) No orders were passed on the suggestions made by the Chief Commissioner in 1930, as, on account of financial stringency, the execution of the project had to be postponed. In the revised lay-out every attempt will be made to give effect to those suggestions as far as possible.

Lieut. Nawab Muhammad Ibrahim Ali Khan : With regard to part (*d*) of the question, may I know how many mosques have been demolished and under what authority ?

Mr. G. S. Bajpai : So far as my information goes, not a single mosque has been demolished, and, therefore, the question of authority does not arise.

Sirdar Harbans Singh Brar : May I know if the Gurdwara in the locality of the Lady Reading Hospital will be treated as any other Moslem monument ?

Mr. G. S. Bajpai : So far as I am aware, there is no Gurdwara situated in this particular locality.

Sirdar Harbans Singh Brar : There is litigation going on there.

Mr. G. S. Bajpai : Neither my local knowledge of the particular place nor the information that has been supplied to me by the P. W. D. shows that there is any Gurdwara in that locality.

Sirdar Harbans Singh Brar : But I may inform the Honourable Member that the Gurdwara is situated very near the Lady Reading Hospital.

Mr. G. S. Bajpai : The question is not about the Lady Reading Hospital, but about the Irwin Hospital.

GRAVEYARD OF MEHDIAN AND THE DURGAH OF KHWAJA MIR DARD IN DELHI.

7. ***Lieut. Nawab Muhammad Ibrahim Ali Khan** : (*a*) Will Government please state if the present routes branching from the circular road outside Delhi and Turkman Gates for approaching the three mosques which are situated on that land, the grave-yard of Mehdian and the Durgah of Khwaja Mir Dard Dehlvi, which have been shown as preserved monuments in the revised plan of the site, have also been kept in view ? If not, why not ?

(*b*) Are Government aware that the grave-yard of Mehdian is the burial place of the renowned Muslim doctors of Divinity like Maulana Shah Abdul Aziz Mohaddis, Dehlvi and others, and is for this reason held sacred by the entire Muslim community in India and visited frequently by pilgrims ?

(*c*) Are Government aware that the Durgah of Khwaja Mir Dard Dehlvi is for similar reasons as mentioned in part (*b*) above held sacred by the Muslim community ?

(*d*) Are Government aware that the religious feelings of the Muslim community will be severely injured if they are deprived of their right of visiting the shrines, which have been proposed to be blocked up by enclosing them within Government buildings without leaving any access to them ?

(*e*) Is it a fact that both the shrines mentioned in parts (*b*), (*c*) and (*d*) are admitted to be preserved monuments of Class d (*iii*) in the Government publication of the Archæological Department named "Mohamedan and Hindoo Monuments of Delhi Zail", Volume II, page 65, like the Gurdwaras of Bangla Sahib and Rakab Ganj mentioned on pages 10 and 229 *ibid*, as well as Hanuman Temple and Jain Aggarwal Temple shown on pages 9 and 14 *ibid.* ?

(*f*) Is it a fact that the Gurdwaras and the temples referred to in part (*e*) above have been allowed large compounds, boundary walls and access by main roads ?

(*g*) If the replies to parts (*e*) and (*f*) be in the affirmative, will Government please state why the shrines referred to in part (*e*) above have not been equally enclosed within boundary walls and by providing them with suitable approach roads ?

(*h*) Is it a fact that the shrine mentioned in part (*b*) above has been surrounded by clerks' quarters in such a way that it has become totally invisible to the visitors from outside, and that a cattle byre is proposed to be built in its vicinity with a gate just opposite to the shrine ?

Mr. G. S. Bajpai : (*a*) The three mosques in the first part of this question presumably refer to the graves and mosques mentioned in his preceding question, I have dealt with them in the answer which I have just given. The grave-yard of Mehdian and the Durgah of Khwaja Mir Dard Dehlvi are quite outside the lay-out of the proposed Irwin Hospital, which in no way interferes with the approach to these two monuments.

(*b*) and (*c*). Government are aware of the sentiments of the Muslim community.

(*d*) Does not arise.

(*e*) Yes.

(*f*) Government have not allotted any areas to the Gurdwara or any other shrine. The space left unbuilt on at any point, and the fencing, etc., have been adapted mainly to the general lay-out of adjacent roads and buildings.

(*g*) Suitable means of access will be provided to the two Muslim monuments referred to in part (*a*) of the answer, and it is also intended to enclose them.

(*h*) This shrine has been surrounded by new quarters, but an adequate space has been left on all sides, and roads giving access to it from the east, the south and the west are under construction. The proposal to build a cattle byre in the vicinity has emanated from the New Delhi Municipality. Government will consider whether the byre cannot be located elsewhere.

REDUCTION IN THE STRENGTH OF THE RAILWAY GANGMEN ON THE NORTH WESTERN RAILWAY.

8. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if it is a fact that the strength of the Railway gangmen on the North Western Railway lines has recently been reduced from 20 men per four miles to 15 men ?

(*b*) Is it also a fact that instead of the old system of through packing on the line, batch-packing, wherever necessary, has been introduced ?

(*c*) Is it also a fact that the gangmen have been ordered to work in the station yards on particular days ? If so, why ?

(*d*) Is it a fact that this system was introduced by Mr. Robi while he was acting in place of the permanent Chief Engineer, Lieut.-Colonel W. Macræ, R.E. ? If so, what were his reasons for doing so ?

(*e*) Are Government aware that the Permanent Way Inspectors, who actually work on the spot, find the new system inefficient, harmful and inconvenient ?

(*f*) Do Government propose to go into this matter and issue proper and suitable orders so as to make the system safe and efficient ?

Mr. P. R. Rau : (*a*) Government are informed that this has been done on some sections.

(*b*) Through packing as a regular yearly operation has been suspended. Maintenance of track is now done according to a time-table which includes all the necessary operations, such as patch packing.

(*c*) Yes, station yards also require maintenance.

(*d*) The new system was proposed by Mr. E. B. Robey and was introduced by Lieut.-Colonel W. Macræ in order to reduce expenditure on maintenance without materially impairing efficiency.

(*e*) No reports to this effect have been received by the Railway administration.

(*f*) Government see no reason to interfere.

Mr. Lalchand Navalrai : May I know whether the present Agent, Lieut.-Colonel Macræ, is also of the same opinion ?

Mr. P. R. Rau : I have just stated that the change was introduced by Lieut.-Colonel Macræ.

Mr. Lalchand Navalrai : I did not hear the Honourable Member's reply to part (*e*). May I know whether the permanent way inspectors were against this system and even now they do not think that that is a suitable system ?

Mr. P. R. Rau : I am not a technical man ; neither, I believe, is my Honourable friend. But I prefer to trust to the opinion of our expert advisers, the Chief Engineers of the line, and I do not think I can take the opinion of permanent way inspectors as against the opinion of Chief Engineers.

Mr. Lalchand Navalrai : May I also know from the Honourable Member if, when these people are working in the station yard, their work is not suffering on that account ?

Mr. P. R. Rau : I am sure, the administration will take sufficient steps to see that no necessary work is neglected.

AMALGAMATION OF THE QUETTA AND KARACHI DIVISIONS OF THE NORTH WESTERN RAILWAY.

9. *Mr. **Lalchand Navalrai** : (*a*) Will Government be pleased to state the number of line-clear stations in the Quetta Division of the North Western Railway ?

(*b*) Are Government aware that in comparison to the other Divisions of the North Western Railway the Quetta Division is too small to remain as a separate Division ?

(*c*) Are Government aware that the present Divisional system on the North Western Railway is not approved by the public and by those who are in the know of its internal working ?

(*d*) If the reply to part (*c*) above be in the affirmative, are Government prepared to undertake an enquiry to find out whether or not it would be advantageous if the Quetta and Karachi Division offices be reorganized, and a head office of both the Divisions created and located at Sukkur, which is the central place ? If not, why not ?

(*e*) Are Government aware that several suitable and commodious buildings of the Lloyd Barrage are at present lying vacant and could be profitably obtained by the North Western Railway and used for locating the proposed head office of both the Karachi and Quetta Divisions ? If so, do Government propose to move in the matter ?

Mr. P. R. Rau : (*a*) 51.

(*b*) Quetta is a comparatively small division but owing to its geographical position cannot be amalgamated with any other division.

(*c*) The question of reduction in the number of divisions on the North Western Railway was re-examined in detail by the Railway Board recently. They also obtained the opinion of Mr. Pope on the subject. Mr. Pope's opinion was that it would be a mistake at the present time to embark upon a reorganisation of divisional boundaries with its resultant upheaval and change of control. The Railway Board agree with this view and decided to drop for the time being the proposal to reduce the number of divisions on State-managed Railways.

(*d*) and (*e*). A division formed by the amalgamation of Quetta and Karachi Divisions would be unwieldy and impossible to manage. The fact of buildings being available at a certain place cannot obviously be a deciding consideration in fixing the headquarters of a division.

Mr. Lalchand Navalrai : May I ask if my Honourable friend knows that Sukkur is the central place in the railway section of Sind, and why advantage has not been taken of the Barrage buildings and the central office located there ?

Mr. P. R. Rau : I believe everybody will recognise that Karachi is the most important place in the Karachi Division.

Mr. Lalchand Navalrai : I do recognise that Karachi may be central, but it may not be convenient for all.

Mr. M. Maswood Ahmad : Are Government aware that the shifting of the divisional headquarters from Karachi to Sukkur Barrage is not liked by the majority community in Sind ?

Mr. P. R. Rau : I am not aware of that, but I think it would not be liked by anybody.

Dr. Ziauddin Ahmad : I did not follow the answer to part (*c*). Are Government aware that the present divisional system on the North Western Railway is not approved by the public and by those who are in the know ?

Mr. P. R. Rau : Government are not aware of that.

Dr. Ziauddin Ahmad : Do the Government agree ?

Mr. P. R. Rau : Government do not agree at all.

Mr. Lalchand Navalrai : May I ask my Honourable friend, Mr. Maswood Ahmad, whether he is in possession of anything to show that the majority community is against the division being located at Sukkur ?

Mr. M. Maswood Ahmad : Certain friends have informed me that Muslims do not like.

Mr. Lalchand Navalrai : I think you are incorrect if you rely on their opinion.

REFUSAL OF THE COMMISSIONER OF INCOME-TAX TO REFER CERTAIN CASES OF SIND TO THE HIGH COURT.

10. *Mr. **Lalchand Navalrai** : (*a*) Will Government be pleased to state if it is a fact that prior to the decision of the Court of the Judicial Commissioner of Sind in the case of Bulchand Keshavdas *versus* Commissioner of Income-tax, Bombay (25 Sind Law Reporter, page 182) the Commissioner of Income-tax had refused to refer to the High Court under section 66 of the Indian Income-tax Act questions of law raised by appellants from Sind on the plea that no reference lay to the Court of Judicial Commissioner ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state the number of cases for each year separately in which the Commissioner refused to refer such questions for the decision of the Court of Judicial Commissioner, Sind, on the above plea ?

(*c*) Will Government be pleased to state why no reference was made by the Commissioner to the High Court of Bombay, which was also within his jurisdiction, and whether they consider the Commissioner acted properly in refusing such applications ?

The Honourable Sir James Grigg : The answer to the first part of the question is in the negative and the other two parts do not therefore arise.

Mr. Lalchand Navalrai : There is no definition in the Income-tax Act whether High Court means a Chartered High Court, and, therefore, may I take it that, when references are made to the High Court, they could be made to the Sind High Court which is not a chartered High Court ?

The Honourable Sir James Grigg : It does not seem to me to arise out of this question, and, therefore, I must ask for notice.

AMENDMENT OF SECTION 9 OF THE INDIAN INCOME-TAX ACT.

11. ***Mr. Lalchand Navalrai** : Will Government be pleased to state if it is contemplated to amend section 9 of the Indian Income-tax Act, 1922, in view of the divergent rulings of the various High Courts, especially the following :

(*i*) In the matter of Chuni Mal (A. I. R., 1929, Lahore, 503) ;

(*ii*) Mahomed Naqi *versus* Commissioner of Income-tax, Punjab, A. I. R., 1931. (Lahore, 656) ;

(*iii*) Chunamal Saligram *versus* Commissioner of Income-tax, Punjab (A. I. R., 1931, Lahore, page 433) ; and

(*iv*) in the matter of Krishnalal Seal (A. I. R., 1932, Calcutta, page 886) ?

If not, why not ?

The Honourable Sir James Grigg : No. Of the four cases mentioned by the Honourable Member barring case (*ii*), *viz.*, of Mahomed Naqi which appears to refer to a different matter, cases (*i*) and (*iii*) were decided by the Punjab High Court and case (*iv*) subsequently by the Calcutta High Court. The latter Court has fully considered the previous judgments of the Punjab High Court and disagreed therefrom giving reasons therefor. The Government of India agree with the Calcutta High Court and in consequence consider that there is no necessity to legislate as there is nothing in the Income-tax Act in this connection which needs any amendment.

GRIEVANCES OF THE PRINCES OF THE MOGHAL DYNASTY.

12. ***Seth Haji Abdoola Haroon** : (*a*) Will Government be pleased to state whether they have received a copy of the *Oudh Akhbar*, dated the 2nd May, 1934, in which was published an article on the troubles of the princes of the Moghal dynasty, and in which Government have been requested to bestow their best consideration on the said matter ? If so, will Government please place a copy of the same on the table for the information of the Members of this House ?

(*b*) Will Government please state plainly whether the whole case, as prepared by Kudratullah Siddiqui and printed in the said paper, or any part thereof is correct ?

(*c*) Will Government also please state the steps they are taking to remove the said difficulties and troubles ?

Mr. H. A. F. Metcalfe : With your permission, Sir, I will answer questions Nos. 12—15 together. The information is being collected, and will be given to the House in due course.

PENSIONS PAID TO THE MEMBERS OF THE OLD ROYAL FAMILY OF DELHI.

†13. ***Seth Haji Abdoola Haroon** : Will Government be pleased to state if the members of the old royal family of Delhi who are residing in this province are receiving Rs. 5 or Rs. 6 per month as pension from Government ? Is that pension being paid from the Government Treasury,

†For answer to this question, *see* answer to question No. 12.

or from the properties of the members themselves or from the money which the late Bahu Begum Saheba, mother of the late Nawab Vazir Asafuddowlah, had deposited with Government and the interest of which is thus being paid ?

LOAN TAKEN BY GOVERNMENT FROM THE LATE BAHU BEGUM, MOTHER OF THE LATE NAWAB VAZIR ASAFUDDOWLAH.

†14. *Seth Haji Abdoola Haroon : (*a*) Will Government be pleased to state if they had taken a loan of one crore, eight lakhs and fifty thousand rupees in 1814 from the late Bahu Begum Saheba, mother of the late Nawab Vazir Asafuddowlah, and if a mention of the fact is made in the Treaty No. 38 ?

(*b*) Will Government be pleased to state what portion of the interest on the above amount is now being paid to the descendants of Mirza Sulaiman Shikoh, Prince of Delhi, who went and resided at Lucknow (Oudh) and whose name is to be found at the top of the list attached with the said treaty, and who was the recipient of the biggest portion of the interest ? If nothing is being paid to any of his descendants, what is the amount of the accumulated interest, and, out of the said amount, what work is being done in the interest of public or Government ?

MONEY EARMARKED BY A VAZIR OF OUDH FOR THE PENSION OF PRINCE JEHANDAR SHAH'S DESCENDANTS.

†15. *Seth Haji Abdoola Haroon : (*a*) Is it a fact that Nawab Vazir Saadat Ali Khan, Vazir of Oudh, earmarked a portion of the money mentioned in the Treaty of 1801, amounting to Rupees two lakhs four thousand yearly for the pension of one of the Princes of Delhi, stationed in the United Provinces at Benares and named Jehandar Shah, and laid down that this amount should be paid from the income of some villages handed over to Government for the said purpose ?

(*b*) Is the amount mentioned in part (*a*) still being paid to any of Prince Jehandar Shah's descendants ? If so, to whom and what amount ? If it is not being paid, how is this money being utilised ?

ALLOWANCE PAID TO MR. KUDRATULLAH SIDDIQUI OF LUCKNOW FOR DOING LOYAL PROPAGANDA FOR THE BRITISH GOVERNMENT.

16. *Seth Haji Abdoola Haroon : Will Government be pleased to state if Mr. Kudratullah Siddiqui of Lucknow, United Provinces, is paid any allowance for doing loyal propaganda for the British Government among the depressed classes and ex-royal families of India ?

The Honourable Sir Harry Haig : The answer is in the negative.

TRADE DELEGATION SENT TO KABUL.

17. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that a trade delegation was sent to Kabul ?

(*b*) Will Government be pleased to state the names of the members of the delegation and the result of the negotiations ?

†For answer to this question, *see* answer to question No. 12.

Mr. H. A. F. Metcalfe : (*a*) Yes.

(*b*) The members of the delegation were :

Mr. W. W. Nind.

Lala Shri Ram.

K. B. Syed Maratib Ali.

They were accompanied by Mr. W. D. M. Clarke, His Majesty's Trade Commissioner in Bombay, who had been nominated by His Majesty's Government to represent British trade interests.

The delegation has submitted a report to the Government of India, which is under consideration.

Mr. M. Maswood Ahmad : Will Government be pleased to lay a copy of the report in the Library of the House ?

Mr. H. A. F. Metcalfe : I am afraid that is not possible at present.

Mr. B. Das : May I know whether that report will some day see the light of day so that the mercantile community may take advantage of that trade mission's report ?

Mr. H. A. F. Metcalfe : We may all hope so, Sir.

IMPORT OF FOREIGN RICE INTO INDIAN PORTS.

18. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state the result of their negotiations in regard to import of foreign rice into Madras Presidency ?

(*b*) What steps have been taken by the Government of India and by the India Office in regard to import of foreign rice into Indian ports ?

(*c*) What quantity of foreign rice has been imported into India since January, 1934 ?

(*d*) Do Government propose to impose import duty on rice to safeguard the interests of Indian rice-growers ?

Mr. G. S. Bajpai : (*a*), (*b*) and (*d*). The negotiations have not yet been completed. The question as to what action, if any, should be taken is still under consideration.

(*c*) A statement is laid on the table.

Statement showing the quantity of foreign rice imported into India since January, 1934.

	Tons.
January	19,628
February	15,641
March	23,207
April	32,264
May	16,780
June	14,680
Total ..	1,22,200

Mr. Vidya Sagar Pandya : May I ask when we may expect the result to be known to the public ?

Mr. G. S. Bajpai : I am afraid I cannot fix the actual time.

Mr. M. Maswood Ahmad : Is it a fact that this question was discussed in a conference a month or two ago ?

Mr. G. S. Bajpai : This question, that is to say, the question of the rice crop, along with that of a number of other important crops, was considered by the Crop Planning Conference last month.

Mr. M. Maswood Ahmad : What is the recommendation of the Conference in connection with the import duty on rice ?

Mr. G. S. Bajpai : My Honourable friend already seems to be aware of their recommendations. If he wants the precise terms, I will lay a copy of the report in the Library of the House.

Mr. M. Maswood Ahmad : Do the Government agree to the recommendation of the Conference in connection with the import duty on rice ?

Mr. G. S. Bajpai : That is asking for an expression of opinion. The Government are merely considering the recommendations at this stage.

INDIANS IN CERTAIN PARTS OF YEMEN.

19. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state how many Indians were in Hodeida, Sanaa and in other parts of Yemen in the end of April, 1934 at the time of attack by Saudi army ?

(*b*) Will Government be pleased to state what steps were taken to save the lives and properties of Indians ?

(*c*) Will Government be pleased to state briefly the condition in Yemen ?

Mr. H. A. F. Metcalfe : (*a*) 300 at Hodeida, five at Sanaa and four in the Yemeni Part of Luheiya.

(*b*) With regard to Hodeida the Honourable Member's attention is invited to the Press communiqué on the subject, dated the 14th June, 1934, a copy of which is laid on the table. No steps were necessary to protect Indian subjects in other parts of the Yemen.

(*c*) So far as Government are aware the condition in Yemen is peaceful, peace having been concluded between His Majesty King Ibn Saud and the Imam of Yemen.

Press Communiqué.

Intimation has been received that the merchants of Aden, who have commercial interests in Hodeida, addressed a letter to the Chief Commissioner, Aden, on the 14th May, 1934, expressing their gratitude for the arrangements made for the protection of the lives and properties of British subjects at Hodeida during the period between the Yemeni evacuation and the Sa'udi occupation of that town.

A copy of the letter received follows :

" After tendering due respects, we beg to submit our thanks to Your Excellency for the necessary arrangements you have kindly made for the protection of the lives of the subjects of the British Government and their properties at Hodeida. Had you not taken interest in making these arrangements, looting and killing would have

taken place in the country. By means of your endeavours, both the British subjects and other inhabitants there have been saved of looting and killing.

We therefore offer you our sincere thanks for the same. All the Muslims in the other countries are also thankful to you.

We request you kindly to convey our thanks to the Commander of H. M. S. 'Penzance' for the interest and energy he has taken in protecting the interests of the inhabitants.''

A. F. EMMER,

Assistant Secretary to the Government of India.

FOREIGN AND POLITICAL DEPARTMENT,

SIMLA ;

The 14th June, 1934.

STEP TAKEN BY THE BENGAL GOVERNMENT FOR SALT MANUFACTURE IN BENGAL.

20. ***Mr. M. Maswood Ahmad** : (*a*) Are Government aware of the steps taken by the Bengal Government for the salt manufacture in Bengal ?

(*b*) Will Government be pleased to state in what way the money which has been given to the Bengal Government out of the salt duty, has been spent by them ?

The Honourable Sir James Grigg : (*a*) Yes.

(*b*) I would invite the attention of the Honourable Member to the statement laid on the table of the House on the 24th January, 1934, by my predecessor in reply to parts (*c*) and (*d*) of Mr. S. C. Mitra's starred question No. 1437, dated the 16th December, 1933.

COCHIN HARBOUR CHANNEL LIGHTING SCHEME.

21. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the Government of India have sanctioned the Cochin Harbour Channel Lighting Scheme ?

(*b*) Will Government be pleased to state (*i*) what the cost will be and (*ii*) who will bear the cost ?

The Honourable Sir Joseph Bhore : (*a*) The scheme has been sanctioned by the Government of Madras.

(*b*) The estimated cost of the scheme is Rs. 1,39,952. The expenditure will be met from the Cochin Port Fund.

ACCIDENT IN THE PORT TRUST YARD AT KARACHI.

22. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that forty employees of the Karachi Port Trust were injured in a serious accident in the port trust yard on or about the 5th May, 1934 ?

(*b*) Will Government be pleased to state the full facts about the accident and the result of any enquiry if held ?

The Honourable Sir Joseph Bhore : (*a*) An accident occurred, though not of a serious nature, on the 4th May, 1934.

(*b*) At about 7-15 P.M. on that day a North Western Railway engine which had come into a siding to remove a wagon adjacent to a dead end bumped into the wagon, resulting in two of the Port Trust staff receiving bruises and other minor injuries. The matter is being investigated.

Mr. Lalchand Navalrai : Have these people been given any compensation ?

The Honourable Sir Joseph Bhore : I am not aware of that, Sir, but I informed the House that the matter was still being investigated.

VALUE OF GOLD EXPORTED FROM INDIA.

23. *Mr. **M. Maswood Ahmad** : Will Government be pleased to state the value of gold which has been exported from India since Britain went off gold standard, up to the 30th June, 1934 ?

The Honourable Sir James Grigg : Approximately 200 crores.

Mr. Lalchand Navalrai : May I know the policy of the Government of India and also the policy of the Honourable Member himself as to whether the Government are going to allow any further exports of gold ?

The Honourable Sir James Grigg : That anticipates question No. 25.

Mr. S. G. Jog : May I know at least the views of the Honourable the Finance Member as to whether there is going to be a change in the policy as regards the export of gold, or is the said policy to continue ?

The Honourable Sir James Grigg : I can only repeat that that arises on question No. 25 and I would ask the Honourable Member to wait for the answer to that.

Dr. Ziauddin Ahmad : Are Government contemplating putting an embargo on gold exports as distinct from....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. That question will arise on question No. 25.

CHANGES IN THE COURSES OF INSTRUCTION IN THE DELHI UNIVERSITY.

24. *Mr. **M. Maswood Ahmad** : (*a*) Do Government propose to shorten the secondary course and to have a three years higher secondary course for a smaller number of students in the Delhi University ?

(*b*) Do Government propose to make arrangements for teaching all subjects except English through vernacular ?

(*c*) What changes are Government contemplating in the courses of reading of the Delhi University ?

Mr. G. S. Bajpai : (*a*), (*b*) and (*c*). The Honourable Member presumably refers to certain suggestions made in paragraphs 11 and 12 of a letter addressed by the Government of India in the Department of Education, Health and Lands to the Chief Commissioner, Delhi. As indicated in that letter, Government have invited the opinion of the University on these suggestions and await a reply. No decisions will be reached until the views of the University have been considered.

IMPOSITION OF AN EXPORT DUTY ON GOLD.

25. *Mr. M. Maswood Ahmad : Do Government propose to impose duty on the export of gold from India ?

The Honourable Sir James Grigg : I would refer the Honurable Member to the reply which my predecessor gave to question No. 340 asked by Mr. Badri Lal Rastogi on the 1st September, 1933. (Laughter.)

Mr. B. Das : May I ask the Government of India whether it will not be advantageous to them, by putting an embargo on gold exports,.....

Mr. President (The Honourable Sir Shanmukham Chetty) : That is asking for an opinion.

Mr. B. Das : May I inquire if Government are at present considering any policy of putting an export duty on gold as they put on gold mined in India ?

The Honourable Sir James Grigg : If the Honourable Member will refer to the answer to which I have already referred, part (*b*) thereof says that " Government do not give intimation in advance of their intentions about taxation ".

Mr. B. Das : Had Government put a duty of ten per cent. only, they would have got Rs. 20 crores to meet the deficit Budget of the Government of India.

Mr. S. G. Jog : Is it not the case that the old policy of the Government in the matter of the export of gold needs review and revision in view of the present circumstances ?

The Honourable Sir James Grigg : That is evidently the Honourable Member's own opinion, and I think he will not expect me either to agree or to disagree with him.

Mr. H. P. Mody : Do Government regard with undiluted satisfaction the continued draining away of gold from this country ?

The Honourable Sir James Grigg : That amounts to an expression of opinion.

Mr. Vidya Sagar Pandya : Has there been any correspondence with the Secretary of State in the matter of imposing a duty on gold, and may I ask if that correspondence can be laid on the table of the House ?

The Honourable Sir James Grigg : I must have notice of that. There has certainly not been any correspondence in the last ten weeks.

Sir Abdur Rahim : Do Government propose to take any action with respect to the export of gold that is going on for nearly two years now ?

The Honourable Sir James Grigg: That is precisely the question that I answered in reply to question No. 25.

Dr. Ziauddin Ahmad : In view of the statement made by His Excellency the Viceroy at the time of the depression that we must depend upon our reserves of gold—and that was made at a time when the export of gold amounted to 125 crores, while now it has risen to 200 crores—may I ask whether the time has not come when you should put an embargo on gold exports ?

The Honourable Sir James Grigg : The Honourable Member is again asking me to go beyond the answer I have already given, and I am not prepared to do that.

Sir Abdur Rahim : Do I take it that the Government wish to continue the same policy ?

The Honourable Sir James Grigg : That also is a question which I have already answered.

Mr. Vidya Sagar Pandya : May I ask if the Honourable Member will be able to publish the previous correspondence, that is, that took place before the last ten weeks for the information of the House ?

The Honourable Sir James Grigg : I must look up whether any exists before I can answer that question.

Mr. M. Maswood Ahmad : Is it a fact that the reason for not imposing a duty on the export of gold is that the Secretary of State does not want any duty on the export of gold ?

The Honourable Sir James Grigg : The Honourable Member is expressing his own opinion.

Mr. M. Maswood Ahmad : I want to know the fact—whether that is a fact or not.

The Honourable Sir James Grigg : Perhaps the Honourable Member will be good enough to put that question on the paper.

Mr. T. N. Ramakrishna Reddi : In view of the fact that several new Honourable Members have come in, will the Honourable Member kindly read out the answer to the question of Mr. Rastogi, instead of referring to the answer given some time ago ?

The Honourable Sir James Grigg : Shall I read out the answer to the relevant part of the question ? It is this :

"Government do not give intimation in advance of their intentions about taxation."

Mr. Lalchand Navalrai : I will repeat my question. I want to know whether the Honourable Member is going to pursue the same policy to which he has referred and which was adopted by the former Finance Member, or whether he has now thought out the problem afresh to see if he can now change it.

The Honourable Sir James Grigg : I have already answered that question to the maximum extent I am capable of answering it.

Dr. Ziauddin Ahmad : Has there been any communication between the Government of India and the Secretary of State about this export of gold ?

The Honourable Sir James Grigg : That question has been answered.

Mr. Gaya Prasad Singh : Are Government aware of the strong feeling that exists in this country with regard to the unrestricted export of gold out of this country ?

The Honourable Sir James Grigg: Government are aware of all relevant considerations.

Mr. Gaya Prasad Singh : Including the strong feeling that exists in this country ?

The Honourable Sir James Grigg : Yes, and of every other relevant consideration.

Mr. B. Das : Are Government aware that the statement in the Controller of Currency's report that a very little percentage of this 200 crores of exported gold is distress gold is untrue and that the belief of the mercantile community is that more than fifty per cent. of this gold is distress gold ?

The Honourable Sir James Grigg : I am aware of the opinion expressed in the statement of the Controller of the Currency, and I am aware that different opinions are held by other people.

Mr. H. P. Mody : Have Government any information as to whether all this gold is distress gold or comes out of surplus hoards ? Are Government in a position to say anything with regard to the quantity of gold which still remains ?

The Honourable Sir James Grigg : The only official information is that contained in the report of the Controller of the Currency.

STRIKES OF THE TEXTILE WORKERS OF BOMBAY.

26. *Mr. **M. Maswood Ahmad** : (*a*) Will Government be pleased to make a full statement about the strikes of the textile workers of Bombay ?

(*b*) Will Government be pleased to state (*i*) whether they have received any correspondence from the Local Government in this connection, (*ii*) the reasons and the extent of the strike, (*iii*) the action taken by the Local and the Central Government, (*iv*) the demands of the labourers, (*v*) the number of the lathi charges made by the police, (*vi*) the action taken by the millowners to meet the labour grievances, and (*vii*) whether the trade unions of the workers have been recognised by the employers ?

The Honourable Sir Frank Noyce : I have called for certain information from the Government of Bombay and will lay a reply on the table of the House in the course of the next few days.

Mr. S. G. Jog : May I know what action precisely has been taken by the Government of India and by the Local Government, so far as these strikes are concerned ?

The Honourable Sir Frank Noyce : I venture to think that, that question would be more relevant after I have laid the reply which I propose to lay on the table of the House.

Mr. B. Das : Has the attention of the Honourable Member been drawn to a Press report issued two or three days ago that the Bombay Government are contemplating to have another inquiry regarding the wages of the workers of the Bombay mills ?

The Honourable Sir Frank Noyce : The Bombay Government have already had an inquiry regarding the wages that are paid in the cotton textile industry of Bombay, and the report on that subject has already been published.

Mr. B. Das : Is the Press report correct that the Bombay Government are contemplating a fresh inquiry on the wages of the textile workers ?

The Honourable Sir Frank Noyce : I have no information at present on that subject.

Mr. M. Maswood Ahmad : Are Government aware that more than a month ago notice of this question was given ?

The Honourable Sir Frank Noyce : Yes, and action was taken immediately. The Honourable Member will understand that the situation in Bombay has changed considerably from time to time : I was very anxious to give him the latest information on the subject.

Mr. M. Maswood Ahmad : But the result is that we did not get any information.

LETTING VALUE LEVIED BY THE MUNICIPAL CORPORATIONS OF BOMBAY AND KARACHI FROM LANDLORDS ON ACCOUNT OF MUNICIPAL TAXES.

27. ***Seth Haji Abdoola Haroon** : (*a*) Will Government be pleased to state the percentage of annual letting value allowed to *bona fide* landlords in the cities of Bombay and Karachi respectively, as allowance on account of repairs in connection with the payment of income-tax under the head " Property " ?

(*b*) What is the percentage of letting value, respectively, levied by the Municipal Corporations of Bombay and Karachi from *bona fide* landlords on account of municipal taxes ?

(*c*) Has the attention of Government been drawn to the fact that, in view of the heavy municipal taxes on house property in the cities of Bombay and Karachi, the allowance referred to in part (*a*) is miserably insufficient ?

(*d*) Do Government propose to amend section 9 of the Indian Income-tax Act, 1922, so as to make due provision for an allowance with regard to the municipal taxes also ?

The Honourable Sir James Grigg : (*a*) One-sixth of the annual letting value is to be allowed on account of repairs in all cases where repairs are to be executed by the landlord concerned.

(*b*) 16 per cent. on gross rental valuation for Bombay and 14 per cent. for Karachi, as far as the Income-tax Department is able to ascertain.

(*c*) No. An allowance on account of repairs has, as a matter of fact, nothing to do with the payment of municipal taxes.

(*d*) No.

INEQUITY IN THE MATTER OF THE LEVY OF INCOME-TAX IN CONNECTION WITH THE OWNERS OF HOUSE PROPERTY.

28. ***Seth Haji Abdoola Haroon** : (*a*) Will Government be pleased to state the percentage of income permitted to owners of house property as allowance exempt from the payment of income-tax to Government ?

(*b*) What is the percentage of income permitted to owners of business as allowance exempt from the payment of income-tax to Government ?

(*c*) What is the comparative disadvantage to the owners of house property in the matter of payment of income-tax to Government ?

(*d*) Do Government propose to do away with the inequity in the matter of the levy of income-tax in connection with the owners of house property ?

The Hon'ble Sir James Grigg : (*a*), (*c*) and (*d*). The Income-tax Act does not prescribe any such percentages. The last two parts of the question do not therefore arise.

(*b*) The various allowances to be made in computing (*a*) income chargeable under the head " Property " and (*b*) business income, are laid down in sections 9 and 10 of the Act, respectively.

TRANSFER OF THE POST OFFICE AT NIBKARORI IN THE DISTRICT OF FARRUKHABAD.

29. ***Lala Hari Raj Swarup** : (*a*) Are Government aware that the Post Office at Nibkarori in the District of Farrukhabad, Tehsil Farrukhabad, where it was located for 60 years was removed to Bihar, another village, about two years ago ? If so, what were the reasons for its removal to that place ?

(*b*) Are Government aware that on a representation being made by the residents of Nibkarori in the matter, an enquiry was made by the District Magistrate through the Tehsildar, who reported that Nibkarori was a much larger village with a larger population and a market ?

(*c*) Are Government aware that the Tehsildar also reported that Nibkarori has better claims for a Post Office than Bihar ?

(*d*) Are Government aware that the Post Master General passed an order for the retransfer of the Post Office to Nibkarori ?

(*e*) Are Government aware that the order was not carried out ?

(*f*) Are Government aware that it is a fact that the District Magistrate twice recommended for the retransfer of the Post Office to Nibkarori, and that his recommendation was not heeded, and the Post Master General, United Provinces, revoked his previous order ?

(*g*) Are Government aware that a representation was again made in March, 1934, for the location of the Post Office at Nibkarori ?

(*h*) Will Government be pleased to state what steps, if any, are being taken on that representation ?

The Honourable Sir Frank Noyce : (*a*) A permanent post office was opened at Nibkarori on the 1st April, 1902. As it was found in 1931, that it was working at a loss, the question of reducing its cost was taken up. The Extra Departmental Branch Postmaster of the office did not agree to any reduction in his allowance and as no other suitable man could be found for the charge of the office at Nibkarori it was, with the concurrence of the District Magistrate, removed to Bihar on the 11th March, 1932.

(*b*) to (*e*). In consequence of representations received from the residents of Nibkarori, the Postmaster-General, United Provinces, made further enquiries into the case through the district authorities and on the recommendation of the District Magistrate ordered the removal of the post office from Bihar to Nibkarori. The residents of Bihar, however, protested and the Divisional Superintendent of Post Offices was

asked to investigate the case personally. He recommended that the post office should remain at Bihar, but that the residents of Nibkarori should get a daily delivery of their letters. Arrangements accordingly were made and the orders for the removal of the post office to village Nibkarori were cancelled.

(*f*) Conflicting recommendations have been made by the District Officers at different times as to the relative suitability of Bihar and Nibkarori for the location of the post office. The circumstances in which the Postmaster-General cancelled his order for the shifting of the post office from Bihar to Nibkarori have been explained in the reply to the previous parts of the question.

(*g*) Yes.

(*h*) It is under the consideration of the Postmaster-General, United Provinces.

FREE SUPPLY OF STATISTICAL PUBLICATIONS TO UNIVERSITIES.

30. ***Lala Hari Raj Swarup** : (*a*) Will Government be pleased to state what statistical publications of the Government of India used to be supplied free to the various Indian Universities ?

(*b*) Is it a fact that recently Government have passed orders stopping the free supply of such publications to the Universities ?

(*c*) Are Government prepared to consider the advisability of restarting the free supply of statistical publications to Universities which often carry researches in various directions ?

Mr. G. S. Bajpai : In the existing procedure which has been in vogue since 1928, the Universities can purchase publications of the Government of India at concessional rates, *i.e.*, ordinary published prices less 25 per cent. discount, if applications are made through, and supported by, the Local Government concerned. Some of the publications, which are of interest to Universities, are being supplied free or on exchange basis. No orders have been issued since 1928, altering this practice or discontinuing the free supply of statistical or other publications, where made. Steps are being taken by some Departments to resume the free supply of certain statistical publications to Universities, which was discontinued in 1928. The lists of publications asked for in (*a*) of the Honourable Member's question are not readily available.

ABSENCE OF SENIORITY LIST ON THE EAST INDIAN RAILWAY.

31. ***Dr. Ziauddin Ahmad** : (*a*) Are Government aware that there exists great dissatisfaction among the officers of the East Indian Railway on account of the absence of a seniority list ?

(*b*) Is it a fact that none can say who is senior to whom ?

Mr. P. R. Rau : (*a*) No. There is at present a seniority list. Certain representations have been made regarding the information shown in this list. These are under examination by the Railway Board in consultation with the Public Service Commission.

(*b*) No.

Mr. Lalchand Navalrai : May I ask, Sir, whether these seniority lists are revised ?

Mr. P. R. Rau : I have just informed the House that certain people have represented against that seniority list and its revision is now under consideration.

Dr. Ziauddin Ahmad : When do the Government hope to publish this seniority list, the absence of which is a source of great confusion ?

Mr. P. R. Rau : As soon as the seniority has been fixed after consultation with the Public Service Commission.

Dr. Ziauddin Ahmad : How long will it take ? Will it take an infinity ?

Mr. P. R. Rau : I cannot say when it will be published, but it will certainly not take infinity.

TENURE OF OFFICE OF THE AGENTS OF RAILWAYS.

32. *Dr. **Ziauddin Ahmad** : Are Agents of Railways appointed for a period of five years, or without time limit ?

Mr. P. R. Rau : No tenure has been fixed for these posts.

Mr. Lalchand Navalrai : May I know, Sir, why the tenure has not been fixed when we know that even the tenure of the Executive Members is fixed ?

Mr. P. R. Rau : There are many posts for which no tenure has been fixed.

Dr. Ziauddin Ahmad : In view of the fact that the Board does not interfere in the work of the Agent, why should we not be given longer time to understand his business ? Is it not a fact that most of these Agents have been there only for a short period, and during this time they are incapable of initiating any new reform except one, namely, to manupulate for their successor ?

Mr. P. R. Rau : I am replying to that question in the next question.

AGENTS OF THE EAST INDIAN RAILWAY.

33. *Dr. **Ziauddin Ahmad** : Will Government be pleased to state the names of the Agents and the periods of their service in the East Indian Railway since 1924 ?

Mr. P. R. Rau : Sir George Colvin was the Agent of the East Indian Railway from the 30th September, 1921, to the 28th March, 1933, a period of nearly 12 years ; Sir Hugh Hannay from the 29th March, 1933, to the 29th April, 1934 ; Mr. A. V. Venables was appointed to officiate from the 29th April, 1934.

Dr. Ziauddin Ahmad : Is not Mr. Venables going to retire next year and another man will be appointed for another year ?

Mr. P. R. Rau : I am afraid I do not know when Mr. Venables is due to retire.

ALTERATION OF AGE OF PERSONS IN THE RAILWAY SERVICE.

34. *Dr. Ziauddin Ahmad : (*a*) What is the method of altering the age in case of persons already in Railway Service ?

(*b*) Has the attention of Government been drawn to the alteration of the age of Mr. L. Robinson by ten years (*vide* classified list of subordinate officers, East Indian Railway, 1924, page 37) ?

Mr. P. R. Rau : (*a*) No specific evidence has been prescribed, but it must be such as will satisfy the sanctioning authority, *e.g.*, a birth certificate.

(*b*) The Agent, East Indian Railway, reports that no alteration has been made in the date of birth of Mr. Robinson.

Mr. Lalchand Navalrai : May I know, Sir, if the age is decided on the certificates of registered Surgeons or registered medical practitioners or only by the Railway Surgeons ?

Mr. P. R. Rau : It has nothing to do with the Railway Surgeons. I was talking of a birth certificate.

Dr. Ziauddin Ahmad : I have given the chapter and the verse in this particular case, and hence the opinion of the Agent was unnecessary. Did the Honourable Member consult the particular reference that I gave in my question ?

Mr. P. R. Rau : The Agent has reported that no alteration was made and that is, I think, conclusive.

Dr. Ziauddin Ahmad : May I ask whether the Honourable gentleman consulted the classified list of subordinate officers of the East Indian Railway, page 37 ?

Mr. P. R. Rau : I cannot see how, by consulting a particular classified list, I can find out whether an alteration has been or not.

Dr. Ziauddin Ahmad : If the Honourable gentleman had consulted the classified list of 1924 and the present classified list, he would have found the discrepancy. In this particular case, it is a question of printed facts.

Mr. P. R. Rau : Then it must be a clerical error.

Dr. Ziauddin Ahmad : Does the Honourable Member mean to say that the reports published by Government contain clerical errors ?

Mr. P. R. Rau : Surely my friend is aware that even in printed reports there may be mistakes.

Dr. Ziauddin Ahmad : Do Government propose now to consult the classified list ?

Mr. P. R. Rau : For what purpose ?

Dr. Ziauddin Ahmad : If the reports published by the Railway Board are full of clerical errors, then we will not know where the Administration is, and where we are ?

Mr. P. R. Rau : There may be clerical mistakes in any printed report.

METHOD OF PROMOTIONS ON THE EAST INDIAN RAILWAY.

35. *Dr. Ziauddin Ahmad : On what principle are promotions given on the East Indian Railway—seniority or efficiency ?

Mr. P. R. Rau : Both factors are taken into consideration.

Mr. S. G. Jog : Is there any third element ?

Mr. P. R. Rau : I am not aware of any.

CERTAIN CONCESSIONS GRANTED TO THE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

36. *Mr. M. Maswood Ahmad : (*a*) Will Government be pleased to refer to my unstarred question No. 187, answered on the 13th March, 1934, and furnish more elaborate reply giving the names of those employees who got the concessions although they (*i*) were actually employed in Director General, Posts and Telegraphs Camp Office, Simla Delhi, (*ii*) were actually employed after the issue of the letter, (*iii*) were actuallly transferred to Director General's office from some other office after the issue of the letter, (*iv*) were actually holding temporary appointment in the Director General's Camp Office or at headquarters on and after the date of the issue of the letter, and (*v*) never maintained their homes in or in the neighbourhood of Calcutta ?

(*b*) If the concessions were granted to any of those mentioned in (*i*) to (*v*) of part (*a*) above, will Government be pleased to furnish details of their eligibility in accordance with the letter ?

(*c*) Will Government be pleased to quote the names of those employees who were refused the concessions although, prior to the issue of the letter, (*i*) they were made permanent, (*ii*) they were actually employed in Director General's office at Calcutta, and (*iii*) they maintained homes in or in the neighbourhood of Calcutta ?

(*d*) If the concessions were refused to any of those mentioned in (*i*) to (*iii*) of part (*c*) above, will Government be pleased to furnish details about their ineligibility in accordance with the letter ?

(*e*) Will Government please state more elaborately the reasons for refusing the grant of concessions to certain non-concessionists on their permanent transfer from Simla to Delhi and for not compensating them for their annual loss of at least Rs. 1,000 each which they drew as part of their pay in the shape of allowances, etc., from the date of their employment, that is, continuously for more than ten years and in some cases 20 years ?

The Honourable Sir Frank Noyce : (*a*) to (*d*). The concessions referred to were sanctioned by Government in 1926 subject to the conditions laid down in the Department of Industries and Labour letter No. 17-P.T.E., dated the 5th August, 1926, a copy of which was appended to the reply to the Honourable Member's previous unstarred question No. 187 in this House on the 13th March, 1934. Those clerks who satisfied the conditions received the concessions. So long an interval of time has elapsed that the collection of the details asked for by the Honourable Member would involve an expenditure of time and trouble incommensurate with the value of the results.

(*e*) The concessions were refused in the case of 19 clerks for the reasons explained in the replies given in this House to Mr. Anwar-ul-Azim's starred question No. 482 on the 19th March, 1928, and to the cut motion moved by the Honourable Member himself on the 13th March, 1931. As regards the question of compensation the position was fully explained in part (*b*) of the replies to starred questions Nos. 134, 135 and 953 in this House on the 4th September, 1929 and the 16th March, 1931, respectively. There is nothing I could usefully add to these explanations.

ADVANCES FOR HOUSE BUILDING.

37. *Mr. M. Maswood Ahmad : (*a*) Will Government be pleased to refer to the reply given to starred question No. 386, dated the 20th February, 1930, regarding advances for house building and state if the replies are based on practice or on any rule ? Is that practice or rule still in force, or has any modification been made ? If the latter, what are the modifications ?

(*b*) If advances for building houses outside New Delhi area are not granted to employees of the Government of India, will Government be pleased to state for what purpose Chapter 9, Article 155 (*a*), of the Civil Account Code, Volume I, has been made and what is the necessity for inserting Note 3 to Rule VII of the Article, *vide* correction slip bearing No. 173, dated the 9th July, 1928 ?

(*c*) Is it a fact that the allotment of plots of land in New Delhi area are now made by public auction only ?

(*d*) Do Government propose to consider the matter soon and make necessary provision in the rules to enable those ministerial staff of the Government of India and Attached Offices who, without additional hardship, are unable to meet the recurring expenditure of paying house-rent from their pay below Rs. 200 per mensem, to purchase land from Government on considerably low price within their means *with inheritory right* in New Delhi for building their own houses, if so desired ? If not, why not ?

The Honourable Sir James Grigg : (*a*) The reply given to parts (*b*), (*e*) and (*f*) of question No. 386 was based on Articles 154 and 155 of the Civil Account Code. As regards parts (*c*) and (*d*) the rate of interest is fixed annually on the basis of current borrowing rates of the Government of India. The reply given to part (*a*) was based on executive orders. The order prohibiting the grant of advances for the construction of houses in old Delhi has been relaxed in a few exceptional cases, but it has recently been decided that it must now be more strictly enforced in view of the re-opening of the New Capital Project.

(*b*) Article 155 (*a*) of the Civil Account Code does not apply only to the headquarters of the Government of India. Note 3 to Rule VII of that Article was inserted because under the existing rules a house-building advance could only be granted to a person who possessed full proprietary rights in the land upon which he intended to build or had a lease which was not due to expire for a considerable number of years. Under the rules relating to the allocation of sites in the New Capital, perpetual leases could only be granted on production by the applicant of a certificate signed by the Chief Commissioner certifying that the buildings had been

completed in accordance with the agreed conditions, and it was therefore necessary to amend the rules to enable advances to be given in such cases.

(*c*) Yes, except in certain reserved areas.

(*d*) I would invite the attention of the Honourable Member to part (*g*) of the statement which was laid on the table on the 27th of March, 1934, with reference to his starred question No. 378.

38.*

Mr. President (The Honourable Sir Shanmukham Chetty) : With regard to question No. 38, the Chair has to inform the House that under Legislative Rule 8 (*2*), His Excellency the Governor General has decided that it infringes Rule 8 (*1*). The question has, therefore, been disallowed.

Mr. Gaya Prasad Singh : But you, Sir, admitted the question.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may refer to the Legislative Rules in which it is pointed out that wherever there is any doubt with regard to the applicability of Rule 8 (*1*), the decision of the Governor General shall be final, and, in accordance with that power, His Excellency the Governor General has held that this comes under the mischief of Rule 8 (*1*).

Mr. Gaya Prasad Singh : May I know who referred the case to the Governor General ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has explained the proceedings to the Honourable Member. Apparently he is not acquainted with the rules.

Mr. Gaya Prasad Singh : Not quite.

Mr. President (The Honourable Sir Shanmukham Chetty) : Then he must refer to the rules.

MEMORANDUM SUBMITTED BY THE ALL-INDIA POLICE ASSOCIATION TO THE SECRETARY OF STATE FOR INDIA.

39. ***Mr. Gaya Prasad Singh** : Will Government kindly make available the memorandum submitted by the All-India Police Association to the Secretary of State for India, protesting against the proposal to transfer police force to a responsible Indian Minister ?

The Honourable Sir Harry Haig : The attitude of the Indian Police Association in regard to the transfer of law and order is indicated in paragraph 2 of the memorandum submitted by them to the Joint Select Committee. The memorandum is included in Volume IIA of the Committee's Minutes of Evidence, a copy of which is available in the Library of the House.

Sir Abdur Rahim : Was the memorandum submitted by the Members who are actually in service ?

The Honourable Sir Harry Haig : I think the memorandum is intended to represent the views of all serving Members. The Indian Police Association is an Association in the main at any rate of serving Members.

EMPLOYMENT OF PANAMA NATIVES BY THE SIND INDIAN MERCHANTS.

40. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the Panama Government have served notice on Sind Indian merchants residing there to employ in each firm three natives of the place, and that those Indian merchants who have refused to abide by this order have been asked to vacate the island within a prescribed period ?

(*b*) Do Government propose to make an enquiry into this matter ?

Mr. H. A. F. Metcalfe : Government have received no information beyond that laid on the table in answer to starred question No. 275 asked by Mr. Lalchand Navalrai during the Simla Session of 1933.

(*d*) Enquiry is being made from His Majesty's Minister in Panama and the result will be communicated to the House in due course.

Mr. Lalchand Navalrai : May I ask if there is any agreement or convention with the Panama Government that the merchants who settle down there should be allowed to do so without any restrictions ? Have any restrictions been since placed upon them ?

Mr. H. A. F. Metcalfe : I am not aware of any particular convention. If the Honourable Member will put down a question, I will obtain information for him.

Mr. Lalchand Navalrai : The question arises out of the question I have already put. If I put down a separate question, it may take some time to be admitted.

Mr. H. A. F. Metcalfe : I am not at all sure that the Honourable Member's supplementary question arises out of the original question.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether it does not take a long time to have correspondence with the Panama Government and in the interval the merchants there are suffering. Will it not be a quicker process if the Honourable Member would communicate by telegram with the Panama Government ?

Mr. H. A. F. Metcalfe : We have written to the Minister, and we hope to get a reply by telegram.

WITHDRAWAL OF THE CONCESSION OF FREE RAILWAY JOURNEY FROM PERSONS TRAVELLING FOR ANTI-RABIC TREATMENT.

41. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the concession of free railway journey to indigent persons in Bihar and Orissa, travelling for anti-rabic treatment hitherto granted by the railway administrations, has been withdrawn from the 1st July, 1934, and that the local bodies in the province have accordingly been warned that from the above date they will have to bear extra charges on account of railway fare of indigent patients within their respective areas proceeding for anti-rabic treatment ?

(*b*) Why has this concession been withdrawn by the railway administrations ?

(*c*) How many such indigent persons in Bihar and Orissa have been allowed this concession every year during the last five years by the railway administrations ?

Mr. P. R. Rau : (*a*) and (*b*). The Indian Railway Conference Association decided recently to withdraw the concession of free travel for such journeys on the ground that if free travel was necessary it is for Local Governments to defray the cost of such journeys. The sacrifice of railway revenue involved could not be justified on commercial grounds.

(*c*) Government have no information. I may add that it was estimated that the loss to all railways by the grant of the concession was in the neighbourhood of Rs. 35,000 per annum. The annual number of free tickets issued was in 1931 about 14.000.

Mr. Bhuput Sing : Do Government realise that in Bihar and Orissa, owing to the earthquake, the local bodies have been hard hit, and they have suffered a great deal on account of the withdrawal of this concession ?

Mr. P. R. Rau : I am not sure whether this concession is asked for only for the province of Bihar and Orissa, and not for all other provinces. We could not possibly make a distinction between one province and another in this matter.

Mr. Bhuput Sing : Has this concession been withdrawn from all Local Governments ?

Mr. P. R. Rau : Yes, Sir.

Mr. B. Das : Did the Railway Board write to all Local Governments requesting them to defray the railway journey expenses of indigent persons ?

Mr. P. R. Rau : I think the decision to withdraw the concession was communicated to all Local Governments.

Mr. Bhuput Sing : Do Government realise that, before withdrawing the concession, the local bodies were not warned to make provision in their budgets, and not having done so, will Government advise the Railway Board to give this concession till the next budget of the local bodies is framed ?

Mr. P. R. Rau : My Honourable friend is probably not aware that due notice was given of the withdrawal of this concession.

Dr. Ziauddin Ahmad : Was the fact of withdrawal of concession communicated to the Education Department who are managing the Kasauli Institute at great expense, as the question of abolition of this Institute may arise ?

Mr. P. R. Rau : The quesion of abolition of this Institute does not arise.

Dr. Ziauddin Ahmad : Was the fact of withdrawal of concession communicated to the Education Department ?

Mr. P. R. Rau : Certainly.

FRESH BATCH OF POLITICAL PRISONERS SENT TO THE ANDAMANS.

42. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (*a*) Is it a fact that a fresh batch of political prisoners has been sent to the Andamans by the middle of May ? If so, on what date and how many ?

(*b*) Will Government please supply the names of the prisoners sent in the batch referred to in part (*a*) above ?

(*c*) Is it a fact that formerly the local Governments used to publish the names of political prisoners who were sent to the Andamans ? Why is this procedure not being observed at present ?

(*d*) Have Government considered the fact that most of the relatives of the prisoners cannot avail themselves of any chance of interviewing the prisoners before they leave the shores of India ? If so, are Government prepared to announce the names of the transported prisoners so as to afford to the relatives the facility of knowing the movements of the prisoners ?

The Honourable Sir Harry Haig : (*a*) I presume the Honourable Member refers to terrorist prisoners. 17 such prisoners were sent to the Andamans on the 13th May, 1934.

(*b*) Government are not prepared to publish the names of the prisoners.

(*c*) Government are not aware of any such practice as is mentioned in the first part of the question. The second part does not arise.

(*d*) Arrangements are made for the relatives of prisoners earmarked for the Andamans to have an opportunity of interviewing them before deportation.

Mr. Gaya Prasad Singh : Were the relatives of these prisoners informed that these terrorist prisoners have been transferred to the Andamans ?

The Honourable Sir Harry Haig : I said :

"Arrangements are made for the relatives of prisoners earmarked for the Andamans to have an opportunity of interviewing them before deportation."

Mr. Lalchand Navalrai : In view of the fact that terrorism has gone down, may I know if the Honourable Member is going to change his policy and not send these prisoners to Andamans ?

The Honourable Sir Harry Haig : There is no suggestion of changing the policy.

TRANSFER OF MR. BIMALENDU CHAKRAVARTY, A POLITICAL PRISONER, FROM THE ANDAMANS TO THE ALIPORE CENTRAL JAIL.

43. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : Is it a fact that Sj. Bimalendu Chakravarty, a political prisoner, has been brought back to the Alipur Central Jail from the Andamans ? If so, when, and what is the reason for his transfer ?

The Honourable Sir Harry Haig : The prisoner was returned to Bengal on May 3, 1934, as he is suffering from mania.

WITHDRAWAL OF PERMISSION OF INTERVIEW GRANTED TO MR. SUSIL DAS GUPTA, A POLITICAL PRISONER IN THE ANDAMANS.

44. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the permission granted by the Chief Commissioner, Andamans, to interview Sj. Susil Das Gupta, a political prisoner, was subsequently withdrawn by the same officer without assigning any reason ?

(b) Have Government any objection to state the reason for withdrawing the permission to interview political prisoner, Sj. Susil Das Gupta once granted by the Chief Commissioner to Mr. Benoy Das Gupta ?

The Honourable Sir Harry Haig : (a) and (b). On an application by Mr. Benoy Das Gupta, for an interview with Mr. Susil Das Gupta, a terrorist prisoner in the Andamans, the Chief Commissioner informed the applicant that an interview would be permitted provided the Bengal Police raised no objection. On receipt of the views of the Deputy Inspector-General, Criminal Investigation Department, Intelligence Branch, Bengal, the Chief Commissioner decided that it was not expedient to grant an interview.

CERTAIN FACILITIES TO DIVISION III PRISONERS IN THE ANDAMANS.

45. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the political prisoners in the Andamans are not allowed to have money deposited in their names with the jailor ? If so, how can the Division III Prisoners get the necessary stationery at their own expense ?

(b) Is it a fact that in reply to my starred question No. 609 of the 4th April, 1934, Government said that the Division III prisoners in the Cellular Jail, Andamans, are permitted to buy stationery at their own expense, and will Government please state what facilities the prisoners have to do so ?

(c) Are Government aware that under the Bengal Jail Code the deposit of money with the jailor for all classes of prisoners is permissible ?

(d) Are Government prepared to see their way to permitting the same facilities to the prisoners in the Andamans, who enjoyed this privilege in Indian jails ?

The Honourable Sir Harry Haig : (a) I would refer the Honourable Member to the rules for the treatment of terrorist prisoners in the Andamans, a copy of which was laid on the table of the House on February 16, 1934. It is not a fact that C class prisoners are not allowed to have money in the custody of the Superintendent of the Jail. The second part does not arise.

(b) The answer to the first part is in the affirmative. As regards the second part, permission for the purchase of any article of stationery is granted by the Superintendent of the Jail.

(c) Yes.

(d) Does not arise, in view of my reply to part (a) above.

LIGHTS ALLOWED TO PRISONERS IN THE CELLULAR JAIL, ANDAMANS.

46. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Are Government aware that under the Bengal Jail Code, lights are allowed to be used by the prisoners at any time at night and there are similar rules in other provinces also ?

(b) Will Government please state why lights are allowed in the Cellular Jail, Andamans, only up to 10 P.M. ?

(c) Are Government aware that the prisoners in the above Jail suffer difficulty for want of light after 10 P.M. in case of going to the latrine, etc. ?

(d) Do Government propose to remove this difficulty and allow lights being used at any time at night ?

The Honourable Sir Harry Haig : (a) I presume the Honourable Member refers to lights for reading ; if so, the answer is in the negative.

(b) Lights for reading are allowed in the cells up to 10 P.M., but the lights in the corridors and yards of the Cellular Jail, Port Blair, are kept burning throughout the night for general supervision.

(c) No.

(d) Does not arise.

Mr. S. G. Jog : Does the Honourable Member remember that last year, when we discussed the situation in Andamans, the Honourable Member promised to look into the matter of making more concessions as regards rules in the matter of lights and giving them more time to read during nights ?

The Honourable Sir Harry Haig : A very substantial concession was made by allowing lights for reading up to 10 P.M.

RELEASE OF MR. NIKHIL GUHA ROY, A POLITICAL PRISONER IN THE ANDAMANS.

47. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : Will Government please refer to my question No. 955 of the 15th September, 1933, and state what action has been taken to release Sj. Nikhil Guha Roy, now in the Andamans ?

The Honourable Sir Harry Haig : The Honourable Member's attention is invited to the statement laid on the table on the 5th December, 1933.

REFUSAL OF A PASSPORT TO REVEREND B. OTTAMA.

48. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that a passport has been denied to the Reverend Bikkhu Ottama, the famous Buddhist monk of Burma, desirous of visiting America and Europe on Buddhistic mission for the last four years ?

(b) Will Government please state if anything unconstitutional, illegal or seditious has been found in the conduct of the said monk during the last four years ?

(*c*) Are Government aware that the Reverend Ottama is even willing to give his word of honour or undertaking to take no part in any political work whilst outside India in order to facilitate grant of a passport ?

(*d*) Do Government propose now to reconsider the question of granting a passport to the Reverend Ottama for his religious mission ?

The Honourable Sir Harry Haig : (*a*) Yes. I would refer the Honourable Member to the replies given in this House to question No. 1068 on the 23rd March, 1931, and to question No. 682 on the 23rd September, 1932.

(*b*) Government are satisfied that there has been no change in his views or intentions.

(*c*) Yes.

(*d*) No.

Mr. B. Das : Is it not a fact that Rev. Bikkhu Ottama is an anti-separationist, and, therefore, the Government of Burma refused a passport to him to go abroad ?

The Honourable Sir Harry Haig : No, Sir. These are not the grounds on which the passport has been refused.

UNSTARRED QUESTIONS AND ANSWERS.

LLOYD BARRAGE SCHEME AT SUKKUR.

1. **Mr. Lalchand Navalrai :** (*a*) With reference to the statement laid on the table on the 18th December, 1933, in reply to my starred question No. 22, dated the 23rd August, 1933, will Government be pleased to state what the boat traffic below Sukkur was before it was impeded by the Sukkur Barrage ?

(*b*) How much goods, so impeded since the construction of the barrage has been diverted to the railway ?

(*c*) What will be the cost if a lock system is established now in the Sukkur Barrage ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). I regret that no information is available, beyond that already communicated to the Honourable Member.

(*c*) In 1919, the cost of a lock was estimated at Rs. 15 to 20 lakhs, and it was anticipated that the cost of maintenance would be high. Government adhere to the view that the benefit of a lock system would be quite incommensurate with the expenditure which such a system would involve.

APPLICATIONS FOR REFERENCE OF CASES IN SIND TO THE HIGH COURT UNDER SECTION 66 OF THE INDIAN INCOME-TAX, ACT.

2. **Mr. Lalchand Navalrai :** Will Government be pleased to lay on the table of this House a statement showing for each year separately

the following information in connection with the applications for reference to the High Court under section 66 of the Indian Income-tax Act, 1922 ?

Year.	Number of applications for Sind for reference to High Court.	Number of applications from the rest of the Presidency.	Total applications for reference under section 66.
1930-31 ..			
1931-32 ..			
1932-33 ..			
1933-34 ..			

The Honourable Sir James Grigg : The required information is not available, and as its compilation from thousands of revision petitions for the past four years will entail enormous labour, it is regretted that it cannot be supplied. On account of drastic retrenchment, the staff employed is barely strong enough to cope with its ordinary duties and without serious detriment thereto, it cannot be asked to do any such extraneous work. Assessees do not, as a rule, put in separate applications for a reference to the High Court. The majority of them simply put in petitions for revision of their assessments under section 33 of the Income-tax Act and add a request for a reference to the High Court in case the Commissioner was unable to grant relief.

APPLICATIONS FOR REFERENCE OF CASES IN SIND TO THE HIGH COURT UNDER SECTION 66 OF THE INDIAN INCOME-TAX ACT.

3. **Mr. Lalchand Navalrai** : Will Government be pleased to lay on the table of this House a statement showing for each year separately the following information in connection with the applications for reference to High Court under section 66 of the Indian Income-tax Act, 1922 ?

Year.	Number of applications from Karachi in which the Commissioner refused to refer to the High Court points of law raised by appellants.	Number of applications from the rest of Sind in which the Commissioner refused to refer points of law raised by appellants.	Number of applications from the rest of the Presidency in which Commissioner refused to refer points of law raised by appellants.	Total.
1	2	3	4	5
1930-31 ..				
1931-32 ..				
1932-33 ..				
1933-34 ..				

The Honourable Sir James Grigg : The attention of the Honourable Member is invited to my reply to his question No. 2. As explained therein, it is regretted the required details cannot be supplied.

OVERBRIDGE AT THE ALIGARH RAILWAY STATION.

4. **Rai Bahadur Kunwar Raghubir Singh** : (*a*) Will Government be pleased to state why an overbridge at the railway station at Aligarh has not been reconstructed ?

(*b*) Are Government aware that great inconvenience is caused to the public for want of a footpath bridge ?

(*c*) Are Government also aware that many accidents have occurred since the Kathphula bridge was broken by a railway crane ?

Mr. P. R. Rau : Government have no information, but have sent a copy of the question to the Agent, East Indian Railway, for consideration

MOTIONS FOR ADJOURNMENT.

WITHDRAWAL OF NOTIFICATIONS DECLARING CERTAIN MUSLIM ORGANISATIONS AS UNLAWFUL IN THE NORTH-WEST FRONTIER PROVINCE.

12 NOON.

Mr. President : (The Honourable Sir Shanmukham Chetty) : I have received a notice from Mr. Maswood Ahmad, that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

"The attitude of the Government regarding the Muslim organisations in the North-West Frontier Province for not withdrawing the notifications declaring them unlawful and for not lifting the ban on them."

I have to inquire whether any Honourable Member has any objection to this motion.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : Sir, I object.

Mr. President (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up.)

As less than 25 Members have risen, I have to inform Mr. Maswood Ahmad that he has not got the leave of the Assembly to move his motion.

COMMUNAL REPRESENTATION IN THE SERVICES.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have received another notice from Sirdar Harbans Singh Brar, that he proposes to ask for leave to move a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

"The Resolution of the Government of India on communal representation in the services published on the 7th of July, 1934."

I have to inquire whether any Honourable Member has any objection to this motion.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I object.

Mr. President (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up.)

As less than 25 Members have risen, I have to inform Sirdar Harbans Singh Brar that he has not got the leave of the Assembly to move his motion.

BAN ON THE RED SHIRT ORGANISATION IN THE NORTH-WEST FRONTIER PROVINCE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have got another notice from Maulvi Shafee Daoodi, and I would ask him to let me know how his motion is different from the one of which notice was given by Mr. Maswood Ahmad.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, the motion, of which Mr. Maswood Ahmad gave notice, refers to Muslim organisations in the North-West Frontier Province, and my motion relates to another matter altogether, namely, the discrimination made by Government in removing ban from a branch of Congress organisation in the North-West Frontier Province known as *Khodai Khidmatgar* Organisation (called by Government as Red Shirt Organisation) and other Congress Organisations in British India. So this organisation is different and includes both Muslims as well as non-Muslims, and, therefore, this motion is broader than the one given notice of by Mr. Maswood Ahmad.

Mr. President : (The Honourable Sir Shanmukham Chetty) : Is not the Muslim organisation, with regard to which the ban has not been lifted, the same as the one contemplated by Maulvi Shafee Daoodi ?

The Honourable Sir Harry Haig (Home Member) : The *Khodai Khidmatgar* organisation is what we generally call the Red Shirts and that was described or it described itself as a branch of the Congress. That is the position.

Mr. President (The Honourable Sir Shanmukham Chetty) : That is the Muslim organisation contemplated by Mr. Maswood Ahmad.

Maulvi Muhammad Shafee Daoodi : The one which is contemplated by Mr. Maswood Ahmad is a Muslim organisation and the one which is contemplated by me is the Congress organisation which includes both Muslims as well as non-Muslims ; and I remember there are some Christians also in it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member refers to a Congress organisation in the North-West Frontier Province known as the *Khodai Khidmatgar* organisation, and called by Government the Red Shirt organisation. Is it not the same Muslim organisation as contemplated by Mr. Maswood Ahmad ?

Maulvi Muhammad Shafee Daoodi : No, I say that my motion contemplates a much broader organisation than what Mr. Maswood Ahmad contemplates. He refers clearly to the attitude of Government regarding the Muslim organisations in the North-West Frontier Province. I refer to something broader and greater than that which includes Muslims as well as non-Muslims.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may contemplate such a contingency, but if, as a matter of fact, there is only one Muslim organisation in the North-West

[Mr. President.]

Frontier Province, with regard to which alone that question of ban arises, then it is substantially the same motion.

Maulvi Muhammad Shafee Daoodi : But my Honourable friend, Mr. Maswood Ahmad, did not know what the organisation is. I knew the details, and, therefore, I have put it rightly, and I think it is different from the one which he put forward. I have made it quite clear.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I may be allowed to submit that the organisation which Mr. Maswood Ahmad contemplated was a communal organisation consisting of the Muhammadans of the North-West Frontier Province, but the notice which has been given by Maulvi Shafee Daoodi is with reference to an organisation which is a branch of the Congress. It is not a communal organisation, and there might have been good reasons for the Government to take action against a certain communal organisation, and there might not be sufficiently good reasons for taking action against a part of the Congress.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I may add that in some organisation only Muhammadans are members, but in the Congress sub-committees anybody can be a member.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Congress organisation known as the *Khodai Khidmatgars* consist only of Muslims ? (Several Honourable Members : " No, no.") Then I would give the benefit of the doubt to the Honourable Member.

I have received notice from Maulvi Shafee Daoodi that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

" Discrimination made by Government in removing ban from a branch of the Congress organisation in the North-West Frontier Province known as *Khodai Khidmatgar* Organisation (called by Government as Red Shirt Organisation) and other Congress organisations in British India."

I have to inquire whether any Honourable Member has any objection to this motion.

Major Nawab Ahmad Nawaz Khan : The Red Shirts and the *Khodai Khidmatgars* are one and the same thing, and, therefore, I object.

Mr. President (The Honourable Sir Shanmukham Chetty) : As objection has been taken, I would request those Honourable Members, who are in favour of leave being granted, to rise in their places.

(Less than 25 Members stood up).

As less than 25 Members have risen, I have to inform Maulvi Shafee Daoodi that he has not got the leave of the Assembly to move his motion.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the House that the following Bills, which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1934, have

been assented to by His Excellency the Governor General, under the provisions of sub-section (1) of section 68 of the Government of India Act :

(1) The Indian Tariff (Amendment) Act, 1934,

(2) The Reserve Bank of India Act, 1934,

(3) The Imperial Bank of India (Amendment) Act, 1934,

(4) The Wheat Import Duty (Extending) Act, 1934,

(5) The Indian Medical Council (Amendment) Act, 1934,

(6) The Cotton Textile Industry Protection (Amendment) Act, 1934,

(7) The Steel and Wire Industries Protection (Extending) Act, 1934,

(8) The Khaddar (Name Protection) Act, 1934,

(9) The Indian Finance Act, 1934,

(10) The Salt Additional Import Duty (Extending) Act, 1934,

(11) The Indian States (Protection) Act, 1934,

(12) The Indian Tariff (Textile Protection) Amendment Act, 1934,

(13) The Trade Disputes (Extending) Act, 1934,

(14) The Sugar (Excise Duty) Act, 1934,

(15) The Sugar-cane Act, 1934, and

(16) The Matches (Excise Duty) Act, 1934.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform the House that under rule 3 (*1*) of the Indian Legislative Rules, I nominate Mr. K. C. Neogy, Dr. Ziauddin Ahmad, Rao Bahadur M. C. Rajah and Lieut.-Colonel Sir Henry Gidney on the Panel of Chairmen for the current Session.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to announce that under Standing Order 80 (*1*) of the Legislative Assembly Standing Orders, the following Honourable Members will form the Committee on Petitions :

(1) Mr. K. C. Neogy,

(2) Sir Hari Singh Gour,

(3) Rai Bahadur Kunwar Raghubir Singh, and

(4) Mr. A. H. Ghuznavi.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

The Honourable Sir Harry Haig (Home Member) : Sir, I lay on the table the information promised in my reply, dated the 28th March, 1934, to Mr. S. G. Jog's starred questions Nos. 570 and 571 regarding the arrest of certain persons in Delhi.

PERSONS ARRESTED WRONGLY BY THE DELHI POLICE FOR CERTAIN ALLEGED OFFENCES.

*570. (*a*) and (*b*). There has been so far as I am aware one case since March 1st, 1933, in which a person was arrested as a result of mistaken identity. He was released by the police as soon as the mistake was discovered.

ARREST OF ONE CAPTAIN G. M. SEKHRI BY THE DELHI POLICE.

*571. (*a*), (*d*) and (*e*). The identity of persons arrested is always verified by the police so far as possible before arrest.

(*b*) and (*c*). The facts are that in January, 1934, an individual calling himself Captain G. M. Sekhri committed the offence of cheating in the shop of Messrs. Devi Chand and Company, Lahore, by obtaining goods on the strength of a dishonoured cheque. The Lahore Police registered a case and issued a warrant of arrest in pursuance of which Captain G. M. Sekhri, A.I.R.O., was arrested by the Delhi Police on the 25th January, 1934. Captain Sekhri was immediately released on bail by the Delhi Police and directed to appear before the Lahore Police. On arrival at Lahore it was found by the Police Officer investigating the case that Captain Sekhri was not the individual who had swindled Messrs. Devi Chand and Company and he was at once released.

(*f*) There is no provision for the grant of compensation to persons wrongly arrested.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I lay on the table :

(*i*) the information promised in reply to parts (*a*), (*b*), (*g*) and (*j*) of starred question No. 478 asked by Mr. D. K. Lahiri Chaudhury on the 14th March, 1934 ;

(*ii*) the information promised in reply to starred question No. 569 asked by Sardar Sant Singh on the 28th March, 1934 ;

(*iii*) the information promised in reply to unstarred question No. 327 asked by Mr. M. Maswood Ahmad on the 7th April, 1934 ; and

(*iv*) the information promised in reply to unstarred question No. 371 asked by Seth Liladhar Chaudhury on the 16th April, 1934.

INSPECTORS OF POST OFFICES AND HEAD CLERKS TO POSTAL SUPERINTENDENTS.

*478. (*a*) and (*b*). The facts are as stated by the Honourable Member.

(*g*) Yes, if by "two selection grade appointments" the Honourable Member means appointments in the two selection grades.

(*j*) No. Appointments up to and included in the grade of Rs. 150—200 in the Calcutta General Post Office were reserved for officials of that office, but appointments in the grade of Rs. 200—300, whether in the Calcutta General Post Office or elsewhere, were open to officials in the entire circle.

EXAMINATION IN GURMUKHI HELD BY THE POSTMASTER GENERAL, LAHORE.

*569. (*a*) The reply to the first two parts is in the affirmative. I may, however, explain that the examination held on the 22nd October, 1933, was not in order and, therefore, another examination was held on the 19th November, 1933. As regards the third part, 22 candidates appeared in the examination on the 19th November, 1933, of whom one only passed.

(*b*) The purpose of the examination is to ensure that clerks shall be able to dispose of postal articles, bearing names, addresses, etc., written in Gurmukhi, correctly and quickly.

(*c*) Yes. The object is to test their ability to read freely Gurmukhi characters.

NON-OBSERVANCE OF THE THIRD VACANCY RULE IN THE RAWALPINDI ENGINEERING DIVISION.

327. (*a*) No.

(*b*) No.

(*c*) Does not arise.

REVERSION OF CERTAIN POSTMEN AS PACKERS IN THE AMRITSAR POST OFFICE.

371. (*a*) The fact is not as stated. Owing to reductions in the cadre of postmen the two officials in question, who are permanent packers but who were officiating as postmen, were reverted to their substantive posts of packer. For calculating the communal proportions for the purpose of retrenchment, the permanent and not the officiating status of the officials is taken into account. The reversion of the two officiating postmen to their substantive posts of packer, therefore, involved no infringement of the orders regarding the maintenance of the communal ratios before and after retrenchment.

(*b*) Does not arise.

The Honourable Sir James Grigg (Finance Member) : Sir, I lay on the table :

(*i*) the information promised in reply to unstarred questions Nos. 294, 295 and 296 asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934 ; and

(*ii*) the information promised in reply to starred questions Nos. 595 and 596 asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934.

CANCELLATION OF THE ASSESSMENTS OF INCOME-TAX IN ORISSA.

294. Figures for 1928-29 and 1929-30 are not available. The numbers of cases during succeeding years in which assessments were cancelled under section 27 of the Indian Income-tax Act were :—

(*i*)

1930-31	19
1931-32	28
1932-33	20

(*ii*)

	Amount of tax paid before cancellation of assessments.	Amount refunded after cancellation.
1930-31	5,219	78
1931-32	2,915	610
1932-33	4,224	..

The assessees in most cases did not require refund of tax already paid, presumably because they wished the amounts to be retained for the purpose of adjusting the demand after re-assessment.

(*iii*) and (*iv*). The information could not be compiled without an inordinate expenditure of time and labour.

DISPOSAL OF INCOME-TAX CASES IN BIHAR AND ORISSA ON GAZETTED HOLIDAYS.

295. (*a*) Income-tax Officers have had to work on some holidays and fix dates for hearing of assessees cases on holidays, but not against the consent of assessees. Non-appearance of parties in such cases is treated as default, but the objection of an assessee on the ground that he did not appear because it was a public holiday is treated as a valid objection.

(*b*) *Statement showing the number of cases fixed by Income-tax Officers during the Christmas holidays of 1931, 1932 and 1933 district by district in Bihar and Orissa and the number of cases which were assessed under Section 23 (4)* :—

District or Circle.	Number of cases fixed by Income-tax Officers during the Christmas holidays.			Number of cases which were assessed under section 23 (4).		
	1931.	1932.	1933.	1931.	1932.	1933.
Central Salaries Circle	..	..	..	..	..	..
Ranchi-Sadr Manbhum	7	..	..	..	..	..
Dhanbad	17	24	..	..	..	..
Muzaffarpur ..	34	..	..	3(*a*)	..	
Champaran.. ..	1	..	..	..	..	..
Monghyr	1	9	3	..	..	..
Patna	8	..	..	..	..	..
Gaya-Shahabad ..	56	33	..	3	6	..
Hazaribagh ..	12	..	..	..	..	..
Palamau	(*b*)	1	..	(*b*)	1	..
Cuttack-Puri-Balasore	3	..	29	..	..	..
Darbhanga ..	..	..	..	..	..	..
Singhbhum-Sambalpur	..	..	..	..	..	..

(*a*) It is, however, not known whether section 23 (4) was applied in these cases for non-appearance during holidays.

(*b*) Information not available.

Cases under Section 23(4) of the Indian Income-tax Act in Orissa.

296. *Statement showing the number of cases disposed of under Section 23 (4) in each District in Orissa during the years 1931-32 to 1933-34 and the number of cases reopened.*

District.	Number of cases disposed of under section 23 (4) during 1931-32.	Number of cases re-opened by				Number of cases disposed of under section 23 (4) during 1932-33.	Number of cases re-opened by				Number of cases disposed of under section 23 (4) during 1933-34.	Number of cases re-opened by			
		Income-tax Officers.	Assistant Commissioner.	Commissioner.	High Court.		Income-tax Officers.	Assistant Commissioner.	Commissioner.	High Court.		Income-tax Officers.	Assistant Commissioner.	Commissioner.	High Court.
Sambalpur	73	7	*Nil*	*Nil*	*Nil*	22	2	*Nil*	*Nil*	*Nil*	38	2	*Nil*	*Nil*	*Nil*
Cuttack	142	12	3	..	*Nil*	137	16	4	1	*Nil*	57	7	2	1	*Nil*
Puri	91	4	3	*Nil*	*Nil*	88	2	6	*Nil*	*Nil*	57	4	..	*Nil*	*Nil*
Balasore	88	6	2	..	*Nil*	70	4	3	..	*Nil*	35	3	1	..	*Nil*

REMISSION OF PENALTY IMPOSED FOR DEFAULTING PAYMENT OF INCOME-TAX IN BIHAR AND ORISSA.

*595. (*a*) Yes.

(*b*) Figures for the years 1927-28 to 1929-30 could not be obtained without an inordinate expenditure of time and labour. Figures for the last three years are given below :—

Year.	Number of petitions filed for remission of penalty under section 46.	Number of successful petitions.		
		Remitted.	Reduced.	Total.
1930-31	44	8	1	9
1931-32	90	15	..	15
1932-33	48	5	..	5

NON-REFUND OF INCOME-TAX AFTER THE CANCELLATION OF ASSESSMENTS IN THE ORISSA CIRCLE.

*596. In the case of assessments cancelled under Section 27 of the Indian Income-tax Act, any tax already levied is refunded at once without waiting for an application for refund from the assessee. Refunds due on an appellate or review order or an order passed as a result of a reference directing a fresh assessment to be made are not granted unless the Assistant Commissioner or the Commissioner gives a direction to that effect in his order.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I lay on the table the information promised in reply to unstarred question No. 197 asked by Mr. S. G. Jog on the 14th March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

197. (*a*) Government have no knowledge of the letter referred to.

(*b*) Government stated in their letter referred to that the case of the particular Indian officer was not affected by the recommendations of the War Pension Committee. The attention of the Honourable Member is drawn to the last sentence of the recommendation as quoted by him.

(*c*) It is impossible to give a general definition of the types of disability which will not be considered as attributable to military service. In cases of this kind, which, though they arise during service, have no connection with that service, Government have to be guided by the circumstances and merits in each individual instance.

Mr. P. R. Rau (Financial Commissioner, Railways) : Sir, I lay on the table :

(*i*) the information promised in reply to starred questions Nos. 828—834 asked by Pandit Satyendra Nath Sen on the 12th September, 1933 ;

(*ii*) the information promised in reply to parts (*a*), (*b*), (*c*) and (*e*) of starred question No. 1050 asked by Mr. D. K. Lahiri Chaudhury on the 20th September, 1933 ;

(*iii*) the information promised in reply to starred questions Nos. 1105—1110 asked by Mr. S. C. Mitra on the 21st November, 1933 ;

(*iv*) the information promised in reply to unstarred questions Nos. 213, 214 and 215 asked by Mr. S. C. Mitra on the 27th November, 1933 ;

(*v*) the information promised in reply to unstarred questions Nos. 265 and 266 asked by Sardar G. N. Mujumdar on the 5th December, 1933 ;

(*vi*) the information promised in reply to starred questions Nos. 1364, 1365, 1366 and 1378 asked by Sardar Sant Singh on the 11th December, 1933 ;

(*vii*) the information promised in reply to starred question No. 403 asked by Lala Rameshwar Prasad Bagla on the 7th March, 1934 ;

(*viii*) the information promised in reply to starred question No. 633 asked by Mr. N. M. Joshi on the 4th April, 1934 ;

(*ix*) the information promised in reply to starred question No. 688 asked by Mr. Jagan Nath Aggarwal on the 14th April, 1934 ;

(*x*) the information promised in reply to starred question No. 708 asked by Sirdar Harbans Singh Brar on the 14th April, 1934 ; and

(*xi*) the information promised in reply to starred question No. 709 asked by Sirdar Harbans Singh Brar on the 14th April, 1934.

Appointment of Lillooah Apprentices.

*828. The Agent, East Indian Railway, reports that the Anglo-Indian referred to was held to be the best all round man for the appointment by the officer who examined him.

He was not a failed man but passed the Technical School examination in the Second Class. He possessed the qualifications necessary for the appointment of Train Examiner and it is considered his selection has been justified by the standard of his work since his appointment. He is now drawing Rs. 150 per mensem in Grade III and is actually doing work which was previously performed by a Grade I Train Examiner so as to release him for supervision work in the yard.

Appointment of Lillooah Apprentices.

*829. (*a*), (*b*) and (*c*). The Agent, East Indian Railway, reports that the information furnished by him in September, 1932, which was repeated in the reply given by Government to Mr. S. C. Mitra's question No. 22 (*c*) of 5th September, 1932, was

based on information supplied by the then Superintendent, Rolling Stock of the Howrah Division, who is no longer in service and that the records now available do not enable him to furnish the information now asked for regarding a transaction which occurred in 1930.

(*d*) Government do not consider that there is reason for further enquiry into this matter and have no grounds for thinking that the selection for filling the Train Examiner's post in 1930 was improperly conducted.

(*e*) Government are unable to agree that racial discrimination was made in this case.

(*f*) The Agent, East Indian Railway, reports that these two *ex*-apprentices were *invited to appear before a Selection Committee in connection with appointments on the 14th August, 1933. One of the two men did not appear. This other was placed 12th on the list by the Selection Committee, but was not appointed as there were only 6 vacancies.*

APPOINTMENT OF APPRENTICE TRAIN EXAMINERS FOR THE OPERATING DEPARTMENT.

830. (*a*) I would refer the Honourable Member to the information laid on the table of the House in reply to his question No. 843 asked on the 21st March, 1933. The recruitment is still suspended.

(*b*) Does not arise.

APPOINTMENT OF LILLOOAH APPRENTICES.

*831 (*a*) The Agent, East Indian Railway, reports that between the 29th March, 1930 and 21st August, 1933 one *ex*-Apprentice of the Lillooah Workshops was appointed :

(*i*) Mr. C. Keys.

(*ii*) Howrah Division.

(*iii*) 2nd Division in final Technical School Examination.

(*iv*) Train Examiner.

(*v*) One Anglo-Indian.

(*vi*) Rs. 85 on three months' probation and confirmed on Rs. 95.

(*b*) Six time expired Apprentices of the Lillooah Workshops were appointed in August last on the Howrah Division and none on other Divisions. Government are aware of the replies referred to.

(*c*) The vacancies in other Divisions were filled by surplus Train Examiners and time expired Apprentices trained on these Divisions under the old East Indian Railway system who were waiting to be absorbed as Train Examiners. In this connection I would also invite the Honourable Member's attention to the information laid on the table of the House on the 13th March, 1933, in reply to part (*b*) of Question No. 23 asked by Mr. S. C. Mitra on the 5th September, 1932.

(*d*) Divisional Superintendents have already been advised. I would invite the Honourable Member's attention to the information laid on the table of the House on the 13th March, 1933, in reply to part (*a*) of Question No. 23 asked by Mr. S. C. Mitra on the 5th September, 1932.

APPOINTMENT OF LILLOOAH APPRENTICES AS TRAIN EXAMINERS.

*832. (*a*) Yes.

(*b*) Yes. The majority of the candidates selected were not the first to have passed out of the Technical School. One of the most junior men to be appointed passed in the Honours Division and stood alone in that distinction. One senior man who was selected refused the post as he was already in employment and drawing more

salary than the pay offered by the railway. The appointments were made by selection, thus obtaining the best men available for appointment.

(*c*) A properly organised Selection Committee composed of senior officers selected the men whom they considered to be most suitable for the posts. Every candidate's case was given full consideration and all things being equal, the candidate who had qualified first was given preference. In making a selection, the fact that candidates appointed would have in time to come to take independent charge of a train examining station entailing control of a large body of labour had to be given due weight, and the Committee selected the most suitable candidates in all respects.

The Anglo-Indian *ex*-apprentice appointed in 1930 was selected as the most suitable man by the then Superintendent, Rolling Stock, and he has justified his selection by doing good work.

Of the six men selected in August, 1933, four were Hindus, an Anglo-Indian and a European.

(*d*) Does not arise.

(*e*)

Names.	Date of completion of apprenticeship training.	Division passed at the Technical School Examination.
Mr. K. P. Mukherji	19-2-29	1st Division.
,, J. N. Chatterji	9-2-30	1st ,,
,, N. C. Chatterji	11-2-30	1st ,,
,, T. A. Cahoon	19-9-30	2nd ,,
,, A. N. Mitra	2-2-31	1st ,,
,, G. B. Allnut	2-5-33	Honours Division.

The following is the list of apprentices who completed their training from 1929 and had to be discharged as there were no vacancies. Those already selected and appointed have been " star " marked.

1. Mr. L. F. McLeod.
2. Mr. P. R. Bose.
3. Mr. A. C. Ash.
4. Mr. S. P. Mukherjee.
*5. Mr. K. P. Mukerjee.
6. Mr. P. C. Roy Chowdhuri.
7. Mr. B. B. Paramanik.
8. Mr. S. K Ghose.
9. Mr. D. K. Gupta.
10. Mr. K. D. Banerjee.

1930.

1. Mr. W. J. Ball.
*2. Mr. C. Keys.
*3. Mr. T. A. H. Cahoon.
4. Mr. S. C. Ganguly.
*5. Mr. J. N. Chatterjee.
6. Mr. P. N. Dutt.
7. Mr. T. C. Ghose.
8. Mr. B. D. Mukherjee.
9. Mr. S. N. Chatterji.
10. Mr. A. K. Banerji.
11. Mr. I. K. Das.
*12. Mr. N. C. Chatterji.

1931.

1. Mr. V. J. B. Cullen.
2. Mr. D. C. Williamson.
3. Mr. A. C. Roy Choudhury.
*4. Mr. A. N. Mitra.
5. Mr. B. K. Chatterjee.
6. Mr. R. K. Chatterjee.

1932.

1. Mr. T. C. Jackson.
2. Mr. K. L. Mitra.
3. Mr. M. R. Hume.
4. Mr. M. K. Mukerji.
5. Mr. S. C. Ganguly.
6. Mr. S. K. Bose.
7. Mr. K. C. Mukerjee.

1933.

1. Mr. Shew Prosad.
2. *Mr. R. A. Bowen.*
3. *Mr. W. H. Collins.*
4. Mr. D. G. Hogan.
*5. *Mr. G. B. Allnut.*

(*f*) The following Train Examiners have been appointed under the Divisional Superintendent, Howrah, East Indian Railway, since 1931 :—

Anglo Indian	1
European .	1
Hindus .	4
Muslims .	*Nil.*

The communal proportion of Train Examiners and Assistant Train Examiners is as follows. It will be seen from this that the progressive Indianization has been followed :—

	Train Examiners.	Assistant Train Examiners.
Europeans	5%	*Nil.*
Anglo-Indians	14%	2·55%
Hindus	60%	66·7%
Mahomedans	19%	28·2%
Indian Christians	2%	2·55%

(*g*) Future vacancies will be filled by selection of most suitable *ex*-apprentices and surplus or retrenched staff by Selection Committees composed of senior officers.

APPOINTMENT OF LILLOOAH APPRENTICES AS TRAIN EXAMINERS.

*833. The Agent, East Indian Railway, reports that—

(*a*) As the lists furnished by the Mechanical Department show that there were 40 *ex*-apprentices some of whom were residing in Europe and others a considerable distance away from Howrah, it was decided, as there were only six posts to be filled, only to write to men whose addresses were at stations on the Howrah Division. All *ex*-apprentices from the year 1929 to 1933 who had given an address on the Howrah Division were written to and passes were issued for those who applied to appear before the Selection Board.

(*b*) and (*d*). The Anglo-Indian apprentice referred to, completed his apprenticeship in 1933 and appeared before the Members of the Selection Committee. This candidate had an outstanding qualification having passed

the Honours Division in which distinction he stood alone and was selected by the Committee on his merits.

(*c*) Does not arise.

(*e*) I would refer the Honourable Member to the reply given to part (*g*) of question No. 832.

Appointment of Lillooah Apprentices as Electricians and Train Examiners.

*834. The Agent, East Indian Railway, reports that :

(*a*) Six *ex*-apprentices were appointed in August, 1933. It is not possible to say how many more will be appointed this year.

(*b*) (*i*)	*Howrah Division*	8
	Asansol	4
	Dinapore	*Nil*
	Allahabad	*Nil*
	Lucknow	3
	Moradabad	7
(*ii*)	Train Examiners.	

Applications for Leave by the Guards on the East Indian Railway.

*1050. (*a*) Yes, the guards are subordinate to the station masters and the latter have to make arrangements for relief.

(*b*) 159 applications for leave were received from guards by the station master, Gya, during 1932. Leave was refused in one case while in five other cases the applicants were required to wait for a few days before their leave could be sanctioned.

(*c*) Yes, the guards have a right to appeal to the Divisional Superintendent but all such appeals are to be submitted through the station masters concerned who are not authorized to withhold such appeals which must be submitted with their remarks. The Divisional Superintendents have full authority to sanction leave to staff under them whether applications for leave are submitted direct or through the proper channel. The submission of applications for leave through the proper channel is however insisted on for administrative reasons.

(*d*) This is not a fact. The latter part of the question does not arise.

Racial Discrimination on the East Indian Railway in the Matter of Appointments.

*1105. (*a*) No.

(*b*) I would refer the Honourable Member to the information laid on the table of the House in reply to part (*c*) of starred question No. 832 asked by Pandit Satyendra Nath Sen on 12th September, 1933.

(*c*) I would refer the Honourable Member to the information laid on the table of the House in reply to part (*b*) of starred question No. 833 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(*d*) The apprentice was called for an interview and there was no racial discrimination in this matter. Latter parts of the question do not arise.

(*e*) Does not arise.

(*f*) and (*g*). I would refer the Honourable Member to the information laid on the table of the House in reply to part (*b*) (*iii*) of unstarred question No. 266 asked by Sardar G. N. Mujumdar on the 5th December, 1933.

(*h*) I would refer the Honourable Member to the information laid on the table of the House in reply to part (*g*) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

*1106. (*a*) to (*e*). I would refer the Honourable Member to the information laid on the table of the House in reply to parts (*a*) to (*e*) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(*d*) and (*e*). I would refer the Honourable Member to the information laid on the table of the House in reply to parts (*c*) and (*d*) respectively of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

*1107. I would refer the Honourable Member to the information laid on the table of the House in reply to parts (*a*), (*b*) and (*c*) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS AS TRAIN EXAMINERS AND ELECTRICIANS.

*1108. I would refer the Honourable Member to the information laid on the table of the House in reply to part (*b*) of starred question No. 834 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

Six time expired apprentices of the Lillooah Shops were appointed on the Howrah Division in August, 1933, and none on other Divisions. Of the six men selected, four were Hindus, one Anglo-Indian and one European.

As regards vacancies lying unfilled, I am informed that there was one vacancy for an Electrician at Lucknow which was not filled up in view of reorganisation which resulted in staff retrenchment in the Train Lighting Department. Two vacancies in the grade of Train Examiners on the Lucknow Division which are lying vacant will be filled up by the surplus Train Examiners existing on that Division.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

*1109. The Agent, East Indian Railway, reports that it is not possible to say how many appointments, if any, are likely to be made this year. If, however, any appointments are made at all, only those who will be selected by the Selection Committees will be appointed and it is not therefore possible to say who will be selected for appointment.

APPOINTMENT OF APPRENTICES OF THE LILLOOAH WORKSHOPS.

*1110. (*a*) No.

(*b*) Does not arise.

(*c*)

Name.	Date of completion of apprenticeship training.	Division passed at the Technical School Examination.
Mr. K. P. Mukerji	19th February 1929	1st Division.
,, J. N. Chatterji	9th February 1930	
,, N. C. Chatterji	11th February 1930	
,, T. A. Cahoon	19th September 1930.	2nd Division.
,, A. N. Mitra .	2nd February 1931	1st Division.
,, G. B. Allnut	2nd May 1933 ..	Honours Division.

The *ex*-apprentices appointed were given Rs. 95 each as starting salary.

Appointment of Apprentices in the Production Department of the Lillooah Workshops.

213. The Agent, East Indian Railway, reports :

(*a*) The reply given to starred question No. 920 (*d*) is correct and this will be apparent from the enclosed copy of a certificate given by the Controller of Inspection, Calcutta, to Mr. T. C. Ghosh. Mr. T. C. Ghosh was not the first apprentice to work under the Production Engineer.

(*b*) Does not arise.

(*c*) The reason for appointing an *ex*-apprentice of 1931 in preference to an apprentice of 1930 is that when the vacancy in the grade of Rs. 50-5-10—90 occurred the *ex*-apprentice of 1931 who was appointed on 16th February, 1931, had been trained in the Production and Progress Section and had therefore the requisite experience. Mechanics who had no previous experience in production methods, were appointed to make use of existing staff and thus save them from retrenchment.

(*d*) It is pointed out that endeavours have since been made to secure employment for Mr. Ghosh. Advice was received from him that his services with the Indian Stores Department had been terminated owing to financial stringency on 31st January, 1932, and he was given an introductory letter to the Chief Mechanical Engineer, North Western Railway, on 7th January, 1933, which however appears to have produced no result. On 25th May, 1933, a vacancy having occurred in the Drawing Office Mr. Ghosh was asked to call to be tested but he replied that he was in the employment of the Nepal Government Railway as a Loco. Foreman (temporary) on Rs. 150 *plus* Rs. 12-8-0 consolidated allowance and free quarters.

(*e*) Government do not consider any enquiry necessary.

Appointment of Ex-Apprentices on the East Indian Railway.

214. The names of the two Indian *ex*-apprentices referred to are Messrs. Mohammed Mohiuddin and Mahadeo Prosad.

APPOINTMENT OF EX-APPRENTICES ON THE EAST INDIAN RAILWAY.

215. The Agent, East Indian Railway, reports :

"(*a*) No suitable apprentices or *ex*-apprentices were available at the time of Mechanic Shalleross's transfer to the Sawmill, that is none with any Sawmill experience whatever. Mechanic Shalleross being the son of the former Sawmill Foreman had gained some knowledge of the work from him and was selected for that reason in preference to appointing an outsider.

The Kiln Operators appointed from outside who had no other training except timber seasoning were retained after the closing down of the Kiln Seasoning plant as a purely temporary measure and when this temporary work was completed they were discharged and no question of replacing them arises.

(*b*) Every consideration is given to the question of employing *ex*-apprentices but owing to financial stringency and the prior claims of retrenched mechanics, opportunities at present are remote except only where the *ex*-apprentice has received special training in a new section, *e.g.*, Heat treatment."

INDIAN STORES DEPARTMENT,
OFFICE OF THE CONTROLLER OF INSPECTION,
CALCUTTA CIRCLE.

Dated 2nd February, 1933.

Mr. T. C. Ghose was employed as an Examiner of Stores in the Indian Stores Department from 10th February, 1930, to 31st January, 1932. During this period he was employed under an Assistant Engineer (Inspection) in connection with the inspection of orders for wagons and components. His services were terminated owing to financial stringency and the necessity for reducing the staff.

(Sd.) H. F. DAVY,
Controller of Inspection,
Calcutta Circle.

NON-APPOINTMENT OF INDIAN APPRENTICES OF LILLOOAH WORKSHOPS AS TRAIN EXAMINERS.

265. (*a*) and (*c*) (*i*). Yes. I would refer the Honourable Member to the information laid on the table of the House in reply to starred question No. 828 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(*b*) Yes. I would refer the Honourable Member to the information laid on the table of the House in reply to part (*a*) of starred question No. 829 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(*c*) Yes, in August, 1933.

(*d*) Yes. I would refer the Honourable Member to the information laid on the table of the House in reply to part (*b*) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(*e*) (*a*). It is reported by the Agent, East Indian Railway, that the Anglo-Indian who completed his training on 18th September, 1930, had the necessary qualifications for Train Examiner's post and was considered to be the best all round man for the vacant post. His work also has been very satisfactory and his selection has been justified.

(*f*) The most suitable persons were selected for the posts to be filled. As regards filling of future vacancies, I would refer the Honourable Member to the information laid on the table of the House in reply to part (*g*) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(*g*) Does not arise.

NON-APPOINTMENT OF INDIAN APPRENTICES OF LILLOOAH WORKSHOPS AS TRAIN EXAMINERS.

266. (*a*) Yes.

(*b*) (*i*). Yes. I would refer the Honourable Member to the reply given to part (*e*) (*ii*) of question No. 265.

(*ii*) Yes. Presumably Mr. G. B. Allnut who completed his training on 2nd May, 1933, is referred to. I would refer the Honourable Member to the reply given to part (*b*) of starred question No. 833 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

(*iii*) The filling of one third of the total vacancies in 1933 by members of minority communities was in accordance with the policy laid down by Government.

(*c*) (*i*). No.

(*ii*) Government see no reason why most suitable candidates should not be selected for appointments to be made.

(*iii*) I would refer the Honourable Member to the information laid on the table of the House in reply to part (*g*) of starred question No. 832 asked by Pandit Satyendra Nath Sen on the 12th September, 1933.

INTRODUCTION OF THE PREVENTIVE SYSTEM OF CHECK BY POSTING GROUPS OF TRAVELLING TICKET EXAMINERS.

*1364. The Agent, North Western Railway, reports :

" (*c*) to (*g*). The group system has not been abandoned. Each group men work under the charge of a Headman or group-in-charge who is responsible for checking all trains and stations on the section allotted to him.

At the discretion of Divisional Superintendents a group in charge may divide his group into sub-groups of two or detail the members of his group to work individually on occasions when this may be desirable. While working in sub-groups or individually all members of a group continue to work under their group-in-charge.

(*h*) On occasions more than one Travelling Ticket Examiner may have worked on one train, but this was not usual."

INTRODUCTION OF THE PREVENTIVE SYSTEM OF CHECK BY POSTING GROUPS OF TRAVELLING TICKET EXAMINERS.

" 1365. The Agent, North Western Railway, reports :

(*b*) The strength of ticket collectors on the North Western Railway is shown below against the dates given :

1st October, 1930	1,054
1st January, 1931	1,053
1st March, 1931	1,053
1st June, 1931	988
1st June, 1933	970

(*c*) The reduction in strength since 1st October, 1930, has not been progressive. The reduction in 1931 was made as part of the retrenchment campaign when train services were curtailed.

(*d*) The precautions taken include the erection of fencing when funds permit and instructions to inferior staff employed at road side stations to guard the ends of platforms and to endeavour to prevent ticketless passengers entraining.

(*e*) On 31st May, 1931, the staff employed on checking tickets on running trains were Travelling Ticket Examiners to the number of 128. The strength on 31st August, 1933, of Special Ticket Examiners who may be employed alternatively on checking work on running trains and at stations was 236.

(*f*) There is no staff now employed exclusively for ticket checking on running trains. The system now followed with Special Ticket Examiners covers both the prevention of ticketless travelling and checking in trains."

PREVENTION OF ILLICIT TRAVELLING ON RAILWAY TRAINS.

*1366. The Agent, North Western Railway, reports :

"(*c*) It is presumed that the Honourable Member alludes to Messrs. Mathra Singh and Shah Niwaz Khan, who were officiating in Grade III (Group-in-charge) and after trial were reverted to their substantive posts in Grade II having been found to be inefficient as Group-in-charge and unworthy of promotion to Grade III. They were replaced by others selected from Grade II."

ALLOWANCES OF TRAVELLING TICKET EXAMINERS.

*1378. The Agent, North Western Railway, reports :

"(*c*) A statement showing the number of cases detected by Special Ticket Examiners in trains and at stations on the Rawalpindi, Lahore, Multan and Quetta Divisions during the period from July to October, 1933, is given below :

Months.	Rawalpindi.		Lahore.		Multan.		Quetta.	
	In trains.	At stations.	In trains.	At stations.	In trains.	At stations.	In trains.	At stations.
July, 1933. .	5,052	129	7,056	592	4,402	28	630	178
August, 1933 .	5,264	114	5,978	590	4,170	5	640	210
September, 1933.	4,934	113	6,206	525	3,782	30	618	126
October, 1933 .	4,349	66	7,232	182	3,742	86	553	131
Total .	19,599	422	26,472	1,889	16,096	149	2,441	645"

LEAVE GIVEN TO RAILWAY STAFF AT JAMALPUR AFTER THE EARTHQUAKE SHOCK.

*403. The Agent, East Indian Railway, reports as follows :

"1. Workshops and Deputy Chief Mechanical Engineer's Office at Jamalpur were closed from the 16th to 21st January, 1934, on account of the earthquake and the enforced absence of staff during this period was given special consideration. I decided that staff of all departments other than those who are paid according to the number of days worked and who were unavoidably absent from work owing to the earthquake or who were allowed to leave work in order to take their families away

should be allowed casual leave up to a maximum of 6 days over and above the usual limit of 14 days for such leave.

2. In the case of the staff of the above categories who rendered assistance in the emergency during the period when ordinary work was suspended as a result of the earthquake I decided that they should also be similarly allowed casual leave for a corresponding period over and above the limit of 14 days after conditions have settled down, and when they can be spared but not later than the 31st December, 1934.

3. I would state that during the five days from the 16th to the 20th January, 1934, the 21st January being a Sunday, there were two holidays in the workshops, one on the 17th January—a paid holiday and the other on the 20th January, 1934—an unpaid holiday. Certain workshop staff who are paid according to time worked and therefore excluded from paragraph 1 above were absent from work between the 16th and 20th January, 1934, and in their case it was decided that the period of absence should be covered by leave in those cases where this was due and in other cases the embargo that men must be present at work immediately prior to and immediately following the paid holidays was lifted in order that the men might get the benefit of holiday pay on the 17th January, 1934.

4. I authorized the issue over the East Indian Railway of additional passes to allow staff employed at stations effected by the earthquake to send their families away, and to remove furniture to other stations when for want of house accommodation they could not safely keep their furniture where they were working."

The Government do not consider it necessary to take any further action.

Appointments of Firemen at Bulsar on the Bombay, Baroda and Central India Railway.

*633. The Agent, Bombay, Baroda and Central India Railway, reports as follows :

(*a*) Yes.

(*b*) The appointments were from apprentices but this does not prevent any fireman, who can pass his examination for the special grade, being placed in that grade, as the number in the grade is not limited The special grade is given for English speaking and writing.

(*c*) There were only two retrenched firemen, who have been re-employed.

Foot Overbridge at the Rohtak Railway Station.

*688. (*a*) The Agent of the North Western Railway has reported that a foot overbridge for the use of the public is in course of construction at Rohtak Station, towards the cost of which a contribution has been made by the Municipal Committee, Rohtak, and not by the Vaish High School.

(*b*) and (*c*). The overbridge will be opened as soon as it has been completed.

Trains, etc., on the Ferozepore Ludhiana Section of the North Western Railway.

*708. The Agent, North Western Railway, reports that there are three trains daily each way between Ludhiana and Ferozepur, the same as 20 years ago. As regards the time taken by them, the minimum time taken in 1920 was 5 hours and 30

minutes whereas it is now 3 hours and 15 minutes. It is not possible to reduce the time further as the run is a short one of 77 miles and trains stop at all stations. The existing volume of passenger traffic does not warrant an increase in the number of trains.

The Agent also reports that during the year 1928-29, an additional train (totalling four) each way was tried but had to be withdrawn for want of adequate patronage.

PROVISION OF CERTAIN AMENITIES ON STATIONS OF THE REWARI-FAZILKA AND KOTKAPURA-FAZILKA SECTIONS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

(*a*) A statement showing the train service on the Rewari-Fazilka Section is appended. The Agent, Bombay, Baroda and Central India Railway, reports that the policy on the Metre Gauge system is to run mixed trains on Branch lines and that, if the mixed trains on this Section are converted into passenger trains, it will cost the Railway Administration an additional sum of Rs. 3 lakhs per annum.

(*b*) The Agent reports that there are waiting halls at all stations on the above section except at certain flag stations.

(*c*) and (*d*). The Agent reports that the work of providing pucca booking offices, waiting sheds, etc., at Roranwala and Ramgarh stations has been held over for want of funds.

Train Service on Rewari-Bhatinda-Fazilka Section.

DOWN

		26 Mixed.	24 Passenger.	28 Passenger.	114 Special Service.	162 Special Service.
Rewari	Arr.	..	..	14 10	From Delhi.	
	Dep.	1 30	8 5	14 55	..	..
Sirsa	Arr.	9 37	15 1 Mixed	22 35 Mixed	..	..
	Dep.	10 7	16 10	23 10	..	..
Bhatinda	Arr.	12 57	19 5	2 17	..	..
	Dep.	13 50	..	3 5	..	..
Kot-Kapura	Arr.	15 30	..	4 45	..	..
	Dep.	15 58	..	5 25	11 57	18 57
Muktsar	Arr.	17 12	..	6 42	13 10	20 10
	Dep.	17 32	..	7 2	..	..
Fazilka	Arr.	19 25	..	8 55	..	..

Train Service on Rewari-Bhatinda-Fazilka Section.

UP

		23 Mixed.	161 Special Service.	25 Mixed.	113 Special Service.	27 Mixed.
Fazilka	Dep.	..	..	7 55	..	18 15
Muktsar	Arr.	..	.	9 59	..	20 7
	Dep.	..	6 58	10 15	13 55	20 37
Kot-Kapura	Arr.	..	8 10	11 30	15 10	21 50
	Dep.	..	..	12 0	..	22 20
Bhatinda	Arr.	..	..	13 45	..	0 10
	Dep.	7 25	..	14 35	..	1 13
Sirsa	Arr.	10 6	..	17 30	..	4 10
	Dep.	Passanger 10 30	..	18 12	..	Fast Pass. 4 35
Rewari	Arr.	17 15	..	3 23	..	10 19
	Dep.	..	..	..	..	10 53 to Delhi.

STATEMENT *RE.* NET EARNINGS OF CERTAIN NEWLY CONSTRUCTED RAILWAY LINES.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table a statement, giving the information at present available as to the net earnings of certain newly constructed railway lines during the financial year 1932-33, and a comparison of the return given by these earnings on the capital outlay with the return anticipated in the original estimates.

Statement showing net earnings during the financial year 1932-33 of new lines opened after 1st October 1927 throughout for traffic for a full year.

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1932-33.	Percentage return of income (column 7 on capital outlay).		Estimated percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
1	2	3	4	5	6	7	8		9	10
							1931-32.	1932-33.		
1	Chittagong-Nasirhat .	A. B. .	3′ 3-3/8″	22·97	17-3-1930	3,154	—0·27	0·14	8·50	
2	Chittagong-Dohazari .	Do. .	3′ 3-3/8″	23·05	10-6-1931	—15,376	*	—0·29	8·50	
3	Feni-Belonia . . .	Do. .	3′ 3-3/8″	16·88	1-12-1929	—28,123	—1·91	—1·97	5·80	
4	Furkating-Badulipara-Jorhat.	Do. .	3′ 3-3/8″	42·28	1-8-1928	1,29,946	2·01	3·78	7·00	
5	Karimganj-Lungai Valley .	Do. .	3′ 3-3/8″	39·45	1-1-1929	—65,437	—1·55	—1·87	5·50	
6	Netrakona-Mohanganj Extension.	Do. .	3′ 3-3/8″	17·55	1-4-1929	—8,982	—0·94	—0·43	9·60	
7	Shaistaganj-Habiganj-Balla	Do. .	3′ 3-3/8″	25·29	1-12-1929	—19,318	—1·05	—0·89	6·47	
8	Senchos-Mairabari . .	Do. .	3′ 3-3/8″	30·25	20-4-1930	—81,238	—4·46	—3·63	13·0	
9	Sibsagar-Mhowang . .	Do. .	3′ 3-3/8″	33·79	10-11-1927	82,526	2·44	2·37	7·00	
10	Mashrak-Thowe Extension	B. & N. W.	3′ 3-3/8″	39·32	12-1-1931	(*a*) 59,789	(*a*) 1·71	(*a*) 2·56	6·00	
11	Raipur-Parvatipuram Section.	B. N. .	5′ 6″	242·14	31-3-1932	12,74,458	*	2·63	5·40	

12	Beriavi-Vadtal . .	B. B. & C. I.	5′ 6″	3·71	18-4-1929	39,220	(a)—3·65	17·4	5·00
13	Jambusar-Kavi . .	Do.	2′ 6″	17·87	191-8-1929	49,046	(a) 0·49	5·03	8·00
14	Samni-Dabej . . .	Do.	2′ 6″	24·72	1-3-1930	—7,665	(a)—1·41	—0·76	8·00
15	Vasad-Katana . .	Do.	5′ 6″	26·61	1-9-1930	2,41,782	(a)—0·14	11·1	8·00
16	Heho-Shwanyaung . .	Burma .	3′ 3-3/8″	11·25	2-5-1929	—17,250	—0·46	—0·61	6·00
17	Kayan-Thongwa . .	Do. .	3′ 3-3/8″	10·80	15-12-1928	11,150	0·40	0·73	10·75
18	Myingyan-Paleik . .	Do. .	3′ 3-3/8″	68·86	13-1-1930	—8,025	—2·10	—0·11	5·50
19	Nyaunglebin-Madauk .	Do. .	3′ 3-3/8″	11·06	15-8-1929	55,994	8·65	4·18	3·37
20	Taungdwingyi-Kyaukpadaung.	Do. .	3′ 3-3/8″	71·82	17-7-1930	132	—1·75	0·0012	6·00
21	Abdulpur-Nawabganj .	E. B. .	5′ 6″	56·6	11-2-1930	—1,15,000	—1·88	—1·07	6·20
22	Baraulpur-Lakshmikantapur.	Do. .	5′ 6″	33·26	15-12-1928	—18,000	—1·51	—0·34	7·00
23	Dinajpur-Ruhea . .	Do. .	3′ 3-3/8″	47·80	8-3-1928	1,81,000	—1·34	4·30	6·50
24	Kalukhali-Bhateapara .	Do. .	5′ 6″	53·08	1-3-1932	—2,04,000	*	—3·24	5·00
25	Purnea-Murliganj (with branch from Banmanki to Behariganj).	Do. .	3′ 3-3/8″	51·93	1-10-1929	1,02.000	—2·65	2·61	6·50
26	Chandpur-Bijnor Muazzampur Narain.	E. I. .	5′ 6″	37·00	5-1-1930	1,70,190	4·82	5·47	6·10
27	Unao-Madhoganj . .	Do. .	5′ 6″	48·00	21-12-1930	75.797	2·21	1·96	6·30
28	Agra-Bah . . .	G. I. P. .	5′ 6″	43·00	10-4-1929	—38,168	—1·54	—1·23	6·30
29	Dharwa Pusad . .	Do. .	2′ 6″	42·63	15-12-1931	36,820	*	1·07	6·81

(a) Excludes net earnings of existing lines from new traffic interchanged with new railway. * Not available.

Statement showing net earnings during the financial year 1932-33 of new lines opened after 1st October 1927 throughout for traffic for a full year.

Serial No.	Name of project.	Working railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1932-33.	Percentage return of income (column 7 on capital outlay)		Estimated percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
1	2	3	4	5	6	7	8		9	10
							1931-32.	1932-33.		
30	Cocanada Kotipalli . .	M. & S. M.	5′ 6″	27·08	1-11-1929	—1,39,960	(*d*)—1·68	—3·27	6·00	
31	Guntur Macherla . .	Do.	3′ 3-3/8″	79·83	15-1-1930	1,17,337	(*d*) 3·48	2·57	5·25	
32	Gudivada-Bhimavaram .	Do.	3′ 3-3/8″	40·60	17-9-1928	44,502	(*d*) 2·21	1·09	6·61	
33	Nidadavolu Narasapur .	Do.	5′ 6″	47·16	3-2-1929	95,958	(*d*) 3·98	1·40		
34	Kanivihalli-Swamihalli Extension.	Do.	3′ 3-3/8″	11·74	15-3-1928	1,23,245	(*d*) 50·77	29·91	*	
35	Amritsar-Narowal . .	N. W.	5′ 6″	39·11	6-5-1929	4,80,003	2·39	6·95	5·50	
36	Chak Jhumra-Khushab .	Do.	5′ 6″	70·47	12-3-1932	4,50,710	..	2·59	6·00	
37	Jassar-Shakargarh Chak Amru.	Do.	5′ 6″	25·97	1-12-1927	61,357	—3·77	3·72	6·00	
38	Lyallpur-Jaranwala . .	Do.	5′ 6″	20·75	3-12-1927	—74,867	—6·11	—4·72	5·48	
39	Rohtak-Gohana-Panipat .	Do.	5′ 6″	44·01	15-5-1928	—3,04,947	—7·27	—11·89	6·33	
40	Shahdara-Narowal . .	Do.	5′ 6″	48·33	21-12-1926	4,22,891	2·22	14·30	4·84†	

41	Sind Left Bank Feeder Railways.	Do.	5′ 6″	164·49	10-12-1931	1,12,271‡	..	1·25‡	§
42	Kangra Valley . .	Do.	2′ 6″	103·00	1-4-1929	1,84,750 ‖	—0·71	0·58 ‖	5·50 ‖
43	Cuddalore Vriddhachalam .	S. I.	3′ 3-3/8″	35·59	21-6-1928	(*a*) 83,437	(*a*) 1·64	(*a*) 3·08	¶
44	Dindigul Pollachi . .	Do.	3′ 3-3/8″	75·10	19-11-1928	(*a*)3,06,193	(*a*) 5·57	(*a*) 6·25	9·44
45	Madura Bedinayakkanur .	Do.	3′ 3-3/8″	55·94	20-11-1928	(*a*)2,13,181	(*a*) 4·14	(*a*) 3·97	8·73
46	Pollachi Palghat . .	Do.	3′ 3-3/8″	33·45	1-4-1932	(*a*) 81,577	..	(*a*) 1·54	5·20
47	Salem Mettur Dam . .	Do.	5′ 6″	23·20	15-4-1929	(*a*) 1,03,486	(*a*) 13·30	(*a*) 8·00	(*b*) 4·75
48	Salem Attur Vriddachalam	Do.	3′ 3-3/8″	82·53	17-8-1931	(*a*) 33,211	..	(*a*) 0·39	5·80
49	Shoranur Nilambur . .	Do.	5′ 6″	41·35	26-10-1927	(*a*)(*e*)—26,054	(*a*) —1·2	—0·35(*a*) (*e*)	(*c*)4·00
50	Villupuram Trichinopoly .	Do.	3′ 3-3/8″	109·00	1-2-1929	(*a*)11,00,845	(*a*) 5·65	(*a*) 5·45	6·50
51	Trichinopoly Manamadura Chord.	Do.	3′ 3-3/8″	94·22	1-7-1930	(*a*)5,71,468	(*a*) 4·83	(*a*) 5·05	5·37

* This line was sanctioned for construction on the assurance that a minimum output of 35,000 tons of manganese ore annually by the Sandur Mining Company would be enough to guarantee the railway against loss.

† Loss to the extent of Rs. 20,000 guaranteed by local Government so as to obtain a return of 5·5 per cent. on capital outlay.

‡ Includes a guarantee of Rs. 4,00,000 payable by the Bombay Government.

§ The annual loss in working the Sind Left Bank Feeder Railways was estimated at Rs. 1·60 lakhs during the first five years after opening and Rs. 2·63 lakhs after the first five years of opening for Traffic. To recoup the loss the Government of Bombay will pay a fixed sum of Rs. 4 lakhs annually for each of the first five years and thereafter the actual loss in working subject to a maximum of Rs. 2 lakhs per annum.

‖ Includes a guarantee of Rs. 4,00,000 payable by the Punjab Government.

¶ The line was considered unremunerative but the District Board of South Arcot, who were interested in it, have expressed their willingness to Government of India against loss, if any, arising out of the construction and working of the line.

(*a*) Excludes net earnings of the existing lines from new traffic interchanged with new Railway.

(*b*) The estimated percentage return took into account a maximum payment of Rs. 41,000 to be made good by the Madras Government against loss.

(*c*) The estimated percentage return took into account a maximum payment of Rs. 1,39,000 guaranteed by the Madras Government against loss.

(*d*) Calculated on capital expenditure only excluding interest during construction.

(*e*) Includes maximum guarantee of Rs. 1,30,000 from the Government of Madras.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : May I know whether I will be permitted to ask any question or to review the statement laid on the table ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member knows the rules about the asking of questions.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Some information has been given about certain starred questions; but there were other starred questions about which information was required, and I would like to know when that information will be laid before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Some information promised, is it ?

Mr. Vidya Sagar Pandya : I had put some questions about subsidiary coinage, and I wish to know when I can expect information about it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not understand the Honourable Member's question at all.

Mr. Vidya Sagar Pandya : Information with regard to certain starred questions has been furnished now. But there are other questions for which information has not been given, and I would like to know when the information about those questions will be laid before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : You mean some information with regard to a question, which was promised by some Member of Government ?

Mr. Vidya Sagar Pandya : Yes : is there any time limit within which the information should be given ? It may be given at the end of the Session when it can be of no use to us.

Mr. President (The Honourable Sir Shanmukham Chetty) : Some reply has been promised to the Honourable Member in the last Session with regard to some question of his, and he now finds that the answer has not been supplied even now : that is his difficulty ?

Mr. Vidya Sagar Pandya : Yes : I should like to know whether replies should not be given within a reasonable time.

The Honourable Sir James Grigg : This is a new question to me, and I will certainly look into it and let the Honourable Member know : in any case, information will be given to him as soon as it is available.

Mr. Vidya Sagar Pandya : It may be available at the end of the Session when it may be of no use.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair thinks if Government promised some information during the last Delhi Session, they should make an endeavour to supply that information as early as possible.

The Honourable Sir James Grigg : This is a new question to me, and I will certainly look into it.

THE INDIAN DOCK LABOURERS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I beg to present the Report of the Select Committee on the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships.

Mr. President (The Honourable Sir Shanmukham Chetty) : With regard to the agenda of this week, Honourable Members will observe that Thursday, the 19th, has been set aside for non-official Bills. The Chair would here point out to Honourable Members that the Temple Entry Bill was sent out for circulation : opinions are still being received, and even those that have been received are so voluminous that they would not perhaps be received from the press sufficiently in time to enable Honourable Members to get copies before the 19th, if the ballot favours subsequent motions on that Bill. So, to meet the convenience of the House, the Chair is prepared to make a change, and, in fact, His Excellency the Governor General has also agreed that, in case the House so desires, he would agree to make the change also. Thursday, the 19th, is the first day for non-official Bills. If Honourable Members agree, that day may be allotted to official work, and then Thursday, the 23rd August, will be given as a day for non-official Bills. The effect of this will be that the first day for non-official Bills will be Thursday, the 2nd August, which gives reasonable time for Honourable Members to study the papers that will be supplied to them. If the House agrees, the Chair will have this arrangement made. (*Honourable Members* : "Yes, Yes ; we agree.") Then the Chair would announce to the House that His Excellency the Governor General has cancelled the allotment of Thursday, the 19th instant, for non-official Bills, and the Chair directs that that day be devoted to official business. The Chair has also to announce that it cancels Thursday, the 23rd of August, for official Bills and that His Excellency has agreed to allot that day for non-official Bills.

DEATHS OF SIR BEPIN BEHARI GHOSH AND MR. ARAVAMUDHA AYYANGAR.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, death has removed two old Members of this House since last we met, namely, Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Sir Bepin Behari Ghosh was only with us for a short time, but that was sufficient to endear him to those with whom he was brought in contact. A member of a distinguished family which has given to the country some of the highest legal talent, he was himself, I understand, one of the most efficient Judges who have graced the Bench of the Calcutta High Court ; but we here will always remember him for a singularly lovable disposition which endeared him to us all and which we will not soon forget.

I am sure also that Members of this House must have read with deep regret of the death of Mr. Aravamudha Ayyangar. Death has prematurely terminated a career which gave promise of a brilliant

[Sir Joseph Bhore.]

future. Mr. Aravamudha Ayyangar was a member of the Audit and Accounts Service. In every post that he held he showed an outstanding ability and a devotion to duty which are the distinguishing marks of an ideal civil servant. Those qualities were in evidence in every post in which he served, and he served in many important posts. He was, Sir, an Under Secretary to the Government of India in the Finance Department during the time of Sir Basil Blackett's Currency Bill. He was a Budget Officer to the Government of India, and he was also Secretary to the Hilton-Young Currency Commission. He had, Sir, a most unassuming manner and a singularly attractive personality. Government and the country have lost a most valued public servant in him, and I hope, Sir, that you will communicate to the relatives of both the deceased the deep sympathy of this House in their bereavement.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I associate myself entirely with what has fallen from the Leader of the House regarding the late Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. I had the privilege of knowing Sir Bepin Behari Ghosh somewhat intimately for a long time. He had a distinguished career both in the University of Calcutta and also in the legal profession, of which he was a successful member until he filled the post of a High Court Judge with distinction. As a Judge of the Calcutta High Court, as has been observed by the Honourable the Leader of the House, he made a mark for himself, and he continued the traditions of his family for legal acumen and legal attainments. He was the brother of the late Sir Rash Behari Ghosh, well-known to every lawyer throughout India as a most distinguished writer and learned lawyer, and Sir Bepin Behari Ghosh, as a Judge of the High Court, was conspicuously successful.

We had the pleasure of knowing Mr. Aravamudha Ayyangar here, and there can be no doubt, as has been stated by the Honourable the Leader of the House, that he was a most valuable officer of the Government of India where he had served in various capacities. Sir, I associate myself entirely on behalf of my Party with all that has been said regarding these two deceased gentlemen, and would ask you to communicate the expression of sorrow and sympathy of this House to the members of the families of the deceased gentlemen.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I associate my Party and myself with the sentiments that have just been given expression to by the Honourable the Leader of the House and by the Leader of the Opposition over the sad death of Sir Bepin Behari Ghosh and the demise of Mr. Aravamudha Ayyangar. Sir Bepin Behari Ghosh was a Member of the Executive Council here for a short time. He came here after a distinguished career at the Calcutta Bar, and also after presiding over the Calcutta High Court as a Judge with great distinction. He belonged to that great family of legal luminaries, of which his famous brother, Rash Behari Ghosh, was a member, and whose name is known throughout the length and breadth of India as a distinguished lawyer and philanthropist. During the short time Sir Bepin Behari Ghose was a Member of the Executive Council here, he had endeared himself to every one, both to the Members of the Government as well as to the Opposition. Sir, we all mourn his loss.

With regard to Mr. Aravamudha Ayyangar, he belonged to a most intellectual family of Southern India. His father-in-law was a Professor of Mathematics in the Engineering College in Madras. The late Mr. Aravamudha Ayyangar gave very great promise from the commencement of his career. After a distinguished scholastic career, he joined the office of the Accountant General in Madras. His abilities were soon recognised and he was translated to the Finance Department of the Government of India. He was Budget Officer for some time in the Finance Department. Apart from his regular duties, he served with great distinction as Secretary to the Hilton-Young Commission. He also worked very recently as Secretary to the Banking Inquiry Committee, and in this capacity he was of immense help to the country. Besides that, as Budget Officer, he had also to act as Secretary to the Public Accounts Committee, of which I have been a member for some time, and as such I have had occasion to come into closer contact with him. He was of immense help to the Finance Member ; he was absolutely thorough with all the facts and figures in the Public Accounts Committee relating to all the Departments of Government which come under review, and, therefore, every Finance Member under whom Mr. Aravamudha Ayyangar had the honour and privilege to serve liked him immensely and he was marked out for a very great appointment. It is quite natural that after the Reserve Bank Act was passed, he was proposed to be the Secretary of that Bank, and in order to give him more training, he was appointed Deputy Controller of Currency in Calcutta. But, just before he took up that office, he had a very bad attack of typhoid, and we were very glad that on that occasion he was rescued from the jaws of death. We all thought that he would survive to serve his country and the Government. He went to England to recoup his health, but we now hear of his sad demise. We all mourn his loss. Sir, we feel that the Government have lost a brilliant public servant and the country has lost a distinguished gentleman. The cruel hand of death has taken away one of the most brilliant careers in India. With these words, I request you, Sir, to communicate our warm feelings of sorrow to the bereaved families of both Sir Bepin Behari Ghosh as well as Mr. Aravamudha Ayyangar.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on behalf of the Centre Party, I join in expressing our deep sorrow at the deaths of our two colleagues.

Sir Bepin Behari Ghosh, during the short period that he was here, had endeared himself to everybody by his unfailing courtesy and unassuming manners. The Honourable the Leader of the Opposition has already said things about his career which I need not repeat. Mr. Ayyangar was one of the most brilliant Indians that one could ever hope to come across. During the debates on the Reserve Bank Bill, I had come in some contact with him, and I feel myself in a position to say that in matters of currency and finance Mr. Ayyangar's want would be long felt in this country. I feel quite sure that had he not been cut off at such an early age and in such tragic circumstances, he would have in the very near future occupied a very responsible Government post, for it is no exaggeration to say that Mr. Ayyangar sacrificed himself in the service of the State. Sir, there is no armour against death, and we, his colleagues, can only mourn his loss. I join the previous speakers in supporting the motion for sending our sympathies to the bereaved families.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I rise to associate my Party and myself with

[Mr. C. S. Ranga Iyer.]

the remarks that have fallen about our departed friends. Sir Bepin Behari Ghosh endeared himself to the Opposition as this House so well remembers. When the Opposition was seething, that great man was smiling away. Amidst great activity on the Opposition side, he was taking the most restful view as one ought to take in one's life, as Lord Sri Krishna says in the Bhagavad Gita. A great career richly endowed was dedicated for the good of his profession and the greatness of his country. Like his great brother, Sir Rash Behari Ghosh, Sir Bepin Behari leaves on the sands of time footprints which generous generations will follow at great sacrifice and with great admiration.

Now, coming to the passing away of that financial genius, Mr. Aravamudha Ayyangar's death is too deep for words or tears. We knew how very enthusiastic he was of the great days, of the spacious days opening before our beloved motherland. A great patriot himself, he knew that the solution of the financial difficulties would solve the national problem. In spite of weak health, he went on a great enterprise, on a great adventure, a great work, and we were all looking forward to his coming back to our country with greater and richer experience to guide us, to guide the ship of State through rocks, steering clear of the Scyllas and Charybdises of the future. And we feel that his passing away is a great national loss. Sir, in the midst of life we are in death, and we can only pray that his family which lies prostrate in dust may derive some satisfaction that a greater family, the nation, shares their great grief. Sir, we sympathise with the bereaved families of the late Sir Bepin Behari and the late Mr. Aravamudha Ayyangar.

Sir Leslie Hudson (Bombay : European) : I wish to associate myself and my Party with all that has fallen from my colleagues in this Honourable House with regard to the loss that India has suffered in the deaths of Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar—the former, a noble ornament to the legal profession, who had risen with honour to himself and to his country to the highest judicial post in Bengal, and the latter, an efficient servant of the Government of India, who, as the previous Honourable Member has stated, had given his life for India. We all of us looked forward to a career of great promise for Mr. Ayyangar. His past experience in Government Departments led us to believe that he would rise to very great distinction. I shall be glad if you will convey the sympathies of the European Party along with those of the other Parties when writing to the families of the deceased.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Mr. President, I associate myself with what has fallen from my colleagues at the loss of the two great Indians, Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Both of them were my intimate friends, and I mourn their loss as a personal one. Sir Bepin Behari Ghosh was a gentleman first and everything else afterwards.

I was shocked when I read in the newspapers yesterday of the passing away of my dear old friend, Mr. Ayyangar. His untimely death must have been a shock to all who knew him. A meritorious officer of the Government of India, an officer of conspicuous ability, he made his mark during the period when Sir Basil Blackett was the Finance Member of the Government of India. The House deeply mourns the loss of these

two great gentlemen, and I would request you, Mr. President, to convey to their families our sincere condolence and our grief at their loss.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : I rise to pay my tribute of tears to the memory of the two great departed Indians. Mr. Ayyangar was known to us as a brilliant officer, and his unassuming manners and financial abilities were prized by every one. He was a friend of almost all the Members of this House. He was known to every one of us, and we sincerely mourn his untimely loss.

As regards Sir Bepin Behari Ghosh, I cannot find words to express the feelings which are uppermost in my mind at the present moment. He was to me more than an elder brother. He came from the same place as myself, we practised at the same Bar, and probably, not even excepting the present Law Member, I am his oldest acquaintance present here in this Chamber, and I looked upon him as my eldest brother. Sir, if I rise to mourn his loss, it is a sacred and solemn duty which I not only owe to the departed, but to myself also. I can only end by saying that his was a life of which it can be truly said that :

"Life's race well run,
Life's work well done,
And now comes rest."

With these words, Sir, I beg to pay my tribute to the memory of the great deceased.

Mr. President (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the tribute that has been paid to the memory of the late Sir Bepin Behari Ghosh and Mr. Aravamudha Ayyangar. Though Sir Bepin Behari Ghosh was a Member of this House for a very short period, he had not merely inspired confidence in every section of the House, but by his charming personality he had made himself one of the most popular Members, and we mourn the loss of one who was loved so well while he was a Member of this House and whose work in the cause of the public has been well appreciated by his colleagues.

In the death of Mr. Aravamudha Ayyangar, we have lost one of the most efficient and devoted of our public servants. Honourable Members have had many opportunities of judging the devotion to public duty and the efficiency with which he discharged the daily task that was entrusted to him. He showed undoubted promise of a great future for himself and greater service for the country, and we all mourn the tragic and untimely death of such a devoted public servant. It shall be my duty as the spokesman of this House to convey to the families of our departed colleagues the deep sympathy and sorrow of this House at the death of those two colleagues whom this House loved so well and whose services this House so greatly appreciated.

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

The Honourable Sir Harry Haig (Home Member) : Sir, I move for leave to introduce a Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932."

The motion was adopted.

The Honourable Sir Harry Haig : Sir, I introduce the Bill.

THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

The Honourable Sir Harry Haig (Home Member) : Sir, I move for leave to introduce a Bill to supplement the Assam Criminal Law Amendment Act, 1934.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to supplement the Assam Criminal Law Amendment Act, 1934."

The motion was adopted.

The Honourable Sir Harry Haig : Sir, I introduce the Bill.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to amend certain enactments and to repeal certain other enactments."

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

THE INDIAN PETROLEUM BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R. Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, 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, my name appears rather more frequently on the agenda for the business of this week than I could wish, but I trust the House will find that the legislative programme that I am putting before it is not so formidable after all. When I moved as long ago as last September that this Bill should be circulated to elicit opinion, I gave an account of our reasons for entirely recasting the present Indian Petroleum Act, 1899, and of the salient features of the new Bill. As the minds of Honourable Members

may have been wearied by varied and contentious legislation since then, a short summary may help their overburdened memories.

I explained last September that, though the short and simple Act of 1899 was sufficient for the needs of the time when it was passed, there had been such great developments in the use and technique of mineral oils that many of the provisions of the Act had become defective or obsolete. I also pointed out that developments in the use of mineral oils were still occurring and that the Bill had been cast into a form which we hope will provide a framework adequate to carry, for some years to come, the further amendments that will in all probability have to be made.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I referred also to the present cumbersome procedure in making rules, whereby model rules are usually drafted in my Department and promulgated by the various Provincial Governments ; and I drew the attention of the House to a prominent feature in the Bill designed to simplify this procedure, namely, the centralization of the rule-making powers in the hands of the Governor General in Council.

My motion for circulation was adopted by the House without dissent, and in the period elapsing since then the Bill has been circulated very widely and the opinions we have received have been very carefully considered by my Department. The volume of opinion elicited has shown a lively public interest in the provisions of the Bill, which is as gratifying as it has been to me rather unexpected. Though it is by no means light literature, this Bill may almost be said to be a burning question. The suggestions we have received are very numerous, and I would divide them into three classes. The first class contains the great majority of the suggestions submitted to us or rather submitted to this House and, although these suggestions have been made in the proper spirit of constructive criticism, I hope to persuade the Select Committee that they do not justify any amendment of the Bill. The second class, which is a small one, consists of suggestions which we accept and are prepared to recommend to the Select Committee. The third class, also a small one, comprises suggestions which Government wish to discuss with the Select Committee before making up their own mind. It is satisfactory and is, if I may say so, a tribute to the skill with which the Bill was drafted that the suggestions are all on points of detail and that none of them attack the fundamental principles of the Bill. This, I think, justifies the hope I expressed last September that the Bill would prove to be entirely non-controversial.

I should like to draw the special attention of the House to one or two of the more important suggestions which have been made. Burma has an Act of its own, the Burma Oilfields Act of 1918, which regulates the operations of winning oil in the Burma oilfields. The Government of Burma, and the Burma authorities and interests generally, would like to [illegible] of production exempt from the Bill. Whilst we fully

to have the Bill amended in Select Committee so as to [illegible] sions of the Burma Act, we are not, as at present advised, prepare to the length of excluding production entirely from the Bill. The demand for such exclusion has not arisen in any other part of India, and

[Sir Frank Noyce.]

it seems desirable to follow the line of the present Petroleum Act and to retain a power to control production in the event of fresh discoveries of oilfields outside Burma.

Again, the scientific definition of petroleum contained in the Bill covers commercial turpentine and other substances of vegetable origin known as "terpenes". It may be desirable, in the interests of the turpentine trade, to exclude these entirely from the scope of the Bill and the Select Committee will be asked to advise on this point.

Lastly, clause 11 excludes from control all petroleum which has its flashing point not below 200 degrees. It has been strongly represented that this limit could be lowered with safety, and with a resulting saving in cost and in trouble all round. We shall be glad to take the advice of the Select Committee on this point.

The other matters brought out in the opinions received are points of drafting or technical matters of detail which it would be out of place for me to discuss at this stage. I have full confidence that this Bill, which vitally affects the interests of large producing and distributing agencies and safeguards the public from dangerous accidents, will, when it emerges from the Select Committee, be entirely acceptable to the House.

Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R. Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, since this Bill is going to the Select Committee, I do not think I shall be justified in making any lengthy observations at this stage. All the opinions that have been received on this Bill will, I am sure, be carefully sifted in the Select Committee. There is just one point which I should like to mention and which I think the Government would be well advised to look into, as well as the Select Committee. I am referring to clause 12 of this Bill. Clause 12 of this Bill says :

"Nothing in this Chapter shall apply to petroleum which is the property or is in the possession of Government or of any duly authorised officer acting in the execution of this Act."

Now, Sir, this Chapter is very important, because it relates to the custody of petroleum and the way in which petroleum is to be stored, so that it may not be dangerous to public health and safety. Sir, in this connection I should like to refer this House to some opinions with regard to this particular point. I am referring to the opinion of the Director of Industries who objects to this particular clause being retained in this Bill. The Director of Industries of the United Provinces says :

"In my opinion, this clause is objectionable. If the analogy of the Indian Explosives Act, 1884, can be pressed into service for incorporating this new clause into the present Bill, the analogy of the existing Indian Factories and the Boilers

Acts, as well as the proposed Factories Bill, is against exceptional treatment being granted to Government property or concerns. If the importation, possession, storage and transport of petroleum require regulating in the interests of public safety, these considerations are equally applicable to petroleum which is the property or is in the possession of Government or of the duly authorised officers. It is to be noticed that petroleum possessed or owned by railways except in their capacity as carriers has not been exempted, *vide* clause 10 of the Bill. My experience of the administration of the existing Petroleum Act and similar laws as a Magistrate is that precautions taken in respect of Government property often tend to be inadequate."

Sir, this is the opinion of the Director of Industries of the United Provinces. Objection has also been taken to this clause by the Chamber of Commerce of Bombay, the Burma Shell Oil Storage and Distributing Company of India, Limited, Delhi, Indo-Burma Petroleum Company, Limited, the Upper India Chamber of Commerce, Cawnpore, and also the Bengal Chamber of Commerce. I am not going to read out the opinions of all these bodies. I will only refer to the opinion of the Bombay Chamber of Commerce which is to be found on page 6 of the opinions. It says :

"The intention is presumably to ensure that Government officials will not be hampered in the execution of their duties, but as the principal aims and objects of the Act are to safeguard the public in respect of the handling of dangerous commodities, this clause in its present form, which exempts Government in all circumstances from the necessity of complying with the conditions of Chapter I, seems undesirable."

I will only hope that the Government as well as the Members of the Select Committee will carefully weigh the opinions on this particular point as well as on other points and make suitable amendment so that when the Bill comes out of the Select Committee, it may not be open to the objection to which it has been as it stands at present. With these few words, I commend this motion to the acceptance of the House.

The Honourable Sir Frank Noyce : Sir, I need hardly say that the point raised by my Honourable friend, Mr. Gaya Prasad Singh, will be dealt with very fully in the Select Committee. I think it will be found that the Government are by no means adamant on the point.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances be referred to a Select Committee consisting of Mr. H. P. Mody, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. Lalchand Navalrai, Mr. S. C. Sen, Rao Bahadur S. R Pandit, Kumar Gupteshwar Prasad Singh, Mr. L. C. Buss, Haji Chaudhury Muhammad Ismail Khan, Mr. Sitakanta Mahapatra, Mr. E. W. Perry, Mr. S. G. Grantham, 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 ARMY (AMENDMENT) BILL.

Lieut.-Colonel A. F. R. Lumby (Army Secretary) : Sir, I move :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhuput Sing, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harbans Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. R. D. Dalal and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

[Lieut.-Colonel A. F. R. Lumby.]

Sir, though this Bill has a considerable number of clauses, there is really only one main object underlying it and that can be simply stated. It is to make legal provision for an important change which is now taking place in the constitution of the Indian army as a result of the gradual development of the policy of Indianization. In a few months time, the first batch of cadets will pass out of the Indian Military Academy at Dehra Dun and will receive their Commissions.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : How many of them there are ?

Lieut.-Colonel A. F. R. Lumby : Sixty. As the House is already aware, when they pass out of the Academy, these officers will constitute an entirely new category of officers in the Indian army, and it is to make legal provision for them that this Bill has been primarily introduced. These new officers are the Indian commissioned officers referred to in clause 5 of the Bill. They will receive the King's Commission of exactly the same type as that now held by the officers of the Indian Air Force. These Commissions are very much the same as those held by officers of the permanent forces of the self-governing Dominions, and I think I am right in saying that the form of Commission which is to be introduced for the Indian commissioned officers and which has already been introduced for the officers of the Indian Air Force is almost word for word the same as the Commission held by the officers of the Canadian Permanent Forces.

1 P. M.

With the advent of these officers into the Indian army, there will be in it three different categories of officers. The definitions of these three types will be found in clause 5 of the draft Bill. First, there comes the " British officer ", in which term is included the Indian officer who has received his Commission after training at Sandhurst or Woolwich. Then, secondly, comes the new type of officer, the " Indian commissioned officer ", for whom it is proposed to make legal provision in this draft Bill ; he will be the officer who comes into the Indian army after training at the Indian Military Academy at Dehra Dun. And, thirdly, comes that fine body of men to whom the Indian army have owed, and still owe, so very much, who are known at present in the Act and throughout the army as " Indian officers ", but whom it is proposed to call in future " Viceroy's commissioned officers " in order to distinguish them from the Indian commissioned officers.

Of these three categories, the British officer will gradually decrease in numbers and ultimately disappear altogether as Indianisation progresses and his place is taken by the Indian commissioned officer. The same is true of the Viceroy's commissioned officer, as was announced on the floor of this House, I think as long ago as 1928, by Field Marshal Sir William Birdwood. His place will also be taken by the Indian commissioned officer, because, in an entirely Indian army, there will be no place for two categories of officers, both of them Indians, holding different commissions. And so, in time to come, the Indian commissioned officer will be the only kind of officer left in the Indian army ; in fact it is correct to say that this first batch of officers who will be passing out shortly from the Indian Military Academy will be the prototypes of the officers of the national Indian army of the future.

There is one difference between the British officer and the Indian commissioned officer that I wish to point out. While the British officer is subject to the Army Act, it is proposed in this draft Bill to make the Indian commissioned officer subject to the Indian Army Act. I think the House will probably agree that this is an essential step if, as must be the case, the Indian army of the future is to be governed by one single Act, covering both officers and men, and that an Act which it is within the power of the Indian Legislature to amend. The alternative would be that any amendment to the status of the Indian commissioned officer would have to be legislated for by the British Parliament, that would surely be a retrograde step.

In this connection there is one point that I wish to emphasise most particularly, and that is that, in spite of this difference that I have just pointed out, the Indian commissioned officer will have within the Indian army exactly the same powers and privileges as are at present enjoyed by the British officer; it is intended that there shall be complete reciprocity between these two categories of officers. Any other kind of arrangement would, for obvious reasons, be administratively almost unworkable. Of the forty-two clauses of the Bill, some two-thirds have to do with making legal provision for the Indian commissioned officer. They deal with such things as his right of appeal, the punishments which may be awarded to him, the penal deductions that may be made from his pay, the position that he will occupy on courts martial and all the other provisions that have to be made for him and which are already made for the British officer in the Army Act. There is another small group of clauses which make more specific provision in the Act for the warrant officers who are subject to it. The few remaining clauses aim either at making provision for certain minor changes which have taken place in the constitution of the Indian Army in recent times or at bringing the Indian Army Act into line with the Indian Air Force Act or with the Army Act. I take it that the House would prefer that the Select Committee should go into these matters of comparative unimportance rather than that I should try and add now to the details which are already given with regard to them in the Notes on Clauses attached to the Bill. Sir, I move. (Applause.)

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhuput Sing, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harbans Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. R. D. Dalal, 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. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I congratulate the Army Secretary for his lucid maiden speech. (Applause.) He has given us to understand that the system proposed is almost identical with the system now in force in the case of the Canadian Army. I would like to know, and I hope he would reply later on in what way these rules differ or agree with the rules applicable to the British officers trained at Sandhurst.

Lieut.-Colonel A. F. R. Lumby : All I said was that the wording of the Commission is almost identical with that of the Commission given to officers of the Canadian forces. It is only the form of Commission I was referring to, and not the rules.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Also the faults or shortcomings of the Canadian rules.

Dr. Ziauddin Ahmad : I was talking of the present Bill now before us. This particular Bill and the provisions therein are identical with the provisions in a similar Bill applicable to the officers trained in Sandhurst.

Lieut.-Colonel A. F. R. Lumby : That is not what I said.

Dr. Ziauddin Ahmad : The point which I want to know is this. Whether these rules are exactly the same as are applicable to similar army in England and applicable to the officers trained in Sandhurst or do they differ ? If they differ, in what way do they differ ?

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I think it is a very important Bill which has been just now introduced by the Honourable the Army Secretary. It is not possible for us to study and understand fully the significance of this measure unless and until we have a more detailed exposition of the objects of the Bill. I happened to be a member of the Indian Military College Committee and now, I believe, this is the first time when a certain number of officers will have passed out of that college. We should like to know, for instance, how many officers will pass out this year for whom and for whose successors this Bill intends to make certain legal provisions. The Army Secretary has told us that the object of this Bill is to have an Indian Act regulating the administration of the Indian army. He has also held out a vision before us that in due course of time,—a phrase with which we are very familiar in this House,—there will be an Indian national army, and it is, therefore, necessary to anticipate that event and to provide for it by this Act. He has further told us that in that future, whenever it may happen, it will be necessary and it will be wise to have an Act which can be amended by the Indian Legislature. There I should like to ask one question, and it is this. Does the Honourable Member mean that the Army Act which is going to be amended will be entirely at the disposal of the Indian Legislature to amend it in any way it likes, including also the control of the army and the regulation of the policy of army administration ? I should like to have a definite answer to that question.

Then, Sir, while the Honourable Member was making his speech, a question was interjected, when is the Indian army going to be completely Indianised, if I may use that expression. It may sound somewhat anomalous that the Indian army should require to be Indianised, but that is the fact in the present situation of the country. So far as I recollect, at present there are only about 160 Indian King's commissioned officers out of more than 7,000.

Lieut.-Colonel A. F. R. Lumby : There are 3,200 British officers.

Sir Abdur Rahim : I am talking of all the King's commissioned officers, and I am taking all the fighting forces.

Lieut.-Colonel A. F. R. Lumby : The 7,000 include the officers of the British army.

Sir Abdur Rahim : Yes. There is a strength of 3,000 odd King's commissioned officers in the Indian army, and the Indianisation began, I believe, somewhere about 1925, and, in the course of these eight or nine years, we have about 160 officers. I should like to know how long it will

take at the present rate for the Indian Military College to produce a sufficient number of officers to Indianise the whole of the officer personnel of the Indian army.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Two hundred years.

Sir Abdur Rahim : I understand, and that was the decision of the majority of the College Committee and the final decision of Government, that the Viceroy's commissioned officers will be scrapped and that is also the case put forward by the Army Secretary. If the Viceroy's commissioned officers disappear, then naturally there will be need for more King's commissioned officers than is the case at present ; and, therefore, I should like the Honourable Member, when he answers my question, to take into account what would be the required strength of the King's commissioned officers or rather the Indian commissioned officers, as now contemplated under his Bill, in order to replace the entire officer personnel including the King's commissioned officers and the Viceroy's commissioned officers by the officers who will be turned out by the Indian Military College.

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. Abdul Matin Chaudhury) in the Chair.

Sir Abdur Rahim : Sir, before the adjournment, I was raising the question as to how far this Act would give us or would tend to give us an Indian army whose policy would be controlled by the Indian Legislature. So far as I can gather from the speech of Colonel Lumby, this Bill has nothing to do with the army policy. All that it aims at is to regulate the discipline of the Indian army or rather the Indian officers who will obtain their Commissions through the military college in India. He has also told us in answer to a question put by my Honourable friend, Dr. Ziauddin Ahmad, that this Act is analogous to the Dominion Armies Acts, particularly of Canada, mainly in the matter of form of Commission and not as regards the substance, that is, so far as the question of policy is concerned. We have at present a certain number of Indians in the Indian army holding the King's Commission whose discipline, privileges and status are regulated by the Indian Army Act which was passed by the British Parliament. The object of this Bill is to amend that Act by an Act of the Indian Legislature in those respects without being under the necessity of going to the British Parliament. What I would like to know and I think what the House would like to know clearly and definitely from the Government is this : in what respects will the privileges, status and the discipline of the officers who will be recruited by the Indian Military College be different from those of the Indian officers who now hold the King's Commission ? I think I saw a statement in some of the newspapers that the future recruits to the Indian Officer personnel will have a different scale of pay, and, I believe, also in respect of other privileges such as leave and leave allowances and things of that character. I think the House would like

[Sir Abdur Rahim.]

to be informed whether the question of pay of the future officers of the Indian army has been decided upon by the Government and, if so, why was not the Legislature taken into confidence ? This is a matter of very great importance, and I do submit that no decision should be arrived at until the Legislature has the fullest opportunity of pronouncing upon the powers, pay and privileges of the future Indian officers. We know that, under the White Paper Scheme, the whole of the Indian forces will be placed, as regards policy, under the British Parliament ; and, certainly so far as the scope of this Bill is concerned, if the pay of the future officers is going to be altered in any way to their disadvantage as compared with other Indian officers who hold the King's Commission now, this is a matter of the greatest importance, and I do ask the Government, before coming to any sort of decision on the point, to consult this House. I do not want at this stage to discuss the question of pay and privileges of these officers on their merits, but, so far as I have been able to look into the Bill, there is no indication in it as to what the pay and other privileges of the Indian officers recruited through the Military Academy at Dehra Dun are going to be. It is very difficult from reading the Bill to grasp its full scope. We want to know what will be the difference in the matter of pay and other privileges, their power of command and prospects in the army between those officers who already hold the King's Commission and those who will in future be recruited from the Dehra Dun Academy. We have been told that the clauses of this Bill, at any rate many of the clauses of this Bill, have been copied from some of the Colonial Acts.

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

I do not think that the Honourable Member meant to convey that this Bill is identical in all respects with the Colonial Acts that govern the Colonial armies. So far as I know,—I speak subject to correction, because I am not really familiar with the army matters as the Honourable Member is,—the Colonial Governments have the fullest control over their army, and I believe that is provided for in their Acts. If I am wrong, I am sure the Honourable Member will correct me in his reply. Therefore, it comes to this, that the scope of this Bill is to make certain differences, to emphasise or to create certain differences between the officers who hold the King's Commission at present and the future recruits. I should like, if I am correct in this supposition, that the Honourable the Army Member should explain to us in detail what those differences are. I believe recruitment through Sandhurst and other British Military institutions has been stopped, and, therefore, the Indian officers will in future be recruited entirely from the Dehra Dun Academy, except perhaps those who will join the Air Force, because we have not got as yet an institution for the training of Air Force officers.

As regards the form of the Commission, I am sure that this House would like to be satisfied as to what has made it necessary to make a change in the form of the Commission. We have at present a few Indian Officers,—I believe more than 100,—the number is about 160 or something like that,—who hold the King's Commission, and, so far as I am aware, these officers are at present getting on very well with their

brother British officers in the Indian army. I am not aware that any difficulty has arisen by giving King's Commission to Indian officers. It is true that in most of the self-governing dominions, if not all the Dominions, the Dominion army officers hold what is called the Dominion Commission, but there is a significance in that which is wanting in the present circumstances of India. The dominions are entirely self-governing ; they have entire control, I believe, over their army policy, and some of them, I believe, are still agitating to establish their right to conduct their own foreign relations. There are Dominion Parliaments which are opposing any idea of their dominions being forced into war without their consent. That is the position so far as the dominions are concerned. In India, on the other hand, we have no control whatever over the army policy or over foreign relations, and I do not think it is proposed by His Majesty's Government to confer these powers on the future Government of India. Therefore, in the case of self-governing dominions, there is a significance, there is a meaning in their officers being called dominion officers, but in our case it is the British policy that governs the army, the strength of the army, the expenditure on the army and the regulation of foreign relations. The Indian army is really a part of the British army controlled by the British Parliament.....

Mr. B. Das : Quite so.

Sir Abdur Rahim : Therefore, I should like to know from the Government where was the necessity for calling our officers of the future Indian commissioned officers instead of continuing to call them King's commissioned officers. If we had the same form of self-government as the self-governing dominions have, and for which we have been clamouring for years together, then one could understand that there was substance in the Bill which has been now put forward. It is all very well to go before the world and say that we Indians have got an Indian army, that we have got Indian commissioned officers and so forth, but what does it really come to ? Is it an Indian army because the rank and file, that is, the other ranks, as they are called, are Indians ? The whole army policy is controlled by the British Parliament. But does not that make all the difference, the fact that the army policy is controlled by the British Parliament, while, on the other hand, the case is just the reverse in the dominions. I do say, so far as I can see at present, unless the Honourable Member is able to persuade us that there is some substantial ground for making this distinction, for creating this new name, which is not, after all, a very happy name,—there is no reason why should we not continue the name of the King's commissioned officers ? Would it make any difference ? That is the point which I want to be explicitly explained to us by the Honourable Member. Or is it merely a change of name, then why this change ? Has it any significance at all ? Has it a significance in favour of the future officers, or has it a significance adverse to their interests ? If it is a mere name, I do submit that there is no necessity for changing the name. As a matter of fact, there is a feeling in India at present that the design of this Bill is, and the effect of the Bill will be, to reduce the status and position of the future Indian officers. We should like it to be made absolutely clear that that is not the design of the Bill and that it does not contain any provisions which can be worked to that effect. I know the Bill is couched in very general

[Sir Abdur Rahim.]

terms, but the Honourable Member must know what is the real object of this Bill.

So far as discipline of the army is concerned, we have not a word to say against the principles on which discipline is enforced in the British army, and we are prepared to accept it wholesale. Nobody has yet objected to it. I am a great admirer myself of the army discipline, and I should indeed like that the spirit of this discipline should spread even to our civil life. But that cannot be the entire object. There must be some other object, because there is no provision as regards the pay or privileges of the officers in this Bill, though, I dare say, power will be taken in order to make such alterations as the army authorities may think fit. Sir, Indian opinion, as voiced in the Military College Committee, was that the future recruits should enjoy absolutely the same rights and privileges, the same power of discipline over the men, the same sort of regulations as now prevail in the British army. That was the basis on which we worked on the Committee, and, so far as I am aware, not a word was said at the time that there was going to be any change or alteration made even in the pay of the future recruits. If the Indian Legislature want to reduce the pay, undoubtedly they will do so in the interests of India itself. We know the Indian finances—I speak in the presence of the new Finance Member—are not in a very flourishing condition. I do hope parenthetically that he will be fortunate enough to give us a better budget than we have been used to for several years past ; but whatever may be the nature of the next budget, there can be no doubt that India, in the opinion of all Indian public men that I know of, finds herself very much handicapped in meeting the heavy military expenditure of this country. Therefore I fully recognise and realise that if we could reduce that expenditure, we should certainly do so. But we should like to know beforehand what is in the contemplation of the Government, what will be the status and privileges and salaries of the British officers who will be serving in the same regiment, in the same battalion, what will be the prospects of promotion of the Indian officers of the future *vis-a-vis* the British officers of the Indian army. Will this Bill give power to Government in any way or to the military authorities by any executive order to make any alteration in that respect ? These are very important matters. This House is well aware that Indian public opinion lays very great stress on the question not only of military expenditure but of the Indianisation of the army. We want to be self-contained and self-sufficing with reference to our defence, and we want our defence expenditure to be regulated and controlled according to the actual necessities, and not fancied contingencies. At the Round Table Conferences and before the Joint Parliamentary Committee the Indian delegates strongly advocated that a time limit should be laid down by which the defence of India would be made a responsibility of the Indian Legislature and the Indian Legislature alone. So far as that is concerned, I know that my Honourable friend, the Army Secretary, will say that this Bill has nothing to do with that. I know that that is not the scope of this Bill, but it has an indirect bearing. We want to know why there should be any alteration in even the designations of the officers unless we are within sight of being responsible for the defence of the country. We do not want merely names. It may be a very good thing to put forward before the world that there is an Indian army with Indian commissioned officers, and, therefore,

India has been given the same status as the self-governing dominions. But that is not the fact. India is not being given, and I do not see when it is going to be given, the status of a self-governing dominion within any near future.

So far as the present Bill is concerned, I do not oppose the motion for reference to a Select Committee. It is going to the Select Committee, but we should like to know, before we are going to give a final decision even on this point, why this Bill has been introduced now, what are the circumstances which have made it necessary that this Bill should be brought forward before the Legislature and an Act must be passed like this amending the Indian Army Act. If we are satisfied that this Bill only wishes to place in the hands of the Indian Legislature the question of the discipline of the Indian army of the future—if that is the real scope of the Bill, I do not think that there will be any dissentient voice. But we are not yet satisfied on that point and it will be for the Honourable Member to explain on behalf of Government whether that is the whole scope of the Bill, and at the same time I do hope he will explain to us what are the exact difficulties that have arisen in the present state of the law which have to be met. So far as I am aware and so far as we have heard from the Government from time to time, I do not think any sort of difficulties have arisen with respect to the Indian commissioned officers, and I believe these officers are acquitting themselves well to the satisfaction of the army authorities.

Now, Sir, as regards the Viceroy's commissioned officers, that is another point on which there was a difference of opinion in the Military College Committee. It was strongly urged by some of us that the Viceroy's commissioned officers served a very useful purpose and that was strongly evidenced by the fact that it was not intended to do away with the Viceroy's commissioned officers so long as there were British officers in the Indian army. But it was definitely proposed by the military authorities that when Indian officers are recruited in India with a view to Indianization, at present of one Division, then in that case it would be superfluous to retain the Viceroy's commissioned officers. In that connection I should like to ask my Honourable friend whether the new scheme will not be indeed more expensive than the present arrangements under which the cost of the Viceroy's commissioned officers is much less than that of the King's commissioned officers, both Indian and, still less, of British. Perhaps the Honourable Member will explain to us whether the proposed scheme of doing away with the Viceroy's commissioned officers will not entail a larger number of King's commissioned officers, or Indian commissioned officers as they will be called in the future, and, therefore, a much larger expenditure will be involved. What, Sir, is the justification for it ? I remember it was cited to us that neither in Britain nor in any continental army were there these two classes of officers. That is so. I accept that as a fact as it is stated by the military authorities, but even then, things have been going on very well indeed under the present arrangements.

Then I should like to ask where is the necessity for altering that arrangement so as to increase considerably the cost of the Indian army ? Sir, that is a question also which has to be answered by the Honourable the Army Secretary. I should like, therefore, my Honourable friend to explain to us in as clear a language as possible what is the present scope of this Bill, what will be its effect on the future recruits *vis-a-vis* the British

[Sir Abdur Rahim.]

officers, who, under the present definition, will include also the King's Indian commissioned officers. Sir, if there is not going to be any difference of substance, then I do submit that it is extremely embarrassing—and not only embarrassing to the public, but I think it will be extremely embarrassing to the officers themselves to have so many classes of officers at the same time. There will be British officers of British origin, there will be British officers of Indian origin, there will be Indian King's commissioned officers, there will be the Viceroy's commissioned officers, apart from the non-commissioned officers. Now, I ask, is that desirable? It may be said that this is purely a military matter, but why have so many nomenclatures and so many distinctions? Indian opinion, as the Honourable Member must be aware, is extremely sensitive, and naturally so under the present conditions, as regards any distinction being drawn between officers of Indian and British origin serving in the same regiment or even in the same office in a civil Department, and I do think it is a wrong policy on the part of the Government to go on multiplying classifications and nomenclatures unless the Government have something substantial and distinct in view. It may be said that Indians by nature are very suspicious and sensitive. Let it be so. Why not take that fact into consideration? Why create all sorts of further difficulties when there is no necessity?

Now, take, for instance, this fact. There will be not only a distinction between Indian commissioned officers and British commissioned officers of British origin, but there will be a distinction between Indian commissioned officers and the Indian officers holding the King's Commission. Now, that is not going to ensure the smooth working of the army. Remember that in the army it is absolutely essential that there should be absolute discipline and contentment. It would be a disaster if there should be any sort of feeling created in the officer personnel of the Indian army or rather one class of officer personnel that in some way or other they are not on the same footing as the other officers. Surely, Colonel Lumby ought to be the first man to realise that as vividly as anyone else. Is that desirable? We know in the civil Departments how much heartburning is there over any distinctions that are made between two officers discharging similar duties on the ground that one officer is recruited from overseas and the other officer is recruited in India. Colonel Lumby must have heard of Lee concessions. He must know, because they have also been extended to the army. He should know what considerable bad feeling has arisen owing to the Lee concessions both because they entail a very heavy expenditure indeed and also because they create a distinction between two officers engaged in performing the same duties from day to day. Now, it will not be merely in name that the distinction is going to be created, for the Honourable Member has told us in so many words that there is going to be reduction in salary and other privileges also. I should ask him and the Government seriously to consider whether that is a desirable step to take now. Sir, I had been a member of one important Public Service Commission which for three years collected evidence from the officers of Government as well as from the public, and nothing impressed us more than the undesirability of drawing distinctions among the same class of officers unless it can be shown that one class of officer is discharging duties of a different order from another class of officers. Sir, if the result of this Bill in the long run be that power will

be taken in order to affect the salary and the privileges of the future recruits without the full consent of this Legislature as representing the public, then I do say that it will be adding another trouble to the troubles that are already there.

I do not wish to take any more of the time of the House, because, if the explanation that we expect from the Honourable Member is given to us and is found satisfactory, we shall go to the Select Committee and there we shall have full opportunity of discussing all the details, but we do want at this stage to know very clearly what the exact scope and effect of this Bill is going to be. If the Honourable Member is able to satisfy us that there will not be any change of the nature about which I have expressed an apprehension, then in that case there will be no difficulty whatever. In the course of his speech he suggested—I do not think he meant to convey it—that this Act is likely to place us in the position of being master of our defence policy. I do not think he meant that.

Mr. B. Das : He did not mean it.

Sir Abdur Rahim : I know he did not mean it. If that were so, we should have hailed the advent of the Honourable Member in this Assembly with acclamation which no other Honourable Member has yet received. But I know the policy does not lie with him, nay it does not lie even with his Government. His Government are to carry on the dictates of the Whitehall. We know that fully well. We know from our day to day experience that the Government of India are not the masters of the situation. They are a mere agent of the Secretary of State who, in army matters, is to be guided by the Army Council and by the policy of the British Government. Sir, I do not think that this Bill will in any way take us one step further than where we are at present so far as the control of the army is concerned. It may be a mere change of name, though I am not clear about it. I have suggested that it might create further difficulties. If it be a mere change of name, even that is not desirable. But if it is going to create any distinctions of a substantial character in the privileges of different classes of officers, I am sure, this side of the House will not give its support to the measure.

Mr. B. Das : Sir, in a way it is but appropriate that our old friend, Colonel Lumby, should pilot this measure on the floor of this House. Let me take this opportunity to join hands with Dr. Ziauddin Ahmad to congratulate him on his able maiden speech. To some of the old Members of the House Colonel Lumby is not a stranger. We met him in the Skeen Committee and we also met him, as the Leader of the Opposition pointed out, in the Indian Military College Committee and in other Committees. We have found that he has a heart of gold and a heart which is full of sympathy, but, Sir, as Army Secretary he is helpless. He is utterly helpless, because, not only the Army Secretary, but also the Government of India are in the grip of the vice of the British War Office which is grinding the Government of India and which is committing India into too excessive expenditure for the imperialist policy of Great Britain, not only in Asia, but all over the world. If our gallant friend, Colonel Lumby, therefore, is unable to give a satisfactory answer to those very pertinent questions that the Leader of the Opposition has addressed him, we will excuse him, because he is entirely helpless. He is under the dictates of his master, the British

3 P. M.

[Mr. B. Das.]

War Office. Sir, as one who has studied behind the scenes, I mean from the floor of this House, the doings of the Round Table Conferences and the Joint Select Committee.....

Mr. President (The Honourable Sir Shanmukham Chetty) : This House is not behind the scenes !

Mr. B. Das : Behind the scenes of the Round Table Conferences and also the Joint Select Committee, and if I have read aright that paper known as the White Paper which is dubbed as the Black Paper for India, the army portfolio is going to be a completely reserved subject. It will be under an Army Councillor. Some people gossip—I have seen it in the newspaper gossip -that Indians are also considered fit to be an Army Councillor provided they are benighted Knights and provided also they are harmless and sufficiently safe, so that without having any power of voting in the future Federal Assembly he will come and read his sermon and his homily to the elected representatives of the Assembly. I must not forget that these representatives to Federal Assembly will no longer be elected. Already, it is in the air that the Federal Assembly will have indirect election. So, Sir, what is the hurry to have this Bill ? Why not wait for another two or three years ? Let the new Constitution Act come. Let us see what is the position of the army under the new Constitution.

My Honourable friend, Colonel Lumby, has tinkered with the Skeen Committee report and with the other Committees' reports regarding the policy of Indianisation. I know my Honourable friend, Captain Sher Muhammad Khan, is very anxious to speak and he will talk of the Indianisation of the eight units. He will talk of many things on Indianisation, but I wish that he will give us the figures as regards the question that was put by the Leader of the Opposition, and he will tell us when the Indian army will be completely Indianised. I am not talking of the British section of the army, I am talking of the Indian section of the army. There was a wave of Indianisation all round. The Simon Commission report, and the Government of India Despatches are now dead letters. But a scheme was given for Indianisation by one Member of the Executive Council. I do not know if he is present, because all old friends are going away, they are translated elsewhere or they retire. In the Government of India Despatch, paragraph 107, it is said :

> " A scheme contingent on exclusion of defence :—In this connection one of our number wishes to draw attention to a scheme which in his view would deserve careful consideration, if it were found possible in agreement with Indian opinion to place the administration of the army and the defence of India in the hands of the Governor General."

Sir, it went on to suggest to have an Indian army under the Governor General in Council, to Indianise the army completely and by and by to do away with the British army in India. If that was not acceptable to the majority of the Executive Council, then, in 1930, when this Despatch was sent out, how could it be acceptable today to the die-hard British Government which has gone back on its pledges not once, not twice, but hundred times. How could that scheme, put forward by the Indian Executive Councillor, be acceptable to the British now, and here I pay my tribute to that Executive Councillor, whoever he is, I pay him my tribute as well as the tribute of the Indian nation for conceiving and

boldly putting forward that scheme before his colleagues in the Governor General's Executive Council.

As I was saying, what was the hurry for this ? What will happen ? The Army Secretary's only plea is, what would be the position of these few students who will come out of the Indian Sandhurst ? They will be still army officers. If they do not get this Indian Commission, they will get the King's Commission. As I read the other day, the *Statesman* was trying to propound that riddle. The *Statesman* suggested that if the Assembly throws out this Bill, then naturally these officers will hold King's Commission. I do not mind their holding the King's Commission or any other Commission. But, at this stage, I would have expected the Army Department to have brought forward this Bill two or three years ago. They did not do so. At this stage, we know that the whole question of the army is on the anvil and we also know that we are going to get nothing. The British army has completely entrenched itself in India. This view I have expressed on the floor of the House. While Britain talks of peace in Europe and speaks of disarmament in Europe, Britain creates in India a huge army, so that Britain could fight Japan and fight the menace to Australia and to other dominions that defy Britain herself and do not spend any money on the army. The Indian army which conquered China and which helped Britain to conquer Egypt will go to fight for Australia, although Australia is a white man's country and Indians are banned from entering that country. I do not find my Honourable friend, Mr. Bajpai, here to contradict me that Indians have got certain rights in Australia. That is the British policy and those of us who have read the White Paper line by line, those of us who have understood the implications of the White Paper know it for certain that the Indian army, that an army under the Viceroy or the Government of India is a myth and an impossibility. If that is so, then I do not care, I do not want this Indianisation of these small units, providing a few jobs to a few of the old officers' sons or the sons of non-commissioned officers or other Government officers. What is the result ? Will Colonel Lumby, when he replies, tell us how many of these Indian Lieutenants and Captains have been cashiered, have been disqualified ? Do they receive equal consideration from the European officers in the army ? Do they receive equal pardon from the Army officers ? How many of them have been shunted off, as officers looking after the Cantonments ? How many Indian army officers are cantonment officers ? That shows that they want to prove that the Indian has no army mentality. They want to prove that the Indian is unfit to command armies. My Honourable friend Captain Sher Muhammad Khan might have commanded a regiment. I do not know what he did. But when it comes to the brass tack and when it comes that an Indian like Captain Sher Muhammad Khan should lead an army, that British officers should serve under him, they say, " no, that should not happen ". If that be the case, I do not want this Bill. I would like to wait, I would like to see the whole picture, the complete picture that our Round Tablers have brought to us from England. I find very few of them present here, even our friend, Mr. Ghuznavi, is not here at the present moment. To Britishers, they would leave all the bigger issue ; they never thought of the huge army expenditure that is sucking India's life blood like an octopus. I am always sceptical, and at this moment also I am sceptical. The present Army Secretary and his predecessor, knowing as they did that the Capitation Tribunal was going to enquire into

[Mr. B. Das.]

the whole question, yet had blocked the House from discussing that point. The previous Army Secretary said, no, it was not going to enquire into the bigger question of India's defence problem, but yet when the report came out, we found that it dealt with the whole subject. Sir, I am divulging no secret of the Public Accounts Committee when I say that in that Committee there was a certain document from the Home Auditor which said that the net result of the Capitation Tribunal award was that India should not pay a penny to England and that England will not pay a penny to India and the former Finance Member on the floor of the House felt elated to talk to us that he got a windfall of Rupees two crores which will tide over his difficulty. Of course it has tided over his difficulty momentarily. He has left the shores of India and, if any further difficulty comes in, it is the new Finance Member that has to face the payment to England on the heavy capitation charges and other home charges. Neither the Finance Member nor the Army Secretary ever took this side into their confidence and told us that the net result of the British War office award was zero. India gains not a pie ; India pays on for the arbitrary charges of England for maintaining a huge British army in India,—the capitation charges for British infantry and the Royal Air Force balance the War office contribution of a million and four thousand pounds. Is it not a shame, Sir ? Where is the give and take policy in this House from the side of Government to this side of the House ? We moved two adjournment motions on the Capitation Tribunal. The Finance Member made speeches and asked us to demand for more contribution from England, but the whole story was not given out. It is for the Opposition to find out the real position. So, I am not sanguine that even the present Army Secretary who is so friendly will impart the secrets of the War office or the Army Council, and rightly, therefore, has the Leader of the Opposition asked him the main question as to what is behind it all. There is something behind it. This camouflage will not do, this smoke screen will not do. No longer will a few non-commissioned officers' sons trained at an Indian Sandhurst or a London Sandhurst satisfy India. India wants to know where she stands. And we will not know it until the new Constitution Bill is passed, until the Joint Committee report comes out, trickled down and whittled down by the die-hards in England like the Churchills and the Rothermeres. Until that is done, then, in spite of assurances, in spite of fond hopes from this side, we will not believe that the people of India, the elected representatives of India in the future Legislature, will have any control over the army. So, what do we care for a few army officers which, as the Leader of the Opposition pointed out, number only 163 ? And he put the question, when it will be Indianised ? I said, two hundred years. Not even in two hundred years, because the human span of life is only 30 years ; and, through the merciless cashiering policy of military Generals and British officers, most of these officers will be decapitated from service before they become Captains.

Sir, the Army Secretary said that if this Bill was not passed here, it would be an Act of the House of Commons. I will prefer that it should be an Act of the House of Commons. Then, all the sins of omission and commission will be on England. We say and we maintain that Britain is maintaining an impressed army here. So we are not going to allow any legislation on the army and navy to be passed on the floor of this House,

let it be legislated in the House of Commons. Even under the new Constitution Bill, as it is contemplated,—I am subject to correction by my new friend, the Honourable the Law Member,—80 per cent. of the finance will be controlled by the Financial Adviser and not the elected Financial Minister in this House. So, 80 per cent. of the finance will be controlled by means of legislation in the British Parliament. So, why not let the whole army question be controlled by legislation in the House of Commons ? That is my view and, for that reason, I oppose this Bill. I oppose this Bill and I believe that on that account the slow process of Indianisation will not be stopped. It will continue, but let the British Parliament legislate. Let it segregate these Indian officers to a different rank. And, as the Leader of the Opposition rightly pointed out, the dominions enjoy dominion status. Therefore, the dominion officers have a status of their own. In India the new Constitution Bill is bringing us nothing ; it is perpetuating our slavery for another 50 or 100 years unless another great war begins or some revolution takes place in England whereby India gets her freedom and gets at least dominion status. If India does not get dominion status, what is the use of this puny, tiny legislation, making a few Indian boys think they are commissioned officers of the Government of India ? And what is this Government of India ? (*Captain Sher Muhammad Khan Gakhar* : "You, Mr. Das.") The Government of India I am talking of is a slave of the British Government. If I live up to that age, when I become a member of the Dominion Government of India, then we will not be slaves of the British Government. We will be equals of the British Government and of all the Dominion Governments. That kind of Government I contemplate, and until that Government comes, this kind of Bill is trash and useless, and, on these grounds, I oppose the Bill.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : Sir, I join my Honourable friends, Dr. Ziauddin Ahmad and Mr. Das, in congratulating the Army Secretary on so ably explaining the objects of the Bill.

Before I deal with the objects and the necessity of the Bill, I should not forget to say a few words about my Honourable friend, Mr. Das. My Honourable friend, Mr. Das's speech is a blank shell to me as we fire blank shells in manœuvres without any result. I do not think my Honourable friend has read the Bill. He has talked of the policy of the army, but I do not believe that my friend has given any attention to the object and the necessity of the measure. As far as I understand, the necessity of the Bill is, that, within a short time, the first batch of the Indian army cadets will come out of the Indian Military College and their designation will be Indian commissioned officers. In this Indian Army Act, there is no word as Indian commissioned officers. This deals only with British officers, Indian officers, warrant officers, non-commissioned officers and men. So we must have a provision, before the first batch comes out from the Indian Military College, to bring them under the Indian Army Act.

Sir Abdur Rahim : Why should they not get the King's Commission ?

Captain Sher Muhammad Khan Gakhar : I am coming to explain that. There are two kinds of Commissions at present in the army, King's commissioned officers and Indian officers with the Viceroy's Commission. The King's commissioned officers are of two kinds, Indians

[Captain Sher Muhammad Khan Gakhar.]

holding King's Commissions and Englishmen holding King's Commissions in the Indian army. Any person holding a Commission in His Majesty's forces,—does not matter whether he is an Indian, Canadian, New Zealander or English,—is a British officer. So we have two kinds of officers in the Indian army, British officers and Indian officers with the Viceroy's Commission. Now, the object of the Bill is that we want to bring the Indian commissioned officers who are coming out from the Indian Military College under the Indian Army Act. We must have a definite provision for that purpose, and that is the object and necessity of the Bill. The British officers and Indian officers are already under the Indian Army Act, and these officers from the Indian Military College have to be brought under that Act. My friend, Mr. B. Das, says that we should wait till the new Constitution comes. It will take I do not know how many years, but the first batch is coming out next year from Dehra Dun, and we have to bring them under the Indian Army Act. That is why this Bill has been introduced.

My Honourable friend, Dr. Ziauddin Ahmad, asked, why should we not make the same rules and regulations for the Indian army as for the dominion army ?

Dr. Ziauddin Ahmad : I said for the British army. I am told the Canadian army rules are the same.

Lieut.-Colonel A. F. R. Lumby : I only referred to the form of the Commission which is the same as that held by the officers of the Canadian permanent forces. I did not refer to the rules.

Captain Sher Muhammad Khan Gakhar : That was what the Honourable the Army Secretary meant, that the form of the Commission is just like the form of the Canadian Army Commission. The Canadian Army Commission, as I understand, is given by the Governor-General of Canada on behalf of the King-Emperor and signed by him. In the same way, these Commissions to be given to the Indian commissioned officers will be given by the Governor General in India on behalf of the King. That is what the Honourable the Army Secretary meant, that the form of the Commission is just the same as the Canadian Army or the New Zealander or Australian. I understood the fear of my Honourable friend, the Leader of the Opposition, Sir Abdur Rahim, to be this : that now that the total strength of active officers is 3,200 and we are only giving 60 Commissions annually, how are we going to fill the wastage ?

Sir Abdur Rahim : I said the total number of Indian officers holding the King's Commission is about 161. What was the number recruited last year and this year ? I think it was about 23.

Captain Sher Muhammad Khan Gakhar : I do not believe the Government will stick to this 60. His Excellency the Commander-in-Chief said in the Indian Military College Committee :

"Our first task is to create a steady flow of fine young officers. Once that is established, we can then proceed to expand as much as you like. Up to that point, however, I see no alternative to developing Indianization within a definite field. Accordingly we must fix our intake to start with, and trust to increasing that figure as soon as we are assured that a regular supply of candidates of the requisite qualifications is forthcoming, and that the class of candidate we are getting is of the right type."

Sir Abdur Rahim : What is the actual number that has been recruited from Dehra Dun so far ?

Lieut.-Colonel A. F. R. Lumby : None yet : the first batch is going to pass out at the end of this or the beginning of next year ; it is for that reason that this Bill has been brought forward.

Sir Abdur Rahim : Has not a certain number passed out of Dehra Dun ?

Lieut.-Colonel A. F. R. Lumby : *Not from the Indian Military Academy.*

Sir Abdur Rahim : *I was told about 23.*

Lieut.-Colonel A. F. R Lumby : No, no.

Captain Sher Muhammad Khan Gakhar : At present the total strength of officers on active list is 3,200. Under the new scheme, the Indian commissioned officers coming from Dehra Dun will replace Viceroy's commissioned officers in Indianised units. At present the total strength of British officers and Indian officers is 13 and 19, respectively, in each unit of cavalry or infantry. When these Indian officers are completely replaced by the Indian commissioned officers from Dehra Dun, the total strength of officers in a unit will be about 28, as in the British army. As far as I understand, the new designation is introduced to differentiate between Viceroy's commissioned officers and British officers ; and, as long as the Viceroy's commissioned officers and British officers exist in the army, we must have this new designation to bring them under the Indian Army Act, because now, as the Commission will be given by the Governor General in Council on behalf of the King, these officers are not entitled to be called British officers ; there will be no difference, simply bringing in the word Indian commissioned officers to distinguish them from the others. There will be no difference either in the power or the status or dignity of these Indian commissioned officers. I questioned the Honourable the Army Secretary privately and asked him : suppose in one Brigade there is a British unit and an Indian unit and an Indianised unit and there are Indian officers coming out of Dehra Dun called Indian commissioned officers ; if he is a senior, will he command the whole Brigade and have the same power of command ? Then my friend told me that there will be no difference at all between Indian commissioned officers and King's commissioned officers in status, power and dignity.....

Sirdar Harbans Singh Brar (East Punjab : Sikh) : They will introduce the 8 unit scheme, so that Indians will never have Britishers under them.

Captain Sher Muhammad Khan Gakhar : But when the units are combined, there will be no difference at all. As regards Indianisation of the army, there is no doubt that when these Viceroy's commissioned officers are replaced by the Indian commissioned officers, then the total strength of one unit would be increased and there will be about 6,000 officers altogether. Then we will have to increase the number—we cannot stick to this figure of 60. His Excellency the Commander-in-Chief himself has said this in his first note that when the experiment proves successful, the number can be increased : the present number will not suffice to fill the gap of the wastage caused when we have 6,000 officers.

[Captain Sher Muhammad Khan Gakhar.]

Therefore, I am sure that when the time comes, the number of Commissions will have to be increased if we are to replace the British officers.

As regards the Viceroy's commissioned officers, I quite agree with my Honourable friend, Sir Abdur Rahim. I opposed and protested against the disappearance of these officers ; they have served the Indian army for a century and have served well and ably during the Great War even when they were not given a chance to command. In the old days, the highest ambition of an Indian sepoy was to be a Subedar-Major or Risaldar-Major ; but, under the new scheme, when the Viceroy's Commission disappears, the ambition of the new educated recruit will be to become a Commander-in-Chief : he can become one if he obtained all the required certificates after passing the course at Dehra Dun ; he can rise to the highest post if he is able to pass the Staff College. If the Viceroy's Commission disappears and these boys get this education and this privilege of joining the academy at Dehra Dun, they can rise to the highest rank.....

Mr. B. Das : Can he become the Commander-in-Chief and command the British officers or the British regiments in India ?

Captain Sher Muhammad Khan Gakhar : When he is Commander-in-Chief, he will command every unit, no matter what nationality it is.

The other question is about the complete Indianisation of the army : that question was discussed in the Round Table Conference also : I quite agree with my friends who are anxious to rapidly Indianise the army : a Resolution was moved in Delhi and it was carried : I have every sympathy with Indianisation ; but, at the same time, we should not lose efficiency : and, if this one Division scheme is successful, then the number of Commissions will be increased and we will get more rapid Indianisation as soon as possible. With these few words, I support the motion that the Bill should go to Select Committee.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support the motion of the Honourable the Army Secretary that this Bill be sent to a Select Committee. But, at the same time, I must say that I am not still convinced of the necessity of this Bill.

An Honourable Member : Then why support the motion ? (Laughter.)

Mr. B. V. Jadhav : At this time the reason given is that a new batch of cadets from the Indian Academy at Dehra Dun will come out some time next year. But I do not see why a special nomenclature should be invented for them. The cadets that came out of Sandhurst are now classed as British officers, because they are holding the King's Commission. The officers that will come out of the Indian Academy are also going to hold His Majesty's Commission. I am reading from clause 5 (b) (2) where it says :

> " (2) ' Indian commissioned officer ' means a person commissioned, gazetted or in pay as an officer holding His Majesty's Commission in the Indian Land Forces, and includes, in relation to a person subject to this Act when serving under such conditions as may be prescribed, a person holding a Commission in the Indian Air Force."

Now, Sir, if this officer, who is coming out of Dehra Dun, is to hold a King's Commission, I do not see any special reason as to why he should be called an Indian commissioned officer and why there should be a difference in the commissions of the persons who come out of Dehra Dun and those who come out of Sandhurst or Woolwich. Sir, I want to be convinced of the necessity for the change in nomenclature. If there is necessity for the change in nomenclature, then, of course, the amendment of the Bill will be justified. We are assured by the Honourable the Army Secretary that, under the Indianization scheme, as time goes on, the number of the British officers will be reduced and ultimately they will disappear, and also under the new scheme adopted by the army as regards the Indianized units the Viceroy's commissioned officers will diminish gradually and ultimately they will disappear. Much has been said against this policy of doing away with the Viceroy's commissioned officers. My friend, the Leader of the Opposition, has given his reasons, and I entirely agree with them. The Indian army is a very expensive machinery, and this side of the House has been calling upon Government to reduce the army expenditure. I understand that under the new scheme the officers, who will come out of the Indian Academy, will receive a smaller salary than the British officers coming out of Sandhurst. As a measure of economy, I shall not say anything against it, but I think this differentiation in pay will spell a lower status and a lower dignity, and, therefore, I do not support the new scheme of reduced salaries. British officers will receive a higher salary than the Indian officers serving in the same unit, and perhaps the Indian officer may be senior to a British officer ; but still if he is not to receive the same salary, the differentiation will be very much felt by the Indian officers. And, Sir, it is a well known fact that service in the army at least during the first few years is not remunerative and that the army officers are generally indebted to the money-lenders in military stations. If their salary is still reduced further, how can the new officers maintain their dignity and their status ? If they do not keep up the same position, the inferiority complex will come into operation and the Indian officers will be held in contempt by their colleagues who come out of Sandhurst or Woolwich. That is also another reason why the new scheme should not be supported.

Then, Sir, if the reduction in the salary of the Indian officer is necessary in the interests of economy, why add expenditure by substituting the Indian commissioned officer for the Viceroy's commissioned officer ? That also will entail very heavy expenditure, and ultimately it will be found that the army expenditure will increase enormously and that will place a heavier burden on the revenues of India.

Then, Sir, there is another point in doing away with the Viceroy's commissioned officers. At present each Indian regiment is provided with 12 British officers, that is, officers who have passed out of Sandhurst. Under the new scheme, 28 officers will be required, and so the rate of Indianisation will be retarded by two and one-third times. If Indianization would have taken place within a number of years, now it will take 2-1|3 years for it. That is an additional burden, that is an additional impediment thrown in the path of Indianization. Sir, the army discipline must be maintained. The army is a very necessary thing, and India is always proud of her army. The Indian army has distinguished itself not only in India, but also in foreign countries, and I know

[Mr. B. V. Jadhav.]

that Indian officers have done their best to maintain the credit of their country and add to the lustre of her fame. Indian officers will continue to do the same. We have now only 60 admissions to the Indian Military Academy, but normally wastage is between 120 and 180. According to the estimate of some it is about 180, while others estimate it at 120. But when the Viceroy's Commission is done away with, the wastage will still be greater, and I think it will be about 240. With the yearly wastage of 240, only 60 cadets will come out of the College every year. That is a very small number, and, therefore, there is necessity for at least quadrupling the number. His Excellency the Commander-in-Chief has promised to look into this matter later. He wants to see the actual working of the Indian cadets who have come out of Sandhurst ; when they actually attain the status of company commanders, then he will see whether the Indianization scheme is going to succeed or not, and only then he is going to consider the question of increasing the number of admissions to the Military Academy. I hope, Sir, that time will soon come and that the Military Academy will be enlarged.

Now, Sir, this Amending Bill seeks to add to the category of officers in section 7 of the original Bill. I have already stated that I do not see any necessity to add another category. At the time when the Bill was passed in 1911, the Indian officer was known only as the Viceroy's commissioned officer, but now another category of officer is sought to be added to it, and in process of time it is intended that the Viceroy's commissioned officer only will disappear. I do not like this contingency of the disappearance of the Viceroy's Commission, and I do hope that, in the interests of efficiency and economy, the Army Department will see the necessity of keeping it. At present they propose to Indianise only one Division. In other Divisions the Viceroy's commissioned officers will remain and there the new men from the Academy will be posted also. In that case there will be two categories of Indian officers,—the Indian officers from the Military Academy and the Indian officers who are now known as Viceroy's commissioned officers. So, in the non-Indianised units these two officers will work side by side, and if that does not come in the way of efficiency—and there is no reason why it should come in the way of efficiency, because we have seen that the Viceroy's commissioned officers have discharged their duties very creditably on the field of battle and also in service in peace time,—so, if in the non-Indianised units the presence of the Viceroy's commissioned officer does not come in the way of military discipline and efficiency, there is no reason to say that in the Indianised units the number of Viceroy's commissioned officers should gradually dwindle down until they disappear altogether. So I think the Army authorities should reconsider the question, and I would ask them to retain the services of the Viceroy's commissioned officers. I do not like the idea that the new officers that will be trained in India should have a lower status than their brethren who come out from the British Sandhurst or Woolwich. It is necessary for the good discipline of the army that there should be no class distinction. Class distinction should be abolished altogether and all should be on a footing of equality. At the same time I must raise a voice of protest against the insinuations of my Honourable friend, Mr. B. Das, that the army officers are generally

recruited from the sons of commissioned officers and non-commissioned officers. It is not so. 30 admissions are made every year to the Military Academy from the young men who offer themselves from the various colleges. These men have generally no previous connection with the army, and, in this way at least half the strength of the army will be from those who are generally not previously connected with the army. Therefore, there is no reason to say that the army is a preserve kept for the sons of men who are actually serving in the army. The cadets that are taken directly on the results of a competitive examination are treated in the same way as the cadets who are taken from the ranks, and although those who are taken from the ranks have got a good deal of previous training, the period of training at the Military Academy now has been kept the same, that is 2½ years I think. I may say that the cadets from the army who have actually served in the ranks for some years are not treated as well as those who have come up on the results of a competitive examination ; the latter are treated actually better. So, those who have not got any military traditions behind them have not got any grievance at all and their advocates, I think, should take all these things into consideration and abstain from making irresponsible statements.

Lieut.-Colonel A. F. R. Lumby : If in my speech this morning I gave the impression that this Bill dealt with the policy of army administration, I must apologise to the House. What I wished to convey was that it dealt wholly and solely with discipline. The Indian Army Act is the Act which at present governs the discipline of the Viceroy's commissioned officers, warrant officers, non-commissioned officers and other ranks of the Indian army, and now it is proposed to include the new type of officer coming out of the Dehra Dun Academy in the Act as well. The first batch of these Indian commissioned officers will be leaving Dehra Dun at the end of the year, and it is essential that some arrangement should be made for their status and discipline. That is the reason why this Bill has been brought forward now and why we do not consider that it can be kept over until the new Constitution, as suggested by my Honourable friend, Mr. Das, comes.

As regards the Indian commissioned officer, it was said by the Leader of the Opposition that everything in connection with these officers had been done secretly and that the House had not been taken into the Government's confidence. As far as I know, all proposals connected with the Indian commissioned officer have been made known from time to time in this House, first of all, by Field Marshal Sir William Birdwood in 1928 and at various times since then by the Army Secretary in his Budget speeches. At the time of the Indian Military College Committee, His Excellency the Commander-in-Chief certainly made a statement to the Committee as regards the reduction in pay ; and a press communiqué was also issued announcing this fact. It has always been known to all the cadets who have now been for two years at the Academy. But the point that I want to make is that, though there will be this reduction in pay to bring the Indian commissioned officer on to an Indian scale of pay instead of the British scale of pay drawn by the Indian officers trained at Sandhurst, there is every intention that otherwise his powers and privileges, and certainly his powers and privileges under this Act shall be the same as those of the British officers of the Indian army with whom he will be serving.

[Lieut.-Colonel A. F. R. Lumby.]

The rate of pay which it is proposed to give the Indian commissioned officers is based, like the rate of pay that is now being given to the officers of the Indian Air Force, on the pay that is drawn by the British service officer serving in England. That seems to me to be a reasonable arrangement. Then, again, the Indian commissioned officer is to have different leave terms to the British officer. That, again, seems to be a reasonable arrangement ; for he has not ordinarily got to return some thousands of miles to his home when he goes on leave and there is no point in giving him leave concessions which, for an officer living in his own country, would be over-generous. The fact that the Indian commissioned officer will thus be in certain respects on a different footing to the British officer, particularly in the matter of pay, is one of the reasons why he is being given the separate title of Indian commissioned officer. Another reason is that he and the officer of the Indian Air Force were born together in the mind of the Government ; and it is Government's desire that they should both be on the same footing. It seems much more logical to insist that the officer of the Indian Air Force and the Indian commissioned officer of the Indian army should be on the same footing in all respects than that there should be an exact similarity between the British officer of the Indian army and the Indian commissioned officer.

Then, as regards my Honourable friend, Dr. Ziauddin Ahmad's, question as to whether the rules which it is proposed to make under this Act for the Indian commissioned officer are the same as those which govern the British officer who gets his commission after training at Sandhurst or Woolwich, I can assure you that the various clauses in the Bill which deal with matters such as right of appeal, penal deductions, punishments and the like, are based on the corresponding clauses of the Army Act, and, therefore, it may be said that the British officer, though he is under the Army Act, and the Indian commissioned officer, will, to all intents and purposes, be governed by exactly the same rules. I am afraid I know nothing about the detailed rules by which the officers of the Canadian forces are governed. The only thing I know is that the form of Commission which they hold is almost word for word the same as the Commission which is being given to the Indian commissioned officer and which has already been given to the officers of the Indian Air Force.

There is another point with regard to the proposal to institute this separate category of officers. If the officers coming out from Dehra Dun were given the same type of King's Commission which has been given to the officers who came out of Sandhurst, the cost of a battalion or of a cavalry regiment of the Indian army would be no less than it is at present ; and if it was proposed, as is the case, to adopt a homogeneous officer establishment for these units, the cost would be far greater than it is at present. Actually, the establishment, which is proposed for the future, with nothing but Indian commissioned officers will be cheaper than the present establishment consisting of British officers and Viceroy's commissioned officers.

With regard to the sad fact that it has been decided that the Viceroy's commissioned officer shall gradually disappear out of the Indian army, I would merely say that this decision was reached on

grounds of efficiency as much as anything else, and I would add that everything possible is being done to provide the class who formerly could rise from the ranks to obtain the Viceroy's Commission with other openings in the army. As has already been stated this afternoon, their sons have allotted to them at the Indian Military Academy fifty per cent. of the vacancies, and in addition there will be in the new battalions and regiments of the Indian army a number of warrant officers who will have much higher status and a higher rate of pay than the warrant officer of the past has had. These appointments will give those of the rank and file, who cannot aspire to enter the Indian Military Academy, a chance of rising to positions in the army which, though not as high as the Viceroy's Commission, will not be very far behind.

I would refer now to the matters of policy which were raised originally by the Honourable the Leader of the Opposition. It is a fact that for the present the output from the Indian Military Academy will only be sixty a year. That output is based on the Division which, as was announced some years ago by His Excellency the Commander-in-Chief, it is proposed to Indianise as a start. In the same speech of His Excellency the Commander-in-Chief to the Indian Military College Committee from which my Honourable friend, Captain Sher Muhammad Khan, quoted, His Excellency said that at the present time it was impossible to judge of the success of the experiment of Indianisation, but that he thought that probably in seven years' time it would be perfectly possible to judge. I think that statement was made in 1931. In any case the figure of sixty is no hard and fast figure. There is no reason why in time it should not be increased. The point I wish to make is that the time when it is increased and the extent to which it is increased will, as stated by His Excellency the Commander-in-Chief when he opened the Indian Military Academy, depend in actual fact on the cadets who are now at the Academy and who will shortly be passing out of it, and on their successors. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be referred to a Select Committee, consisting of Sir Abdur Rahim, Dr. Ziauddin Ahmad, Maulvi Muhammad Shafee Daoodi, Mr. B. V. Jadhav, Mr. Bhupat Sing, Rao Bahadur M. C. Rajah, Rai Sahib Badri Lal Rastogi, Sirdar Harbans Singh Brar, Mr. G. Morgan, Captain Sher Muhammad Khan Gakhar, Major Nawab Ahmad Nawaz Khan, Dr. Dalal, 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 CARRIAGE BY AIR BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

4 P. M.

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan, 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 Frank Noyce.]

Sir, there is, I think, very little I need say in support of this motion. As has been set out in the Statement of Objects and Reasons, the Bill has been framed to enable India to implement the provisions of an International Convention on the subject of carriage by air which was signed at Warsaw by certain Governments in October, 1929. India was not one of those Governments, and the Convention has not yet been signed on behalf of India ; but its provisions have been carefully examined and we have found that they appear in all respects suitable to Indian conditions. It is, therefore, proposed to ratify the Convention, the provisions of which are, as will be seen, incorporated in the First Schedule to the Bill as soon as the Bill itself is passed. The Convention defines the liability of international air carriers *vis-a-vis* passengers and consignors and consignees of goods by air, the conditions which have to be fulfilled by the respective parties, the form of passenger tickets and consignment notes, and related matters. It applies only to international carriage by air, which is defined as carriage from the territory of one High Contracting Party to that of another, but, in certain conditions, carriage from one point to another within the territory of a single High Contracting Party is included. The House will see that by far the greater part of the Bill and its Schedules is devoted to the details of the conditions to be complied with, the form of tickets and consignment notes and such-like matters. It is, I think, unnecessary for me to weary the House with a detailed explanation of these matters. They were settled after examination, extending over several years, by a Committee of experts who had both legal and air-transport experience. This Committee (Comité International Technique d'Experts Juridiques Aériens) has for some time been engaged in the examination of questions of air law—a subject which has been found to contain many thorny problems. We who have not their wide knowledge and experience are not in a position to improve on their conclusions. There is one point to which I might perhaps direct the special attention of the House. The liability of air carriers is expressed in French gold francs at their last stabilised value. For the purpose of determining the compensation payable in a case brought before a Court in British India the sum will be converted into rupees at the current rate of exchange at the time judgment is passed. For example, the limit of liability in the case of death or injury of a passenger is Frs. 125,000 which is equivalent approximately to Rs. 22,000 today. A Protocol to the Convention provides that a Contracting State may at the time of accession make a declaration to the effect that the provisions of the Convention shall not apply to commercial operations carried out directly by the State. It is not proposed to make any such declaration on behalf of India, so that should the Government of India at any time operate a State air service and should that service engage in international carriage as defined in the Convention, then they would have the same obligations and secure the same protection as ordinary commercial operators.

I need not, in a House which has always shown special interest in air transport, dilate on its rapidly growing importance. It is not perhaps an exaggeration to say that new air services, both international and internal, are coming into operation in some part of the world every month. The merest glance at the map of the eastern hemisphere reveals one outstanding fact. India lies athwart every main route between the east and the west, with one exception, the trans-Siberian route ; with that exception, no air service can be operated between Europe in the west and all the

great countries of the east, China, Japan, Australia and the Dutch East Indies, without crossing India ; and it is for that reason that it behoves us to set our house in order and to get our air laws on a satisfactory basis. A journey lasting only a day or two may take an air carrier across the territory of several States, and, in these circumstances, the desirability that the law governing contracts in relation to passengers and goods should be uniform requires no emphasis from me. There are already three international air services, the trans-India service operated in conjunction by Imperial Airways and Indian Trans-Continental Airways, the Royal Dutch Air Line and Air France, and the need for legislation has therefore become urgent. I should mention that the British and Indian companies operating the trans-India service have provisionally applied the conditions of the Warsaw Convention to their relations with passengers and consignors of goods, and that both France and Holland are signatories to the Convention. There is at present no specific law which governs the conditions of internal carriage by air in India, beyond the general law of contract and the law relating to carriers on land. Provision has therefore been made in the Bill giving powers to the Governor General in Council to make rules extending the conditions of the Convention, with such modifications and adaptations as may be necessary, to carriage by air within India. I think there can be no doubt of the advantage of applying a uniform system of law to regular air transport in India whether it be internal or international. I would only say in conclusion that, as this and the Bill in regard to which I shall be making a motion shortly deal with closely related subjects, it has been thought convenient that the same Select Committee should deal with both. The names I have mentioned will, therefore, also be put forward for the Select Committee on the other Bill which I am moving in regard to the control of the manufacture, possession, etc., of aircraft.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I am sorry that I have to oppose this motion for Select Committee mainly because of the personnel. I find that by secret arrangement names are put in for Select Committees and at times certain Parties are shown a preference and other Parties are kept in oblivion. I have noticed that in the two previous Select Committee personnel, and, if I did not raise my voice at that time, it was because I was inquiring of the executive of my Party as to what was the reason behind it. I was told that I should not raise any objection now and in future more Members will be taken from my Party. I am not for that. I do record my protest and submit that two or three names at least should be added before I can accept the motion. I suggest, therefore, that to the personnel already suggested, the names of Mr. Jog.....

An Honourable Member : He is already on the Select Committee ! (Laughter.)

Mr. Amar Nath Dutt : Then I suggest that the names of Mr. Sitakanta Mahapatra and Sirdar Harbans Singh Brar be added.

An Honourable Member : Also the name of Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt : No, certainly not ; I am not for any Select Committee. If my suggestion is accepted by Government, I have no objection to the motion.

The Honourable Sir Frank Noyce : I can only say that, to the best of my knowledge and information, the usual procedure has been followed in this case. The Leaders of all Parties were consulted and the names were given to me as having been obtained from them.

Mr. President (The Honourable Sir Shanmukham Chetty) : The usual practice in the House is for the Member in charge of Government or some one representing him to get into touch with the Leaders or Secretaries of Parties and then give an agreed list of names for the Select Committee. Does the Chair understand the Honourable Member, Mr. Amar Nath Dutt, to say that his Party was not consulted ?

Mr. Amar Nath Dutt : No, the matter was not put before my Party. Somebody went round and consulted one of the executive of the Party and suggested that we might not have two names or three names and might be satisfied with one only. Sir, this sort of dictation my Party will not accept.

Rai Bahadur Sir Satya Charan Mukherjee (Nominated Non-Official) : Sir, I approached Mr. Ranga Iyer, who is the Deputy Leader of the Party and I asked him to give me one name, because, according to the numerical strength of various Parties, only one member is usually taken from the Nationalist Party for every Select Committee. Just now I came to know that the number of that Party has gone up to 16, but so far as I knew, during the last Session, their number was 12 or 13. So I followed the usual practice and suggested to Mr. Jog and Mr. Ranga Iyer that they should give one name, but they did not object to it. That is how I got only one name from the Nationalist Party.

Mr. Amar Nath Dutt : In that case I propose that the other two names which I have already suggested be added to the names of the members of the Select Committee.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, apart from the controversy that Mr. Amar Nath Dutt has raised, as a personal reference has been made to me by the Deputy Whip, I believe, of the Government, Sir Satya Charan Mukherjee, whom I congratulate on his Knighthood, I rise to substantiate that he is absolutely correct in his reference in his statement about the arrangement.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member, Mr. Amar Nath Dutt, in the light of these facts, wish to make his proposal for additional names ?

Mr. Amar Nath Dutt : I do propose.

Mr. President (The Honourable Sir Shanmukham Chetty) : What are the names ?

Mr. Amar Nath Dutt : The names of Sirdar Harbans Singh Brar and Mr. Sitakanta Mahapatra.

The Honourable Sir Joseph Bhore (Leader of the House) : I am afraid, Sir, the Government must oppose this proposal, because it is not in consonance with the practice which has been followed in the House, and, if we accept it, the proportion between the various Parties would be upset. For that reason and for no other, on behalf of Government, I must oppose this motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the names of Sirdar Harbans Singh Brar and Mr. Sitakanta Mahapatra be added to the Select Committee."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The original question will now be open for discussion.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I had no mind to speak, but as nobody is rising, I have to intervene. This House has always honoured international conventions. As we have no nationalism, no national prestige, we should like to come through the backdoor of internationalism in gaining certain credit in outside world and certain equality of status within the British Empire and with the sovereign countries of the world. Therefore, I welcome this measure that has been introduced by my Honourable friend, Sir Frank Noyce. Sir, I may say that India is getting air-minded. The other day we read in the papers that three Indian airmen reached London in three different aeroplanes and that they did not meet with any accident on the way and this is a matter of congratulation. I also read in the papers that one Indian airman was trying to have a world tour in an aeroplane of his own. If that be so, if Indians are going to participate in air tours all over the world, India will have to accept the international conventions, although, while these conventions were signed at Warsaw, I do not know whether the Government of India sent any representatives there and why that representative did not sign the air convention.

An Honourable Member : None was sent.

Mr. B. Das : I believe no representative was sent there. As is the practice so often, we find always the British representative signs something and afterwards the dominions, particularly subordinate Governments like the Government of India are made to accept. Sir, that is a point of honour with us, and, therefore, I speak on this motion. Although Indians at times visited these international conferences, yet in very few conferences they have equality of status with sovereign nations, in spite of India being an original Member of the League of Nations. I need not raise the topic that we raised during the last Assembly Session that the Right Honourable Sastri once signed certain naval conventions at Washington, and another gentleman signed certain other convention at Geneva, but usually what happens is this, that a British officer of the Government of India goes as an Adviser to the British delegate at these international conferences. However, I do hope that whatever be the fate of India under the new Constitution, the Government of India should in future assert themselves and send direct representatives, and not be the hand-maid of the British delegates. Of course, the Leader of the House might bring in the question of political complex of India, that India cannot negotiate, direct any treaty with any foreign nation. If that be so,

[Mr. B. Das.]

then why not walk out of the League of Nations ? Let us have nothing to do with these European nations or with the sovereign nations of the world. But if the policy is that we will have to stand as equals, to be treated as equals, let us send our own representatives who will sign those treaties and conventions. I would have been very happy—and I take this opportunity to say again on the floor of the House—if my Honourable friend, Sir Joseph Bhore, had signed the Indo-Japanese Agreement which, I understand from the papers, has been signed, I do not know, with what modifications. It will be to my pride that one of my representatives, not my own representative, but the Government representative signs it on behalf of India. However, that is another issue, but that is an issue that always crops up like the King Charles head. I welcome these two measures and I do not think the draft requires any drastic modification. But I was a little alarmed when my Honourable friend, Sir Frank Noyce, said that the Government of India reserved to themselves the right to make rules. Are the Government of India going to play the role of a bureaucrat or are they going to rise up to the dignity and status of a sovereign nation ? If the rules can be applicable in Russia, in Germany, in France and other European countries and in Japan, if those rules are good for those countries, they are quite good for India also. Why not have a set of international rules rather than have a set of special rules and special powers reserved to the Government of India ? Such rule-making powers may not be misused, but I do not like reservation of powers. We have had too many reservations and too many safeguards. With these few observations, I support the measure.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air be referred to a Select Committee consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan, 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 AIRCRAFT BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft be referred to a Select Committee, consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan 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, there are very few, if any, fields of human endeavour in which progress has been as rapid during the last quarter of a century as it has been

in that of civil aviation. And, yet aerial navigation in this country is still governed by an Act passed in 1911, though it is true that it was amended some three years later, and by Rules framed under it which are fourteen years old. An Act passed 23 years ago is obviously entirely inadequate to meet the present day conditions. We might have made efforts to patch it up but we have felt that here, as in the case of the Petroleum Bill, and also in the case of the Factories Bill, the better and more convenient course was to place an entirely new Bill before this House. One very important reason why new legislation has become imperatively necessary is that since the existing law was framed, India in common with a large number of other countries has entered into international commitments to unify the law with regard to aviation. I might perhaps interpose here to reply to the point which was raised by my Honourable friend, Mr. B. Das, a few moments ago. He is very jealous, and very rightly so, of our international status, and it might perhaps satisfy him if I explained that we were actually invited to the Warsaw Conference. As a matter of fact, we were represented by the British representative. We had no one here at the time whom we could spare very conveniently and for that reason we acted through the British representative who was instructed by us. I have no doubt that as this country develops in the matter of civil aviation we shall find it more convenient to have a representative of our own at such Conferences. As long ago as 1919, an International Convention for the Regulation of Aerial Navigation was signed by the plenipotentiaries of 27 countries, and Mr. Das will be very glad to hear that those 27 plenipotentiaries included one from India. This Convention was entered into with the dual object of establishing regulations of universal application and of encouraging the peaceful intercourse of nations by means of aerial communication The Convention deals with practically all questions relating to international air navigation but its main principle may be summed up in the statement that it is an instrument designed to secure freedom of international air navigation among the contracting States. The fifteen years which have passed since the Convention was signed have, I think, very fully established the necessity for such an agreement and the manifold benefits which have resulted from it. The House may care to hear a few of the many important matters which are regulated by the Annexes to the Convention. These deal, amongst other things, with the registration and marking of aircraft, the certification of airworthiness, rules governing lights, signals, air traffic and aerodromes, the examination and licensing of pilots, navigators and other personnel, the production of aeronautical maps, the co-ordination of wireless and meteorological services and the unification of customs rules. They thus cover an extremely wide field. Under the existing Act, it has not been possible to implement many of the provisions of the Convention. Let me give the House two examples of this. The present Act provides no power to make rules for aerodromes. Consequently Government are not in a position to make a rule that every aerodrome must be provided with a wind indicator, though a wind indicator is obviously essential to secure safe landings. Again, the definition of aircraft is incomplete and does not include balloons. While there is a rule that articles may not be dropped from aircraft, there is nothing in the Act or the rules to prevent anyone from going up in a balloon and dropping bricks whenever and wherever he feels inclined. The present position is that we are muddling along under legislation which is already out of date and that the regulation of many

[Sir Frank Noyce.]

important matters rests more on the good will of the flying citizens than on the power of the State to control them.

A stage has, therefore, been reached in which it is no longer possible to control air traffic efficiently and to implement India's international obligations without fresh legislation. The present Bill is designed to enlarge the rule-making powers of the Governor General in Council, in order to provide the necessary elasticity to meet modern developments, to enable Government to give full effect to the provisions of the International Convention and its Annexes and to provide for certain other matters on which legislation has become necessary. My friend, Mr. Das, objects to any enlargement of the rule-making powers of the Governor General. I may remind the House that we must have some elasticity in these matters, that it is not advisable that we should come before the House every time we want to make some small change in the law to meet some new and unexpected development, and that the rule-making powers are only given to us to the extent that the Legislature is prepared to entrust them to us. Rules can obviously be criticised and altered and that, I think, is the real safeguard.

I should like to draw the attention of the House to a few important principles which are incorporated either explicitly or implicitly in this Bill. In the existing Act Local Governments, subject to the control of the Governor General in Council, are empowered to make rules dealing with many matters and in particular to declare areas prohibited to the navigation of aircraft. As a matter of fact, those powers have never been exercised by any Local Government. It is hardly surprising that this should be the case, for it is very difficult, if not entirely impossible, for a Local Government to make rules on matters of that kind without causing confusion or infringing the terms of the International Convention. In these circumstances, we have not thought it necessary to include any provisions of this character in the draft Bill.

Again, there is no statutory provision at present for the investigation of aircraft accidents which unfortunately occur all too frequently, though the number is not really very high in proportion to the number of air miles flown. For the last three years, although there is no statutory provision on the point, every accident which has occurred in India has been investigated by the staff of the Civil Aviation Department. For minor accidents, the local investigation is carried out with the assistance of the local technical personnel. When more serious accidents occur, an officer of the Civil Aviation Department proceeds to the scene. In all cases, the report is finally reviewed by the Director of Civil Aviation. The result is that we have a very valuable analysis of the underlying causes of accidents and that the knowledge we have thus gained is applied to the improvement of methods of training and to the introduction of modifications designed to reduce the risk. Last year there were 29 accidents to Indian aircraft which, after investigation, were considered to be more than minor mishaps and to justify classification as accidents. Successful investigation of the causes of these accidents at present depends entirely on the good will of the pilots, owners and others involved. It does seem to us essential that statutory powers should be taken to ensure that it rests on a more satisfactory basis than that, and whilst we have every reason to thank

those who have helped us in this matter we think that it is desirable that we should have definite powers to investigate accidents.

Other points which deserve mention are that the Bill applies the provisions of maritime law with regard to wreck and salvage to aircraft at sea and that the administration of the customs law in respect of aircraft will be much simplified by the provision which is made for the application of relevant parts of the Sea Customs Act.

Finally, Sir, lest the old accepted doctrine of "*usque ad coelum*" might be cited by an indignant landowner to prevent flight over his property, provision is made in the Bill to give aircraft the right to use the air without liability to suits for trespass or nuisance, so long as the method and height of flight are reasonable. I trust, Sir, that I have said enough to convince the House of the necessity for this legislation.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft be referred to a Select Committee, consisting of Mr. H. P. Mody, Maulvi Sayyid Murtuza Saheb Bahadur, Rao Bahadur B. L. Patil, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Rao Bahadur S. R. Pandit, Mr. N. N. Anklesaria, Mr. S. G. Jog, Sir Leslie Hudson, Kunwar Hajee Ismail Ali Khan, Mr. A. Raisman, Major Nawab Ahmad Nawaz Khan 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 Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th July, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 17th July, 1934.

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

QUESTIONS AND ANSWERS.

DEDUCTION OF EXPENDITURE IN THE ASSESSMENT OF INCOME-TAX.

49. ***Dr. Ziauddin Ahmad** : (*a*) Have Government issued instructions to Income-tax officers to allow and disallow certain items of expenditure in the assessment of Income-tax ?

(*b*) Are Income-tax Commissioners empowered to frame their own instructions without reference to Government ?

(*c*) Are the legal practitioners allowed to deduct expenditure on account of the maintenance of conveyance exclusively used for their professional work ?

The Honourable Sir James Grigg : (*a*) No. The Income-tax Act does not empower Government to decide which items of expenditure are to be allowed or disallowed with reference to any particular source of income. The Act itself provides for this in sections 8 to 12 and in the Instructions appended to the Income-tax Manual certain paragraphs have been added with a view to explain these provisions of the law.

(*b*) Properly speaking no such question can arise as there is nothing in the Income-tax Act which either empowers or authorises Government to empower Commissioners to frame their own instructions. Commissioners are vested under the Act with certain powers as regards individual assessments and in the exercise of these powers, they have to interpret the various provisions of the law, and they are free to communicate for the guidance of the officers under them their interpretation of a particular section of the Act, if they so desire.

(*c*) If the item referred to by the Honourable Member is of such a nature that it can be classed as " expenditure incurred solely for the purposes of the profession " referred to, and is not of the nature of " personal expenses of the assessee " concerned, it will be allowable under section 11 (*2*) (*i*) of the Act. Whether the item is exactly of such a nature will be a question of fact to be decided with reference to the proved facts of the case concerned.

Pandit Satyendra Nath Sen : Regarding part (*c*) of the question, is it only the legal practitioners that are allowed to deduct this kind of expenditure or there are others as well, such as medical practitioners and some other business men ?

The Honourable Sir James Grigg : The same answer would apply : it depends on the facts of the particular case as the Honourable Member will see if he refers to my answer when it is printed.

Dr. Ziauddin Ahmad : May I understand that no instruction has been issued to the income-tax officers besides the one contained in the Income-tax Manual ?

The Honourable Sir James Grigg : That is my information.

Dr. Ziauddin Ahmad : *May I ask if a conveyance is used exclusively for a professional purpose, is it to be deducted from the returns of income or not ?*

The Honourable Sir James Grigg : That is the question I have answered—" If the item referred to is of such a nature that it can be classed as ' expenditure incurred solely for the purposes of the profession ' referred to and is not of the nature of ' personal expenses of the assessee ' concerned, it will be allowable under section 11 (*2*) (*i*) of the Act ".

Dr. Ziauddin Ahmad : The reply is of a general nature : I want to take a definite case, that if a conveyance is used exclusively for professional purposes, then will it be allowed ?

The Honourable Sir James Grigg : That is precisely the question I have answered—" expenditure incurred solely for the purposes of the profession ". May I add that whether it is so used is a matter for determination by the Commissioner.

Mr. Lalchand Navalrai : May I know whether in practice such allowances are being given or not ?

The Honourable Sir James Grigg : If they come within section 11 (*2*) (*i*), I have not the slightest doubt that they are allowed in practice.

Mr. Lalchand Navalrai : I would submit that this clause is construed rigidly in practice by the Commissioners, and, therefore, I am asking whether the Honourable Member is in possession of facts whether during the last two years allowance is being given on such items ?

The Honourable Sir James Grigg : If they are not given the reason is no doubt because they are not usually allowable, but if the Honourable Member has any particular case which he wishes to bring to my attention, I shall be glad to look into it.

Mr. Lalchand Navalrai : As regards the instructions issued, is it a fact that instructions are issued by the Board of Revenue with regard to the correction or amendment of the Manual itself from time to time ?

The Honourable Sir James Grigg : I imagine so, particularly in the light of decisions of Courts or other similar circumstances.

Sir Hari Singh Gour : May I beg to inquire what is the definition of the phrase " exclusively used for professional purposes " ?

The Honourable Sir James Grigg : That question is not for me to decide.

Sir Hari Singh Gour : I thought that the Revenue Department of the Government of India would lay down certain instructions to the assessing officers as to what is exclusive use of conveyance for professional purposes, and what is not ?

The Honourable Sir James Grigg : No, that question is one for the individual Commissioner concerned on the facts of the particular case.

Sir Hari Singh Gour : But conveyances are used by legal practitioners all over India, and consequently it cannot be a local question or even a provincial question : and being a question in which legal practitioners all over India are interested, I should have expected the Board of Revenue would lay down certain rules for the guidance of income-tax authorities throughout the Provinces.

The Honourable Sir James Grigg : The section itself seems to me to be quite clear—" expenditure incurred solely for the purposes of the profession "—but no doubt the practice of legal practitioners in the use of their cars varies widely all over India, and I expect most of them do not use them solely for the purposes of their profession.

Mr. Lalchand Navalrai : May I know from the Honourable Member, if a legal practitioner uses his car for his professional business and also takes it out for his evening ride, will any allowance be given ?

The Honourable Sir James Grigg : That is certainly not allowable.

FIXATION OF IRON WINDOWS IN CERTAIN QUARTERS IN THE RAJA BAZAR SQUARE AND LANE, NEW DELHI.

50 ***Mr. Lalchand Navalrai :** (*a*) Is it a fact that there are revolving iron windows in most of the " D " type quarters in Raja Bazar Square and Raja Bazar Lane in New Delhi ?

(*b*) If the reply to part (*a*) above be in the affirmative, will Government kindly state the reasons for fixing the iron windows in those quarters only and wooden windows in all other quarters ?

(*c*) Are Government aware that the iron windows on account of being very heavy and unwieldy are causing great inconvenience and in some cases injuries to the tenants of those quarters ?

(*d*) If the replies to part (*c*) be in the affirmative are Government prepared to replace these iron windows by ordinary wooden windows like those fixed in all other Government quarters ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) Crittal windows (which are the type which have been fixed) have many advantages over, and are generally regarded as superior to, wooden windows.

(*c*) and (*d*). No.

Mr. Lalchand Navalrai : May I know if the Honourable Member or any of his officers has visited the spot to see the inconvenience ?

The Honourable Sir Frank Noyce : No ; but I may mention for the information of the House that when this question was put on the agenda paper, I made special inquiries about these crittal windows : I asked whether there were any specimens of them to be seen in Simla so that I might find out for myself what they were like, and I discovered that they have been fitted in the west windows of the drawing room of the Viceregal Lodge. That is a sufficient testimony to their excellence.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether these windows jut out and when a man gets up, he gets injured ?

The Honourable Sir Frank Noyce : I do not quite know what the Honourable Member means by jutting out.

Mr. Lalchand Navalrai : They are revolving windows and when they are opened inside, suddenly a man sitting near by gets up, he gets hit. (Laughter.) Will the Honourable Member make some improvement in this ?

The Honourable Sir Frank Noyce : As I said, I had a report called for in regard to these windows and it is to this effect :

"Crittal windows are being used extensively in upper class houses all over Europe and also in India. In many respects, they are much better than wooden windows. They admit of more light ; they are not attacked by white ants, they are anything but clumsy and generally speaking, distinctly superior to ordinary wooden windows. In fact, until a short time ago, they were looked upon as a luxury".

ASPHALTING OF, AND PROVISION OF MORE LIGHTS ON, THE ROAD PASSING THROUGH RAJA BAZAR SQUARE AND LANE, NEW DELHI.

51. ***Mr. Lalchand Navalrai** : (*a*) Are Government aware that the road branching off from Baird Road and passing through Raja Bazar Square and Raja Bazar Lane in New Delhi, is not asphalted and is therefore very dusty ?

(*b*) Are Government aware that there is not sufficient light on that road ?

(*c*) Are Government aware that there are about seventy-five Government quarters on that road ?

(*d*) Are Government aware that the road is very narrow and there is very little or no space left between the road and the Government quarters on either side ?

(*e*) Are Government prepared to remove the dust nuisance experienced by the tenants of the quarters in that locality by getting the road asphalted, and also to provide more lights on that road ? If not, why not ?

Mr. G. S. Bajpai : (*a*), (*b*) and (*c*). Yes.

(*d*) The metalled portion of the road is 10 feet wide, and the berms on either side of the metalled portion are 6 feet wide. There is a space of 8 feet between the road berm and the walls of the quarters.

(*e*) It is understood that the road will be asphalted as soon as funds permit, and that the existing 25 Watt lamps are being replaced by 40 Watt lamps.

Mr. Lalchand Navalrai : I am thankful to the Honourable Member for the sympathy he is showing in the matter, and I hope these improvements will be carried out at an early date.

Mr. G. S. Bajpai : Well, Sir, they will be done when funds permit.

Dr. Ziauddin Ahmad : Are these roads under the New Delhi Municipality or under the Government of India ?

Mr. G. S. Bajpai : The Honourable Member asked a question on this subject the other day in the Standing Finance Committee, and I think he was given a reply then.

Dr. Ziauddin Ahmad : Honourable Members of this House would like to know it here.

Mr. G. S. Bajpai : My recollection is that these roads are looked after by the Public Works Department.

Dr. Ziauddin Ahmad : By the Public Works Department directly controlled by the Government ?

Mr. G. S. Bajpai : The Public Works Department are the agents of the Municipality.

Dr. Ziauddin Ahmad : I understand that these roads are now looked after by the New Delhi Municipality and not by the Government ? Is it correct ?

Mr. G. S. Bajpai : The Municipality are a corporate Body consisting of 13 members, and I am quite sure that they won't go about looking after the roads. The roads are looked after by the Public Works Department under the controlling authority of the Municipality.

NON-MAINTENANCE OF LAWNS IN RAJA BAZAR SQUARE, NEW DELHI.

52. *Mr. **Lalchand Navalrai** : (*a*) Are Government aware that the lawns in front of Government quarters in Raja Bazar Square are not properly maintained and watered ?

(*b*) Are Government aware that there are absolutely no lawns in front of the quarters in Raja Bazar Lane for the children to play about ?

(*c*) If the replies to parts (*a*) and (*b*) above be in the affirmative, will Government be pleased to state the reasons for the same ?

The Honourable Sir Frank Noyce : (*a*) No. The lawns are being properly maintained and watered.

(*b*) Yes.

(*c*) As regards (*a*), the question does not arise. As regards (*b*), I may explain that the space between the road and the quarters in the Raja Bazar Lane is 10 feet wide and that as it is continually used as a path by the tenants and others it is impossible to grow grass upon it.

Mr. Lalchand Navalrai : Is it not a fact, Sir, that there are better conveniences in other quarters ?

The Honourable Sir Frank Noyce : The conveniences naturally vary with different quarters. It depends upon their location.

Mr. Lalchand Navalrai : In view of the complaints received in regard to these quarters, may I know from the Honourable Member whether he will extend his sympathy to the occupants of these quarters and ask some officer to go round and suggest some improvements ?

The Honourable Sir Frank Noyce : If the Honourable Member will suggest the sort of improvements he has in his mind, I shall be glad to do what I can in that direction.

Mr. Lalchand Navalrai : Thank you very much.

PROVISION OF FLUSH LATRINES IN GOVERNMENT QUARTERS IN NEW DELHI.

53. *Mr. **Lalchand Navalrai** : (*a*) Is it a fact that Government have recently sanctioned additions and alterations to be carried out in

all the existing orthodox quarters in New Delhi ? If so, will Government kindly state the nature of the alterations to be carried out ?

(*b*) Are Government prepared to consider the advisability of providing flush latrines in place of the existing ones in all the Government quarters in New Delhi, in the interests of better sanitation ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) The Honourable Member is presumably referring to the orthodox clerks' quarters in New Delhi. Government propose to provide additional electric light points in all these quarters during the current year at an estimated cost of Rs. 44,000. This expenditure was approved by the Standing Finance Committee on the 13th July, 1934. Government also contemplate certain re-arrangements of the rooms in 128 old type " D " class orthodox clerks' quarters. It is hoped that funds for this work will be made available in 1935-36.

(*b*) Yes. Modern sanitation is being installed in all Officers' houses in New Delhi, and will be installed in clerks' quarters as soon as the necessary funds (approximately Rs. 7½ lakhs), can be made available.

Mr. Lalchand Navalrai : May I know if it is a fact that the question of installing flush latrines in clerks' quarters is being postponed while these are being installed in officers' bungalows ?

The Honourable Sir Frank Noyce : That apparently is the case, Sir.

Mr. Lalchand Navalrai : May I, therefore, in the interests of the smaller people, ask the Honourable Member whether he is prepared to have a start made in regard to the installation of flush latrines in some of the clerks' quarters when they are being installed in some of the officers' bungalows ?

The Honourable Sir Frank Noyce : A definite scheme has already been approved, and I don't think it can be interrupted now. As I have said, we hope to get funds for installing these flush latrines in clerks' quarters as soon as possible.

PUBLICATION OF THE REPORT OF THE AFGHAN TRADE DELEGATION.

54. ***Mr. Gaya Prasad Singh** : When do Government propose to publish the Report of the Afghan Trade Delegation, and their own conclusions thereon ? Will this House be given an opportunity of discussing the same ?

Mr. H. A. F. Metcalfe : The question of publishing the Report of the Trade Commission to Afghanistan is under consideration and it is not possible at this stage to say whether the House will be given an opportunity of discussing the report.

NEGOTIATIONS BETWEEN THE KATHIAWAR STATES AND THE GOVERNMENT OF INDIA IN CONNECTION WITH THE VIRAMGAM CUSTOMS REVENUE.

55. ***Mr. Gaya Prasad Singh** : (*a*) Is there any proposal to pay annually about Rupees two lakhs, out of the Viramgam Customs receipt, to Jamnagar State, or any other State ?

(*b*) Will Government please make a statement on the subject of any negotiations between them and the Kathiawar States in this connection, affecting in any way the revenues of India ?

The Honourable Sir James Grigg : (*a*) I would refer the Honourable Member to the Press Communiqué issued on the 7th June, 1934, announcing that His Highness the Maharaja Jam Sahib of Nawanagar is being allowed from the 1st April, 1934, to retain the customs duty on goods passing from the Nawanagar State, outside the limits of Kathiawar, up to a maximum of Rs. 5 lakhs a year.

(*b*) Government are not in a position to make any statement.

Mr. Gaya Prasad Singh : Will a copy of the communiqué be laid on the table ?

The Honourable Sir James Grigg : Certainly, but it has appeared in the Press, and it may be more suitable if I read it out.

Mr. Gaya Prasad Singh : Yes, you can read it out.

The Honourable Sir James Grigg :

"The issues arising out of the late Maharaja Jam Sahib of Nawanagar's protest against the re-imposition of the Viramgam Customs Line against his State in 1927 were, by a Resolution of the Government of India, dated the 26th August, 1933, referred with the consent of the parties to a Court of Arbitration consisting of the Right Honourable Viscount Dunedin, P.C., G.C.V.O., as sole member, with instructions to report the results of his investigations to the Governor General.

The arbitrator has held that His Highness the Maharaja is entitled to a share in the customs collected at his ports on goods destined for British India, the Governor General being left to determine that share. The Governor General has accepted the arbitrator's finding and has fixed that share in accordance with an agreement arrived at between the parties disputing, His Highness the Maharaja being allowed from the 1st April, 1934, to retain the customs duty on goods passing from the Nawanagar State outside the limits of Kathiawar up to a maximum of Rs. five lakhs per annum, any balance over and above the figure of five lakhs being paid to the Government of India."

Sir Hari Singh Gour : May I know whether this arrangement is provisional or permanent or is likely to be altered in view of the impending constitutional changes ?

The Honourable Sir James Grigg : That is a hypothetical question which, I think, should be left over to be determined when the constitutional changes take place.

Sir Hari Singh Gour : Whether this agreement is provisional or permanent is not a hypothetical question ?

The Honourable Sir James Grigg : At this stage and so long as the present circumstances continue, it is not provisional.

Mr. Gaya Prasad Singh : With regard to part (*b*) of this question, do I understand the Government to say that there are negotiations proceeding at the present moment between the Government of India and the Kathiawar States with regard to the question of the customs duty ?

The Honourable Sir James Grigg : All I say is that Government are not in a position to make any statement, and I think, if the Honourable Member will forgive me, it is not desirable that Government should at this stage make any statement.

Dr. Ziauddin Ahmad : May I know whether this question of customs duty is still under consideration ?

The Honourable Sir James Grigg : Which ?

Dr. Ziauddin Ahmad : The question of customs duty between the Government of India and the Kathiawar States ?

The Honourable Sir James Grigg : That is precisely the question asked here, and all I can say at the moment is that I do not think it will be in the public interest to make any statement.

Mr. B. Das : Is the Honourable Member aware that the public are in the know of things, and it has been already announced that Viscount Dunedin's award is to be given to Jamnagar ?

The Honourable Sir James Grigg : The Press Communiqué was about that, and, as for the rest, as I said, I don't think it is desirable in the public interest to make any statement.

Mr. B. Das : Is the Honourable Member aware that my friend, Mr. Mody, made certain serious charges about the Kathiawar States during the discussion on the Cotton Excise Bill ? Is it not a matter of public importance, and are not the public entitled to know what action Government are taking in the matter ?

The Honourable Sir James Grigg : That is precisely the sort of consideration that the Government have got to take into account, and I believe my predecessor announced that the Government were taking certain action in the matter, but beyond that and the Press Communiqué I don't think it is desirable to say anything.

Mr. Gaya Prasad Singh : Do I understand the Government of India to plead that they can settle negotiations with the Kathiawar States affecting the revenues of India without giving this House an opportunity to discuss the question ?

The Honourable Sir James Grigg : No, Sir ; I did not say anything of the sort. What I did say was that in delicate matters of this sort, I think it is only fair that the Government of India should be the judge as to when and how any public statement should be made.

Dr. Ziauddin Ahmad : Did the Government of India hold any conference to discuss this question this week ?

The Honourable Sir James Grigg : The Honourable Member is trying to get me to make a statement, but as I have already said, it is not desirable to do so at present.

Dr. Ziauddin Ahmad : I want to know if the Government of India had a consultation on this particular question this week ?

The Honourable Sir James Grigg : I am very sorry, but even if it is a definite question, I must give the same indefinite answer.

DIVERSION OF TRADE FROM BOMBAY PORT TO KATHIAWAR PORTS.

56. ***Mr. Gaya Prasad Singh** : What steps, if any, are being taken to prevent the diversion of trade from Bombay Port to Kathiawar Ports ?

The Honourable Sir James Grigg : The matter is engaging the attention of Government.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there is any move with the Government of India to arrive at a mutual understanding between Bombay, Karachi and Kathiawar Ports with regard to the trade diversion ?

The Honourable Sir James Grigg : The introduction of the question of Karachi is a new question, and I must ask for notice, but even

so I must say that the answer will almost certainly be of the same vague and indefinite character that I have already given.

Mr. Lalchand Navalrai : When the question of diversion of trade from Bombay to Kathiawar Ports is under discussion, I merely want to know if any mutual arrangement is going to be made between Bombay and Kathiawar ?

The Honourable Sir James Grigg : That is precisely the question which is on the paper and the one which I have answered. It may be unsatisfactory, but I have given the best answer I can at the moment.

Mr. Lalchand Navalrai : On a point of order, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the point of order ?

Mr. Lalchand Navalrai : This question arises out of the original question, and I only want a reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is not asking a question which arises out of the original question. He is simply repeating the question which is on the Order Paper for which an answer has been given.

Mr. Lalchand Navalrai : I am asking whether any arrangement is going to be made and to that I am entitled to a reply.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Mr. Mody.

Mr. H. P. Mody : I want to ask a straight question. Have the Government of India taken any active steps with regard to the strengthening of the Viramgam cordon and with regard to the prevention of the smuggling which is admittedly going on through Cutch, Pondicherry and other places ?

The Honourable Sir James Grigg : At last we have got a question to which I can give a definite answer. Estimates for extra staff for strengthening the Viramgam line were laid last week before the Standing Finance Committee and approved by them.

Mr. H. P. Mody : What is happening with regard to Cutch, Pondicherry, Ras Bela and other places ?

The Honourable Sir James Grigg : That is still under consideration, and I cannot make any statement on that point.

NON-PROVISION OF FANS IN CERTAIN SECOND CLASS COMPARTMENTS OF CERTAIN TRAINS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

57. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that there are certain second class compartments (No. 319) in which there are no fans provided, as in the special train provided by the Bombay, Baroda and Central India Railway administration (metre gauge) to His Highness the Rajdhiraj of Shahpura State (Rajputana) which proceeded from Sareri Station (Bombay, Baroda and Central India Railway) on the 22nd May, 1934, to Dharangdhra State in Kathiawar ; or in the second class carriage (No. 472) attached to the Mail train (Bombay, Baroda

and Central India Railway) which left Delhi on the 21st May, 1934, upto Ajmer ?

(*b*) Do Government propose to take any steps to compel the Bombay, Baroda and Central India Railway to provide this ordinary amenity to second class passengers during the hot weather ?

(*c*) Will Government please state when the lease of the Bombay, Baroda and Central India Railway is due to expire ?

Mr. P. R. Rau : (*a*) Government understand that on the metre gauge system of the Bombay, Baroda and Central India Railway, coaches, with second class compartments used regularly on all Main Line and Branch Line services, have been provided with electric fans, but certain upper class coaches, which are at the end of their lives, have not been so provided. These latter coaches are used only for relieving purposes and in certain cases for reservation when other stock is not immediately available. One of these carriages was reserved for the party of His Highness the Raja Dhiraj of Shahpura and used on the special train from Sareri to Dhrangadhra.

The second class compartments on the mail train between Ahmadabad and Delhi are provided with fans, but on the particular day referred to, the first and second class bogie carriage was under repairs, and one of the spare carriages not provided with fans, was utilised to replace it temporarily.

The Agent, Bombay, Baroda and Central India Railway, reports that the position has again been investigated and electric fans are being provided in eight more coaches.

(*b*) In the circumstances stated Government do not consider any action called for at present.

(*c*) On the 31st December, 1941.

Mr. Gaya Prasad Singh : Do I understand the Government to say that the B. B. and C. I. Railway have agreed to provide fans in upper class carriages on the particular line in question ?

Mr. P. R. Rau : They are providing electric fans on eight more coaches.

MURDER OF INDIAN NATIONALS IN AMERICA.

58. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the following verdict was given unanimously by a jury of 12, in America, relating to the death of Sher Singh Sathi, in June last year :

> " That Sher Singh Sathi came by his death on 12th day of June, A. D. 1933 in this country, by gun shot wounds from gun in the hands of person or persons unknown on Morgan Ranch, 3 miles north, and 2 miles east of Holtville, California."

(*b*) Do Government propose to make an enquiry into the above, and state how this verdict can be reconciled with their statement made in this House in reply to a question of mine, that Sher Singh Sathi committed suicide ?

(*c*) Is it a fact that soon after the murder of Sher Singh Sathi, one Amar Singh and his companion were also murdered in that locality, and that the total number of murders of Indian nationals in America amounts to about 32 ?

(*d*) Do Government propose to make a thorough enquiry into the above matter, and make a statement on the subject ?

Mr. H. A. F. Metcalfe : (*a*)—(*d*). Enquiries are being made from His Majesty's Ambassador, Washington, and his reply will be communicated to the House in due course.

RIOTS IN GIRIDIH COLLIERIES.

59. ***Mr. Gaya Prasad Singh** : Will Government kindly make a statement on the subject of the recent riots in Giridih Collieries (East Indian Railway), indicating the causes, the number of casualties and the steps taken in the matter ?

The Honourable Sir Harry Haig : On the morning of the 14th May, 1934, a serious riot broke out unexpectedly at the Serampur Colliery. Immediately on receipt of the news, the Deputy Commissioner and Superintendent of Police, armed with revolvers, accompanied by an unarmed Inspector of Police and a constable, proceeded to the spot where they found about 1,000 persons (many of them armed with *lathis*), round the Manager's office, most of the windows of which were smashed. Inside the office, were the staff and some loyal workers. Outside, three motor cars and a motor bicycle had been overturned and were in flames. The Deputy Commissioner and his party charged the crowd, which at first retreated, but on realising that the party consisted of four persons only, surrounded them on three sides and began throwing stones and bricks. As the crowd became more threatening, the Deputy Commissioner warned them that unless they dispersed at once he would fire. They replied with shouts and volleys of stones and brandished their *lathis*. In this grave and threatening situation, the Deputy Commissioner, and under his orders, the Superintendent of Police, opened fire. After 11 shots had been fired, the crowd broke. One man was shot dead and three were wounded, of whom one has since died. Meanwhile another section of rioters were attempting to set fire to the Deputy Commissioner's car, but when the firing began they also fled. The men returned to work in normal numbers a few days after the riot and no further trouble is anticipated.

2. The riot is believed to have been instigated by discontented labourers of another colliery who had protested against the lowering of the rates for coal-cutting in the Giridih Collieries. This reduction in rates, which came into operation for the week ending on the 9th of May, and was otherwise generally accepted, was introduced on grounds of economy and in order to bring the rates more into conformity with those paid in other coal-fields.

PROPOSED ADOPTION OF HINDI AS A COURT LANGUAGE IN DELHI.

60. ***Mr. Gaya Prasad Singh** : (*a*) Have Government received any representation regarding the proposed adoption of Hindi as a Court language, along with Urdu and English in Delhi Courts ?

(*b*) If so, what is their decision on this subject ?

The Honourable Sir Harry Haig : (*a*) The Chief Commissioner, Delhi, has received a representation on the subject.

(*b*) In such matters the Delhi Administration follows the Punjab, as the Civil and Criminal Courts in Delhi, are subordinate to the High Court of Judicature at Lahore. Consequently so long as Hindi is not adopted as a court language in the Punjab, it is not proposed to consider the matter for Delhi.

Sir Muhammad Yakub : Will Government be pleased to say from whom this representation was received ?

The Honourable Sir Harry Haig : I am afraid I have no information about that.

Sir Muhammad Yakub : Are Government aware that a very representative All-India Urdu Conference was held in Delhi in April last, presided over by the Honourable Major Akbar Khan, which entered a strong protest against making any alteration in the court language in Delhi ?

The Honourable Sir Harry Haig : No, I was not aware of that.

Sir Muhammad Yakub : Will Government make enquiries and find out the proceedings of that Conference ?

The Honourable Sir Harry Haig : I do not think I am called upon to make any such enquiries.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under standing order 78, I have to report that 1,262 petitions as per statement laid on the table have been received relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

No. of signatories.	District or town.	Province.	No of signatories.	District or town.	Province.
120	Ramnad	Madras.	9	Guntur	Madras.
11	Do.	Do.	14	Do.	Do.
89	Tirumayam	Do.	4	Do.	Do.
30	Do.	Do.	4	Do.	Do.
6	..	Do.	4	Do.	Do.
32	..	Do.	4	Do.	Do.
23	..	Do.	4	Do.	Do.
170	..	Do.	6	Do.	Do.
237	Vellore	Do.	33	Do.	Do
246	..	Do.	4	Do.	Do.
15	Guntur	Do.	6	Do.	Do.

No. of signatories.	District or town.	Province.
5	Guntur	Madras.
20	Do.	Do.
14	Do.	Do.
37	Do.	Do.
43	Do.	Do.
1	Do.	Do.
1	Do.	Do.
3	Do.	Do.
3	Do.	Do.
5	Do.	Do.
7	Do.	Do.
6	Do.	Do.
46	Do.	Do.
34	Do.	Do.
7	Do.	Do.
22	Do.	Do.
22	Do.	Do.
21	Do.	Do.
251	Tanjore	Do.
231	Do.	Do.
284	Do.	Do.
61	Do.	Do.
93	Do.	Do.
35	Do.	Do.
27	Do.	Do.
27	Do.	Do.
200	Do.	Do.
219	Do.	Do.
246	Do.	Do.
235	Do.	Do.
25	Do.	Do.
54	Trichinopoly	Do.
53	Do.	Do.
54	Do.	Do.
61	Do.	Do.
52	Do.	Do.
42	Do.	Do.
41	Do.	Do.
44	Do.	Do.

No. of signatories.	District or town.	Province.
167	Trichinopoly	Madras.
42	Do.	Do.
143	Do.	Do.
32	Do.	Do.
53	Do.	Do.
37	Do.	Do.
42	Do.	Do.
201	Do.	Do.
123	Do.	Do.
43	Do.	Do.
43	Do.	Do.
156	Do.	Do.
496	Do.	Do.
44	Do.	Do.
45	Do.	Do.
35	Tanjore	Do.
15	Do.	Do.
10	Do.	Do.
6	Do.	Do.
35	Do.	Do.
42	Do.	Do.
26	Do.	Do.
25	Do.	Do.
12	Anantapur	Do.
33	Do.	Do.
27	Do.	Do.
18	Do.	Do.
25	Do.	Do.
23	Do.	Do.
23	Chittur	Do.
22	Do.	Do.
6	Do.	Do.
30	Do.	Do.
32	Do.	Do.
22	Do.	Do.
21	Do.	Do.
34	Do.	Do.
25	Do.	Do.
29	Do.	Do.
39	Do.	Do.
30	Do.	Do.
25	Do.	Do.
39	Do.	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
21	Chittur	Madras.	27	Guntur	Madras.
27	Do.	Do.	30	Do.	Do.
41	Do.	Do.	7	Do.	Do.
35	Do.	Do.	7	Do.	Do.
43	Tanjore.	Do.	7	Do.	Do.
30	Do.	Do.	27	Do.	Do.
33	Do.	Do.	4	Do.	Do.
32	Do.	Do.	5	Do.	Do.
46	Trichinopoly	Do.	5	Do.	Do.
37	Do.	Do.	22	..	Do.
30	Do.	Do.	19	..	Do.
50	Do.	Do.	18	..	Do.
39	Do.	Do.	17	..	Do.
45	Do.	Do.	19	..	Do.
39	Do.	Do.	14	..	Do.
36	Do.	Do.	17	..	Do
41		Do.	19	..	Do.
42		Do.	18	..	Do.
44		Do.	19	..	Do.
39		Do.	18	..	Do.
47		Do.	18	..	Do.
46		Do.	18	..	Do.
29		Do.	23	..	Do.
139	Trichinopoly	Do.	19	..	Do.
36	Do.	Do.	28	..	Do.
270		Do.	32	..	Do.
54		Do.	25	..	Do.
56		Do.	24	..	Do.
157		Do.	12	..	Do.
46		Do.	40	..	Do.
39	Guntur	Do.	37	..	Do.
12	Do.	Do.	40	..	Do.
11	Do.	Do.	25	..	Do.
27	Do.	Do.	29	..	Do.
15	Do.	Do.	37	..	Do.
8	Do.	Do.	21	..	Do.
25	Do.	Do.	20	..	Do.
8	Do.	Do.	21	..	Do.
7	Do.	Do.	18	..	Do.
4	Do.	Do.	20	..	Do.
9	Do.	Do.	17	..	Do.
13	Do.	Do.	18	..	Do.
7	Do.	Do.			

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
20	..	Madras.	19	..	Madras.
22	..	Do.	17	..	Do.
17	..	Do.	18	..	Do.
19	..	Do.	32	..	Do.
21	..	Do.	20	..	Do.
23	..	Do.	26	..	Do.
18	..	Do.	28	..	Do.
23	..	Do.	27	..	Do.
18	..	Do.	21	..	Do.
24	..	Do.	28	..	Do.
17	..	Do.	18	..	Do.
18	..	Do.	31	..	Do.
19	..	Do.	33	..	Do.
8	..	Do.	34	..	Do.
15	..	Do.	24	..	Do.
24	..	Do.	28	..	Do.
19	..	Do.	23	..	Do.
27	..	Do.	16	..	Do.
25	..	Do.	13	..	Do.
22	..	Do.	12	..	Do.
22	..	Do.	32	..	Do.
26	..	Do.	17	..	Do.
25	..	Do.	22	..	Do.
27	..	Do.	9	..	Do.
24	..	Do.	20	..	Do.
28	..	Do.	27	..	Do.
35	..	Do.	19	..	Do.
24	..	Do.	18	..	Do.
20	..	Do.	16	..	Do.
19	..	Do.	18	..	Do.
28	..	Do.	15	..	Do.
36	..	Do.	17	..	Do.
22	..	Do.	20	..	Do.
24	..	Do.	19	..	Do.
29	..	Do.	16	..	Do.
16	..	Do.	64	..	Do.
15	..	Do.	16	..	Do.
18	..	Do.	25	..	Do.
16	..	Do.	23	..	Do.
19	..	Do.	22	..	Do.
19	..	Do.	25	..	Do.
20	..	Do.	25	..	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
21	..	Madras.	14	..	Madras.
21	..	Do.	25	..	Do.
22	..	Do.	29	..	Do.
24	..	Do.	36	..	Do.
23	..	Do.	27	..	Do.
16	..	Do.	18	..	Do.
24	..	Do.	25	..	Do.
27	..	Do.	18	..	Do.
36	..	Do.	27	..	Do.
28	..	Do.	21	..	Do.
17	..	Do.	19	..	Do.
37	..	Do.	30	..	Do.
21	..	Do.	28	..	Do.
26	..	Do.	27	..	Do.
28	..	Do.	23	..	Do.
19	..	Do.	24	..	Do.
23	..	Do.	21	..	Do.
25	..	Do.	25	..	Do.
22	..	Do.	24	..	Do.
24	..	Do.	19	..	Do.
23	..	Do.	21	..	Do.
22	..	Do.	20	..	Do.
23	..	Do.	26	..	Do.
25	..	Do.	17	..	Do.
26	..	Do.	18	..	Do.
25	..	Do.	21	..	Do.
25	..	Do.	25	..	Do.
21	..	Do.	24	..	Do.
22	..	Do.	25	..	Do.
23	..	Do.	19	..	Do.
26	..	Do.	22	..	Do.
22	..	Do.	21	..	Do.
21	..	Do.	24	..	Do.
19	..	Do.	17	..	Do.
23	..	Do.	2	..	Do.
25	..	Do.	21	..	Do.
28	..	Do.	20	..	Do.
23	..	Do.	72	..	Do.
19	..	Do.	16	..	Do.
21	..	Do.	16	..	Do.
20	..	Do.	14	..	Do.
22	..	Do.	26	..	Do.
24	..	Do.	24	..	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Provin
26	..	Madras.	19	..	Madras.
19	..	Do.	19	..	Do.
23	..	Do.	23	..	Do.
25	..	Do.	22	..	Do.
33	..	Do.	9	..	Do.
21	..	Do.	17	..	Do.
22	..	Do.	8	.	Do.
16	..	Do.	17	..	Do.
18	..	Do.	10	.	Do.
21	..	Do.	18	..	Do.
23	..	Do.	19	..	Do.
19	..	Do.	15	..	Do.
15	..	Do.	25	..	Do
24	..	Do.	29	..	Do.
14	..	Do.	24	..	Do.
29	..	Do.	21	..	Do.
24	..	Do.	26	..	Do.
25	..	Do.	31	..	Do.
24	..	Do.	27	..	Do.
20	..	Do.	26	..	Do.
30	..	Do.	25	..	Do.
33	..	Do.	28	..	Do.
22	..	Do.	28	..	Do.
32	..	Do.	256	..	Do.
25	..	Do.	24	..	Do.
20	..	Do.	26	..	Do.
26	..	Do.	28	..	Do.
27	..	Do.	27	..	Do.
28	..	Do.	30	..	Do.
25	..	Do.	21	..	Do.
22	..	Do.	32	..	Do.
173	..	Do.	19	..	Do.
41	..	Do.	23	..	Do.
20	..	Do.	19	..	Do.
30	..	Do.	28	..	Do.
24	..	Do.	5	Salem	Do.
31	..	Do.	17	Do.	Do.
19	..	Do.	12	Do.	Do.
20	..	Do.	25	Do.	Do.
28	..	Do.	4	Do.	Do
20	..	Do.	20	Do.	Do.
24	..	Do.	25	Do.	Do.
29	..	Do.	25	Do.	Do

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
28	Salem	Madras.	24	..	Madras.
21		Do.	22	..	Do.
27		Do.	9	..	Do.
28		Do.	46	..	Do.
27		Do.	17	..	Do.
19		Do.	41	..	Do.
27		Do.	28	..	Do.
22		Do.	27	..	Do.
26		Do.	19	..	Do.
32		Do.	22	..	Do.
31		Do.	19	..	Do.
23		Do.	24	..	Do.
28		Do.	23	..	Do.
33		Do.	22	..	Do.
27		Do.	25	Calicut	Do.
29		Do.	28	Do.	Do.
20		Do.	32	Do.	Do.
23		Do.	28	Do.	Do.
24		Do.	99	Do.	Do.
27		Do.	32	Do.	Do.
13		Do.	26	Do.	Do.
18		Do.	21	Do.	Do.
23		Do.	30	Do.	Do.
21		Do.	17	Do.	Do.
28		Do.	32	Do.	Do.
26		Do.	23	Do.	Do.
24		Do.	24	Do.	Do.
9		Do.	27	Do.	Do.
19		Do.	21	Do.	Do.
11		Do.	28	Do.	Do.
20		Do.	30	Do.	Do.
19		Do.	19	Do.	Do.
23		Do.	18	Do.	Do.
18		Do.	11	Do.	Do.
31		Do.	14	Do.	Do.
25		Do.	25	Do.	Do.
29		Do.	14	Do.	Do.
1		Do.	14	Do.	Do.
21		Do.	13	Do.	Do.
20		Do.	24	Do.	Do.
17		Do.	26	Do.	Do.
20		Do.	179	Do.	Do.
18		Do.			

No. of signatories.	District or town.	Province.
15	Calicut	Madras
22	Do.	Do.
14	Do.	Do.
19	Do.	Do.
12	Do.	Do.
18	Do.	Do.
22	..	Do.
24	..	Do.
25	..	Do.
22	..	Do.
25	..	Do.
23	..	Do.
29	..	Do.
26	..	Do.
22	..	Do.
27	..	Do.
15	..	Do.
11	..	Do.
16	..	Do.
22	..	Do.
25	..	Do.
24	..	Do.
24	..	Do.
25	..	Do.
25	..	Do.
24	..	Do.
27	..	Do.
35	..	Do.
21	..	Do.
29	..	Do.
27	..	Do.
25	..	Do.
28	..	Do.
27	..	Do.
36	..	Do.
36	..	Do.
28	..	Do.
24	..	Do.
34	..	Do.
24	..	Do.
92	..	Do.

No. of signatories.	District or town.	Province.
27	..	Madras.
34	..	Do.
25	..	Do.
27	..	Do.
18	..	Do.
21	..	Do.
20	..	Do.
29	..	Do.
33	..	Do.
24	..	Do.
28	..	Do.
11	..	Do.
24	..	Do.
27	..	Do.
26	..	Do.
17	..	Do.
22	..	Do.
31	..	Do.
22	..	Do.
23	..	Do.
26	..	Do.
24	..	Do.
33	..	Do.
33	..	Do.
25	..	Do.
28	..	Do.
31	..	Do.
19	..	Do.
29	..	Do.
20	..	Do.
23	..	Do.
24	..	Do.
22	..	Do.
26	..	Do.
21	..	Do.
24	..	Do.
35	..	Do.
17	..	Do.
19	..	Do.
23	..	Do.
17	..	Do.
14	..	Do
27	..	Do.

No. of signatories.	District or town.	Province.
25	..	Madras.
25	..	Do.
26	..	Do.
25	..	Do.
18	..	Do.
30	..	Do.
32	..	Do.
37	..	Do.
29	..	Do.
15	..	Do.
17	..	Do.
25	..	Do.
16	..	Do.
26	..	Do.
25	..	Do.
35	..	Do.
24	..	Do.
27	..	Do.
25	..	Do.
23	..	Do.
27	..	Do.
23	..	Do.
27	..	Do.
31	..	Do.
28	..	Do.
25	..	Do.
28	..	Do.
18	..	Do.
1	..	Do.
22	..	Do.
26	..	Do.
13	..	Do.
9	..	Do.
16	..	Do.
19	..	Do.
17	..	Bombay.
21	..	Do.
15	..	Do.
11	..	Do.
19	..	Do.
27	..	Do.
26	..	Do.
15	..	Do.
19	..	Bombay.
20	..	Do.
20	..	Do.
23	..	Do.
8	..	Do.
21	..	Do.
26	..	Do.
20	..	Do.
22	..	Do.
21	..	Do.
19	..	Do.
18	..	Do.
21	..	Do.
22	..	Do.
15	..	Do.
19	..	Do.
16	..	Do.
15	..	Do.
17	..	Do.
18	..	Do.
20	..	Do.
15	..	Do.
22	..	Do.
7	..	Do.
24	..	Do.
20	..	Do.
22	..	Do.
20	..	Do.
19	..	Do.
9	..	Do.
25	..	Do.
19	..	Do.
18	..	Do.
12	..	Do.
8	..	Do.
20	..	Do.
16	..	Do.
19	..	Do.
24	..	Do.
15	..	Do.
17	..	Do.
15	..	Do.
16	..	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
18	..	Bombay.	33	Karachi	Bombay.
16	..	Do.	21	Do.	Do.
14	..	Do.	16	Do.	Do.
21	..	Do.	15	Do.	Do.
22	..	Do.	18	Do.	Do.
21	..	Do.	11	Do.	Do.
13	..	Do.	12	Do.	Do.
17	..	Do.	21	Do.	Do.
19	..	Do.	8	Do.	Do.
20	..	Do.	10	Do.	Do.
14	..	Do.	10	Do.	Do.
24	..	Do.	14	Do.	Do.
1426	..	Do.	30	Do.	Do.
28	Karachi	Do.	36	Do.	Do.
31	Do.	Do.	30	Do.	Do.
55	Do.	Do.	188	Do.	Do.
28	Do.	Do.	10	Larkana	Do.
18	Do.	Do.	13	Do.	Do.
20	Do.	Do.	46	Do.	Do.
8	Do.	Do.	33	Do.	Do.
15	Do.	Do.	24	Do.	Do.
21	Do.	Do.	28	Do.	Do.
15	Do.	Do.	20	Do.	Do.
19	Do.	Do.	29	Do.	Do.
13	Do.	Do.	77	..	Madras.
22	Do.	Do.	173	..	Do.
26	Do.	Do.	84	..	Do.
16	Do.	Do.	372	..	Do.
17	Do.	Do.	36	..	Do.
12	Do.	Do.	357	..	Do.
25	Do.	Do.	49	..	Do.
23	Do.	Do.	62	..	Do.
23	Do.	Do.	121	..	Do.
22	Do.	Do.	48	..	Do.
22	Do.	Do.	55	..	Do.
24	Do.	Do.	109	..	Do.
25	Do.	Do.	75	..	Do.
17	Do.	Do.	110	..	Do.
20	Do.	Do.	126	..	Do.
23	Do.	Do.	39	..	Do.
19	Do.	Do.	89	..	Do.
25	Do.	Do.	50	..	Do.

No. of signatories.	District or town.	Province.
199	..	Madras.
17	..	Do.
13	..	Do.
36	..	Do.
117	..	Do.
276	..	Do.
210	..	Do.
132	..	Do.
30	..	Do.
181	..	Do.
153	..	Do.
309	..	Do.
54	..	Do.
573	..	Do.
39	Darbhanga	Bihar and Orissa.
101	Do.	Do.
114	Do.	Do.
63	Do.	Do.
97	Do.	Do.
96	Do.	Do.
105	Do.	Do.
116	Do.	Do.
110	Do.	Do.
81	Do.	Do.
130	Do.	Do.
107	Do.	Do.
70	Do.	Do.
101	Do.	Do.
34	Do.	Do.
28	Do.	Do.
24	Do.	Do.
57	Do.	Do.
35	Do.	Do.
12	Do.	Do.
52	Do.	Do.
35	Do.	Do.
10	Do.	Do.
52	Do.	Do.
66	Do.	Do.
78	Do.	Do.
74	Do.	Do.
73	Do.	Do.
73	Do.	Do.
92	Darbhanga	Bihar and Orissa.
87	Do.	Do.
79	Do.	Do.
79	Do.	Do.
61	Do.	Do.
203	Do.	Do.
73	Do.	Do.
75	Do.	Do.
31	Do.	Do.
30	Do.	Do.
12	Do.	Do.
33	Do.	Do.
23	Do.	Do.
25	Do.	Do.
44	Do.	Do.
57	Do.	Do.
45	Do.	Do.
22	Do.	Do.
171	Do.	Do.
14	Do.	Do.
45	Do.	Do.
13	Do.	Do.
15	Do.	Do.
133	Do.	Do.
81	Do.	Do.
13	Do.	Do.
46	Do.	Do.
38	Do.	Do.
55	Do.	Do.
73	Do.	Do.
15	Do.	Do.
4	Do.	Do.
74	Do.	Do.
99	Do.	Do.
21	Do.	Do.
56	Do.	Do.
124	Do.	Do.
24	Do.	Do.
11	Do.	Do.
45	Do.	Do.
54	Do.	Do.
90	Do.	Do.
99	Do.	Do.

No. of signatories.	District or town.	Province.
54	Darbhanga	Bihar and Orissa.
53	Do.	Do.
64	Do.	Do.
50	Do.	Do.
5	Do.	Do.
86	Do.	Do.
68	Do.	Do.
24	Do.	Do.
48	Do.	Do.
80	Do.	Do.
43	Do.	Do.
21	Do.	Do.
12	Do.	Do.
84	Do.	Do.
11	Do.	Do.
13	Do.	Do.
59	Do.	Do.
104	Do.	Do.
26	Do.	Do.
54	Do.	Do.
34	Do.	Do.
5	Do.	Do.
29	Do.	Do.
18	Do.	Do.
52	Do.	Do.
63	Do.	Do.
46	Do.	Do.
37	Do.	Do.
49	Do.	Do.
60	Do.	Do.
13	Do.	Do.
61	Do.	Do.
19	Do.	Do.
40	Do.	Do.
45	Do.	Do.
6	Do.	Do.
56	Do.	Do.
95	Do.	Do.
51	Do.	Do.
53	Do.	Do.
8	Do.	Do.
23	Do.	Do.
23	Do.	Do.
35	Do.	Do.

No. of signatories.	District or town.	Province.
17	Darbhanga	Bihar and Orissa.
27	Do.	Do.
83	Do.	Do.
88	Do.	Do.
84	Do.	Do.
79	Do.	Do.
86	Do.	Do.
94	Do.	Do.
40	Do.	Do.
30	Do.	Do.
44	Do.	Do.
82	Do.	Do.
71	Do.	Do.
52	Do.	Do.
66	Do.	Do.
35	Do.	Do.
43	Do.	Do.
31	Do.	Do.
24	Do.	Do.
75	Do.	Do.
82	Do.	Do.
79	Do.	Do.
72	Do.	Do.
62	Do.	Do.
40	Do.	Do.
62	Do.	Do.
56	Do.	Do.
56	Do.	Do.
68	Do.	Do.
78	Do.	Do.
92	Do.	Do.
84	Do.	Do.
105	Do.	Do.
21	Do.	Do.
52	Do.	Do.
77	Do.	Do.
58	Do.	Do.
51	Do.	Do.
20	Do.	Do.
39	Do.	Do.
80	Do.	Do.
82	Do.	Do.
52	Do.	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
61	Darbhanga	Bihar and Orissa.	43	Darbhanga	Bihar and Orissa.
43	Do.	Do.	4	Do.	Do.
95	Do.	Do.	7	Do.	Do.
83	Do.	Do.	27	Do.	Do.
104	Do.	Do.	25	Do.	Do.
107	Do.	Do.	64	Do.	Do.
87	Do.	Do.	24	Do.	Do.
92	Do.	Do.	30	Do.	Do.
78	Do.	Do.	49	Do.	Do.
53	Do.	Do.	102	Do.	Do.
37	Do.	Do.	33	Do.	Do.
25	Do.	Do.	14	Do.	Do.
76	Do.	Do.	25	Do.	Do.
37	Do.	Do.	14	Do.	Do.
4	Do.	Do.	31	Do.	Do.
40	Do.	Do.	17	Do.	Do.
64	Do.	Do.	72	Do.	Do.
73	Do.	Do.	55	Do.	Do.
33	Do.	Do.	60	Do.	Do.
49	Do.	Do.	35	Do.	Do.
33	Do.	Do.	62	Do.	Do.
26	Do.	Do.	5	Do.	Do.
28	Do.	Do.	34	Do.	Do.
89	Do.	Do.	45	Do.	Do.
76	Do.	Do.	29	Do.	Do.
30	Do.	Do.	61	Do.	Do.
51	Do.	Do.	16	Do.	Do.
40	Do.	Do.	29	Do.	Do.
35	Do.	Do.	37	Do.	Do.
38	Do.	Do.	54	Do.	Do.
35	Do.	Do.	81	Do.	Do.
19	Do.	Do.	85	Do.	Do.
48	Do.	Do.	43	Do.	Do.
50	Do.	Do.	20	Do.	Do.
41	Do.	Do.	132	Do.	Do.
41	Do.	Do.	33	Do.	Do.
44	Do.	Do.	42	Do.	Do.
46	Do.	Do.	84	Do.	Do.
26	Do.	Do.	33	Do.	Do.
72	Do.	Do.	6	Do.	Do.
26	Do.	Do.	27	Do.	Do.
24	Do.	Do.	40	Do.	Do.
59	Do.	Do.	80	Do.	Do.
52	Do.	Do.			

No. of signatories.	District or town.	Province.
30	Darbhanga	Bihar and Orissa.
24	Do.	Do.
38	Do.	Do.
33	Do.	Do.
19	Do.	Do.
17	Do.	Do.
69	Do.	Do.
9	Do.	Do.
45	Do.	Do.
27	Do.	Do.
81	Do.	Do.
70	Do.	Do.
72	Do.	Do.
70	Do.	Do.
76	Do.	Do.
99	Do.	Do.
64	Do.	Do.
67	Do.	Do.
85	Do.	Do.
34	Do.	Do.
57	Do.	Do.
21	Do.	Do.
51	Do.	Do.
52	Do.	Do.
46	Do.	Do.
41	Do.	Do.
37	Do.	Do.
46	Do.	Do.
31	Do.	Do.
53	Do.	Do.
12	Do.	Do.
63	Do.	Do.
102	Do.	Do.
60	Do.	Do.
55	Do.	Do.
58	Do.	Do.
88	Do.	Do.
73	Do.	Do.
78	Do.	Do.
62	Do.	Do.
82	Do.	Do.
42	Do.	Do.
15	Do.	Do.

No. of signatories.	District or town.	Province.
66	Darbhanga	Bihar and Orissa.
67	Do.	Do.
33	Do.	Do.
37	Do.	Do.
23	Do.	Do.
36	Do.	Do.
96	Do.	Do.
35	Do.	Do.
76	Do.	Do.
45	Do.	Do.
47	Do.	Do.
45	Do.	Do.
54	Do.	Do.
42	Do.	Do.
46	Do.	Do.
44	Do.	Do.
37	Do.	Do.
26	Do.	Do.
71	Do.	Do.
68	Do.	Do.
54	Do.	Do.
41	Do.	Do.
56	Do.	Do.
60	Do.	Do.
67	Do.	Do.
41	Do.	Do.
53	Do.	Do.
63	Do.	Do.
72	Do.	Do.
68	Do.	Do.
71	Do.	Do.
109	Do.	Do.
107	Do.	Do.
86	Do.	Do.
101	Do.	Do.
45	Do.	Do.
44	Do.	Do.
98	Do.	Do.
13	Do.	Do.
13	Do.	Do.
26	Do.	Do.
101	Do.	Do.
70	Do.	Do.

No. of signatories.	District or town.	Province.
69	Darbhanga	Bihar and Orissa.
42	Do.	Do.
90	Do.	Do.
91	Do.	Do.
86	Do.	Do.
74	Do.	Do.
106	Do.	Do.
116	Do.	Do.
97	Do.	Do.
137	Do.	Do.
79	Do.	Do.
28	Do.	Do.
34	Do.	Do.
45	Do.	Do.
49	Do.	Do.
20	Do.	Do.
42	Do.	Do.
47	Do.	Do
55	Do.	Do.
26	Do.	Do.
54	Do.	Do.
4	Do.	Do.
4	Do.	Do.
4	Do.	Do.
5	Do.	Do.
5	Do.	Do.
9	Do.	Do.
5	Do.	Do.
5	Do.	Do.
9	Do.	Do.
9	Do.	Do.
20	Do.	Do.
6	Do.	Do.
26	Do.	Do.
22	Do.	Do.
4	Do.	Do.
15	Do.	Do.
6	Do.	Do.
5	Do.	Do.
5	Do.	Do.
11	Do.	Do.
7	Do.	Do.
9	Darbhanga	Bihar and Orissa.
5	Do.	Do.
9	Do.	Do.
8	Do.	Do.
8	Do.	Do.
4	Do.	Do.
1	Do.	Do.
9	Do.	Do.
10	Do.	Do.
9	Do.	Do.
8	Do.	Do
12	Do.	Do
7	Do.	Do
3	Do.	Do
9	Do.	Do.
12	Do.	Do.
8	Do.	Do.
8	Do.	Do.
9	Do.	Do.
10	Do.	Do.
7	Do.	Do.
10	Do.	Do.
11	Do.	Do.
9	Do.	Do
10	Do.	Do
9	Do.	Do
2	Do.	Do.
10	Do.	Do.
9	Do.	Do.
9	Do.	Do.
22	Do.	Do.
25	Do.	Do.
34	Do.	Do.
30	Do.	Do
53	Do.	Do.
25	Do.	Do.
25	Do.	Do.
25	Do.	Do
39	Do.	Do.
39	Do.	Do.
37	Do.	Do.
22	Do.	Do.
26	Do.	Do.

No. of signatories.	District or town.	Province.
8	Darbhanga	Bihar and Orissa.
27	Do.	Do.
53	Arrah	Do.
71	Do.	Do.
85	Do.	Do
72	Do.	Do.
13	Do.	Do.
52	Do.	Do.
107	Do.	Do.
46	Do.	Do.
13	Do.	Do.
26	Do.	Do.
51	Do.	Do.
38	Do.	Do.
27	Do.	Do.
37	Do.	Do.
42	Do.	Do.
78	Do.	Do.
37	Do.	Do.
52	Do.	Do.
7	Do.	Do.
30	Do.	Do.
42	Do.	Do.
43	Do.	Do.
56	Do.	Do.
27	Arrah	Bihar and Orissa.
30	Do.	Do.
17	Do.	Do.
35	Do.	Do.
25	Do.	Do.
3[illegible]	Do.	Do.
39	Do.	Do.
22	Do.	Do.
131	Do.	Do.
26	Do.	Do.
2	Benares	United Provinces
1	Do.	Do.
3	Do.	Do.
12	Do.	Do.
13	Do.	Do.
10	Do.	Do.
11	Do.	Do.
7	Do.	Do
14	Do.	Do.
4	Do.	Do.
78	Ballia	Do.
28	Budaon	Do.
41,198		

DEATH OF SIR DINSHAW MULLA.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, with your permission I should like to make good an omission for which I was responsible yesterday. I had not realised at the time that that great lawyer, the Right Honourable Sir Dinshaw Mulla, had at one time been a Member of this House. I need not say anything about his great legal attainments. The fact that he was a Member of the Judicial Committee of the Privy Council is evidence of his great eminence in that field. Those who knew him were always struck by his readiness to sacrifice all personal considerations at the call of duty. He never hesitated to sacrifice his lucrative practice when he felt that by so doing he could in some way serve the public. His personal simplicity, his great charm of manner, and his utter genuineness endeared him to all those who came into contact with him. I would ask you, Sir, to convey to the late Sir Dinshaw Mulla's relatives our deep sympathy with them in their loss.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I associate myself and the Independent Party which I represent in this

[Sir Abdur Rahim.]

House with all that has fallen from the Leader of the House regarding the late Sir Dinshaw Mulla. We lawyers are familiar with his works and very few legal practitioners could do without some of those books. As has been said, he was undoubtedly a lawyer of very great distinction. I have not had the privilege of coming into contact with him, but certainly he was held in great respect by very large circles in India. We are very sorry to hear of his death. We hoped that he would be able to serve on the Privy Council for many a year, but apparently that was not what was decreed. Sir, I support the motion that has been made that the expression of the sorrow of this Assembly be conveyed to the members of the family of the late Right Honourable Sir Dinshaw Mulla.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I heartily associate myself and my Party with what has fallen from the Leader of the House and the Leader of the Opposition. Sir, the late Right Honourable Sir Dinshaw Mulla was a great lawyer and his books have always been appreciated by students as well as by members of the bar. He was of unassuming manners, and wherever he went and whatever work he put his hand to, he was always respected and his work was always crowned with success. We all expected that he would do a very great service to Indian law by pronouncing judgments from the Privy Council, but it has pleased Providence to ordain otherwise and his career has been cut short abruptly. He was a respected citizen of Bombay and was a great public servant and we all mourn his loss. I heartily support the motion brought forward by the Leader of the House to request you to convey the sentiments expressed here to the members of his family.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, on behalf of the Centre Party, I associate myself with everything that the previous speakers have spoken about the late Right Honourable Sir Dinshaw Mulla. To every student of law, Sir Dinshaw Mulla's name is familiar. In fact it would be hardly any exaggeration to say that he was the most lucid legal writer which India has ever produced up till now. Sir, I support the motion for conveying our condolences to his bereaved family.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I heartily associate myself with the motion proposed by the Leader of the House to convey to the bereaved family of Sir Dinshaw Mulla the deepest condolences of this House. Sir, I knew Sir Dinshaw Mulla for the last forty years, and working as I have in the same field as he did, I knew how to appreciate his great acumen, earnestness and legal learning which characterised him in all his activities and all his forensic dealings with his clients and the judges. Sir Dinshaw occupied the high position of Law Member of the Government of India for a short time and it was not long after that he was elevated to a seat on the Judicial Committee of the Privy Council where he distinguished himself, but his failing health deprived that august body of a great Indian lawyer, and I am sure that everybody in this House feels the untimely death of Sir Dinshaw Mulla as a great loss to the nation. I associate myself with every word that has fallen from the previous speakers and the Leader of the House.

Sir Leslie Hudson (Bombay : European) : Sir, I wish to associate myself and my Party with everything that has fallen from the previous

Honourable Members in regard to the sad demise of Sir Dinshaw Mulla. It is a year now that Sir Dinshaw Mulla, Bombay's eminent lawyer, left this country, and Bombay and India have suffered a great loss in his death. Sir Dinshaw Mulla, in addition to his great legal talents, had a very wide circle of friends in Bombay, and not the least among the European community. We all regret his demise, and I heartily support the motion before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : I associate the Chair with the tribute paid to the memory of the late Sir Dinshaw Mulla. Though it was not my privilege to know Sir Dinshaw Mulla personally, yet, as a student of law, I can bear testimony to the great respect in which he was held by the legal world in India. It shall be my duty to convey to the members of Sir Dinshaw's family the sense of sorrow of this House at the loss of one who was for some time our colleague.

THE FACTORIES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

"That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration."

I do not think that it is necessary for me to make a very lengthy speech in support of this motion, but I should like at the outset to remind the House of the history of the Bill. After the recommendations of the Whitley Commission had been before the general public for some time, the Government of India circulated a Bill based on those recommendations, so far as they related to factory labour, to Local Governments and the interests concerned for opinion. As I mentioned to the House when I introduced this Bill at the September Session last year, we received a mass of opinions amounting to some 360 printed foolscap pages—more in volume than the Report of the Labour Commission itself. After receiving those opinions, we went very carefully through them in consultation with the Chief Inspectors of Factories from the various Provinces. We modified the Bill in the light of the discussions we had with them, and I introduced it in this House on the 8th September last year. I moved for reference to a Select Committee on the 15th September and the House accepted that reference. As I explained then, we wished to give Members plenty of time to consider the volume of literature which we placed at their disposal. For that reason the Select Committee did not meet until January of this year. When they met, they sat for some days, and went through the Bill with a care and thoroughness which I am very glad to have this opportunity of acknowledging on the floor of this House. In their examination of the Bill, they, as we had been before, were assisted by the Chief Inspectors of Factories—Mr. Johnson from Bombay, Mr. Macbride from Bengal and Mr. Abel from the United Provinces, and, I am sure, the members of the Select Committee will wish me to bring to the special notice of the House the great help that they derived from the presence of the Factory Inspectors at their deliberations. I am sure that the members of the Select Committee, like myself, were convinced of the desire of the Factory Inspectors to administer the Factories Act in the best interests of employers and employed alike, and, not only of their desire, but of their capacity to do so. The House will have seen for itself from the Bill which

[Sir Frank Noyce.]

is now before it that the changes made by the Select Committee are very numerous, though, as I shall again emphasise later on, no changes have been made in any matter of fundamental importance. I had hoped that it would be possible to pass this Bill in the course of the last Delhi Session, but it had to be postponed to more urgent, though I would not admit more important, work. I have given this brief history of the Bill in the hope of convincing the House that there have been very few Bills which have been placed before it which have been examined more fully than this, and I trust that the House will be convinced that the measure in the form which is now placed before it is administratively sound and workable. As I mentioned last September, the Bill deals with a mass of detail. There are over 80 clauses and, this being so, the House will not expect me to deal at any length with the changes which have been made in the Select Committee. I propose shortly to mention one or two of these changes very briefly, but I should like to refer now to one point, the most important point in the Bill, namely, the question of hours.

When I moved the motion for reference to the Select Committee, I explained that the 54-hour week had been generally accepted by employers throughout India, but that there was one very important minority which had not yet accepted it, and that was the cotton textile industry in most parts of India and especially in the Province of Bombay. I hoped that the question of the 54-hour week would not prove a controversial one in the Select Committee, and I am very glad to say that that hope has been fulfilled. As the House will see from the note—it is not a minute of dissent, I am glad to say—appended by Mr. Mody to the report of the Select Committee he has accepted the shorter hours on behalf of the very important industry which he represents. I am also glad to be able to add that the Government of India have also been told by the Employers Federation of India that they also do not oppose the provisions of the Bill which relate to shorter hours. I think I am right in saying that that Federation embraces employers who have in their employ by far the greater part of the workers in our most important industries. I made an appeal on that occasion to Mr. Mody. Unfortunately he was not here himself to hear it, but I imagine that he read it in due course and that was to endeavour to induce the interests which he represents to introduce the 54-hour week in advance of the passing of the Bill. I recognised at the time, and I recognise even more fully now, that that was making perhaps too great a demand on human nature. But it is satisfactory to know that the Bombay Millowners' Association have gone some way to meet us in this respect. As the House will have gathered from the statements which have appeared in the Press recently, the Bombay Millowners' Association is introducing a system of standardised wages. Mr. Mody will doubtless be ready to explain to the House more fully than I can do exactly what is involved in that system. As I understand it, a system of minimum wages is being introduced. As regards time workers, it is provided that the scale, which is in no case lower than the scale which is, in most cases, I think, in the great majority of cases, being paid at present, provides that when the 9-hour-day is introduced, there shall be no reduction. So, the vast majority, at any rate, of workers in Bombay in the cotton textile industry who are paid by time will not suffer when the new hours are introduced. Mr. Mody will doubtless correct me if I am wrong.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : That is so.

The Honourable Sir Frank Noyce : As regards the piece workers, the position is somewhat different. As I said last year, Government, at any rate, fully recognise that shorter hours must in some cases involve some sacrifice on the part of the workers. I am glad to say that the Bombay Millowners' Association are doing something to reduce that sacrifice. Their new scale is based on a 35 per cent. dear food allowance for the piece workers. When the 9-hour-day is introduced, they propose to raise that dear food allowance to 40 per cent, so that the sacrifice will be divided between the workers and the millowners. It is hoped, and past experience has shown that there is good reason to believe, that a considerable part of the difference in wages due to the fall in the output on the piece work system owing to the decrease in hours will be made up by increased efficiency. That has been the experience in other parts of India, and I have been told by one of the leading millowners of India—not in Bombay—that he regards the 9-hour-day which has been in force in his mill for a long time past as a good investment. I trust that Bombay will have the same happy experience. It was not to be expected that my Honourable friend, Mr. Joshi, would be content with this result. I should like here to say how deeply I regret his absence today which I am sorry to say is due to the fact that his daughter has been suffering from a serious illness. I am sure the House will regret the cause of his being away, will sympathise with him in his anxiety and will wish his daughter a speedy recovery. I have no doubt, in his absence, my Honourable friend, the Deputy President, will, as he so often does, ably represent his point of view. Mr. Joshi usually, if not always, gives expression in this House to what one is accustomed to call the socialist point of view, but nobody can accuse him of being a Fabian. There is no question of delay in his case. He wants the revolution in industrial conditions to be brought about at once. That, Sir, is not a point of view which we on these Benches, and, I am sure, the great majority of this House, can accept. We fully realise that progress should be steady, but we also realise the danger of progress by leaps and bounds.

Now, Sir, I should like to refer very briefly to one or two of the important changes which have been made in the Select Committee. In clause 2, the definitions of " worker " and " factory " have been modified. Clerical workers employed in separate rooms are specifically excluded from the scope of the Bill ; and the term " factory " will, as it did in the Act of 1911, include the " precincts " of a factory.

In dealing with the Health and Safety provisions, the Select Committee have made several modifications. These modifications are not intended in any way to reduce the obligations of the employer, but we are anxious to see that the demands which are made on the employers should not be unreasonable. We desire that the Act, when it comes into force, should be administered with the minimum of harassment and friction. For example, in clause 16, the power to require measures to be undertaken for the cooling of factories—a new provision, and possibly a very expensive one from the point of view of the factory owners—is now confined to the Chief Inspector, and clause 31 has been amended to make the suspension of an order under clause 16 obligatory in the event of an appeal. Again, in clause 26, orders relating to dangerous buildings must

[Sir Frank Noyce.]

be served in writing, so that there may be an appeal. In clause 32, the power which it was proposed to confer on the Local Government of requiring by rule the submission of wage returns has been eliminated as inappropriate. The reason for that is that we felt that if wage returns are required, they should be dealt with in a separate Act and that there is no reason why a call for such returns should be included here. The provision was the outcome of the desire to improve our statistical information generally, but other information will, of course, be required, so that it is much better that the whole subject should be dealt with in a single and comprehensive Act. In clause 33, the obligation to provide children's rooms will be limited to the provision of rooms for children under six years of age. A further important change in the clause is that the power to declare occupations to be hazardous has been reserved to the Governor General in Council, so as to ensure uniformity. I feel certain that that is a change which will commend itself to the House as it obviously would give rise to difficulties if an occupation declared hazardous in one Province were not regarded as such in another. There would obviously be a tendency to transfer that particular occupation to provinces in which no restrictions were imposed upon it. The Select Committee have also included a very necessary provision which permits the exclusion from employment upon hazardous occupations of persons not certified to be physically fit for them.

In considering the provisions relating to working hours which are contained in clauses 34—49, the Select Committee have made two important changes in order to avoid interference with legitimate shift systems. They found that the original provision for spreadover was too rigid, and, under clause 38, as they have amended it, relaxations are permissible. Similarly, clause 46, as originally drafted, would have caused difficulties in continuous process factories, and it is proposed to give Local Governments powers to allow relaxations. The recasting of the provisions of the Bill relating to notices of periods of work both for adults and for children, and the insertion of clauses 42 and 57 specifically prohibiting the employment of workers otherwise than in accordance with the notice of periods of work are deserving of mention. In clause 43, the Committee have provided for the exemption from the weekly limit of hours of workers in continuous process factories, for without an exemption of this kind the late arrival of a relief might lead to a stoppage of work or to a breach of the law. In clause 47, which deals with overtime, the references to Sunday work have been omitted, for it is obvious that, in this country, Sunday is no more sacred, than any other day of the week and the clause now allows overtime only for work in excess of normal hours. A special sub-clause has been added to provide for the fixing of time rates for piece workers, so that their overtime payments may be calculated.

The changes in the last two Chapters of the Bill do not require much explanation. Clause 60 has been recast and clause 61 provides for a gradual increase in the penalty for offence relating to hours of work and to adolescents and children. Clause 70, to which I shall refer again, repeats a general provision of the Act of 1911. The Select Committee have also provided that the member of a firm or association to be nominated as the occupier of a factory must be resident in British India, that the

limitation for prosecutions should in certain cases be twelve and not six months, and that all rules made under the Act, and not only rules made by a Local Government, should be subject to previous publication.

It will, I think, be obvious that, in a measure of this complexity and importance, further examination was bound to reveal deficiencies. The report of the Select Committee was laid on the table in January or February last. After that, we went through the Bill again in my Department with all the meticulous examination that, as the House knows, Mr. Clow brings to a measure of this character. We found a few loose ends which needed to be drawn together and that is the reason for the amendments. I must frankly confess to the House that I much dislike bringing forward amendments from these Benches to measures once they have been through Select Committee, and I do my best to avoid doing so, but there are occasionally cases in which it does seem that we can very definitely make improvements. This is one of them. No fundamental principles are involved, and, in fact, it is rather a question of omitting clauses than of modifying them.

I do not think I need say more about the amendments we propose to move now as they would be fully explained to the House later on and I trust we shall be able to convince the House that they are desirable and necessary. It is a matter of great satisfaction to me that the principle of this Bill has commended itself to the House and that it has emerged from the Select Committee strengthened and improved. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration."

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, some of us in the Select Committee failed to persuade the majority of our colleagues to accept certain suggestions that were made by us, and, therefore, we have found it necessary to append a Note of Dissent to the report. Honourable Members are aware that labour is represented in this House by the solitary figure of my Honourable friend, Mr. Joshi. Sir, the position is necessarily reflected in the Select Committee. All that those who are interested in the cause of labour can do is to persuade Honourable Members by appealing to their sense of fairness, justice and sympathy and make all sorts of appeal to them to get support for their point of view. The task is rather a difficult one. Against the conservatism of these employers and the extreme cautiousness on the part of Government, and, what is still more difficult to tackle with, with the almost reactionary attitude of the small factory owners, it is almost an impossible and an uphill task to effect any substantial improvement in the Bill, and we must recognise that after all it is the capacity of the small factory owners to adjust themselves to changes that determines the rate of progress in these measures. I must admit, Sir, that Government also made some minor concessions and so did the big employers of labour. But on vital matters we failed to effect any improvement in the Bill, and the Bill comes out of the Select Committee without any great material changes. I shall only refer to one or two instances in which we failed to effect any improvement in the Bill. I must refer to the hours of work.

[Mr. Abdul Matin Chaudhury.]

12 Noon.

The majority of the Select Committee supports the original provision in the Bill which fixes 54 hours a week for perennial factories and 60 hours for the seasonal. Our view is that 48 hours should be the weekly limit for the perennial factories and 54 for the seasonal, but this did not get much support from the majority members of the Committee. It is only in this direction of reducing the working hours that we can afford some relief to the workers in this country. I think it was in the year 1921 that the Washington Convention accepted the eight hours a day for the workers all the world over. The majority of the countries in Europe and other places have accepted this eight hours a day and are working that provision, but we failed to persuade our colleagues on the Select Committee to accept that point of view and they have supported the original provisions in accordance with the majority recommendation of the Labour Commission about 54 hours a week for the perennial factories and 60 hours for the seasonal.

There is another point about which we wanted to effect some change, and that is about the definition of the word " factory ". When the Bill was first referred to the Select Committee, I tried to point out that it is in the case of the smaller factories that the conditions are more deplorable than in the case of the bigger factories, and it is those factories that needed closer supervision. Mr. Clow, on behalf of the Government of India, assured us that Government were contemplating to introduce a Bill to deal with small factories ; but if they had accepted our suggestion reducing the number of workers necessary to constitute a factory, many of the factories, that are at present outside the scope of the Factories Act, would have been included in it, and I think to a great extent that would have obviated the necessity of bringing out a separate legislation for this purpose.

There is only another point to which I want to refer, and that is with regard to the welfare orders. I was surprised to find that the Government of India refused so persistently to accept the recommendation of the Royal Commission with regard to welfare orders. We had hoped that in the Select Committee we would be able to persuade Government to accept our suggestion for framing rules with regard to welfare orders, but there too we failed in our efforts. Though we have failed in many of our efforts to effect improvements in the Bill, I fully recognise that it is undoubtedly an improvement upon the present conditions, and for this reason I heartily support this motion that is before the House. I also want to join Sir Frank Noyce in paying a tribute to the help that we received from the Factory Inspectors whose advice has been very valuable to us in our labours.

Mr. G. Morgan (Bengal : European) : Sir, the Bill has been greatly improved by the Select Committee, and I congratulate the Honourable Member in charge on having at last been able to bring this improved measure before the House. But I would just like to make one or two general observations. We have always felt that the Bill is too general in its application. The recommendations of the Whitley Commission were taken as the basis, but we have always felt that the revision of the Bill should have been done in such a manner that at any rate the major industries should have received special attention and

the law applying to each major industries be framed to meet its requirements on the analogy of the British Factories Act. I think, in the near future, after this Bill has been in operation, it will be found that special legislation will be necessary for at least some of the major industries.

Then, another point which emerges from this Bill is this. We feel that the powers of the Local Governments and the Inspectors have been extended rather too much. Of course, this being a co-ordinating Act and an all-India Act applying to all industries, it becomes a Bill of clauses for the Local Governments to take action and make exceptions, and so on. But we feel that the powers have been extended rather too fully. It will only be in actual operation that we shall be able to see whether the Local Governments translate into action the various powers that are given and whether their actions are beneficial to the industries or not. We think that the discriminating powers of the Inspectors in specifying measures to be taken are very wide. I have some amendments to that effect. It is a difficult position we know, but we do feel that the Inspector would have to be almost a superman to be able to specify measures to be adopted for improvement in everything and it should be the object of legislation to minimise the likelihood of appeals in every way possible. I do not think Government will accept my amendments, but we trust that if those particular parts of the clauses become part of the Act, the Local Governments will, at any rate, before actually allowing the measures to be put into force, take every precaution to see that the employers and the Factory Inspectors are consulted jointly in the matter. And, then, again, comes the difference between the Provinces, and that, of course, is a very difficult question. The only co-ordinating clause in the Bill is clause 80. Even today the Honourable Member has pointed out that where hazardous occupations are concerned, it has been necessary to put it under the control of the Governor General in Council, because there might be differences of opinion between various Provinces as to what constitutes a hazardous occupation. We feel that that attitude may emerge on almost every clause throughout the Bill, and we hope that Government will treat clause 80, not merely as a nominal control, but that they will definitely scrutinise the rules and regulations sent up to them to see whether they are advisable or not and whether there is co-ordination between the Provinces on matters relating to more than one province in India.

Then, there is the wording in clause 44 (2)—" exceptional press of work ". This is a very important clause, and, here again the views of different Inspectors may be quite antagonistic. I do not know really what " exceptional press of work " will mean. I do not think it will apply to anything except probably some engineering works or shipbuilding works or some thing of that kind.....

The Honourable Sir Frank Noyce : May I mention for the Honourable Member's information an example which possibly comes home specially to us here, and that is pressure of work in connection with printing the proceedings of this House ?

Mr. G. Morgan : That is all right ; but this is of general application and can be in force for two months under the clause. It will be very difficult to say what will be " exceptional press of work " in any of

[Mr. G. Morgan.]

these industries, such as cotton mills and jute mills : I can quite understand that there may be, in engineering, some special piece of machinery which has to be done very quickly, and it may be necessary to apply for exemption in order to get this piece of work done within a specified time ; but I think this exceptional press of work wants very careful watching.

Mention has been made by my Honourable friend, the Deputy President, in regard to the smaller factories and the idea that another Bill might be brought in later to meet that case ; but, under clause 5, the Local Governments have power to bring in factories which have only ten or more workmen. At the present moment, when everything is being done to encourage what is called cottage industries which can be defined on a wider basis than actual cottage industries, it seems to me that we could have reduced the number from 20 to 10 without any particular disadvantage to the Bill.

I have nothing more to say now. When the various amendments come up, I will discuss the actual merits of each clause as it comes along, but I want particularly to stress the point that this Bill is too wide in its application ; and, in supporting that this will be taken into consideration, I should like to put on record that it would have been better if the Act had been revised in such a manner that each industry would receive special attention. Sir, I support.

Dr. R. D. Dalal (Nominated Non-Official) : Mr. President, I crave your permission to offer a few remarks on the Factories Bill now before the House, and what I have to say is the outcome of considerable experience of factory inspection work as a public health expert in the southern registration district of the Bombay Presidency.

In the first place, I congratulate the Honourable the Member for Industries and Labour on bringing forward this Bill, which satisfies the requirements of wholesome and progressive legislation. It is a sound and beneficent measure ; and it will be the means not only of ameliorating the condition of the toiling masses in factories, but also of serving in the long run the best interests of the employers and of the industries upon whose prosperity the welfare of the country so largely depends. It is said that Englishmen are drawn to India by nothing more than the pay. Well, Sir, payment for work done is one of the conditions of labour all the world over. But this is a sordid view to take of the connection. Let us look behind it, and we shall find the sense of responsibility, of devotion to duty, of love for the country, and of sympathy with the people. My Honourable friend, Sir Frank Noyce, is actuated by these sentiments, and by a genuine desire to advance the prosperity of this country ; and, I am sure, his complete mastery of the subject, his assiduous industry, and his constant anxiety to conciliate all interests have won for him glowing admiration and high regard of every section of this Honourable House.

The most contentious and important item in the Bill is the one dealing with hours of work. At first the millowners and Merchants' Chambers were adamant in their opposition to any alteration of the 60-hour week. But they reconsidered their position and withdrew

their opposition, and it is a matter of general satisfaction that there is a substantial agreement as regards the reduction of the hours of work to the 54-hour week. In this connection, I desire to express my high appreciation of the extraordinary devotion, energy, tact, and skill displayed by my Honourable friend, Sir Frank Noyce, in bringing about this satisfactory result. The deep underlying motive of the reduction of hours of work is the avoidance of fatigue. The question of hours of work is intimately bound up with the question of industrial fatigue, and the subject of industrial fatigue is of cardinal importance to efficiency. So, Sir, with your permission, I shall explain to the House very briefly the subject of industrial fatigue and its implications.

The human being is the most important machine in industrial development ; so all measures, designed to improve the efficiency of the human machine, are matters of economic importance. Public health, with its two main functions of preventing disease and of increasing the welfare of the individual, is of fundamental importance in the industrial development of a country, more so in India, where labour is less organised, where the prevalence of parasitic infections and epidemic diseases and diseases associated with mal-nutrition, such as tuberculosis, is excessive, and where climatic conditions and environment generally are exceedingly unfavourable. It is fallacious to take the bodily sensations as a guide, much less as a measure of fatigue, for there may be diminished capacity for work before any signs of fatigue appear in sensation. There is a limit beyond which the human machine can no longer produce satisfactorily ; but if this limit is exceeded, there is an impairment of quality and reduction in the quantity of work, damage to health results and accidents may occur as a result of fatigue. This question of fatigue is fraught with a great peril. Spirituous drink offers its dangerous relief to a fatigued body. Industrial fatigue results from the action upon the tissues of the carbonic acid and lactic acid formed by the chemical dissolution of the glycogen of over-worked muscles. These products, locally produced, not only cause fatigue in the local neuro-muscular apparatus, but since they find their way into the blood stream, they affect higher nerve centres in the brain ; and since the nerve cells are liable to fail from exhaustion before the muscles become affected, the problem of industrial fatigue is an almost wholly problem of fatigue in the nervous system. Fatigue results not only from the exhaustion of substances supplying chemical energy for work, but also from the accumulation of the waste products of the chemical changes. These chemical products of activity are removed from the tissues by the blood, but time is required both for their removal and for their subsequent excretion from the body. The accumulative results of fatigue damage the general health. The stale and tired feeling may result in a craving for change and excitement, and may lead to over-indulgence in spirituous drinks. The evil effects of fatigue are cumulative, hence the necessity for frequent rest-spells, Sundays, and holidays. An early and important sign of fatigue is a want of co-ordination and failure in the power of concentration. This may be shown objectively in an increased frequency of accidents. The available tests of fatigue in practice are the output of work and accidents occurring in the course of work, the proportion of mistakes or spoilt work, and medical reports of conditions of ill health attributable

[Dr. R. D. Dalal.]

to overwork. It is now recognised that for the most economical conduct of an industry the human machine must operate under optimum conditions. Work under optimum conditions of duration, healthy surroundings, good feeding and housing not only promotes health and efficiency and greatly reduces industrial sickness but also leads to an increase in the quality and quantity of production, and eventually in the long run diminishes its costs, while increasing the well-being, content, and sobriety of the workers.

Now, Sir, I turn to another important point. This consolidated enactment does not touch the important question of prohibition of employment of women in factories before and after child birth. Experience has shown that cessation from labour for a month preceding confinement renders the pregnancy more likely to proceed to the normal term, and infants in consequence are stronger and more fully developed at birth. As women have generally poor physical powers and have to bear the strain of domestic duties, maternity, and claims of offspring, cessation of work for four weeks before and four weeks after confinement is, in my opinion, absolutely necessary. It should, therefore, be required by Statute that employment of women, in factories for four weeks before and four weeks after confinement, should be prohibited. I do not, of course, deny that there are difficulties to be faced, but I think it can be shown that if the position be closely examined and if maternity benefit schemes be introduced, the objections will be found to be a good deal less formidable.

Now, Sir, this leads me to another important point. Serious results accrue from the practice of mothers leaving their homes during the day to work in factories. Infants are, as a consequence, deprived of their natural food and of the care of their natural guardians. Some mothers give even opium to infants before leaving their homes. Infant mortality attributable to the practice of married women engaging in factory work amounts to one-fifth of the total infant mortality. The remedy that at once suggests to us is to compulsorily provide Day Nurseries or Creches, which afford facilities for feeding and looking after the child, and for detecting the onset of illness when the creche is under skilled supervision. Many employers object to creches, but it is impossible to see how the needs of mothers industrially employed are to be otherwise met. So the provision of properly staffed and adequately equipped and efficiently supervised creches should be made obligatory in factories employing women in substantial and appreciable numbers.

Now, Sir, I shall just say one word as regards the Inspectorate. In view of the fact that provision of medical inspection and medical supervision is most important and essential for the proper administration of the Factory Act, there should be a statutory provision that the Assistant Director of Public Health of his district should be the Medical Inspector of Factories with power of entry at all times and with the right to inspect vital statistics registers, and to report and to advise upon all health matters, and to carry out effective inspections. Accurate inspection of a factory from medical and public health point

of view requires expert technical knowledge. The Assistant Director of Public Health is technically qualified ; so he should be the Medical Inspector of Factories for his district. This suggestion will prove of great utility, because it will enable the Assistant Director of Public Health to keep in close touch with the District Magistrate, who is under the Act an Inspector of Factories for his district. Statutory provision would give the Assistant Director of Public Health authority and status and standing in the eyes of the employers. In pre-war days, throughout India, Civil Surgeons were Medical Inspectors of Factories.

Now, Sir, I shall pass to the next point, and that is as regards the certification of children. Before I take up this point, let me explain the term anthropometry. By the term anthropometry is meant the measurement of the human body with a view to determining its average dimensions and the proportion of its different parts at different ages. Now, Sir, as regards the certification of children, the value of anthropometrical data cannot be over-estimated. Height in itself is not of so much anthropometrical importance as it is in relation to weight. Height and weight are indications of nutrition. If height be found to be deficient, it may indicate insufficient food, or an excessive expenditure of energy in mental or physical work, or the onset of some disease. I would suggest that each Province should appoint an Anthropometrical Committee, which should work out its own anthropometrical standards having due regard to racial and environmental differences for the guidance of certifying surgeons, and that physical standards should invariably be prescribed. So, in my opinion, the words " if any " should be deleted from the fifth line of sub-clause (2) (*a*) of clause 52 in Chapter V of the Bill.

Now, Sir, I pass to the next point. In England, a child receives efficient elementary education before the age of 15, at which age only the child is employed into a factory, and the child must have obtained a certificate of proficiency in elementary education ; but in India nearly the whole mass of industrial labour is illiterate, so the education of industrial labour demands special attention and, in my opinion, this disability could be made good by means of factory schools. I would suggest that every factory, in which more than 15 children between the ages of 12 and 15 are employed, should maintain a factory school for their benefit, and that attendance at such school for three hours every working day should be obligatory in the case of each child, and that no fees should be charged for the instruction given in these schools. I urge this suggestion on the grounds of justice and humanity. It is not unfair to expect that factory owners, who make money out of these children, should hold themselves responsible for the education of these children. Under the Act, a child between the ages of 12 and 15 will have to put in five hours' work in factory ; so the time-tables of these schools should be so arranged as to suit these children. These factory schools should be efficiently supervised by the Education Department, and the cost of the factory schools should be borne by the factory owners, Government, and the local body concerned.

Then, Sir, there is another point. The Act should include an injunction that all factories and medical attendants should be required to notify industrial diseases, such as anthrax, phosphorous poisoning, mercurial poisoning, lead poisoning, compressed air illness, etc., to the Chief Inspector of

[Dr. R. D. Dalal.]

Factories. The object of notification is to bring these industrial diseases within the operation of the Workmen's Compensation Act.

Now, I shall refer to one other point, and that is as regards the records of sickness and disease. In factories accurate records of sickness and disease should be kept, because they are needed to be studied with a view to the adoption of preventive measures. In factories the necessity for the accurate maintenance of records of sickness and mortality is not realised, but without these it is impossible to determine variations in health at different periods or to estimate the effects of expenditure upon prevention of disease. *So all factories should be required to maintain accurate birth and death registers, sickness registers, and epidemic disease registers.*

Now, Sir, I have one more point to mention. An annual conference of Factory Inspectors to compare notes will be useful in keeping factory administration on the same level of efficiency in all parts of the country. So, in the interests of uniformity and efficiency of factory administration, an annual conference of Chief Inspectors of Factories and Directors of Public Health should be convened and held under the chairmanship of the Honourable the Member for Industries and Labour.

Now, Sir, I come to the last point. Welfare work in factories is to the mutual advantage of the employer and the employee. In my opinion, there should be a statutory method by which a uniform minimum standard of welfare could be secured, where the nature of the processes carried on or the special conditions and circumstances of employment demand it. So the issue of welfare orders, as is done by the Ministry of Health in England, in relation to sanitation and housing, would conduce to the efficiency, contentment, and happiness of the workers.

Now, Sir, in conclusion, I have one observation to make. I have already pointed out that I have had considerable experience of factory inspection work in the southern division of the Bombay Presidency. Let me present a picture of the conditions which obtain in factories today. At present men, women, and children work for unlimited hours. The system of shifts affords every opportunity for work and employment beyond legal limits. In the large majority of factories, children are little better than beasts of burden uncared for and untaught. The most ordinary sanitary safeguards are uniformly neglected. In nearly every industrial area, the housing conditions are most unsatisfactory. I do not think it is an exaggeration to say that the present system is a vast sacrifice of human life. But, Sir, by this factory legislation, by this consolidated enactment, the labours of my Honourable friend, Sir Frank Noyce, will be the means of ameliorating the deplorable conditions of a stunted, sickly, ignorant population, at present wholly unfitted to hold its own in the growing stress and strain of acute industrial competition in the labour markets of the world, and of making our industrial population an infinitely more efficient productive machine, and of making India a great industrial and producing country ; and it is because this Bill takes a substantial step in the direction of reform that I strongly support it, for I firmly believe that by means of it we shall proceed one degree farther in the path, which it is as much our interest as our duty to travel.

Mr. H. P. Mody : The Bill before the House is of far reaching importance to the workers in the factories. It marks a considerable improvement over present day conditions, and my Honourable friend Sir Frank Noyce, is to be congratulated on being responsible for a measure of so beneficial a character to the interests which this Bill seeks to befriend. I recognise the very moderate way in which my Honourable friend, Mr. Abdul Matin Chaudhury, put his case, but I am afraid he was not entirely fair to the Honourable the Industries and Labour Member. I think it was largely due to the spirit of fairness and strict impartiality which Sir Frank Noyce showed, and the confidence which he inspired in his capacity to hold the scales even between capital and labour that we had what is practically a unanimous report on almost all the provisions of the Bill. Speaking " anthropometrically ", Sir Frank Noyce completely dominated the proceedings of the Select Committee. (Laughter.)

I shall not refer to the many important provisions of the Bill before us. I shall confine myself to the most dominating feature, which is the provision with regard to the 54-hour week. My Honourable friend, Sir Frank Noyce, has referred to the opposition which this provision evoked from important industrial interests. I would like to tell him that the textile interests were not the only interests opposed to this provision ; there were other interests also which were equally opposed. I would like to say exactly what their opposition was based upon. The argument upon which they lay great stress and which they continue to emphasise at every opportunity that they can get is that conditions in India are vastly different from those prevailing in the highly industrialised countries of the west. For, as long ahead as one can see, there cannot be anything like over-production in the technical sense of the word. The bogey of over-production is largely responsible for the various devices which are being resorted to at International Conferences in order to curtail production, and hours of work are the most important feature of these devices. But that stage has not yet been reached in India. It will be many years before it can possibly be reached, and to cramp the industrial development of India, by laying down unduly low hours of work, would be to do a very great disservice to the country. Another consideration is the measure of efficiency of the worker. Here, again, India is leagues behind most western countries and behind Japan. The other day, in a statement which I issued to the press, I made what was regarded as a rather startling assertion, namely, that, compared to output, the Bombay mills were paying, until recently, that is to say, until March, 1933,—I say until that date Bombay mills, relatively to output, were paying the highest wages in the world, barring, of course, the United States. There cannot possibly be any basis of comparison with the States, where perhaps every third or fourth worker can afford to go to the factory in a Ford car. I hope such a condition of things, which we can now only dream of, will some day come about, but I trust the modest pushbike will be within the means of every factory worker within a reasonable measure of time, particularly as Japanese bicycles can now be had, thanks to the policy of our Government, at Rs. 15 a piece. Sir, these are the reasons why, in spite of all that international philanthropists may say at Geneva, this country has got to evolve a labour code of its own. No one can point the finger of scorn at India, because her record in the matter of labour conditions is one of which she can legitimately be proud. We were amongst the first to ratify the Washington Convention with regard to the hours of work. Even Great Britain, for

[Mr. H. P. Mody.]

reasons of her own, did not ratify the Convention ; Japan certainly did not ratify it for years together, with the result that she enjoyed a very considerable advantage in labour conditions over this country, which advantage was largely responsible for the great progress she made at the expense of this country. That being the case, we are not afraid of evolving labour codes of our own and of being able to stand up to the world and say " what we are doing is fair and just to our workpeople having regard to Eastern conditions ". But, Sir, while I felt always confident that our opposition to the fifty-four hour week could be justified on the ground of the peculiar conditions of India, I felt, more particularly in response to the appeal made by my Honourable friend, Sir Frank Noyce, that a gesture of sympathy and goodwill might very well be made, and I was able to induce my colleagues, the Bombay millowners, to withdraw their opposition to the fifty-four hour week. I was able to go further, and, in my capacity as President of the Employers' Federation of India, was able to get the members of the Federation to withdraw their objection to the fifty-four hour week. I may just say in passing that the Federation includes all the major industries in India—jute, tea, coal, textile, mining, metallurgy and practically every other major industry that exists in India—and on their behalf it gave me much pleasure to accord my support to the fifty-four hour week. (*Mr. B. V. Jadhav* : " Very good of you ! ") I hope so.

Now, my Honourable friend, Sir Frank Noyce, said that it was rather a pity that we did not find it possible to introduce a fifty-four hour week straightaway. We did think about it, but we found that it was not fair to many of our members outside Bombay to introduce such a change without due consultation with them, which it was not possible to effect within the time at our disposal. So far as my Association is concerned, the membership is scattered all over India, and for such an Association to introduce a fifty-four hour week straightaway would mean forcing on everyone of its up-country members a far-reaching reform without giving them an opportunity of having their say.

I should have thought my Honourable friends, Mr. Joshi, Mr. Abdul Matin Chaudhury and others, who represent labour interests, would have welcomed such a gesture of goodwill on the part of the industrial interests. After all, let them not forget that we are agreeing to shorter hours at a very considerable sacrifice. So far as the textile industry is concerned, it may mean a difference of half an anna per pound. When it is taken into consideration that the profit is not even a quarter of an anna per pound in these days, a loss of half an anna is a matter of great moment to us, particularly to Bombay, which, during the last few years, have lost enormous sums of money. I should have thought that this gesture of practical sympathy shown by industrial interests would have been appreciated by my Honourable friends, but I was sorry to find that a minute of dissent was thought necessary showing that my Honourable friends would like to go even further and introduce a forty-eight hour week. Now, Sir, I would not cavil at that provided a few conditions were satisfied. If my Honourable friends are content to reduce the standard of life of the operatives—because the less you work, the less pay you get—if my Honourable friends are agreeable to increasing the efficiency of labour, or at any rate to accord their approval to measures concerted by employers to increase the efficiency of labour, if my Honourable friends are agreeable

to according their fullest support to measures of protection, then let them suggest the forty-eight hour week by all means, but my Honourable friends do not want that. My Honourable friends do not want to accord their approval to measures of rationalization. They shout against all measures of protection and the only thing in respect of which they want protection is in the matter of wages.

Now, Sir, I cannot conceive of an industry which can reduce hours of work, which can remain satisfied with a low level of efficiency, which can do with a low measure of protection and yet be able to pay high wages to its operatives. The only factory I know of which can go on producing wealth without trouble, and which obviously would be in a position to pay a high scale of wages would be the Royal Mint : and if we were in the position of turning out five-rupee notes in our factories, we should be only too happy to provide for lower hours of work and a very high scale of wages.

Having said that, I should just like to pass on to a matter which is of very considerable importance, and that is the conditions which prevail in the Indian States. I recognize the constitutional difficulties in the way of trying to impose labour standards upon Indian States. That would impinge upon their autonomy, and I do not think that any rough and ready solution can be found, but I certainly think that the Government of India ought to exert all their influence—and that is very considerable—to bring the Indian States into line with British India in matters of labour standards. Already many of the Indian States are enjoying considerable advantages over British India. The conditions of labour are very low, there is hardly anything in the nature of factory inspection, the hours of work are long, living is cheap, taxation—thank goodness, there are some parts of the world where this is the case—taxation is low. For all these reasons there is a tendency for industries to migrate more and more to Indian States, and if more burdens and higher standards were to be imposed on British India, that tendency would be very strongly accentuated. For these reasons, it is very essential that some action should be taken by the Government of India with regard to the Indian States in order to bring them into line, particularly in regard to the provision for a fifty-four hour week, and I hope my Honourable friend will, in the course of his reply, be able to deal with that point. I recognize that it is rather difficult for him to say anything definite, but I just want an assurance that the Government of India are alive to the danger and that they are going to do everything in their power in order to bring Indian States into line with British India.

Sir, I have very little to add. This is a measure upon which the Government of India can congratulate themselves. This is a measure upon which this House can also congratulate itself, and it is a very happy circumstance that almost all the major provisions of the Bill have been accepted with unanimity in the Select Committee. Sir, I support the Bill.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I must confess that I am not a factory man and I must also confess that I am not a worker [illegible] factory. But as one of the lawyer Members of this House, I [illegible] before the House [illegible] improved. Those are very necessary improvements on account of which

[Mr. Lalchand Navalrai.]

the advantage of this Bill will be given to all those for whom it is necessary.

The first point that I wish to place before the House is with regard to the scope of this Bill. The definition of "factory" which has been provided for in this Bill applies to those factories which are worked by power, but its scope has been restricted only to those factories where 20 or more men are workers. I would submit that if full advantage of this Bill has to be given, then it must be extended to those factories where ten or more people are working.

An Honourable Member : Why make it ten ?

Mr. Lalchand Navalrai : Because it has been shown that if the number is less than ten, there will be very little power that will be working in a factory. Though, as I said, I am not a factory man, yet I have some experience of the factories, at least in the mufassil, and I know that there are factories where the same safeguard is necessary as it is in those factories where there are more than 20 men. I do not know why it should not be, when the Legislature is legislating an Act in the interests of the workers that it should not apply to those factories where there are ten or more men. On this point I do not go by myself alone. We have on this point the opinion of a recognised leader of the workers and to it support has been given by our Deputy President, Mr. Abdul Matin Chaudhury, and also Mr. Thampan has joined hands by putting in a dissentient note on this point. Sir, it is said in the minute of dissent :

"In the definition of factory we would like to substitute the word 'ten' in the place of the word 'twenty'. We consider that time has come when the provisions of the Factory Act should be made applicable automatically by this Bill itself to all factories using power where ten or more workers are employed and it is not enough merely to give to Local Governments power to do it."

I am conscious of the remark that was made by the Honourable Mr. Morgan that the power under clause 5 has been given to the Local Governments. In my humble opinion, it is not sufficient that the power should be given to the Local Government in this respect, when I see that the leaders of the workers and some other gentlemen, who have got experience of this, are of opinion that it should be extended even to those factories where there are ten or more men. Besides that, we are conscious of the difficulties. When the power has been given to the Local Government and it has been decided by the Legislature that the only factories which have 20 or more men have to be protected, the Local Governments also will demur to come to the help of other factories. Then there are several other difficulties. Why should these difficulties be solved by Local Governments ? I submit, therefore, that it is very necessary that this Bill should be extended to those factories which have ten or more workers.

The next point which I wish to place before the House is with regard to certain provisions that have been taken away from the original Bill by the Select Committee. As an instance, I will mention clause 12. Clause 12 refers to the appointment of medical practitioners for the factories. I see that an amendment has been made to the original Bill by making a medical practitioner as one who is a registered medical practitioner. I certainly agree that it is a very sound principle that the appointment should go to a man who is competent and qualified. But, then, there is

another thing, and I really wonder why it has been done in that manner. There was a clause in the original Bill, sub-clause (*2*), which provided that if the medical practitioner was a man directly or indirectly concerned with or had an interest in the factory, he should not be appointed. I cannot understand the reason why in the Select Committee's report this clause has been actually eliminated. There is a similar clause with regard to the Inspectors. I cannot understand why it should not be said that the medical practitioner, though registered, should be a man who must be impartial and should have no interest in the factory. If you are not going to put this restriction, then a man belonging to the factory might act as a medical practitioner who has to perform several functions. He is to certify that a certain individual is of a certain age and he has also to certify the fitness of the workers, and it may be that he may be interested in throwing out workers. It will be easy for him to give a certificate that the man is unfit. There is no higher officer of health or of Medical Department to help the worker, as my friend, Dr. Dalal, was saying. In the absence of that inspection by the higher officer, it is absolutely fair that a man who can act impartially should be a medical practitioner. The reason given by the Select Committee for the deletion of this clause will be found in the report of that Committee under clause 12. There they say :

"We have modified clauses 13 and 14 to provide that only registered medical practitioners may be appointed as certifying surgeons."

Sub-clause (*2*) of clause 12 has been omitted which provided that the medical practitioner should not be concerned with the interests of the factory either directly or indirectly. And what reason have they given for it ? It has been omitted on the ground that it might give rise to practical difficulties. Now, I cannot understand what those practical difficulties are. There are a number of medical practitioners nowadays. You just advertise for a post and you can get a thousand applications. Why should there be any difficulties of selection ? So, I do not think this reason is going to appeal to the House. On this subject I have put in an amendment and will speak later. The second reason which the Select Committee have given is that it might unduly limit the field of choice. This is no reason at all.

Now, let me proceed further and come to clause 13. That clause refers to sanitation. On this subject I have some experience, and, therefore, I feel competent to place those facts before the House, and I hope the House will help in getting that nuisance removed. Clause 13 reads thus :

"Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed and these methods may include lime-washing or colour-washing, painting, varnishing, disinfecting and deodorising."

1 P.M.

Sir, I am now referring to those factories which I have myself seen in Sind where there are no drains at all, and, I am sure, the House will be satisfied with my statement, because I am going to place before it my own personal experience. In a way, the point is that there are certain factories which are worked by power. Say, for instance, there is a rice-threshing machine. What do we find there ? They are boiling rice within the premises. The hot water cannot go out, because there are no drains in those factories to take the water out. How do they dispose of the water ? The water is spread out in the premises, and this has also come to the

[Mr. Lalchand Navalrai.]

notice of Factory Inspectors. They are able to do nothing. Therefore, I submit, you must provide a clause which insists that drains should be kept in the factories, so that it may lead to cleanliness. Unless and until such a provision is made, the factory owners will not lay out drains. I think my Honourable friend, Mr. Hamid Ali, who was a Collector of Larkhana and who has seen these factories will bear me out that the water from these factories goes out into the public roads which are municipal roads. The Municipality says it is not responsible and asks people to go to Factory Inspectors for redress. When the Factory Inspector asks the factory owner to lay out a drain, he says that the water is going out into the public roads and so the Municipality has to provide drains. The Factory Inspector says, "No, you must provide", but this is not done by the factory owner. In this way the things are going on. If anybody passes through these roads, they are simply stinking from foul smell. I, therefore, submit, it is necessary to modify this clause so as to make it incumbent on the factory owner to lay out a proper drain for the water to go out. Therefore, I have put in an amendment with regard to that.

An Honourable Member: Who will do it in future under the Act?

Mr. Lalchand Navalrai: Of course the employers. The factory owners have got to keep the drains and make provision for them. What is done in towns is that the water is taken out to the sewage. But if it be obligatory on the factory owner to lay out proper drains, so that everything might be kept clean, then he will attend to it.

Now, I come to the question of hours. I confess I am not quite competent to speak on this question. But considering all the facts that have been placed by Honourable Members, I can give my opinion on this question. I do see there has been a good deal of sympathy with regard to this question from the Honourable Sir Frank Noyce and also sympathy from Mr. Mody, because it is only after these two Honourable Members have joined together and come to a certain level that a salutary provision has been arrived at and embodied in the Bill. The point is this. All over the world, there is a cry that factory owners are hard upon workers. In England and other places—I have gone to those countries also—I find that factory owners are not so unreasonable as I used to find them here and time was when they did not recognise that without co-operation and conciliation among factory owners and workers, work will not go on and bickerings will continue. For a long time that has been the complaint in this country. I will call it a chronic complaint. The old Act which is now being amended provided for 60-hours work a week. What I find is this. In the Select Committee, where, I was told, the Honourable Sir Frank Noyce dominated the whole show, and, I think, very rightly too, because without some dominating personality nothing could have been achieved in the Select Committee. I find the Select Committee have come to a very good conclusion. I know there are places where the workers require 40 hours work. There are other places where they ask for a little more. An expert like my Honourable friend, Mr. Joshi, asks for a 48-hour week. I think he ought also to be reasonable on account of the present conditions. When I referred to the note of Mr. Mody, I found it very appealing to me. For the present, looking to the economic

pressure which is working so much nowadays, we should have this 54 hours tried for sometime. Mr. Mody says in his Minute of Dissent :

"In signing this Report, it is necessary to state that the interests I represent have withdrawn their opposition to the 54 hour week solely out of consideration for the welfare of the workers in the factories. While they opposed the change in the first instance, they recognised that it was bound to come some day, and they would have been prepared to welcome it at the proper time."

I am very glad that they hold that times are changing and so they have also to change. They have also to divide their profits with other people and not be the sole masters of all their earnings. I submit, therefore, that so far as the hours are concerned, I am not dissatisfied for the present, and I think it is good provision to try 54 hours.

The next point, referred to by Dr. Dalal, is that some provision should be made for the education of the children of these workers. If you do not provide for their education, there will be difficulties and inconveniences to the workers. You have now provided certain conveniences for their families and there ought to be this provision also for their children. I am glad that Dr Dalal has placed this point before the House, and I entirely endorse his appeal for such a provision. The reason is that other employers do make similar provision with regard to the children of their workers. If you go to the railways, you find that the children of railway servants are being educated in schools maintained by the railways. That is all to the credit of the railways. Why not take a lesson from the railways and provide schools for the education of the children of factory workers. I, therefore, hope that some consideration will be given for a provision of this nature in the Bill. I find no amendment to this effect, but I hope, under the rule-making powers given to the Governor General and to the Local Government, a provision would be made to this effect.

There are certain other provisions for which I have given notice of amendments. I come to clause 60 which refers to punishment. The punishment for the very first offence is a maximum fine of Rs. 500. From my experience as a lawyer, I can say what a Magistrate thinks is minimum if the maximum is fixed at Rs. 500. He may find that Rs. 200 is the minimum when you have such a high maximum. Therefore, I submit that this question of punishment should also be taken into consideration. There are some specific amendments on this question and I will say more when I come to them. On this point, however, say, for instance, that there is a provision that, if a factory owner does not supply sufficient drinking water, he will be punished and the Magistrate can fine him Rs. 500. Just consider if this would be reasonable.

Then, I come to the second point with regard to prosecutions. Prosecutions are to be filed by these Factory Inspectors, and now that these Factory Inspectors are to be appointed in accordance with the provisions of this Bill, I hope responsible men will be appointed. Otherwise, I know what those small Inspectors have been doing and how they have been launching prosecutions without any sanction, simply shoving any man into Court and leaving him to the mercy of the Court and his own anxieties and expense. I do say that there is one safeguard that is absolutely necessary, and I think this will appeal to the Honourable Member in charge of this Bill. This Bill provides two kinds of offences. One is direct offence, *e.g.*, the example that I gave just now about not supplying

[Mr. Lalchand Navalrai.]

sufficient water. But there are certain offences with regard to which the Inspector has to give notice in writing in the first instance to the factory owner to do certain things which he wants according to the rules and the Act. If the factory owner does not do that, a provision has very wisely been made in this Bill for a safeguard against the Inspector's order. That lies in the factory owner going in for an appeal, and if that appeal is decided one way or the other, and if the factory owner does not abide by the decision of the appellate Court, then a prosecution has to be launched. In that case, I do not see that it is necessary for the Inspector to have any further sanction to launch that prosecution. That is quite sufficient ; but what about those direct offences for which he is not to give any notice and which do not come within the purview of the provisions with regard to appeal ? In the case that I mentioned, namely, non-supply of sufficient drinking water, the Inspector sees a certain defect and he can bring the factory owner to Court. In that case some safeguards are needed, and I have put in a very reasonable safeguard in my amendment. I have not asked that the Local Government should give sanction for that, but I have asked only one simple thing. According to this Bill you are appointing Chief Inspectors also. So, why should not the Factory Inspector, who detects a thing and acts just like a policeman, report to the Chief Inspector and go to Court only after the Chief Inspector gives the sanction ? This would not take much time, and from my own large experience of the Courts, I can say that very often without any sanction people are unnecessarily dragged into Court and acquitted.

The last point on which I wish to dwell is with regard to the launching of the prosecution within a certain time. The Bill provides that within six months a prosecution can be filed, and, furthermore, it provides that if an order has been given in writing to the factory owner or factory occupier (which is the word used in the Bill) and he has disobeyed the order, the Inspector will launch the complaint within 12 months, and, if it is not in writing, he can do it within six months. I say this is a very objectionable provision. The time is too long and this will be a sword hanging over that man for six months. Why should the time for launching the prosecution be six months if the order is not in writing and twelve months if it is in writing ? I do not see the logic of it, and, therefore, I have tabled an amendment with regard to this also. I hope I have convinced the House that the points I have raised are not such as should be thrown away. They should be given consideration, and I hope sufficient consideration will be given to them. I will say further when I move my amendments.

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 Shanmukham Chetty) in the Chair.

Mr. S. G. Jog (Berar Representative) : Sir, this is one of the most important pieces of legislation which, just at the fag end of our legislative career, we are passing. In the former legislation relating to the welfare of the workers, I had occasion to take part in the Select Committee proceedings. But unfortunately I had no occasion to serve on this Committee.

However, my interest in the welfare of the workers has not slackened a bit ; but I find that it is rather unfortunate that the real welfare-seeker of the workers,—I mean my friend, Mr. N. M. Joshi,—is unfortunately absent today, and in his absence it is our duty to guard the interests and see to the welfare of the workers.

As a layman, I should like to take advantage of this opportunity to make a few general observations. India is not sufficiently industrialised. Up till now there was a great divergence of opinion between the employers and employees and also the Government. It is really a fortunate circumstance that all these three interests are gradually coming closer and closer to each other to the extent that practically the angle of vision of all three is practically the same,—the welfare of the labourer and of the working classes. I have no mind to examine the details of this Bill, but I should like to make a few general observations which arise from the provisions of this Bill.

My friend, Dr. Dalal, has made a very touching reference to one omission, and that is about the education of the workers in these factory areas. I think it should be the duty of the factory owners to see to the education of these people, and the bringing forward of this measure is, I think, a very good opportunity of making some provision, throwing some responsibility on the factory owners, to make some provision for the education of their workers.

Another point which I should like to bring to the notice of the Member in charge is this : the question of the refreshments that are provided in the factory areas. Many of these workers, during the recess hours, partake of this food, and so far as I know, there is no proper check over these refreshments, with the result that at times very bad refreshments are provided which has a very bad effect on the health of the workers. I think either in this legislation or in the rule-making power, Government should introduce a provision for issuing licences to these refreshment vendors or some responsibility should be thrown on the factory owners to see that good refreshments and healthy refreshments from the workers' point of view are provided. This is a suggestion which I would like to make on this occasion, and I would earnestly request the Member in charge to introduce this suggestion either in the rule-making power or in the legislation itself.

The third point to which I would like to draw the attention of this House is with reference to the note which my Honourable friend, Mr. Mody, has submitted. Since the last Session, I find that he has raised a battle-cry against the Indian States. He may have his just grievances, because the trade has been diverted from Bombay to some of these States. My friend has also raised a revolt even in this Bill by saying that similar provisions should be introduced in Indian States and that similar factory laws should be introduced there. I do not know what grievance my friend, Mr. Mody, has got. If the circumstances in the Indian States are such that the workers there get more facilities, I see no reason why Mr. Mody should complain about it and try to put any handicap in those cases. It is only very recently that some of these States are becoming industrially-minded—they are just introducing some industries in their States—which will have a great effect in the welfare of their subjects : their industries and factories are still in the stage of infancy, and I see no reason why the British Government, with a view to helping themselves,

[Mr. S. G. Jog.]

should try to introduce handicaps on the prosperity and progress of industries there. Besides, I find that the British Government at present have got no power of enforcing these laws in the Indian States. On the contrary, I do not think it will be proper to force any such legislation on the States. As I said already, some of these industries are just being introduced in the Indian States and they must have sufficient time to prosper, and we must see that more industries are introduced in these States. After all, the workers and labourers in these States will, after some time, be able to realise their own rights, and probably the rulers of these States will sufficiently guard the welfare of their workers. I do not, therefore, entirely agree with the view expressed by my friend, Mr. Mody, in his note attached to the Select Committee report.

As I have said, this is a most important piece of legislation which will go a great way to improve the conditions of the labourers. It is a general charge that the Indian labourer is unskilled, that he has no education, no sense of responsibility and no sense of duty, and, therefore, it is not proper to reduce the working hours. May I appeal to my friend, Mr. Mody, and ask him, who is responsible for this state of affairs ? In Bombay and many other places, factories were started and mills have been working for a long time and no sense of duty has been created in any of these workers. I think it is the neglect of these millowners that they have not created a sense of responsibility and sense of duty in the workers, by neglecting their welfare. Up till now, the workers were treated as animals. These millowners and others never thought that the working classes had any human rights, that their interests and rights should be protected and guarded or that they had comforts which must be looked after by the millowners. But it is really a good indication that both the employers and the employees are now coming closer and closer, and both have begun to realise their responsibility. India has made a great advance in industry, but the progress of an industry depends upon a clear understanding of the two sections engaged in it, and India's industrial prosperity will only advance, when both the workers and the employers realise their responsibilities to each other, and also when the Government will be thoroughly nationalised. With these words, Sir, I really commend the work that has so far been done by legislation, and I heartily congratulate the Honourable Member in charge on his achievement that during his régime he has really made a great deal of progress by means of legislation in furthering the welfare of the labouring classes. Sir, I commend this motion for the consideration of the Bill.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, it is very gratifying to note that our Honourable friend, Sir Frank Noyce, has availed himself of the great opportunity that was awaiting him in his Department. This, like all other Departments in the category of nation-building Departments, has been starving, and few Honourable Members have given it the attention that it deserved. So many beneficial measures are awaiting decision. I am glad to find that in Sir Frank Noyce we have a very sympathetic heart which prompted him to bring forward legislations of such important character. He has pushed on many such measures during his short régime, but still there are a number of them requiring decision and action. In connection with this Bill, I admit that Sir Frank Noyce has definitely won over the capitalists and brought them down to 54 hours a week, but that is not going to

satisfy the labouring classes. I am sure they will not agree to this 54-hour week. My experience of labour in Bihar is that every factory owner is himself trying to satisfy the labour by giving them 48 hours a week. To my knowledge, even small factory owners in Bihar have been employing their labour for eight hours a day, with an hour's interval at midday. Sir, India is a hot country, and one cannot expect these labourers to do more work efficiently for a longer time. The more efficient you want them to be, the less time you should require them to work for. It is strict supervision that is required over the labourers of this country if they are to work efficiently. If the capitalists would not have more people to supervise labour and would not teach labour how to work hard, they will not get much out of longer hours. The longer hours will not benefit even the capitalists. Shorter hours with adequate supervision over the labourers is the one thing which will help both the labourers and the capitalists. I find that much has still to be done in this connection by the Honourable Member in charge of Industries and Labour.

The distinction that is sought to be drawn between one factory and another is also somewhat anomalous. I do not find any reason why a man employing labour in power-houses should be exempt from the provisions of this Bill. A man employing even ten persons in a power house has to look to the same principles of welfare of human life as a man employing a larger number of people in factories. That distinction will have to be removed some time or other. But constituted as this House is at present, we cannot expect to get better results than what our Honourable friend has been pleased to give us, and, therefore, we should be satisfied with what he has done, but it does not mean that we feel sure of the grounds on which we have been put. With these words, I don't oppose the consideration of the Bill.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I need not repeat all the encomiums that have been expressed by the previous speakers. They are very well-deserved by the Honourable Member in charge of this Department. He has shown his broad heart by introducing a really good piece of legislation. But, Sir, when I say this, I do not say that there is no room for improvement in the Bill. My Honourable friend, Dr. Dalal, has laid down in a very fine speech this morning a number of principles which ought to be borne in mind when one is considering the improvement of the lot of the labourers. The factory labourers of this country had been up to this time a neglected body. Time was not far distant when they were required to work for 12 hours a day continuously, and in order to reach the factory they had to leave their homes before break of day and return to their homes one or two hours after sunset. In this way, at that time, it was said that the children of the workers did not know their fathers, because they could not see them in day time, and during the night time the children were in bed. When the period of 12 hours was reduced to 11 hours, a great howl was raised by the millowners and other employers and they prophesied that their industry would be ruined. But in a very short time they got themselves reconciled to the change and they found that they did not suffer in any way in the output of work on account of the reduction in hours. Now the period of 11 hours a day has been reduced to 10 hours. That too is a very long period no doubt, but the factory owners and the millowners of Bombay and other places raised their protest when the Government of India intended to reduce it to nine hours a day, that is, 54 hours a week.

[Mr. B. V. Jadhav.]

Now they have seen the wisdom of not opposing Government in this respect and they have given their consent, or at all events, they are submitting in despair to the inevitable. But, Sir, even nine hours a day is too long a period for the labourers. Dr. Dalal has explained the theory of individual fatigue. It is well-known that in a cold climate, persons can put on more hours in work without much fatigue than they can do in a hot climate like that of India. If in England and other Western countries 48 hours a week or even 44 hours a week is prescribed, much more is it necessary for India to have 48 hours work a week. But, now the present Bill lays down that the workers will be obliged to work 54 hours a week. As a step towards the goal, I think we may accept it with a protest and with a hope that in a very few years, Government will see the necessity of reducing the 54 hours a week to 48 hours a week or 44 hours a week. We know from experience how much time is wasted by every labourer in a Bombay mill. Although nominally the working day is of nine hours the labourer hardly puts seven or eight hours' work a day. He loiters a great deal because his physical power is of a very low standard and he cannot work continuously nine hours a day. So, even if the time be reduced to eight hours a day, I do not think there will be any material loss to the factory owner because then the one hour will be cut off from the loitering time.

An Honourable Member : They will go on loitering still.

Mr. B. V. Jadhav : They will not go on loitering, because they have to earn their wages, and generally the labourers in a factory are paid on piece work, and therefore the less they do the smaller will be their wages and they will suffer, and the labourer understands his interests very well not to do it. (Interruption.) The capitalists have always been claiming that they are the friends and protectors of the labourers, but the labourers have come to find out the hollowness of the pretensions of the employers. There are other matters also. There is the question of maternity benefits, and that too is a very good thing. It is very necessary that one month before delivery and one month after it a woman ought to get complete rest and if she has worked zealously during the previous period then her wages ought to be paid by her employer. In Bombay, that legislation has been passed by the local Legislature and it has been found very useful for the women workers in Bombay, and I am very glad that those benefits are to be extended to women workers in other parts of the country. I need not take the time of the House any further. I heartily support the motion that this Bill be taken into consideration.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : The Bill is a great disappointment to me, not so much for what it contains but for what it does not contain, and this I should like to point out very briefly. Let me say at first that I do not represent labour, and they say, capitalists may exist, capitalists may go, but long live labour. They say, factories may exist, factories may die, but labourers must prosper. Nor do I represent the capitalists who say, labour may live, labour may die, but they must have a fat dividend. I represent neither the one nor the other, but I take a common sense point of view of the whole Bill. Let me first deal with what the Bill does not contain but which ought to have been in this Bill. The Bill provides for medical inspection, but according to Dr. Dalal, who unfortunately is not present now, this requires the development of a new science called anthropometry. Unless this particular science is introduced in the study of

medical science and men trained in it are brought into existence the whole of the medical inspection, according to Dr. Dalal, will be a mere farce. I do not take up the scientific point of view which my Honourable friend, Dr. Dalal, took, but let me take only the common sense point of view. Medical inspection is there, but it has not been provided who will be the proper authorities which will carry on the inspection, whether the inspection of an ordinary Hakim or Vaid or an ordinary sub-assistant surgeon would be sufficient, or whether each cooly and each labourer would have to get a certificate from the civil surgeon and pay him a fee of Rs. 16. Further it is not provided who will pay this amount. It is all right to talk about medical inspection, but when we come to details of its working, enormous difficulties would appear. These difficulties are being shoved on to the Local Government, but as was pointed out by Mr. Morgan, there is only one clause which is the co-ordinating clause, that is clause 80, and in this case each Local Government may go in its own way. One Local Government may accept a certificate of a Hakim or a Vaid, while another Local Government might insist that the certificate must be obtained from the civil surgeon of the place. And my Honourable friend, Dr. Dalal, says that whoever they may be, they will all be unfamiliar with the science of anthropometry because this particular branch of the science is not yet taught in our medical schools and colleges. Therefore it is not merely sufficient to prescribe medical inspection in such a brief manner in this Bill, and leave out all important details.

The second thing which has been avoided is the question of contractors of labour. Attention was drawn to it by the Royal Commission on Labour at page 23 of their report, and nothing has been mentioned in this Bill about overcoming the difficulty about the contractors of labour. In fact, the trouble is not so much about labour as about the contractors of labour, and there is no provision in this Bill about them. No rules are provided in this Bill to guide the actions of contractors. When I come to the contractors I will give a definite illustration. Again, there is no mention in this Bill of the very class of labour which are employed by, what I would call, the orphan department. I do not mean to refer to Mr. Mody's orphanage which I have previously described on the floor of this House. There is another department which I would call the orphan department, and that is the Railway Department. It is called orphan, not because it has not got a master, but because the master is so much engaged, on account of insufficient staff, with the work of another department, the Commerce Department, that he cannot find time for this department. The Railway Department is a department which is not looked after by anyone. I find that the Royal Commission on Labour had two chapters, that is, Chapter IX and X, on the employment of labour in Railways, but there is no mention of it in this Bill. Probably, my Honourable friend might say that, all this will be the subject matter of another Bill, a Railway Bill which will be brought forward by the Railway Board or the Railway Department. But from our experience of yesterday, I feel that the whole thing, if left to the Railway Board, would probably never be done.

3 P.M.

It was pointed out on the floor of the House yesterday, and all my civilian friends will be shocked to hear, that in the Railway Department even the seniority list does not exist ; and when I asked how long it would take to prepare a seniority list in the Railway Department, I was told that it would take a little

[Dr. Ziauddin Ahmad.]

less than an indefinite time. Now, my friend, Mr. Rau, is not here, he was a mathematician in his younger days, and I should like to ask, what is the period which is a little less than an indefinite period,—and I hope there is only one answer and that is that that period is also indefinite. My Honourable friend, Mr. Grantham, who is also a wrangler, will tell you—it is infinity. It means that seniority list will never be published. So this is really an important thing, that there ought to have been some provision in this particular Bill, about the employment of railway labour, because their condition is just as important as the condition of the labour in factories and elsewhere. The second thing about the contractors of labour which I said was that there should be a sound system of contractors for coolies on the railways,—and we know what that contractor system is. We know how much *begar* these coolies have to do. Now these contractors really charge the Railway Department for loading and unloading, and it is all really done by their own coolies, and nothing is paid for it. You will find this to be the case at Benares, and many other stations on the E. I. Railway. If an inquiry is made, I can supply ample information on this point. Now the important thing to which I should like to draw attention is that there is no mention in this particular Bill about the condition of labour in the Railway Department. There is one more omission—and it is agricultural labour. Now the factory labourer is comparatively much better off than the agricultural labourer. There is mention of factory labourers but no mention is made about the agricultural labourer whose condition I say is much worse. So these are a few points to which I draw attention. If I were to begin to mention in detail what the Bill does not contain, I am afraid I will have to go on for many days and as long as Members of the Assembly, and you, Sir, have patience to bear, but I would just draw attention to one or two defects of this particular Bill. Sir, there has been a good deal of discussion about the hours of work. There has been a regular pull between the protagonists of labour on one side and of capitalists on the other ; and the whole thing was decided by the neutral and masterly mind of the Honourable Sir Frank Noyce, as has been admitted on the floor of the House. Sir, I think we could take another view of this whole question and that view is that we should utilise this particular problem in solving the problem of unemployment and this is one of the things we ought to do. We have seen that the Railway Department had to give forced leave of one month or fifteen days to their labourers in order that more people might be able to find work. Now if we could possibly have a less time with these labourers in order to employ a larger number of persons, it would help to solve the problem of unemployment. What we have to do in this case is that we should fix up locally, from the local conditions, the wages of a particular hour. Now the wages must differ in different towns, because the wages in Bombay cannot possibly be the same as the wages in a smaller town. But suppose we fix a wage for each hour according to the standard of living. It may be one anna per hour or two annas per hour and let us say that it will be 48 hours a week ; then they will be paid for 48 hours. Similarly for 58 hours a week, they will actually be paid for 58 hours ; and the Local Government by a consideration of the local conditions may simply fix up the wage of one hour ; thus : one hour a week per month, multiplied by so many hours, in order to get a month's

wages. If this is agreed upon, I am sure all the labourers will come forward and say, " we would like to work longer hours " and the capitalists will say, " probably we will employ some other men with fresher minds ". So if they are paid at the rate of working one hour a week and the wage being fixed locally and multiplied by the number of weeks they are willing to work, then the whole problem will be solved and the tug-of-war between labour and capital will disappear.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you accept that, Mr. Mody ?

Mr. H. P. Mody : Entirely !

Dr. Ziauddin Ahmad : In this particular case if labourers will try to press for 48 hours a week, they will find room for more work and that will help the problem of unemployment. If on the other hand the capitalists say, " no, they should work for 54 hours or 60 hours ", though they may be putting more money into the pockets of a few persons, they will not be helping the problem of unemployment ; and so I think if we fix upon this idea that the wages should be fixed by local conditions and a particular amount should be fixed for working one hour a week per month and then multiply their wages by as many hours as they actually work, I am sure the whole fight between capitalists and labour about the hours of work will disappear and in fact the demand will be reversed. Labour will demand longer hours in order to demand more money and capitalists will say, " we will give you shorter hours in order to get fresher hands ".

The next point to which I should like to draw attention is the enormous power given to Inspectors in this Bill. We know that the Income-tax Commissioner in the British administration has enormous powers. He listens to the appeals and practically he is the final authority and he can do whatever he likes and every person from the highest to the lowest is practically at the mercy of the Income-tax Officer.

Mr. Lalchand Navalrai : The Finance Member is not present now.

Dr Ziauddin Ahmad : But he will read my speech all right.

Now, they are creating a new post, parallel to the Income-tax Officer, called the Inspector of Factories. Practically now, in future the destinies of future factories will depend entirely upon this Inspector. Our trade, our industries, our arts will entirely be at their mercy. They can do whatever they please and there is very little room for any Bill of any kind. So we are now creating a very peculiar magnate in this Bill, with enormous powers.

Mr. B. Das : He is already there.

Dr. Ziauddin Ahmad : But we are giving him more power. We know what the boiler inspectors are, and we know what actually they do and how they trouble the persons who have not got influence of one kind or other, and we are afraid that if these Inspectors are created, they may hamper the smaller industries and particularly the cottage industries of our smaller towns ; they will hamper them so much that it will be impossible for them to flourish. We know the condition of the cottage industries in our smaller towns. Sir, they live from hand

[Dr. Ziauddin Ahmad.]

to mouth, they just get enough to keep themselves in existence : and if any extra burden is imposed by these inspectors, we will practically be doing a very great harm to these minor industries and they may practically in fact shut up.

Sir, the next thing to which I would like to draw the attention of the House is the new definition of factory. It is now supposed to be defined by the Local Governments under clause 5 of this Bill. The definition of factories has now been established. Every Local Government knows and everybody knows what a factory is. The factory is a place of manufacture which employs some kind of power, electric or mechanical, and employs 20 or more persons. This definition is an accepted definition. Now, it is proposed to give power to the Local Governments to give a new definition of the factories. That is to say, the factories may not use power at all or they may employ as few as 10 persons. I am afraid that this will very much affect the cottage industries in smaller towns. Every small industry usually employs some kind of labour and, at least on one day in the year, they may employ as many as 10 persons and, therefore, they will come under this particular law and will be so much hampered by the Inspectors that they will suffer enormously. Therefore, I appeal to the House that the definition of the factories which has been fixed by tradition and also by the Act of the Government should not be changed and should remain intact and the Local Governments should not be empowered to impose a new definition on the factories. There is one great apprehension which I have in my mind. We have passed the Sugar Bill already. There we have said that the sugar manufactured by the *khandsari* system, produced by factory system, will be taxed at half the rate, and the sugar which is not produced by the factory system will be exempted altogether. But if this definition of factory is altered as it is proposed to be altered, the United Provinces Government may give a new definition to a factory. It may say that a factory is a place of manufacture which is worked by hand and which employs 10 persons, and the result will be that the excise duty on sugar will be charged at the same rate as the sugar produced by the *khandsari* system worked by machinery. So, I am afraid that this new definition, which is being introduced in this Bill for an entirely different purpose, may be misused by Local Governments. I am very strongly of opinion, therefore, that this definition should not be altered as it has been definitely fixed and it is also understood by everybody.

Sir, the next point to which I would like to draw the attention of the House is that, as Mr. Morgan pointed out very clearly, they have left so much to the Local Governments that there might be a great diversity of opinion among the various Local Governments and we are afraid that the same article which is manufactured in different provinces in future, under different conditions, will seriously affect the progress of that industry in a province in which the conditions are not favourable. Therefore, in a case like this it is very desirable that there ought to be an All-India enactment. Now, the Government of India is very nervous in taking the responsibility on themselves, and, therefore, they are taking great pains to shove the responsibility on to the Local Governments. Now the conditions in different provinces differ, and we are afraid that the same thing will be interpreted and applied in a different manner in different pro-

vinces, with the result that the industries relating to the same article will be handicapped in one province and will prosper in another province. Another thing is that the provinces which have easy conditions for labour will attract labour from those provinces which have got more stringent conditions. Therefore, the movement of labour will be from province to province according to the nature of the enactment created by the province and will very much upset the balance of industries in India.

There is one other point which I would like to emphasise and that is the conditions prevailing in the Indian States. If the Indian States did not impose the same stringent conditions as we are imposing in British India, the effect would be that the labour would shift from British India to the Indian States. The capitalists will not open their factories in British India but in the Indian States and the difficulties will increase enormously.

Mr. S. G. Jog : Where is the harm if they go to the Indian States ? They are also part of India.

Dr. Ziauddin Ahmad : My friend says that there is no harm if they go to the Indian States, but he forgets the fact that unfortunately we have to pay the taxes and keep the Government of India going, and if our industry is shifted to Indian States, then our income-tax which is already very high will be further increased and there may be another instalment of 25 per cent. increase which my Honourable friend, Mr. Jog, ought to be ready to pay. If the conditions of manufacture become easier in Indian States than they are in British India, then I am sure our labour and our capital will be diverted from British India to the Indian States, and it is exceedingly desirable that, whatever conditions we impose upon labour in British India, ought also to be imposed on the labour in Indian States. No doubt on paper the Indian States differ from the British India but in practice they do not, because there are a large number of persons who have got interest in both and it is very easy for them to shift their interests from Indian States to British India. They are not like two different States in Europe but they form part and parcel of one country and that is Indian India.

Mr. G. Morgan : May I ask my Honourable friend a question as regards what he said about labour and capital ? Does he mean to say that labour is going to fly away because of the provisions of this Bill, when we are conferring more benefits on it ?

Dr. Ziauddin Ahmad : My point is that the conditions of labour, and, whatever legislation we may make, ought to be uniform for all the provinces and also for Indian States. If the Local Governments and the Indian States apply different conditions, then the labour and capital will gradually move to those places where the conditions are easier. Sir, these are the few points to which I wanted to draw the attention of the House at this stage and I will discuss these points in greater detail when the Bill is taken up clause by clause.

Before I sit down, I would, however, like to mention one point. And that is this. So long as there is a tug-of-war between labour and capital, it is impossible for the industries to flourish. We should now be able to find out a formula by means of which we can establish good relations between the capital and labour, and those of us who represent neither, like myself and my Honourable friend, Sir Frank Noyce, are in a position to establish good relations between them. Unless this is

[Dr. Ziauddin Ahmad.]

done, it is impossible to find a good solution either by means of an enactment or otherwise.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I feel that I ought not to allow the second reading of this Bill to go through without offering certain observations and making certain suggestions that have occurred to me not only in the course of this debate but on reading the report of the Royal Commission on Labour, on which this Bill is founded. Sir Frank Noyce has very rightly pointed out that, so far as this House is concerned, there is no difficulty in pushing through legislation of this character, but the difficulty lies in the House wanting more and more of legislation of this kind. This is really the attitude of this House. I think it ought to be quite clear in our minds that when we talk of legislating for improving the condition of labour, we cannot take the question as isolated from the question of the development of our industries. It would be a foolish fallacy to suppose that labour can benefit if the industries are crippled, and equally fallacious it would be for the industrialists to assume that they can carry on their business with profit to themselves or to the country, unless the condition of workers is improved and labour is made much more efficient than it is at present. We have heard repeatedly, on the floor of this House, statements made by employers of labour, that one of the causes of the depression, in so far as it has affected India, one of the reasons why Indian industries of certain categories are unable to compete with foreign countries, was that labour here is inefficient. Therefore the real problem is, as the Royal Commission has stated throughout its report, how to improve the condition of labour without in any way handicapping the growth of industries in the country. The two problems are so intimately connected that we cannot look at one aspect of the question without considering its effect on the other aspect. Let me here say that, when I went through the report of the Royal Commission on Labour, I was extremely impressed by the impartiality, the sound judgment with which Members of the Commission weighed every aspect of the very difficult and complicated problems before them. They have issued a report, which in my opinion, ought to be accepted in full by this House and by the Government. Throughout the report there is evidence, very prominent evidence, that they have not allowed any aspect of the problem to be ignored, they have tried not to be unduly sympathetic or lenient towards labour at the expense of factory owners. Their recommendations are extremely cautious and extremely well considered. Sir, the problem, as the Honourable Sir Frank Noyce told us, is of an extremely complicated character, and it is not possible for any one on the floor of the House, in the course of a debate, to do justice to all the questions that have arisen. We should, therefore, accept the recommendations of the Royal Commission, excepting those that can be shown to be evidently out of date or based on some wrong assumption of facts. Throughout the debate on this Bill, and bearing in mind the speeches made by the Honourable Member in charge on previous occasions, I do not think any one has pointed out in this House that any of the important recommendations of the Labour Commission are founded on a misconception of facts or that such recommendations must be treated as out of date or inappropriate having regard to new circumstances. Sir, I think that ought to be the general attitude of this House. The report of the Royal Commission is a voluminous one and, it

has dealt with so many questions in detail that, it would not be possible for anyone to do justice to them in the course of this debate. So far as this Bill is concerned, I join those who have expressed their cordial appreciation of the sympathetic attention which has been devoted to this important subject by the Honourable Sir Frank Noyce assisted by the officials of his department. I also agree that Mr. Clow, who unfortunately is not here, did extremely valuable work on the Labour Commission itself and I believe that the recommendations of the Commission were greatly influenced by him. As regards the Bill, it only touches one aspect of the problem, though a very important aspect, that is, the conditions in which labour is to be employed in the factories themselves. The report of the Royal Commission deals with many other connected problems which have to be faced, if you are really going to improve the condition of labour and at the same time its efficiency to the advantage of the employers. Sir, I have had occasion in this House, more than one occasion, to remark that our Government, which devotes so much attention to other matters, devotes very little attention indeed to problems affecting the general masses of the people. Here at least we have before us a report of a very important and authoritative Commission which deals with problems affecting a fairly large section of the general population of workers and if their recommendations were carried out by the Government in the spirit and the letter of the recommendation of the Royal Commission, we shall be advancing a certain stage in that social legislation which is now the feature of every country throughout the world, excepting our own. Sir, it was that which impressed me very much. If our Government, I do not say by this Bill alone, but by a number of Bills if necessary and, not only by legislative measures, but by acting in concert with employers and by giving necessary directions to municipalities and district boards, would see that the main recommendations of the Royal Commission were given effect to, then we should have made a very fair advance indeed towards the goal which every nation has in view.

I have a few words to say as regards some of these clauses of general nature, but before I come to them, I wish to draw the attention of Government to certain omissions that there are to be found in this Bill, and I hope, the Honourable Member, is going to assure us that, the other questions which have been dealt with in the report of the Royal Commission are going to be taken up by them as soon as they find it practicable. It is now more than three years since the Commission reported. I admit the report deals with questions of a difficult and complicated character and they could not be disposed of in a hurry ; but surely they have had sufficient time to consider these questions. The Royal Commission toured all round India, consulted Local Governments, local officials, non-officials, employers of labour, representatives of labour and came to their conclusions after considerable deliberation and consultation with the various parties interested, with the various persons who were in a position to throw light on the questions they had to deal with. In those circumstances, I do submit respectfully that, Government ought to be in a position now to tell us definitely, what are the recommendations which they accept and what are the recommendations which they are not prepared to accept, and give their reasons to satisfy us that the Royal Commission had gone wrong in any of those respects. My Honourable friend, Sir Frank Noyce, has told us that he first prepared a consolidated Bill and had it circulated, received voluminous representations and

[Sir Abdur Rahim.]

opinions from the parties concerned which he circulated to us, and then he had the Chief Inspectors of Factories in consultation, and that the Chief Inspectors also assisted the Select Committee in their deliberations. But I should have liked to hear from my Honourable friend, what are the important recommendations of this Commission which Government are not prepared to accept or whether they are still considering some of those recommendations and are only waiting to find time to embody them in the form of a Bill or to take such executive or administrative action as the case might require. Sir, I heard the Honourable Member's speeches on the two occasions when the Bill was introduced and when it was referred to a Select Committee. But he has not yet given us any information regarding the attitude of Government as to the other questions raised in the Royal Commission's report. For instance, I will give some examples. Take the housing problem, the housing of the workers. Whatever provisions there are in this Bill regarding provisions for health, sanitation and things of that character, they apply only to the premises of factories. I believe I am correct in that. This does not touch the question of housing the workers. Now the Royal Commission have made a number of recommendations on that subject some of which could be embodied in an enactment and the others could be carried out by the moral influence of Government exercised on the employers. As the Royal Commission points out, those employers of labour who have taken proper steps to house their workers, to initiate and establish welfare work for their benefit, have not lost by the efforts they have made, but improved their own position. In the report we find evidence that in quite a number of factories the owners have been doing excellent work for the benefit of the workers in the matter of housing them and in the matter of looking after their welfare generally. And they point out, and that is the impression I gather from the report, that as a matter of fact the local authorities and the Local Governments have not risen to the height of the occasion. They have not realised the responsibility that lies upon them although some of the employers have done so. They mention a number of factories and mills where excellent work is going on for the benefit of the workers. They point out that there is a triple responsibility in this respect, the responsibility of Government, the responsibility of the local authorities and the responsibility of the employers. My Honourable friend, Dr. Ziauddin, mentioned the case of the Railway employees. For that Government are directly responsible, but I find that the report points out several very important respects in which the Railway authorities have not done their duty by their workers as they are expected to do. As regards the local authorities, municipalities and district boards, I am afraid the Royal Commission have stated facts, and basing their conclusions on these facts, have condemned the local authorities generally ; and they have also indicated measures which ought to be taken in order to meet those difficulties and shortcomings.

I should like to hear from Government, when my Honourable friend speaks next, what they are going to do in respect of all these matters. I am perfectly aware, and so was the Royal Commission, that some subjects, like public health and sanitation and matters of that character are in the charge of Local Governments. But surely if some of the local authorities have not proved equal to their duties, it is for the Central Government to see that sufficient pressure is put upon them

so that they discharge their duties properly. I do not say that this Bill itself should include all those provisions that may be necessary, but what we ought to be satisfied about at this stage is that the Government is alive to the fact that there are many things to be done by the local authorities, the Local Governments and the Government of India itself, in order to ameliorate the condition of labour. I am not one of those who want to throw all the burden on the employers. On the question of housing, no doubt, some responsibility does lie on the people who found factories and thereby attract large numbers of people to work there. There is also the responsibility of the municipality to make arrangements for sanitation and the supply of proper drinking water, to see that they are properly housed and that their health does not suffer as far as this can be provided for by the municipal authorities.

Then there is the Local Government and the Government of India. The question of housing is an all-India problem ; it is a problem which has been, and is being, tackled all over the world except by the Government of India. I have never heard any Member of the Government here get up and say that they have even been considering that problem. They say : " Oh, this is impossible in a country like India, with a population like India's." But the Royal Commission, which was also a very responsible body, a very authoritative body, which toured all round the country, considered all the evidence, saw the situation, knew the difficulties of the Government also, came to the conclusion that it is not an impossible problem to solve and that a beginning must be made. The general conclusion they have arrived at is that it is too often that commissions and committees make recommendations and that it is very seldom that the Government carry them out in their proper spirit. They lay down that it is perfectly practicable, perfectly feasible, for the Government to lay down a general programme which can be worked out, though not at once, but by gradual stages. I want to know and, I hope my honourable friend will tell us if the Government, after having considered the report of the Royal Commission, has formulated, or, they are going to formulate, any scheme of the nature which has been proposed by them.

The Royal Commission throughout its report emphasises the fact that nothing really can be done to improve the condition of labour, to improve the efficiency of labour, unless steps are taken by the employers to see that labour is sufficiently paid. In some factories, by some employers of labour, they are paid very fair wages ; but that is not the case everywhere ; and they point out, for instance, the case of the tea plantations in Assam, where it is very difficult for them to assess or ascertain what really the wages altogether amount to ; and they have suggested a board for that purpose. They have also suggested and said that it is quite possible to institute a board for fixing the minimum wages and they have suggested legislation, I believe, for seeing that there be not undue deduction of wages. They have pointed out, as my Honourable friend, Dr. Ziauddin, has stated, that too often, in too many places and in too many industries, the workers are paid through sardars and contractors. The result is that in many cases, in most cases, the workers do not receive their proper wages : a good portion of it sticks to the contractor or the middleman. They have also suggested a remedy for this : they have suggested that the middleman should be done away with and that a labour official should be appointed and they have suggested a way in

[Sir Abdur Rahim.]

which this could be done. I should like to know from the Honourable Member, whether he has considered these points also, and whether he is going to take any action in respect of these matters.

If I were to deal with all those questions, it will be impossible within the time at the disposal of this House to do justice to them ; but I have given just one or two instances of very important matters for which the Bill makes no provision whatever. It does not purport, I admit, to do that ; but all that I want to be satisfied about is whether the Government are going to take steps to give effect to all the important recommendations of the Labour Commission. If they are not, I think it is due to this House that the Government should tell us what are the recommendations which they are unable to accept. I consider this to be a very great opportunity for this Government, and, I do hope the Government will not allow this opportunity to pass without taking full advantage of it. Something has to be done for the masses, whose poverty, the Royal Commission says, is indescribable. They were horrified at the way these workers have to live ; they point out that the standard of living is so low that it is really idle to expect much efficient work from them. They point out that all this can be greatly ameliorated, but so far as this Bill goes, it only provides for certain matters within the factory itself. If my Honourable friend will tell us what the attitude of the Government is in regard to the other matters, I for one at least will know how the position lies.

As regards some concrete questions that have been raised in the course of this debate, the question of hours is undoubtedly one of some difficulty. My own opinion is that 54 hours is too long. That is to say, a worker has to work continuously for 4 or 4½ hours, then he will have rest for say an hour, and then again he will have to work for another 5 or 4½ hours. As my Honourable friend opposite has pointed out, labour is not a machine. You cannot tax it beyond a certain limit. That nobody can deny, and after a worker is exhausted, the employer cannot expect from him anything more when his capacity for work has declined. But I am prepared to accept the recommendation of the Royal Commission. I am not prepared to pit my own personal opinion against the conclusion arrived at by the Royal Commission after taking full evidence and after taking all the manifold facts into consideration, and their conclusion is that, at present and having regard to the circumstances of this country, it would be rash to reduce the hours of work beyond 54 hours. I am prepared to accept that conclusion, but if I accept a conclusion like that against my own personal judgment, I do so in deference to the fact that the Royal Commission had an advantage which I do not possess. It is, therefore, only fair for me to ask that, under those circumstances, the other important recommendations of the Royal Commission should be accepted by the Government in their spirit.

My friend, Mr. Mody, in the course of his speech, stated that the proposals of Mr. Joshi and others were of a revolutionary character. So far as I remember, Mr. Joshi differed from the majority of the Commission on the question of the hours of labour and also in one or two other matters of detail. Sir, I do not consider that the reduction of hours to 48 hours would be revolutionary. My own belief is that the employers will gain by it, because efficiency will be increased, and it will be a short-sighted policy to keep the efficiency of labour in this country at its present

low level, because in the long run, if labour continues to be so inefficient, it will be impossible for the industries in this country to compete with those of foreign countries. Here I wish to make one remark as regards the apprehension that has been expressed that if the provisions of this Bill and the other recommendations of the Royal Commission are enforced in British India, then the industries may migrate to Indian States. My Honourable friend, Mr. Jog, said, " well, what harm is there if this does happen ? ". I think it has been properly pointed out to him that the revenues of British India will suffer, but there is another answer to this, that those who think that by improving the conditions of labour in British India the factories will suffer, they are under a misapprehension. If that was so, it would be very difficult to support this Bill or the other recommendations of the Royal Commission, because, if the industries suffer, labour necessarily must also suffer. If the conditions of labour improve, then, as the Royal Commission has found and which finding I accept entirely, labour's efficiency will also improve. The industries will not suffer, but they will gain immensely, and the Commission have given instances where certain factories, by looking after their labour much more carefully than the other factories, have in fact improved their own position, they are in a far more prosperous condition than those industries which are apprehensive of doing anything for their labour.

Sir, I wish now to draw the attention of my Honourable friend to some of the general features of the clauses. It seems to me, as has been pointed out by my friends, Mr. Morgan and Dr. Ziauddin Ahmad, that the Local Government has actually been given a sort of *carte blanche*. Factory legislation is an All-India legislation, and I believe the Round Table Conference and the Joint Select Committee came to the conclusion that labour ought to be a central subject with concurrent powers of legislation in the provinces.....

[At this stage, Mr. Amar Nath Dutt was observed walking across the floor of the House.]

An Honourable Member : Order, order.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : No order.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should not walk across the floor of the House.

Sir Abdur Rahim : I do think that the clauses in the Bill, at any rate in all essential matters, should lay down the law definitely, without giving any discretion even to the Local Governments whether to apply the law to any particular factories or not. I shall point out those clauses when they are discussed. Again, the Chief Inspectors who will certainly be responsible for administering the Act, they have been given very wide discretion. The general feature of that discretion is this. If a Chief Inspector finds out and comes to the conclusion that, for instance, a factory is not adequately ventilated, he is not compelled even then to enforce the Act against that factory. The Bill says, he *may* do so. I do not know whether in cases like that, the Government really intended that the discretion should be given to the Chief Inspector or not. It may be said that sometimes ' may ' is interpreted by the Courts as ' shall ', but as the clauses stand here, there can be no doubt that in spite of the Chief Inspector coming to the conclusion that certain things are necessary,

[Sir Abdur Rahim.]

certain provisions have to be made by the factories in order to carry out the intention of the Act, still he will have a discretion whether to apply the Act or not. I will give one or two instances. Take, for instance, clause 14, sub-clause (*3*) :

"If it appears to the Inspector that in any factory gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, and that such generation, or inhalation could be prevented by the use of mechanical or other devices, he may serve....."

Now, I ask if the Inspector finds as a fact that this is happening in a certain factory and it can be prevented, why should he have any discretion in the matter at all ? I say no officer ought to be given a discretion like that. I can understand the Inspector being responsible for finding what the facts are and even what is feasible. I concede so far as that, but once the Inspector has come to the conclusion that certain factories are not complying with certain provisions and there is really no reason why they should not comply with those provisions, why should he have any discretion at all whether to apply the Act or not ? Take, the next one, clause 16 : 4 P.M.

"If it appears to the Chief Inspector or to an Inspector specially authorised in this behalf by the Local Government that the cooling properties of the air in any factory are at times insufficient to secure workers against injury to health or against serious discomfort, and that they can be to a great extent increased by measures which will not involve an amount of expense which is unreasonable in the circumstances, the Chief Inspector may serve....."

I submit that this is absurd. I feel almost certain that that could not be the intention of the Government. When the Inspector has found all the facts against the factory, why should he have any discretion ? Take another clause 17, sub-clause (*2*) :

"If it appears to the Inspector that any factory is not sufficiently lighted, he may serve on the manager of the factory an order in writing, specifying the measures which in his opinion should be adopted....."

Here, again, "may". I can go on giving clause after clause where "may" appears instead of "shall". It is absolutely wrong legislation. If a judge, for instance, finds that facts are in favour of the plaintiff or in favour of the defendant, is it to be suggested by the Government of India that the judge has a discretion to refuse a decree to the plaintiff or to dismiss the case ? Most certainly not. I venture to think that perhaps it was an omission, or perhaps the draftsman thought that the word "may" may be interpreted as "shall". I know, as a matter of fact every lawyer knows, that the word "may" is sometimes interpreted as "shall". But why put this onus on the Court ? I say that in these clauses the Court will have to interpret "may" as giving a discretion to the Inspector. I do not wish to dilate on the other provisions of the Bill. I do hope that matters of this kind Government will be good enough themselves to take into consideration, apart from any amendments which may have been put in or not.

As regards the Local Government, I do say again that this is a matter of an all-India concern, and if you run through the Bill, you would find that in most cases it is really left to the discretion of the Local Government whether a certain factory should have the Act applied or not. This sort of power to draw invidious distinction between factory and factory ought not to be given. If the facts are there, the law is there,

and why should you give discretion to any Local Government, which means, of course, certain officials of Government,—it may ultimately turn out to be the Chief Inspector himself,—whether to apply the law or not ? It will come to this, that the factory owners, at any rate a good many of them, will simply crowd the secretariat with applications pleading : " Here are special difficulties why the Factories Act should not be applied to our factories ", or they will go to the Chief Inspector and put pressure on him and try to persuade him by any means in their power that such and such provisions of the Act should not be applied. I do think that to create such a situation is not fair either to the Local Government or the Chief Inspector of Factories, nor is it fair to the factory owners themselves. There will be unhealthy competition among the factory owners for winning the favour of the Local Government and of the Chief Inspector. and I strongly protest against such competition being introduced.

The Honourable Sir Frank Noyce : I am glad to find from the eloquent speech which the Leader of the Opposition has just delivered,—I wish I possessed a small portion of his eloquence,—that he shares with us on these Benches a very sincere admiration for the report of the Royal Commission on Labour and that he is as anxious as we are that the recommendations of that Commission should be implemented as far as possible and as quickly as possible. But, Sir, it came to me as a great shock to find that he thinks we have done nothing in the direction of implementing those recommendations and that he feels he has no information as to what we propose to do. In spite of his eloquent appeal, I do not propose this afternoon to accept his invitation to review the whole field of labour legislation. There are 375 recommendations in the report of the Royal Commission, and if I were to explain to this House what is happening in regard to those recommendations, what we think about them and what Local Governments think about them, what we have done to carry them out and what Local Governments have done to carry them out, what our difficulties are and what the difficulties of Local Governments are, I should keep this House for the rest of this afternoon and for the whole of tomorrow.

Sir Abdur Rahim : Can we have a written statement from the Government showing what recommendations have been accepted and what recommendations have not been accepted ?

The Honourable Sir Frank Noyce : I am coming to that. I was just going to say that there is the less necessity for my making that explanation to the House, in that the House will find in its own Library, placed there quite recently, the Second Report on the action taken by the Central and Provincial Governments on the recommendations made by the Royal Commission on Labour in India. Here it is. It is a document of some 114 pages, and I shall be very happy to send to my Honourable friend, the Leader of the Opposition, a copy of it for his perusal.

Dr. Ziauddin Ahmad : Will other Members also have a copy ?

The Honourable Sir Frank Noyce : I shall be glad to have a copy sent from my Department to any Member who desires to have one.

Mr. Lalchand Navalrai : I shall thank you for one.

The Honourable Sir Frank Noyce : I am very glad to find that Honourable Members take such an interest in it.

Sir Abdur Rahim : I have never suggested casting any reflection but we wanted to know what were the recommendations that the Government have actually accepted. What has the Honourable Member done to carry out the other recommendations ?

The Honourable Sir Frank Noyce : I accept my Honourable friend's assurance ; I never thought for a moment that he was casting any reflection on myself or on my Department. But I am sorry that this report has not come to his notice before. I do think that our legislative programme, in regard to labour, is one on which we may look with some satisfaction,—I do not say, I am very far from saying, complete satisfaction. This is the third measure I have brought before this House which I think may be described as being of first-class importance. There was the Assam Tea Districts Labour Bill,—my Honourable friend specially mentioned the case of Assam, so I would draw his special attention to that,—there was the Workmen's Compensation Bill,—both of them now Acts,—and there is this Bill which, if I may say so, covers no small part of the field covered by the recommendations of the Royal Commission on Labour. Then there were two other smaller Bills—the Pledging of Child Labour Bill and the Land Acquisition (Amendment) Bill. The mention of the latter Bill brings me to one important point raised by my Honourable friend, the Leader of the Opposition, the question of housing. I doubt myself if there is very much more that the Government of India could have done in regard to housing than we did in that Bill by which we made it easier, by an amendment of the Land Acquisition Act, for employers to get land for housing schemes. I cannot but wonder whether, if the Government of India were to bring pressure to bear on municipalities, district boards and the like to go ahead with housing schemes for labour, my Honourable friend would not accuse us of undue interference in a provincial transferred subject and say that it is no business of ours at all. That is the difficulty ; my Honourable friend knows our limitations in regard to provincial transferred subjects, as well as I do, and that we have to leave matters of that kind to the good sense of the Local Governments. I can only assure him that we shall continue to go ahead as rapidly as we can with the recommendations of the Royal Commission on Labour. He knows that in Mr. Clow, the Joint Secretary of my Department, we have in the Department a member of the Royal Commission who has lost none of his enthusiasm and that, even if I were to show any signs of being listless in these matters, which I hope the House will agree that I have not so far shown, Mr. Clow would keep me up to the mark. I may mention that we have another Bill which has been introduced in this House,—the Bill to regulate the payment of wages. It is a Bill on a subject to which my Honourable friend referred. We shall go ahead with that as soon as possible, but I do not propose to make any further motion in regard to it this Session for I must frankly confess that the criticisms which we have received in regard to it, when it was circulated for opinion after introduction make it inadvisable that it should go to a Select Committee in its present form. I hope to take advantage of the interval between this and the Delhi Session to get it into a form in which it is more likely to be acceptable to the House. I trust that I have answered the Leader of the Opposition to his satisfaction, if not to his entire satisfaction, and that he is convinced that we really mean what we say in this matter and that we will do what we can to get on as fast as we can with the recommendations of the Royal Commission. There are very few of them with which we disagree. I think that my

Honourable friend will find sufficient explanation in this pamphlet to show why we disagree where we do disagree, and I may explain that this is an annual production and that it affords Members of the House an opportunity for seeing what we are doing and for keeping us up to the mark. I do not propose to follow my Honourable friend, the Leader of the Opposition, into his excursion into constitutional problems. Both he and Dr. Ziauddin Ahmad appeared to think that we were creating a Frankestein which will destroy us in that we are giving Local Governments and Inspectors of Factories far too great powers. Well, Sir, all I would say in that connection is that we are merely following the existing Act. Local Governments get no more powers in future than they have done in the past except, of course, where some new fields of activities have been introduced, and there they get the same powers in regard to the fresh field that they have in regard to the existing one ; that also applies to the Chief Inspectors and Inspectors, though in some ways we have, I think, improved the procedure in regard to appeals from Inspectors to the Local Government.

Sir Abdur Rahim : Does my Honourable friend wish to retain the discretion that has been given to the Chief Inspector ?

The Honourable Sir Frank Noyce : There again we are following the existing Act, which, so far as I know, has worked satisfactorily. If there had been any objection to the discretion which vests in the Inspector in the existing Act, I cannot but think that the point would have been brought up in the Select Committee where we could have thrashed out the question. It was not mentioned by anyone in the Select Committee and I think, therefore, that it may be taken from that that the provisions of the existing Act have worked satisfactorily in this respect and that there is no necessity to change them. As regards the other criticisms of the Bill made by Honourable Members opposite, these appear to me to fall into two classes. The first class consists of those which are covered by amendments which have been brought forward to the Bill. I do not think I need say anything very much about them now because I shall have an opportunity of dealing with them when we come to deal with the amendments. The second class consists of criticisms which are not covered by amendments which have been brought forward and, for that reason, I do not think I need say very much about those either. My Honourable friend, Dr. Dalal, gave us a most interesting lecture on the medical aspects of health in factories. In pressing that maternity benefits should be included in the scope of this Bill, he has, I think, overlooked the fact that those are dealt with in his own province by a separate Act,—the provisions of which have recently, I believe, been adopted in the Central Provinces. It would, I feel, be a mistake to include questions of maternity benefit and also of education, as both he and my friend, Dr. Ziauddin Ahmad, also wished to do, in a Factories Bill. They are much better dealt with in separate legislation. Some, at any rate, of the other suggestions put forward by Dr. Dalal have, I think, much to commend them and I have no doubt that, as we progress in this country, and as the science of anthropometry is developed, they will be duly considered when future amendments of the Factories Act come up for discussion. There is a series appearing in England at the moment entitled "If I were a Dictator", and I could not but feel, when Dr. Ziauddin

[Sir Frank Noyce.]

Ahmad was speaking, that he had been invited to contribute to that series and that he was giving us an advance chapter of his book. He expressed great disappointment not at what the Bill contained but what it left out. I was a little surprised at that for it seemed to me somewhat inconsistent with the amendments he has on the Agenda suggesting that certain clauses of the Bill should be omitted, one of which gives the worker a weekly holiday. He also wanted the clause giving Local Governments power to extend provisions of the Act to factories which employed ten persons omitted and he seemed to think that, by including that clause in the Bill, we were introducing some new principle and that we were out to destroy cottage industries. Well, Sir, I can only say that, if my Honourable friend had studied his papers as thoroughly as he must have done in the old days when he was at Cambridge and when he attained the high reputation as a mathematician that he now possess.....

Dr. Ziauddin Ahmad : I read just as carefully every paper that comes to me.

The Honourable Sir Frank Noyce : Then I can only say that the Honourable Member does not read as effectively, for if he had looked at the existing Act, he would have found that the power taken in the Bill to extend the provisions of the Act to factories employing ten persons is a mere repetition of the existing Act.

Dr. Ziauddin Ahmad : The existing Act was not supplied to me.

The Honourable Sir Frank Noyce : I will read to the Honourable Member the provisions of section 2 (*3*) (*b*) of the existing Act, which run thus :

"Factory means any premises wherein, or within the precincts of which, on any one day in the year, not less than ten persons are simultaneously employed and any manufacturing process is carried on, whether any such power is used in aid thereof or not which have been declared by the Local Government, by notification in the local official Gazette, to be a factory."

Dr. Ziauddin Ahmad : Will you send me a copy of the existing Act ?

The Honourable Sir Frank Noyce : By all means. It is, Sir, merely a question of re-drafting. We have re-arranged the Bill and we have, instead of including the small factories in the definition of 'factory' allowed the Local Government to extend the provisions of the Act to them in another clause. There is nothing fresh there at all.

Then, Sir, my Honourable friend, Dr. Ziauddin, wanted us to deal with the recruitment of labour in this Bill. If he will look at the title of the Bill, he will see that it deals with labour in factories. I do not know how far it is possible to deal with recruitment of labour into factories by legislation. That is a matter which would require close study and I must confess that I do not recollect all that the Royal Commission on Labour recommended in regard to it. But here we are dealing with the labour which is inside the factory and we do not purport to do more than that. My Honourable friend also referred to labour at railways. The position there is that, if railway workshops come within the definition of factories, they stand in exactly the same position as any other factory. He seemed to be under the impression that they are being completely and entirely left

out of the scope of this Bill. That is not the case. They stand on exactly the same footing as every other factory. And, if they do not come within the definition of factory, then they do not come within the scope of this Bill.

My Honourable friend, Mr. Mody, raised the question of Indian States with possibly to him somewhat surprising results. His suggestions in that direction did not attain such a common measure of agreement as he might perhaps have expected. I can only say that, as far as the Government of India are concerned, we shall examine the question and see what, if anything, can be done. I am glad to find that my Honourable friend himself realises that the question is a difficult one.

I do not think I need say any more except to thank the House for its reception of this measure. I should like to divest myself as speedily as I can of by far the greater portion of that which has been given to me but is due to others, credit for this Bill goes to some one else. In bringing it forward in this House, I have merely carried on the good work inaugurated by my predecessor, the present Leader of the House, in implementing the recommendations of the Royal Commission on Labour. In the preparation of the Bill and its passage through the Select Committee and also, as I hope, in due course through this House, I have to acknowledge the great assistance given by my Department and especially by Mr. Clow, by the Chief Inspectors of Factories and last, but very far from least, by the Select Committee. I have no doubt that in due course I shall also have to thank the House.

Mr. B. Das : May I just ask a question of the Honourable Member ? Does my Honourable friend accept the two formulæ about unemployment which were suggested by Dr. Ziauddin Ahmad during the course of his speech ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to consolidate and amend the law regulating labour in factories, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 2 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, my amendment to clause 2 (*j*) runs thus :

"That in clause 2 (*j*) of the Bill, for the word 'twenty' the word 'ten' be substituted."

Sir, with regard to this clause, while I was speaking generally upon the motion that the Bill be taken into consideration, I said and I repeat it now that, unless and until this Bill is extended to benefit those factories also where there are less than 20 men working, it will not be said that the whole benefit has been taken by workers. Now, Sir, many words are not necessary to convince the House especially in view of the fact that the Select Committee itself has in clause 5 given power to the Local Government to apply this Bill to those factories where there are ten or more workers. Therefore, as this Bill is a Bill from the Central Government why should we not legislate from the very outset that the definition of a

[Mr. Lalchand Navalrai.]

factory would mean a place where there are ten and more people working. I think it will not be denied that if there are even small factories working on the same principle and with the same power and with the only difference that there are lesser number of men working there, why should not the same benefits be given to the workers there. The Bill is being enacted for the benefit of the workers. Why should you make that invidious distinction when they are doing the same work and when they will be exposed to the same dangers which the workers in factories where there are more than 20 persons will be exposed to. For instance, the working hours. They are working with the same power, and the employers, not being bound by this Act, might increase the number of working hours and take more work from them and then the advantage which this Legislature wants to give to the workers will not be fulfilled at all. Therefore, I think it is very necessary that the scope of the Bill should be extended, and, with that view, I have tabled this amendment. On this point three Honourable Members have put in their Note and they are of the same opinion. I do not understand why this provision should be left in the hands of the Local Governments to implement. It has been suggested, in the speeches that were made today in the House, that the Local Governments might not exercise their power properly and they might do it on a different system. There is that fear and why should we leave to the Local Governments to work this Bill in a different way and not in a uniform manner. A labourer is a labourer in every province. He has to work for so many hours in every province and why should we allow that the Local Governments may make different provision. Properly speaking it is the duty of this Legislature to enact a provision such as the one suggested in my amendment, because if we leave the definition so loose and leave it to the Local Governments to decide, I submit the very object of the Bill will be defeated. I therefore submit that it is very necessary that this amendment should be accepted.

The next point raised by some Members is, that I am increasing the expenses for the employer in a small factory by making him amenable to this Act. Even in a small factory, the question of expenses should be no consideration, where there is danger—the factory working by power. Why should we not make provision to cover the risk in that factory ? Therefore, the question of expenses should not stand in the way of this provision being made in the Bill. In these days of progress, these factories, specially where there is some danger, ought to be regulated and if the regulation is going to be made in the way in which this Bill is going to be passed why should not the small factories be also regulated. It seems to me that the very fact that you have put in clause 5 shows,—and even the Honourable the Mover of the Bill has accepted it,—that this Bill will apply even to small factories. That being so, why should the power be given to the Local Governments. I would request the Honourable Member to take into serious consideration this amendment. Even now there are small factories and inspectors for them. I see the work is not going on so regulated and not so very well as it ought to be. Under the present Bill when it is enacted into law, I expect the Government is not going to appoint Inspectors of the nature we have now. The question of boiler inspectors has been commented upon by Dr. Ziauddin and I do join hands with him. I know the boiler inspectors are harassing the factory people. Therefore, the idea should be—and I hope it is also the idea of the Honourable the Mover of the Bill—that

there ought to be responsible inspectors, and, in that case, why should it not be that these small factories also should be under the guidance of these inspectors. The employers may play any prank and nobody would check them. Considering it from all points of view, I need not detain the House on this amendment. I have already said on the general discussion and I have repeated my reasons and I see that this has a very salutary effect which the Central Legislature should take into their own hands and define once for all what a factory is. I know that the numerical strength of the House is such that I am not sanguine about the passing of this amendment. But I have every hope that the Honourable the Mover of this Bill, who has been sympathetic, and who has explained certain things in the Select Committee to the satisfaction of the other side, I hope that the Honourable the Mover will be sympathetic on this point also and I appeal to him to accept the amendment. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 2 (*j*) of the Bill, for the word 'twenty' the word 'ten' be substituted."

The Honourable Sir Nripendra Sircar (Law Member) : Sir, before this House accepts the amendment which has been moved by my Honourable friend opposite, I would beg of them to consider one aspect of the result of the amendment being carried. My Honourable friend started by saying, why this invidious distinction between ten and twenty ? Why not change twenty into ten ? May I follow that process and say why this invidious distinction between ten and nine, why not make it nine ? Why not proceed a step below and make it eight ? Therefore the question is we have got to take some reasonable figure and we cannot proceed by that kind of argument. The result of the acceptance of this amendment will be that many a small struggling cottage industry which need not come and are not intended to come within the operation of this Act at all will be strangled or in any case seriously embarrassed. If I may give a concrete example, Honourable Members will find that a clerk is not included within the definition of a worker. So we need not consider the question of clerk who is working separately. But consider a case and I am giving you one from my own experience. I know that some people, three or four brothers, helped by a cousin, carry on the manufacture of ink and they do use to a small extent some kind of power.

Mr. Lalchand Navalrai : But a very harmless power, I believe.

The Honourable Sir Nripendra Sircar : That depends upon how you use it. These four or five brothers, they have not got much staff, but they must have a sweeper to clean the place and if you look at the definition, the sweeper who cleans the premises is roped in by the definition. Therefore, the sweeper counts as one. He has got to keep some *durwan* for taking care of the manufactured goods and necessarily if you want to keep watch for twenty-four hours, you must engage more than one *durwan*. Probably for carrying his goods to the depots for sale, he keeps in the compound somewhere a car with a driver and a cleaner and that makes up ten and they will all be roped in by the definition. I am not complaining of the definition, but I am pressing upon Honourable Members to consider this, that if you make this figure so low as ten, the result will be that very small industries which cannot be described as nothing but cottage industries will come under the operation of this Act. The work of the inspectors and

[Sir Nripendra Sircar.]

of the authorities will increase inordinately, while the object gained, in many, if not in most cases, will be what is not desirable, and was never intended. Surely that is not the intention of the framers of this Bill. I submit, therefore, for your consideration that twenty is a reasonable number.

Mr. Lalchand Navalrai : Sir, if the Honourable Member will excuse me.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

The Honourable Sir Nripendra Sircar : I would have been very glad, Sir, to answer the question of my Honourable friend if you had kindly given him an opportunity to put it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member may put his question.

Mr. Lalchand Navalrai : I am thankful to Sir Nripendra Sircar for giving way to my question. If the number ten is not such as would make the factory of the kind explained by the Law Member, why is it that the Local Government has been given power to allow that factory of ten to come under the definition ?

The Honourable Sir Nripendra Sircar : I should have thought that the reason is obvious. I have taken an example which is very near one limit. If you proceed further away from the border line there may be cases where the employment of ten men may be very similar as regards its effect and so on as the example of twenty. In the example which I gave, really the ten was made up of men like the sweeper, the *durwan,* the chauffeur and the cleaner of the car. But there may be another case where there may be ten people using power and working in a room, under certain conditions, which ought to attract the Act. Therefore, a certain amount of latitude, which has been given, is but proper ; and the more the framers of any legislation propose to specifically lay down with minutest detail the conditions for applicability of certain sections, the greater will be the difficulties later on.

Then, I heard something further about Inspectors. About Inspectors I find that there are two cross currents. With our desire to help the labourer we are glad that this is being introduced. At the same time, in the minds of some of the Honourable Members, there is a fear that we are creating officials who will have some power. These two opposing forces have got to be balanced. If the labourer has got to be helped, the Inspector must come in. Somebody must exercise the powers given under the Act for the benefit of the labourer. I do not desire to take the time of the House further on this question, but the sole question is whether the number 20 should be reduced to ten. I think that the Select Committee has gone into the matter carefully and a great majority of them have come to the conclusion that twenty is the proper number and they had the benefit of consultation with people like Inspectors and others who were competent to give them advice. I, therefore, oppose this amendment.

Mr. Abdul Matin Chaudhury : Sir, the Honourable the Law Member has asked that if we reduce the number to ten, why not to eight, or nine or seven, and so on ? It may surprise the Law Member to know that originally, when the first draft of the Factories Act was made, they

included in the definition of factory only those premises where manufacturing process was carried on, quite irrespective of the number of persons employed. So there is nothing absurd in suggesting that the number should be reduced from 20 to 10. The Law Member has said that many of the struggling industries will be embarrassed. The purpose of this Act, Sir, is to confer some benefit on the factory workers and not to make the position easier for the factory owners. That is only because the Factory Inspectors, in their evidence before the Royal Commission on Labour, strongly pressed that in the smaller factories the conditions are more deplorable than in the bigger factories and these smaller factories require stronger supervision than is necessary in the case of the bigger factories. It is only for this purpose of roping in all the smaller factories that we have suggested this amendment.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I oppose the amendment. I was surprised at the modesty of my Honourable friend, Mr. Lalchand Navalrai, in choosing the number ten. I thought he would give up the whole number and say. " any place where any manufacturing process is carried on by means of power should be a factory ". That would be the perfect logic of the arguments of both my friends, Mr. Lalchand Navalrai and the Deputy President. They want all factories to come under the Factories Act. namely, any place where any manufacturing process is carried on by means of power. The ordinary man, who grinds flour in a shop in Calcutta by means of electricity, should come in and his small shop should be considered a factory. He shall have to keep and engage a medical man to look after the health of himself and others, whoever those others may be, and he has to keep a space for the rest-time use of the members of the factory and so on. So it would be ridiculous if we take the matter to its logical conclusion. The number twenty is a decent number where we have to take into account the health of twenty people. And I should have thought that having regard to the condition of industry in India the number should have been more. Sir, we want small industries. We do not want big industries which my Honourable friend, Mr. Mody, is capable of conducting. But so far as Bengal is concerned, we are content with the small industries which are growing apace. For instance, three or four persons who are chemists, graduates of the University, have opened a small factory and probably two or three coolies are engaged there for the purpose of carrying their commodities. Is that to be considered a factory ? How are we to go on if these small factories are to be treated in exactly the same manner as factories where about ten thousand people are employed ? Sir, in these circumstances, I oppose this motion.

The Honourable Sir Frank Noyce : Sir, I have considerable sympathy, as had the Royal Commission on Labour, with my Honourable friend, Mr. Lalchand Navalrai's amendment. The Royal Commission, in fact, suggested a general extension to unregulated power establishments of a few sections of the Factories Act, Local Governments retaining the power to apply selected provisions of the Act other than those automatically applied. Our provision is permissive and not mandatory as my Honourable friend, Mr. Lalchand Navalrai, would like it to be. The real difficulty in the way is not the question of strangling the small cottage industries,—an aspect on which my Honourable colleague,

[Sir Frank Noyce.]

the Law Member, laid stress yesterday,—but the financial difficulty. The Royal Commission knew, as we do and as the House does, that the effective application at this stage of the Factories Act, to unregulated power establishments and to establishments not using power, would involve serious practical difficulties. The difficulty, as I have said, is really a financial one. There lies the trouble. We realise that there are many of these small factories in which conditions are very far from being what they should be and that it is desirable that those conditions should be improved. But,—and this is the objection to the Royal Commission's recommendation,—if you are going to extend a few sections of the Act to these factories, you must have inspection, and, if you are going to have inspection, you might as well extend all the provisions of the Act as we have given the Local Governments power to do. Automatic extension at this stage would mean placing a very heavy financial burden on Local Governments. They will probably, in any case, have to increase their staff to carry out the provisions of this new Act, which involves, as the House knows, a very considerable addition to the existing duties of that staff. To add to them, the inspection of small factories would be placing on Local Governments a burden which we know that their finances cannot stand, and that is the reason why we have left the matter to the Local Governments themselves. As their financial conditions improve, and as they are in a position to strengthen their staff and, above all, as and when public opinion in the province impels them to the regulation of these small factories, they will have power under the Act to bring them into the field of inspection of the factory staff. It is mainly, almost entirely, a financial question. That is the reason why I regret that I am unable to accept my Honourable friend's amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 2 (*j*) of the Bill, for the word 'twenty' the word 'ten' be substituted."

The motion was negatived.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 4 stand part of the Bill."

Mr. Abdul Matin Chaudhury : Sir, I move :

"That in the proviso to sub-clause (*1*) of clause 4 of the Bill, for the word 'may' the word 'shall' be substituted."

This Bill divided factories into two classes, seasonal factories and non-seasonal factories. The importance of this division comes in here, because in the case of seasonal factories the working hours have been fixed at 60-hours a week, while, in the case of non-seasonal factories, it has been limited to 54-hours. The Royal Commission recommended that those factories which do not work more than 180 days in the year, that is, more than half the days in the year, shall be classed as seasonal and others as non-seasonal factories. The criterion that they lay down was whether the factories worked for 180 days in the year or more. This is

significant, because the discretion lies in the hands of Local Governments to declare, whether a certain factory is seasonal or not. What we suggest is that no discretion should be left in the hands of the Local Government. What is left optional with the Local Government should be made obligatory because the Labour Commission never made any suggestion that this matter should be left to the discretion of the Local Government. I therefore move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in the proviso to sub-clause (*1*) of clause 4 of the Bill, for the word ' may ' the word ' shall ' be substituted."

The Honourable Sir Frank Noyce : Sir, I regret that I am unable to accept this amendment. I would, in the first instance, invite the attention of the House to the wording of the proviso which says :

" Provided that the Local Government may, by notification in the local official Gazette, declare any such factory in which manufacturing processes are ordinarily carried on for more than one hundred and eighty working days in the year, not to be a seasonal factory for the purposes of this Act."

I would invite the attention of the House specially to the word " ordinarily ", and ask how it is possible to reconcile it with the word " may ". It is quite obvious that the word " ordinarily " gives the Local Government considerable discretion even if you substitute " shall " for " may ". The Local Government has still to interpret the word " ordinarily ".

To come back to the merits of the case, the real object of this proviso is to provide for hard cases. There may be a case in which the factory,—a tea or rubber factory,—is working for 181 days in the year, and it does seem a little unreasonable to differentiate it from one next door which works for 179 days in the year. I am quite prepared to undertake, in addressing Local Governments, to point out what we are aiming at. We will call their attention to the intention which underlies this clause and ask them to use it with discretion. I may mention for the information of the House that there has been considerable opposition to including tea and rubber factories in this class at all. That opposition, I am glad to see, has not taken the form of an amendment,—but I do feel that it is not desirable to make conditions any more difficult for that class of factory than they will be under the clause as it stands at present. For these reasons, I regret that I cannot accept the amendment, but I trust my Honourable friend, the Deputy President, will be satisfied with my assurance that we will draw the special attention of Local Governments to what is our intention.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in the proviso to sub-clause (*1*) of clause 4 of the Bill, for the word ' may ' the word ' shall ' be substituted."

The motion was negatived.

Clause 4 was added to the Bill.

The Assembly then adojurned till Eleven of the Clock on Wednesday, the 18th July, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 18th July, 1934.

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

QUESTIONS AND ANSWERS.

Food supplied to Haj Pilgrims on Board Ships.

61. ***Dr. Ziauddin Ahmad** : (*a*) Is it a fact that every pilgrim to Mecca is required to pay for his food on the boat ?

(*b*) Have Government fixed the price and the menu of the food to be given to Hajis ? Have Government also fixed the quantity of meat in the menu ?

(*c*) What is the menu ?

(*d*) Are Government aware that this year the Company supplied in the morning nothing but some kind of liquid known as tea without biscuit or toast ?

(*e*) Are Government aware that most of the Hajis who could afford, did not avail themselves of the food supplied by the Company, and purchased food from hotel which supplied better food ?

(*f*) Are Government aware that some Irani and Afghan passengers, being dissatisfied, cooked their own meals ?

(*g*) Have Government fixed the number of servants which the Company should appoint for cooking and serving meals ?

(*h*) Is it a fact that the service of the morning meal could not be finished before 3 P.M. on account of insufficient staff ?

(*i*) Are Government aware that the Company uses mostly vegetable ghee in cooking food for Hajis ?

Mr. G. S. Bajpai : Sir, with your permission, I shall answer questions Nos. 61, 62 and 99 together. Pilgrims to the Hedjaz, proceeding by a pilgrim ship, are provided with tickets in which the cost of food is included. The number of meals, which a pilgrim is entitled to receive daily, in return for the compulsory charges for food, and the articles included in the menu, are stated in Rule 80 of the Indian Pilgrim Ships Rules, 1933, a copy of which is available in the Library of the House. Pilgrims, travelling by the higher classes and requiring better food, can obtain their requirements on extra payment according to the tariff prescribed by Rule 81 of the Rules referred to. A number of complaints in regard to the arrangements made for the supply of food to pilgrims have been received and are under examination. Government propose to refer these to the Standing Haj Committee of the Central Legislature as soon as possible and hope that, as a result of their own examination of the matter, and with the advice of the Committee, it may be possible

to remove defects that come to light. The question of the adequacy of the personnel employed on cooking and service will also receive examination. So far as the rules are concerned, these provide that the number of cooks and attendants employed for cooking and serving the pilgrims' food must be such as the Inspector may consider necessary and subject to a maximum of three per 100 pilgrims.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether this question will be discussed in the Standing Finance Committee in this Session ?

Mr. G. S. Bajpai : I think my friend refers to the Standing Haj Committee.

Mr. M. Maswood Ahmad : Yes, Sir, I refer to the Standing Haj Committee.

Mr. G. S. Bajpai : Well, Sir, it will be discussed before the end of the present Session.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether any tenders were called for the supply of food on board the ship to the pilgrims ?

Mr. G. S. Bajpai : I answered that question in the last Session and said that the Shipping Company who were responsible in this matter had not considered it necessary to call for tenders.

Kunwar Hajee Ismail Ali Khan : Have Government received any suggestions from the Bombay Port Haj Committee to improve matters ?

Mr. G. S. Bajpai : As a matter of fact, the Government, when they received these complaints, invited the two Haj Committees primarily concerned, namely, the Haj Committee in Bombay and the Haj Committee at Karachi, to submit a report on the working of the feeding arrangements at the end of the pilgrim season. As far as I recollect, the Report of the Haj Committee from Bombay has been received, and that from Karachi, and also I believe from Calcutta, are still awaited.

Kunwar Hajee Ismail Ali Khan : I hope all these reports and the suggestions will be placed before the Standing Haj Committee ?

Mr. G. S. Bajpai : All relevant papers will be put before the Haj Committee, including the Report which has been received from His Britannic Majesty's Minister at Jeddah.

Mr. M. Maswood Ahmad : Is it a fact that the contractor is a relative of a member of the Port Haj Committee at Bombay ?

Mr. G. S. Bajpai : I am afraid I have not investigated the relationship between the contractor and the members of the Port Haj Committee.

Mr. M. Maswood Ahmad : Is it a fact that an application was sent to the Government stating that the rate at which food was supplied by the contractor would be lower than the tender given by the present contractor ? Is it also a fact that in the same application it was stated that, if any Haji purchased food on the ship, the amount would be paid after deduction and Government refused that application and gave the tender to the present contractor ?

Mr. G. S. Bajpai : I think, Sir, I have made it clear more than once that Government have nothing to do either with the accepting of tenders or the rejecting of tenders. The matter is entirely within the purview and competence of the Shipping Company concerned.

Mr. Muhammad Azhar Ali : Are Government prepared to consider the question of breaking up the monopoly of contract which has been given to one person in regard to the feeding arrangements of pilgrims on board the ship, and to substitute the system of opening hotels or some such arrangements for the benefit of the pilgrims, so that they may not be forced to deal with only one contractor ?

Mr. G. S. Bajpai : Sir, as I stated a little earlier, in replying to one of the supplementary questions, the intention of Government is that the working of the entire system of these feeding arrangements on board the ship should come under review by the Standing Haj Committee, and the question as to whether a monopolistic system is undesirable and there should be several contractors working, would be open to any Member of the Standing Haj Committee to raise.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair would point out that when this House has constituted a Standing Haj Committee, detailed questions of this nature must, in the first instance, at any rate, be thoroughly discussed in that Committee. The Chair would like to know whether an opportunity has been given to that Committee to discuss that question.

Mr. G. S. Bajpai : Sir, the position as regards that is this. The intention of Government was to put their proposals as well as the complaints received in regard to the working of these arrangements before the Haj Committee after reports about the Haj had come in. They were not in possession of Government at the time when the Assembly adjourned last. They have come in since. They can only be submitted to the Standing Haj Committee, Sir, during the present Session of the Legislature, and it is our intention to put those matters before the Haj Committee as soon as all the relevant material is available.

Mr. M. Maswood Ahmad : Sir, the great trouble is that Government select only those Members whom they like to the Standing Haj Committees and hold conferences with them, and these Members do not take sufficient interest, and that is the reason why we have to put down these questions on the paper, and ask supplementary questions.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether there are kitchens in the steamers so that the pilgrims can cook for themselves, or are these people bound to take their food from the caterer ?

Mr. G. S. Bajpai : The basis of the amendment made by this House, a little over a year ago, in the Indian Merchant Shipping Act, was that private cooking should be prohibited.

Maulvi Muhammad Shafee Daoodi : Are Government aware of the fact that the numerous complaints received by the Government are due to the fact that the shipping companies have made very bad feeding arrangements through their caterers ? If that is so, then the Gov-

ernment should take very drastic action against the shipping companies for not using proper judgment and discretion in selecting their caterers ?

Mr. G. S. Bajpai : The complaints began to come in to Government only after the pilgrim season had started. Obviously one could not pay any attention to hypothetical complaints. The question for consideration then was whether each individual complaint should be considered individually or singly or whether there should be a comprehensive review of these complaints at the end of the pilgrim season, and the latter course was the one which commended itself to Government.

Dr. Ziauddin Ahmad : Sir, I am not a member of the Haj Committee, but there is one point which I should like the Haj Committee to consider particularly, and it is this, that the same caterer supplies very bad food and at very unpunctual hours to these pilgrims in regular meals, but if they took food in hotels, he supplied them with very good food, and very expeditiously.

Mr. President (The Honourable Sir Shanmukham Chetty) : It is a statement which does not require an answer.

Mr. M. Maswood Ahmad : Are Government aware that this system has been disapproved by all the Mussalmans in India ?

Mr. G. S. Bajpai : My friend lost no opportunity, even before the system was introduced, of saying that all the Mussalmans in India had disapproved, were disapproving and would continue to disapprove. In the circumstances, it is not easy for me to subscribe entirely to the partisan statement which he has just made.

FOOD SUPPLIED TO HAJ PILGRIMS ON BOARD SHIPS.

†62. ***Khan Bahadur Haji Wajihuddin** : (*a*) Has the attention of Government been drawn to the press reports, published in numerous vernacular papers, with regard to the unsatisfactory arrangement for the provision of food to the Hedjaz pilgrims on steamships carrying Indian pilgrims to Jeddah and back during the last pilgrim season ? If so, are they now prepared to remove the new restrictions for the pilgrims and to amend Indian Merchant Shipping Act accordingly ? Has the attention of Government been drawn to the article published in the bi-weekly vernacular paper, *Al Jamiat* of Delhi, dated the 5th June, 1934, on page 1 under the heading, "*Jahaz men Aziman-i-Hijaz ko takleef*", on behalf of Maulvi Amir Ahmad, M.A., Deputy Collector ?

(*b*) Are Government prepared to investigate the allegations made in the article referred to in part (*a*) and state whether they are true, and if so, what action they propose to take in this connection ?

(*c*) What is the name of the Captain who is guilty of negligence and who failed to discharge his duty on the said steamer ?

(*d*) With a view to safeguarding the health of the Hedjaz pilgrims on the voyage, what precautionary measures do Government propose to take in future ?

†For answer to this question, *see* answer to question No. 61.

DISTRIBUTION OF THE JUTE EXPORT DUTY AMONG THE JUTE-GROWING PROVINCES.

63. *Mr. M. Maswood Ahmad : (*a*) Are Government aware that the amount provided for distribution among the jute-growing provinces as their share of the jute export duty in 1934-35, has been reduced by Rs. 63 lakhs from Rs. 1,89 lakhs to Rs. 1,26 lakhs ?

(*b*) Is it a fact that half of the jute export duty in 1934-35 will not be paid to the jute-growing province ?

(*c*) If the reply to part (*b*) be in the affirmative, in what proportion will the export duty on jute be distributed among the Central Government and the jute-growing provinces ?

The Honourable Sir James Grigg : The Honourable Member has correctly quoted the figures in the estimates. For the rest, his attention is invited to my predecessor's speech on page 4227 of the Legislative Assembly proceedings of the 20th April, 1934.

Mr. M. Maswood Ahmad : What is the reply to part (*b*) ? Is it a fact that half of the jute export duty in 1934-35 will not be paid to the jute-growing Provinces ?

The Honourable Sir James Grigg : Yes, that is so. I understand that the Assembly in the last Session postponed the date of operation of the match excise. Therefore, the revenue for financing the grant to Bengal was not available, and so the grant was reduced.

Mr. M. Maswood Ahmad : Was the reason for this reduction this that the match excise duty had not been passed by the Assembly ?

The Honourable Sir James Grigg : That is so, as the Honourable Member will see if he refers to the passage from my predecessor's speech to which I have already referred.

AMALGAMATION OF THE DIFFERENT LOCO. SHOPS WITH THAT AT JAMALPUR.

64. *Mr. M. Maswood Ahmad : (*a*) Has the attention of Government been drawn to an article on page 4 of the *Pilot*, Amritsar, dated the 13th May, 1934, headed " Lucknow Loco. shops " ?

(*b*) Is it a fact that different Loco. shops are to be amalgamated with that at Jamalpur ?

(*c*) Do Government propose to take such steps that their experiment may not affect any community adversely and the percentage of different communities in the amalgamated shop may be maintained in the proportion as it now stands ?

Mr. P. R. Rau : (*a*) No.

(*b*) The attention of the Honourable Member is invited to a memorandum placed on the 19th of April, 1934, before the Standing Finance Committee for Railways, which will be found in the proceedings of the Committee, Volume XI, No. 1.

(*c*) The orders of Government with regard to recruitment will be strictly observed.

TRANSFER OF THE GREAT INDIAN PENINSULA RAILWAY WORKSHOP FROM JHANSI TO BOMBAY.

65. *Mr. M. Maswood Ahmad : Is it a fact that the transfer of the workshops from Jhansi, Great Indian Peninsula Railway, to Bombay has affected the Muslims adversely ?

Mr. P. R. Rau : Government have no information.

Mr. M. Maswood Ahmad : Did the Government enquire about this from the Agent of the G. I. P. Railway ?

Mr. P. R. Rau : No.

Mr. M. Maswood Ahmad : Are Government aware that these experiments which are made on the different railways have affected the Muslim community adversely ?

Mr. P. R. Rau : To what experiments is the Honourable Member referring ?

Mr. M. Maswood Ahmad : Sometimes mixing two workshops and sometimes abolishing one workshop.

Mr. P. R. Rau : No. Government have no information about that.

Mr. M. Maswood Ahmad : Has the attention of the Government been drawn about the Paksey workshop ?

Mr. P. R. Rau : I think my Honourable friend is anticipating the next question.

Mr. M. Maswood Ahmad : I want to know whether this fact was referred to the Government and whether the Government have enquired into that matter or not.

Mr. P. R. Rau : I am replying to it in the next question.

Dr. Ziauddin Ahmad : I should have thought that Government should say " yes " or " no ", and a mere statement that they have no information is not right, and it is merely shirking the responsibility.

CLOSURE OF THE MARINE SHOP AT PAKSEY, EASTERN BENGAL RAILWAY.

66. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that the marine shop at Paksey, Eastern Bengal Railway, has been closed ?

(*b*) Is it a fact that the Muslims were in majority in that shop ?

(*c*) Is it a fact that the shops on Eastern Bengal Railway, where Muslims were in minority, were not closed ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) Government have no information.

(*c*) The decision to close or keep open Railway Workshops is governed by economic and not by communal considerations.

Mr. M. Maswood Ahmad : Will Government be pleased to say whether they have received any representation in connection with the Paksey workshop or not ?

Mr. P. R. Rau : I have not seen any.

Mr. M. Maswood Ahmad : Will my Honourable friend in charge of the Department say whether he has received any representation from myself or not ?

The Honourable Sir Joseph Bhore : I do not remember whether I have or not. If my Honourable friend will put a question down on the notice paper, I will give him a definite reply.

Mr. M. Maswood Ahmad : Will Government be pleased to examine the allegations that all these experiments, which are made, especially on the E. B. Railway and the G. I. P. Railway, have affected the Muslim community adversely, and all those workshops where the Muslims were in a majority have been closed down and those workshops, where Muslims were in a minority, have not been closed down ?

The Honourable Sir Joseph Bhore : As Mr. Rau has explained, these matters are dealt with purely on economic grounds, and I do not think that we can depart from the principle which has been applied in deciding this question.

Mr. M. Maswood Ahmad : Do Government propose then to take all the men who are working in those workshops in other workshops ?

The Honourable Sir Joseph Bhore : I do not think that that would be possible.

Maulvi Muhammad Shafee Daoodi : Irrespective of communal considerations, should not Government enquire into the complaints made by the Honourable Member in this question ? He has made a definite complaint as regards a particular community being economically put to more trouble than others. Is it not a matter which requires consideration at the hands of Government ?

The Honourable Sir Joseph Bhore : I think I have explained the matter. No one would regret it more than myself if, owing to the closure of any particular workshop, any particular community were penalised, but I am afraid that we could not allow the effect that any action like that might have on a particular community to influence our final decision in a matter which must be definitely decided on economic grounds.

Dr. Ziauddin Ahmad : Is it not a fact that the Railway Board have issued circulars to the administrations that first opportunity for appointment should be given to persons who have been retrenched ?

Mr. P. R. Rau : Retrenched persons are borne on a waiting list, and when vacancies arise, attempts are made to provide them with appointments.

Dr. Ziauddin Ahmad : Government will give a similar opportunity to those persons who have been retrenched in this particular case ?

Mr. P. R. Rau : Yes.

Bhai Parma Nand : Will the Honourable Member tell us whether in those workshops the Muslims were less than 25 per cent., because I find from the new decision of the Government that the Muslims have got a right to get 25 per cent. of the posts ?

Mr. P. R. Rau : As I have said, Government have no information on the point, but as my Honourable friend from Bihar has said that they were in a majority, it is obvious that they could not have been less than 25 per cent.

ARTICLE HEADED "TRAVELLING TICKET EXAMINERS" PUBLISHED IN THE "PILOT."

67. ***Mr. M. Maswood Ahmad :** (*a*) Has the attention of Government been drawn to the article "Travelling Ticket Examiners", published on page 7 of the *Pilot*, dated the 13th May, 1934 ?

(*b*) Is it a fact that the matter is under consideration of the Railway authorities concerned ?

Mr. P. R. Rau : (*a*) No.

(*b*) Does not arise.

SEARCH IN THE "SOHO HOUSE" AND THE RESIDENCE OF MR. MUHAMMAD TAHIR KHAN IN BOMBAY.

68. ***Sir Muhammad Yakub :** (*a*) Is it a fact that "Soho House", a firm at Lohar Chawl, Bombay, and the residence of its managing partner, Mr. Muhammad Tahir Khan, were searched by the Bombay Collector of Customs in August 1933, and during the course of the search of the house, even the personal luggage of respectable guests, who happened to be staying with Mr. Tahir Khan, was not spared in spite of a protest on their behalf ?

(*b*) Is it also a fact that subsequently the Bombay High Court declared that the search made by the Collector of Customs was illegal ?

(*c*) Is it also a fact that on the strength of certain documents and books seized by the said Collector of Customs during the illegal search of the house mentioned above, the Custom authorities charged Mr. Muhammad Tahir Khan before the Chief Presidency Magistrate, Bombay, under section 420, Indian Penal Code, which resulted in his acquittal on May 15, 1934 ?

(*d*) What action do Government propose to take against the Collector of Customs, Bombay, who was responsible for carrying out the illegal search in the "Soho House" and the residence of Mr. Muhammad Tahir Khan, and for causing annoyance and insult to him and his guests ?

(*e*) What compensation is proposed to be given to Mr. Muhammad Tahir Khan for the heavy expenditure which he had to incur to get the search declared illegal and to defend the criminal case against him ? Who will be responsible for the compensation ?

(*f*) What measures do Government propose to take in order to avoid recurrence of such cases ?

The Honourable Sir James Grigg : (*a*) The premises mentioned were searched on a warrant issued by the Chief Presidency Magistrate, Bombay. According to my information no protest in regard to the conduct of the search was made to the Collector of Customs.

(*b*) and (*c*). The answer to the next two questions is in the affirmative.

(*d*) None in view of the fact that the Collector acted on a warrant issued by the Chief Presidency Magistrate.

(*e*) Government do not consider that this is a case in which they would be justified in awarding compensation.

(*f*) The attention of Collectors of Customs generally has been drawn to the High Court ruling in regard to the issue of search warrants in such cases.

Sir Muhammad Yakub : Is it not a fact that the warrant of search was not issued by the Magistrate of his own accord, but it was issued at the request of the Customs Officer at a time when no criminal case was pending against the firm in any judicial Court ?

The Honourable Sir James Grigg : I am not quite sure of the exact implications of the legal procedure. My only information is that the premises were searched on a warrant issued by the Chief Presidency Magistrate.

Sir Muhammad Yakub : Will Government kindly enquire if the facts stated by me are correct—that the warrant was not issued by the Magistrate of his own accord, but it was issued on the application of the Collector of Customs at a time when no judicial proceedings were pending in any judicial Court ? If so, will Government reconsider their decision about the answer which they have given to part (*d*) of my question ?

The Honourable Sir James Grigg : As regards the first part of the supplementary question, the warrant is always issued at the instance of the Collector of Customs. What particular significance the qualification " at a time when no judicial proceedings were pending " has, I could not say without notice. I will certainly look into this matter again, but I am bound to say that I have already gone into it very carefully, and I am pretty convinced that there is no case for any action against the Collector, nor is there a case for compensation to the firm concerned. And, as far as the future is concerned, we have done our best to stop the recurrence of such an incident by calling the attention of Collectors of Customs to the ruling of the High Court in regard to the issue of search warrants.

Mr. Lalchand Navalrai : May I know from the Honourable Member, if the Collector of Customs does not apply for a warrant, who else can ?

The Honourable Sir James Grigg : That is what I said in reply to the first part of the supplementary question.

Dr. Ziauddin Ahmad : These facts were communicated to the Members of the Central Board of Revenue at the time when all this was going on and no action was taken by them.

The Honourable Sir James Grigg : Is not the Honourable Member making an assertion and not asking a question ?

Dr. Ziauddin Ahmad : I just want to ask this question, whether when this information was given, any action was taken by the Central Board of Revenue and whether the Central Board of Revenue made any enquiries about when " information " was supplied to them ?

The Honourable Sir James Grigg : I am not quite sure what information the Honourable Member is referring to. Certainly the answer I

have given is based on information furnished by the Central Board of Revenue. Presumably, they could not have obtained that information without making enquiries.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

69. *Mr. Gaya Prasad Singh : (*a*) Is it a fact that the Research Institute at Pusa (Bihar) is going to be transferred to Delhi ? If so, when, and why ?

(*b*) What will be the cost of the transfer ?

(*c*) What will happen to the lands and buildings in Pusa in the event of the transfer of the Institute to Delhi ?

Mr. G. S. Bajpai : (*a*) and (*b*). I would refer the Honourable Member to the memorandum on the subject submitted to the Standing Finance Committee of which he is a member. A copy of the memorandum has also been placed in the Library of the House.

(*c*) The question will be considered if necessary later in consultation with the Local Government.

Mr. Gaya Prasad Singh : Is it a fact, as stated in the *Indian Nation* of Patna, dated the 13th July, that the idea of transfer originated long ago with the Imperial Service Officers in charge of the Agricultural Research Institute at Pusa, who envied their colleagues in other services the enjoyment of facilities afforded by the Viceregal headquarters ?

Mr. G. S. Bajpai : That statement is completely devoid of foundation.

Mr. Gaya Prasad Singh : Is it a fact that the Agricultural Commission of 1928 were appealed to for a redress of this grievance ?

Mr. G. S. Bajpai : Not so far as I am aware of.

Mr. Gaya Prasad Singh : Has not this matter of transfer been under frequent correspondence since then between the experts and the Government of India and the Secretary of State ?

Mr. G. S. Bajpai : No, Sir.

Sir Muhammad Yakub : Is it not a fact that the present buildings of the Pusa Institute have been damaged by the earthquake to such an extent that it would be impossible to repair them and that they can only be demolished and re-built, and what would be the cost of re-building them ? (Hear, hear.)

Mr. G. S. Bajpai : Sir, the statement made by my Honourable friend correctly describes the position as regards the Laboratory ; it will cost something like seven lakhs of rupees to re-build.

Sir Muhammad Yakub : Is it not a fact that, on account of the recurrence of earthquakes in Darbhanga and its vicinity, the place has become very dangerous for any public institution to be located there ? (Hear, hear.)

Mr. G. S. Bajpai : I should not like to express an opinion too definitely on that point ; it is a question for the geologists. I gather, however, that this particular region is supposed now to be more subject to earthquakes than certain other parts of India.

Sir Muhammad Yakub : Is it not a fact that the Agricultural Research Institute at Pusa makes it very difficult for the central office at Delhi to exercise such direct supervision as it could do if it were near the headquarters ?

Mr. G. S. Bajpai : Sir, the inaccessibility of Pusa has been a handicap in more ways than one.

Mr. Gaya Prasad Singh : May I know what will be the cost of the transfer of this Institute to Delhi or elsewhere ?

Mr. G. S. Bajpai : The figure is stated in the memorandum to which I have already referred ; it is estimated at Rs. 36 lakhs.

Mr. Gaya Prasad Singh : Is it the intention of the Government to lay all correspondence on the table of this House before any action is taken in this matter ?

Mr. G. S. Bajpai : As far as I know, there is no correspondence to lay on the table of the House.

Mr. Gaya Prasad Singh : Is it not a fact that the Government of India have obtained the sanction of the Secretary of State behind the back of this House, and will Government be pleased to lay that correspondence on the table of the House at least ?

Mr. G. S. Bajpai : I did not quite appreciate the allusion to our having obtained the sanction of the Secretary of State behind the back of this House. Government undoubtedly have certain executive responsibility which they discharge in accordance with the established procedure. My Honourable friend would have a grievance if Government had actually proceeded to start the construction of these buildings without the constitutional procedure being followed of placing the proposal before the Standing Finance Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : I take it that the expenditure on the new buildings in the vicinity of Delhi will, in due course of time, come up for the vote of the House ?

Mr. G. S. Bajpai : It is a votable item of expenditure, Sir. If the decision is proceeded with, undoubtedly the matter will come up before the House.

Sir Abdur Rahim : Will it be any loss to the Province of Bihar and Orissa if the Institute is removed from Bihar ?

Mr. G. S. Bajpai : That undoubtedly is a matter of opinion. Members coming from Bihar and Orissa definitely feel that it would be a loss to the Province if the Institute were removed ; but, considering the functions of the Institute, which has to minister not to the requirements of a particular Province, but to the needs of agricultural research for the whole of India, I am not prepared to admit that it would be a particular loss to Bihar.

Sir Abdur Rahim : Is there no other place in Bihar where the Institute could be transferred ?

Mr. G. S. Bajpai : If it were transferred to any other place in Bihar, the defect of inaccessibility would still exist.

Sir Abdur Rahim : You mean all places in Bihar are inaccessible ?

Mr. G. S. Bajpai : I would not say that places in Bihar are inaccessible from particular points in Bengal or particular points in Bihar, but when we consider accessibility, we have to consider India as a whole.

Mr. B. Das : Is it the policy of the Government of India to locate all activities of the Imperial Agricultural Council in Coimbatore, Cawnpore and the neighbourhood of Delhi, and not to locate them in Provinces like Bihar and Orissa, Bengal, or Assam ?

Mr. G. S. Bajpai : I do not know that there is any consistent policy of the Government of India as regards location of Institutes. Each particular case will have to be considered on its own merits.

Mr. B. Das : May I inquire further whether the Government of India consulted in this matter the Government of Bihar and Orissa, and what is the opinion of the Local Government in the matter of the Pusa Institute ?

Mr. G. S. Bajpai : The Government of India have not consulted the Government of Bihar and Orissa for the reason which would be obvious from the views expressed by the Bihar Members already.

Mr. Gaya Prasad Singh : Have the Government of India consulted any other Local Government in the matter of the location of this Institute in the event of its transfer from Pusa ?

Mr. G. S. Bajpai : Inasmuch as the matter is one for the decision of the Central Government, it is not necessary to consult Local Governments.

Mr. Muhammad Azhar Ali : Has the principle on which the Institute was originally started at Pusa been now abrogated, and are the Government of India prepared to consider whether some other place should not be chosen for placing the Institute in the Province of Bihar itself ?

Mr. G. S. Bajpai : The principle which determined the Government to select the site near Delhi is the one of maximum utility to India as a whole. The circumstances which led to the selection of Pusa, when Pusa was constructed in 1902 or 1903, were somewhat different.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether their scheme is designed to close the Pusa Institute and to shift it to some place near Delhi or to keep the Pusa Institute as well ?

Mr. G. S. Bajpai : No, Sir. When a new Institute is constructed at any other centre, then, when that Institute begins functioning, so far as the Government of India are concerned, Pusa will cease to function.

Mr. M. Maswood Ahmad : Will Government be pleased to state what they propose to do under their scheme with regard to the fields in Pusa which are under them and about those buildings which are already there ?

Mr. G. S. Bajpai : I have already answered that in my reply to part (*c*) of the question, namely, that the disposal of the land and buildings will be considered later in consultation with the Local Government.

Mr. M. Maswood Ahmad : Do Government propose to examine this question as well, that if they keep the Institute at Pusa as well and do not give away the lands on account of that place being in the centre

of North Bihar, it is essential to have such an Institute there ? Do Government propose to consider this question also ?

Mr. G. S. Bajpai : My Honourable friend presumably means to suggest that, in order to tackle the peculiar agricultural problems of Bihar, it is desirable that some facilities for research should exist there. I submit that is primarily a question for the consideration of the Local Government. If the Local Government want the use of these buildings or any portion thereof and of the land for that purpose, Government will undoubtedly consider any such suggestion that they may wish to make in that behalf.

Sir Abdur Rahim : I take it that when the Institute was established at Pusa, the Government of India must have obtained and did investigate all the facts which were appropriate and relevant for the establishment of the Institute at Pusa. If that is so, what has happened since then, except the earthquake, which has moved the Government of India to transfer the Institute now ?

Mr. G. S. Bajpai : According to my information and such researches, as I have been able to make, the primary consideration which influenced the Government of India in 1902-03 to locate the Institute at Pusa was the availability, free of cost, of land. What has happened since to influence the decision of the Government of India, apart from the earthquake which everybody deplores, is the opinion of the Royal Commission on Agriculture in India, and the opinion of Dr. Keen who came out as Director of the Institute—an opinion which has been only recently repeated.

Dr. Ziauddin Ahmad : Is it not a fact that the Bihar Government have got no Agricultural College ? And if the Institute at Pusa is removed from there, the people of Bihar will go without any agricultural education ?

Mr. G. S. Bajpai : Bihar, so far as I know, has no Agricultural College.

Mr. Gaya Prasad Singh : Do I take it from the Honourable Member's reply to the question put by the Honourable the President that this House will be given an opportunity of discussing this question before any action is taken with regard to the removal of this Institute from Pusa ?

Mr. G. S. Bajpai : My position as regards that is that the House will have the ordinary constitutional opportunity of discussing the matter when it comes before it in the ordinary way.

Sir Abdur Rahim : Does the Honourable Member mean to say that this House will be consulted after the money has been spent and the Government have been committed to the policy ?

Mr. G. S. Bajpai : I did not say that. I say that the ordinary constitutional procedure in this case is open to the House.

Mr. Gaya Prasad Singh : What is that ?

Mr. G. S. Bajpai : My Honourable friend need not unnecessarily generate heat. He has been a Member of this House.....

Mr. Gaya Prasad Singh : Do not have personal feeling in the matter.

Mr. G. S. Bajpai : Very well, I shall call it provincial feeling. My Honourable friend has been a Member of this House longer than I have been, and he knows perfectly well what the procedure in regard to proposals involving expenditure is. A proposal is put before the Standing Finance Committee. If the Standing Finance Committee, which is representative of this House, approves of a particular proposal, Government consider that they are perfectly justified, on the strength of that approval, to go on with the expenditure. Then, when a vote is needed, they come to the House.

Mr. B. Das : May I, Sir, ask your ruling arising out of this particular statement of the Honourable the Secretary of the Department of Education, Health and Lands ? May I enquire if the Government have the power to incur an expenditure if the Standing Finance Committee approves of it ?

Mr. President (The Honourable Sir Shanmukham Chetty) : A votable expenditure must ultimately be sanctioned by a vote of this House. If, on the strength of the Standing Finance Committee's approval, Government proceed with the expenditure on a particular item and then come for the vote of the House subsequently, then it is perfectly open to the House to reject that vote. In that case, unless that vote has been legalised by some other section of the Government of India Act, the person who was responsible for the expenditure will be surcharged by the Auditor General.

Mr. Gaya Prasad Singh : Do I understand the procedure to be that if the Standing Finance Committee approves of this proposal, it will come up for sanction before this House before the close of this Session ?

Mr. G. S. Bajpai : I would suggest that that question be addressed to the Honourable the Finance Member who generally moves the demands for grants.

Mr. Gaya Prasad Singh : I am asking the Government to reply. Will the Honourable the Finance Member kindly reply to this question ?

The Honourable Sir James Grigg : As far as I know, except as provided for by the Government of India Act, no expenditure can be finally sanctioned except by the authority of this House.

Mr. Gaya Prasad Singh : Then this question will come up before this House before any action is taken by way of a supplementary grant ?

The Honourable Sir James Grigg : It is bound to come up before this House. I am not in a position at this moment to give a pledge that no expenditure will be undertaken before the vote of the House is taken. Certainly no expenditure will be undertaken before the decision of the Standing Finance Committee has been taken.

Mr. H. P. Mody : May I know, Sir, what happens if a Member incurs expenditure illegally before this House has sanctioned it and then disappears ? (Laughter.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The House appears to be getting into a debate on this question. Next question, Mr. Gaya Prasad Singh.

DEPORTATION OF ONE KARAM SINGH FROM CHINA.

70. *Mr. Gaya Prasad Singh : (a) Is it a fact that one Karam Singh, who was sentenced to one month's imprisonment and deportation from China, in 1929, on a charge of sedition, was arrested and brought before the police court in Shanghai recently, and that he was awarded the maximum sentence of two months' imprisonment, followed by deportation from China ?

(b) Do Government propose to enquire into the matter and state why he was deported from China and for what offence ?

(c) Is there any representative of the British Government, or of the Government of India, in Shanghai ? If so, what steps, if any, were taken by him in this connection ?

Mr. H. A. F. Metcalfe : (a), (b) and second sentence of (c). Enquiries are being made from His Majesty's Minister, Peking, and the result will be communicated to the House in due course.

(c) There is a British Consul General at Shanghai.

RESERVATION OF THE QUEEN MARY ZENANA GHAT IN PUSHKAR, AJMER, FOR THE EXCLUSIVE USE OF WOMEN.

71. *Mr. Gaya Prasad Singh : (a) Are Government aware that the Queen Mary Zenana Ghat in Pushkar (Ajmer) was built exclusively for the use of women, and that it is being used by males also, no restriction being enforced in this connection ?

(b) Have Government received any complaints about this from Pandit Sohan Lal Sharma, President, Hindu Sabha, Pushkar, and from certain ladies also ? If so, what steps were taken on these representations ?

(c) What action have Government taken, or propose to take, to reserve the Queen Mary Zenana Ghat for women ?

(d) What amount of money is spent annually on the maintenance and repair of the said ghat, and from what funds ?

(e) Is it a fact that Pandit Sohan Lal Sharma wrote to the Commissioner of Ajmer-Merwara, offering to appoint a woman to enforce the rule reserving the ghat for the exclusive use of women ? If so, what action was taken on the suggestion ?

Mr. H. A. F. Metcalfe : (a) The answer to the first part is in the affirmative. Notices have been put on entrances prohibiting its use by males. Trespassers are liable to prosecution under section 448, Indian Penal Code.

(b) and (c). Yes. Some complaints from Pandit Sohan Lal and one from a lady. Enquiries were made, notices as already stated, were put up and the Police have been asked to take cognizance of such offences as are reported to them. Pandit Sohan Lal has been asked to report specific cases to the Police.

(d) The construction of the ghat having been completed recently there has been no necessity to spend anything yet on its repairs or maintenance. It was built with the amount collected by charitable subscriptions and donations and the Jagir Committee which collected

the funds propose to raise the funds similarly for future maintenance and repairs.

(*e*) Yes. No action was taken.

Mr. Gaya Prasad Singh : With regard to answer to part (*a*), will Government take it from me that I myself visited this place in the course of the last two months and found that there was no person to guard it from the trespass of male persons and that male persons were freely going into this particular ghat which is said to be reserved for Zenana ?

Mr. M. Maswood Ahmad : Did the Honourable Member himself also go there ?

Mr. H. A. F. Metcalfe : The answer which I have just read out was only received from the Local Administration within the last few days. Possibly some measures have been taken since the Honourable Member visited the ghat.

INCOME OF THE BARAHJEE TEMPLE IN PUSHKAR, AJMER.

72. *__Mr. Gaya Prasad Singh__ : (*a*) What is the approximate annual income of the Barahjee temple in Pushkar (Ajmer), and how is this money spent ?

(*b*) Is it a fact that no part of the income is spent on the maintenance and repairs of the temple ? If so, why ?

(*c*) Who has got the control over the temple ?

Mr. H. A. F. Metcalfe : (*a*) No official information is available. The income is reported to be about Rs. 300 per annum. It goes to the general funds of the Shamlat Committee. Subscriptions are reported to be raised for repairs from time to time.

(*b*) Does not arise in view of (*a*).

(*c*) The Brahmins of Bari Basti, Pushkar, through their representative committee.

Mr. Lalchand Navalrai : May I know if that temple is a public temple ?

Mr. H. A. F. Metcalfe : So far as I am aware, it is open to the public if that is what the Honourable Member means.

Mr. Gaya Prasad Singh : With regard to part (*b*), how is the income spent ?

Mr. H. A. F. Metcalfe : I cannot give the Honourable Member exact information about that, but I think the Honourable Member will get some more information in reply to the next question.

INCOME OF THE PUSHKAR JAGIR.

73. *__Mr. Gaya Prasad Singh__ : (*a*) Is it a fact that the Pushkar Jagir was conferred by the Mussalman and Hindu Rulers to be utilized towards the repairs and maintenance of the Pushkar ghat, the clearing of water, and the insurance of a constant supply of water in the tank, the maintenance and repair of the temples, the imparting of religious instructions, assistance to Hindu pilgrims, and similar other charitable objects ?

(*b*) Is it a fact that no part of the proceeds of the Jagir is utilized towards any of the objects mentioned in part (*a*) above ?

(*c*) Are Government aware that in civil suit No. 280 of 1925 the Sub-Judge, first class, Ajmer, in his Judgment, dated the 7th February, 1930, has commented that " The accounts were not maintained by the Shamilat Committee properly ", that " A major portion of the Shamilat income is spent after litigation ", and that " The members of the Shamilat Committee were not managing the affairs properly, and were not keeping proper accounts " ?

(*d*) Are Government aware that Mr. Ram Swaroop, Tehsildar, has also condemned the accounts of the Shamilat Committee, or the Jagir Committee, in his note on the resolution book of the Committee in 1932 ?

(*e*) Are Government aware that in cheques Nos. 102 to 757, from 1930 to 1933, of the Jagir Committee, a number of entries such as expenses over the supply of milk, and sweet-meats, etc., to officials, providing costly garlands to officials, and similar other items have been made ? If so, will Government please state whether such presents were really made to officials ?

(*f*) Have the accounts of the Shamilat or the Jagir Committee been ever audited by any official, or duly qualified auditor ? If not, why not ?

(*g*) Do Government propose to appoint a committee to enquire into the accounts and administration of the Jagir Committee ? If not, why not ?

(*h*) Have Government or local officials received representations from voters, and from some members of the Jagir Committee itself, complaining about the accounts of the Committee, the latest representation to the Assistant Commissioner, Ajmer, being the one dated the 27th March, 1934, signed by a majority of voters of the Jagir Committee and also by two members of the Committee itself ?

(*i*) What steps do Government propose to take in this matter ?

Mr. H. A. F. Metcalfe : (*a*) The reply is in the negative. A reference is invited to paragraph 64* of the report of the Committee on Jagir estates, dated the 16th May, 1874, printed at page 579 of the Ajmer Regulations, Volume II (H-L).

(*b*) Does not arise.

(*c*) Yes.

(*d*) Yes.

(*e*) No. The second part of the question does not arise.

(*f*) Yes, by the Revenue Girdawar (Supervisor) half yearly, *vide* the reply to question No. 89 (*c*), already given in the Government of India, Foreign and Political Department letter* No. F.-10-I|29, dated the 7th February, 1929, addressed to the Honourable Member.

(*g*) No. As the accounts are examined in the manner indicated in the reply to part (*f*) of this question and are exhibited to the public, Government see no necessity for such action.

*Copy enclosed.

(*h*) Representations have been received and duly examined. An application dated the 27th March, 1934, is under enquiry.

(*i*) None.

Copy of paragraph 64 of the report of the Committee on Jagir estates dated the 16th May, 1874, printed at page 579 of the Ajmer Regulations, Volume II (H-L).

64. The Jagir of Pushkar is of very ancient date. The oldest Sanad on record is one of the Jahangir, arranging how the rival parties should divide the gifts of pilgrims, and continuing the village "*dar wajh madad maash kaum pokhuriya zumardaran.*" The land of Pokhur is minutely divided; 418 sharers have been recorded as in possession of land at the present measurement.

No. F.-10-I|29.

From

The Deputy Secretary to the Government of India
in the Foreign and Political Department,

To

Mr. Gaya Prasad Singh, M.L.A.,
12-E., Ferozshah Road,
New Delhi.

Dated New Delhi, the 7th February, 1929.

Questions regarding Pushkar.

Sir,

At the meeting of the Legislative Assembly on the 28th January, 1929, Sir Denys Bray informed you that the information asked for by you in questions Nos. 89, 90 and 91, regarding Pushkar was being collected and would be communicated to you in due course. The information has since been obtained and the replies to your questions are as follows:

No. 89.

(*a*) Government have no definite information on this point.

(*b*) The Mughal Emperors conferred about 14,000 bighas on the Brahmans of the Bari Basti and in the Sanad granted by the British Government the area is shown as 5,328 acres, *viz.*, 13,320 bighas. In the decennial settlement the area entered in the Shamlat Khata was 6,962 bighas including land under water. Some encroachments have been made by the Brahmans of the Chhoti Basti, who are perpetually quarrelling with the Brahmans of the Bari Basti. Civil litigation is in progress with regard to these encroachments. The revenue papers now show 6,493 bighas as in possession of the Shamlat Committee. It is, however, misleading to compare this figure with the figure entered in the Sanad, as the former figure relates only to common Shamlat land and does not include the land separately owned by the numerous Brahmans, among whom the Jagir is divided.

(*c*) Accounts are kept by the Shamlat Committee according to rules contained in a decree of the Civil Court. They are checked by the Revenue Girdawar half-yearly and a copy is hung up in a public place in Pushkar for the information of the Jagirdars and copies are sent to the Collector and the Tehsildar.

(*d*) Under the terms of Sanad permanent alienation of land is not permissible. In some cases the transfer of Biswadari rights may have occurred with the sanction of the Collector under the Ajmer Alienation of Land Regulation, 1914.

(*e*) It is not understood what is meant by "the Shamlat Committee of the Local Government". The Jagir is divided among about 400 sharers who enjoy and utilise the income from their shares. Income from pilgrims is received and enjoyed by individual Pandas. The Local Government and the Shamlat Committee have nothing to do with either source of income.

No. 90.

P. Sohan Lal and Gopikishen were elected in April, 1924. Under the provisions of the Shamlat Committee Rules the Collector, Ajmer-Merwara has discretion to refuse sanction to the election of any particular persons and this discretion was used in this case. No application or telegram appears to have been received by the Chief Commissioner but it is understood that an application in this connection was made to the Commissioner, Ajmer-Merwara. Enquiries were made by the Commissioner which indicated that many, and probably most of the persons whose signatures were appended to the application had signed at the instance of P. Sohan Lal and Gopikishen without knowing what its purport was and without agreeing with the statements made in the application. No further action was therefore taken on it by the Commissioner.

(*b*) The Pushkar Jerun Udhar Fund which amounted to Rs. 19,200 has been utilised as follows :

	Rs.
Clerks pay	69
Silt removal	543
Ghat repairs	2,851
Patanki Pol construction	11,665
Balance with Alliance Bank	3,991
Balance with Imperial Bank	81
	19,200

No. 91.

The number of shops existing in Pushkar has not been counted but the number is considerably less than a hundred. The place is a small town with a population of about 3,400 and is of very little importance except as a pilgrimage centre. There is therefore no scope for a Municipality there, nor has any request for its establishment been made. The actual number of pilgrims that visit Pushkar from Ajmer during the year is between 1 and 2 lakhs.

(*b*) There is no Municipality and no need for one. Special arrangements are made by the District Board during the time of annual fair for sanitation, lighting and other arrangements for the pilgrims. A temporary dispensary is also established there at that time. The question of establishing a permanent dispensary at Pushkar is receiving consideration. The Funds of the District Board and the Shamlat Committee are not sufficient for the construction of metalled roads throughout the town.

(*c*) The reply is in the negative.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. WILBERFORCE-BELL,

Deputy Secretary to the Government of India.

Mr. Gaya Prasad Singh : With regard to the remarks made by the officer as quoted in part (*c*) of my question, what steps do Government propose to take in order to see that the accounts are kept in a regular way ?

Mr. H. A. F. Metcalfe : I have already explained that the Government do have the accounts examined by the Revenue Girdawar half-yearly, which they consider to be sufficient.

Mr. Gaya Prasad Singh : With regard to part (*e*), do Government think that it is a justifiable expenditure to supply milk and sweetmeats, etc., to officials and providing costly garlands to them ?

Mr. H. A. F. Metcalfe : Government do not admit for a moment that any of the funds are spent on such purposes.

Mr. Gaya Prasad Singh : Have Government taken care to inquire that these items already appear in the account books of the Shamlat Committee ?

Mr. H. A. F. Metcalfe : I am informed by the Local Administration that no such items of expenditure have been incurred.

ESTABLISHMENT OF A MUNICIPALITY AT PUSHKAR, AJMER.

74. *Mr. Gaya Prasad Singh : (*a*) Is there any proposal for the establishment of a municipality at Pushkar (Ajmer) ? If not, why not ?

(*b*) Why has no hospital been yet established in Pushkar (Ajmer) ?

(*c*) Is it a fact that a tax of one anna per head is levied on all persons who purchase railway tickets for Ajmer ? If so, are Government aware that a good number of such visitors are pilgrims to Pushkar, which is a famous sacred place of the Hindus ?

(*d*) Is it a fact that the entire proceeds of this tax is spent on Ajmer Municipality, and no part is spent on the improvement of Pushkar ? If so, why ?

(*e*) Do Government propose to spend a fair portion of the tax for the establishment of a municipality and affording sanitary and other facilities to Pushkar ?

Mr. H. A. F. Metcalfe : (*a*) No, *vide* the reply to question No. 91 (*b*), already given in the Government of India, Foreign and Political Department letter† No. F.-10-I|29, dated the 7th February, 1929, addressed to the Honourable Member.

(*b*) Owing to financial stringency.

(*c*) Yes. A fraction only of the persons purchasing tickets for Ajmer are pilgrims to Pushkar.

(*d*) and (*e*) Yes. The tax is intended to provide sanitation amenities in Ajmer and as matters stand at present no part of the proceeds can be spent elsewhere, but Government would be prepared to consider the question.

Mr. Gaya Prasad Singh : With regard to part (*b*), is it not a fact that the Government admitted on the floor of the House that the establishment of a hospital at Pushkar was a necessity ?

Mr. H. A. F. Metcalfe : I am not aware of any such admission, but if the Honourable Member will call my attention to the particular debate in which the admission was made, I will have the matter looked into.

AMENDMENT OF THE CROWN LANDS ORDINANCE OF KENYA.

75. *Mr. Gaya Prasad Singh : (*a*) Will Government kindly state if the Kenya Government propose to amend the Crown Lands Ordinance, so as to permit transfers of leases of sub-divisions of agricultural lands created for industrial and commercial purposes, from Europeans to Indians,

†See starred question No. 73.

and *vice versa*, without any restrictions, in view of representation made by the Indian Chamber of Commerce ?

(*b*) Do Government propose to make an enquiry into this matter, and state what objection there is in removing this restriction in the transfer of lands, based on racial considerations ?

Mr. G. S. Bajpai : (*a*) The Honourable Member presumably refers to the representations reported to have been made by the Federation of Indian Chambers of Commerce and Industry of Eastern Africa to a Select Committee appointed by the Legislative Council of the Colony, "to examine the position regarding residential, commercial and industrial development on land leased from the Crown for grazing and upon or agricultural purposes and the alleged change of user incidental to such development and to furnish a report". The representation was to the effect that unrestricted inter-racial transfer of commercial, industrial and residential plots outside townships be permitted. The Committee made no recommendation in the matter as they regarded it as outside their terms of reference. So far as the Government of India are aware, the Government of Kenya have no proposal before them to amend the Crown Lands Ordinance in the sense suggested in the question.

(*b*) It would appear that within the boundaries of municipalities, townships or trading centres, inter-racial transfers of agricultural lands used for industrial and commercial purposes, may be permitted. Outside such boundaries, transfers are not permitted as a matter of course. Exceptions have, however, been made where the property is, in fact, part of an area used for commercial purposes, whether or not the area has been specifically declared to be a township or trading centre.

PROVISION OF A TERRITORY FOR HIS HIGHNESS THE AGA KHAN.

76. ***Mr. Gaya Prasad Singh** : (*a*) Is there any truth in the report published in the papers that His Highness the Aga Khan has asked Government to provide him with a territory in India over which he may rule, in recognition of the services rendered by him to the Empire ?

(*b*) Have Government received any communication on the subject ?

Mr. H. A. F. Metcalfe : (*a*) and (*b*). A confidential communication was received from His Highness the Aga Khan, but Government are not in a position to disclose its nature.

Mr. Lalchand Navalrai : May I know from the Honourable Member if His Highness the Aga Khan wanted Sind ?

Mr. H. A. F. Metcalfe : I have already stated that I am not in a position to disclose the nature of the communication received from His Highness and I have nothing more to add.

Mr. Muhammad Azhar Ali : Is it a fact that Muzaffarpur, where the house of my Honourable friend, Mr. Gaya Prasad Singh, is situated, is to be made the capital of His Highness the Aga Khan ?

Mr. Gaya Prasad Singh : I shall welcome him.

Sir Muhammad Yakub : Will Government please enquire how a confidential communication like this leaked out from the office of the Foreign and Political Department and was published in the papers ?

Mr. Gaya Prasad Singh : My Honourable friend is so ignorant that he does not read the papers. It appeared in the newspapers at the time.

Sir Muhammad Yakub : I am not more ignorant than my Honourable friend. My question was whether the Government will make an enquiry how such a highly confidential information leaked out from the office of the Foreign and Political Department and appeared in the newspapers ?

Mr. H. A. F. Metcalfe : I am not prepared to admit for a moment that the information leaked out from the office of the Foreign and Political Department. There are a great many other sources from which it might have leaked out.

Sir Abdur Rahim : Is it not a fact that the Political Department receives numerous confidential communications ?

Mr. H. A. F. Metcalfe : It certainly is a fact.

Sir Abdur Rahim : Is it not the practice of the Department not to reveal the contents of those communications ?

Mr. H. A. F. Metcalfe : That equally is a fact, Sir.

Mr. B. Das : Are Government prepared to entertain similar applications from aspiring landholders who want to be feudatory chiefs in Bihar and Orissa and Bengal ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question does not arise.

RESTORATION OF THE CUTS IN SALARIES OF THE CENTRAL GOVERNMENT EMPLOYEES IN BIHAR AND ORISSA WHO SUFFERED FROM EARTHQUAKE.

77. *Mr. Gaya Prasad Singh : Do Government propose to restore the salary cuts of those employees of the Central Government in Bihar and Orissa, who may have suffered from the earthquake ? If so, what are their exact proposals ?

The Honourable Sir Harry Haig : No such proposal is under the consideration of the Government of India.

Mr. Gaya Prasad Singh : Will Government be willing to consider this proposal of restoring the salary cuts at least of those officials who are serving in the Province of Bihar and Orissa and who have been adversely affected by the earthquake ?

The Honourable Sir Harry Haig : I should not suppose that that would be a convenient way of dealing with any necessity there may be in individual cases for giving assistance.

Mr. Gaya Prasad Singh : Before I put the next question, I wish to point out that there is a mistake in the question. The special magistrate refers to Allahabad and not to Calcutta.

ENFORCEMENT OF THE RULE PROVIDING FOR 24 HOURS BOOKING ON RAILWAYS.

78. *Mr. Gaya Prasad Singh : (*a*) Has the attention of Government been drawn to the following comment of the Railway Special Magistrate

of Calcutta, Rai Saheb Lal Mohan Banerjee, published in the *Amrita Bazar Patrika*, dated the 7th June, 1934 (page 6) reading—

"The Railway authorities ought to insist upon a strict enforcement of the rule providing for 24 hours booking and reduce the chances of congestion"?

(*b*) Are Government aware that in the above case, a pick-pocket was arrested at the counter of the Railway booking office?

(*c*) Are Government aware that the rule quoted above is not strictly enforced at all Railway stations?

(*d*) Do Government propose to issue any fresh instructions in this matter?

Mr. P. R. Rau : (*a*) Yes.

(*b*) Government have no information beyond that contained in the newspaper report referred to.

(*c*) The rule referred to applies only in the case of certain large stations as notified by Railways in their tariffs, and Government are not aware that it is not being strictly enforced at such stations.

(*d*) Government consider this unnecessary. If any instances of the rule not being observed occur, they can—and, Government have no doubt, will—be brought to notice by members of Local Advisory Committees at meetings of the Committee.

Mr. Gaya Prasad Singh : Will Government issue instructions to the station masters to see that the rule which they have prescribed is strictly followed? As a matter of fact, at very important stations, where the booking is supposed to be for 24 hours, the rule is not followed in practice?

Mr. P. R. Rau : It is unnecessary for Government to issue any such instructions. It would be better if my Honourable friend would bring to notice any particular case of breach of the rule, so that it may be taken up with the local administration.

Mr. Gaya Prasad Singh : I say that station masters may be instructed to see that the rules are strictly observed in those cases.

Mr. P. R. Rau : The rules are intended to be followed. The mere fact that the rules are published implies that it is the duty of the station masters to follow them.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

79. *Mr. Gaya Prasad Singh : When is the Reserve Bank of India likely to come into existence?

The Honourable Sir James Grigg : The matter is under active consideration, and it is hoped that an announcement can soon be made.

Mr. Lalchand Navalrai : May I know if it has been decided as to who is to be the Governor and who are to be the Deputy Governors?

The Honourable Sir James Grigg : I should be grateful if I am allowed to keep to the statement "that it is hoped that an announcement can soon be made".

Mr. Vidya Sagar Pandya : In view of the dissolution of this Assembly, we would like to know when and how many Members of the House have the chance of being nominated as Directors of the new Bank.

The Honourable Sir James Grigg : I am afraid the Honourable Member is asking me to anticipate the announcement that I hope to make soon.

Mr. B. Das : May I know what will be the approximate time when the Government expect to call for shares for the Reserve Bank from the public ?

The Honourable Sir James Grigg : Surely my Honourable friend does not want me to give him advance information like that.

Mr. B. Das : Does the Honourable Member anticipate any fluctuation in the share market if an announcement is made now ?

The Honourable Sir James Grigg : I am not in the least responsible for market rumours.

Mr. B. Das : Does the Honourable Member anticipate that there will be any marked fluctuation in the market if the Government announce that such and such is the date when the shares of the Reserve Bank will be on sale in the market ?

The Honourable Sir James Grigg : Whenever an announcement of the issue of shares is made, the Government of India naturally take into account the possible effects on their own borrowing operations.

Mr. B. Das : May I enquire why this inordinate delay in coming to a decision about the starting of a Reserve Bank? This question of starting a Reserve Bank was decided as long ago as 1928 when the whole framework was settled.

The Honourable Sir James Grigg : First of all, I deny that there was any inordinate delay for which the Government of India were responsible. I am not sure whether the Honourable Member himself has not certain responsibilities for a certain amount of delay in the matter.

Mr. Vidya Sagar Pandya : Then, is the Secretary of State responsible for the delay in starting this Reserve Bank ?

The Honourable Sir James Grigg : Certainly not.

Mr. B. Das : Was there not a special Session of the Assembly held in Delhi to get this Reserve Bank Bill passed, and what is the reason for the Government in delaying the promulgation of the Reserve Bank ?

The Honourable Sir James Grigg : There is being no avoidable delay in making an announcement or promulgating any decision.

GOVERNMENT ATTITUDE TOWARDS THE INDIAN NATIONAL CONGRESS AND ITS COMMITTEES.

80. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to make a full statement of their present attitude towards the Indian National Congress, and its Committees ?

(*b*) Has civil disobedience ceased in the estimation of Government ?

(*c*) What is Government's view with regard to the All-India Congress Committee's decisions arrived at at Patna ?

(*d*) What is the opinion of respective provincial Governments in India with regard to the present attitude of the Congress and its Committees ?

(*e*) Is it a fact that Bombay Government have reported to the Government of India that the policy of civil disobedience movement of the Congress has not yet ceased ?

The Honourable Sir Harry Haig : (*a*) to (*e*). I would invite the attention of the Honourable Member to the statement made by the Government of India in the Home Department Communiqué, dated the 6th June, 1934, to which I have nothing to add.

Mr. Lalchand Navalrai : Will the Honourable Member give me a reply specifically to (*e*) ?

The Honourable Sir Harry Haig : I think the Honourable Member may conclude from the fact that the Government of Bombay have just released Mr. Vallabhbhai Patel that in their view the Civil Disobedience Movement in Gujerat has now ceased.

Mr. Lalchand Navalrai : Am I then to understand that there was a report from the Bombay Government that the Civil Disobedience Movement had not ceased and that since then Government have seen fit to release Mr. Patel ?

The Honourable Sir Harry Haig : No, Sir ; the position was that, in view of the special conditions in Gujerat, it was necessary for the Government of Bombay to observe those conditions carefully for some time.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether the ban has been lifted from all the provincial branches of the Indian National Congress ?

The Honourable Sir Harry Haig : As far as I am aware, the ban has been lifted from all the regular provincial branches. (Laughter.)

Mr. M. Maswood Ahmad : Will the Honourable Member be pleased to state what he means by the word " regular " ?

The Honourable Sir Harry Haig: There is a difference of opinion between me and my Honourable friend in regard to a particular organisation, I think, but the House did not show sufficient interest in the matter to debate the question the other day, and, therefore, I had no opportunity of dealing with it fully.

Mr. M. Maswood Ahmad : Are Government aware that the *Khudai Khidmatgar* organisation of the North-West Frontier Province is a branch of the Indian National Congress ?

The Honourable Sir Harry Haig : I am aware that it has been so described.

Dr. Ziauddin Ahmad : Has the Civil Disobedience Movement stopped in all the Provinces of India or is there any exception ?

The Honourable Sir Harry Haig : I have not received reports recently of any Civil Disobedience Movement activities.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether they have lifted the ban from the *Khudai Khidmatgar* organisation of the North-West Frontier Province ?

The Honourable Sir Harry Haig : Certainly not, Sir.

Mr. M. Maswood Ahmad : Will Government be pleased to state the reasons for not lifting this ban when they have lifted the ban from all the other provincial branches of the Indian National Congress ?

The Honourable Sir Harry Haig : I think my Honourable friend has a question on this subject a little later.

Mr. B. Das : Do I understand the Honourable Member to say that Government have released all the Civil Disobedience prisoners in all the regular Provinces, and that there are no Civil Disobedience prisoners in jail now ?

The Honourable Sir Harry Haig : No, Sir ; I said nothing of the kind

Mr. B. Das : But did not the Honourable Member say that the Government of Bombay have released the Civil Disobedience prisoners, including Mr. Vallabhbhai Patel ?

The Honourable Sir Harry Haig : No, Sir ; I said that the Government of Bombay have released Mr. Vallabhbhai Patel who was held under the Regulation.

Mr. Gaya Prasad Singh : Now that, according to the statement of the Honourable the Home Member, the Civil Disobedience Movement has ceased in all the Provinces, do Government propose to release the Civil Disobedience prisoners now in the jails ?

The Honourable Sir Harry Haig : The Government of India and the Local Governments, Sir, propose to continue the policy which is already in existence of expediting the release of those prisoners.

REMOVAL OF RESTRICTIONS PLACED ON THE INDIAN NATIONAL CONGRESS AND ITS COMMITTEES.

81. *Mr. Lalchand Navalrai : Will Government be pleased to state if they have removed the restrictions and bans placed against the Indian National Congress and its Committees owing to their civil disobedience policy, if so, which restrictions and bans have been removed and how far ?

The Honourable Sir Harry Haig : I would refer the Honourable Member to the Communiqué of June 6th, which states the policy that is being carried out.

Mr. Lalchand Navalrai : I should like to have a specific reply to this question, *viz.*, whether all the restrictions that were placed upon these people, on account of the Civil Disobedience Movement, have been removed, or are there still some that have not been removed ?

The Honourable Sir Harry Haig : I think, if the Honourable Member refers to the communiqué, he will find an answer to his question.

Mr. Lalchand Navalrai : I do not remember that Communiqué now, and, therefore, I want the Honourable Member to tell me what it is, so that I may put further supplementary questions.

The Honourable Sir Harry Haig : I shall be very glad to lay a copy of the Communiqué on the table, in case Honourable Members have not had an opportunity of reading it.

Mr. Lalchand Navalrai : So the Honourable Member himself knows that there were restrictions and there were notifications. I am asking if that Communiqué now shows which restrictions have been removed and which have not been removed.

The Honourable Sir Harry Haig : As far as I am aware, the restrictions to which the Honourable Member refers are merely notifications under the Criminal Law Amendment Act declaring certain Associations to be unlawful.

Mr. Lalchand Navalrai : Has it been decided now that the Congress and all the Committees including the Working Committees and the All-India Congress Committee have been declared to be lawful ?

The Honourable Sir Harry Haig : The policy is very clearly stated in the Communiqué, and I really must ask my Honourable friend to be kind enough to read it.

Mr. Lalchand Navalrai : I only want to have one reply to my question, *viz.*, whether all the Associations and Committees have been declared lawful or not or are they still unlawful ?

The Honourable Sir Harry Haig : I will refer to the Communiqué :

" The Government of India have decided, in consultation with Local Governments, that the notifications declaring the various constituent parts of the Congress organisation unlawful should be withdrawn."

Later on, we went on to say :

" During the course of the Civil Disobedience Movement, many revolutionary organisations were proscribed which were distinct from the Congress though working in more or less close association with its objects. Local Governments will not withdraw the notifications against any such revolutionary organisations or any organisations which, in their opinion, are a danger to the peace of the country."

Mr. Lalchand Navalrai : May I know if there are any revolutionary Associations connected with the Congress ?

The Honourable Sir Harry Haig : Certainly, Sir.

Mr. Lalchand Navalrai : Are they connected with the Congress ?

The Honourable Sir Harry Haig : The words were " distinct from the Congress though working in more or less close association with its objects."

Mr. Lalchand Navalrai : Are there any such that are working in sympathy with the Congress ?

The Honourable Sir Harry Haig : There have been, certainly. I cannot say what they are doing now.

Mr. Lalchand Navalrai : Will the Honourable Member mention them ?

The Honourable Sir Harry Haig : No, Sir ; there are a great number of these Associations.

Mr. Lalchand Navalrai : Will the Honourable Member mention at least one or two ?

The Honourable Sir Harry Haig : No, Sir ; I am afraid I cannot enter into details.

Mr. Gaya Prasad Singh : Is it the assertion of Government that there are terrorist associations affiliated to the Congress ?

The Honourable Sir Harry Haig : No, Sir ; these are not merely terrorist associations. They are associations of various descriptions.

Maulvi Muhammad Shafee Daoodi : May I know who is the authority to determine what are the constituent parts of the Indian National Congress ?

The Honourable Sir Harry Haig : This is an executive decision, and the determination must rest with Government.

Maulvi Muhammad Shafee Daoodi : Is not the Indian National Congress itself the authority and has not the acting President, Mr. Jamnalal Bajaj, made it clear to the Honourable the Home Member that the *Khudai Khidmatgar* organisation in the Frontier Province was affiliated to the Congress in August, 1931, and was acting in accordance with the principles of the Congress and is prepared to abide by the decision of the Congress as had been given at Patna in regard to the Civil Disobedience Movement ?

The Honourable Sir Harry Haig : I am very sorry that I did not have an opportunity of putting the facts fully before the House in connection with the abortive motion of my Honourable friend opposite, because I think I should have had no difficulty in proving to the House that the Red Shirt organisation did not observe the professed principles of the Congress and was quite definitely a revolutionary body.

Maulvi Muhammad Shafee Daoodi : Is it not a fact that the authorities in the Frontier are confusing....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The House had an opportunity of discussing the question of this organisation in the North-West Frontier Province, and the House deliberately decided not to discuss this question. The Chair cannot allow the occasion for supplementary questions to be utilised for raising a debate on that.

Mr. Muhammad Azhar Ali : Do Government still hold that the object of the Indian National Congress is in any way of the terrorist or revolutionary type ?

The Honourable Sir Harry Haig : The objects of the Indian National Congress at the moment seem to me to be somewhat uncertain.

FIGHTING OUT THE ISSUE OF THE WHITE PAPER REFORMS CONSTITUTIONALLY THROUGH THE INDIAN LEGISLATURE BY THE INDIAN NATIONAL CONGRESS.

82. ***Mr. Lalchand Navalrai** : Is it a fact that Government threw a challenge to the Indian National Congress to fight out the issue of the White Paper Reforms constitutionally through the Indian Legislature ?

The Honourable Sir Harry Haig : I think the Honourable Member has been placing too literal an interpretation on certain journalistic phrases.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there was no challenge from the Government, whether there was a challenge from the Congress itself that it will come to this House and break this White Paper ?

The Honourable Sir Harry Haig : I think it is perfectly true that the Congress or rather the body which hoped to emerge as the revived Swarajist Party did show an inclination to adopt the constitutional line described by the Honourable Member.

Mr. Lalchand Navalrai : Was it, therefore, that the Government allowed this Assembly to come to a close and elections to take place ?

The Honourable Sir Harry Haig : That decision was taken on full consideration of all the circumstances.

SHORT NOTICE QUESTION AND ANSWER.

South African Colonization Enquiry Committee Report.

12 Noon.

***Mr. C. S. Ranga Iyer** : Will Government please state what action they propose to take on the South African Colonization Enquiry Committee Report ?

Mr. G. S. Bajpai : The Government of India have informed the Government of the Union of South Africa that they will formulate their views on the Report only after Indian opinion, both in South Africa and in India, has expressed itself fully. They have so far received no indication of the reaction of Indians in South Africa to the Report. They propose to consult the Standing Emigration Committee of the two Houses of the Indian Legislature, as soon as they can place before the Committee representative expressions of Indian opinion in both countries. Communication of their own conclusions to the Government of the Union is, therefore, likely to take some time.

Mr. B. Das : Is it not a fact that the South African Indians made it clear that they will have nothing to do with the recommendations of this preliminary Colonisation Committee Report and that they will not like to get out of South Africa at the request of these people, and is it not ill grace on the part of this Committee to recommend and suggest how Indians can find a colony for themselves, and do the Government of India approve the method in which this Colonisation Committee have suggested how colonies should be found for Indians ?

Mr. G. S. Bajpai : So far as I know, the South African Indian community has not yet expressed any opinion on the recommendations made in the Report. There is a section of South African Indians who decided to non-co-operate with the Committee which was appointed by the Government of the Union. But the most representative organisation of Indians in South Africa, that is to say, the South African Indian Congress, appointed a representative to serve on the Committee and also gave evidence before it.

My Honourable friend's next question was as to whether the Government of India approved of the Committee in South Africa arrogating to itself the function of advising India as to where it should find an outlet for its redundant millions. Government would prefer to express no opinion

on either this or the other recommendations of the Committee until they have had time to consult Indian opinion here and in South Africa.

Mr. B. Das : Were the Government of India aware at the time of the investigation when they advised the Agent General in South Africa to render all help to that Committee, that the Committee was going to recommend ways and means as to how the Government of India should have colonies of their own for the Indian people ?

Mr. G. S. Bajpai : The Government of India at the time, when they invited their Agent to assist the Committee, had merely the terms of reference of the Committee before them. The procedure of the Committee and the formulation of the views of the Committee were undoubtedly subsequent processes.

Mr. B. Das : May I suggest to the Government of India to appoint a Committee to advise the South African Government as to how they should function as a civilised Government ?

Mr. G. S. Bajpai : I think that would be a labour of supererogation on the part of the Government of India.

Mr. Gaya Prasad Singh : Are Government aware that there is strong feeling in this country against the recommendations made in that Colonization Committee Report ?

Mr. G. S. Bajpai : From my perusal of comments in the Press, I should say that my Honourable friend's conclusion is justified.

UNSTARRED QUESTIONS AND ANSWERS.

RESOLUTIONS, PETITIONS AND MEMORIALS RECEIVED FOR OR AGAINST THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

5. **Pandit Ram Krishna Jha** : (*a*) Will Government be pleased to state the number of (*i*) resolutions, (*ii*) petitions, (*iii*) memorials, and (*iv*) opinions received by them till the 15th of June, 1934, either for or against the Temple Entry Bill now pending in the Central legislature ? Will Government be pleased to state how many of each are for and how many against the Bill ?

(*b*) Will Government be pleased to lay a statement on the table showing :

(*i*) the names of the individuals and their addresses,

(*ii*) the names of the public bodies or associations,

(*iii*) the names of the religious institutions or religious heads, and

(*iv*) the names of the Government officials, the provincial Governments and the courts in British India,

from whom Government have received such resolutions, petitions, etc., as aforesaid against the said Temple Entry Bill ?

The Honourable Sir Harry Haig : I will answer this and the next question, No. 6, together. Resolutions and memorials relating to the Temple Entry Bill which have been received either by the Legislative Assembly Department or through the Home Department have been already

placed in the Library of the House and I lay on the table two lists of such representations received upto the end of June, the great majority of which are against the Bill. The opinions received on the Bill will be printed and circulated to Honourable Members in due course. Some petitions on this subject have already been reported to the House and others will be reported in due course. According to the directions of the Committee on Petitions, all the petitions will also be printed and circulated. The material for the information required by the Honourable Member is either already available or will be supplied to him before the next motion relating to the Bill is taken up.

I

List of resolutions, memorials, telegrams, letters, etc., protesting against the Temple Entry Bill received and placed in the Library of the Legislative Assembly.

(*a*) *Protests against the Temple Entry Bill.*

1. Telegram dated 7th April, 1934, from Jairamdas, Lyallpur against the admission of Harijans into Temples.
2. Telegram dated 8th May, 1934, from Pujari Mandir Raghubir against Temple Entry Bill.
3. Telegram dated 9th May, 1934, from President, Sanatan Dharam Yuvaka Mangal.
4. Telegram dated 8th May, 1934, from Satrughan Das, President, Village Ramdiri, Monghyr.
5. Telegram dated 8th May, 1934, from Secretary, Radharaman Temple, Brindaban.
6. Telegram dated 8th May, 1934, from Misrilal, regarding Sanatani Meeting, Bareilly.
7. Telegram dated 8th May, 1934, from Janardan Chaturvedi, Secretary, Vaishnavasevadal meeting, Hathras.
8. Telegram dated 7th May, 1934, from Secretary, Vasgbav Sabha, Multan.
9. Telegram dated 7th May, 1934, from Secretary, Sanatan Sabha, Hoshiarpur.
10. Telegram dated 7th May, 1934, from Shankar Basudeb Tirtna Swami of Gopaltirtna Math, Town Puri, President, Public Meeting.
11. Telegram dated 7th May, 1934, from Mahanthaudh Beharidass, President, Sanatanist Conference, Raipur.
12. Telegram from Abadh Behari Singh, President, Sanatanist Conference, Paroria.
13. Telegram dated 7th May, 1934, from Pujari Balaji Mandir.
14. Telegram dated 7th May, 1934, from Damodar Acharya, President, Dharm Bagebandhak Mandal.
15. Telegram dated Nowgong, 7th May, 1934, from Maheswar Borthakur, Secretary, Nowgong Brahman Sava.
16. Telegram dated 7th May, 1934, from Dewakan Misra, President, Sanatan Meeting, Salempur.
17. Telegram dated 7th May, 1934, from Anandibye Anandaballabh Temple.
18. Telegram dated 7th May, 1934, from Dhanur Dhavavacharya Mohant, Totadrimath.
19. Telegram dated 7th May, 1934, from S. A. Pande, Pleader, President, Public Meeting of Sanatanist at Akola.
20. Telegram dated 7th May, 1934, from Pujari Nersinghji, Mandir.
21. Telegram dated 7th May, 1934, from Pujari, Ram Mandir.

22. Telegram dated 7th May, 1934, from Pujari, Gausala Mandir.

23. Telegram dated 7th May, 1934, from Pujari, Audh Behari Mandir.

24. Telegram dated 7th May, 1934, from Mahanath Ramkhelaon Das, Sanatan Dharam Sabha, Bahadurpur, Thakurbari, Monghyr.

25. Telegram dated 7th May, 1934, from Radha Raman Das, Mohant, Tottysthan.

26. Telegram dated 7th May, 1934, from Achintya Sharma, Proprietor, Rashmadhab Temple.

27. Telegram dated 7th May, 1934, from Dewan, Lalababu Temple.

28. Telegram dated 7th May, 1934, from Fetch Chand Seth, Manager, Ramnaumi Temple.

29. Telegram dated 7th May, 1934, from Pujari, Satyanarayan Mandir.

30. Telegram dated 7th May, 1934, from Madan Mohan Goswami, Proprietor, Bankebehariji Temple.

31. Telegram dated 7th May, 1934, from Harikant Misra, President, Sanatanist Meeting, Chanor.

32. Telegram dated 7th May, 1934, from Pujari, Sankatadevi Temple.

33. Telegram dated 7th May, 1934, from Manager, Marwari Temple.

34. Telegram dated 7th May, 1934, from Kishorilal Goswami Advikary, Radhaballov Temple.

35. Telegram dated 7th May, 1934, from Basudeb Tarkalankar, President, Public Meeting, Mundamarai.

36. Telegram dated 7th May, 1934, from President, Warnashram Sangh, Tumsar.

37. Telegram dated Rajnagar, the 7th April, 1934, from 11,000 Sanatanist Hindus of Kailakh Nahar Birola Bhagbatpor, Bijai Haiderpur, Nirvapur, Bharan, District Darbhanga.

38. Telegram dated Kheri, 7th May, 1934, from Seth Brij Beharilal, Manager, Radhakrishna Temple.

39. Telegram dated Lachmangarh, the 8th May, 1934, from Mahant Shri Raghunath Mandir.

40. Telegram dated Jhansi, the 7th May, 1934, from Baijnath Tandon, Secretary, Samana Dharam Sabha.

41. Telegram dated Cawnpore, the 7th May, 1934, from Sanatanists, Old Cawnpore.

42. Telegram dated Piparia, the 7th May, 1934, from President, Sanatan Dharam Sabha.

43. Telegram dated Losal (through Sikar), 6th May, 1934, from President, Hindu Sabha.

44. Telegram dated Baidyabati, 6th May, 1934, from Ranjasingh, President, Sanatan Sabha, Chandani, Baidyabati.

45. Telegram dated Mandsaur, 5th May, 1934, from Pulchand Chichani, President, Hindu Sabha.

46. Telegram dated Mandsaur, 5th May, 1934, from Pandit Bansidhar, President, Sanatan Dharam Sabha.

47. Telegram dated Mandsaur, 5th May, 1934, from Jain Panchan.

48. Telegram dated Begusarai, 1st May, 1934, from Matukdhari Singh, President, Sanatan Dharam Meeting at Rahoon.

49. Telegram dated Begusarai, 3rd May, 1934, from Ambica Singh, President, Hindu Meeting, Balahpur.

50. Telegram dated Jhan Jharpur, 10th May, 1934, from Shibeswar Jha, President, Mithila Barnasram Dharam Sabha, Lohana Dharbanga, regarding meeting of 15,000 Sanatanists of village Bireshgar.
51. Telegram dated Nanigachi, 11th May, 1934, from Secretary, Barnasram Sabha Ujan.
52. Telegram dated Begusarai, 4th May, 1934, from Shesuratan Singh, President, Sanatan Dharam Meeting at Nayagaon.
53. Telegram dated Begusarai, 4th May, 1934, from Ghanshyam Singh, President, Sanatan Dharam Sabha at Singhpur.
54. Telegram dated Jhan Jharpur, 9th May, 1934, from Sanatan Dharam Sabha Sanskrit Pathsala, Jhan Jharpur.
55. Telegram dated Brindaban, 9th May, 1934, from Hetbavyuwak Mandal.
56. Telegram dated Udipi, 9th May, 1934, from Secretary, Vaidiaka Dharmaveer Sangha, regarding Sanatanist Meeting, Udipi, South Kanara.
57. Telegram dated Amritsar, 7th May, 1934, from Ralyaram, President, Varnashram Surajsangh meeting, Amritsar.
58. Telegram dated Amritsar, 7th May, 1934, from Tirthram, Secretary, Dharmvir Dal Sanatanist Meeting, Amritsar.
59. Telegram dated Benares, 7th May, 1934, from Chandipd, Secretary, Gauri Shankar Endowment Trust.
60. Telegram dated Benares, 7th May, 1934, from Surendra Sanyal, Chairman, Mumukshabhawan.
61. Telegram dated Begusarai, 8th May, 1934, from Parmesar Choudhry, Bishunpur and Anandipd.
62. Telegram dated Begusarai, 8th May, 1934, from Kansalki Shore, President, Sanatan Dharam Meeting at Gorgawan.
63. Telegram dated Begusarai, 8th May, 1934, from Karimahton, President, Sanatan Dharam Meeting at Kharagpur.
64. Telegram dated Deoghar, 7th May, 1934, from Manokamana Pandit, President, Public Meeting.
65. Telegram dated Deoghar, 7th May, 1934, from President, Dharam Rakshini Sabha.
66. Telegram dated Jaswantgarh, 7th May, 1934, from Achhut Sanatan Dharam Sabha.
67. Telegram dated Jhan Jharpur, 7th May, 1934, from Varnashramdhar Sabha Kothia, Darbhanga.
68. Telegram dated Ladnun, 7th May, 1934, from Sanatan Dharm Sabha, Nimbi.
69. Telegram dated Mhow Bazar, 7th May, 1934, from Sanghi President, Hindu Meeting in Gopal Mandir.
70. Telegram dated Mirzapur, 8th May, 1934, from Shri Goswami Goverdhanlal Kavichuramani, President, Public Meeting.
71. Telegram dated Muttra Chauk, 8th May, 1934, from President, Govardhan Shastri, Varnashram, Muttra.
72. Telegram dated Nawalgarh, 7th May, 1934, from Manesi Dutt, Seasuri.
73. Telegram dated Teghra, 8th July, 1934, from Ramnaran Prasad, Secretary, Grand Sanatan Dharam Meeting.
74. Telegram dated 8th May, 1934, from Gajanand Pada, Honorary Secretary, Shree Sanatan Dharamawalambiya Manwar Brahman Sabha, Calcutta.
75. Telegram dated 7th May, 1934, from Secretary, Varnashrama Sabha, Nellore.
76. Telegram dated 7th May, 1934, from Kanailal Pujari, Calcutta.
77. Telegram dated 7th May, 1934, from Sheo Dutt Ray, Pujari, Calcutta.
78. Telegram dated 7th May, 1934, from Shanti Sikhavswar Roy, President, Public Meeting held at Calcutta.
79. Telegram dated Brindaban, 7th May, 1934, from Sarojendra Kamdar, Radhamohan Temple.
80. Telegram dated Monghyr, 8th May, 1934, from Raja Raghunandan, President, Orthodox Hindus.

80(*a*). Representations protesting against the T. E. Bill in the same printed form, from 208 residents of the Bombay Presidency.

81. From President, Ram Mandir, Public Meeting, Bombay, dated the 9th March, 1934.

82. From Mr. Ramdhan Tewari Manja Anoop.

83. From the Bombay Provincial Varnashan Swarajya Sangh, letter dated the 14th January, 1934.

84. From the President, Sanatanists Meeting, Byculla, dated the 17th February, 1934.

85. From Mr. G. K. Hathi, President, All-India Varnashram Swarajya Sangha Branch, Rajkot, dated the 26th March, 1934.

86. From Mr. G. K. Hathi, President, All-India Varnashram Swarajya Sangha Branch, Rajkot, dated the 26th March, 1934.

87. From the President, the Sanatanists Meeting Byculla, Bombay, dated the 29th March, 1934.

88. From the President, the Sanatanists Meeting, Dharavi, Bombay, dated the 27th March, 1934.

89. From Mr. Lakshman Prasad and 9 others, Nagina, District Bijnore, dated the 17th March, 1934.

90. From the Manager, Kanga Temple Committee, and 8 others, dated the 21st March, 1934.

91. From M. Parash Ram, Godhra, Panchmahal, dated the 24th March, 1934.

92. From the Secretary, Gayawal Sabha, Gaya, dated the 31st March, 1934.

93. From the President, Sanatan Vedic Dharma Sabha, Ahmedabad, No. G., dated the 31st March, 1934.

94. From the President, Sanatan Vedic Dharma Sabha, Ahmedabad, No. G., dated the 2nd April, 1934.

95. From President, Sanatanist Meeting, Sukhanandji Dharamshala, C. P. Tank, Bombay, dated the 31st March, 1934.

96. From the President, Panjrapola Lane, Meeting, Bombay, dated the 29th March, 1934.

97. From the District Harijan Sewak Sangha, Manipur, dated the 7th April, 1934.

98. From the Secretary, Vaidika Dharma Veera Sangha of South Kanara, Udipi, dated the 6th April, 1934.

99. From President, Mumbadevi Temple Meeting, Bombay, dated the 25th March, 1934.

100. From President, Public Meeting at Kheda Jalas (Dadar), dated the 7th April, 1934.

101. From President, Akola (Santa Cruz) Meeting, dated the 4th April, 1934.

102. From President, Colaba Meeting, dated the 4th April, 1934.

103. From President, Khar Road (Bombay) Meeting, dated the 4th April, 1934.

104. Printed protests from *thirty* persons against the Temple Entry Bill.

105. Protests from four public meetings against the Temple Entry Bill.

106. Protests from residents of (1) Taluk Sabha of Rapalle, Guntur, and (2) Podili, Nallore in Madras Presidency.

107. Letters from the Secretary, The Guntur District Varnasrama Dharmoddharaka Sabha, dated the 24th and 29th March, 1924, and 11th April, 1934, forwarding protests against the Temple Entry Bill, signed by 465 persons belonging to various places.

108. From the Bombay Provincial Varnashram Swarajya Sangh, dated the 5th April, 1934.

109. From His Holiness Srimad Goswain Sir Gokul Nathji Maharaj, Bombay, dated the 19th April, 1934.

110. From the Secretary, Nagar Varnashram Swarajya Sangha.

111. From the General Secretary, V. S. S. Khandun, C. P., dated the 29th April, 1934.

112. From the Secretary, V. S. S., Karad Branch, dated the 30th April, 1934.
113. From the President, V. S. S., Kundhu Branch, dated nil.
114. From the Vice-President, U. P., Varnashram Swarajya Sangha, dated nil.
115. From Varnashram Swarajya Sangha, Branch Utran, E. Khandesh, dated nil.
116. From V. S. Sangh, Shahganj (Jampur), U. P., dated nil.
117. From the President, V. S. S., Ahsakha Brahmpore, Shahabad, dated the 8th May, 1934.
118. From V. S. S., Branch Sibpur, Howrah, dated the 6th May, 1934.
119. From V. S. S., Bankura Branch (Bengal), dated nil.
120. From the President, Barhiya, dated the 6th May, 1934.
121. From the Secretary, Sri Sanatan Dharma Mandal, Jaipur, dated the 7th May, 1934.
122. From the Sanatan Vedic Dharma Sabha, Surat, dated the 8th May, 1934.
123. From the President, V. A. S. Sangh, Dwarka, dated nil.
124. From the Panchmahal District, Varnashrama Swarajya Sangha, dated the 8th May, 1934.
125. From the Hindu Central Committee, Branch Nandyal, Kurnool District, dated the 6th May, 1934.
126. From the President, Purana Sravana Sabha, Madura, dated the 9th May, 1934.
127. Protests in the same printed form from—
    (1) Secretary, Varnashrama Swarajya Sangha, Bankura, Bengal.
    (2) The Varnashrama Swarajya Sangha, Khandra, District Nimar.
    (3) President, Sanatan Dharma Association, Tehta, P. O., Gaya.
128. Protests in the same printed form from meetings held at :—
    (1) Ambala, Sonepat and Ballabgarh and from Palwal.
    (2) 18 different places in Hissar District.
    (3) 10 different places in Bewari, Hissar District.
    (4) 5 places in Meerut District.
    (5) 15 places in Meerut City and 9 in Meerut Cantonment.
129. Protests in same printed form submitted by—
    (1) Six residents of Gurgaon District.
    (2) 3 Residents of Faridabad.
    (3) 2 residents of Palwal.
    (4) 6 residents of Ballabgarh.
    (5) 18 residents of Hissar District.
130. Letter from the Marwari Association, Calcutta, dated the 28th May, 1934.
131. Resolutions of the Managing Committee of the Vedashastrottejak Sabha, Poona, dated 26th May, 1934.
132. Resolution of Public Meeting held at Amalner, E. Khandesh, 29th May, 1934.
133. Resolutions of Sanatanist Meeting held at Karachi, on 6th May, 1934.
134. Letter from President, Varnasrama Swarajya Sangha, Sivaganga, dated 22nd May, 1934.
135. Resolutions of Public Meeting at Pandaypipra, Isri, Shahabad District.
136. Protest bearing signatures of 52 residents of Hosur, Salem District.
137. Resolutions passed by meetings held on 6th May, 1934, at six villages, Taluk Sattinapalle, Guntur District.

Protests in the same form from—

138. President, Sanatana Dharma Sabha Chathapuram, Kalpathi, Palghat, S. Malabar.
139. Secretary, Provincial Varnashram Sanatan Dharma Sava, Jorhat, Assam.

140. President, Sanatan Dharm Mahasabha, Khurja, Bulandshahr.
141. Secretary, Shri Sanata Dharma Sabha, Ferozepur City.
142. Secretary, Mithla Pravtiya Varnashram Swarajya Sangha, Sitamarhi.
143. President, Dharma Sastra Sabha, Madura.
144. Pandit Ghanashyam Vedant Tirth, Panchrof, Midnapore.
145. Vice-President, Varnashrama Swarajya Sangha, Poona.
146. Secretary, Nellore District Varnashrama Dharma Sabha.
147. Secretary, Sanatan Vaidic Dharma Samrakshaka Mandal, Poona.
148. Secretary, Sanatan Dharma Sabha, Gaya.
149. President, Sanatan Dharam Pratap Bhavan, Srinagar.
150. President, Sanatan Dharma Sabha, Hyderabad, Sind.
151. President, V. S. Sangh, Rudain.
152. Secretary, Dharma Samrakshka Sabha, Aryapur, Rajmundry.
153. President, Sanatan Dharma Bhardhani Sabha.
154. President, Sanatan Dharma Sabha, Battiah.
155. Secretary, Varnasrama Dharmoddharaka Sabha, Pamad, Guntur.
156. President, Varnasrama Dharmoddharaka Sabha, Repalle, Guntur.
157. President, Varnasrama Dharmoddharaka Sabha, Tenali, Guntur.
158. President and Secretary, Varnasarama Dharmoddharaka Sabha, Sattanapalle, Guntur.
159. President and Secretary, Varnasrama Dharmoddharaka Sabha, Perthapuram Sabha, East Godavari.
160. Secretaries, Varnasrama Dharmoddharaka Sabha, Razole Taluk Sabha, East Godavari.
161. President, Bombay, Provincial Varnashram Swarajya Sangh, Surat.
162. Joint Secretary, Shri Sanatan Dharam Yovak Sabha, Karachi.
163. President, Varnashram Swarajya Sabha, Satara.
164. President, Sri Vedhaitha Desika Baktha Sabha, Madura.
165. President, Tirukoilur Arya Dharma Abhikridhini Brahmana Mahasabha, Tirukoilur, South Arcot, Madras.
166. General Secretary, U. P., Varnashram Swarajya Sangha, Cawnpore.
167. President, Varnashram Swaraj Sangh, Deoghar.
168. Resolution passed by Sanatanist meeting forwarded by the Mandir Raksha Committee, Delhi, dated 6th May, 1934.
169. Resolution of Orthodox Hindu meeting, on 6th May, 1934, at Palakol, West Godavari.
170. Resolution by Hindu Meeting at Kavali, Nellore District, dated 6th May, 1934.
171. Resolution by Hindu meeting at Melkote, on 6th May, 1934.
172. Resolution by meeting at temple of Narasimha Akhara, Shillong, on 6th May, 1934.
173. Resolution by meeting at Ram Janaki Temple, Shillong, dated 6th May, 1934.
174. Resolution at Satyanarain Thakurbari Temple, Shillong, dated 6th May, 1934.
175. Resolution by Sanatanist meeting at Lahore, on 6th May, 1934.
176. Protests in the same form from—
President, Kavali Taluk Varnasrama Dharmodharna Sabha.
President, Sanatan Dharm Pravurtuka Mandan, Bhavnagar.
Sri Mahanta Bhagawat Das, Bahiri Bara Math, Midnapur.
President, Contai Varnashram Swarajya Sangh, Midnapur.
President, Bahiri Jaganath Sabagat Sangha, Midnapur.
President, Varnashrama Swarajya Sangha, Balighai, Midnapur.
President, Pakur Sub-Divisional Varnashram Swarajya Sangha.

176.—*contd.*

President, Sanatan Dharam Sabha, Haldwain, Naini Tal District.

President, Sanatan Dharam Sabha, Monghyr.

Secretary, Sri Vaidika Dharma Bodhini Sabha, Secunderabad, Deccan.

Secretary, Shree Sanatana Dharma Sabha, Agra.

Secretary, Varnashram Swarajya Sangha, Agra Branch, Agra.

Secretary, Varnashram Swarajya Sangh Branch, Kundgol, Jamkhandi State.

President, Sanatan Dharam Sabha, Rai Bareli.

Vice-President, Sanatan Dharam Sabha, Hoshiarpur.

Pandit Mahadeo Shastri.

177. Resolution of meeting at Jagannath Temple, Shillong, dated 6th May, 1934.

178. Resolution of meeting at Kalibari Temple, Shillong, dated 6th May, 1934.

179. Resolution of meeting at Satsanga Temple, Shillong, dated 6th May, 1934.

180. Resolution of meeting at Mahadebkhola Temple, Shillong, dated 6th May, 1934.

181. Protest forwarded by Ratneswar Baruah, Jorhat, Assam, bearing 154 names.

182. Thirty Protests (printed in same form) from residents of Ferozepur City.

183. Protest from Battili village, Paelakunidi Taluk, Ganjam District, bearing 252 signatures.

184. Letter dated 5th June, 1934, from N. S. Parande, Nagpur, forwarding protests bearing about 2,680 signatures.

185. Eight Protests (printed in same form) from representative All-India Varnashrama Swarajya Sangha, Bellary, Benares, and certain places in Madras.

186. Letter from Secretary, Kaira District Varnashrama Swarajya Sangha, Nadiad, dated 11th June, 1934, forwarding four printed protests bearing about 120 signatures in vernacular.

187. Letter from Secretary, Guntur District Varnashrama Dharma Sabha, forwarding printed protests bearing 27 signatures.

188. Letter from Secretary, Sanatan Varna-asram Dherma Sabha, Darda, C. P., forwarding protests bearing 50 signatures.

189. Protest lists bearing about 600 signatures (vernacular).

190. Letter from the Secretary, Achhutudhar Committee, Meerut, dated 14th April, 1934, communicating resolutions passed by public meeting held on 12th April, 1934, against Temple Entry Bill.

191. Letter from the Secretary, Varnashram Swaraj Sangh, Belgaum, dated 30th April, 1934, forwarding protests bearing 3,428 signatures.

192. Letter from the President, Maharashtra Provincial Varnashram Swarajya Sangha, No. 2003|O.D.A., dated 4th May, 1934, forwarding protests bearing signatures of about 8,900 persons.

193. Letter dated 9th May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding 15 petitions from Taluk and village Sabhas of Nellore District, bearing 254 signatures.

194. Letter dated Guntur, 9th May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding nineteen petitions from village Sabhas bearing 307 signatures.

195. Letter dated Guntur, 17th May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding thirteen petitions from taluk and village Sabhas, bearing 369 signatures.

196. Letter dated Guntur, 22nd May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding thirteen petitions from taluk and village Sabhas, bearing 78 signatures.

197. Letter dated Guntur, 22nd May, 1934, from V. L. Narasimham, All-India Varnashram Swarajya Sangha, Guntur, forwarding seven petitions from village sabhas of Darri Division, Nellore District, bearing twenty-two signatures.

198. Protest by Sanatanists of Hyderabad Sind, dated 8th May, 1934.
199. Resolution by Andhra Desa Varnasraama Sangha, Bezwada.
200. Resolution by Barnasram Dharm Sangrakshini Sabha, at Netrakona, Mymensingh, Bengal, dated the 7th May, 1934.
201. Protest by President, Shri Hatkeswar Fund Committee, Rajkot, dated the 7th June, 1934.
202. Protest by Sanatan Dharam Sabha, Begum Bazar, Hyderabad Deccan, dated the 20th June, 1934.
203. Protest by Sanatanists of Dohad, dated 12th May, 1934.
204. Resolution by Varnashram Swaraj Sangh, Beyt Sankodhar, Kathiawar, dated 30th May, 1934.
205. Resolution by Sanatanist Meeting, Swami Narayan Mandir at Karachi, dated 31st May, 1934.
206. Memorial by Varnasrama Dharma Sabha, Nellore, Madras, dated May, 1934.
207. Resolution by Sanatanists Meeting at Porbandar, dated 18th May, 1934.
208. Resolution by Hindu Meeting at Erandol, East Khandesh, dated 24th May, 1934.
209. Resolution by Sanatan Dharamists of Mainpuri, dated 21st April, 1934.
210. Resolution by Hindu Meeting at Rajshahy, Bengal, dated 9th May, 1934.
211. Resolution by Hindu Central Committee, Cuddalore, dated 6th May, 1934.
212. Resolution by Hindu Meeting of Sylhet, dated 13th May, 1934.
213. Resolution by Sanatanists of Dhamoura, Champaran, dated 6th May, 1934.
214. Resolution by Hindu Meeting at Temple Mahadeb Khola, Shillong, dated 6th May, 1934.
215. Resolution by Hindu Meeting at Temple Jagannath, Shillong, dated 6th May, 1934.
216. Resolution by Hindu Meetings at Temples (1) Satyanarain Shakurbari, (2) Kali Bari, (3) Satsangh Bhawan, (4) Narshingh Akhara, (5) Ramjanki Jungli Akhara, dated 6th May, 1934.
217. Resolution by Shri Hari Sankirtan Mandal, Rawalpindi, dated 6th May, 1934.
218. Resolution by Sanatanists of Melkole, dated 6th May, 1934.
219. Resolution by Veranashram Swaraj Sangh, Bulandshar, dated 6th May, 1934.
220. Resolution by Benhar Provincial Association for Preservation of Hindu Temple, dated 6th May, 1934.
221. Protest by Iswar Chandra Nanda, President, Bahiri Jagannath Sebayat Sangha, Midnapore, dated 11th May, 1934.
222. Protest by Mahanta Bhagabat Das, Midnapore, dated 11th May, 1934.
223. Protest by Sanatan Dharam Conference, Naruar, dated 8th May, 1934.
224. Resolution by Hindu Meeting at Bindhachal, Mirzapur, dated 8th May, 1934.
225. Resolution by Mahajanams of Melmangalam, Madura, dated 7th May, 1934.
226. Resolution by Hindu Central Committee, Palakol, West Godawari, dated 6th May, 1934.
227. Resolution by Vaidika Dharma Veera Sangha of South Kanara, dated 6th May, 1934.
228. Resolution by Varnashram Swaraj Sangh, Pulgaon, dated 6th May, 1934.
229. Resolution by Barnasram Swaraj Sangha, Dinajpur, dated 6th May, 1934.
230. Resolution by Sanatan Dharamavalambiya, Agrawal Sabha, dated 6th May, 1934.
231. U. P. Varnashram Swarajya Sangh, Cawnpore, dated 19th May, 1934.
232. V. L. Narasimham, Secretary, Guntur District, Varnasrama Dharma Sabha, dated 14th May, 1934.

233. P. A. M. Garu, Secretary, Varnasrama Dharma Sabha, Nellore, dated 21st May, 1934.
234. Protest by residents of Hosur, Salem District.
235. Telegram dated Kaswabtgarh, 12th May, 1934, from Laduram Shastari, Sanatan Dharam Sabha, Ledi.
236. Telegram dated Brindaban, 10th May, 1934, from Dijen Ganguly, Manager, Gobindji Temple.
237. Telegram dated Brindaban, 10th May, 1934, from Sachin Sarkar, Manager, Gopinathji Temple.
238. Telegram dated Brindaban, 8th May, 1934, from Swami Kethabanand Sri Katyaynipith, Brindaban.
239. Telegram dated 9th May, 1934, Brindaban, from Nilamber Prosad, Manager, Madan Mohan Temple.
240. Telegram dated Raipur, 5th May, 1934, from Mahant Bajrandas, Dudhadhari.
241. Telegram dated Sultanpur, Jadunath Singh, Zamindar, Athaisi.
242. Telegram dated Kakojan, Assam, 25th May, 1934, from Secretary, Kakajan Hindu Dharm Sabha, Jorhat, Assam.
243. Telegram dated Rikhikesh, 12th May, 1934, from Secretary, Balhitkarini Samiti Lakshman Jhula.
244. Telegram dated Jand (Attock), 21st May, 1934, from Secretary, Sanatan Sabha.
245. Telegram dated Baffa, Hza, 21st May, 1934, from Secretary, Sanatan Dharma.
246. Telegram dated Dalsingh Sarai, Post Ujiarpore, regarding protest meeting of Parrai Sanatanists.
247. Protest dated 22nd May, 1934, from President, Varnasrama Swarajya Sangha, Sivaganga Branch.
248. Resolution passed by Hindu Dharama Sabha Melatur, Janjore District.
249. Resolutions passed at Public Meeting held at Sri Sarangapaniswami Temple, on 6th May, 1934.
250. Resolutions passed by Sanatan Dharmavalambiya Agarwal Sabha Meeting, Calcutta.
251. Resolutions passed by Hindu Public Meeting of Tinnevelly, on 6th May, 1934, under auspices of The Hindu Dharma Sabha.
252. Resolution passed by Sanatan Dharam Sabha, Muzaffarnagar, dated 2nd April, 1934.
253. Resolution passed by Sanatanist Hindu Meeting at Gadarwara, C. P., dated 23rd April, 1934.
254. Letter dated 27th April, 1934, from President, Surat Sanatanist Meeting, Surat, dated 23rd April, 1934.
255. Protest, dated 1st May, 1934, from President, All-India Varnashrama Swarajya Sangha, Rajkot Branch.
256. Resolutions of Sanatanist Meeting, held at Coimbatore, on 6th May, 1934.
257. Protest, dated 6th May, 1934, from Rambalav Jagnani.
258. Protest from Trivedi Vasudev Shastri (Sahitya Ratna), Varansi.
259. Resolution passed by Sanatanist Meeting at Delhi, on 6th May, 1934.
260. Resolutions passed by Sanatanist Meeting at Burhanpur, on 6th May, 1934.
261. Resolutions passed by Sanatanist Meeting at Rusera, District Darbhanga (Bihar), on 6th May, 1934.
262. Resolution of General Committee of U. P. Mahabir Dal, Muzaffarnagar.
263. Letter dated 4th June 1934, from Devendra Nath Goswami, Tarajan Jorhat, Assam.
264. Resolutions (vernacular) passed by certain village Sabhas (12 in Guntur and Nellore Districts).
265. 30 protests in the same terms from residents in Sonepat.
266. 10 protests in the same terms from residents of Karnal.
267. 7 protests in the same terms from a resident of Ambala Cantonment.

268. Resolutions couched in the same terms passed by public meetings held in six different places in Ambala Cantonment.

269. Resolutions couched in the same terms passed by public meetings held in 17 different places in Karnal.

270. Resolutions couched in the same terms passed by public meetings held in 6 different places in Meerut City.

271. Resolutions couched in the same terms passed by public meetings held in 4 different places in Sonepat.

272. Letter from the Secretary, Guntur District Varnashram Sabha, dated 24th April, 1934, forwarding petitions addressed in the same terms to the Legislative Assembly, signed by 265 persons belonging to Guntur District.

273. Letter from the Secretary, Guntur District Varnashram Sabha, dated 25th April, 1934, forwarding similar petitions signed by 98 residents of Guntur District.

274. Protests bearing 157 signatures of residents of Godavari District.

275. Protests bearing 364 signatures of residents of Nellore District.

276. Protests bearing 679 signatures of residents of Karachi, Sind.

277. 5 protests lists bearing signatures of 74 residents of Ajmer.

278. Resolutions passed at 7 places in Ajmer in same form.

279. Resolutions passed in two places in Fyzabad, U. P.

280. Resolutions passed in two places in Hardwar, U. P.

281. Protests in same printed form from—

Secretary, Varnashram Swarajya Sangh, Hardwar.

President, V. A. S. Sangh, Dwarka.

Secretary, Sanatan Dharma Society, Delhi.

President, Pakur Sub-Divisional Varnashram Swarajya Sangha Waman Ramchandra Kinjawadekar (without address).

282. Lists forwarded by the Secretary, Provincial Varnashram Swaraj Sangh, Rajputana, bearing 1,506 signatures.

283. Letter from the Secretary, Vernashrama Dharma Sabha, Nellore District, Madras Presidency, dated 21st May, 1934, forwarding

(1) Resolutions passed at 232 meetings held in various villages in Madras Presidency.

(2) Lists bearing signatures of about 14,600 residents of Madras Presidency.

(b) *Protests against the Temple Entry Bill and the Untouchability Abolition Bills.*

284. Telegram dated Nagpur, 8th May, 1934, from Nagamal Amolakchand, Trustees Potdar Ram Mandir.

285. Telegram dated Bellary, 7th May, 1934, from Pullapant Rama Chandra Sastri, Secretary, Varnashrama Sabha, Bellary.

286. Telegram dated Bombay, 10th May, 1934, from H. H. Goswami Shri Gopulnathji Maharaj of Vallabh Acharya Sampradaya, President, Sanatanists Meeting at Bada Mandir, Bombay.

287. Telegram dated Chowghat, 7th May, 1934, from President, Kerla Sanatana Hindu Sabha, Guruvayaur, held at Punnathur.

288. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Govardhanath Temple.

289. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Gopinath Temple.

290. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Girdhargopal Temple.

291. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Nagarji Temple.

292. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Mahaprabhu Temple.

293. Telegram dated Puri, 7th May, 1934, from Shankar Basudeo Tirtha Swami of Gopaltirtha Nath, Puri, President of Public Meeting.

294. Telegram dated Shamli, 8th May, 1934, from Secretary, Sanatan Dharam Sabha.

295. Telegram dated Rusera, 7th May, 1934, from President, Sanatan Dharma Sabha, Roserah, Darbhanga.

296. Telegram dated Pakaur, 7th May, 1934, from Gisipande, President, Pakur Sub-Divisional Varnashram Swarajya Sangha.

297. Telegram dated Hadu Bazar, 8th May, 1934, from President, Sanatan Dharam Sahayak Sabha, regarding Bhiwani Sanatanist Meeting.

298. Telegram dated Dera Ismail Khan City, 8th May, 1934, from Manager, Gopinath Temple.

299. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Sanatan Ram Mandir.

300. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Madan Mohanji Temple,

301. Telegram dated Dera Ismail Khan City, 7th May, 1934, from Manager, Nar Singhji Temple.

302. Telegram dated Gurdaspur, 7th May, 1934, from Vaishnavacharya Shri Mahant Ramdass Gaddi Nashim Darbar Pandori, District Gurdaspur.

303. Telegram dated 7th May, 1934, from Sitaram Saraf, Secretary, All-India Sanatan Dharmawalambiy Marwari Yuvak Samelan, Calcutta.

304. Telegram dated Surat, 7th May, 1934, from President, Surat Sanatanist Meeting.

305. Telegram dated Nagpur, 7th May, 1934, from Shri Jagatguru Shri Shankaracharya Sankeshwar Karvir Muth Camp, Nagpur.

306. Telegram dated Madras, 11th May, 1934, from President, Meeting of Dharmasevaka Sabha.

307. Telegram dated Surat, 9th May, 1934, from Trustees, Dwarkanathji Temple.

308. Telegram dated Surat, 9th May, 1934, from Proprietor, Mahisasurihnata Temple.

309. Telegram dated Surat, 9th May, 1934, from Vahivatdar Surat Shrinathji Temple.

310. Telegram, dated Surat, 9th May, 1934, from Vahivatdar Bhataji Temple.

311. Telegram dated Surat, 9th May, 1934, from Proprietor, Datatrya Temple.

312. Telegram dated Surat, 9th May, 1934, from Proprietor, Ashapurimita Temple.

313. Telegram dated Surat, 9th May, 1934, from Proprietor, Acharnyaji Temple.

314. Telegram dated Surat, 9th May, 1934, from Proprietor Shastriji Temple.

315. Telegram dated Surat, 9th May, 1934, from Vahivatdar Shrinathaji Padhi.

316. Telegram dated Surat, 9th May, 1934, from Vahivatdar Mahakalimata Temple.

317. Telegram dated 28th May, 1934, from President, Meeting of People of Bhawanipur and near villages, District Darbhanga.

Protests in the same terms (printed form).

318. 5 from residents of Chandansi.

319. 2 from residents of Pora village, Tehsil Sambhal (Morabad).

320. 4 from residents of Majhola village, Tehsil Sambhal (Morabad).

321. 1 from resident of Namaini, Morabad.

322. 1 from resident of Jargaon, Morabad.

323. 35 from residents Sambhal, Morabad.

324. Protest from Chodavarapu Devalrazu Pantulugaru and Manepalli Venugopala Krishnamoorty Sarmagrau, Bezwada.

325. Letter dated Ajmer, 26th April, 1934, from President, Meeting of Digambar Jains.

326. Letter dated Nagpur, 8th May, 1934, from Secretary to His Holiness Jagadguru Shri Shankaracharya Sankeshwar Karvir Math, regarding public meeting in Nagpur.

327. Resolution of Sanatanist Meeting held at Shikarpur, Sind.

328. Resolution passed by Ladies Meetings at Rajkot.

329. Letter dated 7th May, 1934, regarding Hindu Sanatanist Protest Meeting at Sambhal, District Moradabad.

330. Letter dated 6th May, 1934, from President, Sanatanist Protest Meeting at Hyderabad, Sind.

331. Letter dated 6th May, 1934, from President, Sanatanist Protest Meeting, Larkana, Sindh.

332. Protest forwarded by Secretary of Sattenapalle Taluka Varnasrama (Guntur District), bearing 273 signatures.

333. Letter dated 3rd May, 1934, from President, Sanatan Dharam Sabha, Thasushak, regarding Sanatanist Protest Meeting.

334. Letter dated 9th May, 1934, from Lalldoss Chotadoss, Madras, communicating resolutions passed by meeting held in connection with "The All-India Temple Defence Committee Day".

335. Letter from Secretary, Kaira District, Varnashram Swarajya Sangh, regarding resolutions passed by Sanatanist Meeting at Nadiad.

336. Letter from Secretary, Guntur District, Varnasharam Dharamoddharak Sabha, dated 11th May, 1934, communicating resolution passed by local Sabhas of ten villages.

337. Resolutions passed by the Sri Madura Varanshrama Dharma Swarajya Sangam Sanatanist Meeting.

338. Resolution passed by the Public Meeting of Hindus of Devakotta.

339. Resolutions passed by the "Sivaganga Varnasrama Swarajya Sangha, Ramnad District.

340. Resolution passed by the Sanatana Dharma Conference, Bellary.

341. Resolutions passed by the public meeting of the Smartha Dharma Mandali, Tirupati.

342. Letter dated 4th May, 1934, from J. B. Durkal, President, Sanatan Vedic Dharma Sabha, Surat, enclosing "opinion" on Temple Entry Bill.

343. Letter dated 1st May, 1934, from J. B. Drukal enclosing "opinion" on Temple Entry Bill.

344. Letter from the All-India Varnashram Swarajya Sangha, Bombay, dated 1st May, 1934, enclosing "opinion" on Temple Entry Bill.

345. Letter from the Secretary to His Holiness Shrimad Goswami Shri Gokulnathjee Maharaj, Bombay, dated 19th April, 1934, enclosing "opinion" on Temple Entry Bill.

346. Letter from the Marwari Association, Calcutta, dated 28th May, 1934.

347. "Opinion" of the Shri Sanatan Dharma Shira Sabha, Delhi, on Temple Entry Bill.

348. Telegram dated 25th May, 1934, from Sanatanists Bakhri (Monghyr).

349. Telegram dated 20th May, 1934, from Public Meeting of Shree Maharashtra Digambar Jain Khandelwal Panch Mahasabha, Bombay.

350. Resolution by Sanatanist Meeting at Masulipatam, on 6th May, 1934.

351. Resolution by Meeting of Sandhus, Mahants and Mahatmas of Nasik, Panchwati and Tapowana held on 4th June, 1934.

352. Resolution passed by Sanatanist Meeting at Niwashi, Chiplun Taluka, Ratnagiri District, dated 26th May, 1934.

353. Resolution passed by Sanatan Dharam Sabha at Petlad, Baroda, dated 31st " 1934.

354. Resolution passed by Sanatan Dharam Sabha of Masulipatam, dated 6th May, 1934.

355. Resolution passed by Sanatan Dharam Sabha at Satyamangalam, dated 6th May, 1934.

356. Resolution passed by Sanatan Dharam Sabha at Yeotmal, dated 6th May, 1934.

357. Resolution passed by Sanatanists of Rameshwaram, dated 6th May, 1934.

358. Resolution passed by Sanatanists of Rajkot (Jaganath Temple), dated 6th May, 1934.

359. Resolution passed by Sanatanists of Nungambakkam, dated 6th May, 1934.

360. Resolution passed of Samasta Sanatan Hindu Dharma Sabha. Ahmedabad, dated the 3rd May, 1934.

361. Resolution passed by Sanatanists at Bandra (Bombay), dated 26th Aprii, 1934.

362. Resolution passed by Sanatanists at Andheri (Bombay), dated 21st April, 1934.

363. Resolution passed by Sanatanists at Vadgadi Mandvi (Bombay), dated the 18th April, 1934.

364. Resolution passed by Sanatanists at Matonga (Bombay), dated 14th April, 1934.

365. Resolution passed by Akola Santa Cruz (Bombay), dated 19th May, 1934.

366. Resolution passed by Sanatanists at Andheri (Thana), Bombay, dated the 5th April, 1934.

367. Resolution passed by Hindu Meeting at Sheth Sukhanandji's Wadi, C. P., Tank Bombay, dated 6th May, 1934.

368. Resolution passed by Sanatanists at Hanumanji's Temple, Duncan Road, Bombay, dated the 6th May, 1934.

369. Resolution passed by Sanatanists at Ram-Mundir, Takhordwar, on 6th May, 1934.

370. Resolution passed by Untouchables Dharavi Meeting, Bombay, dated 22nd April, 1934.

371. Resolution passed by Temple Dharm Rakshini Sabha, Saugor, dated 6th May, 1934.

372. Resolution passed by Hindus of Pandhana, Khandwa, District Nimar, dated the 27th March, 1934.

373. Resolution passed by Hindus of Makhan, Khandwa, District Nimar, dated the 16th April, 1934.

374. Resolution passed by Hindus of Dinapore Cantonment, dated 6th May, 1934.

375. Protest by Adekari Jamnadas Narainji, Lalbawa Mandir.

376. Protest by Goswami Narsinghlalji, Maharaja's Temple, Ahikari, Ramlal Virchand.

377. Protest by Bhuralal Girdharilal, Attorney to Goswami Shri Mangalalji Shri Gordhanlalji Maharaj.

378. Resolution passed by Hindu Central Committee (Rural Branch) Thiruvanaikoll, dated 6th May, 1934.

379. 8 petitions forwarded through G. M. Despande, Secretary, Varnashram Swarajya Sangh, Dhamangaon, R. S. Berar —protests.

380. From His Holiness Acharya Shri Purushottamlalji Maharaj, Camp Jafarabad (Kathiawar).

381. From the President of the V. Swarajya Sangh, Rajkot Branch, dated 10th April, 1934.

382. From the President, Public Meeting at Ghazipur City, held on 26th March, 1934.

383. From the President, Public Meeting at Tewaripur, held on 27th March, 1934.

384. From the President, Public Meeting at Dulia Newada, on 24th March, 1934.

385. From the President, Public Meeting at Restipur, on 11th March, 1934.

386. From the President, Public Meeting at Behabar, on 21st March, 1934.

387. From the President, Public Meeting at Sonharia, on 22nd March, 1934.

388. From the President, Public Meeting at Utarauli, on 25th March, 1934.

389. From the President, Public Meeting at Aunti, on 27th March, 1934.

390. From the President, Melang Sanatan Dharam Sabha, dated 10th April, 1934.

391. From the President, V. Swaraya Sangha, Rajkot, dated 15th April, 1934.

392. From the President, Sanatana Varnashrama Dharma Sabha, dated 10th April, 1934.

393. Statement of persons in Lolitnagar Vaziagapati who are opposed to the T. E. Bill.

394. From M. J. Mangiah, Lalitpur, dated 12th April, 1934.

395. From the Presidents of Public Meeting at Buscot and other places (14 protests).

396. From Secretary, Shri Sanatan Dharam Free Tract Society, Punjab, No. 7340, dated 16th April, 1934.

397. From the Secretary, V. S. S., Rajkot, Nos. 215|A., dated 16th April, 1934, and 216|A., dated 10th April, 1934, forwarding protests bearing over 170 signatures.

398. Resolutions passed by Public Meetings held in different places in the Gonda district (U. P.), protesting against the Temple Entry and Untouchability Abolition Bill (9 protests).

399. From the Secretary, Meleng Sanatan Varnashram Dharma Sava, Jorhat, Assam, dated 18th April, 1934.

400. Resolutions passed by the Public Meetings in Kotah protesting against the Temple Entry Bill (3 protests).

401. From the President, V. S. S., Rajkot, No. 252|B.B., dated 1st May, 1934.

402. From the Secretary, Varnashrama Sabha, Bellary, telegram dated 7th May, 1934.

403. Telegram dated 6th May, 1934, from the President of the Public Meeting held in Puri, on 6th May, 1934.

404. Telegram dated 8th May, 1934, from President, Sanatan Dharma, Khagaria.

405. Telegram dated 8th May, 1934, protest by the General Meeting of Sanatanist citizens organised by All-India Sanatandharma Walambiy Marwari Yuvak Samelan held on 6th May, 1934, in Calcutta.

406. Telegram dated 8th May, 1934, from the President, Pakwe Sub-Divisional Varnashram Swarajya Sangha.

407. Telegram dated 8th May, 1934, from the President, V. S. S. Wardha.

408. Telegram dated 8th May, 1934, from the Secretary, Varnashrama Sabha, Nellore.

409. Resolutions of Meeting at the Ekambareswarar Agraham, Madras, on 6th May, 1934.

410. Resolution of Sanatanist Meeting at Madura, on 6th May, 1934.

411. Resolution of Hindu Meeting held at Sheth Sukhanandji's Wadj, C. P., Tank, Bombay, on 6th May, 1934.

412. Resolution of Hindu Meeting held at Ram Mandir Thakordwar, Bombay, on 6th May, 1934.

413. Resolution of Hindu Meeting held at Hanumanji's Temple, Duncan Road, Bombay, on 6th May, 1934.

414. Telegram dated 1st June, 1934, protest from Sanatan Dharm Sabha, Dharmsala.

415. Resolutions of the Varnasrama Swarajya Sangha, Sivaganga Branch, held on 21st March, 1934.

416. Resolutions of Sanatan Dharma Conference, Bellary, held on 27th May, 1934.

417. Resolution of Sanatanist Meeting held at Sree Nageswaraswami Vari Temple, Khojjillipet, Masulipatam, on 6th May, 1934.

418. Letter from Goswami Shree Narasingh Lalji Maharaja's Temple, Adlukari Ramal Virchand, without date.

419. Letter without date from Karbari Bhagwandas Abhechand, on behalf of Purshottam Lalji Maharaj.

420. Letter without date from Adhikari Jamnadas Naranji, Lalbawa Mandir.

421. Letter without date from Bhonalal Gudharilal, constituted attorney to Goswami Shri Manganlalji Shri Gordhanlalji Maharaj.

422. Resolution of Sanatanist Meeting held at Petlad, on 31st May, 1934.

423. Resolution of Public Meeting held at Lakhaneshwardih, Behar, on 20th May, 1934.

424. Resolution of Public Meeting of Sadhus, Mahants and Mahants of Nasik, Panchwati and Tapowana, on 4th June, 1934.

425. Resolutions passed by Sanatanist Meeting held at Niwashi in Taluka Chiplun, in Ratnagiri District, on 26th May, 1934.

426. Telegram, dated 20th June 1934—protest meeting of Shree Maharashtra Digambar Jain Khandelwal Panch Mahasabha.

427. 24 identical printed representations against the Temple Entry and Untouchability Bills bearing 455 signatures.

428. Protests, dated the 26th January 1934, signed by 27 residents of Belgaum against the Hindu Temple Entry Disabilities Removal Bill and the Untouchability Abolition Bill.

429. Letter from the President, Varnashrama Swarajya Sangh, Nagpur, dated the 26th December, 1933.

430. Letter from the Chairman, the Tanjore-South Arcot Sanathan Conference, Shiyali.

431. Letter from the General Secretary, Shree Bharat Varshiya Digambar Jain, Seoni, C. P., No. 2412, dated 7th December, 1933.

432. Letter from the Secretary, the Hindu Dharma Sabha, Melatur, dated 16th November, 1933.

433. Proceedings of the Sri Bahthisara Vilas Sabah Meeting at No. 1, Alwarcoil Sathatha Street, Kumbakonam, S. India, dated 16th August, 1933.

434. Proceedings of Manavala Mauni Sabah Meeting at Shewapet, Salem, S. India.

435. Proceedings of the Nigamantha Thagiga Sabah, Shevapet, Salem, S. India.

436. Proceedings of Public Meeting of Sathachara Samrakshana Sabha held at Perani Wellianai, Taluk Karur, Trichinopoly District, on 24th August, 1933.

437. Resolutions passed at Sanatanist Public Meeting at Kohat, N.-W. F. P. on 8th November, 1933.

438. Resolution passed on 14th October, 1933, by the Shri Sanatan Dharam Sabha, Bannu.

439. Telegram, dated Amritsar, the 13th October, 1933—protest from Sanatan Dharam Free Tract Society.

440. Telegram, dated Mianwali, 6th December, 1933—protest from Sanatanist meeting.

441. Telegram, dated Mianwali, 6th December, 1933—protest from Hindu Meeting.

442. Proceedings of Protest Meeting forwarded by the Working Secretary, Sree Audhra Dasa Sanatana Vervasrama Dharma Sabha, Vejivada, Bezwada, dated 24th December, 1933.

443. Resolutions passed by Sanatanist meeting held on 2nd|3rd December, 1933, by the Poona Sanatan Vaidik Dharma Parichad.

444. Resolutions passed by public meeting held under auspices of the Sanatan Dharm Sabha, Sialkot, on 17th December, 1933.

445. Resolutions passed at the Provincial Kerala Sanatanists' Conference held at Guruvayur on 16|17th December, 1933.

446. Resolution passed by Meeting of Sanatanists of Delhi, held 13th January, 1934.

[From General Secretary, B. D. Jain Mahasabha, Seoni (Central Provinces), dated the 26th February, 1934, together with 2,147 signatures.]

447. 1. Bombay Presidency including some other parts of the Deccan .. 786
448. 2. Central Provinces 221
449. 3. Gwalior States 73
450. 4. United Provinces of Agra and Oudh 561
451. 5. Rajputana 232
452. 6. Gujrat 23
453. 7. Assam 151
454. 8. Punjab 36
455. 9. Bengal and Bihar 64

456. From President of Sind Prant, Mahant Bawa Gallaldas, Hyderabad, together with 2,307 signatures. ..

457. Letter from the President, Ram Mandir Public meeting, Bombay, dated the 9th March, 1934.

458. From the President, Nasik Municipality, No. 3042, dated 14th March, 1934.

459. From President, Monghyr, Public Meeting.

460. From U. P. Varnashram Swarajya Sangh, letter No. 1586, dated 17th March, 1934.

461. From President, Bada Mandir Bhuleswar meeting, Bombay, dated 14th March, 1934.

462. From President, Hira Bang, C. P. Tank meeting, Bombay, dated 15th March, 1934.

463. From President, Public meeting, Brindaban, dated 11th March, 1934.

464. From Rajah Sir Vasudeva, Rajah of Kallengode Kt., C.I.E.

M. L. A., New Delhi, dated the 10th March, 1934, forwarding 69 resolutions.

465. From Members of Legislative Assembly, Delhi with 278 signatures.

466.—2. From K. L. Narasinga Rao Municipal Committee, Gandhi Nagar, Bellary, dated the 14th February, 1934, with 51 signatures.

467.—3. From Secretaries, Varnashramaswaraj Sangh, Belgaum (Bombay Presidency), dated the 17th February, 1934, with 638 signatures.

468.—4. From Shree Jagatguru Shree Shankracharya Maharaj, District Belgaum (Bombay Presidency), dated the 16th February, 1934, with 654 signatures.

469.—5. From Shri Sanatan Dharma Sabha, Delhi, dated the 18th February, 1934.

470—471.—6. From K. M. De, Esquire, Lahan, Shillong (Assam), dated the 15th February, 1934.

472.—7. From Secretary, Brahman Seva Sunamganj Sylhet, Assam, dated the 18th February, 1934.

473.—8. From President, Rilhong Shillong (Assam), dated the 13th February, 1934.

474.—9. From President, Sanskrit Pathshala Ayodhia, Fyzabad (U. P.), dated the 20th February, 1934.

475.—10. Shankracharji Madhavrao—Chawl District, Kolaba (Bombay Presidency).

476.—11. From Secretary, the Vaidika Dharma Veera Sangha of South Kanara Udipi, dated the 28th February, 1934.

477.—12. From Mr. M. V. T. Sarma, Sanatanist of Manakkal Lalgudi Taluk, Trichinopoly, District of Madras, dated the 1st March, 1934.

478.—1. From Bevarao Shivaram Damdar Karabbari to His Holiness Shreemat Jagatguru Shree Shankaracharya Sanathan Matt Sankeshwar—Karwar (District Belgaum), Bombay, dated the 6th January, 1934, with 72 signatures.

479.—2. Secretary Varnasaram Swarajya Sangh, Belgaum (Bombay Presidency), with 222 signatures.

480.—3. From President of Varnashram Swarajaya Sangha Hinganghat, dated the 4th February, 1934.

481.—4. From Mr. C. N. Mehta on behalf of Sanatanists of Kaira District, Nadiad, dated the 20th January, 1934.

482.—5. From Honorary Secretary, Shri Indraprastha, Sanatan Dharma Mandal, Delhi, dated the 10th February, 1934.

483.—6. Telegram from Varnashram Swarajya Sangha, Calcutta, with 150 signatures.

484.—7. From President Sanatan Dharma Sabha, Dindigal, dated the 7th January, 1934.

485.—8. From the Secretary, Mandir Raksha Committee, Delhi, dated the 11th February, 1934.

486.—9. From President, Valdika Dharma Veera Sangha Udipi, South Canara, dated the 18th January, 1934.

487.—10. From Pandit Mandli Isakhel, Mianwali.

488. From the C. P. and Berar Varnashram Swarajya Sangha, No. 84, dated the 31st January, 1934.

Protests against the Temple Entry Bill and other religious Bills pending for discussion in the Legislative Assembly, mostly in the vernacular, received from :—

489.—(1) Various provinces, bearing 2,751 signatures.

490.—(2) Madras province, bearing 3,960 signatures.

491.—(3) Bombay province, bearing 3,139 signatures.

492.—(4) Bengal province, bearing 1,392 signatures

493.—(5) United Provinces, bearing 7,865 signatures.

494.—(6) Punjab province, bearing 3,089 signatures.

495.—(7) Bihar and Orissa province, bearing 6,977 signatures.

496.—(8) Central Provinces, bearing 232 signatures.

497.—(9) North-West Frontier Province, bearing 176 signatures.

498.—(10) Rajputana Province, bearing 1 signature.

(C) *Protests against the Temple Entry and Untouchability and Hindu Divorce Bills.*

499. Telegram, dated the 22nd March, 1934, from President, Public Meeting, Darwha, protesting against the Temple Entry and Hindu Divorce Bills.

500. Telegram, dated Darwha, the 22nd March, 1934, resolutions passed at Public meeting at Boriarab, District Yeotmal, Berar, protesting against the Temple Entry, Untouchability and Hindu Divorce Bills.

501. Telegram, dated 22nd March, 1934, Public meeting, Ellichpur City, Berar, protesting against the above three Bills.

502. Telegram, dated 26th March, 1934, regarding meeting held at Mhow Cantonment, protesting against the Untouchability Bill.

503. Telegram, dated 26th March, 1934, regarding meeting at Mhow Cantonment, protesting against the Temple Entry Bill.

504. Telegram, dated Mhow Bazar, the 2nd April, 1934, from Gatoolal Patel Kodria, against the Untouchability Bill.

505. Telegram, dated Mhow Bazar, the 2nd April, 1923, from Gatoolal Patel Kodria, protesting against Temple Entry Bill.

506. Telegram, dated Mhow Bazar, the 2nd April, 1923, from Trustees, Gopal Mandir, against the Untouchability Bill.

507. Telegram, dated Mhow Bazar, the 2nd April, 1923, from Trustees Gopal Mandir, against the Temple Entry Bill.

508. Telegram, dated Dacca, the 2nd April, 1923, regarding Annual Meeting, East Bengal Brahmin Samaj of 31st March, 1934, against the Temple Entry, Untouchability and Divorce Bills.

509. Telegram, dated Mhow Cantonment, the 4th April, 1934, from Trustees Anant Beharijee Maharaj Mandeer, against the Temple Entry Bill.

510. Telegram, dated Mhow Cantonment, the 4th April, 1934, from Trustees Anant Beharijee Maharaj Mandeer, against the Untouchability Bill.

511. Telegram from Mahant Govindas, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.

512. Telegram from Mahant Siaramdas, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.

513. Telegram from Mahant Surastidas Bankebihari, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.

514. Telegram from Mahant Balramdas, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.

515. Telegram from Mahant Mahindranath, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.

516. Telegram from Mahant Hiradas, Ravi Road, Lahore, dated the 3rd April, 1934, against the Temple Entry Bill.

517. Telegram, dated Mhow Bazar, 6th April, 1934, from Trustee Maijee Mandir, against the Temple Entry Bill.

518. Telegram, dated Mhow Bazar, the 6th April, 1934, from Narsinghji Mandir, Pujari Mamraj, against the Temple Entry Bill.

519. Telegram, dated Mhow Bazar, the 6th April, 1934, from Trustee, Vishavnathbag Mandir, against Temple Entry Bill.

520. Telegram, dated Mhow Bazar, the 7th April, 1934, from Chiranji Pujari Sidheshwar Mandir, against Temple Entry Bill.

521. Telegram, dated Mhow Bazar, the 7th April, 1934, from Mulki Pujari Kalimata Mandir, against Temple Entry Bill.

522. Telegram, dated Mhow Bazar, the 7th April, 1934, from Trustee, Satyanarain Mandir, against Temple Entry Bill.

523. Telegram, dated Mhow Bazar, the 7th April, 1934, from Badripd Pujari, Goverdhannath Mandir, against Temple Entry Bill.

524. Telegram, dated Mhow Bazar, the 7th April, 1934, from Gulabau Pujari, Gujarkhed Malaji Mandir, against Temple Entry Bill.

525. Telegram, dated Mhow Bazar, the 7th April, 1934, from Dalchd Pujari Shani Maharaj Mandir, against Temple Entry Bill.

526. Telegram, dated Mhow Bazar, the 7th April, 1934, from Ramjilal Pujari, Kotwalka Mandir, against Temple Entry Bill.

527. Telegram, dated Mhow Bazar, the 7th April, 1934, from Trustees, Rambagh Mandir, against Temple Entry Bill.

528. Telegram, dated Mhow Bazar, the 7th April, 1934, from Ramjilal Pujari, Shree Ramchandarji Mandir, against Temple Entry Bill.

529. Telegram, dated Mhow Bazar, the 7th April, 1934, from Trustees, Hanoomanbeg Mandir, against Temple Entry Bill.

530. Telegram, dated Mhow Bazar, the 6th April, 1934, from Pujari Kaniyalal Pujari, Murlimanohar Mandir, against Temple Entry Bill.

531. Telegram, dated Mhow Bazar, the 6th April, 1934, from Pujari Ratandas Laxminarayan Mandir, against Temple Entry Bill.

532. Telegram, dated Dacca, the 9th April, 1934, regarding public meeting of Hindus held on 7th April, 1934, protesting against Temple Entry, Untouchability and Divorce Bills.

533. Telegram, dated Dacca, the 9th April, 1934, regarding protests by huge Hindu gathering, Shasikhanidhi Temple, against Temple Entry Untouchability and Divorce Bills.

534. Telegram, dated Amritsar, the 6th April, 1934, from Owner, Temple Mayanatha, against Temple Entry Bill.

535. Telegram, dated Amritsar, the 6th April, 1934, from Mahant, Temple Gangaram, against Temple Entry Bill.

536. Telegram, dated Amritsar, the 6th April, 1934, from Mahant Tejasingh Temple, against Temple Entry Bill.

537. Statements containing signatures of 640 persons against the Temple Entry Bill.

538. Telegram, dated Wardha, the 14th March, 1934, regarding resolutions passed at public meeting at Chanda, Central Provinces, against the Temple Entry, Untouchability and Hindu Divorce Bills.

539. Telegram, dated Wardha, the 14th March, 1934, regarding resolutions passed at public meeting at Warora, District Chanda, Central Provinces, against Temple Entry, Untouchability and Hindu Divorce Bills.

540. Telegram, dated Dinajpur Rajganj, the 14th March, 1934, regarding protests by Public meeting, Dinajpur Varnasrami Orthodox Hindus, against the three Bills referred to above.

541. Resolutions passed by the Hindu Central Committee, Karaikudi Branch, on 15th March, 1934, protesting against the above three Bills and certain other matters.

542. Letter from President, Sanatanists meeting, Dharavi, Bombay, dated the 27th March, 1934, communicating resolution passed against the Temple Entry and Untouchability Bills.

543. Resolution passed at Annual Ambehata Sanatan Dharam Sabha meeting in March, 1934, against the Temple Entry Bill.

544. Resolution passed at meeting of Sanatanists, held on 24th March, 1934, in the Punchanath Temple, against the Temple Entry, Untouchability and Hindu Divorce Bills.

545. Resolutions passed at meeting of devotees of Shree Hatkeshawara, held on 25th March, 1934, protesting against Temple Entry, Untouchability and Divorce Bills.

546. Resolutions passed at meeting of the Depressed Classes League, Cawnpore, on 27th March, 1934, against Temple Entry Bill.

547. Resolution passed at public meeting of Hindus held at Shrivaji Mandir in Byculla, Bombay, on 15th March, 1934, against Temple Entry and Untouchability Bills.

548. Letter, dated Bombay, the 29th March, 1934, from President, Public Meeting of Hindus held on 17th March, 1934, at Panjrapole Lane, Bombay, communicating resolution against the Temple Entry Bill.

549. Letter, dated Bombay, the 31st March, 1934, from President of Sanatanists meeting held on 24th March, communicating resolutions against the Temple Entry and Untouchability Bills and on certain other matters.

550. Letter, dated Ahmedabad, the 31st March, 1934, from President, Sanatan Vedic Dharma Sabha, communicating the Shastric Declaration of the Sanyasins' Synod at Karnali on 20th March, 1934, against the Temple Entry and Untouchability Bills.

551. Letter, dated Ahmedabad, the 2nd April, 1934, from President, Sanatan Dharma Sabha, communicating resolutions passed at Hindu public meeting at Karnali, against the Temple Entry and Untouchability Bills.

552. Letter from H. H. Mahant Sir Shri Viragirajeshwar Chitrakuti, Dhandukha, dated 28th March, 1934, opposing the Temple Entry and Untouchability Bills.

553. Letter, dated Jalgaon, the 7th April, 1934, from President of public meeting of Sanatanists, Temple Owners and Managers in East Khandesh District held on 31st March, 1934, communicating resolution protesting against Temple Entry and Hindu Divorce Bills.

554. Telegram, dated Jhalda, 7th March, 1934, from President of Conference of 5,000 Hindus including 3,000 untouchables, regarding passing of resolutions against Temple Entry, Untouchability and Divorce Bills.

555. Telegram, dated Bankura, 7th March, 1934, regarding public meeting at Purandarpur, Bankura, protesting against Temple Entry, Untouchability and Divorce Bills.

556. Telegram, dated Kamptee, 8th March, 1934, regarding Meeting of Kamptee Hindus protesting against the above three Bills.

557. Telegram, dated Dhamangaon, District Amraoti, Berar, 8th March, 1934, regarding public meeting protesting against above three Bills.

558. Telegram, dated Mhow Bazar, 10th March, 1934, regarding public meeting held on 5th, protesting against Temple Entry Bill.

559. Letter, dated Bombay, 9th March, 1934, from President, Ram Mandir meeting, held on 23rd February, 1934, communicating resolution protesting against Temple Entry and Untouchability Bills.

560. Telegram, dated Dhandhuka, District Ahmedabad, 13th March, 1934, regarding protest meeting of Sanatanists, against Temple Entry, Untouchability and Divorce Bills.

561. Telegram, dated Lala Musa, 13th March, 1934, regarding protest meeting of Sanatanists against above three Bills.

562. Telegram, dated Wun, District Yeotmal, Berar, 13th March, 1934, regarding public meeting held on 11th March, protesting against the above three Bills.

563. Letter, dated Bombay, 14th March, 1934, from President, Bada Mandir, Bhuleshwar Meeting, held on 9th March, 1934, communicating resolutions against Temple Entry, Untouchability and Divorce Bills.

564. Resolutions passed at Meeting of Sanatanists held at Hirabag, C. P. Tank, on 10th March, 1934, protesting against Temple Entry and Untouchability Bills.

565. Resolutions passed in General Meeting of the Sanatan Dharam Sabha, Sangla, held on 12th February, 1934, protesting against Temple Entry and Untouchability Bills.

566. Resolutions passed on 29th March, 1934, at a meeting of Sarswat Brahmins, Larkhana, Sindh, protesting against the above two Bills.

567. Resolutions passed on 31st March, 1934, at a meeting of Pushkarna Brahmins of Larkhana, Sindh, protesting against the Temple Entry and Untouchability Bills.

568. Resolutions passed on 31st March, 1934, at a meeting of all sections of Sadhus of Larkhana, Sindh, against Temple Entry and Untouchability Bills.

569. Letter, dated Bombay, 29th March, 1934, from President, Mumbadevi Tempic Meeting of Hindus, communicating resolutions passed against Temple Entry and Untouchability Bills.

570. Letter from President, Sanatan Vedic Dharma Sabha, Ahmedabad, dated 31st March, 1934, communicating the Shastric Declaration of Sanyasins' Synod at Karnali, against Temple Entry and Untouchability Bills.

571. Letter, dated Bombay, 4th April, 1934, from President, Public Meeting of Hindus, held at Akola (Santa Cruz), communicating resolutions passed against Temple Entry, Untouchability and Divorce Bills.

572. Letter, dated Bombay, 4th April 1934, from President, Public Meeting of Hindus, held at Golaba on 1st April, 1934, communicating resolutions against Temple Entry and Untouchability Bills.

573. Letter from President, Hindu Public Meeting, held on 25th March, 1934, at Khur Road, Bombay, protesting against above two Bills.

574. Resolutions passed at Public Meeting, held on 4th April, 1934, at Narikombu, near Bantwal (South Kanara), against Temple Entry, Untouchability and Divorce Bills.

575. Letter, dated Bombay, April, 1934, from President, Sanatanist Meeting held at Dadar on 7th April, 1934, communicating resolutions against Temple Entry and Untouchability Bills.

576. Letter from President, Sanatan Vedic Dharma Sabha of Thasra, District Kaira, dated 8th April, 1934, communicating resolutions passed at Hindu meeting held on 27th March, 1934, against Temple Entry Bill.

577. Protest from Pandit Sree Basudeo Misra of Sokhera (Monghyr), Bihar, dated 11th April, 1934, against Temple Entry Bill.

578. Telegram, dated Indore City, from the Digamber Jain Samaj, against the Untouchability and Temple Entry Bills.

579. Protest, dated 26th December, 1933, from Hindus of Daiwer Kheira, Moradabad District, against Temple Entry, Untouchability and Divorce Bills.

580. Protest, dated 7th January, 1934, from Shikarpur Sanatanists, against the Temple Entry and Untouchability Bills.

581. Protest from public meeting of Sanatanists of Madhuban Bazar, Rajpatti, Bihar, against the Temple Entry, Untouchability and Divorce Bills.

582. Resolutions passed at public meeting of Sanatanist Hindus of Devakotta, against Temple Entry, Untouchability and Divorce Bills.

583. Telegram, dated Akola, 16th January, 1934, protest of Vaishya Khandelwala Panchayet of Akola, against the above three Bills.

584. Protest, dated 19th January, 1934, from Hindu meeting held at Kankinara Sanatan Dharma Sabha, E. B. Railway, against the above three bills.

585. Resolution passed by the Annual Session of the Sylhet Vaidic Samity, held at Tengra, against the above three Bills.

586. Telegram, dated Deoghar, 15th January, 1934, regarding the Bihar Provincial Temple Defence Conference's resolution, against Temple Entry Bill.

587. Telegram, dated Burdwan, 23rd January, 1934, regarding meeting of Sanatanists and Untouchables at Kendubilla, Birbhum, against Temple Entry, Untouchability and Divorce Bills.

588. Resolutions passed by the Kistna District, Sanatana Dharma Conference, on 3rd December, 1933 at Masulipatam, against the above three Bills.

589. Protests against the Temple Entry and Untouchability Bills signed by a number of residents of each of the following Districts :—

(1) Goriad, Baroda District, (2) Padra, Baroda District, (3) Rajupara, Baroda District, (4) Amla, Baroda District, (5) Sadhu, Baroda District, (6) Ganpatpara, Baroda District, (7) Veerpura, Baroda District.

590. Telegram, dated Amritsar, 31st January, 1934, regarding protest of Sanatanists against Temple Entry and Untouchability Bills.

591. Protest against the Temple Entry and Untouchability Bills signed by a number of residents of (1) Sarsavani, and (2) Kelanpur in Baroda District.

592. Resolutions passed by public meeting, Tinnevelly on 28th January, 1934, against the Temple Entry Bill.

593. Telegram, dated Jhansi, 6th February, 1934, regarding public meeting against Temple Entry Bill.

594. Protests against Temple Entry, Untouchability and Divorce Bills from Hindus of :—

(1) Pura, Moradabad District, (2) Anschhi, Post Chandasi, Badam District, (3) Bhulawai, P. O. Chandausi, Moradabad District, (4) Bakarpur Bhaitaru, P. O. Chandausi, Moradabad District.

595. Protest by 26 Digambar Jains of Phulera, Jaipur, Rajputana, dated 3rd February, 1934, against the Untouchability Bill.

596. Telegram, dated Burdwan, 18th February, 1934, regarding protest meeting of Hindus, against Temple Entry, Untouchability and Divorce Bills.

597. Protest, dated Akalkot, 6th February, 1934, from Akhil Bharat Varnashram Swarajya Sangh, Akalkot District, Sholapur, Bombay, against Temple Entry Bill.

598. Telegram, dated Indore City, dated 28th February, 1934, regarding protest meeting, against Untouchability Bill.

599. Telegram, dated Indore City, 28th February, 1934, regarding protest meeting against Temple Entry Bill.

600. Telegram, dated Amroati, 5th March, 1934, regarding public meeting at Kabanji, District Akola, Berar, against Temple Entry, Untouchability and Divorce Bills.

601. Telegram, dated Kankinara, E. B., 6th March, 1934, regarding Sanatanists public meeting against the above three Bills.

602. Telegram, dated Amraoti, 5th March, 1934, regarding public meeting at Mangrul, Pir, District Akola, Berar, against the above three Bills.

603. Letter from the Bombay Provincial Varnashram Swarajya Sangh, dated 14th March, 1934, communicating resolutions passed at public meeting, against the above three Bills.

604. Resolution passed by Hindu Public meeting at Byculla, Bombay, against Temple Entry and Untouchability Bills.

605. Telegram, dated Jalesar Town (Etah), dated 17th March, 1934, regarding protest of Digambar Jain Panchayat, against Temple Entry and Untouchability Bills.

606. Letter from the Sanatan Vedic Dharma Sabha, Ahmedabad, dated 2nd April, 1934, communicating resolutions of Hindu public meeting against Temple Entry Bill.

607. Letter from Youngmen's Association, Saidpuridarwaza, Rawalpindi, dated 2nd April, 1934, protesting against Temple Entry Bill.

608. Letter, dated Lahore, 13th February, 1934, from the Sanatan Dharma Pratinidhi Sabha, Punjab, against the Temple Entry Bill.

609. Letter from the Editor of the " Mahabir ", Delhi, dated 21st February, 1934, against the Temple Entry Bill.

610. Letter from the President, Shri Ram Lila Committee, Delhi, dated 25th February, 1934, against the Temple Entry Bill.

611. Resolution passed by the U. P. Adi Hindu Depressed Classes Association at Lucknow, against the Temple Entry Bill.

612. Protest from the Sanatan Vedic Dharma Sabha, Thasra, against the Temple Entry Bill.

613. Protest from the Utkal Brahmin community of Sambalpur, against the Temple Entry Bill (101 signatures).

614. Resolution passed by the Shree Balkrishna Suddadvaita Maha Sabha, Surat, against the Temple Entry Bill.

615. Resolution passed by the Sanatana Varnashrama Dharma Sabha, Koondapoor, against the Temple Entry, Untouchability and Divorce Bills.

616. Telegram, dated Haveliar, 12th April, 1934, from Hindu Sabha Mandar, against Temple Entry Bill.

617. Telegram, dated Laheriasarai, 12th April, 1934, regarding protests by people of villages, Ragunathpur, Patore, Rambhadrapur, Sirdilpur, Pipra, Dekuli, Jogiara, Harilpatti Thana, Darbhanga, against Temple Entry, Untouchability and Divorce Bills.

618. Resolution of Sanatanist public meeting at Jafarabad (Kathiawar), against the Temple Entry and Untouchability Bills.

619. Resolutions of meetings of (1) Vadnagara Nagar Brahmins of Rajkot, and (2) " Idolators ", held at Lohanapara, against the Temple Entry Bill.

620. Protest, dated 12th April, 1934, from J. Mangish, Vizagapatam, P. O. Waltair, against the Temple Entry and Untouchability Bills.

621. Protest, dated 14th April, 1934, from Rabindranath Chakrabarti, Calcutta, against the Temple Entry, Untouchability and Divorce Bills.

622. Letter, dated 14th April, 1934, from General Secretary, Varnashram Swarajya Sangh, Khandwa, communicating resolution of public meeting, against the above three Bills.

623. Resolutions passed by the Varnashram Sarajya Sangh, Pulgaon, dated 8th April, 1934, against Temple Entry and Divorce Bills.

624. Resolutions of the Bharata people (Madras), against the Temple Entry, Untouchability and Divorce Bills.

625. Letter from the Shri Sanatan Dharam Free Tract Society, Punjab, dated 16th April, 1934, forwarding signatures of over two thousand persons against the Temple Entry and Untouchability Bills.

626. Resolutions passed by the Brahmin Sabha of Nagpur, against the Temple Entry Bill.

627. Letter from the Temple Defence Committee (All-India Varnashram Swarajya Sangh), Calcutta, dated 20th February, 1934, communicating resolutions passed against Temple Entry Bill, etc.

628. Letter from President, Kaira District Varnashram Swarajya Sangh, dated 12th March, 1934, communicating resolutions passed against the Temple Entry Bill.

629. Letter, dated 12th March, 1934, from Chairman, Reception Committee, The Madras Tamil District Sanatanists Conference, Madura, communicating resolutions against Temple Entry, Untouchability and Divorce Bills.

630. Letter, dated 9th April, 1934, from Shri Kamalayanacharya, U. P. Kesari, against the Temple Entry Bill.

631. Resolutions passed by the Panchmahals District Varnashram Swarajya Sangh, Godhra, on 28th March, 1934, against Temple Entry and Untouchability Bills.

632. Telegram, dated Srirangam, 8th May, 1934, from Bala Subramanya, President, Public Meeting.

633. Telegram, dated Brindaban, 8th May, 1934, from Srudhar Acharyji, President, Public Meeting, Brindaban.

634. Telegram, dated Gurdaspur, 7th May, 1934, from Beharilal Sharma, Secretary, Sanatan Hindu Sabha, Babbchali, District Gurdaspur.

635. Telegram, dated Wardhaganj, 7th May, 1934, from Gangadhar Ghate, Pleader, President, Meeting of Varnashram Swarajya Sangha, Wardha.

636. Telegram, dated Netrokona, 8th May, 1934, from Mohendranath Bagchi, President, Varnashram Dharam Sangrakshini Sava, Netrokona, Bengal.

637. Telegram, dated Tamsria, 7th May, 1934, from Biswanand Misir, President, Varnashram Sabha Mahabir, Mithila.

638. Telegram, dated Wardhaganj, 7th May, 1934, from Mahanta Chiatandas Balaji Mandir.

639. Telegram, dated 21st May, 1934, from Sanatan Dharm Sabha, Purulia, Manbum.

640. Telegram, dated 10th May, 1934, regarding Sanatanist protest meeting at Rawalpindi.

641. Telegram, dated 14th June, 1934, regarding Sanatanist protest meeting at Kulu.

642. Telegram, dated 16th June, 1934, from Chandiles, Tailor-master, Bannu.

643. Telegram, dated 13th June, 1934, regarding protest meeting at Habiganj, Sylhet.

644. Letter dated *nil*, from President, public meeting of residents of Sirsod village, Tahsil Khandwa, District Nimar.

645. Protest resolution of Sanatanist Meeting at Dacca in the Temple yard of Luxmi Narayanji at Luxmibazar.

646. Protest resolutions of Sanatanist meeting in Temple yard of Goddess Dhakeswari in Dacca City.

647. Resolutions of Hindu residents of Harsud village, Tahsil Harsud, District Nimar.

648. Letter from the President, public meeting held at the Town Hall, Benares.

649. Resolutions passed by Hindu public meeting at Gouripur, Mymensingh, Bengal.

650. Resolutions passed by the Contai Sanskrit Samiti, Midnapore.

651. Resolution passed by Hindu Public Meeting, Ramgopalpur, Mymensingh.

652. Resolutions passed by Meeting of Sanatanist ladies of Jubbulpore.

653. Resolutions of public meeting at Krishnapur, Mymensingh.

654. Resolution passed at meeting of Varnasrami Hindus of Dacca City.

655. Resolutions passed at Hindu Meeting at Khandwa on Dewalaya Day, 6th May, 1934.

656. Resolutions passed by the Karaikudi Branch of the Hindu Central Committee.

657. Resolutions passed at Public Meeting of Chopda Sanatanists, East Khandesh.

658. Protest list bearing 178 signatures (in vernacular).

659. Resolution passed at Public Meeting at Kalipur, Mymensingh.

660. Resolutions of the Sanatana Dharma Conference, held at Kallidaikurichi, March, 1934.

661. Resolution passed at Meeting of Pukur Brahman Samaj, bearing 48 signatures.

662. Resolution passed at Meeting of Sri Sanatan Dharma Sabha, Rawalpindi Saddar.

663. Resolutions of the Sanatana Dharma Mahasabha, Athangudi, Ramnad District, S. India.

664. Resolutions of the Sanatanist Meeting at Chockalingampudur, Ramnad District, S. India.

665. Resolutions of Public Meeting held at Ahmedabad on 6th May, 1934.

666. Resolutions of the Samasta Sanatana Hindu Dharma Sabha, Ahmedabad, held on 3rd May, 1934.

667. Protest, dated 1st June, 1934, signed by number of residents belonging to the Sanatan Dharm Community of Bagpat, Meerut District.

668. Resolution passed at a General Public Meeting of the Vedic Sanatan Hindus of Saugor, C. P., on 31st May, 1934.

669. Resolutions passed at meeting of Sanatanist Hindus of Katni (Jubbulpore).

670. Telegram, dated 14th June, 1934, regarding Resolutions passed at Sanatani Hindus meeting at Narsinghpur, C. P.

671. Unsigned letter dated 15th June, 1934, from Secretary, Varnashram Swaraj Sangh, Rajputana.

672. Resolution passed at public meeting of Sanatani Hindus of Harda, dated 14th June, 1934.

673. Resolution passed at Meeting of Sanatani Hindus of Narsinghpur (C. P.) on 9th June 1934.

674. Resolution passed at Meeting of Sanatan Varnashram Hindus held at Bombay on 14th June, 1934.

675. Resolution passed at Public meeting held at Jewarin Khera, Post Padari Kala, District, Unao, U. P.

676. Telegram, dated Teghra, 21st April, 1934, regarding Sanatanist meeting at Hariharpur, Bidulia, against Temple Entry Bill.

677. Telegram, dated Lakhminia, 23rd April, 1934, regarding Hindu meeting at Mehan, District Monghyr, against Temple Entry Bill.

678. Telegram, dated Lakhminia, 23rd April, 1934, regarding Sanatanist meeting at Samsa, P. O. Parihara, Monghyr District, against Temple Entry Bill.

679. Telegram, dated Teghra, 23rd April, 1934, regarding Sanatanist meeting, against Temple Entry Bill.

680. Telegram, dated Teghra, 23rd April, 1934, regarding Sanatanist meeting at Jirhouli, against Temple Entry Bill.

681. Telegram, dated Teghra, 24th April, 1934, regarding Sanatanist meeting at Neyanagar, against Temple Entry Bill.

682. Telegram, dated Teghra, 26th April, 1934, regarding Sanatanist meeting at Hasanpur, against Temple Entry Bill.

683. Telegram, dated Teghra, 26th April, 1934, regarding Sanatanist meeting at Ajdha, against Temple Entry Bill.

684. Telegram, dated Mhow Bazar, 28th April, 1934, regarding public meeting Kalmis of 12 villages at Palasia, against Temple Entry Bill.

685. Telegram, dated 30th April, 1934, regarding Sanatanist meeting at Haripore, against Temple Entry Bill.

686. Telegram, dated 30th April, 1934, regarding Sanatanist meeting at Haripore, against Temple Entry Bill.

687. Telegram, dated 30th April, 1934, regarding Sanatanist meeting at Rudauli, against Temple Entry Bill.

688. Telegram, dated Begusarai, 30th April, 1934, regarding Hindu Sabha, held at Chanki, against Temple Entry Bill.

689. Telegram, dated Teghra, 30th April, 1934, regarding Sanatanist meeting at Arooa, against Temple Entry Bill.

690. Telegram, dated Hazaribagh, 25th April, 1934, regarding protest meeting, against Temple Entry and Untouchability Bills.

691. Telegram, dated Mhow Bazar, 28th April, 1934, regarding public meeting Kalmis of 12 villages at Palasia, against Untouchability Bill.

692. Telegram, dated 30th April, 1934, regarding All-India Maheshnari Maha-Panchayat (Marwari), protest meeting at Ajmer of three thousand delegates, against Temple Entry and Untouchability Bills.

693. Resolutions passed by Ladies' meeting at Punchnath Kathagraha, against Temple Entry Bill.

694. Resolutions passed by Ladies' meeting at Rajkot, against Temple Entry and Untouchability Bills.

695. Protests signed by 163 residents (voters) of Rajkot Punchnath, against the Temple Entry and Untouchability Bills.

696. Resolutions passed by Public Meeting at Yellur, South Kanara District, against Temple Entry, Untouchability and Hindu Divorce Bills.

697. Resolutions passed by Public Meeting at Kateel, South Kanara District, against above three Bills.

698. Resolutions of the Bharta People passed in Sanathana Dharma Sabha, held at five different places in the East Godavari District, Madras Presidency, during April, 1934, against the Temple Entry, Untouchability and Hindu Divorce Bills.

699. Resolutions passed at meetings of Ladies held under auspices of the All-India Varnashram Swarajya Sangh, Rajkot Branch, against the Temple Entry, Untouchability and Hindu Divorce Bills.

700. Letter, dated 30th April, 1934, from President, Sanatan Dharam Sabha, Lakhimpur, Kheri, forwarding protest bearing 7,102 signatures.

701. Telegram, dated Gurdaspur, 28th May, 1934, from Vaishnawa Charya, Durbar Pandori.

702. Telegram, dated Sylhet, 27th May, 1934, from meeting of Orthodox Hindus.

703. Resolutions by the Burma Sanatanist Leaders' Conference held at Yandoon on 25th May, 1934.

704. Resolutions by Sanatanist meeting at Niwashi, Taluka Chiplun, District Ratnagiri, on 28th May, 1934.

705. Resolution of meeting of Hindu Dharma Sabha, Sholavandan, dated 6th May, 1934.

706. Resolutions of meeting at O'Sriuvayal, on 6th and 7th May, 1934.

707. Resolutions of meeting at Rilbong, Shillong, on 6th May, 1934.

708. Resolutions of meeting at Sanatana Dharma Sabha, Dindigul, on 6th May, 1934.

709. Resolution of meeting of Sanatan Dharmi inhabitants of Pilibhit, on 6th May, 1934.

710. Resolution of meeting held at Sathanamjeri village, Chingleput, on 6th May, 1934.

711. Resolutions passed at three meetings held in Gonda District, on 20th and 23rd April and 6th May, 1934.

712. Resolution of meeting of Brahman Samaj, Pakur, on 8th May, 1934, with 48 signatures.

713. Resolutions of Sanatanist Meeting at Chockalingampudur, Ramnad District, on 6th May, 1934.

714. Resolutions of Sanatanist Meeting at Athangudi, Ramnad District, on 6th May, 1934.

715. Resolution of Public Meeting at Kurla Sanatanists, Bombay, held on 29th April, 1934.

716. Resolution of Sanatanist Meeting held at Ghatkopar District, Thana, Bombay, on 3rd May, 1934.

717. Resolution of Sanatanist Meeting held at Mumbadevi Temple, Bombay, on 6th May, 1934.

718. Resolution of Sanatanist Meeting held at Shri Raghavendji's Math, Gulalwadi, Bombay, on 6th May, 1934.

719. Resolution of General Meeting of the Vedic Sanatan Hindus of Saugor, Central Provinces, on 31st May, 1934.

720. Resolutions of East Godavari District Sanatanists' Conference held at Mandapeta, on 5th and 6th May, 1934.

721. Resolution of Public Meeting of Ellichpur Sanatanists, held on 22nd March, 1934.

722. Resolutions of Sanatanists Meeting at Katni, Jubbulpore, 4th June, 1934.

723. Telegram, dated Narsinghpur, 14th June, 1934, regarding resolution of Sanatanists Meeting.

724. Resolution of Sanatanist Meeting held at Harda on 14th June, 1934.

725. Telegram, dated 19th June, 1934, regarding Hindu Public Meeting held at Habiganj, Sylhet, on 9th June, 1934.

726. Resolution of Sanatan Varnashram Hindus held at Bombay in Madhav Baug, on 14th June, 1934.

727. From Vedantam Venkatachalpati Kuchipudi Agrataram, Kristna District (Madras), dated the 26th April, 1934.

728. Resolutions passed by two public meetings at Gangapur, Bareilly, on the 6th March, 1934, protesting against the Temple Entry Bill.

729. Resolution passed by the Public Meeting at Karampure, Garda, on the 5th April, 1934, protesting against the Temple Entry Bill.

730. Telegram, dated the 9th May, 1934, from President, Goverdhanshastri Varnashram Multra.

731. Telegram, dated the 9th May, 1934, from President of the Public Meeting convened by Vaidikadharam Sevaka Sabha, Srirangam.

732. Telegram, dated the 10th May, 1934, from Secretary, Vaidika Dharma Veer Sangha, Udipi, South Kanara.

733. From the President, Public Meeting of the citizens of Dhamangaon, dated the 6th May, 1934.

734. Resolutions passed by the Brahmin Youths' League, Didigul, dated the 6th May, 1934, protesting against the Temple Entry, Untouchability, Removal and the Dissolution of Marriages Bills.

735. From the Varnasrama Dharmodharaka Sabha of Pithapuran, dated the 6th May, 1934.

736. Resolutions passed by the Public Meeting of Sanatanist Hindus of Coimbatore, dated the 6th May, 1934, protesting against the Temple Entry Bill.

737. From the Secretary, Hindu Dharama Sabha, Melative (Tanjore District), dated the 6th May, 1934.

738. From His Holiness the Jagadguru Shri Shankaracharya Sankashwar Karvir Nath, Nagpur, dated the 8th May, 1934.

739. Telegram, dated the 11th May, 1934, from Dharma Sevaka Sabha, Madras, Cintadripeta.

740. From the Secretary, Varnashrama Dharama Sabha, Nuzvid (Kishan District), dated the 8th May, 1934.

741. From the President, All-India Varnashram Swarjya Sangha Branch, Rajkot, No. 256|B., dated the 8th May, 1934.

742. From the Hindu Central Committee (Branch), Nandyal, Kurnool District, Madras, dated the 6th May, 1934.

743. From the Secretary, Hindu Central Committee, Nungambakkan Branch, dated the 6th May, 1934.

744. Protest from Pandit Chiranji Lal of Lakshinarayan Temple and 13 others of Budn (14 Protests).

745. From Secretary, Varnashram Swaraj Sangh, Khandwa, dated the 6th May, 1934.

746. From Secretary, Hindu Central Committee, Cuddalore, dated the 8th May, 1934.

747. From Shri Hari Sankirtan Mandal, Rawalpindi, dated the 9th May, 1934.

748. From Secretary, The Vaidika Dharma Veera Sangha of South Kanara, Udipi, dated the 8th May, 1934.

749. From the Hindu Central Committee, Berhampore Branch, dated the 6th May, 1934.

750. From the Secretary, Hindu Central Committee, Karaikudi Branch, dated the 7th May, 1934.

751. From the President, Andhra Desa Varnasrama Sangha, Bezwada, dated.....

752. Resolution passed at a meeting of the Sanatanists at Rameswaram on the 6th May, 1934.

753. Resolution passed by the Hindu residents of the village of Kavati, of Kavati Taluk, dated the 6th May, 1934.

754. From the Secretary, Hindu Central Committee, Bhimvaram Talug (West Godawari District) Branch, dated the 7th May, 1934.

755. Resolutions passed by the public meeting of the Mahajanans of Malmangolan on the 6th May, 1934, protesting against the Temple Entry Bill.

756. Telegram, dated the 12th May, 1934, from President of the General meeting of the Maheshwari Community, Calcutta.

757. From Mr. V. K. Kulkarni, Pleader, Belgaum, dated 17th June, 1934. (Forwards 37 protests signed by 37 persons.)
758. From All-India Brahman Maha Saba, Delhi dated.....
759. From Secretary, V. S. S. Arrah, dated.....
760. From Secretary, Hindu Sabha, Delhi, dated.....
761. From President, Brindaban Branch of the All-India V. S. S., dated
762. From V. S. S. Branch Umreth (District Kaira), dated.....
763. From Secretary, Sri Brahmavart Sanatan Dharm Mahamandal, Cawnpore, dated.....
764. From Sanatan Dharm Sabha, Mokameh (Patna), dated 21st June, 1934.
765. From President, Mithila Prantiya Varnashram Dharma Saurakshini Sabha, Chandernagore, dated.....
766. From President of Public meeting held on 6th May, 1934, at Bishramghat Muttra (U. P.).
767. From President, V. S. S. Branch, Malegadu District, Nasik, dated.....
768. From Secretary, Sanatan Dharma Society, Delhi, dated.....
769. From the Sanatani of Tochi Valley (Waziristan), N. W. F. P. (with 11 pages of signatures).
770. From Shri Sanatan Dharama Shiva Sabha, Delhi, dated 22nd June, 1934.
771. From Sri Sanatan Dharma Sabha, Hyderabad Dv., dated 20th June, 1934.
772. From Vice-President, Vaidic Manbin Shastriya Mandal, Nasik, dated
773. From President, Mathur Chetund Parshad, Mathur, dated.....
774. From Secretary, Hindu Mathabhuama Sangha Neguputas, dated 23rd June, 1934.
775. From Sri Indraprasth Sanatan Dharma Mandal, Delhi, dated 26th June, 1934.
776. From Secretary, Sanatan Dharm Sabha, Gulzarbagh, Patna, dated 25th June, 1934.
777. From Sanatan Dharm Sabha, Delhi, dated 26th June, 1934.
778. From Savarna Kshethrodamaska Samithy Peechanikkad, Angamally, Travancore State, dated.....
779. From President of Public meeting held at Tekanpura, district Shahabad, on 20th June, 1934.
780. From President of Public meeting held at Barahiya, on 25th June, 1934, letter dated 26th June, 1934.
781. From Secretary, V. S. S., Karachi, dated.....
782. From Varnashram Dharm Sabha, Viramgam, dated 25th June, 1934.
783. From Mr. V. K. Kulkarni, Belgaum, dated 25th June, 1934. (Forwards 37 protests signed by 47 persons.)
784. From M. V. K. Kulkarni, Belgaum, dated 25th June, 1934. (Forwards 15 protests signed by 38 persons.)
785. Telegram, dated 28th June, 1934, from President of Public meeting held at Lakshanabanda in Sylhet (Assam).
786. From Secretary, Mandir Raksha Committee, Delhi.
787. From Gujrat Sanatan Dharam Pracharini Sabha, Cambay State, dated
788. From Secretary to Chaturvarna Samiti, Rajkot, dated 26th June, 1934.
789. Telegram, dated 29th June, 1934, from the President of the Sanatanists meeting held at Kheri.
790. From the President, V. S. S., Jhansi, dated 27th June, 1934.
791. From Secretary, Chaturvarna Samiti, Rajkot, dated 27th June, 1934.
792. From President, Sri Sanatan Dharam Sabha, Rawalpindi Cantonment.
793. From Secretary, Temple Defence Committee, dated.....
794. Thirteen protests against the Temple Entry Bill from Bombay.
795. From Dergaon Sanatan Dharma Sabha, Assam.

796. From Dharma Sabha Lakhimpur, Kheri, dated 6th May, 1934.
797. From Sanatan Dharam Sabha, Montgomery, Punjab, dated.
798. From President, Dharma Saurakhak Sangh, Bagalkot, district Bijapur, dated 22nd June, 1934.
799. From V. S. S., Rajkote Br., dated 25th June, 1934. (Forwards 1,932 signatures against the T. E. Bill, Untouchability Abolition and Dissolution of Marriage Bills.)
800. From President, Sanatan Vedic Dharma Sabha, Surat and Ahmedabad, dated 30th June, 1934.
801. From Sanatan Dharma Shikshan Mandal, Surat, dated 30th June, 1934.
802. From Sanatan Varnashram Dharm Samrakhaka Sabha, Ahmedabad, dated 24th June, 1934.
803. 5 protests against the Temple Entry Bill from 5 different organisations in Ahmedabad.
804. From Andhra Provincial Varnasrama Sabha, Ellore, dated
805. From President, U. S. S. Branch, Dhulkia, Khandesh, dated 6th May, 1934.
806. From President, Maharashtra Brahman Sabha, Poona, dated 19th May, 1934.
807. Resolutions passed by Public meetings at 7 different places in Bombay protesting against the Temple Entry Untouchability Removal and the Dissolution of Marriages Bill (7 protests).
808. Letter from the Chairman, Public Meeting held on 6th May, 1934, at Mannargudi, dated 7th May, 1934.
809. From Secretary, the Hindu Central Committee, Kumbakonam Branch, dated 17th May, 1934.
810. From Secretary, Guntur District, Varnashrama Dharmoddharaka Sabha, dated 14th May, 1934.
811. Letter from President, Public Meeting, held on 13th May, 1934 at Sylhet, dated 17th May, 1934.
812. From Secretary, Shri Sanatana Dharma Samstha, Gowlinguda, Hyderabad, Deccan, dated 19th May, 1934.
813. From Secretary, A. I. V. S. S., Bulanala, Benares District, dated
814. From President, Sanatan Dharam Association, Tehta (Gaya), dated 22nd May, 1934.
815. From President, V. S. S., Belgaum, dated
816. From Secretary, V. S. S., Dhamangaon, dated 22nd May, 1934.
817. From Secretary, V. S. S., Meerut, dated
818. From Secretary, Shri Sanatan Dharma Mahavir Dal, Meerut Cantonment, dated
819. From Secretary, Sanatan Dharam Sabha, Bareilly, dated
820. From Secretary, Shri Sanatan Dharam Rashin Sabha, Meerut City, dated
821. President, Panchnath Temple Committee, Rajkote, dated 20th May, 1934.
822. From Secretary, A. I. V. S. S., Triplicane, Madras, dated 21st May, 1934.
823. From Secretary, A. I. Sanatan Harnawalambiya Marwari Yuwak Sammelan, Calcutta, dated
824. From Secretary, Sanatan Dharam Sabha, Gauhati, Assam, dated
825. Mr. Shambho Datta Oppadhya Garda, dated 22nd May, 1934.
826. Protests against the Temple Entry Bill submitted by 5 different organisations in Ghaziabad (5 protests).
827. From Secretary, Sanatan Dharam Sabha, Gauhati, dated 23rd May, 1934.
828. From Secretary, the Akhil Bharat Varshiya Varnashram Swaraj Sangha Branch, Sudamapuri, Porbandar, dated 24th May, 1934.
829. Resolution passed by the Public Meeting held on 6th May, 1934, at Gobindganj, protests against the Temple Entry Bill.
830. From President Shri Sharada Mandal Dharam Samastha, Akola (Berar), dated 23rd May, 1934.
831. Resolution passed by Sanatan Dharma Conference, Bellary, dated 27th May, 1934.

832. Resolution passed by Sanatan Dharma Sangam, Chingleput District, dated 6th May, 1934.

833. Resolution passed by Pujaris and Trustees of Temples situated in Lakkhanwal, Gujerat, dated

834. Resolution passed by Sanatanists of Kurla, Bombay, dated 29th April, 1934.

835. Resolution passed by Sanatanists of Ghatkopar, Bombay, dated 3rd May, 1934.

836. Resolution passed by Akhil Bharat Varshiya Vernashram Swarajya Sang's Branch, Ahmedabad, dated 6th May, 1934.

837. Resolution by Hindu Meeting at Ratan Moti Sanaskeriti Patshala, Gokal, dated 19th May, 1934.

838. Resolution by Hindu Meeting at Mundi village, Khandwa, District Nimar, dated 6th May, 1934.

839. Resolution by Brahman Youths' League, Dindigul, dated 6th May, 1934.

840. Resolution by Hindu Meeting at Sri Sankara Hall, National High School, Mannargud, dated 6th May, 1934.

841. Resolution by Hindu Meeting at Narsingakhara Temple, Shillong, dated the 13th May, 1934.

842. Resolution by Sakti Brahmacharya Asram, etc., Dacca, dated 6th May, 1934.

843. Resolution by Hindu Meeting at Rilbong, Shillong, dated 7th May, 1934.

844. Resolution by Hindu Meeting at Rajapti, Tippera, dated 7th May, 1934.

845. Resolution by Sanatana Dharma Sabha, Dindigul, dated 6th May, 1934.

846. Resolution by Sanatanists of Brindaban, Gobinji's Temple, dated 6th May, 1934.

847. Resolution by Hindu Central Committee, Nandyal, Kurnool, dated 6th May, 1934.

848. Resolution by Sanatan Dharma Sabha, Kunnakudi, dated 9th May, 1934.

849. Resolution by Hindu Meeting at Pandhna, District Nimar, dated 6th May, 1934.

850. Resolution by Sanatanists of Calcutta at several places, dated 6th May, 1934.

851. Resolution by Hindu Meeting at Patgra, Dacca, dated 7th May, 1934.

852. Resolution by Sanatan Dharam Conference, Meerut, dated 8th May, 1934.

853. Resolution by Sanatan Varnashram Hindus Meeting, Bombay, dated 14th June, 1934.

854. Resolution by Sanatanists at Mambadevi Temple, Bombay, dated 6th May, 1934.

855. Resolution by Sanatanist Ladies and Gentlemen at Raghavanandji's Math, Gulalwadi, Bombay, dated 6th May, 1934.

856. Resolution (same printed form) passed at meetings held in 21 different places in E. Godawari and one in W. Godawari.

857. Telegram dated 28th June, 1934, regarding protest from Hindu Meeting at Lakshanabanda, Sylhet.

858. Telegram dated Gurdaspur, 29th June, 1934, from Rai Sahib Ch. Kharak Singh, Honorary Magistrate, Dinanagar.

859. Resolutions in same identical printed form passed by meetings held at 9 different places in Madras Presidency.

860. Resolutions passed at meetings held at Dongargaon, Arud and Nimarkheri, Tahsil Khandwa, District Nimar in May and June.

861. Resolutions passed at Sanatanists Meeting, on 21st June, 1934, held at Amalapur, East Godawari.

862. Proceedings of the Andhra Provincial Varnashrama Sabha, Ellore, held on 25th and 26th May, 1934.

863. Resolutions in same identical form passed at meetings, held at 5 different places in Barisal, Bengal.

II

List of resolutions, memorials, telegrams, letters, etc., in favour of the Temple Entry Bill and the Untouchability Abolition Bill, received and placed in the Library of the Legislative Assembly.

1. Resolution of All-India Jat Mahasabha.
2. Representation, dated 9th April, 1934, signed by 101 residents of Sambalpur, supporting the Temple Entry Bill.
3. Resolution by the All-India Jat Mahasabha, Aligarh, passed at its session held on 12th and 13th May, 1934, at Aligarh.
4. Resolution passed by Jangipur Town Hindu Sabha, Murshidabad, on 31st May, 1934.
5. Resolution by public meeting held at Anjangam, Surji, Berar, on 23rd June, 1934.
6. Letter, dated 13th June, 1934, from Honorary Secretary, East Indian National Congress Party, Bezwada.
7. Resolution passed by Hindu Public Meeting held at Dohad, Panch Mahals, Bombay Presidency.
8. Letter, dated 21st May, 1934, from President of Public Meeting held at Erandol (East Khandesh), Bombay.
9. Resolutions passed by the Madras Youth Congress.
10. Resolution passed by Public Meeting at Morshi on 1st June, 1934 (Berar).
11. Resolution passed by Public Meeting held at Benoda on 3rd June, 1934.
12. Resolution passed by Public Meeting at Warud on 2nd June, 1934.
13. Letter from the Hindu Sabha, Karwar, Bombay Presidency, dated 12th June, 1934, forwarding lists bearing 357 signatures in support of Temple Entry Bill.
14. Resolution passed by Sanatanist Meeting at Brindaban, on 6th May, 1934.
15. Statements containing signatures of 1,536 persons in support of the Temple Entry Bill.
16. Resolutions passed by Hindu public meeting held on 21st December, 1933 under auspices of the Harijan Sahaik Sabha, Bannu, in support of the Temple Entry Bill.
17. Letter from the Secretary, Madakasira Conference, Madakasira, dated 15th January 1934, regarding resolution in support of Temple Entry Bill.
18. Resolution passed by the Civil and Social Progress League in support of the Temple Entry and Untouchability Bills.
19. Letter from the Honorary Secretary, Bar Association, Fyzabad, dated 26th January, 1934, regarding resolution passed in support of Temple Entry Bill.
20. Letter from the Honorary Secretary, Cawnpore Bar Association, dated 29th March, 1934, regarding resolution passed in support of Temple Entry Bill.
21. Telegram, dated Mhow Bazar, 6th February, 1934, regarding Hindu Sanatanist meeting passing resolutions in support of Temple Entry Bill.
22. Telegram from Bhayyaji Kumbalwar, dated Mardha, the 21st March, 1934, regarding resolutions of public meeting in favour of Temple Entry Bill.
23. Letter dated 30th March, 1934, from General Secretary, the Azad Mazdoor Sabha, Deputy Ka Parao, Cawnpore, regarding resolutions passed in support of the Temple Entry Bill.
24. Letter, dated 31st March, 1934, from President, the Cawnpore Hindu Sabha, regarding resolution passed in support of Temple Entry Bill.
25. Letter, dated 1st April, 1934, from Secretary, the Cawnpore Seavengers Union, communicating resolution passed in favour of Temple Entry Bill.
26. Letter, dated 31st March, 1934, from Secretary, Harijan Sewak Sangha, Cawnpore, communicating resolutions passed at public meeting of Hindus on 30th March, 1934, in support of Temple Entry Bill.
27. Letter, dated 31st March, 1934, from Secretary, Harijan Sewak Sangh, Cawnpore, communicating resolution passed at meeting of the Sangha on 18th March, 1934, in support of Temple Entry Bill.

28. Telegram, dated Coondapur, 9th April, 1934, regarding Sanatanist meeting supporting Temple Entry and Divorce Bills.
29. Lists containing signatures of about 100 persons, residents of Tamluk District Midnapore, Bengal, supporting the Temple Entry and Untouchability Bills.
30. Resolution of the Bar Association, Mirzapur, supporting the Temple Entry Bill.
31. Resolution of the Municipal Board, Lakhimpur, dated Kheri, supporting the Temple Entry Bill.
32. Petition (vernacular), received from " residents " of Rajputana.
33. Letter from Secretary, Sanatan Dharam Sabha, Sialkot, Punjab, dated 12th February, 1934.
34. Letter dated 7th March, 1934, from Chairman, District Board, Bijnor.
35. Petition in Urdu, from Hindus of Isakhel District, Mianwali, dated 18th January, 1934 (together with 137 signatures).
36. Letter from Honorary Secretary, Kheri Bar Association, dated 5th February, 1934.
37. Letter from Chairman, Education Committee, District Board, Kheri, dated 10th February, 1934.
38. Letter from Sanatan Dharam Mahabir Dal, Lyallpur, dated 30th December, 1933.
39. Letter from Secretary, Women's Indian Association, Coonoor, dated 4th November, 1933.
40. Letter from Secretary, Harijan Seva Sangh, Tehsil Aliganj, District Etah, U. P.

RESOLUTIONS, PETITIONS AND MEMORIALS RECEIVED FOR OR AGAINST THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

†6. **Pandit Ram Krishna Jha** : (*a*) Will Government be pleased to state whether the Secretary, Legislative Assembly, has received any (*i*) petitions, (*ii*) resolutions, (*iii*) memorials, and (*iv*) opinions either for or against the Temple Entry Bill ? If so, how many, and from whom ?

(*b*) What action, if any, has so far been taken on such petitions, etc., by Government ?

COMPLAINT REGARDING THE UNSATISFACTORY MODE OF CIRCULATION FOR OPINION OF THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL AMONGST THE SANATANISTS.

7. **Pandit Ram Krishna Jha** : (*a*) Will Government be pleased to state whether they have received any complaint from any quarter, individual, or public or religious body, regarding the unsatisfactory mode of circulation of the Temple Entry Bill, for opinion, amongst the Sanatanists of the different parts of the country ? If so, from which individuals or public or religious bodies ?

(*b*) Have Government received any complaint to the effect that opinions submitted by the Sanatanist individuals, and public bodies, to the local officers, are not accepted by such officers of the locality ?

(*c*) Will Government be pleased to state what steps, if any, have they so far taken to ensure a satisfactory mode of circulation of the Temple Entry Bill for opinion amongst the Sanatanist individuals and bodies likely to be affected by the Bill ?

The Honourable Sir Harry Haig : (*a*) and (*c*). The Government of India received some representations. Steps were taken when the Bill was

†For answer to this question, *see* answer to question No. 5.

circulated to Local Governments to draw their special attention to the necessity of securing its effective circulation, and Local Governments were subsequently addressed on two occasions and asked to ensure that opinions were obtained from as wide an area as possible.

COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

8. **Mr. Gaya Prasad Singh** : Will Government be pleased to state :

(*a*) the total number of gazetted and non-gazetted officers employed in the Income-tax Department, Bihar and Orissa, and the number belonging to each of the following communities, *viz.*, Bihari Hindus, Bengali Hindus, Muhammadans, Oriyas and Christians ;

(*b*) the number of new appointments made after the passing of the Emergency Finance Act, 1931, in the following Services of the Income-tax Department, Bihar and Orissa, (*i*) Assistant Commissioners, (*ii*) Inspectors of Income-tax, and (*iii*) Clerks ; and

(*c*) the number of promotions made after the 1st April, 1932, from lower to higher grades of the gazetted and non-gazetted services of the Income-tax Department, Bihar and Orissa ?

The Honourable Sir James Grigg : I propose to answer questions Nos. 8, 9 and 10 together. The information is being obtained and will be laid on the table in due course.

COMMUNAL COMPOSITION OF THE STAFF IN THE OFFICES OF THE ASSISTANT COMMISSIONERS OF INCOME-TAX, BIHAR AND ORISSA.

†9. **Mr. Gaya Prasad Singh** : Will Government kindly lay on the table a statement showing the number of Bihari Hindus, Bengali Hindus, Muhammadans, Oriyas and Christians employed as Head Assistants, Assistants and Second Assistants in the Offices of the Assistant Commissioners of Income-tax, Bihar and Orissa ?

ALLEGATIONS AGAINST THE SUPERINTENDENT IN THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA.

†10. **Mr. Gaya Prasad Singh** : Is it a fact that the Superintendent in the office of the Commissioner of Income-tax, Bihar and Orissa, has much to do with the transfers, promotions, etc., of the establishment of the Income-tax Department, Bihar and Orissa ?

PROPOSAL TO SHIFT THE OFFICE OF THE COMMISSIONER OF INCOME-TAX FROM RANCHI TO PATNA.

11. **Mr. Gaya Prasad Singh** : Will Government kindly state whether there is any proposal to shift the office of the Commissioner of Income-tax from Ranchi to Patna ?

The Honourable Sir James Grigg : The answer is in the negative.

MAINTENANCE OF THE FAMILY OF HYDER ALI AND TIPU SULTAN.

12. **Kunwar Hajee Ismail Ali Khan** : With reference to the starred question No. 1, dated the 22nd August, 1933, will Government kindly lay

† For answer to this question, *see* answer to question No. 8.

on the table a copy of the original scheme regarding the maintenance of the family of Hyder Ali and Tipu Sultan ?

Mr. H. A. F. Metcalfe : Sir, I lay on the table a copy of the relevant articles of the Partition Treaty of Mysore, 1799, which contains the original provision for the maintenance of the families of Hyder Ali and Tipu Sultan.

Partition Treaty of Mysore—1799.

Treaty for strengthening the Alliance and Friendship subsisting between the English East India Company Bahadur, His Highness the Nawab Nizam-ud-Dowlah Ausuph Jah Bahadur, and the Peishwa, Rao Pundit Prudhan Bahadur and for effecting a settlement of the dominions of the late Tippoo Sultan.

Article 1.

It being reasonable and just that the allies by this Treaty should accomplish the original objects of the war (*viz.*, a due indemnification for the expenses incurred in their own defence, and effectful security for their respective possessions against the future designs of their enemies), it is stipulated and agreed that the districts specified in the Schedule A hereunto annexed, together with the heads of all the passes leading from the territory of the late Tippoo Sultan to any part of the possessions of the English East India Company Bahadur, of its allies, or tributaries, situated between the ghauts on either coast, and all forts situated near to and commanding the said passes, shall be subjected to the authority, and be for ever incorporated with the dominions of the English East India Company Bahadur, the said Company Bahadur engaging to provide effectually, out of the revenues of the said districts, for the suitable maintenance of the whole of the families of the late Hyder Ali Khan and of the late Tippoo Sultan, and to apply to this purpose, with the reservation hereinafter stated, and an annual sum of not less than two lakhs of Star Pagodas, making the Company's share as follows :—

	Canteraï Pagodas.
Estimated value of districts enumerated in the Schedule A according to the statement of Tippoo Sultan in 1792 ..	7,77,170
Deduct provision for the families of Hyder Ali Khan and of Tippoo Sultan, two lakhs of Star Pagodas, in Canteraï Pagodas	2,40,000
	(Rs. 7,00,000)
Remains to the East India Company	5,37,170

Article 6.

The English East India Company Bahadur shall be at liberty to make such deductions from time to time from the sums allotted by the first Article of the present Treaty for the maintenance of the families of Hyder Ali Khan and Tippoo Sultan, as may be proper, in consequence of the decease of any member of the said families ; and in the event of any hostile attempt, on the part of the said family or of any member of it, against the authority of the contracting parties or against the peace of their respective dominions or the territories of the Rajah of Mysore, then the said English East India Company Bahadur shall be at liberty to limit or suspend entirely the payment of the whole or any part of the stipend hereinbefore stipulated to be applied to the maintenance and support of the said families.

Appointment of ex-Apprentices in the Lillooah Railway Workshop.

13. **Pandit Satyendra Nath Sen :** (*a*) With reference to (*i*) starred questions Nos. 828 to 834 of the 12th September, 1933, (*ii*) starred questions Nos. 1106 to 1110 of the 21st November, 1933, (*iii*) unstarred questions Nos. 213 to 215 of the 27th November, 1933, and (*iv*) unstarred

questions Nos. 265 to 266 of the 5th December, 1933, regarding the appointments of the *ex*-apprentices of the East Indian Railway Workshop, Lillooah, will Government please state whether they have now received the required information from the Agent, East Indian Railway ? Are Government aware that the answers are long overdue ?

(*b*) If Government have not received any information as yet, how long more will it take them to lay the replies on the table and what are the reasons for such long delay ?

Mr. P. R. Rau : The information was laid on the table of the House on the 16th July, 1934.

WAITING LIST OF EX-APPRENTICES OF THE EAST INDIAN RAILWAY.

14. **Pandit Satyendra Nath Sen** : (*a*) With reference to the answer to unstarred question No. 19 of the 5th September, 1932, will Government please state why the waiting list of the *ex*-apprentices on the East Indian Railway has not been arranged according to seniority and the divisions they passed in the Technical School (as is done everywhere) ? Are Government prepared to arrange the waiting list according to seniority and the divisions they passed in the Technical School and send the copies of the same to the Deputy Chief Mechanical Engineers, the Chief Engineer, the Chief Operating Superintendent and the Controller of Stores, without further delay ? If not, why not ?

(*b*) If the answer to part (*a*) above be in the affirmative, will Government please lay a copy of the waiting list on the table of this House ? If not, why not ?

(*c*) Will Government please place on the table of this House a list showing the names of mechanics, chargemen and draughtsmen who have been appointed in the East Indian Railway Workshop, Lillooah, since 1932, with the following particulars :

(*i*) dates of completion of apprenticeship training ;
(*ii*) particulars of training ;
(*iii*) divisions in which passed in Technical examination ; and
(*iv*) starting salaries ?

If not, why not ?

Mr. P. R. Rau : (*a*) Government have no information. The matter is within the competence of the Railway Administration and Government are not prepared to interfere.

(*b*) and (*c*). The information is not available, and Government consider that the time and labour spent in the compilation is unlikely to be justified by results.

APPOINTMENTS AND PROMOTIONS IN THE LILLOOAH RAILWAY WORKSHOP.

15. **Pandit Satyendra Nath Sen** : (*a*) Are Government aware that it has been stated in reply to the unstarred question No. 26 of the 5th September, 1932, that one Anglo-Indian, who had no mechanical training at all, had been appointed as a mechanic in the Saw Mill in the East Indian Railway Workshop, Lillooah ?

(*b*) Are Government aware that it has been stated in reply to starred question No. 924 of the 7th November, 1932, that one outsider, who had

no training (except timber seasoning) in Carriage and Wagon Department, previously, was first appointed as a Kiln Seasoning Supervisor, that after the abolition of Kiln Seasoning Operation he was appointed as a mechanic, and that the claims of many *ex*-apprentices of the same workshop who were on the waiting list were ignored ?

(*c*) Will Government please state whether the Anglo-Indians and outsiders who had no mechanical training at all, as referred to in parts (*a*) and (*b*) above, are better qualified for the posts of mechanics in the Carriage and Wagon Department, East Indian Railway, Lillooah, than the *ex*-apprentices who were trained for five years in the Carriage and Wagon Department ? If so, will Government please state the reasons ?

(*d*) If the answer to parts (*a*) and (*b*) above be in the affirmative, and to part (*c*) in the negative, will Government please state :

(*i*) why the *ex*-apprentices who were trained for five years under them are not able to manage the works ; and

(*ii*) whether those two mechanics are proposed to be replaced by the *ex*-apprentices who were trained in the same workshop and who are waiting ? If not, why not ?

Mr. P. R. Rau : (*a*) The reply referred to will be found on page 1992 of the Legislative Assembly Debates, Volume III, No. 1, dated the 13th March, 1933. It contained particulars of the training and experience of a Foreman and Assistant Foreman in the Saw Mill.

(*b*) The reply referred to will be found on page 1985 of the Legislative Assembly Debates, Volume III, No. 1, dated the 13th March, 1933. It contained a statement showing the names of mechanics, chargemen and draftsmen appointed since January, 1930, in the Lillooah Carriage and Wagon Workshops.

(*c*) and (*d*). Government have no reason to believe that the selection made by the administration was not justified and are not prepared to interfere.

APPOINTMENTS IN THE LILLOOAH RAILWAY WORKSHOP.

16. **Pandit Satyendra Nath Sen :** (*a*) Will Government please state whether they have acted in accordance with the procedure cited in answers to starred questions Nos. 296 (*b*) and (*d*) of the 10th September, 1929 and 471 (*d*) of the 5th March, 1930 ?

(*b*) If the answer to part (*a*) above be in the affirmative, will Government please state why Mr. N. C. Nandy has not been given the Chargeman T. T. grade ?

(*c*) Are Government prepared to take immediate steps against such action of the Railway administration who are acting deliberately in contravention of the repeated assurance given by Government ? If so, in what way ? If not, why not ?

(*d*) Are Government prepared to promote Mr. Nandy in the Chargeman T. T. grade without further delay and issue necessary orders to the officer concerned ? If not, why not ?

Mr. P. R. Rau : Information is being obtained and a reply will be laid on the table later.

APPOINTMENT OF EX-APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

17. **Pandit Satyendra Nath Sen** : (*a*) Is it a fact that a vacancy will occur in the grade of mechanics owing to the retirement of a mechanic who is working in Production Department under the Deputy Chief Mechanical Engineer, East Indian Railway, Lillooah ?

(*b*) Is it a fact that arrangements have already been made to appoint a junior *ex*-apprentice of 1932, ignoring the claims of many seniors of 1930 and 1931 who are still waiting for appointment ?

(*c*) Are Government aware that it has been stated in reply to a question that many *ex*-apprentices of 1930 and 1931 worked in Production Department ?

(*d*) Are Government aware of the assurance given in reply to the unstarred question No. 23 (*b*) of the 5th September, 1932 ?

(*e*) Are Government aware that it has been stated in reply to starred question No. 472 of the 5th March, 1930, that the senior *ex*-apprentices have prior claims to their juniors who completed their training at later dates ?

(*f*) If the answer to parts (*a*) to (*e*) above be in the affirmative, will Government please state whether they are prepared to :

(*i*) put a stop to such practice of appointing juniors ;

(*ii*) take necessary steps to appoint a senior *ex*-apprentice from the waiting list ; and

(*iii*) issue necessary orders to the Chief Mechanical Engineer to this effect ?

If not, why not ?

(*g*) If the answer to part (*iii*) of part (*f*) above be in the affirmative, will Government please lay a copy of the order on the table ? If not, why not ?

Mr. P. R. Rau : Government have no information in regard to the detailed points raised in the question which are within the competence of the Railway Administration to decide. They have forwarded a copy of it to the Agent in order that any assurances given by Government may be borne in mind by him.

APPOINTMENT OF EX-APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

18. **Pandit Satyendra Nath Sen** : (*a*) Are Government aware that three posts of draughtsmen had fallen vacant in 1933 under the Deputy Chief Mechanical Engineer, East Indian Railway, Lillooah ?

(*b*) Are Government aware that all the *ex*-apprentices were informed by letters ?

(*c*) Are Government aware that they were put to test by the Head Draughtsman ?

(*d*) Are Government aware that they were given Drawing No. 3203 to draw sections through certain portions of a first class compartment, but no dimensions were given to them ? If so, why ?

(*e*) Are Government aware that no drawing except some standard parts can be drawn without dimensions ?

(*f*) Are Government aware that arrangements were made beforehand to appoint a tracer and an Anglo-Indian junior *ex*-apprentice ?

(*g*) If the answers to parts (*d*) and (*f*) above be in the negative, are Government prepared to institute an early enquiry into the matter and take necessary step ? If so, in what way ? If not, why not ?

(*h*) Will Government please supply the names of those who were appointed as draughtsmen in 1933, with the following particulars :

(*i*) general education (university examination passed),

(*ii*) technical education (division passed),

(*iii*) particulars of training, and

(*iv*) starting salaries ?

If not, why not ?

(*i*) Will Government please state whether they propose to transfer or promote mechanics and chargemen from other workshops or section which are under the Chief Mechanical Engineer, in cases of all future vacancies, and appoint *ex*-apprentices from the waiting list to the successive vacancies and issue necessary orders to the East Indian Railway Administration to this effect without further delay ? If not, why not ?

(*j*) If the answer to part (*i*) above be in the affirmative, will Government please lay a copy of the order on the table of this house ? If not, why not ?

Mr. P. R. Rau : Government have no information. The selection is within the competence of the Railway Administration and Government are not prepared to interfere.

APPOINTMENT OF EX-APPRENTICES IN THE LILLOOAH RAILWAY WORKSHOP.

19. **Pandit Satyendra Nath Sen** : (*a*) Will Government please state the number of the vacancies that occurred in the grade of Train Examiners and Electricians under the Chief Operating Superintendent, East Indian Railway, since October, 1933, and the number of the *ex*-apprentices of Lillooah workshop who have been appointed, with the following particulars :

(*i*) the name of the Division and the number of vacancies,

(*ii*) names of the *ex*-apprentices, if any, and

(*iii*) starting salaries ?

(*b*) Will Government please state separately the number of vacancies that have occurred under the Chief Engineer and the Controller of Stores since 1932 and the names, if any, of *ex*-apprentices of East Indian Railway Workshop, Lillooah, who have been provided there with posts, as referred to in the answer to starred question No. 918 (*d*) of the 7th November, 1932 ?

Mr. P. R. Rau : Government have no information.

STATEMENTS LAID ON THE TABLE.

ALLEGATIONS AGAINST THE CONDUCT OF TROOPS IN MIDNAPORE.

The Honourable Sir Harry Haig (Home Member) : With reference to the allegations against the conduct of the troops and civil officials in Midnapore made in this House on the 19th March, 1934, by Mr. S. C. Mitra, in the course of the debate on the Finance Bill and to the undertaking I gave on the 21st March to treat these allegations as I would a question and obtain a report on them from the Government of Bengal, I now lay on the table a statement showing the result of the enquiries made by the local authorities, which are fully endorsed by the Government of Bengal.

Statement.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
The soldiers in batches of 20 to 25 with a circle officer or a special magistrate or a sub-deputy collector and one or two sub-inspectors of police and other police officers are sent to different than as from the sub-divisional town. Four or five camps are fixed up where they stay for three or four days. Each thana is being visited by different batches of troops in different routes.	
(1) *Reception.*—Police officers give verbal or written notices to shopkeepers and prominent villagers to decorate shops and to erect gates in the routes to be followed by a party of troops and to receive them. Teachers of schools within a distance of three to four miles have also to erect gates and to receive the soldiers with their boys who should carry flags and shout "*jais*" to give them ovation. The school sub-inspectors have to take particular care that no one remains absent. Absentee teachers though small in number, are being deprived of their grants-in-aid. Each school has generally to serve more than one turn and the little boys have to remain standing for hours on each occasion. Several hundreds are collected at the instance of thana officers by general subscriptions. Defaulters are threatened, with condign punishment. Processions with flowers, festoons, bugles and drums are to be arranged by villagers.	(1) During the combined civil and military operations shop-keepers and prominent villagers were invited to welcome the troops and in accordance with the time-honoured custom of the country on account of ceremonial visits they erected arches and decorated their shops. It is not true that teachers and students were compelled to appear against their will to greet the troops ; on the contrary, the school children in most places eagerly clamoured for permission to be present and evidently regarded the arrival of the troops as a festive occasion. In no case has any teacher been deprived of his grant-in-aid on account of his absence from such festivities, or threatened with such deprivation.
(2) *Extortion of Tea Parties, Dalies and other Entertainments.*—Well-to-do persons have no escape from giving either a tea party or a *dali*. A poor man, if he has sometimes incurred the wrath of even the chowkidar, has to pay for it and present *dalies*. The deputy Babu or the *daroga* Babu would send for persons and bid them present *dalies* with such articles as are put in the list they would supply. Any pleading to be excused with less costly or more easily available things would earn for the offender the	(2) It is entirely untrue that any person was compelled to give tea parties or *dalies* to the troops ; on the contrary, on the advice of the civil officials, the military in many places refused to accept tea parties or *dalies*. Only well-to-do persons of known loyalty and sufficient standing were allowed to entertain the troops and the entertainments consisted of simple tea parties at which the troops were supplied with country sweetmeats, etc.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
filthiest language and the grossest insult. Men of position and honour have to remain standing for hours supplicatingly to receive orders from the officers just to avoid greater insult at their hands. Cash moneys are sometimes extracted in lieu of *dalies*. Teachers and members of school committees have in some cases to arrange tea parties or send *dalies*, as otherwise they would be deprived of their stipends. If they do not dance attendance on the visiting party, they are suspended or their aids are cancelled at the orders of the school sub-inspectors, who as a rule, play a most prominent part in the reception.	
(3) "*Union Jack*" *Salutation*.—Notices are served particularly on Congress workers, to salute the Union Jack on a particular day at a particular camp. If they do not turn up, their houses are searched and household articles are pillaged. They are flogged and members of their families are insulted, roughly handled and sometimes assaulted. The workers are arrested and taken to the camp, and if they refused to salute the Union Jack, they are subjected to inhuman torture in the shape of flogging, kicking, knocking their heads against the grounds, and the like. They are also kept in confinement for long periods with their hands tied up or otherwise.	(3) Prominent inhabitants of the villages concerned, whether Congress workers or not, were invited to attend flag saluting ceremonies and the great majority of them expressed satisfaction at being invited. At some of these ceremonies as many as 7,000 or 8,000 people were present, and great enthusiasm was shown. It is not true that those who were invited but did not attend were tortured, their houses pillaged and their families roughly handled. The Additional District Magistrate was on tour almost continuously during the operations and talked to many hundreds of the people concerned; in no case was any complaint of this nature made to him. Written complaints were afterwards received in respect of Ashutosh Roy Choudhury and Ramanath Maity, but enquiry showed that the complaints were either false or grossly exaggerated. Neither of these gentlemen made any attempt to represent their grievances to the Additional District Magistrate, although that officer was several times in their locality and twice sent for Ashutosh Choudhury.
(4) *House searches and Destruction of properties*.—In these cases, too, the Congress workers are the targets. Besides, those persons, who have been deemed wanting in proper respect for the *daroga* Babu or any other officer, had their houses searched, household articles destroyed, and also received usual insults. Sometimes ladies are also assaulted and are subjected to humiliation.	(4) It is not true that houses have been searched because disrespect had been shown by their owners to the local police. During the course of the operations information was from time to time received which made it necessary to search houses; such searches were conducted by the Police, and the troops provided the necessary cordon. The troops did not enter the houses at all.
Great excesses have so far been committed by searching parties. Properties have been destroyed, cash and ornaments have been robbed, houses have been desecrated, householders, from children to old men, have been flogged, ladies have been molested and even outrages on women have been committed.	The allegations of flogging, looting, wanton destruction and molestation of women, are all utterly unfounded and not in a single case have such allegations been substantiated. Only one specific allegation of the molestation of a woman has been made and this was found on a judicial enquiry by a officer, quite unconnected with the operations, to be completely false. The complainant has since been prosecuted for giving false evidence and the case was still under trial at the time of the local Government's report.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
(5) *Durbars.*—The District Magistrate or the Additional District Magistrate holds a durbar in each thana. Notices are served particularly on Congress workers or Congress sympathisers for attendance. Durbar speeches are full of threats that the people should be careful to keep free from all sorts of movements, otherwise military help would be resorted to to suppress them.	(5) The facts are that prominent gentlemen, including Congress adherents, were invited to the durbars and were told clearly that neither Government nor the District authorities were prepared to tolerate subversive or anarchical movements and that Government were determined to use every possible means to stamp out terrorism. Emphasis was placed upon the fact that the villagers themselves stood to lose by such movements and that it was their duty to come to the aid of Government in restoring order and tranquillity.
(6) *Watch and Ward Committees.*—Watch and Ward committees are being formed by Circle Officers in villages. In the durbars, the members of such committees, who in many cases have been coerced to serve as such, are awarded *sanads* which warrant them to help in cases of dacoity in the villages. But in the durbar speeches they are directed that they must give information to the police whenever a library or a gymnastic club, or a school is started in the village or if there is any meeting, political or otherwise, or there is any newcomer and so on.	(6) The Watch and Ward Committees were told in the Durbar speeches that their main function is to keep their eyes open and to collect information relating to anything which may affect the public tranquillity. If for example a new school is opened, they are to ascertain whether it is a genuine school rendering useful service to the community or whether it is merely an institution for terrorist or Congress propaganda. Similarly the Watch and Ward Committees were told that if a stranger comes to the village, they are to satisfy themselves that he has not come with the intention of carrying on terrorist propaganda or otherwise disturbing the public peace. The duties thus entrusted to the members of the Watch and Ward Committees are the ordinary duties of a public citizen. Unwilling persons have not been compelled to serve on these Committees.
(7) *Notices on Congress workers.*—Those Congress workers, who have not submitted to the coercion by refusing to salute the Union Jack or to be a member of the Watch and Ward committee and those who have been considered incorrigible are being served with notices under the Bengal Suppression of Terrorist Outrages Act, 1932, to report to thana officers each week and to assist in the maintenance of law and order in connection with the combined civil and military operations to be carried out in the district from 15th December until the 31st April 1934.	(7) During the operations, information came to light which made it necessary to keep in touch with the movements of certain persons, and notices under the Bengal Suppression of Terrorist Outrages Act were accordingly served upon them. The total number of persons on whom notices were so served was 43 out of a district population of three millions. In most cases the purpose of the notices has now been served and the orders have been or are about to be withdrawn.
A few significant cases will give some idea about the serious situation.	
(8) During the small hours of the night of the 25th January, 1934, a number of Garhwali soldiers surrounded the house of Sj. Murari Mohan Sasmal of Jukhia in P. S. Bhagwanpur in the Contai sub-division, and one of the soldiers committed rape on the wife of Sj. Bhuban Chandra Sasmal, the elder brother of Murari Babu. Both the brothers were absent from home and the neighbours were prevented by soldiers and policemen from coming to the rescue of the unfortunate woman.	(8) The case has already been mentioned above [*vide* item (4)]. A judicial enquiry was held and the complaint found to be false and a prosecution for false evidence was instituted against Murari Mohan Sasmal.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
(9) On the 11th January, 1934, the junior sub-inspector of police of P. S. Kedgree in the Contai sub-division, with a party of Garhwali soldiers, constables and chowkidars, surrounded the house of Sj. Jogendra Nath Patra of Sillibari in P. S. Kedgree. Jogen Babu being absent from home, they enquired about Jogen Babu's wife, who at the sight of the soldiers, had run away from the house with her two children and had been trying to take shelter in a neighbour's house. The sub-inspector, with some constables, chased her from one house to another for a distance of 1½ miles, assaulted whomsoever they came across, held an identification parade of women to find her out and created a great panic throughout the village.	(9) No complaint of this kind has been made to the district authorities.
(10) During the search in the night of the 3rd January, 1934 (3 A.M.) in the house of Sj. Indra Narayan Bera of village Katranka in P. S. Pataspur in the Contai sub-division, one of the soldiers of the searching party, headed by Mr. Dhirendra Nath Mukherjee, the special magistrate of Contai, and Sj. Jagat Taran Chatterjee, the senior sub-inspector of police of P. S. Potashpur, with the apparent evil intention dragged Shrimati Rajanibala Bera, the daughter-in-law of Indra Babu, inside a room and the lady could only save her honour by threatening to make an end of her life with a knife. Shrimati Rajanibala was a Congress worker; she was asked to salute the Union Jack.	(10) No such complaint has been made to the district authorities. A complaint of a similar nature was received from Kumud Charan Bera of the same village and on enquiry by the District Magistrate was found to be totally and maliciously false. It may be noted here that the allegations made in paragraphs (10), (12), (17) and (25) should, if true, have been made the subject of criminal complaint. No such complaints were made and the fact that these allegations are now for the first time brought to the notice of the District authorities affords a very reasonable presumption that they are false.
Serious damages were done to the properties of the Beras, male and female members were seriously assaulted—not even children excepted, and gold and silver ornaments were robbed.	
(11) (*i*) After search in the house of Sj. Kumar Narayan Panda, on 27th December, 1933, a bundle of currency notes amounting in all to Rs. 2,635 was found missing.	(11) (*i*) *See* remarks against item 23.
(*ii*) Every article in the house of Kailas Chandra Maiti of Balichak, P. S. Kedgree, was smashed during search, and ornaments and other articles were robbed.	(11) (*ii*) and (*iii*). No such complaints were made to local authorities.
(*iii*) Cash payments were extorted from Jhatu Charan Maiti of Paschim Sarpai, Iswan Chandra Karan of Dakshin Nischinta, P. S. Contai, and others on the 31st December, 1933.	
(*iv*) On the 10th December, 1933, Sj. Ashutosh Ray Chowdhury and Sj. Ramanath Maiti (Congress workers) of Balyagovindpur, P. S. Potashpur, were flogged, threatened with their lives and kept in confinement for their refusal to salute the Union Jack, and their household articles were given over to pillage during search on the 9th December, 1933.	(11) (*iv*) A complete reply to these allegations was given in the statement laid on the Assembly table on the 31st January, 1934, in answer to Mr. S. C. Mitra's question No. 49.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
(12) On the 10th January, 1934, Sj. Sashi Sekhar Mandal of village Ektarpur, P. S. Potashpur, was arrested and taken to the soldiers' camp, and, on his refusal to salute the Union Jack, was flogged, slapped, kicked and otherwise assaulted for several times, was kept in confinement, tied up in a post, and his h ead was knocked against the ground before the Union Jack again and again and he was subjected to the most inhuman behaviour.	(12) *See* remarks against item (10).
There are many other cases of the like.	
(13) On the 3rd January, 1934, school masters and students were assaulted for no fault of theirs, and their stipends were suspended, because Mahatma Gandhi and Chittaranjan's photos were found in the school. Two little boys were also inhumanly treated.	(13) *See* remarks against item 26, which appears to refer to the same incident.
(14) *Potashpur Police Station.*—The first instance of military excesses was committed on the 9th December last by a detachment of the Royal Garhwali Rifles, encamped at Manglamaro, in connection with house searches in the villages of Ballyagovindpur and Palpara under police station Potashpur ; there Sjs. Ashutosh Ray Choudhury, Ramanath Maity and Kalipada Mahapatra were flogged and otherwise harassed for their refusal to salute the Union Jack. Another detachment encamping at the Argoal Bungalow, on the 1st January, 1934, led by the special magistrate, Mr. D. N. Mukherjee, and the sub-inspectors, Messrs. Jagat Taran Bannerjee and Khondakar, committed similar atrocities at the village Katranka on the occasion of searching the houses of the Beras on the 3rd January, 1934. Floggings, lathi blows upon the inmates, not excepting ladies, and loot and destruction of property were freely indulged in by the soldiery. Sjs. Kumud Chandra Bera, Churadhari Bera, with his wife and the son, Monaranjan Bera, Nilkanta Bera, Indra Narayan Bera, with his wife and the daughter-in-law, Sja. Rajani Bala Bera ; Kartick Ch. Bera, with his sons, Priyanath, and Bholanath Haridhan Bera, Gajendra Nath Bera, with his sons, Arjun, Arun and Bharat, and Satis Ch. and Narendra Nath Bera were amongst the victims. Assaults were due to the refusal to salute the Flag and furnish information leading to the recovery of the Congress Cyclostyle Machine.	(14) This is a repetition of the allegations made in items (10) and (11) (*iv*) above.
(15) *Contai Police Station.*—Prior to the arrival of the Royal Garhwali Rifles at Contai, the S. D. O. issued warrants to the local gentry directing them to join the reception of the troops and the Flag Salutation ceremony on the 16th December and the Ceremonial Parade	(15) The use of the term " warrant " in this para. is wholly misleading. Notices were served upon the local gentry requesting them to join in the reception of the troops and these notices (which were in Bengali) were couched in the honorific or polite form of Bengali. It

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
on the 18th December, 1933. Here *dalies* or, in lieu thereof, cash payments were extorted from the local people upon the threat of beletting the soldiery on their houses.	is quite untrue that *dalies* were extorted from the local people. Attention is invited in this connection to the remarks made against item (2) above.
(16) *Ballyagovindpur.*—On the 9th December, 1933, a number of soldiers of the Royal Garhwali Rifles, headed by a havildar, surrounded the house of Sj. Ashutosh Ray Chaudhury of Ballyagovindpur village under Patashpur police station. Sj. Ray Choudhury was asked to salute the Union Jack. But before he could understand the situation, he was secured with a rope, his hands being tied from behind, and was severely belaboured by the Havildar. In the meantime, on the plea of a search, the soldiers entered his house and pillaged everything inside. With Sj. Ray Choudhury in their custody, the house of Sj. Ramanath Maity was next visited. He too was given a good thrashing and his house was also given over to similar pillage. Both of them were then taken to the Soldiers' Camp at Manglamaro and detained there for two days. On the 10th, at 5 P.M., both of them were taken to the Parade Ground and ordered to salute the Flag. On their refusal, there they were mercilessly belaboured, and, moreover, threatened to be shot dead. At last they were forcibly made to salute the Union Jack.	(16) This is a repetition of the allegations made in items (11) (*iv*) and (14) above.
(17) *Palpara.*—On the 9th December, the house of Sj. Kalipada Roy Mahapatra of Palpara was also sorrounded by soldiers. Kalipada Babu was roughly handled for his refusal to salute the Flag and subsequently made a prisoner. His house was searched with considerable damage to property. But, persisting in his refusal to salute the Flag, he was again assaulted by the Havildar at the Parade Ground. They wanted him to execute a bond, but, as he was not agreeable to this, he was again given some fifty lashes.	(17) *See* remarks against item (10) above.
(18) *Banamali Chatta.*—At this village, a detachment of the Garhwali Rifles searched the houses of Sj. Sree Nath Chandra Jana and Kangal Chandra Jana, on the 26th December. Although nothing incriminating was found, the searching party broke into pieces several glass jars, looking glasses and earthen pots; tore open mattresses and quilts and scattered rice and *dal* on the floor. At Kangal Babu's place, despite being offered keys, they wantonly broke open a safe and mutilated important documents inside. In the evening, the local gentry were summoned at the Parade Ground and ordered to send *dalies* for the troops. There Sj. Ananta Das of Kamardah and Bhagabat	(18) The remarks made against items (16), (4) and (2) apply also to these allegations.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
Chandra Jana of Laudan were abused in the most filthy language, roughly handled and forcibly made to salute the Union Jack.	
(19) *Bantrakunda.*—Here a party of soldiers searched the houses of Sj. Achinta Kumar Panday and Kumar Narayan Panday on the 27th December. At the former place, a box and a portmanteau were broken open and paper inside destroyed. Foodstuffs were all scattered on the floor and got mixed up. At the latter place, three boxes four portmanteaus, and one safe were broken open and the contents therein soiled pouring oil over them.	(19) The allegation as regards Kumar Narayan Panday is dealt with in item 23 below. The other allegation made in this item was found on investigation by the District Magistrate to be totally and maliciously false.
(20) *Behari.*—Here Sj. Byomkesh Das, a teacher of the Namaldiah, U. P. School, was summoned by the Havildar of a detachment, visiting the place on the 26th December, to salute the Union Jack with the local volunteers. In the absence of the Flag that day he had to salute the bare flag-staff then and there, and reappear the next day for proper salutation. *Dali* was also extorted from him, and also from Kumud Bandhu Panday, a local zamindar and the President Panchayat of Union No. IV. He had also to arrange for a dinner in honour of the Officer Commanding Captain Murray, where no less than 62 Garhwali soldiers were among the guests.	(20) Most of this is a repetition of the allegations made in item (10) above. As regards the allegations under the heading *Behari*, attention is invited to the remarks made against items (2) and (3) above.
Katranka.—Headed by the special magistrate Mr. D. N. Mukherjee, and a Havildar among others, a batch of soldiers surrounded the house of the Beras at 3 A.M. on the 3rd January, 1934. While searching the house of Sj. Kumud Chandra Bera, his younger brother, Sj. Churadhari Bera, was kicked and dealt with 20 or 25 stripes and lathi blows. He got a nasty cut in his head two inches long and serious injuries in the right cheek and the little finger of the left hand. Kumud Babu's nephew, Sreeman Manoranjan and his mother each got five to six stripes. A soldier tugged the portion of the *saree* covering her head and the breast. The searching party then broke open wooden safes and robbed gold and silver ornaments approximately worth Rs. 100. Important documents and papers in connection with the estate of Kumud Babu's master have also been destroyed. The cost of other damages amounts to nearly Rs. 30 to Rs. 40.	
Sj. Nilkanta Bera's house was also ransacked. Here, among other things, a few Charkas were smashed. Not satisfied with this, the soldiers went to the length of answering calls of nature in two rooms. Apart from damage to pro-	

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
perty, here they insulted Indra Babu's wife and a daughter-in-law, named Sja. Rajanibala Bera, a local Congress worker. A soldier enquired of her about the Cyclostyle Machine and asked her in Hindi to salute the Union Jack. Before she could make out what the soldier meant, she was struck with a lathi. Not satisfied with this, the soldier, with the apparent evil intention, tried to push aside the mother-in-law, while dragging the daughter-in-law inside the room. At this Sja. Rajanibala threatened to make an end of her life with a knife and thus saved her honour.	
At Sj. Kartick Ch. Bera's house, his son, Priyanath Bera (16—17) years, was asked about the Cyclostyle Machine. Having no satisfactory answer from him, the special magistrate, Mr. Khondakar, and the Havildar, one after another flogged him 40 to 50 times. They broke two canes on his back. He was then removed to the Argaola Military Camp and forcibly made to salute the Union Jack in the evening. He had nothing to eat during the night and was let off at 4 P.M. the next day. Sreeman Bholanath (10 years), the youngest son of Kartick Babu, was also given a few stripes. The military visited the house of Sj. Haridhan Bera, who was laid up with dysentery for several months, and gave him 5 to 6 stripes for withholding information about the Cyclostyle. For similar supposed offences, his sons, Arjun, Arun and Bharat were also flogged. Sj. Gajendra Nath Bera got kicks and stripes ; Sreeman Satish Chandra Bera (13 years) and Narendra Nath Bera (14 years) had their heads knocked against the wall and also flogged for not disclosing information leading to the recovery of the Machine.	
I shall now give the English rendering of Notices of Reception and Flag Salutation Ceremonies :	
"WARRANT No. 1.	
(21) You are hereby informed that the Royal Garhwali soldiers of the Government will reach Contai on the 16th December, 1933, at 3 P.M. You are, therefore, directed to be present at the Dak Bungalow compound for their reception and the salutation of the British Flag at 3 P.M.	(21) The notices have already been discussed in item (15) above. The headings " Warrant No. 1, Warrant No. 2 " are misleading translations, presumably intended to suggest that some form of compulsion was connected with these notices. The actual heading of the notices was " Parwana ", a word which connotes notices of all kinds.
(Sd.) D. M. SEN,	
Sub-Divisional Magistrate, Contai."	
Dated 15th December 1933.	
Court Seal.	

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
" WARRANT No. 2. You are hereby informed that the Ceremonial Parade of the Royal Garhwali Rifles will be held in the compound in front of Khas Mahal Office on the 18th December, 1933, at 11 A.M. You are directed to be present there at the appointed hour without fail. (Sd.) D. M. SEN, *Sub-Divisional Magistrate, Contai.*" Dated the 16th December, 1933. Court Seal.	
I shall now refer to some of the circulars issued by some of those reception committees. I read now one circular which was issued to all the male members in a village :	
(22) " As you have been appointed a member of the newly constituted watch and ward committee of Union No.....you would be so good as to be present at the Janka police station compound on Monday, the 9th January at 10 A.M., for the reception of the honoured District Magistrate and the acceptance of the sanad to the satisfaction of all. Absence will be deemed as a mark of disloyalty. Yours faithfully, (Sd.) PROFULLA KUMAR MAITY, *Chairman, Reception Committee.*"	(22) The notices in question were issued by a loyal gentleman who was himself taking considerable interest in the formation of the Watch and Ward Committees. He felt it to be the duty of his fellow citizens to attend the reception of the Additional District Magistrate and receive their sanads appointing them as members of the Watch and Ward Committees, and he expressed his opinion that absence would be deemed (by him) a mark of disloyalty. No suggestion of any kind was made in the notice that absence would be punishable.
I want the House to note that absence is punishable as a mark of disloyalty. In the judgment of a famous sedition case, disaffection has been defined as want of affection.	
(23) " On the morning of 27th December last, at about 8 A.M. a band of soldiers accompanied by the police Inspector..... and the sub-deputy collector, Contai, surrounded my house. No male members were then present. Ladies were ordered out, and one of them fainted away. Then they broke open three wooden boxes. The largest of these contained a bundle of currency notes made up of fourteen 100-rupee notes, one hundred and twenty-three ten rupee notes and one five-rupee note, amounting in all to Rs. 2,635 only. All these things were des	(23) Kumar Narayan Panday made no attempt whatever to lodge a criminal complaint regarding the alleged destruction of notes amounting to Rs. 2,635. It is incredible that had such destruction taken place no attempt should have been made to seek redress or to recover from the authorities the value of the notes destroyed.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
troyed in the presence of my brother, Sj. Ramanath Panday. I was at Amratala Chak for settlement work and reached home on receiving the news. On hearing from my brother, I searched for the bundle of notes. But I did not find it, it was missing. (Sd.) KUMAR NARAYAN PANDAY.'	
Then, I should like to read the story of an attempted outrage. This is the statement : —	
(24) " I was a Congress worker, but have given up Congress work for the last 1½ years owing to pecuniary difficulties, and have been practising medicine. On the 25th January last, I went out on a call and was informed on the next day that the soldiers and the police had visited my house, and rape had been committed on a female member of our family. On my return, I heard of the following incident from my sister-in-law and kinsmen. I wanted to send a wire to Mr. R. Maiti, M.L.C., but the post office at Kajlagarh refused to admit the wire as it was against the police."	(24) See remark against items (4) and (8) above.
This is how the Postal Department has been functioning —	
" At about 4 A.M., that is, towards the later part of the night of the 25th January, a batch of police and soldiers surrounded my house and the house of my kinsmen. They got entrance inside the compound probably through the broken portion of the boundary walls. Finding nobody there, they went into the court-yard of my uncle (Girish Babu). As both my elder brother Bhuban Babu, and myself were away from home, my brother's wife, Sm. Janakibala Sasmal with three children, was sleeping in a separate bed in Girish Babu's house. The sound of the steps of the soldiers and the flash of torch-lights awoke Girish Babu's mother who tried to awaken my sister-in-law by calling her. At this, some soldiers caught hold of her (Girish Babu's mother), while others of the party wrapped up my sister-in-law's face with a piece of cloth and tried to outrage her. She had a sudden break of her sleep. There were the shrieks of horror of my uncle's mother on the one hand and such a brutal attack on herself on the other, that she became so much nervous that she lost all power to fight against this outrage. At the cry my uncle's mother, my uncle (Girish Babu) and a brother tried to run up to the place, but they were prevented by some other soldiers from doing so. The wife of Girish Babu, who was sharing the same bed with my uncle's	

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March, 1934.)	Remarks.
mother, was also being dragged with apparent evil intention by one of the soldiers, but she ran away, got into a room and barred the door. In the morning (26th January), the sub-inspector of police of the Bhagwanpore thana arrived with Sj. Dwarkanath Sasmal, the collecting panchayat, and searched the house and got a statement signed by Girish Babu, Sjts. Abinash Chandra Sasmal, Hemanta Kumar Sasmal and Adhar Chandra Bera that 'Nothing incriminating has been found and no property damaged'. Before they had signed this, they informed the sub-inspector and the panchayat of the outrage and requested them to take down the information. But they said nothing, and went away to the Mugbaria Camp. (Sd.) MURARI MOHAN SASMAL. Village Jukhia. P. O. Bhagwanpur. P. S. Bhagwanpur. Midnapur." Another case is :—	
(25) (*a*) "My name is Chowdhuri Charan Patra, of village Sillibari, in P. S. Kedgree. On the 10th January, 1934, a batch of Garhwali soldiers, the junior sub-inspector of the thana (Kedgree P. S.) and some chowkidars and dafadars visited the house of Jogendra Nath Patra of our village who was not at home. They did not find Jogen Babu's wife, too, at her house, and they reached my house in search of her. They were assaulting whomsoever they came across. At this, there was a commotion and I began to flee away towards the north of my house. The sub-inspector assured me of safety, and, as I went up to him, he enquired of Jogen Babu's wife and, on my pleading ignorance, he began to belabour me. At this time, my wife, daughter and other female members of my family, being horrified, began to run off to the east. The sub-inspector asked me to call them back with an assurance of safety. As they came back, he enquired of me whether there was Jogan Babu's wife in their midst and, on being answered in the negative, he again belaboured me. Then, he arrested me and all the womenfolk and took us to Ramhari Babu's house. There he ordered the dafadars and chowkidars to see whether there was Jogen Babu's wife in their midst. They examined each one of the ladies who were	(25) (*a*) This is a repetition of the allegations in item (9) above. See remark against item (10) above.

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated 19th March, 1934.)	Remarks.
kept standing for an hour in the sun in Ramhari Babu's courtyard and were then dismissed. The assault committed on me was severe which caused a swelling of an inch in my right wrist which has no strength now. I had indecent abuses, too, from the daroga Babu. (Sd.) CHOWDHURI CHARAN PATRA."	
(25) (*b*) "Mr. Muzaffar Hussain, the junior sub-inspector of P. S. Pataspur and the sub-deputy collector of Contai, with a party of soldiers, surrounded my house on the 10th January, 1934, and commenced searching my house. When I was informed that they wanted me, I went up to them and the sub-deputy collector gave me some stripes and the S. I. kicked me * *	(25) (*b*) See remarks against item (10) above.
At about 11 o'clock, I was taken to the Palpara Camp. The subedar asked me to salute the Union Jack. On my refusal, he gave me 15 or 16 stripes. Then, my hands were tied up with a rope and I was tied from head to foot with a post. An hour later, I was brought down, was threatened to be shot dead and was made to sit with my face towards the sun for an hour. At about 1 P.M., I was taken inside the camp * * * In the afternoon, the S. I. tried to convince me that I should salute the Union Jack. But I remained adamant. In the midst of the discussion, he suddenly began to administer fists and slapped me on my face and eyes, made me fall flat on the ground and kicked me freely. Then, I was taken to the Parade Ground and was ordered to salute the Union Jack. On my refusal, under orders of the officers, two chowkidars knocked my head against the ground. Not satisfied with that, the S. I. joined them and knocked my head 15 to 20 times against the ground. I was also given 15 to 20 kicks. There was a public gathering then at that time. I felt pain all over the body, there were bruises in the body and the head, and I was given no food or bed in the night. In this condition, on the 11th, I was made to walk a distance of 11 miles and I reached the soldiers' camp at Datalghat at 11 o'clock. I was again urged to salute the Union Jack, and, on my refusal, the senior S. I., with the help of some chowkidars, made my head knock against the ground thrice and turned me out at noon. No food was given this day too."	

Allegations. (Extracted from Mr. S. C. Mitra's speech in the Legislative Assembly, dated the 19th March 1934.)	Remarks.
(26) This is another case :	
" On the 3rd January, 1934, when the troops were passing through the village Karanji (P. S. Ramnagar), two boys of the village shouted " Bande Mataram ". The soldiers gave a chase after them and assaulted whomsoever they came across. They entered the Karanji upper primary school and seriously assaulted the head pandit, Sj. Ramkrishna Jana, and the students of the school. They searched the school and seized the photos of Mahatma Gandhi and Deshabandhu Chittaranjan. The teachers were asked to go to the Balisi camp with the boys who shouted " Bande Mataram " although they were not students of the school. In the afternoon, the two boys, Sm. Bijoy Krishna Sahoo and Sm. Abala Kanta Das, were made to stand in the sun for 2½ hours with their heads caught by their hands passing under the thighs and the hips upwards. They were crying piteously through pain. After 2½ hours, they fell at the feet of the subedar and the circle officer of Egra. The circle officer gave them kicks and flogged them, and at last made them rub their nose against the ground for a distance of 30 cubits. The sub-divisional inspector has stopped the stipend of the said upper primary school and has called for an explanation from the teachers asking them why they purchased the pictures of Mahatma Gandhi and Chittaranjan."	(26) It is a fact that when the troops were passing through the village Karanji, P. S. Ramnagar, two boys of the village shouted " Bande Mataram " with the obvious intention of annoying the troops. Enquiries were made at the Karanji Upper Primary School as to the identity of the boys, who had run away, but the Headmaster denied that they came from his school. No student of the school was assaulted but certain photos calculated to encourage subversive activities were found hanging on the school walls and for this reason the stipend of the school has been stopped.

The Honourable Sir Harry Haig : Sir, I lay on the table the information promised in reply to starred question No. 376 asked by **Mr. Lalchand Navalrai** on the 6th March, 1934.

COLLECTION OF OPINIONS ON THE TEMPLE ENTRY BILL THROUGH THE POLICE AT KARACHI.

*376. (*a*) and (*c*). No. It was the case however that the Superintendent of Police, Karachi and Tatta Districts, was asked by the District Magistrate, Karachi, to give his opinion on the Bill. The Superintendent asked for the views of his senior officers, and they doubtless consulted Hindu members of the force and non-officials with whom they came in contact.

(*b*) Yes.

The Honourable Sir Harry Haig : Sir, I lay on the table the information promised in my reply given on the 17th April, 1934, to **Mr. Jagan Nath Aggarwal's** starred question No. 765, regarding traffic control at Naya Bans, Khari Baoli and Nai Sarak in Delhi.

TRAFFIC CONTROL IN KHARI BAOLI AND NAI SARAK IN DELHI.

*765. (*a*) Yes.

(*b*) It is reported that there has been a very slight rise in tonga fares, but that there has been no increase in the rates charged by *thelawalas*.

(*c*) As stated in my reply to Mr. Bhagat Chandi Mal Gola's question No. 177, asked on the 10th March, 1934, the arrangement in question is reported to be working satisfactorily. Further enquiries made show that there has been no adverse effect on the business community residing in the areas mentioned. Government do not therefore propose to take any action.

The Honourable Sir James Grigg : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 735 asked by Maulvi Muhammad Shafee Daoodi on the 17th April, 1934 ; and

(*ii*) the information promised in reply to starred question No. 683 asked by Mr. Vidya Sagar Pandya on the 11th April, 1934.

EXTENSION OF TIME LIMIT FOR PAYMENT OF INCOME-TAX IN THE EARTHQUAKE STRICKEN AREA IN BIHAR.

*735. (*a*) and (*c*). Income-tax Officers of the areas affected by the earthquake have been instructed to grant time liberally for payment of tax in cases where the assessees have suffered from the earthquake. The Government do not think it necessary to postpone the issue of further notices for the realisation of income-tax.

(*b*) No.

(*c*) The Commissioner of Income-tax visited the earthquake affected areas twice once in January immediately after the earthquake and again in March.

(*d*) No. Each individual case of hardship is being dealt with sympathetically by the local officers.

COINS MINTED AND ISSUED FROM INDIAN MINTS.

*683. (*a*) The attention of the Honourable Member is invited to pages 48, 49 and 52 of Part IV (*a*) of the Financial Statistics of British India published by the Director General of Commercial Intelligence in 1908, which gives the required figures from 1835-36 to 1906-07 ; the figures for 1907-08 to 1919-20, are contained in tables 8 and 9 at pages 20 and 21 of Volume II of the same publication issued in 1922, while the figures for 1920-21 to 1929-30 are given on pages 326—329 of the Statistical Abstract for British India published in 1932. Later figures are available in the Reports on the Administration of the Mints.

(*b*) (*i*) Silver half and quarter rupees were coined in pursuance of Act XVII of 1835. So far as can be ascertained, silver one-eighth rupees were first struck in 1842. Nickel eight anna and four anna pieces were introduced in 1919, two anna pieces were introduced in 1918 and one anna pieces were introduced in 1907.

Copper double pice, single pice, half pice and pies were also coined in pursuance of the Act referred to above.

Bronze pice, half pice and pies were introduced in 1906.

(*ii*) Silver one-eighth rupees are still legal tender but since June, 1925, they are being withdrawn from circulation because of the comparative unpopularity of the coin since the introduction of the nickel two anna piece.

Nickel eight anna coins were called in with effect from the 1st of October, 1924. This coin never became popular with the public mostly owing to the appearance of particularly good counterfeits shortly after its introduction and partly also owing to its resemblance in size and shape to the single pice.

The coinage of double pice has been stopped since 1880 owing to the inconvenient size of the coin. Other copper coins were discontinued from 1906 on account of their shorter life and greater cost in comparison with bronze coins.

(*c*) It is not possible to state the loss on destruction of each type of coin, as no separate accounts are maintained.

(*d*) (*i*) No.

(*ii*) Government have no information.

(*e*) (*i*) Nickel coins have been introduced because they last longer and are more convenient, cheaper and more difficult to counterfeit.

(*ii*) It is not considered desirable to publish the correspondence.

(*f*) The metal is purchased by the Secretary of State in London. Government do not consider it desirable to disclose the details of the transactions.

(*g*) The coinage of four anna nickel pieces was discontinued in 1923, and only silver quarter rupees are now being coined. It is not proposed to reintroduce the two anna silver coin, as the popularity of the hard-wearing nickel coin is attested by the absorption figures.

Lieut.-Colonel A. F. R. Lumby : Sir, I lay on the table :

(*i*) the information promised in reply to unstarred question No. 111 asked by Khan Bahadur Haji Wajihuddin on the 3rd March, 1934 ;

(*ii*) the information promised in reply to unstarred question No. 115 asked by Khan Bahadur Haji Wajihuddin on the 3rd March, 1934 ;

(*iii*) the information promised in reply to starred question No. 408 asked by Mr. Gaya Prasad Singh on the 7th March, 1934 ;

(*iv*) the information promised in reply to starred question No. 410 asked by Mr. Gaya Prasad Singh on the 7th March, 1934 ;

(*v*) the information promised in reply to unstarred question No. 181 asked by Mr. S. G. Jog on the 10th March, 1934 ;

(*vi*) the information promised in reply to unstarred question No. 223 asked by Mr. S. G. Jog on the 21st March, 1934 ; and

(*vii*) the information promised in reply to unstarred question No. 285 asked by Mr. S. G. Jog on the 3rd April, 1934.

REVISION OF THE WATER AND SCAVENGING TAXES IN THE AMBALA CANTONMENT.

111. (*a*) Yes, except that, with reference to part (*v*), the minimum scavenging tax, in the case of a building having a rental of Rs. 3 per annum, is annas two per mensem, unless the house has a private latrine, when the tax is annas eight per mensem.

(*b*) No. Only two members voted against the proposals.

(*c*), (*d*) and (*e*). The revised proposals were published on February 14th, inviting objections up to 16th February, 1934. The latter date was a misprint. The following day they were re-published giving a period of thirty days and inviting objections. Under the Cantonments Act, these proposals did not require to be published by the Cantonment Authority for criticism. But as the connected bye-laws required previous publication, they were published along with the proposals for the convenience of the public.

CRITICISM BY CANTONMENT BOARD MEMBERS OF THE GOVERNMENT OF INDIA.

115. (*a*) and (*b*). Yes.

(*c*) Government are not aware of the views of the elected members of the Board. The attention of those concerned is being drawn to the fact that criticism of a particular executive act performed by Government does not involve *per se* a failure to discharge the obligations recited in the oath of affirmation set out in section 18 of the Cantonments Act and that therefore the ruling was incorrect. At the same time Government are satisfied from the inquiries they have made that the ruling was given under considerable provocation and that the President has certainly no desire to stifle legitimate criticism of proposals coming before the Board.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

*408. (*a*) To the fullest extent possible. It is unquestionably the duty of administrative officials to watch the interests of men serving under them and to act as claimants for pension purposes. This only refers, however, to cases where a reasonable claim exists.

In the first case quoted the soldier was granted a temporary pension for the period his disability lasted, *i.e.*, from June, 1918, to June, 1920. A medical board held on him in 1920 decided that he was suffering from no disability.

As regards the second I would invite attention to the reply laid on the table to the Honourable Member's question No. 414, dated the 7th March, 1934.

As regards third, medical boards held in 1922 and 1930, held the individual concerned to be suffering from no pensionable disability.

Having regard to the previous history in each case the commanding officers concerned acted within their powers in deciding not to submit the appeal to higher authority.

(*b*) It is not proposed to lay down any limitations, as commanding officers do not hesitate to submit any claim in which there is any degree of doubt.

(*c*) The right of petitioning higher authority already exists in paragraph 379 and Appendix VII of the Regulations for the Army in India.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

*410. Government are prepared to act up to their orders to the fullest extent. The answer to the Honourable Member's second question is in the affirmative. The first memorandum quoted by him refers to the case of a man who is suffering from a disability certified to be less than 20 per cent. There is no record of its ever having been more severe. The acceptance of attributability does not commit Government to the waiving of the other conditions governing the grant of disability pensions.

The second memorandum referred to deals with a case which was carefully investigated in 1932. The man concerned was invalided in 1915 with a gratuity at a time when a great many other reservists were also discharged on medical grounds merely because they were too old for further service. A medical board held in 1930, certified that he was not then suffering from a disability attributable to military service. In such circumstances Government would not be justified in granting a disability pension.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

181. (*a*) Cases in which individuals refused to undergo operations were covered by the provisions of paragraph 1039, Army Regulations in India, Volume I (1915), which read as follows :

> "Any person who aggravates, or retards the cure of, his wound or injury in the hope of obtaining a pension or gratuity will be dismissed the service, without reference to his claims."

(*b*) Government are not aware of any such case.

(*c*) There is no conflict between the terms of the recommendation and the memorandum of instructions referred to. The latter merely gives discretion, when a man refuses to undergo an operation, to admit or withhold a disability pension according to certain specified principles.

(*d*) The effect of the memorandum was to explain an existing policy and perhaps enable deciding authorities to take a more generous view of refusal to undergo an operation than the letter of the regulations might suggest. There could be no question therefore of "adverse retrospective effect".

(*e*) No. What the Deputy Controller of Military Pensions stated was that the acceptance of Recommendation No. V, did not concede that the mere statement of an individual uncorroborated by any documentary evidence should be accepted as conclusive proof of his disability having been contracted on field service. In the case referred to the available evidence consisted of the report of a medical board held in 1915 that the Indian officer's disability was not due to field or foreign service.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

223. (*a*) to (*f*). Government have on reconsideration decided to admit the claim to which the Honourable Member refers from the 1st January, 1922, instead of from the 24th January, 1924.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

285. (*a*) and (*b*). Yes.

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

(*e*) and (*f*). The individual case was submitted to the Government of India who passed orders after careful consideration. I may mention that the man concerned received a grant of Rs. 120 early in 1933, from the Indian Army Benevolent Fund, for the purchase of artificial limbs.

(*g*) Attention is invited to the Regulations for the Army in India, Appendix VII, and India Army Order No. 560 of 1933. Government are satisfied that commanding officers forward petitions in all cases in which the slightest element of doubt exists as to the finality of the previous decision.

Mr. P. R. Rau : Sir, I lay on the table :

(*i*) the information promised in reply to starred question No. 13 asked by Mr. S. C. Mitra on the 22nd August, 1933 ;

(*ii*) the information promised in reply to unstarred questions Nos. 135 and 136 asked by Mr. Muhammad Azhar Ali on the 20th September, 1933 ;

(*iii*) the information promised in reply to starred question No. 1188 asked by Mr. Lalchand Navalrai on the 28th November, 1933;

(*iv*) the information promised in reply to unstarred questions Nos. 249 to 264 asked by Mr. S. C. Mitra on the 5th December, 1933 ;

(*v*) the information promised in reply to unstarred question No. 310 asked by Shaikh Sadiq Hasan on the 14th December, 1933 ;

(*vi*) the information promised in reply to starred questions Nos. 1425 and 1510 asked by Mr. S. G. Jog on the 16th December, 1933, and the 22nd December, 1933, respectively ;

(*vii*) the information promised in reply to starred question No. 323 asked by Lieut.-Colonel Sir Henry Gidney on the 2nd March, 1934 ;

(*viii*) the information promised in reply to starred question No. 450 asked by Bhai Parma Nand on the 13th March, 1934 ;

(*ix*) the information promised in reply to starred question No. 531 asked by Pandit Satyendra Nath Sen on the 19th March, 1934 ;

(*x*) the information promised in reply to starred question No. 576 asked by Rao Bahadur M. C. Rajah on the 3rd April, 1934 ;

(*xi*) the information promised in reply to unstarred question No. 272 asked by Mr. M. Maswood Ahmad on the 3rd April, 1934 ;

(*xii*) the information promised in reply to starred question No. 648 asked by Mr. Lalchand Navalrai on the 7th April, 1934 ; and

(*xiii*) the information promised in reply to starred question No. 761 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

Supply of Rule Books to the East Indian Railway Employees.

*13. (*a*) The Agent, East Indian Railway, reports that the service agreements of subordinate employees drawing Rs. 15 and upwards (except menials) contain an acknowledgment from all staff, other than clerical, that they have received a copy of the Government Servants' Conduct Rules, the General Rules for Indian Railways, and the Subsidiary Working Rules in force on the East Indian Railway, and that the clerical staff shall be supplied with a copy of the Government Servants' Conduct Rules and a copy of certain paragraphs of General Rules for Indian State Railways, which paragraphs form an enclosure to the agreement. The Government Servants' Conduct Rules have been published in full, as also extracts therefrom from time to time, in the East Indian Railway Weekly Gazette. As regards the General and Subsidiary Rules, these have been printed in three parts and copies of a part, or parts, supplied to the staff concerned, with the Rules contained in that particular part or parts.

(*b*) The Agent, East Indian Railway has been instructed to supply copies of the rules to such staff as are entitled to receive them in accordance with their service agreements or, in the event of it not being necessary to supply certain portions of the rules to certain staff, to make the necessary modification in the relevant clause in the agreement.

Filling up of Vacancies of Sub-Heads on the East Indian Railway.

135 and 136. Controller of Railway Accounts reports that the matter was looked into and no further action was considered necessary.

EMPLOYMENT OF STAFF ON WORKS OTHER THAN THOSE TO WHICH THEIR PAY IS CHARGED ON THE NORTH WESTERN RAILWAY.

*1188. (*a*) The Agent, North Western Railway, reports that the orders referred to in Railway Board's letter No. 6862-F., dated the 26th March, 1931, are carried out on the Karachi Division.

(*b*) and (*c*). The Agent explains that there was surplus staff in certain categories, and the persons referred to, were utilised in other capacities, as an alternative to discharge. He has been informed that the pay of the persons in question should have been charged to the posts in which they were actually employed.

RETRENCHMENT DUE TO THE AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

249. (*a*) 78 industrial hands were retrenched.

(*b*) Yes.

(*c*) I lay a statement on the table of the House.

(*d*) Staff surplus to requirements have been retrenched :

(*i*) No additional staff have been appointed during the past two months. In August, 1933, 2 Photo Litho Operators, 1 Litho Machineman and two Litho Fly boys were appointed. This is the only Press in India apart from the Survey Office which has such a plant and the staff pay for themselves owing to the pricing system. One Mono Learner was appointed in July, 1932, on account of the installation of additional plant. One of the Fly boys is a retrenched hand. Therefore only 4 new hands have been appointed with special qualifications.

(*ii*) No abolished posts have been filled up, but 23 boys have been engaged temporarily for specific work, such as stripping covers from old books in order that the Boards can be re-utilized for other purposes and sorting stocks of printed forms returned from stations.

(*iii*) The personal pay received by certain press employees is admissible under their conditions of service.

(*e*) 52 binders have been retrenched as they were surplus to requirements.

(*f*) Paper issuers are now classified as binders and it was necessary owing to their qualifications to retain the two men, named, Abdul Majid and Nawab Ali Chaudhuri, in the service.

(*g*) and (*h*). Advance copies of the memorials from the Eastern Bengal Railway Staff, which were forwarded by the Honorary Secretary, Press Employees' Association, Calcutta, have been received. I have placed copies of two sample memorials in the Library.

The matter is under reference to the Agent, East Indian Railway.

RETRENCHMENT DUE TO THE AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

250. (*a*) Telegrams were received from the President, Press Employees' Association and General Secretary, Press Employees' Association, Calcutta. No action was taken on the said telegrams, as the matter was one which is within the competence of the Agent to deal with. A copy of the telegram in question is given below :

Member in-Charge Railway and Commerce, Simla.

Please postpone present retrenchment of Compositors, Distributors, Binders, in t Indian and Eastern Bengal Railway Presses Members. My Association facts in possession prove retrenchment unnecessary and inequitable great discontent among kers letter follows :

President Press Employees Association, Calcutta.

Honourable Sir Joseph Bhore Windcliffe, Simla.

Arbitrary retrenchment and demotion in East Indian and Eastern Bengal Railway combined press, Calcutta. Beharilal Ghose's demotion is recent instance great panic and discontent prevails among workers all my members please take immediate steps and postpone demotions and retrenchment memorials of Beharilal Ghose and our memorandum follows.

General Secretary Press Employees Association, Calcutta.

(*b*) A letter was received from the Secretary, Press Employees' Association, dated 12th September, 1933, as the matter was within the competence of the Agent, East Indian Railway, to deal with, no action was taken at the time, but the Railway Board are now in correspondence with the Agent, East Indian Railway, on the question.

RETRENCHMENT DUE TO THE AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

251. (*a*) Yes.

(*b*) Yes.

(*c*) Retrenchment of surplus staff has taken place. No reduction was made in the supervising staff, as there was no surplus.

(*d*) The total output from the amalgamated Presses is approximately the same as when the Presses were separated, but owing to the co-ordination of the work, fewer industrial workers are required. The Agent reports that the amalgamation did not justify any decrease in the supervising and clerical staff.

(*e*) No, the total amount is Rs. 13,328 per annum.

(*f*) The question has been given full consideration, the retention of the supervising and clerical staff is essential and not uneconomical.

(*g*) (*i*). I lay a statement on the table.

(*ii*) I lay a statement on the table.

(*iii*) The average savings per annum in the Cost of Staff is estimated at Rs. 1,38,276.

Statement 'A'.

Men discharged from 1931 to 1933 owing to retrenchment and amalgamation.

Question 249 (*c*).

Question 251 (*c*).

	1931.	1932.	1933.	Remarks.
Compositors	19	..	6	Including temporary staff.
Distributors	1	..	6	Ditto.
Binders	25	14	13	Ditto.
Impositors	1	..	1	
Assistant Superintendent ..	..	..	..	
Overseer	..	..	..	
Section holder	..	1	..	
Readers	..	..	..	
Copy holder	..	..	..	
Computor	..	..	..	
Clerks	1	..	11	Including 1 Time Keeper.

Statement 'B'.

Question 251 (*g*) (*i*).

The present strength of industrial staff with their average pay.

Designation.	Total strength.	Average pay.
Linotype operator	2	134
Monotype operator	7	469
Ludlow operator	1	67
Mono Mechanic	1	67
Mono Caster-in-Charge	1	60
Mono Learner	1	37
Compositor	123	6,951
Impositor	9	297
Head Distributor	1	72
Distributor	31	1,016
Proof Puller	10	290
Machinemen	36	1,728
Hand Pressmen	3	144
Electro Typer	1	37
Stereo Typer	6	264
Type caster	3	111
Binders	184	5,844
Press mechanic	1	222
Fitter	4	272
Carpenter	11	439
Tinsmith	1	39
Litho Draftsman	1	124
Photo Litho operators	6	334
Litho machinemen	5	255
Gestetner machineman	1	33
Machine Inkmen	48	1392

Designation.	Total strength.	Average pay.
Press Inkmen	3	81
Press Flyboy	2	34
Roller moulder	5	160
Mono Caster	7	224
Litho Layer-on	3	87
Litho Polisher	3	57
Litho Flyboy	3	51
Packerman	20	500
Packerboys	8	112
Shop messengers	6	60
Coolie Jemader	2	54
Coolies	51	969

Question No. 251 (*g*) (*ii*).

Statement 'B. I.'

The present strength of technical supervising staff with their average pay.

Designation.	Total strength.	Average pay monthly.	Duty.
	No.	Rs.	
Overseer	3	1,113	Direct supervision over labour in all departments.
Foreman Composing ..	1	248	In-charge of work in Composing Department.
Section-holder	5	615	Distribution of work to Sections of staff of Composing Department.
Foreman Machine ..	2	348	In-charge of work of the Machine Department.
Jamadar	3	210	Distribution of work to section of staff of Machine Department.
Foreman Binding ..	2	274	In-charge of work in Binding Department.
Jamadar Binding	2	126	Distribution of work to section of staff of Binding Department.
Assistant Foreman ..	1	69	Maintenance of work register and indenting for binding materials and disposal of completed work to despatch section.
	19		

AMALGAMATION OF THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

252. The Agent, East Indian Railway, reports : (*a*) Yes.

(*b*) (*i*) Rs. 86,530-0-0 approximately.

(*ii*) Rs. 40,090 approximately.

(*iii*) Engineering Department of the East Indian Railway.

(*iv*) Under the Agent's orders.

EMPLOYMENT OF A HIGHLY PAID MECHANIC AND ASSISTANTS IN THE EAST INDIAN RAILWAY PRESS.

253. The Agent, East Indian Railway, reports : (*a*) One Mechanic and 4 fitters are employed.

(*b*) No.

(*i*) All repair work was formerly sent to the Block Signal Workshops but when the Mechanical Composing Plant and Rotary Printing machines were installed, the Chief Engineer considered it advisable that the Printing Department should be in a position to undertake the major-portion of their own repairs.

(*ii*) No outside experts have been employed other than those required for dismantling and re-erecting the Meible and Linotype machines owing to the amalgamation. The cost of this work amounted to Rs. 667-8-0.

(*iii*) There have been considerable savings but as the practice of sending repair work to the Block Signal Shops practically ceased in 1927 it is not possible to supply figures.

QUALIFICATION, PAY, ETC., OF THE SUPERINTENDENT OF THE EAST INDIAN RAILWAY PRESS.

254. The Agent, East Indian Railway, reports : (*a*) and (*b*). The expression Passed Printers '' is not understood, and is not used in England.

(*i*) The Superintendent of the East Indian Railway Press is a competent printer and efficient Manager.

(*ii*) Assistant Printing Superintendent, East Indian Railway Press.

(*iii*) Rs. 800 per month as substantive pay.

(*iv*) Mr. E. E. Joy is a Printer of many years experience, both in England and in this country, and possesses a sound knowledge of printing in all its branches, he has been in the trade since boyhood and received his training in England where he worked about 10 years. He joined the railway in 1908, and has proved that he is exceptionally well qualified for the duties of Printing Superintendent. His management of the Printing Department has been most efficient and economical.

(*v*) Mr. Joy was appointed by the Agent, East Indian Railway Company. His appointment to the post was confirmed by the Board of Directors and approved by the Railway Board. He was promoted to the post of Superintendent in July, 1924.

(*vi*) Initial salary on promotion to the post of Superintendent Printing was Rs. 1,000 per mensem. His present salary is Rs. 1,000 *plus* sterling overseas pay £30 per mensem.

(*vii*) Mr. Joy's age is 54 years and he has 20 years' service in the Railway.

BINDERS OF THE EAST INDIAN RAILWAY PRESS.

255. (*a*) Yes.

(*b*) Yes. In this connection, I would draw the Honourable Member's attention to paragraph 8, of the Government of India Communiqué, dated the 6th June, 1932, a copy of which is already in the Library of the House.

(*c*) Yes.

(*d*) No, but leave due and admissible was granted.

(*e*) Government are not aware of any such memorial.

(*f*), (*g*) and (*h*). The employees were reinstated in their former posts without lose of service, the intervening period being treated as leave to the extent due and in respect of the balance as *dies non*.

BINDERS OF THE EAST INDIAN RAILWAY PRESS.

256. (*a*) Yes.

(*b*) No, but machine and press staff are occasionally employed in packing forms and on despatch work, when their machines, for various reasons, such as a breakdown or want of work, are idle.

(*c*) Overtime is only allowed in special circumstances to meet urgent demands. As regards extra hands engaged, I would draw the Honourable Member's attention to the reply given to part (*d*) of Question No. 249.

(*d*) Government do not see any reason to retain surplus staff to meet occasional demands.

COMPOSITORS OF THE EAST INDIAN RAILWAY PRESS.

257. The Agent, East Indian Indian Railway, reports : (*i*) 91, (*ii*) 102, and (*iii*) 123.

INTRODUCTION OF NEW SYSTEM OF SERVICE IN THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

258. The Agent, East Indian Railway, reports : (*a*), (*b*) and (*d*). Yes.

(*c*) The average monthly working hours of the East Indian and Eastern Bengal Railway Presses were not the same prior to the revision of scales of pay in 1930, hence, the increase of pay allowed to the employees of the two presses also varied.

The average monthly working hours of the two presses were 145 hours of the Eastern Bengal Railway and 152 for the East Indian Railway.

The method of fixing the initial pay of the men in the new scales of pay, on the 200 hour basis was approximately the same for both Railways as shown below :

Category of staff.	Eastern Bengal Railway.	East Indian Railway.
Monthly rated staff ..	$\frac{\text{Pay} \times 200}{145}$	$\frac{\text{Pay} \times 200}{152}$
Hourly rated staff ..	As above	As above.
Piece workers ..	Piece earnings No. of hours work × 200.	Mean average of piece earning rate per hour and class* rate × 200.
		* On the East Indian Railway the piece workers received pay at class rates for work which could not be piece rated.

PROMOTIONS IN THE EAST INDIAN RAILWAY PRESS.

259. The Agent, East Indian Railway, reports : (*a*) No.

(*b*) Yes, because some junior industrial hands owing to superior qualifications were recruited on higher initial hourly pay than some senior hands and their average earnings were also more when they were working on piece. Therefore when the monthly rates system was introduced in 1930 their average earnings were greater in some cases than the senior hands and their pay was fixed accordingly.

(*c*) Appointments are as a rule filled by promotion from a lower class or grade. To fill the posts of 2 overseers and one press mechanic, outsiders were engaged, there being no hands already employed in the Press with the necessary qualifications.

(*d*) (*i*) The present Assistant Binding Foreman was appointed to the service on 25th June, 1929 :

(*ii*) No, the post was created in 1930, as it was necessary for it to be held by a man who could read and understand work, orders and correspondence written in English.

(*iii*) So far as can be ascertained. No.

PRINTING OF "ECONOMY REPORT" IN THE EASTERN BENGAL RAILWAY PRESS.

260. The Agent, East Indian Railway, reports : (*a*) No Economy Report was printed in the Eastern Bengal Railway Press in 1930.

(*b*) Does not arise.

CERTAIN APPOINTMENTS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA, AND THE EAST INDIAN RAILWAY PRESS.

261. (*a*) The proportion of supervising staff to industrial staff in the East Indian Railway Press is about 1 to 6.9 and that in the Government of India Press, Calcutta about 1 to 7.

(*b*) Does not arise.

(*c*) The number of men now holding the following appointments in the Government of India Press, Calcutta and East Indian Railway Press, Calcutta and Howrah is as follows :

East Indian and Eastern Bengal Railway Press amalgamated.	Total Number of men.	Government of India Press.		
Assistant Superintendent ..	2	Assistant Superintendent	1	Assistant Manager.
Office Superintendent ..	1	Office Superintendent ..	1	(There is no such appointment but it is presumed that the appointment corresponds to that of the Head Assistant which has been taken into account.)
Overseer	3			
Section holder	5			
Foreman	5			
Assistant Foreman	1	Overseers ..	2	
Computor	1	Section holder	10	
Checker	*Nil.*	Foreman ..	4	
Clerks	43	Assistant Foreman.	2	

East Indian and Eastern Bengal Railway Press amalgamated.	Total Number of men.	Government of India Press.		
Workshop Accountant ..	1	Computors ..	21	
Time Keeper	3	Checkers (Correction) ..	2	
Jemadar	5	Clerks ..	43	
Storekeeper	*Nil.*	Workshop Accountant ..	1	(There is no such appointment but the appointment of the Accountant has been taken into account).
Compositor	123			
Reader	14			
Copy holder	10	Time keepers	2	
Distributor	31	Jemadars ..	2	(Excludes peon Jamadar).
Binder	184	Store keeper ..	1	(General Storekeeper).
Pressman	3	Compositors	193	(Including 43 mono-type correctors who are really compositors).
Machineman	36			
Inkman	51	Readers ..	44	(Excluding the appointment of Head Reader).
Lino Mono Operator	9	Copy holders	44	
Mono Caster	8	Distributors	12	
		Binders ..	163	
		Pressmen ..	20	
		Machinemen	28	
		Inkmen ..	20	
		Linotype Operators ..	6	
		Monotype Operators ..	14	
		Monotype (Caster Attendants)	13	
		Labourers ..	50	

The figures given above are those for appointments and not " men holding appointments ". The Calcutta Press is at present undergoing a substantial reduction of establishment, and the number of employees is therefore reducing. If figures for " men holding appointments " are required, the data with reference to which the figures should be prepared may kindly be specified.

(*d*) After the amalgamation of the East Indian and Oudh and Rohilkhand Railway Presses, the number of supervising and clerical staff in the East Indian Railway Press was increased by 6 per cent. After the amalgamation of the East Indian and Eastern Bengal Railway Presses the percentage increased in this connection was 18.

(e) *Figures for 1930 are given below. Figures from 1919 are not available.*

Superintendent	1	
Assistant Superintendent	1	
Overseers	2	
Foremen	4	
Section Holders	4	
Jemadars	4	
Assistant Foremen	2	
Clerks	48	
Compositors	88	including temporary staff.
Readers	10	
Copy-Holders	10	
Monocasters	6	
Lino Mono Operators	5	
Distributors	22	including temporary staff.
Binders	184	
Pressmen	5	
Machinemen	29	
Inkmen	43	

EXTRA WAGES OR CREDIT LEAVE FOR COMPOSITORS OF THE EAST INDIAN RAILWAY PRESS WORKING ON HOLIDAYS.

262. (*a*) Compensation leave for attendance on gazetted holidays not falling on Sundays, on which the Press is closed, has been entirely abolished from 1st July, 1928, and the employees, both salaried and piece, are now entitled to extra payment for attendance on "closed" holidays only. The salaried industrial employees who were in service before the above date have, however, been given the option of either continuing to enjoy the compensation leave or to get extra payment for attendance on "closed" holidays. For attendance on a Sunday, a compensatory holiday is usually granted. In rare cases where the compensatory holiday has to be withheld, extra payment is made for attendance on a Sunday.

The Clerical Staff is entitled to compensation leave in lieu of attendance on all holidays, but the question does not evidently relate to them.

(*b*) No. Industrial staff are given 25 per cent. addition to their day's pay for working on shop holidays.

(*c*) No.

(*d*) Does not arise.

EXTRA WAGES FOR COMPOSITORS OF THE EAST INDIAN RAILWAY PRESS WORKING AFTER 2 P. M. ON SATURDAYS.

263. (*a*) The press staff work 48 hours a week. Overtime is paid for any work performed in addition to 48 hours a week at a rate of 25 per cent. in addition to their pay.

(*b*) No. Overtime is allowed to compositors when they are required to work beyond normal hours of duty, namely 48 hours a week.

(*c*) Does not arise.

CUT IN THE PAY OF THE INDUSTRIAL EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS.

264. (*a*) Yes, the emergency cut in pay is enforced on all employees of the East Indian Railway Press.

(*b*) For purposes of holidays, industrial staff are treated in the same way as workshop staff.

(*c*) Ministerial staff are eligible for holidays like similar staff of the headquarter offices at the discretion of the Agent. The industrial staff are allowed the leave sanctioned under Annexure II of the Government of India, Railway Department, Resolution No. 8373-E. of 20th February, 1930, *plus* 13 days shop holidays with pay.

(*d*) Yes, for purposes of economy overtime has been curtailed and is not allowed except in special circumstances to meet urgent demands.

(*e*) Overtime is worked to the extent necessary to meet urgent demands. Grade increases are sanctioned as they become due.

(*f*) Yes.

(*g*) It is a fact that they mentioned that they were made to work compulsorily for about 47 hours a month more than what they did under the old system, but this is not correct.

(*h*) Government do not see any reasons for exempting them from income-tax and emergency cut which is applicable to the other staff.

WITHHOLDING OF HOUSE RENT ALLOWANCE FROM THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

310. "Agent, North Western Railway, reports: (*g*) to (*k*). From enquiries, it transpires that on certain Divisions some of the present Special Ticket Examiners have been wrongly admitted to the concession of free quarters or house allowance in lieu.

The condition for the grant of free quarters or house allowance in lieu, only permits this concession to those who, at any time during the course of their previous service, held a post which carried the privilege of rent-free quarters or house allowance in lieu, whenever in the course of their subsequent service, they were transferred or promoted to posts which carried the same concession before 1st August, 1928. As the old Travelling Ticket Examiners never enjoyed this concession and the present category of Special Ticket Examiners has not been admitted to it, the old Travelling Ticket Examiners now classed as Special Ticket Examiners are not entitled to this concession; and steps are being taken to stop any further grant of this concession to them wherever it is now being given.

The irregular grant of this concession to some of the old Travelling Ticket Examiners now classed as Special Ticket Examiners will possibly be found to arise from the fact that when the scheme for old Special Ticket Examiners (Flying Squads) was introduced in 1926, as a trial, it was staffed with men drawn from different classes, some of whom were entitled to free quarters or house allowance in lieu in their substantive positions, and it was decided that those who formerly enjoyed the privilege of free quarters or house allowance in lieu would continue to do so during the period of their service with Flying Squads, the remainder being required to pay rent on the same basis as they did in their substantive posts."

ALLEGED ABUSES OF RULES AND REGULATIONS BY THE AGENTS AND SUBORDINATE ADMINISTRATIVE AUTHORITIES OF RAILWAYS.

*1425. (*a*) The reply to the first querry is in the affirmative. On the 1st September, 1933, the Railway Board drew the attention of Agents of State-managed Railways to the fact that the submission of advance copies of appeals serves no useful purpose and that instructions should be issued that the practice should be discontinued. The Railway Board do not consider that the practice of sending advance copies of appeals calls for disciplinary action and they have advised the Agent, East Indian Railway, accordingly.

(*b*) Government do not consider that special action is called for.

(*c*) Yes.

APPEALS WITHHELD BY CERTAIN DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN RAILWAY.

*1510. (*a*) The Honourable Member's attention is invited to the reply to part (*a*) of his question No. 1425. The Financial Commissioner of Railways was not aware of Board's letter No. 2035-E.G., dated the 1st September, 1933, to Agents of State-managed Railways, when he replied to a supplementary question No. 795 on 12th September, 1933.

(*b*) and (*d*). The attention of the Honourable Member is invited to rules 10 and 11, of the rules regulating the discharge and dismissal of State Railway non-gazetted Government servants, copies of which are in the library. As stated therein in ordinary matters no appeal lies beyond the officer next above the officer passing the original orders. Appeals in contravention to these rules are not forwarded to the Agent and so obviously the Agent cannot and does not look into them.

(*c*) It is regretted that the detailed information asked for is not available. Government do not consider that the labour involved in collecting this would be commensurate with the results to be obtained.

PROMOTIONS IN CERTAIN GRADES ON THE LUCKNOW AND MORADABAD DIVISIONS OF THE EAST INDIAN RAILWAY.

*323. A statement, showing particulars of all officers who have held permanent appointments in the Local Service or the Lower Gazetted Service, since the 1st July, 1925, when the late Oudh and Rohilkhand Railway was amalgamated with the East Indian Railway, is enclosed.

Statement showing particulars of all officers who have held permanent appointments in the local service or the lower gazetted service since the 1st July, 1925, when the late Oudh and Rohilkhand Railway was amalgamated with the East Indian Railway.

N.B.—The lower gazetted service was established on 1st March, 1931.

No.	Name.	Date of appointment or promotion to Local Service or Lower Gazetted Service.	From what source appointed.	Whether an old East Indian or old Oudh and Rohilkhand Railway employees.
1	2	3	4	5
1	Mr. Badri Dass ..	1st January 1922.	Temporary Engineer	Oudh and Rohilkhand Railway.
2	,, A. N. Puri ..	1st January 1924.	Do. ..	Do.
3	,, A. N. Bhasin	13th October 1927.	Do. ..	Central Indian Coal Field Railway.
4	,, M. F. J. Hecquet.	Do. ..	Subordinate	East Indian Railway.
5	,, E. J. Harris	Do. ..	Do.	Do.
6	,, K. C. Goswami	Do. ..	Do.	Oudh and Rohilkhand Railway.

No.	Name.	Date of appointment or promotion to Local Service or Lower Gazetted Service.	From what source appointed.	Whether an old East Indian or old Oudh and Rohilkhand Railway employee.
1	2	3	4	5
7	Mr. C. M. Galvin	3rd January 1924.	Was appointed as a Junior Scale Officer from 11th March 1915 but subsequently relegated to Local Service from 3rd January 1924.	East Indian Railway.
8	,, N. O. W. Bennett.	21st June 1923.	Subordinate	Do.
9	,, E. L. M. Maroon.	1st July 1923	Do.	Do.
10	,, A. H. Satti ..	30th July 1924.	Apprentice A. T. Superintendent.	Oudh and Rohilkhand Railway.
11	,, T. D. Bandoy	26th November 1925.	Apprentice L. S. O. ..	East Indian Railway.
12	,, H. E. F. Watling.	27th August 1931.	Subordinate	Do.
13	,, P. C. Roy ..	27th August 1931.	Do.	Do.
14	,, C. Clarke* ..	Do. ..	Do.	Do.
15	,, J. W. Blacker	Do. ..	Do.	Do.
16	,, N. C. Sen ..	Do. ..	Do.	Do.
17	,, W. B. Robinson.	Do. ..	Do.	Do.
18	,, S. P. Chaudhury.†	1st August 1924	†	Do.
19	,, A. Gordon ..	27th August 1931.	Subordinate	Do.
20	,, E. D. Graham	Do. ..	Do.	Do.
21	,, D. R. Carmody.	Do. ..	Do.	State Railways.
22	,, A. R. Hamor	1st July 1932	Do.	East Indian Railway.

*Since retired.

†Appointed as a Traffic Probationer (Superior Grade) on 20th March 1913. Confirmed as Assistant Traffic Superintendent on 11th March 1918. Relegated to Local Traffic Service on 1st August 1924 and again promoted to the Grade of Assistant Superintendent Junior Scale from 25th July 1931.

No.	Name.	Date of appointment or promotion to Local Service or Lower Gazetted Service.	From what source appointed.	Whether an old East Indian or old Oudh and Rohilkhand Railway employee.
1	2	3	4	5
23	Mr. Veda Mitra*	15th November 1921.	Apprentice Engineer ..	Oudh and Rohilkhand Railway.
24	,, W. H. Gillon*	18th October 1923.	Do. ..	Do.
25	,, N. K. Misra*	30th July 1924.	Apprentice Assistant Traffic Superintendent.	Do.
26	,, A. G. Khan*	26th July 1925.	Traffic Probationer ..	East Indian Railway.
27	,, J. N. Dass*..	19th November 1925.	Apprentice L. S. O. ..	Do.
28	,, R. E. Lazar†	1st August 1924.	Was appointed as a Junior Scale Officer from 1st April 1922 but subsequently relegated to Local Service from 1st August 1920.	

*Promoted to the Superior Service.

†Since retired.

HEAD TICKET COLLECTORS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

*450. The Agent, East Indian Railway, reports : (*a*) to (*e*). Yes.

(*f*) (*i*). The old head ticket collectors were not promoted to the posts of Assistant Head Ticket Collectors on restoration of their pay, as senior men had to be provided for and there are not sufficient posts to accommodate all.

(*ii*) No junior men are holding these posts.

(*iii*) Yes, on occurrence of vacancies and in order of seniority.

IMPOSITION OF FINES ON STAFF ON THE EAST INDIAN RAILWAY.

*531. (*a*) The Agent reports that Gokul Ram was not fined but his pay was reduced by Re. 1 for twelve months.

(*b*) Does not arise.

(*c*) The policy of the Railway Board in the system of fining staff on railways is as enunciated in paragraph 3 of their letter No. 1023-E., dated 25th August, 1925, an extract of which I lay on the table.

EXTRACT FROM A LETTER No. 1023-E., DATED THE 25TH AUGUST, 1925.

Fixing System.—The system of punishing by fines has already been abolished on State Railways in respect of clerical and office staff, but it still remains in force in respect of the remaining staff. The Government of India recognise the difficulty of maintaining discipline among the large staff of employees, many of whom are ignorant and illiterate men, and of punishing breaches of rules (many of which are concerned with the safety of the public) slackness carelessness absenteeism and the like, without resort to a system of fines, and they are aware that the fines are credited not to the Railway administration, but to separate fine funds. But they trust that Railway Administrations will make a careful survey of the various offences, at present punishable by fines, with the object of gradually reducing fines as much as possible so as to eliminate avoidable hardship.

REFRESHER COURSE AT KOT LAKHPAT, NORTH WESTERN RAILWAY.

*576. The Agent, North Western Railway, reports : (*a*) The object of Refresher courses is to enable the staff to keep themselves up to date in their professional duties and so assist them to fit themselves for promotion when the time comes. Failure in a Refresher course does not result in forfeiture of appointment, unless the removal of an individual whose duties are connected with the safety of the travelling public is considered necessary because he is likely to endanger the lives and safety of those travelling and cannot be found alternative suitable employment.

(*b*) and (*c*). Staff of the following classes of the Commercial Branch are required to attend Refresher courses at intervals of 5 years, irrespective of whether they have previously failed or not, up to the age of 45 :

Goods clerks.

Booking clerks.

Parcel clerks.

Ticket Collector, Grade I.

The result of each course has no immediate effect on commercial staff, but as promotion to higher posts is by selection, failure reduces an individual's chances of securing a recommendation of fitness for promotion to a higher post.

CREATION OF A POST OF SUPERINTENDENT FOR CO-ORDINATION OF PERSONNEL BRANCHES ON VARIOUS DIVISIONS OF THE NORTH WESTERN RAILWAY.

272. The Agent, North Western Railway, reports as under : (*a*) to (*d*). The reply is in the affirmative.

(*e*) Steps already taken to ensure co-ordination of personnel work in the various offices on the Railway as alluded to in parts (*c*) and (*d*) of the question, were found to be insufficient, and it was therefore considered necessary to augment this, by placing an individual with experience in establishment matters on special duty to visit and inspect the various offices and assist them with advice in the proper organisation of the work of the personnel branch on a uniform basis. This step towards co ordination has been taken with the object of securing uniformity, increasing efficiency, reducing correspondence and last, but not least, securing economy.

(*f*) A special standard report form has been designed outlining in detail the principal points to which special attention is to be directed by the Superintendent when visiting an office, and has been applied, so far, to three divisions, and copies of his report furnished to the divisions for the use of the Divisional Superintendent, his Divisional Personnel Officer and the office, to enable them to effect an improvement in methods and to secure a uniform procedure in all offices.

(*g*) The necessity has not arisen.

The special standard report form provides for observation during the inspections whether the business of all branches of a Divisional office is being conducted properly and in accordance with the orders of the Headquarters office.

PAY OF THE ASSISTANT CONTROLLERS ON THE NORTH WESTERN RAILWAY.

*648. The Agent, North Western Railway, reports : (*a*) The Assistant Controllers re-confirmed with effect from 1st January, 1931, retained the same scale in grade Rs. 300—10—350 previously held by them.

(*b*) No.

(*c*) Their re-confirmation was ordered after a detailed and careful examination of the whole question.

(*d*) and (*e*). Do not arise.

SUB-LETTING OF VENDORS' CONTRACTS ON THE EAST INDIAN RAILWAY.

*761. (*a*) No.

(*b*) There are six such cases on record since 1927.

ANNOUNCEMENT *RE* INFORMATION PROMISED BY GOVERNMENT IN REPLY TO QUESTIONS.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has to make an announcement regarding the practice which the House now follows in placing on the table information promised by Government in reply to questions. The present practice of reading out a list of such statements involves an unnecessary waste of the time of the House, and, in addition, involves some delay in actually placing such statements on the table. To avoid these two inconveniences, the Chair has directed that in future this list will not be read out to the House, but a circular will be sent to Honourable Members containing a list of such statements placed on the table as soon as possible after the statements are received in the Assembly Department. The statements will, as usual, be printed as part of the proceedings of the House.

THE FACTORIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Factories Bill.

The question is :

"That clause 5 stand part of the Bill."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

"That clause 5 of the Bill be deleted."

Before I advance my arguments, I should like to mention a great piece of humour which I read in the newspaper today. The Associated Press reported that I suggested and pressed that this Factories Bill should be applied to the Navy. I thought it was a great humour. I suggested that certain provisions ought to be applied to the railway

workshops, but railway workshops are quite different from the navy, which the Associated Press reported as having been said by me. I was told by my Honourable friend, Sir Frank Noyce, the other day that I did not read so carefully all the papers supplied to me as I used to do when I was younger and a student in Cambridge. But unfortunately he does not take into consideration the fact that the papers which are supplied to his Secretary are not supplied to me by my Secretary, I mean the actual Acts, the amendment of which we are going to discuss, are certainly in the hands of the Honourable Member, but unfortunately they are not in the hands of Members of the Opposition.....

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I am always very happy to supply the Honourable Member with any copy of any Act that he desires. I take it that this Act and all the other Acts are in the Library of the House to which he has ready access.

Dr. Ziauddin Ahmad : I was just coming to it. Sir, in the Library there are a limited number of copies, and there is always a race between Members as to who would take them first, and, I daresay, sometimes I win the race, but not always. If a few more copies are placed at the disposal of the Secretary of the Assembly Department for the use of those Members who would like to consult those Acts, it will be very convenient. We are handicapped by not having a copy of the original Act when we discuss its amendment. Very often we find that the Act is not available, because it has been taken away from the Library by a Member who is more enthusiastic than the one who goes to the Library a little later. Therefore, Sir, I would take this opportunity to request you to have several copies of the original Act placed at the disposal of the Legislative Assembly Department whenever we discuss its amendment, so that those Honourable Members who are interested in reading the original Act can have easy access to it.

Now, Sir, coming to the clause itself, I was told that this clause existed in the old Act, and this particular clause was copied from one of the old Acts. I should like to know whether this particular clause has ever been applied by any of the Local Governments. If it has never been applied, if it has remained a dead letter, then I think it is high time, when we are trying to consolidate the whole position, that this obsolete clause is deleted altogether. Sir, I have certain apprehensions that if this clause is applied by the Local Governments, some of them, who are more energetic, might very much misuse it. For example, there is nothing in the provisions of this Act debarring any Local Government from applying this clause 5 to any places where wheat is taken out from husks. Now, the definition of "manufacturing process" is given in clause 2 (*g*), and it says :

> "Manufacturing process means any process for making, altering, repairing, ornamenting, or packing or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal."

Sir, husk is an article which is being transformed into wheat. Therefore, according to the definition given under 2 (*g*), all places where wheat is taken out of husk can be included in the category of factories. There are places where more than ten persons are employed on a particular day, and if these places are declared as factories, then it will mean

[Dr. Ziauddin Ahmad.]

a great hardship to the poor people and agriculturists. It is a good thing that the Local Governments have not so far applied this Act to such places, but if they do apply it to such places, there is considerable room for misusing this particular clause. Therefore, I say that if it is not to be applied, then there is no use of retaining it ; if it is to be misused, then it will be mischievous. Therefore, in either case, it will be undesirable to retain it. The fact that this particular clause was in the original Act is no reason that we should incorporate it in the present Bill.

Then, Sir, the second apprehension which I have, if we retain this particular clause, is that *khandsaris*, which do not use power and which employ ten persons only, are now exempt from the excise duty, and I am afraid that if these *khandsaris* are declared as factories, then the exise duty may be imposed on them. Of course, great injustice has been done by us to the *khandsari* system on account of the propaganda of the sugar manufacturers, and, I am afraid that by this Bill further harm will be done to this cottage industry. If this clause is misused or misapplied by the Local Governments, then they will kill a large number of cottage industries. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That clause 5 of the Bill be deleted."

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I would like to point out a difficulty which I experienced in this matter some time ago, while I was the Chairman of a Municipality, in the administration of this particular clause. There is the Water Works Department in which we employ only a few people, but there are a few other people who are employed as mechanics, labourers, and so on, and all people included in it were found that they had just one more number than the required number, and we were forced to.....

The Honourable Sir Frank Noyce : May I ask the Honourable Member what the required number was ? I presume it was 20 ?

Mr. Muhammad Yamin Khan : Yes, it was 20, but this particular clause seeks to reduce that number to ten. I think, Sir, it will be a great hardship, because places which are not really intended to be included within the purview of this Act will *ipso facto* be brought under it. These people will have to apply for a licence and they will come under the Factories Act, which will mean great trouble and hardship. I think the arguments advanced by my friend, Dr. Ziauddin Ahmad, are sound to a certain extent in that we had experienced a difficulty in the past, but I feel that this amendment has some force behind it. So I support it.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I also support this amendment, and I would support it by the argument which my Honourable friend, the Law Member, used yesterday with regard to a similar amendment which was moved. In the definition of a factory, it was proposed yesterday to bring down the number of working people from 20 to ten, but the Honourable the Law Member in his admirable speech, to which we all

listened with interest, opposed that amendment. The very same argument applies *mutatis mutandis* to the present case. This particular clause seeks to empower the Local Government to declare any premises, in which a manufacturing process is carried on, whether with or without the aid of power, and in which there are ten or more persons employed, a factory.

The Honourable Sir Frank Noyce: It is "may", and not "should".

Mr. Gaya Prasad Singh: Yes, it is stated there "may be declared a factory" by the Local Government. This will work a great hardship in regard to some of the small cottage industries which are carried on by members of the same family with the aid of a few more persons, an example of which was given by my Honourable friend, the Law Member, yesterday. Therefore, I say this clause is objectionable, and, without taking any more time of the House, I would request the Honourable Member in charge of the Bill to accede to the request made by us on this side of the House and agree to the deletion of clause 5. With these few words, I support this amendment.

Mr. Bhuput Sing (Bihar and Orissa: Landholders): Sir, I also rise to support this amendment. Besides the point mentioned by my friend, Mr. Gaya Prasad Singh, the definition says that the factories which are run without the aid of power will be included in the purview of the Act if the Local Government so desires. Therefore, it will be better to delete the whole amendment, so that it may not be abused by the Local Governments, because small factories and cottage industries are likely to feel a great hardship.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Ordinarily I will not oppose any measure that comes from our very able friend, Dr. Ziauddin Ahmad, but I feel compelled to oppose this amendment. It was only yesterday, when my amendment was before the House, that it was objected to—that the meaning of the word factory should be restricted to only 20 persons and more. If that amendment had been agreed to, I would have been in accord with this amendment that has been proposed by Dr. Ziauddin. Yesterday it was not done so. Now, here, they find a difficulty. The difficulty is, even those factories which are worked with hand are going to be also in the hands of the Local Government. I wanted to cover that defect yesterday, but it was not agreed to. Therefore, I am sorry to say that it would mean that if I now accept this amendment, a factory, in which ten or more men work, can never come under the Factories Act, and that will be a great disadvantage. Yesterday, when the Law Member for the first time spoke and spoke very ably, he gave us a distinction between factories where ten men will work with power and that factory which is smaller and has the same dangers and same risks will come under clause 5, and the Local Government will allow only such factories. He gave an example, but I think it is an extreme case. I have no such fear. Now that a factory means, according to our central legislation here, a factory which has 20 men and over, if I agree to this amendment, it would mean absolutely putting a bar on any factory, having only ten or more workers, being regulated and given the benefit and the privileges of a factory if this clause were deleted. On these grounds, I would even request my Honourable friend to withdraw this amendment.

Mr. A. Hoon (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I am sorry I have got to oppose this amendment as proposed by Dr. Ziauddin Ahmad, because I feel that clause 5 of the Bill is a very salutary one by itself. Yesterday we had a discussion on the floor of this House as to whether the number of workmen should be limited to ten in respect of what the Act calls a factory, and the Honourable the Law Member explained that it would entail an amount of hardship on those people who do their work on a small scale. That idea I had in my mind when the clause was gone through in the Select Committee, and if I remember well, I think I put forward the point of view that workmen, when they are only ten, should not ordinarily be considered to form a factory, because, in a business like a laundry, or a soda water factory, or a sugar making mill on a small scale, or a flour mill, what we call *Ata chakki*,—it is possible that members of the same family may all combine and work, and, when members of a family are working together under the head of the family, it could ordinarily be assumed that they would not be allowed to overwork.

Clause 5 leaves a discretion with the Local Government to declare a certain group of men working under certain circumstances a factory, and I think that the discretion would be exercised only when the Government come to know that it is not a combination of the members of the same family, but it is an employer employing ten men at a time. If an employer is employing ten men at a time and if he is doing things there in order to get more profit which the ordinary principles, on which the Factories Act is based, do not permit, I think it will be perfectly right that the Local Government should step in to declare that that combination of men should be called a factory.

The Honourable Sir Frank Noyce : Sir, I might have taken exception to the amendment put forward by my Honourable friend, Dr. Ziauddin Ahmad, on the ground that it was placed in my hands after I came into this House yesterday morning, and two clear days' notice of it had not been given, in spite of the fact that my Honourable friend has had at least six months in which to study the report of the Select Committee on this Bill. But I am quite prepared to deal with the amendment on its merits. It represents one extreme point of view, as does the subsequent amendment which my Honourable friend, the Deputy President, is moving to this clause the other, and I fear I shall have to oppose both of them. I cannot believe that this House would agree to what can only be described as a retrograde step. As my Honourable friend, Dr. Ziauddin Ahmad, pointed out, this clause repeats the provision which is to be found in the existing Act. Our Bill is intended to mark an advance in the direction of regulation of factory labour and the omission of a clause dealing with small factories would, I consider, be a blot on the whole Bill. The Royal Commission on Labour wanted to go considerably further than we have been able to do. They wanted to extend the Act in a far greater measure to factories which do not at present come within its scope. We have not been able to accept that point of view at present, though we hope later on that it may be possible to deal further with some of the unregulated factories. But for the time being we have had to confine the scope of our Bill to such factories as already come within the scope of the existing Act. The reason is, as I explained yesterday, mainly the financial one as the

Provinces, in their present financial condition, are not in a position to engage the staff that would be necessary if any further large number of factories were to be placed under the operation of the Act. That, Sir, is the position, and it is for that reason that I regret I must oppose my Honourable friend's amendment. He wished to know how far the present section is being used. I am afraid I cannot give him any information on that subject as I do not know whether it is a dead letter or not. I hope it is not, but what I can assure him is that we do not intend that it should be a dead letter in the future. We hope that Local Governments will use all the powers which are conferred on them by this clause, and we have no doubt that they will use them with discretion and not to the harassment of the small industries. It seems to me quite obvious that it is the small factories which are in the greatest need of regulation. It is in such factories obviously that machinery is most likely to be carelessly looked after, or is most likely to be insecurely fenced, and that conditions of work of children are most likely to be of an unsatisfactory character. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 5 of the Bill be deleted."

The motion was negatived.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I beg to move :

"That in sub-clause (*1*) of clause 5 of the Bill, for the word 'ten' the word 'five' be substituted."

This clause, as will be evident from the further discussion which has taken place just now, gives power to the Local Government to declare any premises as a factory which employ ten or more persons. My amendment is to reduce that number to five. Sir, these powers that are being given to the Local Government are purely discretionary. A Local Government is not compelled to declare any factory that employs five persons as a factory ; but if they find that the circumstances are such, that the conditions are so revolting that they must interfere, then I submit they must have the power to deal with such factories. In the speech which I made, when the Bill was referred to Select Committee, I referred particularly to the case, of *biri* factories in Madras and bangle factories at Firozabad, and I pointed out what the conditions were in those factories. What we want is that if a Local Government find that they must interfere, so as to improve the conditions in those factories, they must have the power to deal with them. This only gives them power to deal with such situations, and it will act somewhat like a check on the small factories having unsatisfactory conditions in those factories, and it will operate as an incentive to them to improve their working. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in sub-clause (*1*) of clause 5 of the Bill, for the word 'ten' the word 'five' be substituted."

The Honourable Sir Frank Noyce : Sir, I have very little, if anything, to add to what I have already said in regard to this amendment. I have already pointed out the great difficulty that Local Governments would have in dealing with factories employing from ten to nineteen people. It is obvious that that difficulty would be very greatly enhanced if the number were reduced to five, and I would very much deprecate placing a provision on the Statute-book which would certainly be a dead letter for many years to come. Sir, I regret I am unable to accept the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*1*) of clause 5 of the Bill, for the word 'ten' the word 'five' be substituted."

The motion was negatived.

Clause 5 was added to the Bill.

Clauses 6 to 10 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 11 stand part of the Bill."

Mr. G. Morgan (Bengal : European) : Sir, I move :

"That in clause 11 of the Bill, for sub-clauses (*b*) and (*c*) the following be substituted :

'(*b*) make such examination of the premises and plant and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ;

(*c*) make, during working hours, such examination of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and

(*d*) exercise such other powers as may be necessary for carrying out the purposes of this Act '."

The reason for this amendment, Sir, is that although in the first instance we thought of moving an amendment for "a reasonable time", we came to the conclusion that that is a very difficult thing to define. We do feel, however, that in connection with the examination of registers and documents, which, I take it, are generally kept in the office part of a factory, it would be better if the words "during office hours" were inserted for the examination of any prescribed registers and documents. It is quite possible that Government may not view this in the same light as we do, but we feel that there might be a certain amount of trouble and harassment if people were coming at odd hours when offices were closed to examine documents and registers. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 11 of the Bill, for sub-clauses (*b*) and (*c*) the following be substituted :

'(*b*) make such examination of the premises and plant and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ;

(*c*) make, during working hours, such examination of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and

(*d*) exercise such other powers as may be necessary for carrying out the purposes of this Act '."

The Honourable Sir Frank Noyce : Sir, I regret I am unable to accept this amendment. I will give the House an instance of how it might work in practice. Suppose the Factory Inspector believes that a ten-hour day was not being adhered to. He endeavours to make a " raid " on the factory, but he finds on arrival that work has just stopped. Is he to be precluded from comparing the work registers there and then with the facts as known to him ? If so, the register will probably be faked by the following day. That is the reason why I am unable to accept this amendment. The Inspector turns up at the factory out of working hours ; the factory authorities who have or may have been guilty of an infringement of the Act are not called upon to produce their registers ; by the time those registers are available for the Inspector's examination, it is perfectly possible that the entries in the register may have been altered. I think the House will agree that that is a very good reason for not accepting this amendment. The Local Governments have ample opportunities for taking disciplinary action in any case in which it is called for, in which this power of inspection is abused. All powers of inspection are, of course, open to abuse, and that is a risk which we have to face. We have to trust Local Governments and the Factory Inspectors to do their best to avoid unnecessary harassment. I may note in passing that in any case it would have been impossible to accept the amendment in the form in which it has been tabled, as Mr. Morgan does not seem to have been able to decide whether the taking of evidence should also be limited to working hours or not. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

" That in clause 11 of the Bill, for sub-clauses (*b*) and (*c*) the following be substituted :

' (*b*) make such examination of the premises and plant and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ;

(*c*) make, during working hours, such examination of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act ; and

(*d*) exercise such other powers as may be necessary for carrying out the purposes of this Act '."

The motion was negatived.

Clause 11 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

" That clause 12 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, the amendment which stands in my name runs as follows :

" That after sub-clause (*1*) of clause 12 of the Bill, the following new sub-clause be inserted and the existing sub-clause (*2*) be re-numbered as sub-clause (*3*) :

' (*2*) No person shall be appointed to be a certifying surgeon under sub-section (*1*), or, having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith '."

Clause 12, Sir, allows certain medical practitioners to be appointed to perform the functions which are required by this Bill, and those functions, I may say at the outset, are very important. The Bill aims at two

[Mr. Lalchand Navalrai.]

things. One is the protection and the welfare of children and the second is the protection to the employers also as well as to the workers. Now, these two things are very important—one, this business of holding that a certain person, a child, who is of twelve years of age or any adolescent, who is fifteen years of age, is fit for such work, has to be decided by a certificate given by a medical officer ; and also as regards the fitness of a person who can be allowed to go to a factory, that also has to be decided upon mostly upon the certificate that that surgeon gives. Now, the point is this. My amendment says that that person, who should be a medical officer, should be a disinterested person, should be an impartial person, should be a person who has no interest of his own to manipulate his certificate. In other words, I only want purity, honesty and impartiality of service. Sir, I do not think we can find anywhere else that a person can be the judge in any function in which he himself is interested. Take the Criminal Procedure Code which governs the whole of India. Under that Code, the Judges are appointed and if they are interested in any matter that comes before them, the law decides that the case will be transferred from their Courts. I cannot understand why in this Bill an unlawful procedure, an extraordinary procedure and a most objectionable procedure should be adopted. I really wonder how it came to be that this provision was deleted by the Select Committee at all. With due deference to the Select Committee, I must say that I do not understand what must be the motive behind their decision. I must, however, give the House the real facts before I go into the reasons given by the Select Committee. Referring to the old Factories Act, which is now going to be amended, I find that sections 6 to 8 refer to this very subject and under the old Act a surgeon had to be appointed by Government. It is mentioned in section 6 which I will read to the House. It runs thus :

"The Local Government may appoint any qualified medical practitioner, as it thinks fit, to be a certifying surgeon for the purpose of this Act within such local limits as it may assign to him respectively."

Then there is another section which says :

"The certifying surgeon can delegate his powers to another registered medical practitioner."

Now, Sir, these sections do not say that the certifying surgeon will be a disinterested person, but, ordinarily, when a man is taken into the service of a business like this, he must be disinterested in order to be impartial. The presumption is, according to the old Act, that if a person was interested, he should not be appointed. Now, what has happened is this. The changes were made in the present Bill by the framer of the original Bill before it went to the Select Committee. Instead of appointing a surgeon in the first instance and then asking him to delegate his powers to the medical practitioners, they simplified the matter. They found that at present any number of registered medical practitioners can be had who are fit enough. So, the framer of the Bill decided to put in only registered medical practitioners. Later on, it appeared to him to make it more clear by saying that the certified medical practitioner should be a person who should be disinterested. Therefore, they put in actually a clause, which is clause 2 in the original Bill, exactly in the same words as is my amendment. Then, when the matter went to the Select Committee, they, for ought I know, decided to delete clause 2. In other words, they say that they would be satisfied with any doctor. Let him

be a dishonest man, let him be concerned directly or indirectly with the factory, let him be even the manager of the factory itself. They do not mind all that. Sir, I cannot understand the reason of this deletion. Sir, I can only say that the Honourable Member in charge of the Bill is putting in a thing which has never happened in any law. I do not think the Honourable the Law Member will get up and speak on this motion and say that we want such persons who may be interested directly or indirectly with the factory. I, therefore, submit that if my amendment is accepted, it will make the law remain as it is and will make the Bill absolutely pure from this defect. In other words, if this Honourable House is to be a party to a measure like this, it must see that it is an impartial measure. Therefore, looking at it from that general point of view, I think it will be but right to revert back to the position in which we were when the Bill was framed by the Honourable Member himself. If the Select Committee has made this change, then we can reject it. After all, their decision is not the Gospel truth and the old clause can be put in. Sir, I do not wish to give any lengthy reasons, because the point is so clear. Therefore, I submit that my amendment should be accepted by this House.

Now, I wish to say one word more with regard to the reasons that the Select Committee have given and then I have done. I already referred to them yesterday at the consideration stage of the Bill, but for the benefit of those who were not in the House yesterday, I will just refer to them again. We find that in their report on clause 12 the Committee says :

"This clause combines the provisions contained in clauses 13 and 14 of the Bill as introduced. We have modified them to provide that only registered medical practitioners may be appointed as certifying surgeons. Sub-clause (2) of clause 13 has been omitted."

This sub-clause (2) referred to the surgeon being a disinterested person. They are going to omit this sub-clause and the reason that they have given for doing so is this :

"On the ground that it might give rise to practical difficulties and might unduly limit the field of choice."

I fail to understand, Sir, what difficulty can there be in finding out a suitable man from amongst hundreds of medical practitioners that we find in India ?

Mr. E. Studd (Bengal : European) : There will be the greatest difficulties.

Mr. Lalchand Navalrai : I am surprised to hear that statement from a Member who hails from Calcutta where we can find so many surgeons and so many medical practitioners, and yet the Honourable Member says that there will be difficulties. What is the difficulty, may I ask ? I pause for a reply. (No reply.) Sir, I do not find any difficulty.

The Honourable Sir Frank Noyce : I cannot allow that statement to pass unchallenged. I shall, in due course, explain what the difficulties are.

Mr. Lalchand Navalrai : I hope you will consider the purity point of view also. I cannot understand how there can be any difficulty. Even supposing there is some difficulty in considering the question of finding out suitable certifying surgeons, you have to place the difficulties, if any, on the one side of the scale, and on the other you have to put impartiality

[Mr. Lalchand Navalrai.]

and see whether it will be right to appoint such surgeons. I, therefore, submit that even though there may be some difficulty which, I think, may only be fanciful or fantastic, yet these difficulties should not deter us from giving due consideration to the question of purity and impartiality of service. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved :

"That after sub-clause (*1*) of clause 12 of the Bill, the following new sub-clause be inserted and the existing sub-clause (*2*) be re-numbered as sub-clause (*3*) :

'(*2*) No person shall be appointed to be a certifying surgeon under sub-section (*1*), or, having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith'."

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I have listened very carefully to the able arguments adduced by my Honourable friend, Mr. Navalrai, but they have not convinced me in any way to change my views which I, as a Member of the Select Committee, have expressed in the note which I have appended. The position is this. The medical officer to be appointed must be a registered one. We all know what that means. My Honourable friend does not know and I gather from his speech that he is apparently ignorant of the condition of mufassil villages, even of his own Province, not to say of Bengal or other Provinces of India. In the mufassil towns, you will scarcely find a doctor who is a registered one.

Mr. Lalchand Navalrai : Question. There are several.

Mr. S. C. Sen : Because my Honourable friend has no knowledge of Bengal, he cannot speak of that Province. I should also say he has no knowledge even of his own Province.

Mr. Lalchand Navalrai : I have of my own Province fully.

Mr. S. C. Sen : I can say without fear of challenge that mufassil towns and villages in Bengal, most of them, do not possess a single registered medical practitioner. There may be unqualified medical practitioners, such as *kavirajes* and *hakims*, but there are very few registered medical practitioners. Supposing there is one in a particular village, and supposing there is a factory open in that village, and supposing it is mainly controlled by people in whom the medical practitioner is interested, then, according to my Honourable friend, the onus is on the factory to get a medical practitioner who is not interested in the factory to function. My Honourable friend waxed eloquent on purity, etc. Now, Sir, what are the duties of this medical practitioner ? He shall have to certify whether a particular boy is below the age of 12 or he is an adolescent capable of working in a factory. Supposing he certifies a man who is unworthy to be certified, then whom does he favour ? Is he favouring the boy or is he favouring the factory ? The factory will lose by employing such a boy. Therefore, his being interested in the factory helps whom ? The factory loses by getting a man who is unfit. Therefore, this question of purity is all a moonshine. This question of purity haunts the minds of people who have no knowledge of the conditions in mufassil towns. Sir, I oppose the amendment.

Mr. E. Studd : Sir, I had not intended to speak on this amendment, but as my Honourable friend, Mr. Navalrai, has challenged me on the question of difficulty, as a plain straightforward businessman, I can tell him the difficulty as I see it. I will not deal at any length with his contention that, because a doctor happens to have some interest, he could not be trusted to give a perfectly fair and impartial opinion. I entirely disagree with that point of view. The point I want to lay stress upon is the practical difficulty. I, Sir, am not a legal expert, but reading his amendment in which he says "no person shall be appointed to be a certifying surgeon if he becomes directly or indirectly interested in *a* factory" which I interpret to mean *"any"* factory, the result would surely be that those who happen to hold shares in a tea company or a jute company could not be appointed to be a certifying surgeon even for a cotton mill.

Mr. Lalchand Navalrai : That is not my interpretation.

Mr. E. Studd: I have already said that I do not claim legal knowledge, but that seems to be the interpretation, to the ordinary plain man in the street, of the amendment as it is worded. But even if that is not so, how is it possible practically to know whether a doctor has any interest in a factory or not. Is it feasible to examine all his interests and all his investments and see whether amongst them there is anything which has either direct or indirect interest in any factory ? I submit that even if that was feasible, if you found a doctor who was dishonest and who particularly wanted to get an appointment of this sort, it would be perfectly easy to cover up his interest by transferring his shares into the name of somebody else. I think, Sir, from the point of view of the plain man in the street, there are very grave practical difficulties in the way of this amendment, and, I, therefore, oppose it.

Mr. Gaya Prasad Singh: I quite realise the difficulty which has been pointed out by my Honourable friend, Mr. Sen, and my Honourable friend, Mr. Studd. I should like to ask one question as to how the amendment of which notice has been given by my Honourable friend, Mr. Lalchand Navalrai, found a place in the original Bill when it was introduced for the first time last year. In the original Bill, when it was introduced, it was clause 13, sub-clause (*2*) of which reads as follows:

> "No person shall be appointed to be a certifying surgeon under sub-section (*1*), or, having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith."

This is exactly the amendment which has just been moved by my Honourable friend. I should like to know from the members of the Select Committee or from the Honourable Member in charge of this Bill as to why this particular clause which found a place in the original Bill has been deleted. I would certainly assume that, before the Bill was originally introduced, all the difficulties, which have been pointed out by my Honourable friends, who have just preceded me, must have been present before their minds. I cannot really believe that they drew up the original Bill in a hurry without looking at all into the relevant circumstances, but, even as it was, I find that this clause found a place in the original Bill and the onus lies on the Government and on the members of the Select Committee to explain what considerations weighed with them in deleting that clause in the Select Committee.

The Honourable Sir Frank Noyce: Sir, my Honourable friend, Mr. Navalrai, has advanced a curious theory of the position of the Member in charge of a Bill when it comes before a Select Committee and that theory appears to have found a certain measure of support from my Honourable friend, Mr. Gaya Prasad Singh.

1 P. M.

Mr. Gaya Prasad Singh : I am not supporting Mr. Lalchand Navalrai.

The Honourable Sir Frank Noyce: I am told by my Honourable friend, Mr. Navalrai, that I ought to have stood on my rights, that I ought to have insisted that this clause should remain in the Bill when it was under discussion in the Select Committee. Well, Sir, I have served on some Select Committees with my Honourable friend, and I have not noticed that he then held that the Member in charge of the Bill should stand strictly on the letter of the Bill, that he should accept no change at all in the course of the discussions in the Select Committee and that he should be entirely impervious to any arguments advanced in support of change. My Honourable friend would be the first to contest that view if it were brought forward in support of any other amendment than his own. It is obvious that the passage of legislation through Select Committees and through this House would hardly be facilitated if Government were to take that attitude. Mr. Gaya Prasad Singh is perfectly entitled to ask why we dropped this clause which Mr. Lalchand Navalrai now seeks to restore. The reason is that it was not a well considered clause. We do endeavour to take all relevant considerations into account when we are drafting Bills, but it is bound to be the case that sometimes they escape our notice and this was frankly a case of that character. It was only in Select Committee that the difficulty of working the clause was fully revealed.

Mr. Lalchand Navalrai: May I know if there is any such clause deleted in any other Act?

The Honourable Sir Frank Noyce: I have not the slightest doubt that many clauses in Government Bills are deleted in the course of their passage through Select Committee. I am quite certain that every Member who has served on any Select Committee could bring forward instances of that kind.

Mr. Lalchand Navalrai: I did not mean that. What I asked was whether there is any other instance where a clause like this has been deleted that no man should be appointed in any capacity if he has got an interest in that business either directly or indirectly.

The Honourable Sir Frank Noyce: I do not know whether any such clause has ever appeared in any Act, but, if the Honourable Member will allow me to continue, I will point out the difficulties in working this sub-clause. It runs:

"No person shall be appointed to be a certifying surgeon under sub-section (*1*), or, having been so appointed, shall continue to hold the office of certifying surgeon who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith."

The interpretation put on the sub-clause by Mr. Studd was perfectly correct and was upheld by our legal advisers. We found on further examination that the possession of a share in a company owning a factory anywhere in India would be a disqualification for appointment as a certifying

surgeon. I admit that we ought to have foreseen that, and it is a matter for regret that we did not. That is the position. My Honourable friend, Mr. Lalchand Navalrai, is at a disadvantage in that he does not know exactly what happened in the Select Committee. We did discuss in the Select Committee at very great length whether we could not get round this in some way or other and whether we could not insert a provision that a certifying surgeon should be disqualified from acting in respect of any particular factory in which he was directly or indirectly interested. But we found there were difficulties in regard to that. It is very difficult to define "direct" and still more difficult to define "indirect" interest. Take the case of a man who is appointed certifying surgeon for a factory, many of the superior officers of which are his patients. Would you say that he was directly interested or indirectly interested in that factory? He is obviously interested, but it is very difficult to say whether his interest is direct or indirect.

And then there is the case which has been brought forward from Assam, the difficulty of finding certifying surgeons for factories on tea estates in remote parts of Assam, or indeed in other parts of India. It is obvious that where a tea estate in such parts has its own doctor, it may be very difficult to find any other doctor near at hand to act as a certifying surgeon.

These are the reasons why we deleted this clause and they seem to me to be convincing ones. I trust that they will prove equally convincing to the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is:

"That after sub-clause (*1*) of clause 12 of the Bill, the following new sub-clause be inserted and the existing sub-clause (*2*) be re-numbered as sub-clause (*3*) :

'(*2*) No person shall be appointed to be a certifying surgeon under sub-section (*1*), or, having been so appointed, shall continue to hold the office of certifying surgeon, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith '."

The motion was negatived.

Clause 12 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 13 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, I beg to move :

"That in clause 13 of the Bill, before the words 'Every factory' the following be inserted :

'Every factory shall be provided with drains for dirty, bad smelling and sullage water with suitable escapes outside the premises without causing any nuisance inside or outside, and '."

I need not say many words on this amendment, though I feel that it is a very important one which should also appeal to the Member in charge. Yesterday I gave examples of certain factories which are worked with

[Mr. Lalchand Navalrai.]

power which have no drains at all, and I gave my personal experience of several such factories where they throw the drain water into the premises itself, and the Inspectors who are in charge are unable to help them. If they throw the water outside, the municipalities come and prosecute them. If they throw water inside, there is a nuisance and the Inspectors say that there is no such rule that there ought to be a drain. There was in the former Bill also a similar provision about cleansing of drains, and it may be interpreted to mean that, where it is provided that the drain should be cleansed, it presupposes that there is a drain. But that is not the view that is being taken in practice. Therefore, I have put in this amendment to make it quite clear that when there is sullage water or some other dirty water which has got to be removed, there ought to be drains and also escapes outside which should be done by the factory owners. I, therefore, do not think this amendment should be opposed.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in clause 13 of the Bill, before the words ' Every factory ' the following be inserted :

' Every factory shall be provided with drains for dirty, bad smelling and sullage water with suitable escapes outside the premises without causing any nuisance inside or outside, and '."

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I should like to point out to the House that this amendment is wholly unnecessary. If the House will turn to the language which has been used in the draft clause 13, it will be found that :

" Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance, and shall be cleansed at such times and by such methods as may be prescribed, etc."

So it is clear that all that is wanted in the amendment is covered by the provision about drains being cleansed at such times and by such methods as may be prescribed. I think, therefore, that the amendment is unnecessary. Moreover, the amendment, as it is drafted, is rather inappropriate. It says, " Every factory shall be provided with drains, etc ". There is no reason why every factory should be provided with drains for dirty water. It is quite conceivable that there are factories where there is no accumulation of dirty water. I ask the House to consider whether it is necessary at all to put in this amendment and I submit that it is not.

Mr. Lalchand Navalrai : Sir, in view of the interpretation which the Honourable the Law Member puts upon it, and which, I say, is also an interpretation which is susceptible of being put, I would ask the House to give me leave to withdraw this amendment.

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

Clause 13 was added to the Bill.

Clause 14 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That clause 15 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

" That in sub-clause (*3*) of clause 15 of the Bill, for the words ' specifying the measures which, in his opinion, should be adopted ' the words ' that effective measures shall be taken ' be substituted."

This and my subsequent amendments are in identical terms and are moved for the same reason ; therefore, what I shall say on this amendment applies to them all. What we feel is that the powers given to the Inspectors are too varied and extensive. Under this clause and the following clauses, he has to specify the measures which should be carried out. There might arise the question, if we say merely " effective measures ", as to what " effective " means : I quite grant that, and I do not see any way out of that. Under clause 31(*3*), an appeal can be lodged within 30 days. Now, suppose the Inspector specifies measures which have to be carried out and gives a short date for those measures to be carried out, what is to happen when an appeal has been lodged and the appellate Court has not got time to take up the case and come to an early decision on that matter ? The Inspector has already specified the measures and he has specified the date and an appeal has been lodged ; the appellate Court cannot sit at once ; and although the decision may be in favour of the owner of the factory, he may have already been compelled under the clause to carry out the measures specified by the Inspector. That, to my mind, is one of the difficulties of this definite wording of specified measures. What I say on this amendment applies to all my subsequent amendments—they are exactly on the same basis. The difficulty seems to be about the appeal in clause 31 (*3*). Section 16 is all right. But the appellate Court may not be able to come to a decision before the date expires, and meantime the specified measures have to be carried out. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved.

" That in sub-clause (*3*) of clause 15 of the Bill, for the words ' specifying the measures which, in his opinion, should be adopted ' the words ' that effective measures shall be taken ' be substituted."

The Honourable Sir Frank Noyce : Sir, I must confess that I was under the impression that my Honourable friend, Mr. Morgan, represented the employers' interests in this House. The amendment which he has just moved throws very considerable doubt on that point in my mind, for I trust that I shall be able to convince the House that this amendment is in the interests, neither of the employers, nor of administration. My Honourable friend, Mr. Morgan, is evidently of opinion that the employers should have an opportunity to decide what steps should be taken to remedy defects and that so long as effective steps are taken, that is all that should be required. But, as a matter of fact the effect of his amendment is to introduce fresh causes of dispute and to confuse the procedure at every possible stage. I will endeavour to show how that comes about. The position at present is that the employer has to be given full particulars of the measures he is expected to take and that he can appeal against the order on such grounds as that the conditions in his factory are satisfactory, that the measures are impracticable of execution, that they are not likely to be effective, and that there is a better way of achieving the end in view. Mr. Morgan proposes, in the first place, to remove the safeguard that the employer has to be given full particulars of the measures he is expected to take. I would remind the

[Sir Frank Noyce.]

House that, in the course of the discussion yesterday, great stress was laid on the necessity that, in administering this Act, we should be as definite as possible. If Mr. Morgan's amendment were adopted, the Inspector need not and should not specify the measures which the factory owner is called upon to take. I submit to the House that even a well qualified manager of a big factory would be greatly assisted in framing his appeal and in deciding whether to appeal or not, if he knew what the Inspector thought sufficient. The manager of a small factory may be in very considerable perplexity as to the measures he should take. A further result of Mr. Morgan's amendment would be that all the grounds of appeal would be cut out except the first, that conditions in the factory were satisfactory. Having given its finding on that point, whether conditions in the factory are satisfactory or not, the tribunal has no further authority, and all the other matters must be left for the decision of the less pleasant and much less well-qualified criminal Court before whom the manager may be dragged for failure to carry out ideas of which he is ignorant. In short, the manager has complete protection against unwise orders in the appellate provisions of the Bill, but Mr. Morgan reduces the appellate authority to one which can in most cases pronounce on the Inspector's initial finding of fact. From the point of view of the Inspector, the position would be equally unsatisfactory. If he and the manager fail to agree regarding the necessary measures, he can only get what he regards as necessary by prosecuting ; then complicated technical issues may come before the Courts which are ill-equipped to examine them. I trust that the House will be convinced that it would be unwise to accept Mr. Morgan's amendment. The only reason he has put forward seems to be that he is in some doubt about the question of appeal. If that is the case, I should have thought that he would have moved an amendment to the clause relating to appeals which he has not done. I do not think there is really any very great danger of an Inspector being unreasonable. If his requirements are extensive, he must obviously give sufficient time in which to enable them to be carried out ; and during that time, the appellant will be able to go to the appellate authority and get the order suspended. There is no real danger, I think, that the Inspector will direct that an order involving a factory owner in any considerable expenditure must be carried out within a period so short that he will not be able to go to the appellate Court and get the order suspended. Here, again, I think, we have to trust our Inspectors to see that orders are reasonable and leave the Local Government to see that the Inspectors carry out their duties in the proper spirit. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*3*) of clause 15 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 15 was added to the Bill.

The Assembly then adjourned for Lunch till Thirty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does Mr. Morgan wish to move his other amendments ?

Mr. G. Morgan : Yes, Sir, I should like to move them.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 16 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

"That in clause 16 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

I have nothing to add to what I have already said on clause 15. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 16 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 16 was added to the Bill.

Clause 17 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : Where is clause 18 in the Bill ?

The Honourable Sir Frank Noyce : Sir, there appears to be a misprint in the Bill. 18 should appear before (*1*) where it is stated that a factory shall be sufficiently lighted during all working hours. The number "18" is unfortunately missing.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member mean that the paragraph referring to lighting should be 18 ?

The Honourable Sir Frank Noyce : Yes.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 18 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

"That in sub-clause (*2*) of clause 18 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*2*) of clause 18 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 18 was added to the Bill.

Clauses 19 to 22 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 23 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

"That in sub-clause (*2*) of clause 23 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*2*) of clause 23 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 23 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 24 stand part of the Bill."

Mr. G. Morgan : Sir, I move :

"That in sub-clause (*2*) of clause 24 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*2*) of clause 24 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 24 was added to the Bill.

Clause 25 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 26 stand part of the Bill."

Mr. G. Morgan : Sir, I move :

"That in sub-clause (*1*) of clause 26 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

Sir, I move :

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*1*) of clause 26 of the Bill, for the words 'specifying the measures which, in his opinion, should be adopted' the words 'that effective measures shall be taken' be substituted."

The motion was negatived.

Clause 26 was added to the Bill.

Clauses 27 to 31 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : **The** question is :

"That clause 32 stand part of the Bill."

Mr. Abdul Matin Chaudhury : Sir, I move :

"That in clause 32 (*c*) of the Bill, the words 'other than Railways subject to the Indian Railways Act, 1890' be omitted."

This section gives power to the Local Government to provide against dangers arising from the use of mechanical transport in factories, "other than Railways subject to the Indian Railways Act". If the use of mechanical transport involves a danger, they must be guarded against, and we do not understand why the Indian Railways should be excluded from the category of mechanical transport from the use of which dangers may arise.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 32 (*c*) of the Bill, the words 'other than Railways subject to the Indian Railways Act, 1890' be omitted."

Dr. Ziauddin Ahmad : Sir, I understand, during the course of the general discussion, that the provisions of this Bill would also apply to railway workshops, and I do not see why in this particular clause the railway workshops are explicitly excluded. In fact, if there is any need for protection anywhere, it is in the railway workshops, because they are not regularly inspected by non-railway men, and it is, therefore, very desirable that the safety of the men employed in railway workshops should be properly looked into by the executive and judicial officers in the same manner as they would do in regard to men working in any other factory. Therefore, I support this motion.

The Honourable Sir Frank Noyce : Sir, In the first place, I should like to point out to the House that there is no special exemption for railway workshops in this provision. The provision is against the danger arising from the use of mechanical transport in factories other than railways subject to the Indian Railways Act of 1890, and the position is that all railways within the precincts of factories, whether they are railway factories or not, are subject to the Indian Railways Act of 1890. There is no discrimination here in favour of railway factories. They are exactly in the same position as other factories, and other factories are exactly in the same position as railway factories. In the minute of dissent, Mr. Joshi, Mr. Thampan and Mr. Abdul Matin Chaudhury said that they were not sure whether there was adequate provision to guard against dangers arising from the use of mechanical transport in those factories within the precincts of which there are railways subject to the Indian Railways Act, 1890. I can assure the House that there is adequate provision, and I will explain to the House exactly what that provision is. As I said at the outset, all railways within the precincts of a factory are subject to the Railways Act. Under section 47 (*i*) of the Railways Act, General rules must be made for regulating the

[Sir Frank Noyce.]

mode in which and the speed at which rolling stock used on the railway is to be moved or propelled. General Rules 147 to 155 made under section 47 (*i*) of the Act refer particularly to shunting and securing of vehicles in station yards and sidings, while certain others of the General Rules, *e.g.*, those relating to signals, points and speed, are also applicable to the movement of vehicles on railways in factories. Each railway administration has issued subsidiary rules to those General Rules, giving more detailed instructions to meet local conditions. Every accident such as is described in section 83 of the Indian Railways Act, which includes any accident attended with, or of a description usually attended with loss of human life or with grievous hurt, has to be reported to the Inspector appointed under section 4 of the Act. The duties of these Inspectors in connection with enquiries into and reports on such accidents are detailed in rules 7 to 12 of the rules issued under the Railway Department Notification No. 1926-T., dated the 19th March, 1930. Furthermore, these Inpectors have power to inspect any railway or rolling stock used thereon, under section 5 of the Act. Our position in this matter is that the Railway Administrations and the Railway Board know much more about the railway working than the Factory Inspectors, and, if there is any question of choice between rules under the Railways Act and rules under this Act, we prefer rules under the Railways Act. It is not advisable that there should be any conflict in this matter between rules issued by the Local Government and rules issued under the Railways Act. I think I have said sufficient to show that adequate provision to guard against dangers arising in the use of mechanical transport in factories within the precincts of which there are railways subject to the Indian Railways Act does exist and that there is every justification for excluding such railways from the operation of the Factories Act. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 32 (*c*) of the Bill, the words 'other than Railways subject to the Indian Railways Act, 1890' be omitted."

The motion was negatived.

Clause 32 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 33 stand part of the Bill."

Mr. Abdul Matin Chaudhury : Sir, I move :

"That in sub-clause (*1*) of clause 33 of the Bill, after the word 'factory' the words 'or a class of factories' be inserted."

This clause provides that, when in any specified factory 150 persons or more are employed, the Local Government may make rules providing adequate shelter for the use of workers during periods of rest. Our suggestion is this. If the Local Government is empowered to make rules with regard to any specified factory, it should also be empowered to make rules in regard to a "class of factories", because what may be considered necessary for a specified factory may be equally applicable to the case of a class of factories of that kind. That is why I move this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in sub-clause (*1*) of clause 33 of the Bill, after the word ' factory ' the words ' or a class of factories ' be inserted."

The Honourable Sir Frank Noyce : I regret that I am unable to accept this amendment. The matter was very fully discussed in the Select Committee which came to the conclusion that it was desirable that the Local Government should have the circumstances of each individual factory before them when deciding whether a room should be reserved for the use of children under the age of six years. Conditions in different localities, and, indeed, in the same locality, may vary considerably, and the Select Committee wanted the Local Government to give attention to each individual case before making a rule. That, I think, is the simple explanation of the change made in the Select Committee. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in sub-clause (*1*) of clause 33 of the Bill, after the word ' factory ' the words ' or a class of factories ' be inserted."

The motion was negatived.

Mr. Abdul Matin Chaudhury : Sir, I formally move the next amendment :

" That in sub-clause (*2*) (*a*) of clause 33 of the Bill, after the word ' factory ' the words ' or a class of factories ' be inserted."

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in sub-clause (*2*) (*a*) of clause 33 of the Bill, after the word ' factory ' the words ' or a class of factories ' be inserted."

The motion was negatived.

Mr. Abdul Matin Chaudhury : Sir, I move :

" That after sub-clause (*4*) of clause 33 of the Bill, the following new sub-clause be inserted :

' (*5*) The Local Government may also make rules, requiring that in any factory or class of factories, where the conditions and circumstances of employment of the nature of the processes carried on are such, as to require special provisions to be made at the factory for securing the welfare of the workers or any class of workers employed therein, in relation to matters regarding the supply of protective clothing, ambulance and first-aid arrangements, arrangements for preparing or heating and taking meals, the supply and use of seats, accommodation for clothing, facilities for washing, supply of drinking water, arrangements for supervision of workers and the provision for rest rooms :

Provided the rules made under this sub-section are placed on the table of the Legislative Council of the Province concerned and provided further that the Council does not pass a resolution within forty days after the rules were placed on the table, disapproving of those rules '."

By the insertion of this sub-clause, we want to insert matters with regard to welfare orders. The Labour Commission very specifically recommended that the Local Government should be given power to issue welfare orders, and these welfare orders relate to matters like protective clothing, ambulance and first-aid arrangements, facilities for washing and matters of that kind. In England, the Ministry of Health has got power

[Mr. Abdul Matin Chaudhury.]

to issue such welfare orders, and the Labour Commission was convinced that these welfare orders have contributed materially to the wellbeing of the workers. I have not been able to understand why the Government of India chose to reject this recommendation of the Labour Commission, particularly when the Governments of Bombay and Madras supported the recommendation of the Royal Commission and when they also said that there was no danger of this power being abused by the Local Governments. We have also laid down a provision that the views may be placed before the Local Council, and, if they are not approved by the Council, they may be rejected.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That after sub-clause (*1*) of clause 33 of the Bill, the following new sub-clause be inserted :

'(*5*) The Local Government may also make rules, requiring that in any factory or class of factories, where the conditions and circumstances of employment of the nature of the processes carried on are such, as to require special provisions to be made at the factory for securing the welfare of the workers or any class of workers employed therein, in relation to matters regarding the supply of protective clothing, ambulance and first-aid arrangements, arrangements for preparing or heating and taking meals, the supply and use of seats, accommodation for clothing, facilities for washing, supply of drinking water, arrangements for supervision of workers and the provision for rest rooms :

Provided the rules made under this sub-section are placed on the table of the Legislative Council of the Province concerned and provided further that the Council does not pass a resolution within forty days after the rules were placed on the table, disapproving of those rules'."

The Honourable Sir Frank Noyce : Sir, I should like to point out, in the first instance, that much of the contents of this motion are already covered by the existing provisions in the Act. As far as I have been able to discover, the explanation for the form which this amendment has taken is to be found in section 7 of the British Police, Factories, etc., (Miscellaneous Provisions) Act, 1916, the provisions of which have been copied without any regard to the extent to which they are already covered by the other provisions of our Bill. It is very dangerous to copy legislation in other countries without rather more detailed examination than I venture to think has been given in this instance. Now, Sir, I would invite the attention of the House to the extent to which we have dealt with the matters mentioned in this amendment in the provisions of our Bill. Take the supply of protective clothing. It is possible to make rules under clause 33 (*4*) (*d*) which will enable the imposition of a liability on the management to supply protective clothing to workers employed in hazardous operations. Ambulance arrangements are more a business of a hospital than of the factory management. First-aid arrangements are covered by clause 32 (*b*) which makes a provision for the maintenance of first-aid appliances. Facilities for washing can be secured for workers employed on dirty processes under sub-clause (*3*) of clause 19, and sub-clauses (*1*) and (*2*) of the same clause provide for the supply of drinking water. Rest rooms can be secured for workers under sub-clause (*1*) of the clause to which the amendment is tabled. As regards accommodation for clothing, I do not think that the Indian labourer has much clothes for which he requires accommodation when he is at work. I do not quite know what is

meant by the supply and use of seats. If by that phrase the use of seats in rest rooms is meant, I do not think the Indian labourer requires much in that direction. He usually prefers to lie on the ground than to sit on a seat. There are only three items in this amendment which are really not covered by our Bill in some way or the other. These are firstly arrangements for cooking and eating meals. I cannot say how far they would be a success in any place in India that I know of. Cloak rooms, I have already mentioned. What is meant by arrangements for the supervision of workers, I am not certain.

Now, Sir, I come to the reasons which led the Government to take a view in this matter which differs from that of the Royal Commission on Labour. They were very fully explained in our letter on the subject to Local Governments which I will read to the House :

3 P. M.

"In one important respect the recommendations of the Commission have been varied in the Bill. On page 64 of their Report, the Commission suggest that, following the principle embodied in British Legislation, Local Governments should be empowered in general terms to pass orders applicable to particular classes or groups of factories relating to welfare. 'Welfare' is a wide term and the Commission have given some indication of the variety of subjects which can be included under this head. The Government of India are provisionally opposed to such wide extension of the rule-making power as this recommendation would involve. They consider it preferable and more in consonance with the principles underlying the Act, that fresh requirements of the kind regarded by the Commission as desirable should have the approval of the Legislature and should not be imposed on factory-owners by the Executive Government. While, therefore, they have embodied in the draft Bill amendments designed to carry out the specific recommendations of the Commission in respect of welfare, (*that is a point on which I would lay special emphasis*) they have not made provision for any such general order-making power as the Commission contemplated."

It seems to me that whatever we do on this side of the House in this matter of rules, we certainly cannot please all the sections of the House on the opposite Benches. When we take power to make rules, the criticism is brought forward that we are placing too much power in the hands of the Executive. When we say that we do not wish to take power to make rules and that we would prefer to bring concrete measures before this House or that concrete measures should be brought before the Provincial Councils for their approval, we are also subjected to criticism. My own view naturally is that which has been accepted by the majority of Local Governments and also by the majority of the Select Committee, namely, that it is desirable that these welfare orders should be embodied in definite and concrete amendments to the factory legislation which should receive the sanction either of the Central Legislature or of Provincial Legislatures. It is for that reason that I am compelled to oppose the amendment.

Mr President (The Honourable Sir Shanmukham Chetty) : The question is :

"That after sub-clause (*1*) of clause 33 of the Bill, the following new sub-clause be inserted :

'(*5*) The Local Government may also make rules, requiring that in any factory or class of factories, where the conditions and circumstances of employment of the nature of the processes carried on are such, as to require special provisions to be made at the factory for securing the welfare of the workers or any class of workers employed therein, in relation to matters regarding the supply of protective clothing,

[Mr. President.]

ambulance and first-aid arrangements, arrangements for preparing or heating and taking meals, the supply and use of seats, accommodation for clothing, facilities for washing, supply of drinking water, arrangements for supervision of workers and the provision for rest rooms :

Provided the rules made under this sub-section are placed on the table of the Legislative Council of the Province concerned and provided further that the Council does not pass a resolution within forty days after the rules were placed on the table, disapproving of those rules '."

The motion was negatived.

Clause 33 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That clause 34 stand part of the Bill."

Mr. Abdul Matin Chaudhury : Sir, I move :

" That in clause 34 of the Bill, for the word ' fifty-four ' the word ' forty-eight ' and for the word ' sixty ' the word ' fifty-four ' be substituted."

The purpose of this amendment is to reduce the working hours in perennial factories from 54 to 48 and in seasonal factories from 60 to 54. This provision in the Bill is based on the recommendation of the Royal Commission on Labour. I would like to point out that that recommendation was not unanimous. Three of the Members of the Commission, Mr. Cliff, Mr. Joshi and Diwan Chaman Lall, have advocated 48 hours a week for the Indian factories and they based their arguments mostly on the climatic and physical grounds. I regret very much that my friend, Mr. Mody, is not here, because he is one of the vigorous opponents of this 48-hour week. Yesterday, while giving his reasons for opposing the 48-hour week, he said that the conditions in India and in Western countries are not similar. We quite agree with him that the conditions are dissimilar. For example, as my friend, Mr. Jadhav, yesterday very lucidly explained, if you cannot expect a worker in the cold climate of England to give his best if he is required to work for more than eight hours a day, how can you expect efficient work from the Indian workers in this tropical heat of India if they are required to work for ten hours a day. This very dissimilarity of climatic conditions makes it all the more necessary that Indian workers should have lesser hours of working than even what prevails in England. Then Mr. Mody said that the Indian workers were inefficient. Sir, if you want efficiency, you must give them lesser working hours, because you cannot expect your Indian worker, working under Indian conditions, to keep up sustained effort for ten hours a day. Efficiency depends upon other factors also. It depends upon the standard of life of the worker, and that again depends upon his wages. If Mr. Mody is not prepared to give American wages to the Indian workers, then he cannot expect American efficiency from them. Mr. Mody said that he would be agreeable to accept 48 hours if, simultaneously with the reduction in working hours, we reduced the wages also and if we gave him protection without grumbling. Sir, we gave him protection all right, though we grumbled to a certain extent, and as regards reducing the wages simultaneously with the reduction of working hours, well, if Mr. Mody were here, I would have reminded him of what is happening in America. There, Sir, in the textile industry, under the new law, the working hours have been reduced by 25 per cent., and, at the same time,

the wages have been increased by 30 per cent. That only shows a reduction of working hours and an increase in wages are not incompatible. Then, again, Mr. Mody took great credit for having induced the Employers' Federation in India to agree to fifty-four hours a week. Well, that is no advance from the present position. If you take the case of the jute industry—I think my friend, Mr. Morgan, will correct me if I am wrong—workers in the jute mills which work single shifts do not work more than 54 hours, and, with double shifts, more than 44 hours a week ; and, in the case of the engineering trade, they do not work for more than fifty hours a week, and, in the metallurgical works at the Tata Iron and Steel Workshops at Jamshedpur, the workers do not work for more than 50 to 54 hours a week, and, in some cases, not more than 48 hours a week. So, it is no credit for Mr. Mody to say that he induced the Employers' Federation to grant this so-called concession, because that means no advance at all on the present position. Actually, many workers are working a less number of hours : and if you want to make an advance in the direction of reducing the hours of work, it should be in the direction of reducing them to 48 hours. Sir, I have reminded the House on many previous occasions of what is being done in other countries, particularly in Geneva, about working hours. Only last year a Conference at Geneva adopted a Resolution supporting 40 hours a week for the workers. We are satisfied with forty-eight. Though it is too much to expect Government to accept our suggestion, still we contend that our claim is a modest one. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 34 of the Bill, for the word 'fifty-four' the word 'forty-eight' and for the word 'sixty' the word 'fifty-four' be substituted."

Dr. Ziauddin Ahmad : Sir, the discussion on this particular amendment very much depends upon the subsequent clause which is to follow, but at any rate I take it for granted that the clause will continue to exist. Now, in this case, I should have thought that it would always be correct if we fixed the wages of labour for each hour. Taking the average wage of a worker to be fifteen rupees a month, I think it will work out to about one anna per hour. If we fix up wages at that rate, then we will find that the labourers will always be willing to work as long as they possibly can in order to get more wages, and I think if we fix the wages in proportion to the amount of work done, then we will find that the labourers will always be clamouring for more work, because, each hour will bring more money to them and you will find that the pull will be from the opposite direction. Labour would always try to work more and draw more wages, and employers will try to give them less work in order to employ a larger number of men in the hope of getting more efficient work. Now, if we fix the whole thing not in the manner of the time spent actually on work and fix it at one anna per hour, that will come to Rs. 15 a month and that will be a good method of adjustment and then the tug-of-war as to whether the working hours should be 54 or 50 or 48 will come to an end, and then there will be no definite test by means of which you can decide this particular question. That, to my mind, is the simplest way of doing it, and the Local Governments should, for each district, fix up the minimum wage on which a person can comfortably live under conditions in which labour usually lives in that particular locality, and then they should

[Dr. Ziauddin Ahmad.]

fix the wage for each hour and leave it to the employers and the workmen to decide as to what should be the amount of work, but it is not fair for us to lay down that a man should not work for more hours. By working for more hours he will earn more and we should not prevent him from doing so. Therefore, I believe we ought to change our formula altogether, and, instead of fixing the number of hours for each week, we should always regulate the value of each hour in a particular locality dependent upon the nature of the work and also upon the nature of the workmen and then leave it to the employers and the workmen, and, as long as there is room for work, the workman should get as much as possible and as much as he likes and then this struggle between capital and labour will practically disappear.

There is one more point which I have been thinking about. Since there was a joke about it in the morning, I have been thinking about one other thing. I was wondering whether a book is an article or not. I think everybody will say that a book is an article. Then, I thought it over in my mind as to whether a Bill is an article. A Bill is an article. Then, naturally, under the definition in clause 2 (*j*), the Legislative Assembly can be declared under clause 5 to be a factory by the Chief Commissioner of Delhi. Well, we are otherwise treating an article here and this can be declared to be a factory. Then in that case I think all these things will apply to us. I think the Associated Press ought to have used the words "Legislative Assembly" to which this Factories Bill will apply instead of Navy. Sir, I should like to emphasize that, in this matter of fixing the hours, we ought not to discuss what is the minimum number of hours a worker should work, because many workers can work for ten or twelve hours a day, provided they are paid for it. The objectionable thing is that you ask them to work, but do not pay them for it. Sir, the value of each hour ought to be fixed by the local conditions and once these have been fixed by the Local Government, then the whole question about hours of work will automatically be settled. Under normal conditions, eight hours a day I consider to be a good amount of work which a person may be expected to do. I think this is really fixed practically everywhere, and, really speaking, in factories, which work continuously for 24 hours, they usually have three shifts, each shift consisting of eight hours. It is automatically settled that every workman will have to work for eight hours if you agree to the following amendment which I am going to move to delete, but if you do not agree to delete, then six days will become the week and six times eight will become 48. Either you have eight hours a day and keep the following condition, or, otherwise, the Government have no alternative but to accept the amendment moved by my Honourable friend, Mr. Abdul Matin Chaudhury, that is, 48 hours, though I myself would prefer that there should be no maximum or minimum and the wages should be settled according to the amount of work done by each worker.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support the amendment. The fifty-four hour week has been put in the Bill, and, taking into consideration the present work that is exacted from the labourers in factories, it is a great advance in favour of the labourers. But it must be pointed out that the hours of

labour in Western countries are still further reduced and for very good reasons, because it has been found that a man cannot work efficiently for longer hours, and, therefore, he must get sufficient rest. In England, the hours of work are 44 or 48, and, as was pointed out yesterday, the Indian conditions require that the hours of work here should be even less ; because, in the enervating climate of India a man cannot put much energy for longer hours.

I was really interested in the mathematical problem placed before the House by our Professor of Mathematics, Dr. Ziauddin Ahmad. In the Arithmetic classes, I have worked examples in which it was said that if a work could be done by ten men working four hours a day, how many men will be required to do the same work if the hours of work are raised to six. Of course, according to mathematical calculation, the number of men will be found to be about two-thirds. But there one great assumption is made that a man works uniformly the same quantity of work every hour that he is working. But it is not found to be actually the case. Early in the morning, when a man is fresh and has taken his breakfast, he could put in more work than when he is exhausted or when he is hungry. In the same way, if, as the Doctor says, the wages should be fixed on the number of hours put in, he assumes that the work done for every hour, whether it is ten or nine or eight, will be the same, and, therefore, it will be to the advantage of the employer and also of the employee. But actually it is not so. The employer himself has come to realise that it is more to his advantage to have fewer hours than to have longer hours.

Dr. Ziauddin Ahmad : On a point of personal explanation. I said if we accept the formula, the position would be reversed, that is, the capitalist employers would demand less hours and the labourers would demand longer hours, just the opposite of what we are doing now.

Mr. B. V. Jadhav : I do not think I need enter into this discussion further, because the absurdity of the Doctor's proposition is self-evident. In the printing presses, whenever there is pressure of work, the owners ask the compositors to put in longer hours of work, and they do get more wages certainly. But the compositors, who have already worked for eight or nine hours, find it very tiresome to work any further and they usually grumble. So the point which the Doctor wants to make that the labourer will be very willing to work longer hours is not borne out by experience even if he is to get more wages. I need not take any further time of the House. I do feel, Sir, that the Government are not in a mood to accept this amendment at present, and I would, therefore, request them to make a note of it and to bring in an amending Bill at the earliest opportunity reducing the working hours to forty-eight.

The Honourable Sir Frank Noyce : Sir, this provision is undoubtedly the most controversial one in the Bill, but it has already been so thoroughly discussed in the general discussion that there is very little that I can add to the arguments which have been already adduced. I would, however, remind the House of what the Royal Commission said on this subject and add that our position on these Benches is exactly that of the Leader of the Opposition. He expressed the view yesterday, with which I entirely agree, that we should not be justified in going any further than is recommended by the Royal Commission which explored

[Sir Frank Noyce.]

the subject most thoroughly and whose ability and capacity to come to a decision on the subject cannot be questioned. As I said, I should like to remind the House, as probably Members have not looked up the report of the Royal Commission for sometime past, of the reasons why the Commission was unable to accept anything below 54 hours. They point out :

"The introduction of the lower limit would involve a change of hours in the great majority of the perennial factories and it would mean a very heavy reduction in the factories now working 60 hours. Many operatives would have to face large reductions in their earnings and, while we do not doubt that part of this loss would be made good before long, we are not convinced that the operatives as a whole are in a position to regain their old standard in any reasonably short period. From the point of view of industry, the employer is entitled to claim that, until the worker is ready to approximate more nearly to western standards of discipline, it is unreasonable to attempt an eight hour day, and even an eight and half hour day would involve an amount of dislocation that would be serious. It may be possible in the future, when efficiency has risen further, to go lower than 54 hours. But efficiency is not likely to be raised so surely by a sweeping reduction as by a smaller one, and there will be nothing to prevent a further reduction if the results of the smaller change which we advocate indicate that this is desirable. Finally, we believe that the 48 hours limit which some of our colleagues advocate could only be operative at present if great latitude was given in the matter of exemptions. In our view, the worker will be better protected by a limit which can only be relaxed in exceptional circumstances than by one to which many exceptions have to be attached."

That, Sir, was the view held by seven of the eleven members of the Royal Commission, the dissentients being Mr. Cliff, Mr. Joshi and Diwan Chaman Lall, who wanted a 48-hour week and Sir Victor Sassoon who, at that time, was not prepared to go below sixty. The point which I wish to emphasise is that this Bill is only an instalment of progress. It is undoubtedly the biggest instalment which has been made since the Factories Act was passed, but it is only an instalment.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I hope the next instalment will be long in coming.

The Honourable Sir Frank Noyce : I am afraid I cannot altogether subscribe to my Honourable friend, Mr. Mody's view. There are many directions in which I should like to see more rapid advance made than he may wish. But my point is that, as I have said, the Bill is an instalment. Let us try the effect of the 54-hour week before we move in the direction of anything shorter. I do not think, Sir, that there is any further argument that I can adduce in opposition to my Honourable friend, the Deputy President's amendment. The matter was, as the House knows, discussed in the Select Committee, and, as in the case of the Royal Commission, there was a minority view. Government stand by their original proposal, and I have to oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

'That in clause 34 of the Bill, for the word 'fifty-four' the word 'forty-eight' and for the word 'sixty' the word 'fifty-four' be substituted."

The motion was negatived.

Clause 34 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 35 stand part of the Bill."

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

"That clause 35 of the Bill be omitted."

Clause 35 runs thus :

"No adult worker shall be allowed to work in a factory on a Sunday....."

and then certain provisos follow. Sir, if it is intended to give some relief to the workers, I do not see why Sunday or any other day should be specially selected. As far as the Muslim workers are concerned, they would prefer to have a half-holiday on Fridays and in the whole month of *Ramzan*, and a few other holidays, such as the two *Id* days, so that the total may come up to 52 days, instead of giving them 52 holidays on the 52 Sundays of the year. Similarly, the Hindu workers would, I am sure, prefer a week's holiday during the *Dusserah*, four days during *Holi*, two days on the occasion of the *Diwali* and other holidays on religious festivals, and it should be arranged in a manner so that the total may come to 52 days in a year which would be equivalent to the 52 Sundays. So, instead of giving them 52 holidays on the 52 Sundays, it would be better appreciated if you give them holidays on religious festivals. And, I am sure that the holidays given on the occasion of festivals will be employed usefully and in social and religious work which will be appreciated by the family and the society, and these holidays will not be misused. As regards the holidays on Sundays, of course leaving out the morning hours when some workmen may go to church, if you take the opinion of the wives of the workmen in the west, probably they would in large majority be against giving them a holiday, because they employ their time in a manner which their wives seriously object to. So, if they are given holidays on days when they have no work and nothing to do in the way of recreation, I am afraid their time will be spent in a manner which, not only their wives would object to, but possibly the police may also object to, and this is a thing which may possibly develop. So it is really not a good thing to keep these workmen free without any work. Although I appreciate the idea of giving them some kind of relaxation, I do not like that they should be given relaxation in the manner provided in this clause, so that they may spend the time in the manner I have just described, which would be objectionable to two categories. So it would be much better if this relaxation were given on the occasion of religious festivals which certainly the workers would appreciate, society would appreciate, and the capitalists and employers of labour who follow some religion or other would not seriously object to. Therefore, I do not see any reason why this particular clause should be there.

The other objection which I have is that if they regularly take off one day in a week, then the amount of work per day will work up to about nine hours, and I think nine hours is not really a suitable limit for each day's work. Eight hours in a day has always been considered to be a good limit. There is an old slogan which I think still holds good, that a day is divided into 24 parts and one-third is reserved for sleep, one-third for recreation including time spent on meals, and one-third for work.

[Dr. Ziauddin Ahmad.]

I think that is a good slogan and we ought to follow that. But if we accept this particular clause, this slogan will be violated, because he will have to work for 54 hours in six days, that is, about nine hours a day, which is really not very desirable. Therefore, I would very much like that this clause should be removed altogether and that some new clause may be added according to which holidays may be given on the days on which there are religious festivals and not on days when these workmen have nothing to do and might possibly utilise these holidays in a manner which may not be considered to be desirable by one class or the other whom I have mentioned.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That clause 35 of the Bill be omitted."

The Honourable Sir Frank Noyce : Sir, I have seldom listened to more confused thinking aloud than has been given us in my Honourable friend's speech. His amendment is that clause 35 of the Bill should be omitted ; in other words, that all the workers in this country shall be deprived of their weekly holiday. I do not think that an amendment of that character is likely to commend itself to this House, if for no other reason,—and there are many and very important reasons,—than that we are bound by international obligations to the weekly holiday. We have ratified the Weekly Rest-Day Convention for Industrial Undertakings. My Honourable friend suggests that something should be substituted for the weekly holiday. There is no amendment to that effect before the House. He has not thought out the effect of his proposal and put it in a concrete form and we have to take this amendment at its face value and realise that, if we accept it, there will no longer be any weekly holiday. My Honourable friend, Dr. Ziauddin, suggests that Muhammadan employees should have their weekly holidays on Fridays and that Hindu employees should have their holidays on other days. He sees no reason why Sunday should be a general holiday. There is no reason why Sunday should be a general holiday, and, in point of fact, Sunday is not a general holiday ; there is nothing whatever to prevent employers of labour, under this provision, fixing any day of the week they like for the weekly holiday, any day that suits them or their employees. The reason why Sunday is mentioned here is that, it is the first day of the week and is, therefore, a convenient starting point ; but the weekly holiday can be arranged according to the circumstances of each factory. I trust that I have said sufficient to convince the House that there is really less to be said in favour of this amendment than of almost any other amendment that has so far been brought forward, and I trust the House will reject it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 35 of the Bill be omitted."

The motion was negatived.

Clause 35 was added to the Bill.

Clauses 36—42 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 43 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

"That in sub-clause (2) (*b*) of clause 43 of the Bill, after the figures '34' the figures '35' be inserted."

This is an amendment to claim exemption under clause 35 for workers on preparatory or supplementary work. Preparatory and supplementary work is generally done before the factory is started or after the factory has closed ; and generally work in connection with transmission of power and water supply which may have to be done probably on every day of the week. We think, therefore, that the exemption from clause 35 also should be included amongst the exemptions which have been given in this clause. There are generally long intervals of rest between the periods during which they are employed and they may be required to work on a Sunday for a few hours. We think, therefore, that it should be within the power of a Local Government to grant exemption from clause 35 for preparatory and complementary work. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in sub-clause (2) (*b*) of clause 43 of the Bill, after the figures '34' the figures '35' be inserted."

The Honourable Sir Frank Noyce : Sir, I oppose the amendment. I trust that the House will by this time have discovered that I am opposing amendments equally whether they are put forward on behalf of labour or from representatives of capital. I oppose this amendment on general grounds. We are allowing exemptions from the weekly holiday of workers engaged on urgent repairs, the production of articles of prime necessity, seasonal or irregular processes and engine room work. The point is that in all these cases there is a common factor, which is that, for widely varying reasons, continuity of work is essential. This factor is not necessarily present in the categories with which this amendment and the following amendment that Mr. Morgan has put forward deal. For the sake of convenience and, with your permission, Sir, I am dealing with the two amendments together. In many cases intermittent workers might come under the exemptions allowed for urgent repairs. I cannot see any reason why workers engaged on preparatory or intermittent work should not as a rule get their weekly holiday ; where there is exceptional press of work, clause 44 (2) would apply. Workers, who are engaged in complementary or preparatory work, have, I think, if anything, an even stronger claim to a weekly holiday than other workers as their hours on week days are normally longer. The same argument also applies to persons whose work is intermittent except in continuous process factories ; and, if they work in such factories, exemption from the weekly holiday can be granted under clause 43 (2) (*d*). For this reason, I oppose both this amendment and the following one. I can see no reason why these two classes of workers should be deprived of their weekly holiday.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (2) (*b*) of clause 43 of the Bill, after the figures '34' the figures '35' be inserted."

The motion was negatived.

Mr. G. Morgan : Sir, I beg to move :

"That in sub-clause (2) (*c*) of clause 43 of the Bill, after the figures '34' the figures '35' be inserted."

This refers to intermittent workers and the clause explains what "intermittent" means. I think I am correct in saying that under the present Bill, section 30, exemption can be granted from the provisions of clause 22 of that Act,—and I do not see why any exception should be made in the Bill before the House ; though the Honourable Member has already replied, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (2) (*c*) of clause 43 of the Bill, after the figures '34' the figures '35' be inserted."

The motion was negatived.

Clause 43 was added to the Bill.

Clauses 44—48 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 49 stand part of the Bill."

Mr. G. Morgan : Sir, I beg to move :

"That for clause 49 of the Bill, the following be substituted :

'49. The Local Government may, subject to the previous sanction of the Governor General in Council, make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts save with the permission of the Local Government and subject to such conditions as it may impose either generally in such rules or in the case of any particular factory. Such shifts, if permitted, shall be so arranged that not more than one relay of workers is engaged in work of the same kind at the same time'."

This, I may say, at the outset, is an amendment put forward by special constituents whom I represent here. The Bill is of general application, and, therefore, there is no other way by which they could put forward their views. Sir, with your permission, and, in order to save a long description of the reasons for this amendment, I will read out the views expressed by the Jute Mills Association desiring me to put forward this amendment. They say :

"The Association finds it difficult to see how the position of the Factory Inspection Department will be greatly improved so far as the checking of registers and working hours is concerned so long as 'end-on' shifts are allowed. For unless machinery is stopped between shifts and the mill cleared, it will always be possible for a worker employed in the first shift to continue at work throughout the whole or part of the succeeding shift. 'End-on' shifts are of course necessary in certain industries where the process is continuous, but in the jute mill industry they are not, and if the control aimed at is to be effective, separate legislation in respect of jute mills is essential, and that is impossible under the present Act."

Sir, the interests represented by this Association put forward this view ; they think it would strengthen the hands of the Local Government in preventing any abuse of the "end-on" shift system if this clause were amended as proposed by me. Sir, I have nothing to add to the views I have expressed, and I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That for clause 49 of the Bill, the following be substituted :

'49. The Local Government may, subject to the previous sanction of the Governor General in Council, make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts save with the permission of the Local Government and subject to such conditions as it may impose either generally in such rules or in the case of any particular factory. Such shifts, if permitted, shall be so arranged that not more than one relay of workers is engaged in work of the same kind at the same time '."

The Honourable Sir Frank Noyce : Sir, I oppose this amendment very strongly. It is not designed to control labour in factories, but to control production. The object aimed at in the amendment is, as I have said, to secure control of production, and to bring that about it is proposed to impose a restraint which I can only call absurd on the employment of labour in factories throughout India. We propose to control over-lapping shifts, while Mr. Morgan proposes to control all shifts and to prohibit over-lapping shifts altogether. It is a great pity that my friend, Mr. Mody, is not here. He would have explained that, as a part of the schemes for the rationalisation of the cotton industry in Bombay, it might be desirable to resort to over-lapping shifts which this amendment seeks to prohibit. Mr. Morgan may answer that what is good enough for the cotton industry may not be good enough for the jute industry and that special exemption should be made in favour of the jute industry. We might be prepared to accept that view if we could be convinced that this exemption was in the interests of the factory labour. But it is our considered view that it has nothing whatever to do with labour at all. It is merely designed to reduce over-production, and, for that reason, Sir, I am emphatically opposed to it.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That for clause 49 of the Bill, the following be substituted :

'49. The Local Government may, subject to the previous sanction of the Governor General in Council, make rules providing that in any specified class or classes of factories work shall not be carried on by a system of shifts save with the permission of the Local Government and subject to such conditions as it may impose either generally in such rules or in the case of any particular factory. Such shifts, if permitted, shall be so arranged that not more than one relay of workers is engaged in work of the same kind at the same time '."

The motion was negatived.

Clause 49 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 50 stand part of the Bill."

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

"That for clause 50 of the Bill, the following be substituted :

'It shall be the duty of the Manager to send every child worker, who has not completed the twelfth year, to a recognised school for at least three hours in a week '."

but it should be three hours in a day.

In the original clause, it is stated that no child who has not completed his twelfth year shall be allowed to work in any factory. This particular clause is practically taken from other countries where education

[Dr. Ziauddin Ahmad.]

is compulsory. Boys up to the age of 12 in all civilized countries of the world attend schools, but in India we all know that education is not compulsory, and a very small proportion of the children actually attend schools. Besides that, Sir, our country is a very poor country, and very often every member of the family has to work in order to earn a living. We have seen that in country places, men, boys and girls, all work together in the fields to complete their daily work. We also know that at present wages are so meagre that every member of the family has to work to make both ends meet. Very often both father and mother go out for work, and if the child which is, say, between six and 12 is not allowed to work and there is no school which it can attend, what will it do the whole day ? The child will really waste the time in a society which is anything but desirable. So when such children are employed, the managers of factories ought to be compelled to send the children to schools for at least three hours every day, so that they may get some education and be able to earn a better living. In the absence of facilities of schools, the boys will practically waste their time in the streets and spend it in a manner, as I said, which is anything but desirable. The original provision in the Bill might be very salutary in countries where every child has to attend a school up to the age of 12, but, in our country, where the Government unfortunately have not provided sufficient educational facilities for want of funds, it is very necessary that boys between the ages of six and 12 should be kept occupied, but they should be sent to school by the managers for at least three hours every day. We should not merely follow the conditions prevailing in the civilized countries in all respects ; we should see our own conditions and judiciously apply them to this country. In this particular case, our conditions are different from those obtaining in other civilized countries where they have compulsory education. In those countries, every boy at the age of 12 is at school and he is not found in the streets as we see them here. In this country, the majority of the boys below 12 do not attend schools, but waste their time. Such a state of things is not good for society. Therefore, the managers should be compelled to send the children working in factories to schools for at least three hours a day, so that they may learn something, and they will also get into the habit of doing some work. If you allow a boy up to the age of 12 to do absolutely nothing, then he practically loses the habit of doing work, and, if at the age of 13, he is asked to do some work, he would refuse to do it, because in all the previous 12 years he had never done any serious work. Therefore, I suggest that the situation in India being very peculiar on account of the absence of educational facilities, and on account of the absence of compulsory education, we should not follow blindly the practice of the West. Therefore, we should impose a condition that if these boys are employed in factories, the managers should be compelled to send them to schools for three hours every day. With these words, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

> " That for clause 50 of the Bill, the following be substituted :
>
> ' It shall be the duty of the Manager to send every child worker, who has not completed the twelfth year, to a recognised school for at least three hours in a week '."

Dr. Ziauddin Ahmad : May I put in an amendment ? " Three hours a week " must be changed into " three hours a day ".

Mr President (The Honourable Sir Shanmukham Chetty) : Very well.

Mr. Lalchand Navalrai : I support this amendment. It is very necessary in the interests of giving education, and a provision of this kind must be made. I recommend that the amendment be accepted.

The Honourable Sir Frank Noyce : Sir, according to this amendment it is to be the duty of the manager to send every child worker, who has not completed his twelfth year, to a recognised school for at least three hours a week—that has been altered into three hours a day. The necessity for alteration is, if I may say so, evidence of the haste with which this amendment was formulated, and also of haste in other directions. The amendment refers to child workers who have not completed their 12th year. From the speech of my Honourable friend, I gathered that he thinks that children under 12 work in factories. If he had studied the Bill, he would find that no children under 12 can be employed in a factory.

Dr. Ziauddin Ahmad : Do you mean to say, not in one created under clause 5 of this Bill ?

The Honourable Sir Frank Noyce : Clause 5 deals with power to declare premises to be factories. " No child, who has not completed his twelfth year, shall be allowed to work in any factory "—that is the clause he is dealing with.

Dr. Ziauddin Ahmad : I want to delete that and substitute the other.

The Honourable Sir Frank Noyce : That makes it even worse. I did not realise that. I am sorry I misunderstood my Honourable friend. I apologise for doing so. I gather that his proposal is that children under 12 should be allowed to work in a factory. That is his proposal. If this clause is deleted, you can send children of the age of three or four to a factory, as unfortunately they did in England at the time of the Industrial Revolution. If the House accepts that position, well and good, but I know this House better than that. As I have said before, every Member of this House is a member for the protection of children, and I am quite certain that they will not agree. I strongly oppose this amendment, even more strongly than I did when I did not realise its full implications, and I am astonished that it should ever have been put forward.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That for clause 50 of the Bill, the following be substituted :

' It shall be the duty of the Manager to send every child worker, who has not completed the twelfth year, to a recognised school for at least three hours a day '."

The motion was negatived.

Clause 50 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is :

" That clause 51 stand part of the Bill."

Mr. G. Morgan : Sir, I move :

" That for clause 51 of the Bill, the following be substituted :

' 51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(*a*) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(*b*) he carries while he is at work a token giving a reference to such certificate '."

The clause, as it is in the Bill, only necessitates that while at work in the factory they should carry either the certificate itself or a token giving reference to it. We hold that it will be very much better to prevent children wandering from factory to factory and getting employment elsewhere, if the certificate remains in the custody of the manager of the factory and the child or adolescent carries a token with reference to the same. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That for clause 51 of the Bill, the following be substituted :

' 51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(*a*) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(*b*) he carries while he is at work a token giving a reference to such certificate '."

The Honourable Sir Frank Noyce : My Honourable friend will, I am sure, rejoice to hear that he has at last put forward an amendment which we are able to accept. There is no doubt that children never do carry their certificates of fitness with them when they are at work, and it is, therefore, rather absurd to retain a provision which recognises this alternative. I am, therefore, prepared to accept this and the next amendment.

4 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That for clause 51 of the Bill, the following be substituted :

' 51. No child who has completed his twelfth year and no adolescent shall be allowed to work in any factory unless—

(*a*) a certificate of fitness granted to him under section 52 is in the custody of the manager of the factory, and

(*b*) he carries while he is at work a token giving a reference to such certificate '."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That clause 51, as amended, stand part of the Bill."

The motion was adopted.

Clause 51, as amended, was added to the Bill.

Clause 52 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That clause 53 stand part of the Bill."

Mr. G. Morgan: I move:

" That in sub-clause (*1*) of clause 53 of the Bill, for the words ' carries either the certificate itself or a token giving reference to it ' the words ' carries a token giving reference to the certificate ' be substituted."

This is consequential on clause 51, as amended. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That in sub-clause (*1*) of clause 53 of the Bill, for the words ' carries either the certificate itself or a token giving reference to it ' the words ' carries a token giving reference to the certificate ' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That clause 53, as amended, stand part of the Bill."

The motion was adopted.

Clause 53, as amended, was added to the Bill.

Clauses 54 to 57 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That clause 58 stand part of the Bill."

Mr. G. Morgan : Sir, I move :

" That at the end of clause 58 of the Bill, the words ' such certificate to be granted within a period to be specified in the rules ' be added."

The clause, as it stands in the Bill, does not provide for any date by which the certifying surgeon is to grant the certificate, and we feel that it is necessary to have some time limit with regard to the granting of the certificate. Therefore, the period should be specified in the rules within which such certificate should be granted. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

" That at the end of clause 58 of the Bill, the words ' such certificate to be granted within a period to be specified in the rules ' be added."

The Honourable Sir Frank Noyce: I am afraid I cannot accept this amendment. For one thing I think my Honourable friend has omitted to notice that the amendment assumes that a certificate will be granted. That assumption is entirely unfounded. There is no reason why a certificate should be granted in every case, and for that reason alone the amendment is unsuitable. But apart from that, I think the point which he has in mind is sufficiently covered by the rule making power given under clause 59 (*c*), which provides that the Local Government may make rules regulating the procedure of certifying surgeons under the Chapter. The Local Government could, under that rule, direct that no undue delay shall take place in the medical examination and the grant of a certificate under clause 58. It would be difficult, I think, to prescribe a time limit suitable to all cases, and a general provision of the type that my Honourable friend is

[Sir Frank Noyce.]

asking for does not seem either necessary or desirable. For these reasons I regret that I am unable to accept his amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That at the end of clause 58 of the Bill, the words 'such certificate to be granted within a period to be specified in the rules' be added."

The motion was negatived.

Clause 58 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 59 stand part of the Bill."

Mr. G. Morgan: Sir, after what the Honourable Member has said in regard to clause 58, I do not think it is necessary for me to move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 59 stand part of the Bill."

The motion was adopted.

Clause 59 was added to the Bill.

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

"That after clause 59 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly:

'60. The medical fee for obtaining certificate shall be paid by the manager'."

Sir, this thing is not quite clear from the Bill as to who will pay the medical fee—whether it will be free or some fees will have to be paid; and I am afraid if such fees have to be paid by the labourers, then most of them will go without medical certificates and will not get employment. Sir, a good many of these labourers, when they come, are just on the point of starvation and do not have even a piee with them to pay for a fee for the medical officer. So, unless some provision is made for inspection being either free or at the expense of the Government or of the manager, most of these people will never get employment: and, instead of securing employment for those who are unemployed and who are really destitute, you will really be giving employment to people who are sufficiently rich to pay medical fees. I would request my Honourable friend, the Member in charge, to consider this point. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That after clause 59 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly:

'60. The medical fee for obtaining certificate shall be paid by the manager'."

The Honourable Sir Frank Noyce: Sir, I think I can re-assure my friend on the subject-matter of this amendment. As far as we know, no medical fees are charged for this inspection at all. We have looked up the rules of three Provinces, Bombay, Bengal and the Central Provinces, and find that no fee is ordinarily levied for the medical examination of workers in general. I imagine the position is the same elsewhere, and, therefore, it does not seem necessary to include any explicit provision on the subject. For that reason, I oppose the amendment.

Dr. Ziauddin Ahmad : This point is not specifically mentioned in this Bill, but we are expecting that it will be regulated by the rules of the Local Government ?

The Honourable Sir Frank Noyce: All the rules we have been able to trace show that no medical fees are charged.

Mr. Gaya Prasad Singh : In none of the Provinces?

The Honourable Sir Frank Noyce: I imagine the position is much the same elsewhere as it is in Bombay, Bengal and the Central Provinces. I have no reason to believe that medical fees are charged, though I cannot speak definitely except for these three Provinces.

Mr. F. W. Hockenhull (Assam : European) : No medical fees are charged for this purpose in Assam.

The Honourable Sir Frank Noyce: I am obliged to the Honourable Member for the information, which goes to confirm my own conviction.

Dr. Ziauddin Ahmad : Will these doctors examine these labourers free, or somebody pays them the fees ? If so, who would pay the fees ?

Mr. F. W. Hockenhull : Such examination is part of the routine work of the doctor's business.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, there must be some indication in the Bill itself as to who will pay the fee of the medical officer. It is easy to say that the rules in three Provinces provide like that, but the Honourable Member ought to provide for this specifically somewhere as they are giving powers to the Local Governments to make rules, so that on that head the Local Government may make rules with regard to the party that will pay if at all for the medical inspection of the labourer. There must be some indication somewhere in the Bill. This word of mouth won't do.

The Honourable Sir Frank Noyce: Sir, I am glad to say that the point has now been verified by my Department, we know that nowhere in India are fees charged for this medical inspection, and, as far as I know, there is no intention of charging such fees. It is regarded as part of the duty of the certifying surgeon whose pay as a whole-time or part-time officer is met by the Government.

Mr. Gaya Prasad Singh: What is the objection to making it express in some part of the Bill? What is the objection to making this point clear ?

The Honourable Sir Frank Noyce: The objection on the part of the Government is that there is no specific amendment before us except this one that the medical fees for obtaining certificates should be paid by the manager. As there is no fee charged at present for a medical certificate, why throw a new burden on the manager? There is no specific amendment here.

Mr. Gaya Prasad Singh: Who is going to pay such fee?

The Honourable Sir Frank Noyce: As I have already explained, this is regarded as part of the duties of the certifying surgeon who, whether as a whole-time or part-time officer, is paid by the Government, and there is no intention whatever of altering that practice, and, therefore, there does not seem to be any necessity for making any specific provision in this Bill.

Dr. Ziauddin Ahmad : Take the case of a particular district, say Aligarh, and there is a factory there. Then the labourer will have to go to the Civil Surgeon or the Assistant Surgeon. Do I understand that it is the duty of the Civil Surgeon or any of his Assistants to give them certificates free of charge ?

The Honourable Sir Frank Noyce : Yes, certainly.

Dr. Ziauddin Ahmad : But this is not the case in practice.

The Honourable Sir Frank Noyce : If the Honourable Member's information differs from mine, I shall be glad to have full particulars as to how it differs.

Dr. Ziauddin Ahmad : The fact is, anyone who wants a medical certificate is charged a fee of, I believe, Rs. 16 in the case of the Civil Surgeon, except in the case of those persons who are already in the employ of Government. At least this is the practice in the smaller towns.

The Honourable Sir Frank Noyce : Do I understand my Honourable friend to say that the United Provinces certifying surgeons charge a fee for this purpose ? Is that my Honourable friend's statement ?

Dr. Ziauddin Ahmad : That is my information.

The Honourable Sir Frank Noyce : I shall be very glad to have that definitely verified from the United Provinces Government, and, if the facts are as stated, to consider the question further, but at the moment my own information is that no fees are levied anywhere, and, for that reason, it does not seem necessary to make any specific provision here.

Dr. Ziauddin Ahmad : Then, with the assurance given that my Honourable friend will have further inquiries made, I beg to withdraw my motion.

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

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 60 stand part of the Bill."

Mr. E. W. Perry (Government of India : Nominated Official) : Sir, I move :

"That in sub-clause (*a*) (*iii*) of clause 60 of the Bill, the words and figure ' of sub-section (*2*) ' be omitted."

At present, there are no sub-clauses in clause 32 of the Bill, and the words and figure in question were not eliminated at an earlier stage of the consideration of the Bill by an oversight.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*a*) (*iii*) of clause 60 of the Bill, the words and figure ' of sub-section (*2*) ' be omitted."

The motion was adopted.

Mr. E. W. Perry : Sir, I move :

"That in sub-clause (*a*) (*iv*) of clause 60 of the Bill, for the words and figures ' or under section 32 ' the words, figures and letters ' or under clause (*b*), clause (*c*) or clause (*g*) of section 32 ' be substituted."

This amendment merely makes matters more precise, by omitting from this sub-clause reference to those clauses of section 32 which are

provided for elsewhere in clause 60 or are not clauses which should be made subject to penalties.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*a*) (*iv*) of clause 60 of the Bill, for the words and figures 'or under section 32' the words, figures and letters 'or under clause (*b*), clause (*c*) or clause (*g*) of section 32' be substituted."

The motion was adopted.

Mr. E. W. Perry : Sir, I beg to move :

"That for sub-clause (*c*) of clause 60 of the Bill, the following be substituted :

'(*c*) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under section 41 or to any modification or relaxation made under section 44, or '."

This amendment, together with the amendment which I will subsequently move, is designed to make this clause complete as regards all offences by managers or occupiers.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That for sub-clause (*c*) of clause 60 of the Bill, the following be substituted :

'(*c*) there is any contravention of any of the provisions of sections 39 to 41 inclusive or of any rule made under section 39, section 41 or section 47, or of any condition attached to any exemption granted under section 41 or to any modification or relaxation made under section 44, or '."

The motion was adopted.

Mr. E. W. Perry : Sir, I beg to move :

"That in sub-clause (*f*) of clause 60 of the Bill, the words, figures and letter 'or under clause (*d*) of section 59' be inserted at the end."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*f*) of clause 60 of the Bill, the words, figures and letter 'or under clause (*d*) of section 59' be inserted at the end."

The motion was adopted.

Mr. Lalchand Navalrai : Sir, I move :

"That in clause 60 of the Bill, for the words 'five hundred' the words 'two hundred' be substituted."

I find that four amendments prior to this have fortunately been accepted, and I hope mine will also have the same fate. However, I submit that my amendment refers to a penalty clause that is provided in this Bill. Clause 60 refers to offences or acts which have been penalised, and it will be noticed that clause 60 refers to those offences which are first offences. That is to say, in clause 60, the punishment of Rs. 500 has been provided for a first offence under the Bill. My submission is—and I would request the House to consider it—whether for the very first offence the punishment should be to the extent of Rs. 500. I have referred to some clauses which go to show what offences are going to be punished. Amongst them there are such trivial offences as not keeping sufficient water in the factory for drinking, and I think the maximum fine of Rs. 500 is too much for such an offence.

[Mr. Lalchand Navalrai.]

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I should say it is ridiculous. It might be said that it is in the hands of the Magistrate to give the minimum punishment, which might be a fine of one or two rupees. But, Sir, experience has shown that the maximum fixed is the standard from which they make the minimum and the middling course. It may be that the Courts will impose a very small fine in trivial cases but in a way the fear is there. And why should we leave that fear to remain and to leave the Court to its whims. It is just possible that a man might be punished very heavily for a trivial offence. I, therefore, submit that for the first offence the maximum should be reduced to Rs. 200.

Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That in clause 60 of the Bill, for the words 'five hundred' the words 'two hundred' be substituted."

The Honourable Sir Frank Noyce : Sir, I am sorry that in spite of my Honourable friend's appeal, I am unable to accept this amendment. This maximum fine of Rs. 500 was introduced in 1922 and no cause has at any time been shown since then as to why it should be reduced. Unscrupulous employers often grow rich in various ways, such as employing children in out of the way ginning factories and I think it is desirable that, when those offences are discovered, the defaulter should be heavily dropped upon. I doubt if the experience of many Members in this House who have knowledge of the working of the factories is the same as that of Mr. Lalchand Navalrai. I am quite certain that Inspectors of Factories would be very glad if it were. The complaint which they always make is that the fines imposed are altogether too trivial and that instead of working from the top downwards, Magistrates are inclined to work from the bottom upwards and to impose fines of a few rupees for what are really serious offences. I see no reason why we should alter any of the penalty figures suggested in the Bill, all of which have the approval of the Select Committee. The arguments which I have adduced in the present instance apply to the similar amendments brought forward by my Honourable friend, Mr. Lalchand Navalrai.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That in clause 60 of the Bill, for the words 'five hundred' the words 'two hundred' be substituted."

The motion was negatived.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 60, as amended, stand part of the Bill."

The motion was adopted.

Clause 60, as amended, was added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 61 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, the fate seems to be against my amendments, and I, therefore, do not want to move my amendments.

Clauses 61 to 65 were added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 66 stand part of the Bill."

Mr. G. Morgan : Sir, I do not wish to move amendment No. 41, but I move amendment No. 42 which runs as follows :

"That to clause 66 of the Bill, the following *Exception* be added :

'*Exception.*—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process '."

It is now known that naked lights are used for some particular processes of manufacture and the clause in the Bill would prevent those lights being used. I hope Government will see their way to accept my amendment which lays down that in accordance with such precautions, as may be prescribed, naked lights can be used in the process of manufacture.

Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Amendment moved :

"That to clause 66 of the Bill, the following *Exception* be added :

'*Exception.*—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process '."

The Honourable Sir Frank Noyce : Sir, I am quite ready to accept this amendment. We have ourselves made inquiries on the point and we have found that naked lights are used in singeing jute and that this is in practice which is free from danger. Mr. Morgan, as the House will see, has drafted his amendment in such a form that precautions may be prescribed for the use of naked lights, and that removes all our objections. I am prepared to accept the amendment.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That to clause 66 of the Bill, the following *Exception* be added :

'*Exception.*—This provision does not extend to the use, in accordance with such precautions as may be prescribed, of a naked light in the course of a manufacturing process '."

The motion was adopted.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 66, as amended, stand part of the Bill."

The motion was adopted.

Clause 66, as amended, was added to the Bill.

Clauses 67 to 69 were added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 70 stand part of the Bill."

Mr. E. W. Perry : Sir, I beg to move :

"That clause 70 of the Bill be omitted and that all amendments consequential on the omission including the re-numbering of clauses and the correction of references be made accordingly."

Sir, clause 70 of the Bill provides a sweeping up clause as regards offences by managers and occupiers. Clause 60, by reason of the amendments made in it, has become complete as regards those offences. Clause 70 also provides that any workman, who contravenes any of the provisions of the Bill, is liable to punishment. This Department, after examining the question very carefully, is of opinion that clause 72 provides adequately for all ordinary offences by workmen which are not covered by such special clauses as clause 66 which provides penalties for using naked lights. Clause 70 also provides for breaches of the Act by third parties. Important breaches of the Act which might be committed by third parties are also provided for in other clauses. Therefore, for two reasons, it is now considered by the Department that this clause is better omitted. The first reason is that all the neccesary provisions are made by other clauses and the second consideration is that a number of acts and omissions which should not be made penal, such as the failure by the Judge to appoint assessors under clause 31 (2), are made penal by this clause. After a very exhaustive examination by this Department and the Legislative Department, Government have come to the conclusion that this clause should be omittted. Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 70 of the Bill be omitted and that all amendments consequential on the omission including the re-numbering of clauses and the correction of references be made accordingly."

The motion was adopted.

Clause 71 was added to the Bill.

Clause 72 was added to the Bill.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The question is :

"That clause 73 stand part of the Bill."

Mr. E. W. Perry : Sir, I beg to move :

"That clause 73 of the Bill be omitted and that all amendments consequential on the omission including the re-numbering of clauses and the correction of references be made accordingly."

Sir, clause 73 of the Bill repeats section 45 of the existing Act. This clause seems to have escaped criticism in the Select Committee and also

when the draft Bill was circulated for opinion. But soon after the report of the Select Committee was published, the Honourable Member from the Bombay Millowners' Association pointed out the objectionable characteristics of this provision. We then had it carefully examined and we find that it has very little to commend it. The repetition of offences is provided for by section 71 of the Indian Penal Code and the best course in a matter of this nature is to allow the general law of the land to apply to the special Act. Apart from that, this clause is very difficult to interpret, and, as far as we know, has never been called into use in any proceedings of any Court. I, therefore, move the omission of this clause.

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

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 73 of the Bill be omitted and that all amendments consequential on the omission including the re-numbering of clauses and the correction of references be made accordingly."

The motion was adopted.

Clauses 74 and 75 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 76 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, I beg to move :

"That in sub-clause (*1*) of clause 76 of the Bill, before the word 'Inspector' the word 'Chief' be inserted."

Sir, I find clause 76 reads thus :

"No prosecution under this Act, except a prosecution under section 66, shall be instituted except by or with the previous sanction of the Inspector."

Sir, my object in moving this amendment is that there ought to be some safeguard against prosecutions specially when the offence is detected by the Inspector himself. It would mean that the person who detects an offence also goes to Court and brings the accused before the Court without any other safeguard. In this Act, it has been provided that wherever there is an Inspector who finds that any offence has been committed of a certain nature, there he has to give notice to the factory owner or occupier with regard to that offence. Then the factory owner or the occupier has got the right of going to an appellate Court to have that order set aside. In some offences, where the Inspector has not got to give notice in writing, no appeal lies. I, therefore, submit that why should it not in all cases be that there should be a safeguard with regard to the doings of Inspectors, and, specially when the Bill provides for a Chief Inspector, why should it not be that he should get the sanction of the Chief Inspector to drag the man to Court. In that case, no delay will happen and the papers could be laid before the Chief Inspector who could go into the matter and give sanction to go to Court if necessary. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in sub-clause (*1*) of clause 76 of the Bill, before the word 'Inspector' the word 'Chief' be inserted."

The Honourable Sir Frank Noyce : Sir, I regret I must oppose this amendment. In permitting Inspectors to sanction the institution of proceedings, we are merely following the present Act. If we were to transfer that duty to the Chief Inspectors, it would throw an intolerable burden of work upon them and the result would undoubtedly be congestion and delay. My Honourable friend talked about safeguards. Surely the safeguard is, in reality, the Magistrate before whom the case is brought. If it should be discovered—I know of no cases in which it has been discovered—that Inspectors are instituting vexatious prosecutions, that fact would undoubtedly come to the notice of the Chief Inspector. All the reports of cases in which prosecutions are instituted are brought to the notice of the Chief Inspector, and if we were to find that an Inspector brought forward a number of cases which proved unsuccessful, he would doubtless take suitable action and bring the matter to the notice of the Local Government, so that any disciplinary action necessary could be taken. I do not think there is any sufficient reason for altering the present procedure, and I must, therefore, oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in sub-clause (*1*) of clause 76 of the Bill, before the word 'Inspector' the word 'Chief' be inserted."

The motion was negatived.

Clause 76 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 77 stand part of the Bill."

Mr. Lalchand Navalrai : Sir, I move :

"That in clause 77 of the Bill, for the word 'six' the word 'three' be substituted."

Clause 77 refers to the time within which a prosecution under this Bill can be instituted, and a period of six months has been provided within which the Inspector can file a prosecution. It appears to me that so much time is not needed for offences under the Factories Act. There is no reason why the matter should hang on for six months. I have put in three months, and I hope the amendment will be accepted. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 77 of the Bill, for the word 'six' the word 'three' be substituted."

The Honourable Sir Frank Noyce : Sir, I am afraid I must also oppose this amendment. This six months' limitation was provided by the Act of 1911 in section 49. It has, therefore, been in force for over twenty years, and there does not seem any good reason for reducing it. My Honourable friend says he sees no reason why matters of this kind should hang on for six months, but the point is that the factory staff, as the House is aware, is not very strong, and that it takes them a good deal of time to get round and inspect all the factories in their charge. It is for that reason that a six months' limit is necessary and my Honourable friend's complaint is the first that has ever been voiced against that limit. In these circumstances, there is no justification for a change.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 77 of the Bill, for the word 'six' the word 'three' be substituted."

The motion was negatived.

Mr. Lalchand Navalrai : Sir, I beg to move :

"That the proviso to clause 77 of the Bill be omitted."

This proviso is a new one altogether, and I do not think the Honourable Member would be in a position to say here that the former Factories Act provides a certain thing and, therefore, it should be maintained. There is no reason that because the former Act provides for a certain matter, therefore we should stick to it. It may be that the Factories Act at present needs certain improvements, and we must make those improvements. With regard to this amendment, I may say that it is a new proviso altogether and it reads thus :

"Provided that when the offence consists of disobeying a written order made by an Inspector complaint thereof may be made within twelve months of the date on which the offence is alleged to have been committed."

I cannot understand any logic in this that if it is a written order, the matter should hang on for 12 months, otherwise it will be six months. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That the proviso to clause 77 of the Bill be omitted."

The Honourable Sir Frank Noyce : Sir, my Honourable friend is perfectly correct in stating that this is a new provision. It was suggested by the Chief Inspectors of Factories and was inserted in the Bill by the Select Committee for reasons which appeared satisfactory to them, and will, I trust, also prove satisfactory to this House. The point is that there are certain remote factories which are inspected and indeed can only be inspected not more than once a year. As I have said, the provincial factories staff is small and it takes a good deal of time to get round all the factories to be inspected. The Inspector goes to a certain factory, he finds that something has to be done, he gives an order in writing that it should be done, he gets a report that it has been carried out, but when he goes there again, which may be several months later, he finds that the statement that his orders had been carried out is not correct and that the offence continues.

Mr. Lalchand Navalrai : He must be an idle Inspector who goes there only after 12 months.

The Honourable Sir Frank Noyce : I would invite my Honourable friend to read the reports of the Factory Inspectors. He would know a little more of what their duties are and not make statements of that kind. I submit to the House that when definite orders are given and those orders are not carried out, it is equitable that the complaint should be instituted when it is found that the orders have not been obeyed, that is, when the Inspector next visits the factory. I cannot see any injustice to the factory owner in that. It is obviously desirable that some period

[Sir Frank Noyce.]

of limitation should be fixed, and with the approval of the Select Committee, it was fixed at twelve months. I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the proviso to clause 77 of the Bill be omitted."

The motion was negatived.

Clause 77 was added to the Bill.

Clauses 78 to 84 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce : Sir, I move :

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill, as amended, be passed."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I have refrained so long from taking part in the debate on this Bill, as I thought that it is a salutary measure and it has given some *stronghold* to the workers all over India. Sir, something has been attempted and something done, and I can say that my Honourable friend, Sir Frank Noyce, deserves the congratulations that he received from both sides,—from the workers' representatives and from the representatives of the Employers' Federation, my Honourable friend, Mr. Mody. Mr. Mody particularly paid a compliment to Sir Frank Noyce that he was an admirable Chairman or rather he balanced well both sides, the employers and the workers, and that he anthropometrically analysed Mr. Mody's constitution. He perhaps found that the employers have become a little rickety and the workers have become a little stout. However, if the Honourable Member for Industries and Labour maintains that impartial attitude and tries to give the workers their just dues, much will be done to ameliorate the condition of the workers.

Sir, I was a little pained to hear the speech of my friend, the Deputy President, Mr. Abdul Matin Chaudhury. I know that he is working singlehanded and has no helpmate in this House due to the unfortunate absence of Mr. Joshi owing to the illness of his daughter which we all deplore. Yet Mr. Abdul Matin Chaudhury, in spite of his great love for the workers, ought to realise that a landmark has been reached in the matter of legislation on behalf of the workers. My friend, Mr. Abdul Matin Chaudhury, ought to realise also that this legislation is placing a certain amount of handicap on the employers. Each piece of beneficent social legislation places handicaps whereby the employers will have to spend more money. Although, when this Bill was introduced and was under the consideration stage, I made certain observations, after the speech of my friend, Mr. Abdul Matin Chaudhury, that the

time has come when the workers in India must think that they must get an economic wage, they must not follow the Third International ideals of Russia and demand standard wages which, in the present economic conditions of India, the industries cannot pay. This is a subject which requires very careful attention both from the employers and from the workers. I am equally a good friend of the workers and of the employers ; and the recent strike in Bombay demonstrates—although I know it was not inspired or started by sober labour leaders like Mr. N. M. Joshi or our Deputy President, but by a batch of men who rather want to keep up strikes, not so much for the benefit of the workers, but to keep up their leadership and their flag flying with their undigested ideas of third internationals and other socialist ideals which our present labour leaders in India have not themselves digested. That is a phase which I advise labour leaders in India to cogitate upon. It is for them to meet—whether it is Mr. Giri of the Railway Labour Federation or whether it is the Trade Union of workers in mills and factories—they have to see whether their demand of standard wages is not something ephemeral and ethereal. Have not the prices gone down ? Has not the ordinary man, the middle class man, been putting up with wages which are 30 to 40 per cent. below the standard of income which he was getting three or four years ago ? Today, if the Indian workers go on demanding increments in wages—I have not seen one single labour leader in India who says that the economic depression and the low prices prevalent all over India require that the wages should be reduced—I hope sanity will be restored amongst the labour leaders all over India and that they will think of all these things.

I will also offer one word of advice to the employers, particularly to Mr. Mody, the President of the All-India Employers' Federation, who is present here. The employers and workers must work harmoniously. It is no use my friend, Mr. Mody, saying "I have graciously condescended and agreed to a 54-hour week". Unfortunately world ideals, socialist ideals and ideals from Moscow are wirelessed and broadcast, and so the labour leaders in India, though they may not digest them fully, get hold of these ideals and demand a 48-hour week in India. Whether the time is ripe in India to have a 48-hour week, I am not at present in a position to give an opinion. But I think the time has come when the employers in India, however big and however aristocratic they might be,—they are Indians mostly and I even appeal to my friend, Mr. George Morgan, and other capitalist employers sitting in those Benches,—should understand and appreciate the workers' difficulties and the workers' conditions and they should have harmonious and human relations with the workers. If that is done, there would be no strikes ; there would be no bad blood between the workers and the employers.

I am grateful, and the House is grateful to Mr. Mody for referring to one aspect of the issue in his note of dissent, which he also mentioned in his speech. It is the advantageous position in which Indian States are placed owing to the incompetence and ineptitude of the Government of India. Today, the Government of India, as they stand, cannot apply and enforce humanising legislation on the Indian States. Yet I have seen representatives of Indian States and Indian princes visiting Geneva as representatives of India. I cannot understand how they are

[Mr. B. Das.]

allowed to grace those International Conferences, whether it is the League of Nations or the I. L. O., when they do not submit and subscribe to the Conventions, and when they do not ratify these Conventions. If they are within the British Empire—I am not here discussing questions of paramountcy, I am glad my Honourable friend, Mr. Metcalfe, is here, I am not talking of sovereignty or paramountcy—these two things I have talked about often and I will get ample opportunity to talk later—but if they are in the British Empire, they are part of the British Empire, and they must ratify these Conventions which the British Government and the Government of India ratify ; and, however much these princes may bluff and blubber outside, they are still subordinate to the Government of India ; and if the Government of India do ratify these labour Conventions, I want to know what justification there is why the Government of India are so incompetent that they cannot enforce on these princes to adopt these Conventions in their States. There is forced labour prevalent in almost every State. The Honourable Mr. Glancy admitted that there exists forced labour in the Indian States. How can over-worked capitalists like my friend, Mr. Mody, with all this legislation and Factory Inspectors, and the Honourable Member for Industries and Labour keeping an eye on behalf of the workers, how can he compete with industries that are started in these Indian States and may be worked by forced labour, and this Government has no means today to abolish forced labour in the Indian States ? This Government has no means to compel these Indian States that they must adopt a 54-hour week. There are other things too. There is no income-tax in many of these States. In India, the employers pay so much income-tax—if the British Indian employer had not to pay income-tax and super-tax to the Honourable the Finance Member, then he would have been able to pay one or two annas more a day to the workers.

An Honourable Member : Question.

Mr. B. Das : He might spend more money to start social welfare work and to start creches for the children of the women workers that work in mills and factories for which Dr. Dalal gave us such a delightful speech and advice which I do not think the present Government of India will ever accept. But we have noted it down in our minds, and when the time comes and when we get that opportunity, we will see that some of those beneficial measures are carried through. But, Sir, the Government of India stand pilloried. The Honourable Member for Industries and Labour was silent in his reply to the particular charge which Mr. Mody levied in his note and also in his speech, but if Government sleep over it today, they will have to face it tomorrow ; the problem will certainly have to be faced. Whether there is going to be a Federation or no Federation, the present Government of India or their successor will have to face that problem, and they will have to face that problem, not only for the sake of humanity to keep one uniform standard in the so-called Indian Empire of His Majesty the King-Emperor, but to maintain an equal standard of working conditions for all working classes, both in British India and in Indian India. It is no use penalising the working classes in these Indian States, and if they are penalised, it is the Government of India and the British Government, under the dictates of high political issues, who are parties to penalising

the working classes in the Indian States, and the indirect consequence of it is that the employers in India are penalised ; they are working at a certain disadvantage. Sir, I do hope that my friend, the Honourable Sir Frank Noyce, will be able to say something as to what steps the Government of India have taken in the matter, whether they are in touch with the administration of these Indian States, and whether they are trying to make the Indian States, the princelings and princes conform to the conditions obtaining in British India, whether the Government of India will make them accept all those labour legislations that exist here, particularly all those Conventions that the Government of India have ratified and to which the I. L. O. is a party.

STATEMENT OF BUSINESS.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable the Leader of the House will make a statement with regard to the list of business for tomorrow.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, I ask your permission to make a statement with reference to the List of Business for tomorrow which is already in Honourable Members' hands. The order in which legislative business is shown in that list proceeded on the assumption that the business entered on the original list for the 16th, 17th and 18th July would be disposed of before the House rose today. That assumption has not been realised ; and, therefore, Government desire to dispose of the business entered on the original list for the 16th, 17th and 18th before embarking on the new business entered in the list for tomorrow. A revised List of Business will be issued accordingly.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th July, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 19th July, 1934.

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

QUESTIONS AND ANSWERS.

IMPORTANT GOVERNMENT BILLS PENDING BEFORE THE LEGISLATIVE ASSEMBLY.

83. *Mr. **Lalchand Navalrai** : Is it a fact that Government want to pass all their pending important Bills through the present Legislative Assembly in order to avoid the same coming up before the next Assembly ?

The Honourable Sir Joseph Bhore : The anxiety of Government to complete, as much as possible, of their pending legislative programme, during the course of the present Session, is inspired, not as the Honourable Member appears to suggest, by any apprehension that the attitude of the next Assembly would be less favourable to that programme than the attitude of the present Assembly, but in part by the fact that many of the items in the pending programme are in themselves urgent and in part by the fact that the postponement of any considerable proportion of the Bills, now pending, would inevitably lead to an undue congestion of the business requiring to be transacted during the opening Sessions of the new Assembly.

Mr. Lalchand Navalrai : I did not follow even one word of what my Honourable friend said. I would request the Honourable Member to repeat the answer.

The Honourable Sir Joseph Bhore : This is the first time that I have been charged in this House with incoherence.

Mr. Lalchand Navalrai : I have not charged the Honourable Member with anything at all. There was noise on this side of the House and I could not hear.

Some Honourable Members : No, no. It was on account of the rains.

The Honourable Sir Joseph Bhore : I have no objection to reading it out again. (Reads out the answer again.)

Dr. Ziauddin Ahmad : Will Government kindly give us a list of all the Bills which they intend to lay before the Assembly for being disposed of in this Session ?

The Honourable Sir Joseph Bhore : I am afraid I could not give him the information straight off, but if it will be of any assistance to the House, I shall endeavour to do so at the earliest possible opportunity.

Dr. Ziauddin Ahmad : It will be of very great assistance to us, because we would like to co-operate with Government and with the President to finish them in time so that we may go back as early as possible.

The Honourable Sir Joseph Bhore : I gratefully accept my Honourable friend's offer of co-operation.

Mr. Lalchand Navalrai : May I ask the Honourable Member if some of the contemplated work cannot be postponed till the next Assembly ?

The Honourable Sir Joseph Bhore : If they could have been postponed we would not have made an attempt to get them through the present Assembly.

Mr. Lalchand Navalrai : May I know if the Government Benches will be ready to sit on Friday and Saturday.

Several Honourable Members : No, no.

Mr. B. V. Jadhav : May I know whether any more new Bills are to be introduced ?

The Honourable Sir Joseph Bhore : As I said just now, I am not in a position to give complete information at the present moment, but I shall endeavour to supply that information to the House at the earliest possible opportunity.

COMPULSORY RETIREMENT OF POSTAL EMPLOYEES HAVING OVER 25 YEARS' SERVICE.

84. ***Dr. Ziauddin Ahmad** : (*a*) Have Government issued any circular for compulsory retirement of all servants in the Postal Department who have put in 25 years service, irrespective of age ?

(*b*) If the orders issued are not to the effect stated in part (*a*), will Government be pleased to state the exact terms of such orders ?

(*c*) Are those orders applicable to all grades of services gazetted, ministerial and menial ?

(*d*) Do these orders apply to persons serving in the offices of the Director General and the Postmasters General ?

(*e*) Are these rules framed only for the Postal Department, or for all departments under the Government of India ? If these rules have been framed for the Postal Department only, what is the reason for this differentiation ?

(*f*) Are Government aware that the Superintendent of the Postal Department, Fatehgarh (U. P.) Circle, issued orders stating that voluntary retirement of certain persons were accepted, and that he changed those orders into compulsory retirement in consequence of a protest from the servants concerned ?

(*g*) If Government have accepted the principle of compulsory retirement of persons who have put in 25 years' service, will they please state whether the rule also applies to high officials, *e.g.*, Postmasters General, Director General and others ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) No.

(*b*) A copy of the order is laid on the table.

(*c*) and (*d*). Yes.

(*e*) The orders referred to are applicable to all Departments under the Government of India.

The second part does not arise.

(*f*) It is a fact that some confusion arose owing to the issue of wrong forms by the Superintendent of Post Offices, Fatehgarh Division, but the mistake was subsequently rectified by the cancellation of the original orders and by the strict application of Government orders on the subject.

(*g*) Does not arise in view of the reply to part (*a*).

Order referred to in part (b) of reply to starred question No. 84.

Selection of Individuals for Discharge.

A. Retrenchment of permanent personnel should be effected in the following order, subject to the maintenance to the nearest practicable figure in each category of the ratio between the various communities represented by their present numbers in the category :

(*i*) by the acceptance of voluntary resignations or retirements ;

(*ii*) by the discharge of officers whose work is considered to be so consistently unsatisfactory that to retain them on the cadre, while others are discharged from it, would be unjustifiable ;

(*iii*) by the discharge of selected men from among the following :

(*a*) those who have attained 55 years of age,

(*b*) others with 30 years' service or over,

(*iv*) by the discharge of selected officers of 25 years' but less than 30 years' service ;

(*v*) by the discharge of selected officers with less than 10 years' service ;

(*vi*) by the discharge of selected officers with 10 years' but less than 25 years' service.

B. Temporary staff should be treated entirely separately from permanent staff, and, if less than the whole temporary staff is to be reduced, the same principles should be followed as in reducing permanent staff.

Mr. Lalchand Navalrai : May I know from the Honourable Member if any officers' posts in the Director General's Office, such as, Directors of Post Offices and Deputy Directors and Assistant Directors, have been retrenched ?

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

Dr. Ziauddin Ahmad : May I ask whether the rules framed for compulsory retirement are applicable only to the subordinate staff or both to the subordinate staff and the officers ?

The Honourable Sir Frank Noyce : No, Sir. They are applicable to all staff, but if the Honourable Member wants definite information on the point, I would ask him to put down a question on the order paper.

Dr. Ziauddin Ahmad : Then they are applicable to the Director General, Postmasters General and everybody else ?

The Honourable Sir Frank Noyce : The question of retrenchment ?

Dr. Ziauddin Ahmad : Compulsory retirement after 25 years' service —that is what I am asking about.

The Honourable Sir Frank Noyce : No, Sir.

Mr. Vidya Sagar Pandya : In theory no doubt the rules are applicable alike, but are they in practice applied so ?

The Honourable Sir Frank Noyce : Presumably orders on the subject are being carried out.

Mr. Lalchand Navalrai : I think the Honourable Member might kindly reply to part (*d*) of the question.

The Honourable Sir Frank Noyce : The answer to part (*d*) is, yes.

Mr. Lalchand Navalrai : Then may I know who those persons are ?

The Honourable Sir Frank Noyce : I cannot give the information offhand. I do not carry all these details in my head. If the Honourable Member will put down a question, I will endeavour to answer it.

Dr. Ziauddin Ahmad : Will Government be pleased to make enquiries on this point, because my information is that this rule is applied only to peons and not to other officers ?

The Honourable Sir Frank Noyce : I have already said that if he will put down a question, I will answer it.

REFUND OF CUSTOMS DUTIES CHARGED AT INDIAN PORTS ON GOODS ENTERING KASHMIR.

85. ***Lala Hari Raj Swarup** : (*a*) Is it a fact that for purposes of customs Kashmir State is regarded as a foreign province like Afghanistan and is allowed a complete refund of customs duties charged at Indian ports on goods entering Kashmir ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government please state if Kashmir also will be regarded as a foreign power for purposes of Indian excise duty on sugar and a refund of excise duty allowed to the manufacturers of sugar as on other exports of sugar out of British India ?

The Honourable Sir James Grigg : (*a*) As the result of a treaty concluded with Kashmir in 1870, the customs duty collected on goods imported at British Indian ports and transmitted through British India to Kashmir is made over to the Kashmir Durbar.

(*b*) The treaty does not cover excise duties levied on goods produced in British India, and the Government of India at present see no sufficient reason to grant a concession in respect of the excise duty on sugar.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

86. ***Lala Hari Raj Swarup** : (*a*) Is it a fact that the Pusa Research Institute is proposed to be transferred from Pusa to some central place near Delhi ?

(*b*) If the answer to part (*a*) be in the affirmative, what are the reasons that have impelled the Government to make this change ?

(*c*) What will be the cost of the new institute and what will happen to the old institute at Pusa ?

(*d*) What are the places that have been considered for the location of the new institute, and which place has been finally selected ?

(*e*) By what date is it expected to start the new institute ?

Mr. G. S. Bajpai : I would refer the Honourable Member to the answer given to Mr. Gaya Prasad Singh's question No. 69 yesterday.

REDUCTION OF THE RATES OF JAVA SUGAR AT THE INDIAN PORTS.

87. ***Lala Hari Raj Swarup** : (*a*) Has the attention of Government been drawn to the fact that Java is continuously reducing its rates for sugar at the Indian ports in order to undersell Indian sugar and to dump its own old stocks ?

(*b*) Is it a fact that the price of Java sugar has now been reduced to about three rupees per maund *ex*-Indian Port without duty ?

(*c*) Is it not a fact that in the Sugar Protection Act the Legislature gave power to the Governor General in Council to increase import duty on foreign sugar whenever it was found that Java was selling below four rupees a maund at the Indian ports ? If so, why have Government not taken any action under those provisions as yet in order to protect Indian industry ?

The Honourable Sir Joseph Bhore : (*a*) No. The prices of Java White sugar at the ports have remained practically steady during the last six months.

(*b*) The present price of Java sugar at the ports corresponds to Rs. 3-3-6 per maund *ex*-duty.

(*c*) Under section 4 of the Sugar Industry (Protection) Act, 1932, the Governor General in Council is competent to increase the duties imposed by the Act, if he is satisfied that sugar is imported into British India at such a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industry by such duties. The Act imposes no obligation on the Governor General in Council to increase the duty whenever the price of imported sugar at the ports should fall below Rs. 4 per maund *ex*-duty, though one of the recommendations of the Tariff Board was that an off-setting duty of 8 annas per cwt. should be imposed on the occurrence of such a contingency. The existing margin between the import and excise duties, however, already includes the off-setting duty recommended by the Board.

COST OF MAINTAINING REGULAR OFFICERS OF THE ARMY BORNE BY THE TERRITORIAL BUDGET.

88. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that three regular King's commissioned officers and two regular Indian officers during the period of their secondment for duty with each Provincial Unit draw the pay from the Territorial Budget of that unit for more than nine months in a year even when they are not required for duty with that unit ?

(*b*) If the reply to part (*a*) be in the affirmative, why is the Territorial Budget made to bear the cost of maintaining regular officers of the

Army during the period when they are not needed for duty with the Territorial Force ?

(c) Why are not the Territorial officers of suitable qualification employed in place of these regular officers throughout the non-training periods when generally these regular officers are not needed for duty with Indian Territorial Force ?

(d) In view of the liabilities of the officers of the Provincial Units of the Indian Territorial Force to perform military service at any time during the year, are these officers regarded as officers of the Indian Army for the purposes of paragraph 58 of the R. A. I. and are they considered as belonging to a branch of Government service whenever such a term is used for the rest of the officers of the other departments of Government ?

(e) Are not the officers of the Indian Territorial Force considered eligible for appointment to the Regular Units under the new Indianisation scheme ?

Lieut.-Colonel A. F. R. Lumby : (a) Yes.

(b) The Territorial Force Budget is not separate from, but is part of, the Defence Services Budget. Regular King's Commissioned Officers and Indian Officers are seconded from the regular Army, for duty with the Indian Territorial Force, for periods of three years. During this time the Indian Territorial Force has first call on their services. When their Indian Territorial Force units do not require them, they return for duty to their regular units.

(c) During the non-training period Indian Territorial Force units are not embodied. During this period the work of these units is carried out by the Administrative Commandant who is a Regular King's Commissioned Officer employed with the Indian Territorial Force throughout the whole year, and there are no duties upon which Indian Territorial Force officers could be employed. Opportunities are, however, provided annually for the attachment of a certain number of officers of the Indian Territorial Force to regular units for training in the non-training period.

(d) Regulations for the Army in India, paragraph 58, applies to officers of the regular Army. Officers of the Indian Territorial Force are, however, under certain conditions eligible for appointment to the Cantonment Department. Personnel of the Force, not being members of the regular Army, cannot be regarded as being in Government Service in the sense in which that term is ordinarily used.

(e) Officers of the Indian Territorial Force are not eligible for direct appointment to regular units, but members of the Force are eligible for Indian Army Cadetships at the Indian Military Academy under the same conditions as apply to personnel of the regular Indian Army.

Mr. Lalchand Navalrai : May I know from the Honourable Member if Indian officers are being allowed in the Indian Territorial Force and if there are any such officers now ?

Lieut.-Colonel A. F. R. Lumby : Certainly. There are senior grade officers and junior grade officers. I cannot give the exact number offhand.

Mr. Lalchand Navalrai : I mean Indians.

Lieut.-Colonel A. F. R. Lumby : They are all Indians.

INSTALLATION OF A SEISMOGRAPH IN NORTH BIHAR.

89. *Mr. Gaya Prasad Singh : Do Government propose to instal a seismograph in North Bihar in view of frequent earthquakes in that part of the country ?

The Honourable Sir Frank Noyce : The attention of the Honourable Member is invited to the information laid on the table of the House on the 7th April, 1934, in reply to part (*h*) of Mr. Nabakumar Sing Dudhoria's starred question No. 435.

Mr. B. Das : Might I suggest to Government that they should instal a seismograph in Muzaffarpur so that my Honourable friend may get out his bed at night in case there is an earthquake.

CONCESSION IN RAILWAY FREIGHT FOR THE CARRIAGE OF GOODS AND PACKAGES TO EARTHQUAKE AREA.

90. *Mr. Gaya Prasad Singh : (*a*) Is it proposed to terminate the Railway freight concession for the carriage of goods and packages to earthquake area in the near future ? If so, is it not a fact that during and after the rains, it will be necessary to convey food-grains, building materials, etc., for relief in those areas ?

(*b*) Do Government propose to continue the Railway concession facilities for some months more ?

Mr. P. R. Rau : (*a*) The freight concessions originally granted terminated on the 30th June, 1934. Government understand that there is no longer any necessity for importing materials for the immediate relief of distress, and that operations have now reached a stage at which they are directed entirely towards the permanent reconstruction of damaged buildings and public works.

(*b*) The question of allowing certain other freight concessions for the carriage of materials has been raised by the Government of Bihar and Orissa and is now under examination.

Maulvi Muhammad Shafee Daoodi : Are Government aware that the relief committees in the Tirhut Division have all applied for the continuance of the concession of the railway freight ?

Mr. P. R. Rau : The Government of India understood from the Government of Bihar and Orissa that there was no longer any necessity for importing materials for the immediate relief of distress, but the Government of Bihar and Orissa have put forward certain other proposals for the carriage of materials. They are under consideration.

Maulvi Muhammad Shafee Daoodi : May we know the gist or the substance of that proposal ?

Mr. P. R. Rau : I am afraid I do not remember the exact proposals, but if my memory is correct, they are contingent on certain firms making reductions in the prices of materials.

Maulvi Muhammad Shafee Daoodi : I would like to inform the Honourable Member that there is a strong feeling against the discontinuance of the concession which was granted at the time of the earthquake and all the Relief Committees in North Bihar have unanimously resolved that the Railway Department should be pressed on that point.

Mr. Gaya Prasad Singh : Do I understand the Government to say that Mr. Brett, the Relief Commissioner in charge, has agreed to the discontinuance of this railway concession ?

Mr. P. R. Rau : To the best of my recollection, the Government of Bihar and Orissa have agreed to it.

Mr. Bhuput Sing : Will Government consider the question of giving concession to food grains if they are required for relief work ?

Mr. P. R. Rau : That is a hypothetical question.

Mr. Gaya Prasad Singh : Are Government aware of the alarming reports in the Press today and yesterday that very serious floods have overtaken Motihari and other parts of North Bihar and that urgent measures of relief are very essential ?

Mr. P. R. Rau : I have seen those statements in the papers.

Mr. Gaya Prasad Singh : Do they produce any effect on the Railway Board of the Government of India ?

Mr. P. R. Rau : The Local Government will certainly draw our attention to the subject, if they consider that there are any special steps that we should take in this matter.

ATTEMPT TO REACH MOUNT KAILASH BY THE INDIAN HIMALAYAN EXPEDITION CLUB, DELHI.

91. ***Mr. Gaya Prasad Singh** : (*a*) Have Government refused permission to the Indian Himalayan Expedition Club, Delhi, to attempt to reach Mount Kailash on the ground that the Tibetan Government might raise objection ? If so, were the Tibetan authorities consulted in the matter ?

(*b*) Were the Tibetan Government, or the Nepal Government consulted, and their previous permission obtained, when the British Expedition visited India last time on a similar mission ?

Mr. H. A. F. Metcalfe : (*a*) The Government of Tibet have the strongest objection to visits by foreigners to their territory without their previous permission, and no mountaineering or scientific expedition has ever been allowed by the Government of India to visit Tibet until the express permission of the Tibetan Government had been obtained. It came to the notice of the Government of India that an expedition describing itself in the terms stated in the Honourable Member's question, had advertised its intention to proceed on a mountaineering expedition to the neighbourhood of Mount Kailas and Lake Mansarowar. The equipment of the expedition was stated to include rifles, cinematograph and other scientific apparatus, together with large quantities of tentage, baggage, and transport. As is well known, a number of Hindu pilgrims visit these places annually, and no protest has been made by the Tibetan Government in the case of such *bona fide* pilgrims. As, however, the advertisements of the proposed Kailas expedition, which were widely published in the Press, were likely to come to the notice of the Tibetan Government, who would conclude that the expedition did not consist of pilgrims, the organiser was asked not to proceed with his plans without first obtaining the Tibetan Government's permission. No applica-

tion has been received from the organisers for obtaining such permission and no reference has therefore been made to the Tibetan Government.

(*b*) The Honourable Member is no doubt referring to the British expedition which attempted to climb Mount Everest in 1933. The previous permission of the Tibetan Government was obtained. The Nepal Government were not concerned.

Mr. Gaya Prasad Singh : Was the previous sanction of the Tibetan Government obtained with regard to the British expedition which visited these places last year ?

Mr. H. A. F. Metcalfe : The permission was obtained through the Government of India who applied through the Political Officer, Sikkim.

Mr. Gaya Prasad Singh : Why was not the same procedure followed in the case of the Indian expedition which wanted to go on the same errand ?

Mr. H. A. F. Metcalfe : Exactly the same procedure would have been followed had the organisers of the expedition taken the trouble to ask us to obtain the permission for it ?

Mr. Gaya Prasad Singh : Is it not a fact that even before this foreign expedition applied to the Government of India, it was widely advertised in the Press, both here and in England, that such an expedition was coming out from England.

Mr. H. A. F. Metcalfe : That, Sir, is not the case.

Mr. B. Das : Is it not a fact that the Tibetan Government is apprehensive of disasters....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot go into the reasons which actuated the Tibetan Government.

Mr. Gaya Prasad Singh : Is it not a fact that the British expedition came out with the same sort of equipment—rifles and other things—for self-protection ?

Mr. H. A. F. Metcalfe : I am not aware that any rifles were taken, but I do not see how that affects the matter. In the case of the British expedition, it was definitely a mountaineering expedition and it was acknowledged as such. The permission of the Tibetan Government was obtained for it, but in the case of the expedition, to which the Honourable Member refers, no permission was asked for whatsoever.

Mr. Gaya Prasad Singh : How does the constitution of this Indian expedition differ materially from the constitution of the British expedition for which the Government asked the permission of the Tibetan Government ?

Mr. H. A. F. Metcalfe : I am afraid I have not made myself quite clear. As I explained, the advertisement of this expedition clearly differentiated it from the ordinary pilgrimage, which could have proceeded without any objection whatsoever.

Mr. Gaya Prasad Singh : Is it not a fact that the equipments were widely advertised for months together and even an æroplane was also

being built, before the Government of India applied to the Tibetan Government for permission ?

Mr. H. A. F. Metcalfe : I have already stated that this is not the case. The permission of the Tibetan Government was obtained before, so far as I know, any advertisements appeared in the Press.

RESTORATION BY GOVERNMENT OF CONGRESS MONEY AND PROPERTIES.

92. *Mr. **Gaya Prasad Singh** : (*a*) Will Government kindly make a statement showing separately the amount of money, and the properties, of the Congress forfeited, or taken possession of by them in different provinces, and restored to the Congress after the recent withdrawal of notifications ?

(*b*) How much money, and what properties, are still held by Government, and what action is contemplated in respect of them ?

The Honourable Sir Harry Haig : (*a*) I regret that I have not the information for which the Honourable Member asks.

(*b*) No action is contemplated in respect of funds and movable property forfeited to Government. Immovable property which has been taken possession of under the provisions of section 17A of the Indian Criminal Law Amendment Act, 1908, as amended by Act XXIII of 1932, will be returned when the notification under that section ceases to be in force.

Mr. Gaya Prasad Singh : With regard to part (*a*), do I understand the Government to say that they are engaged in collecting the information and will lay it on the table ?

The Honourable Sir Harry Haig : I think my Honourable friend is under a misapprehension.

Mr. Lalchand Navalrai : May I know from the Honourable Member who is to decide in these matters—the Local Governments or the Government of India ?

The Honourable Sir Harry Haig : The return is made automatically under the law when the notification is cancelled.

Mr. Lalchand Navalrai : Have any press been returned ?

The Honourable Sir Harry Haig : I do not think that presses would come under the description of immovable property.

CONSTRUCTION OF THE NEW HOWRAH BRIDGE.

93. *Mr. **Gaya Prasad Singh** : Are Government in possession of any information to show when the new Howrah Bridge is going to be built, and what steps, if any, are going to be taken to give preference to Indian steel and other materials in its construction ?

The Honourable Sir Joseph Bhore : The subject matter of the Honourable Member's question is primarily the concern of the Government of Bengal and the Government of India have no official information on the points raised by the Honourable Member.

Mr. Gaya Prasad Singh : May I know how the materials are to be obtained with regard to the construction of the Howrah Bridge—through

the High Commissioner in England or the Indian Stores Department ; or how ?

The Honourable Sir Joseph Bhore : My Honourable friend has overlooked the fact that even tenders have not been called for. The question of obtaining materials has not yet arisen.

RELEASE OF SARDAR VALLABHBHAI PATEL.

94. ***Mr. Gaya Prasad Singh** : Has there been any correspondence between the Government of India and the Government of Bombay relating to the release of Sardar Vallabhbhai Patel ?

The Honourable Sir Harry Haig : Yes.

GARHWALI SOLDIERS IMPRISONED FOR DISOBEYING MILITARY ORDERS IN PESHAWAR.

95. ***Mr. Gaya Prasad Singh** : (*a*) How many Garhwali soldiers were convicted and imprisoned in 1930 for disobeying military orders to fire on a peaceful crowd in Peshawar ?

(*b*) How many of them have been released before their term, and why have not the rest of them been released yet ?

Lieut.-Colonel A. F. R. Lumby : (*a*) and (*b*). No Garhwali soldiers were convicted and imprisoned for disobeying orders to fire on a peaceful crowd in Peshawar. The Honourable Member presumably has in mind the seventeen Garhwali soldiers who were sentenced to various terms of imprisonment for mutiny and who formed the subject of Mr. C. S. Ranga Iyer's starred question No. 1653, dated the 12th December, 1932. In reply to that question it was stated that eight of those soldiers had been released. Five more have since been released under the orders of His Excellency the Commander-in-Chief. The cases of the four men still remaining in jail have been considered by His Excellency the Commander-in-Chief, but in view of the gravity of their offences he has not seen fit to grant any remission

REFUSAL OF PASSPORT TO REVEREND B. OTTAMA TO ATTEND THE SECOND PAN PACIFIC BUDDHIST CONFERENCE IN TOKIO.

96. ***Mr. Gaya Prasad Singh** : (*a*) Have Government received any communication on the subject of the refusal of passport to Reverend Ottama, who has been invited to attend the Second Pan Pacific Buddhist Conference in Tokio ?

(*b*) Why has a passport been refused ?

(*c*) Was he refused a passport in 1932 when he intended to proceed to London ?

The Honourable Sir Harry Haig : (*a*) and (*b*). I would refer the Honourable Member to the reply given by me to parts (*a*) and (*b*) of Mr. Mitra's question No. 48, dated the 16th July, 1934.

(*c*) Yes.

AGE LIMIT FOR COMPETITIVE EXAMINATIONS FOR GOVERNMENT SERVICES.

97. *Sir Cowasji Jehangir : (*a*) Will Government be pleased to state for which services Government have competitive examinations ?

(*b*) Is it a fact that some of these examinations have not been held annually due to retrenchment ?

(*c*) Is it a fact that an age limit is prescribed for candidates for these services ?

(*d*) Are Government aware of the fact that a number of candidates who would have been within the age-limit had the examinations been held annually will now be debarred from appearing ?

(*e*) Are Government prepared to amend the rules for all services for which examinations are held, so as to enable such candidates to get a chance of appearing at the next examinations ?

(*f*) Are Government prepared to make the age-limit rules the same for all services with regard to subordinates in Government service appearing for these examinations ?

The Honourable Sir Harry Haig : (*a*) A statement is laid on the table.

(*b*) and (*c*). Yes.

(*d*) and (*e*). I would refer the Honourable Member to my reply to Mr. Maswood Ahmad's starred question No. 16, on the 1st February, 1933. Government see no sufficient reason for amending the rules.

(*f*) The answer is in the negative. The age limits for each examination are fixed with reference to the requirements of the particular service to which recruitment is to be made.

List of Services for which Recruitment is made by Competitive Examination.

1. Indian Civil Service.
2. Indian Audit and Accounts Service.
3. Imperial Customs Service.
4. Military Accounts Department.
5. Indian Railway Accounts Service.
6. Indian Forest Service.
7. Indian Police.
8. Transportation (Traffic) and Commercial Departments of the Superior Revenue Establishment of State Railways.
9. Indian Railway Service of Engineers.
10. Indian Service of Engineers.
11. Superior Telegraph and Wireless Engineering Branches of the Posts and Telegraphs Department.
12. Signal and Electrical Engineering Departments of the Superior Revenue Establishment of State Railways.
13. Imperial Secretariat Service, Class II.
14. Imperial Secretariat Subordinate Service.
15. Clerical staff of offices attached to the Imperial Secretariat.

PILGRIMS TO HEDJAZ BY OVERLAND ROUTE BY MOTOR LORRIES.

98. *Khan Bahadur Haji Wajihuddin : (*a*) Is it a fact that a number of Hedjaz pilgrims left India during the last Haj season by motor lorries, and if so, were they given pilgrim passports by the Government of India after satisfying themselves that the new route was quite safe and comfortable for the intending pilgrims ?

(*b*) Is it a fact that pilgrims were refused passports by lorry route in the previous year on the plea that the road was not suitable for lorry traffic, and if so, on what ground were passports issued last season ?

(*c*) How many pilgrims proceeded to Arabia by lorry traffic during the last season ?

(*d*) Did they reach their destination in time to perform the duty of pilgrimage fixed for 9th of Zilhij every year ? If not, who is responsible for the loss of expenses and trouble sustained by the Indian pilgrims ?

Mr. H. A. F. Metcalfe : (*a*) The Government of India are aware that certain pilgrims went from Delhi to Mecca, by the overland route, during the last Haj season. Pilgrim passports are issued by Local Governments, all of whom were requested to warn intending pilgrims against using the overland route. This warning was conveyed by the local authorities at Delhi to all pilgrims who applied for passports or passes.

(*b*) So far as the Government of India are aware, no pilgrims were refused passports either last year or this year, merely because they wished to use the overland route. All pilgrims were, however, warned on both occasions of the difficulties which they were likely to encounter and a similar warning was conveyed by the Deputy Commissioner of Delhi to the Muslim Trading Corporation, Limited, who were undertaking the venture and providing the transport.

(*c*) Thirty-five.

(*d*) The responsibility appears to rest upon those who insisted on disregarding the plain warnings given to them by the Government.

ARRANGEMENTS MADE BY THE SHIPPING COMPANY FOR FOOD OF HAJ PILGRIMS.

†99. *Khan Bahadur Haji Wajihuddin : Are Government of India aware that the deck pilgrims generally who proceeded by various steamers to Arabia, are dissatisfied with the arrangements made by the Shipping Company for their food on the voyage to Jeddah and back, and if so, how do Government propose to solve the problem ?

INDIAN PILGRIMS TO HEDJAZ.

100. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to state the figures of Indian pilgrims who proceeded to Hedjaz in each year during the last five years from each of the Indian ports, respectively ?

Mr. G. S. Bajpai : A statement giving the figures for the five years ending 1932-33 is laid on the table. Figures for the Haj season 1933-34 are not yet available.

†For answer to this question, *see* answer to question No. 61.

Statement showing the number of Indian pilgrims who proceeded to the Hedjaz from Indian ports during the five years ending 1932-33.

Pilgrim Season.	No. of pilgrims who proceeded to the Hedjaz.			
	From Bombay.	From Karachi.	From Calcutta.	Total.
1928-29	10,611	3,368	1,009	14,988
1929-30	7,528	2,957	557	11,042
1930-31	4,341	2,566	370	7,277
1931-32	5,328	3,780	371	9,479
1932-33	3,634	2,778	278	6,690

SANCTION GIVEN BY GOVERNMENT TO PILGRIMS TO PROCEED TO HEDJAZ BY MOTOR LORRIES.

101. ***Khan Bahadur Haji Wajihuddin** : Has the attention of Government been drawn to a note published in the *Daily Hamdam*, dated the 20th June, 1934, page 3 with regard to the sanction given by Government to Indian pilgrims for proceeding by lorry traffic ? If so, will Government be pleased to lay on the table all the correspondence which passed between them, the Hedjaz and other Governments in this connection upon which sanction was given by the Government of India ?

Mr. H. A. F. Metcalfe : Yes. As explained in my answer to the Honourable Member's question No. 98, Government gave no sanction to any Indian pilgrims to proceed to the Hedjaz by the overland route ; but, on the other hand, did all they could to dissuade them from doing so. The sanction of the Government of India was neither given nor was necessary for the expedition and the last part of the question does not therefore arise.

BLOCKING OF TRAFFIC ON THE CART ROAD IN SIMLA BY THE POLICE.

102. ***Mr. Bhuput Sing** : (*a*) Has the attention of Government been drawn to an article headed "*Simla Road Scandal*", "Colonel's passage blocked by policemen", published in the *Hindustan Times*, dated the 22nd May, 1934 ?

(*b*) Are Government aware that such things frequently happen on the Cart Road when Their Excellencies are expected to motor down to Kalka ? If so, are Government aware that the blocking of the only road between Kalka and Simla puts the public to a great inconvenience ?

(*c*) Do Government propose to devise means by which the traffic should not be held up at any one spot on the road more than 20 minutes ? If not, why not ?

(*d*) Will Government be pleased to state whether the allegations of the writer that this sort of blocking traffic on the road is never allowed by any other Government in the world excepting the Indian Government, is true ? If not, do Government propose to prosecute the writer of the article for making false allegations ? If not, why not ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*) Government are aware that some inconvenience is occasionally caused.

(*c*) It is impossible for the Government to undertake to observe a definite time-limit, but as little inconvenience will be caused as is compatible with effective measures for His Excellency's safety.

(*d*) Government have no information. The second and third parts of the question do not arise.

Mr. Lalchand Navalrai : Will the Honourable Member kindly say if he has read the paper which made the allegation referred to in sub-clause (*d*), namely, that in no other Governments does any such system prevail ? I want to know whether the Honourable Member has actually read that statement in the papers.

The Honourable Sir Harry Haig : I did read an extract from the paper which is referred to in this question, but, as I have said in sub-clause (*d*) of my answer, Government have no information whether this particular allegation is correct or not.

Mr. Lalchand Navalrai : And the Government have remained indifferent and is not going to make any inquiries about that ?

The Honourable Sir Harry Haig : Government are content to deal with affairs in India. (Laughter.)

AFFAIRS IN THE OFFICE OF THE DIRECTOR OF CONTRACTS, ARMY HEADQUARTERS.

103. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state the number of cases during the last three years in which clerks in the office of the Director of Contracts, Army Headquarters, have at first been condemned in their confidential reports and then in the following year or thereafter, eulogised and promoted or in the first instance praised and subsequently condemned, their promotion and annual increments being all stopped ?

(*b*) Is it a fact that at the present moment some permanent clerks are under charge sheet with a view to dismissal ? If so, what are the exact charges against them ?

(*c*) Will Government be pleased to state whether the office of the Director of Contracts is the only office in the Government of India where such practices as described in parts (*a*) and (*b*) are permitted ? If so, will they be pleased to state the action, if any, they propose to take to ensure the prospects of the Indian clerks ?

Lieut.-Colonel A. F. R. Lumby : (*a*) Government are not prepared to give information in regard to entries in the confidential reports of their employees.

As each report is based on work performed during a specific period, it is only natural that, if an individual's efficiency varies from year to

year, this fact should be reflected by a corresponding variation in his reports.

(*b*) No, Sir.

(*c*) Does not, therefore, arise.

DUTIES OF THE ASSISTANT MASTER GENERAL OF ORDNANCE WHILE ACCOMPANYING THE MASTER GENERAL OF ORDNANCE ON TOUR.

104. ***Mr. Bhuput Sing** : Will Government please state the duties of the Assistant Master General of Ordnance when the latter accompanies the Master General of Ordnance on tour ?

Lieut.-Colonel A. F. R. Lumby : The duties of the Assistant Master General of the Ordnance when on tour with the Master General of the Ordnance are such as the latter officer may assign to him.

Mr. Bhuput Singh : If there are no particular duties to be performed, why does this high officer accompany the Master General of the Ordnance ?

Lieut.-Colonel A. F. R. Lumby : He is not always accompanied by him.

Mr. Bhuput Sing : Is it a fact that other M. G. O's. in previous years did not have any Assistant M. G. O. ?

Lieut.-Colonel A. F. R. Lumby : The appointment of A. M. G. O. is a quite recent one. At the same time, previous M. G. O.'s did tour often by themselves ; the other officers of the M. G. O.'s Branch toured separately.

Mr. Bhuput Sing : Is it a fact that the A. M. G. O.'s function is that of an A.-D.-C. to the M. G. O. ?

Lieut.-Colonel A. F. R. Lumby : No, Sir.

Mr. Bhuput Sing : Then those duties can be done by a small petty officer ?

Lieut.-Colonel A. F. R. Lumby : That is quite incorrect, Sir.

TRAVELLING OF POLICE CONSTABLES IN AN INTERMEDIATE CLASS COMPARTMENT BETWEEN KALKA AND SIMLA.

105. ***Mr. Bhuput Sing** : (*a*) Will Government please state whether on the 20th April, 1934, three police constables in uniform, with their rifles, were permitted to share, with the general public, inter class accommodation between Kalka and Simla by the train which arrives at Simla at 1-16 P.M ?

(*b*) If the answer to part (*a*) above be in the affirmative, will Government please state whether police constables on duty are entitled to inter class travelling ? If so, why was no reserved accommodation provided for the three constables referred to in part (*a*) above, and why were the public made to sacrifice comfort on their account ?

(*c*) Do Government propose to take action against the Kalka Railway staff for such illegal actions of theirs ? If not, why not ?

Mr. P. R. Rau : (*a*) Government have no information.

(*b*) The question of the class in which police constables are entitled to travel is one for Provincial Governments to decide. It is understood that ordinarily police constables on duty are not entitled to accommodation in intermediate class, but, so far as the railway is concerned, if they hold intermediate class tickets they can travel in that class. Reserved accommodation is not provided for constables unless charges for reserved accommodation, as prescribed in the railway's tariff, are paid.

(*c*) Government cannot see, from the facts in the Honourable Member's question, that there was any illegal action on the part of the railway staff.

Mr. Bhuput Sing : May I inquire from the Honourable Member whether soldiers or police in uniform are generally allowed to accompany ordinary passengers in the train ?

Mr. P. R. Rau : If they hold tickets, they are certainly entitled to travel in that train.

Mr. Bhuput Sing : Having their uniforms and their rifles with them ?

Mr. P. R. Rau : I am not aware of any rule forbidding intermediate class tickets to be sold to people in uniform.

TRAINING SCHOOL AT CHANDAUSI FOR REFRESHER COURSE OF INDIAN ASSISTANT STATION MASTERS AND COMMERCIAL CLERKS ON THE EAST INDIAN RAILWAY.

106. ***Pandit Satyendra Nath Sen** : (*a*) Has the attention of Government been drawn to the articles published in the *Mazdoor*, dated the 13th September, 4th October, and 28th October, 1933, 8th January, 20th April, and 28th May, 1934, regarding the Training School at Chandausi for Refresher Course of Indian Assistant Station Masters and Commercial clerks of the East Indian Railway ?

(*b*) Have Government received any representation from the Indian Assistant Station Masters of the East Indian Railway, protesting against the system of training given in that school ? If so, what action has been taken by Government ?

(*c*) Are Government aware that there is grave discontent among the Indian Assistant Station Masters of the East Indian Railway over the Refresher Course training which is given by the lower subordinate staff possessing no academical qualifications ?

(*d*) Is it a fact that previously gazetted officers were appointed as instructors in the same school ? If so, why have they been replaced by lower subordinate staff to teach people of their own rank ?

(*e*) Is it a fact that on no other State Railway such a school for Refresher Course exists ? If so, what is the necessity for maintaining such a school on the East Indian Railway only ?

(*f*) What is the annual cost of maintaining the School ?

Mr. P. R. Rau : (*a*) Government have seen some of the articles referred to in the question.

(*b*) An appeal from the Indian Assistant Station Masters of the Dinapur Division was forwarded to the Railway Board by the President

of the East Indian Railway Union, Dinapur (Khagoul), but as this is not a recognised union, and as the matter is one that lies within the competence of the Agent, East Indian Railway, no action was taken on the appeal.

(*c*) As stated in the reply to part (*b*) above, a copy of an appeal from certain Assistant Station Masters has been received, which indicates that there is discontent to some extent.

(*d*) Government understand that gazetted officers were not appointed previously to all the Instructors' posts. If more of these posts are now held by non-gazetted staff than was formerly the case it is no doubt due to the fact that the Administration consider it a more suitable and economical arrangement.

(*e*) The reply to the first part of the question is in the negative ; the latter part does not arise.

(*f*) About Rs. 73,000 per annum.

Mr. Lalchand Navalrai : In view of the complaints of this nature which have already been made and are now being made, has the Honourable Member thought fit to inquire from the Agent and make some arrangements to give them such conveniences and to see whether the school is going on very well ?

Mr. P. R. Rau : Government have no reason to believe that the school is not going on very well.

Mr. Lalchand Navalrai : I am asking the Honourable Member's Department to inquire from the Agent and then give a reply, after the Government have got the information from the Agent. We will then accept the answer, as I think the House will require to know whether anything is really being done, or the mere assertion is being repeated by Government that they have got no information. May I inquire from the Honourable Member if he is now really going to make some inquiries ?

Mr. P. R. Rau : Sir, the main complaint in this question seems to be that gazetted officers were appointed instructors in the school before, and now they have been replaced by lower subordinate staff to teach people of their own rank. Government do not consider that the mere fact that gazetted officers have been replaced by officers of subordinate rank is any justification for their making an inquiry in the matter.

Pandit Satyendra Nath Sen : If the present system of training is to be continued, will Government see their way to employ better teaching staff ?

Mr. P. R. Rau : Government have no reason to believe that the present staff are not equal to their duties.

Mr. Lalchand Navalrai : Have the Government got any information with regard to the staff ?

Mr. P. R. Rau : No, Sir ; Government see no reason to call for any information.

Mr. Lalchand Navalrai : I would like the Honourable Member to explain why the Government think so ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question. Mr. Maswood Ahmad.

JUDGES OF HIGH COURTS AND CHIEF COURTS IN INDIA.

107. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state the number of the permanent and temporary judges of the different high courts and chief courts ?

(*b*) Will Government be pleased to state how many judges in different high courts and chief courts are Muslims ?

The Honourable Sir Harry Haig : (*a*) and (*b*). I lay on the table a statement giving the information

Statement showing the present strength of the High Courts and the Chief Court, Oudh, and the number of Muslim Judges.

HIGH COURTS.

Name.	Strength.		Muslim Judges.
	Permanent.	Additional.	
Madras	14	..	..
Bombay	10	1	1
Calcutta	15	2	2
Allahabad	9	2	3
Lahore	9	4	3
Patna	9	1	2
Rangoon	11	..	..
CHIEF COURT.			
Oudh	5	..	1*
Total ..	82	10	12

*The vacancy will be filled from the 29th July 1934.

JUDGES IN THE BOMBAY HIGH COURT.

108. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state the number of the judges in the Bombay High Court ? How many of them are Muslims ?

(*b*) Are Government aware of the feelings of Muslims of Bombay, including Sindh, against the exclusion of the Muslims from the Bench ?

The Honourable Sir Harry Haig : Sir, with your permission, I propose to answer questions Nos. 108 and 109 together. There are ten Judges and one Additional Judge in the Bombay High Court of whom the Additional Judge is a Muslim.

Government are aware that the Muslim community would welcome the appointment of more Muslim Judges. As stated before in this House the main criterion in filling up vacancies is necessarily that of legal qualifications subject to which the claims of Muslims receive careful consideration.

APPOINTMENT OF MUSLIMS AS JUDGES OF HIGH COURTS AND CHIEF COURTS.

†109. ***Mr. M. Maswood Ahmad :** (*a*) Are Government aware that many matters affecting the Muslim community come up before Honourable Judges of the High Courts and the Chief Courts ?

(*b*) Are Government aware that the Muslim community is an important community in India ?

(*c*) Do Government propose to make an effort so that in the Bench of any of the High Court or Chief Court Muslim community should not be unrepresented ?

WINNER OF THE PRIZE FOR THE DESIGN OF AN IMPROVED BONE-CRUSHER.

110. ***Mr. S. C. Mitra :** Will Government please state when they will declare the winner of the prize of Rs. 3,500 offered by the Imperial Council of Agricultural Research for the design of an improved bone-crusher for which designs were submitted to the Secretary, Imperial Council of Agricultural Research, before the 1st November, 1931 ?

Mr. G. S. Bajpai : A design has been selected and will shortly be put to the actual test of construction and working. The result of the competition will be announced thereafter.

BOOKING OF ACCOMMODATION ON RAILWAYS.

111. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of Government been drawn to the following paragraph in the *Roy's Weekly*, dated the 18th June, 1934 (page 8) :

> " Recently a very high Indian official of the Railway booked accommodation for his people, and discovered it had been allotted to some one else—perhaps for a consideration. But for the fact that the official disclosed his identity he would have had no relief : the Railway official concerned would find explanation easy." ?

(*b*) What are the facts of the case, and are Government aware that non-official Indian passengers are frequently treated in a similar, or worse manner by Railway administrations generally ?

Mr. P. R. Rau : (*a*) Yes.

---

†For answer to this question, *see* answer to question No. 108.

(*b*) Government have no information regarding the case referred to. They have received no complaints. As regards the second part of the Honourable Member's question, Government have no reason to believe that such incidents are common.

RED SHIRT ORGANISATION IN THE NORTH-WEST FRONTIER PROVINCE.

112. ***Mr. Gaya Prasad Singh** : What is the evidence in possession of Government to show that the Red Shirt organisation in the North-West Frontier Province is engaged in unlawful and subversive activities ?

The Honourable Sir Harry Haig : I would invite the Honourable Member's attention to the statements issued by the North-West Frontier Province Government on the 24th and 28th December, 1931 (copies of which were laid on the table in reply to Kunwar Hajee Ismail Khan's question No. 417 on the 22nd February, 1932), which set forth the activities which led to the declaration of these organisations as unlawful.

Maulvi Muhammad Shafee Daoodi : Will Government say whether the events that took place in 1931 or 1932 will now in 1934 be construed as unlawful for the purpose of declaring this organisation as an unlawful one ?

The Honourable Sir Harry Haig : There is no question of a new declaration. The declaration has been in force ever since 1931 when the facts detailed in these statements very abundantly justified the action.

Dr. Ziauddin Ahmad : Have not the circumstances changed in 1934 in view of the decision of the Congress ?

The Honourable Sir Harry Haig : The circumstances may have changed, but the intentions of that organisation were, as I have said already in this House, of a definitely revolutionary character and cannot be permitted.

Maulvi Muhammad Shafee Daoodi : May I take it, then, that there has been no allegation against this organisation of an unlawful character recently, say, since the beginning of this year ?

The Honourable Sir Harry Haig : It may be said not to have been in existence since 1931. At any rate, it has not had any lawful existence.

Sir Abdur Rahim : Is there any written declaration of the policy of this organisation ?

The Honourable Sir Harry Haig : I am not sure what written declarations there may or may not be, but for a considerable period of time its activities were clearly directed to violent revolution.

Mr. Gaya Prasad Singh : Are Government in a position to place all their evidence on the table of the House which would go to substantiate their allegation that this particular organisation is connected with revolutionary activities ?

The Honourable Sir Harry Haig : As I have already said, the evidence is contained very fully in these two statements, one of which consisted of three printed pages and the other of 28.

Mr. Gaya Prasad Singh : Have these statements been laid on the table of the House ?

The Honourable Sir Harry Haig : They were laid on the table of the House in 1932.

Maulvi Muhammad Shafee Daoodi : What evidence is there to connect this organisation, of which the Honourable Member has just now spoken, with the one which is a branch of the Congress organisation ? What evidence is there to connect the two ?

The Honourable Sir Harry Haig : It was at the time that it was proclaimed on account of its revolutionary activities described as a branch of the Congress organisation.

MISERIES OF INDIANS REPATRIATED FROM BRITISH GUIANA.

113. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of Government been drawn to the following public statement of Dr. Lanka Sundaram, regarding the miseries of the 500 Indians repatriated from British Guiana, Fiji, South Africa, and other places, and now living at Matia Burz Camp (Calcutta) :

> " I have examined their cooking establishments, and it is terribly distressing to confess that they are subsisting on a few handfuls of rice which they succeed in collecting from the neighbouring people." ?

(*b*) Have Government made any enquiry into this and will they please make a statement on the subject and state the action taken in the matter ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) A report has been called for from the Local Government. On receipt of it the Government of India will consider whether any action is called for.

Mr. Gaya Prasad Singh : Will that report be placed on the table of the House ?

Mr. G. S. Bajpai : I shall consider that suggestion.

Mr. Gaya Prasad Singh : Thank you.

APPOINTMENT OF INDIAN EX-CADETS OF THE INDIAN MERCANTILE MARINE TRAINING SHIP " DUFFERIN " AS LEADSMAN APPRENTICES IN THE BENGAL PILOT SERVICE.

114. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that Government received a representation from the Bengal Chamber of Commerce, protesting against the appointment of seven Indian ex-cadets of the Indian Mercantile Marine Training Ship " Dufferin ", as leadsman apprentices in the Bengal Pilot Service, and urging the continuance of the policy of appointing Europeans on the ground of efficiency ?

(*b*) What is the result of the representation ?

The Honourable Sir Joseph Bhore : (*a*) The Government of India have received a representation from the Bengal Chamber of Commerce, suggesting that the present method of recruitment to the Bengal Pilot Service should be so changed as to permit of the appointment of a certain percentage of Europeans, until such time as Government and the various interests concerned are assured, that Indianization of the Service is not likely to impair its efficiency.

(*b*) After careful consideration of the representation, the Government of India have come to the conclusion that there is no sufficient justification at present for making a change in the method of recruitment on the lines suggested by the Chamber.

PLACE OF ORIGIN ON IMPORTED GOODS.

115. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of Government been drawn to the following Resolution adopted by the Federation of the Indian Chambers of Commerce and Industry, held in Delhi, on the 31st March, 1934 :

> " The Federation draws the attention of the Government of India to the imports of foreign goods without any marks of origin, similar in form and design to corresponding swadeshi products, and urges that the lacuna in the Merchandise Marks Act be removed by a provision imposing an obligation for the country of origin being distinctly shown on all imported goods " ?

(*b*) Are Government aware that a great deal of confusion arises owing to the place of origin not being indicated on imported goods, and do Government propose to take any steps in the matter ?

The Honourable Sir Joseph Bhore : (*a*) Yes, Sir.

(*b*) Government have received representations to that effect and propose taking steps in the near future to review the existing body of commercial legislation in India. The question of the amendment of the Indian Merchandise Marks Act will be a subject of examination in that connection.

ABSENCE OF AN ENCLOSED BATHROOM FOR THIRD CLASS WOMEN PASSENGERS AT PHULERA RAILWAY STATION.

116. ***Mr. Gaya Prasad Singh** : With reference to my question No. 234 of the 25th February, 1931, regarding the absence of any enclosed bathroom for third class women passengers at Phulera Junction Station (Bombay, Baroda and Central India Railway), and the subsequent statement of Government (*vide* Railway Board's letter to me, No. 903-W., dated the 2nd April, 1931) that " the Bombay, Baroda and Central India Railway administration agree that the provision of bathing facilities at Phulera Station for third class passengers is necessary. An estimate of cost of erecting two enclosed bathrooms on the platform is, therefore, under preparation ", are Government aware that nothing has yet been done in the matter, and the grievance continues as before ? What is the estimated cost, and when is the work likely to be taken in hand ?

Mr. P. R. Rau : Enquiries are being made from the Railway Administration, and a reply will be laid on the table in due course.

DIVERSION OF TRADE FROM BOMBAY PORT TO KATHIAWAR PORTS.

117. ***Mr. Gaya Prasad Singh** : What steps have Government taken, or propose to take, in the matter of the diversion of trade from Bombay Port to Kathiawar Ports, and with what result ?

The Honourable Sir James Grigg : I would refer my Honourable friend to the reply which I gave to question No. 56.

Mr. Lalchand Navalrai : May I ask whether within the time, when the Honourable Member answers the former question and today, has he come to know that there is any diversion of trade from Karachi to Kathiawar ?

The Honourable Sir James Grigg : No, Sir ; I have not had time to get answers from Karachi yet.

LOW PLATFORMS ON CERTAIN IMPORTANT STATIONS ON THE EAST INDIAN RAILWAY.

118. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware of the considerable inconvenience of the travelling public on account of the very low platforms at such an important junction station as Kiul on the East Indian Railway ?

(*b*) Do Government propose to take steps to remedy this grievance ? If not, why not ?

Mr. P. R. Rau : (*a*) and (*b*). This suggestion has been brought to the notice of the Agent, East Indian Railway, for consideration when preparing his programme of works.

PROVISION OF A SHED OVER THE PLATFORM AT KALKA.

119. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware of the considerable hardship caused (particularly during the summer months and the rains) to the travelling public owing to the absence of a shed over the platform at such an important station as Kalka on the North Western Railway ?

(*b*) Do Government propose to take steps to remedy this ? If not, why not ?

Mr. P. R. Rau : (*a*) and (*b*). This suggestion has similarly been brought to the notice of the Agent, North Western Railway.

INSTALLATION OF FANS IN INTERMEDIATE AND THIRD CLASS CARRIAGES.

120. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware of the sufferings of the Intermediate and Third Class Railway passengers, especially during the summer, for want of electric fans ?

(*b*) If the reply to part (*a*) be in the affirmative, do Government propose to take early steps to instal them in such carriages ? If not, why not ?

Mr. P. R. Rau : The Honourable Member's attention is invited to the reply given by me to Mr. Thampan's question No. 752 on the 7th September, 1933. I may add that the question has been put down for discussion at the next meeting of the Central Advisory Council for Railways.

NON-CARRIAGE OF MAILS BY THE HOWRAH-DELHI-KALKA MAIL.

121. ***Mr. A. H. Ghuznavi** : (*a*) Is it a fact that the train described in the Railway Time Tables as the Howrah-Delhi-Kalka Mail carries no mails ? If so, are Government aware that the word "Mail" misleads the public in posting letters ?

(*b*) Do Government propose to change the name of the train from "Mail" into "Express"? If not, why not?

Mr. P. R. Rau: (*a*) I understand a mail van is run on the up train from Moghal Sarai to Kalka and on the down train from Kalka to Delhi. Government understand that there have been cases where the public has been misled by the nomenclature.

(*b*) The suggestion is being considered.

PRECLUDING THE RAISING OF A QUESTION DISCUSSED AT THE MEETING OF THE INDIAN MEDICAL COUNCIL FROM BEING RAISED WITHIN A YEAR AFTER SUCH DISCUSSION.

122. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra): (*a*) Has the attention of Government been drawn to the fact that one of the members of the Indian Medical Council, recently formed, raised a point of order at the meeting of the Indian Medical Council held on the 12th of June last with regard to Regulation 4 (1) (*b*) framed by the Governor General in Council and issued by notification on the 27th January, 1934, precluding the raising of a question which had been discussed at the meeting of the Council from being raised within a year after such discussion?

(*b*) Is it a fact that the President of the Indian Medical Council ruled that the Regulation 4 (1) (*b*), mentioned above, does not preclude such discussion?

(*c*) Are Government prepared to take any action on this matter?

(*d*) Have Government consulted their legal advisers as to the legality of the steps taken by the President at the meeting of the Indian Medical Council held on the 12th of June, 1934?

Mr. G. S. Bajpai: (*a*) Yes.

(*b*), (*c*) and (*d*). The President ruled that the motion in respect of which the point of order was raised was admissible, and, under Regulation 22 of the Regulations referred to by the Honourable Member, he was competent to do so and his decision is final.

FORMATION OF THE EXECUTIVE COMMITTEE OF THE INDIAN MEDICAL COUNCIL.

123. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra): (*a*) Are Government aware that the Indian Medical Council Act (Act XXVII of 1933) has a provision under section 18 of the Act that "the Council may with the previous sanction of the Governor General in Council make regulations for the *mode of appointment* of the Executive Committee"?

(*b*) Is it a fact that an executive committee was appointed by the Council at its meeting held on the 9th and 10th of March, 1934?

(*c*) Is it a fact that at the time of such appointment no regulation indicating the mode of appointment of the executive committee as contemplated under section 18 of the Act was framed either by the Indian Medical Council or by the Governor General in Council?

(*d*) Have Government taken the opinion of their legal advisers on the point whether the formation of the executive committee

before the regulations for its mode of formation had been framed, is in order ?

(*e*) Have Government taken the opinion of their legal advisers as to whether any action taken by such an executive committee regarding the appointment of Inspectors, etc., could be challenged by any person affected by such order ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The Committee was appointed by the Council at its meeting held on the 9th March, 1934.

(*c*) Yes.

(*d*) Under sub-section (*2*) of section 18 of the Act, a regulation in this behalf might have been made by the Governor General in Council but, in fact, was not made. When the Council proceeded to appoint the Executive Committee no regulation on the subject of the making of appointments to the Executive Committee was in force. The Council, in deciding to proceed in a particular manner, was not framing a regulation under section 18, which is subject to the previous sanction prescribed by the law, but were taking an *ad hoc* decision as to their mode of procedure in the absence of a regulation. It was open to the Council, in the exercise of its power, to constitute an Executive Committee and, in the absence of a regulation, to take the action which it took in appointing the Committee in a particular manner.

(*e*) Does not arise.

PROPOSAL TO EXCLUDE THE SECRETARY OF THE INDIAN MEDICAL COUNCIL FROM ACTING AS AN INSPECTOR.

124. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : Will Government be pleased to state whether it is a fact :

(*a*) that a member of the Indian Medical Council had proposed the exclusion of the Secretary, appointed by the Governor General in Council, from acting as an Inspector in March last at the meeting held on the 12th June, 1934 ; and

(*b*) that the members of the Medical Council in the service of Government had been approached, before the meeting held on June 12, by officials to delete their former resolutions passed at the meeting of the 10th March on the same subject ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The regulation framed by the Council on the subject referred to in (*a*) was subject to the previous sanction of the Governor General in Council under sub-section (*1*) of section 18 of the Indian Medical Council Act, 1933. The Council met on the 12th June to consider the request of Government that this particular regulation be reconsidered. The Government have no reason to assume that, in deciding this matter, members of the Council, whether officials or non-officials, did not give their verdict in favour of what they considered to be the right course.

Mr. Lalchand Navalrai : May I know from the Honourable Member what were the reasons for the member who recommended the exclusion of the Secretary as is mentioned in part (*a*) ?

Mr. G. S. Bajpai : I suggest that it be addressed to the member who suggested the exclusion of the Secretary.

Mr. Lalchand Navalrai : Were no reasons given which have come to the notice of the Government ?

Mr. G. S. Bajpai : What came to the notice of the Government was that the Council by a majority had framed a regulation to the effect that the Secretary should be excluded from the inspectorate. The reasons were not there.

Mr. B. Das : Is it not a fact that all the non-official members of the Executive Committee of the Medical Council say that they were against the appointment of the Secretary as Inspector ?

Mr. G. S. Bajpai : That is not so.

Mr. D. K. Lahiri Chaudhury : What is the general custom in the British Medical Council ?

Mr. G. S. Bajpai : I want notice. I cannot say what the custom is in England.

Dr. Ziauddin Ahmad : Is it not a fact that, while discussing the Medical Council Bill, it was emphasized that none of the members of the Inspection Committee should be a person engaged in teaching in any University and there was no mention about the Secretary there at all ?

Mr. G. S. Bajpai : If my Honourable friend wishes to suggest that at no stage in the course of the discussion it was said that the Secretary shall not be an Inspector, then I agree with him.

Dr. Ziauddin Ahmad : What I meant was that a person engaged in teaching should not be a member of the inspectorate.

Mr. G. S. Bajpai : The position according to my recollection is that any one actually engaged in teaching shall not be an Inspector for the purpose of inspecting the college where he teaches.

Mr. Vidya Sagar Pandya : What was the proportion of those who were for and against the appointment of the Secretary as an Inspector ?

Mr. G. S. Bajpai : The position is that in March there was a majority in favour of exclusion, and in June there was a majority in favour of inclusion, and I cannot exactly state the mathematical proportion between those for and against.

Mr. Vidya Sagar Pandya : What was the reason for revising the opinion later on ?

Mr. G. S. Bajpai : I have already stated that the Governor General in Council, to whose approval the regulation is subject, asked the Council to reconsider the decision.

Mr. D. K. Lahiri Chaudhury : Can they alter a decision taken in the same year ?

Mr. G. S. Bajpai : I have already answered the question. Not in regard to this particular matter, but in regard to another matter that was raised, the President of the Council, whose decision in regard to questions of interpretation of the regulation is final, decided that the point could be taken into consideration by the Council.

Mr. D. K. Lahiri Chaudhury : Did the Government consult their legal authority on the matter ?

Mr. G. S. Bajpai : My Honourable friend may rest assured that Government do not authorise anybody to give an answer without taking all the advice that is necessary.

Mr. Lalchand Navalrai : Was there any rule or regulation allowing the Secretary to be included instead of being excluded ?

Mr. G. S. Bajpai : I do not follow what the Honourable Member means by " rule ".

Mr. Lalchand Navalrai : Rule is a rule, and any dictionary will give the meaning. What I mean to say is, if there was any provision to allow the Secretary to be included instead of being excluded from the Council ?

Mr. G. S. Bajpai : I shall gladly follow my Honourable friend's advice to study the dictionary. In this particular case, the point is that there is no rule made in regard to the Secretary by the Government. A regulation was made by the Council itself excluding the Secretary. That regulation was subject to the previous approval of the Governor General in Council and previous approval of the Governor General in Council to the original regulation excluding the Secretary was not forthcoming.

Mr. B. Das : May I enquire if in the Select Committee the Government representatives did not give an assurance that the Secretary should not be an Inspector ?

Mr. G. S. Bajpai : No, Sir.

Mr. B. Das : Has not a statement been made in the Press and have Government contradicted it ?

Mr. G. S. Bajpai : I do not remember to have seen any statement in the Press to the effect that Government had given an assurance that the Secretary shall not be an Inspector. Any how, if such a statement has been made and has escaped my notice, I hope that the contradiction which I have now given will receive due publicity.

Mr. Vidya Sagar Pandya : Was due notice given, for the subsequent change, in the agenda ? Was the subject sprung upon the Council subsequently and the alteration made ?

Mr. G. S. Bajpai : No, Sir. The subject was not sprung upon the Council. The items of the agenda were circulated to the Council in due time.

FORMAL COMPROMISE AGREED TO AT AN INFORMAL MEETING OF THE MEMBERS OF THE INDIAN MEDICAL COUNCIL.

125. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (*a*) Will Government be pleased to state whether they are aware that at an informal meeting of the members of the Medical Council with the House a compromise was agreed to but was subsequently rejected ?

(*b*) Will Government be pleased to state the reason why such a compromise was not given effect to ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) Does not arise.

APPOINTMENT OF THE SECRETARY OF THE INDIAN MEDICAL COUNCIL.

126. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (*a*) Is it a fact that Mr. Macrae, the Secretary of the Indian Medical Council, was appointed on the recommendation of Sir Norman Walker, the President of the British General Medical Council in England ?

(*b*) Is it a fact that the provisions of the Indian Medical Council Act contemplate the appointment of a Secretary who could also act as the Treasurer ?

(*c*) Is it a fact that there is no provision in the Act for the appointment of the Secretary as one of the Inspectors ?

Mr. G. S. Bajpai : (*a*) No. The initiative in Mr. Macrae's appointment was taken by the Government of India who acted in the usual way through the High Commissioner for India. The High Commissioner reported that Mr. Macrae was exceptionally qualified for the post of Secretary.

(*b*) Section 9 (*1*) (*c*) of the Act empowers the Council to appoint a Secretary who may also, if deemed expedient, act as Treasurer.

(*c*) There is no provision in the Act prohibiting the appointment of the Secretary as one of the Inspectors.

Mr. Gaya Prasad Singh : Was this gentleman formerly connected with the British Medical Council ?

Mr. G. S. Bajpai : He was, I understand, one of the Inspectors on behalf of the General Medical Council of Great Britain.

Dr. Ziauddin Ahmad : Is it not a qualification ?

Mr. G. S. Bajpai : Government certainly think so.

RETRENCHMENT IN THE ARMY HEADQUARTERS.

127. *Mr. Bhuput Sing (on behalf of Mr. S. C. Mitra) : (*a*) With reference to the following clause at page 39 of the pamphlet entitled *Some Facts and Figures about Indian Defence, 1933-34*, issued by the Army Department :

> " On the one hand, without any relaxation of financial control—and the Retrenchment Committee were satisfied after full enquiry that the contract system involved no such relaxation—the financial authorities have found it possible on this account to make considerable reductions in their own staff ; and the decrease of work thereby secured has contributed towards *such reductions in the Staff of Army Headquarters as have been found possible in the last few years*..... ",

will Government please state (*i*) the number of King's commissioned officers employed in each of the following Branches of Army Headquarters before the inquiry of the late retrenchment committee, and (*ii*) the number of such officers in employment there on the 1st of June, 1934 :

General Staff Branch,

Adjutant General's Branch,

Q. M. G.'s Branch, and

M. G. O.'s Branch ?

(*b*) Will Government please state whether before writing the pamphlet mentioned at part (*a*) above, steps were taken to ensure that all unnecessary officers' posts were abolished at Army Headquarters ?

(*c*) Will Government please state which posts of officers in Army Headquarters were abolished as a retrenchment measure, and have since been revived ?

Lieut.-Colonel A. F. R. Lumby : (*a*)—

(*i*)	General Staff Branch	44
	Adjutant General's Branch	32
	Quartermaster General's Branch ..	31
	Master General of the Ordnance Branch ..	30
(*ii*)	General Staff Branch	40
	Adjutant General's Branch	28
	Quartermaster General's Branch ..	27
	Master General of Ordnance Branch ..	27

The total reduction is 15 officers.

(*b*) Unnecessary appointments did not, and do not, exist. The decrease of work referred to in the extract quoted by the Honourable Member enabled some appointments to be dispensed with, while others were reduced owing to the urgent need for economy and their duties distributed between the holders of other appointments.

(*c*) One first grade staff appointment, in the Adjutant General's Branch, has been revived and another simultaneously abolished.

One third grade staff appointment, in the General Staff Branch, has been revived, but without causing any extra expense owing to economies effected elsewhere.

In addition, the Signal Officer in Chief, whose headquarters were moved from Army Headquarters to Jubbulpore, has been brought back for administrative reasons to Army Headquarters without replacement in the latter place.

Mr. Lalchand Navalrai : May I know how many of these 15 officers, who have been reduced, are Indians and how many Europeans ?

Lieut.-Colonel A. F. R. Lumby : I think they all must have been British.

SANCTION OF THE POSTS OF AN OFFICER SUPERVISOR AND FIVE TECHNICAL MILITARY CLERKS FOR THE MASTER GENERAL OF THE ORDNANCE BRANCH.

128. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (*a*) Is it a fact that an extra post of officer supervisor and five technical military clerks have been recently sanctioned for the M. G. O. Branch ? If so, for what work and for what period has this additional staff been allowed ?

(*b*) Will Government please state the cost of this extra staff ?

Lieut.-Colonel A. F. R. Lumby : (*a*) One temporary appointment of Officer Supervisor has been sanctioned, for a period of six months, in

the first instance, and three, *not* five appointments of Technical Military Clerks have been sanctioned, two for four years and one for two years. This staff is for the revision of Equipment Regulations, India, and the preparation of a combined indent and ledger form for annual allowances of units. The Honourable Member, in whose name this question is down on the paper, will remember that the Military Accounts Committee recently enquired about this revision the necessity for which was brought to notice by the Military Accountant General in his audit certificate.

(*b*) The cost of the Officer Supervisor will be Rs. 3,250 and that of the three Technical Clerks approximately Rs. 14,040 per annum.

HOLDING OF A COLONEL'S COMMAND BY A MAJOR-GENERAL.

129. ***Mr. Bhuput Sing** (on behalf of Mr. S. C. Mitra) : (*a*) Will Government please state the number of posts which are tenable by general officers of the Indian Army, and the number of general officers (other than Medical) who are maintained on the Active List ?

(*b*) Is it a fact that two Major-Generals of the Indian Army are in command of Brigades which are Colonel's appointments ? If so, is there any precedent for this in the British Army, *i.e.*, a Major-General holding a Colonel's command ?

(*c*) Is it a fact that the state of affairs stated at part (*b*) above is due to an overflow in the cadre of general officers of the Indian Army ?

Lieut.-Colonel A. F. R. Lumby : (*a*) The number of appointments tenable by General Officers of the Indian Army varies between 22 and 23. The sanctioned establishment is 25.

(*b*) Two Major-Generals of the Indian Army are commanding Brigades at present. One of them has only recently been promoted to that rank and will vacate his command on the 4th August, 1934, in accordance with the rule under which an officer is only permitted to continue for three months in the appointment he is holding at the time of notification of his promotion to the rank of Major-General. A similar rule prevails in the British Army. The other is holding one of the three appointments of Brigade Commander in which His Excellency the Commander-in-Chief is authorised, for administrative reasons special to India, to employ a Major-General.

(*c*) No. The small surplus of the authorised establishment of General Officers of the Indian Army over the actual appointments available for them is designed to provide a margin for selection and to make available officers of appropriate rank to officiate in long leave vacancies in the higher Command and Staff appointments.

DUTIES OF THE ASSISTANT MASTER GENERAL OF ORDNANCE.

130. ***Mr. Uppi Saheb Bahadur** : (*a*) Is it a fact that in the M. G. O. Branch at Army Headquarters, the incumbent of the post called Assistant Master General of Ordnance, costing about 25,000 rupees per annum, which is classed as a first grade staff appointment, has no regular duties to discharge ?

(*b*) Is it a fact that some duties which had hitherto been performed by the officer supervisor of the Branch, have been transferred to the

Assistant Master-General of Ordnance ? If so, will Government please state the duties so transferred ?

(*c*) Is it a fact that the Assistant Master General of Ordnance is also responsible for the following duties :

Writing office orders ; reading files released by the M. G. O. ; arranging clerical and menial personnel for the Branch Camp Office at Delhi ; visiting the Imperial Bank for cashing office cheques ; dealing with papers of the Simla Gymkhana Club while in office ?

(*d*) Will Government please state the names of the posts in the G. S., A. G. and Q. M. G. Branches to which identical duties pertaining to those branches are assigned ?

(*e*) Are Government aware of the prevailing feeling that the duties enumerated above could be easily performed by a clerk drawing pay not more than Rs. 100 per mensem ? If so, are Government prepared to abolish the expensive post of Assistant Master General of Ordnance at the earliest possible moment and relieve the tax-payer of this unnecessary burden ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (*a*) No.

(*b*), (*c*) and (*d*). The duties of the Assistant Master General of Ordnance are concerned primarily with co-ordination of matters affecting policy, including those relating to mobilisation and preparation for war, in so far as they relate to the Master General of the Ordnance Branch. For reasons of administrative convenience, certain duties formerly performed by an Officer Supervisor have been transferred to the Assistant Master General of Ordnance, but these comprise an insignificant part of his work. In the course of his duties he naturally has, like officers of all Branches at Army Headquarters, to read the files which come to him, but otherwise it is ordinarily no part of his duties to concern himself with any of the matters included in the Honourable Member's list.

(*e*) No. The other questions consequently do not arise.

APPOINTMENT OF ASSISTANT MASTER GENERAL OF ORDNANCE.

131. ***Mr. Uppi Saheb Bahadur** : Will Government please state whether the appointment of Assistant Master General of Ordnance exists on the staff of the War Office ?

Lieut.-Colonel A. F. R. Lumby : No ; the first grade appointment held by the officer of the Master General of Ordnance Department of the War Office who is responsible for the duties corresponding to those performed at Army Headquarters by the Assistant Master General of Ordnance carries a different designation.

COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

132. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to furnish a statement showing (*i*) the number of Bihari Hindus, domiciled Bengalis, Muslims and others in the various gazetted and non-gazetted posts of the Bihar and Orissa Income-tax Department as it

stood on the 1st April, 1931, and (*ii*) the number of Bihari Hindus, domiciled Bengalis, Muslims and others recruited for appointment after 1st April, 1931, up-to-date ?

(*b*) Will Government please further state whether it is a fact that two new appointments of clerks have just been made in the Income-tax Department, Bihar and Orissa, and whether one vacancy was filled by a Hindu and the other by a Bengalee and none by a Muslim ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government please state why the claims of the Muslims have been ignored ?

The Honourable Sir James Grigg : With your permission, Sir, I propose to answer questions Nos. 132, 133, 135, 138 and 139 together. The information is being obtained and will be laid on the table in due course.

OVER-REPRESENTATION OF DOMICILED BENGALIS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

†133. ***Mr. M. Maswood Ahmad** : Is it a fact that the domiciled Bengalis are over-represented in all grades of Bihar and Orissa Income-tax Service ? If not, what is their exact proportion ?

APPOINTMENT OF OFFICERS IN THE INCOME-TAX DEPARTMENT.

134. ***Mr. M. Maswood Ahmad** : Is it not a fact that the appointments of all officers below the rank of Commissioner of Income-tax are made on a provincial basis ?

The Honourable Sir James Grigg : The answer is in the affirmative as regards officers appointed by Commissioners of Income-tax under section 5 (*4*) of the Income-tax Act.

PREPONDERANCE OF ONE COMMUNITY IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

†135. ***Mr. M. Maswood Ahmad** : Is it not a fact that the Government of India attach importance to the observance of their instructions regarding the necessity of securing that members of no community should have undue preponderance in the public services ? If so, will Government please state why no steps have been taken to avoid the preponderance of one community in the Income-tax Service, Bihar and Orissa ?

APPOINTMENTS, PROMOTIONS, TRANSFERS, ETC., IN THE INCOME-TAX DEPARTMENT.

136. ***Mr. M. Maswood Ahmad** : Have Government any control in the matters of appointments, departmental promotions, transfers, etc., in the Income-tax Department, and do Government periodically review the orders of Commissioners in these matters ?

The Honourable Sir James Grigg : Under section 5 (*1*) of the Income-tax Act, Assistant Commissioners and Income-tax Officers are appointed by Commissioners of Income-tax subject to the control of Government, and to this extent, appointments and promotions to these posts are

†For answer to this question, *see* answer to question No. 132.

under their control. As regards transfers, they are ordered by the Commissioner of Income-tax concerned and Government do not exercise any control over them. The answer to the last part of the question is in the negative.

APPOINTMENT OF A MUSLIM AS AN ASSISTANT COMMISSIONER OF INCOME-TAX IN BIHAR AND ORISSA.

137. *Mr. M. Maswood Ahmad : (*a*) Has the attention of Government been drawn to the glaring fact that there is not a single Muslim Assistant Income-tax Commissioner in Bihar and Orissa, and that there is no likelihood of any Muslim becoming one for at least another 25 years, in view of the cadre of the Income-tax Officers being composed of young men recruited during the course of a few years ?

(*b*) If the answer to part (*a*) be in the affirmative, what steps do Government propose to take in order to remove the grievance of the Muslims ?

(*c*) Are Government, with a view to adjusting the communal inequality, prepared to transfer one of the two Assistant Income-tax Commissioners to other Provinces and secure in his place the services of a Muslim officer ? If not, why not ?

The Honourable Sir James Grigg : (*a*) It is the case that neither of the two Assistant Commissioners of Income-tax in Bihar and Orissa is a Muslim and that the prospects of a Muslim being promoted to one of these posts, in the near future, are not bright.

(*b*) But I am afraid that there are no steps that the Government could usefully take in the matter.

(*c*) Assistant Commissioners are not liable to transfer from one Province to another and it would be in the interests neither of the Department nor of the Muslims of British India as a whole that they should be made so.

TRANSFERS OF ASSISTANT COMMISSIONERS OF INCOME-TAX.

†138. *Mr. M. Maswood Ahmad : Is it a fact that the Income-tax Assistant Commissioners are not transferred from one circle to another and are left in charge of one Circle for almost the whole of their lives unless they get a lift or otherwise quit the service of Government ? If so, why ?

GRIEVANCES OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

†139. *Mr. M. Maswood Ahmad : (*a*) Has the attention of Government been drawn to the series of articles published in the *Searchlight*, Patna, about the Income-tax Department of Bihar and Orissa ?

(*b*) Have Government, or the Commissioner of Income-tax, or his Assistants, or any other officer of Government, ever examined the reasons which are creating dissatisfaction and discontent among the staff and among the inhabitants of Bihar and Orissa about the Income-tax Department and about the appointments made in that department ?

†For answer to this question, *see* answer to question No. 132.

(*c*) Do Government propose to ask the Commissioner of Income-tax Department to receive suggestions from the representatives of the people to examine the grievances mentioned by them and to try to remove their legitimate grievances ?

INSANITARY CONDITION OF THE LAND SITUATED OUTSIDE TURKMAN GATE, DELHI.

140. *Kunwar Hajee Ismail Ali Khan : With reference to my starred question No. 1245, dated the 1st December, 1933, will Government kindly state :

(*i*) when the land situated outside Turkman Gate, Delhi, was transferred to New Delhi Municipal Committee and on what terms ; and

(*ii*) how long it will take to remove dumping rubbish from outside the Turkman Gate and improve the vicinity in general ?

Mr. G. S. Bajpai : (*i*) The boundaries of the Municipalities of Delhi and New Delhi have not yet been revised so as to include this area within the jurisdiction of the New Delhi Municipal Committee.

(*ii*) The land is Government nazul land, and work has already commenced on clearing and levelling the area with a view to converting it into a park. It is hoped to complete the process of levelling in about two months' time, and steps to complete the lay out, and plant the area with grass, will be taken in due course.

FARMANS, ETC., OF THE MOGHAL EMPERORS RELATING TO THE GRANT OF LANDS TAKEN BY THE BRITISH GOVERNMENT.

141. *Sir Muhammad Yakub : Will Government be pleased to state where the records of the Moghal Emperors, including the Farmans relating to the grant of lands, were taken by the British after the deposition of the last Moghal Emperor ? Are these documents open to public and can copies of the same be obtained ? If not, why not ?

Mr. G. S. Bajpai : With your permission, Sir, I shall reply to questions Nos. 141 and 142 together. Enquiries are being made and the information will be laid on the table of the House in due course.

RECORDS OF GRANTS OF VILLAGES MADE BY THE MOGHAL EMPERORS TO THE SYEDS OF AMROHA IN THE MORADABAD DISTRICT.

†142. *Sir Muhammad Yakub : Will Government be pleased to state if they have got any record of the *Moafi* (Revenue free) grants of villages made by the Moghal Emperors to the Syeds of Amroha in Moradabad District ? If so, will copies of these documents be available to the Syeds of Amroha ?

CONTROL OF MONEY-LENDING AND RATES OF INTEREST.

143. *Sir Muhammad Yakub : (*a*) Are Government aware that I moved a resolution in this House on the 17th September, 1931, regarding

†For answer to this question, *see* answer to question No. 141.

the control of money-lending and rates of interest, and that replying on behalf of Government, Sir James Crerar, the then Home Member, said :

"I should like to assure the Honourable Member that we shall press this upon the attention of the Local Governments as a matter requiring very prompt consideration" ?

(*b*) Will Government be pleased to state what action was then taken by the Local Governments in this connection ?

(*c*) Has any law on the subject been passed by any Local Government in India ? If not, are Government prepared to press upon the Local Governments the necessity of taking prompt action in the matter ?

The Honourable Sir Harry Haig : (*a*) Yes.

(*b*) and (*c*). Acts have been passed in Bengal, Central Provinces and Assam, limiting the rates of interest. In Madras, Bombay, the United Provinces and the Punjab, Bills dealing with the subject have been introduced either by Government or non-officials. The matter was also discussed at the Provincial Economic Conference held at Delhi in April last, and I would invite the Honourable Member's attention to paragraph 5 of the Finance Department Resolution No. F.-16 (1)-F.|34, dated the 5th May, 1934 (published in the Gazette of India of the same date), from which it will be seen that the general view of the Conference was that the diversity of the conditions of the agricultural classes in India was so great, both in respect of land tenures and general economic status, that any legislative measures to afford relief must be primarily provincial. It will also be seen from the Resolution referred to that Local Governments are fully alive to the necessity of taking steps to meet the situation. I shall, however, forward a copy of the question and this answer to them.

Maulvi Muhammad Shafee Daoodi : Have the Government of Bihar and Orissa done anything in that direction ?

The Honourable Sir Harry Haig : I do not think any action has been taken so far in Bihar and Orissa, as far as I remember.

Maulvi Muhammad Shafee Daoodi : May I know whether they said anything in the last Economic Conference as to whether they were going to take any steps in that direction ?

The Honourable Sir Harry Haig : I am afraid I shall have to ask for notice of that question.

Mr. Gaya Prasad Singh : Should not this question be left to the Local Governments and their local Legislative Councils ?

The Honourable Sir Harry Haig : That, Sir, undoubtedly was the feeling in the Provincial Economic Conference.

Dr. Ziauddin Ahmad : Will Government be pleased to circulate the proceedings of the Economic Conference among the Members of the Legislature ?

The Honourable Sir Harry Haig : I think, Sir, it is a document of which the Finance Department is in charge, and perhaps my Honourable colleague would consider the suggestion.

PROVISION OF A BATH ROOM IN THE FIRST AND SECOND CLASS WAITING ROOM AT BAREILLY JUNCTION, ROHILKUND AND KUMAON RAILWAY.

144. *Kunwar Hajee Ismail Ali Khan : (*a*) Are Government aware that there is no bathing place in the First and Second Class Waiting Room at the Bareilly Junction Station of the Rohilkund-Kumaon Railway?

(*b*) If the answer to part (*a*) be in the affirmative, do Government propose to remove the inconvenience of the First and Second Class passengers by providing a separate bath-room for bathing purposes ?

Mr. P. R. Rau : Government have no information, but I have sent a copy of the question to the Agent of the Rohilkund and Kumaon Railway for such action as he may consider necessary.

EXPIRY OF THE TERM OF AGREEMENT OF THE DEHRA DUN HARDWAR RAILWAY.

145. *Kunwar Hajee Ismail Ali Khan : (*a*) Will Government please state when the term of the agreement of Dehra-Dun Hardwar Company-managed Railway will expire ?

(*b*) Was there any condition made with the Company to construct a Rope Aerial Railway for carrying the goods to Mussoorie Hills ?

(*c*) If the answer to part (*b*) be in the affirmative, will Government kindly inform this House what action so far has been taken by the Company to construct the Rope Aerial Railway for Mussoorie ?

Mr. P. R. Rau : (*a*) 31st December, 1939, or, if not terminated then, at intervals of 10 years thereafter.

(*b*) There is no such provision in the contract entered into with the Company.

(*c*) Does not arise.

PILGRIMS TO HEDJAZ FROM EACH PROVINCE OF INDIA.

146. *Kunwar Hajee Ismail Ali Khan : (*a*) What was the total number of pilgrims to Hedjaz from each Province of India during the last Haj season ?

(*b*) How many of them died abroad and how many returned to India ?

Mr. G. S. Bajpai : (*a*) and (*b*). The information is not at present available. It will be laid on the table of the House, when received.

PILGRIMS TO HEDJAZ BY OVERLAND ROUTE BY MOTOR LORRIES.

147. *Kunwar Hajee Ismail Ali Khan : (*a*) Is it a fact that a large number of pilgrims to Hedjaz went from India by overland route by motor lorries ?

(*b*) Have they performed the Haj safely and have they returned to India without any trouble ?

(*c*) What was the number of those pilgrims who went by motor lorries ?

(*d*) Who conducted the tour for them, and at what cost ?

Mr. H. A. F. Metcalfe : (*a*) and (*c*). The number of pilgrims who went by this route is reported to be thirty-five.

(*b*) The pilgrims arrived in Mecca two or three days too late for the pilgrimage having lost their way at least once. Out of 35 pilgrims who went by this route, 18 returned by lorry, 6 remained in the Hedjaz and 11 arranged to return to India by sea.

(*d*) The Muslim Trading Corporation, Limited, Daryaganj, Delhi. It is reported that the charge for the journey from Delhi to Mecca and back was fixed at Rs. 500 per head.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN ZANZIBAR.

148. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the Government of Zanzibar have passed, or are about to pass, two Bills which are calculated to prevent Indians from acquiring land, and which deprive them of their ancestral rights of dealing in the only important local industry there, *viz.*, cloves ?

(*b*) Are Government aware that there are about fifteen thousand Indians in that territory, and that they have invested about eight million rupees as capital in business ?

(*c*) What steps have Government taken in the matter to safeguard the rights of Indians ?

Mr. G. S. Bajpai : (*a*), (*b*) and (*c*). The Honourable Member is presumably referring to recent legislation in Zanzibar regarding which telegraphic representations have been received by the Government of India from the Indian National Association of Zanzibar and also from certain public bodies in this country. The Government of India had no previous notice that such legislation was before the Zanzibar Legislative Council, nor were the texts of the various decrees before them when the first representations were received. Government could, therefore, only suggest postponement of legislation. This request was not successful. The text of five of these decrees, as published in the Zanzibar Gazette, has recently become available, and certain representations have already been made to the Secretary of State. On receipt of the detailed comments of the Indian community in Zanzibar on the measures, further representations will be made, if necessary. I can give the Honourable Member the assurance that the Government of India will do whatever lies in their power to safeguard legitimate Indian interests in Zanzibar.

Mr. Lalchand Navalrai : May I know if up to this time Indians in Zanzibar have acquired land or was there any restriction in acquiring it ?

Mr. G. S. Bajpai : Until these decrees were passed, transfers of land between the Arabs and the natives on the one hand and Indians on the other were not subject to any restriction or regulation. The recent decree on the subject makes such transfers subject to the previous approval of the Resident of Zanzibar.

Mr. Lalchand Navalrai : May I take it that in fact they do possess land ?

Mr. G. S. Bajpai : Certainly, Sir.

Mr. B. Das : Had Government appointed a Trade Commissioner at Mombassa, would it not have been easy for Government to get information in right time and take adequate steps ?

Mr. G. S. Bajpai : That, Sir, is a hypothetical question as to what would have happened if something else had happened.

Mr. B. Das : May I ask the Leader of the House what are the causes of the delay in the appointment of the Trade Commissioner at Mombassa which was settled four or five years ago ?

The Honourable Sir Joseph Bhore : Does that arise out of this question, Sir ?

FORCIBLE ABDUCTION OF ONE SRIMATI GORI FROM DHAN JOLANGRA IN MALKAND AGENCY.

149. *Mr. **Gaya Prasad Singh** : Is it a fact that a lady, named Srimati Gori, wife of Lala Dina Nath of Mardan, was forcibly abducted from Dhan Jolangra, in Malkand Agency ? Will Government kindly make a statement of the case, and state the steps taken to prevent recurrence of such outrages ?

Mr. H. A. F. Metcalfe : Information is being obtained from the Local Government and will be given to the House as soon as it is received.

Pandit Satyendra Nath Sen : Are Government aware that cases of abduction have become very frequent during the last few years ?

Mr. H. A. F. Metcalfe : I gather from the Press that there have been a certain number of cases of abduction in British India, but I do not think that arises out of this question which refers to tribal area.

Mr. Lalchand Navalrai : Have Government ever inquired into the causes of these abductions now-a-days ?

TURKISH SOLDIERS IMPRISONED IN INDIA.

150. *Mr. **Gaya Prasad Singh** : Is it a fact that about 1,000 Turkish soldiers and others are still imprisoned in India ever since the repatriation of Turkish prisoners on the cessation of hostilities in 1919 ? If so, under what circumstances have such Turkish prisoners continued to be kept in India, and what is being done to repatriate them ?

Lieut.-Colonel A. F. R. Lumby : The answer to the first question is in the negative and therefore the other questions do not arise.

FRESH EXPEDITIONARY PARTY FROM ENGLAND FOR THE "CONQUEST" OF MOUNT EVEREST.

151. *Mr. **Gaya Prasad Singh** : (*a*) Is it intended to bring out a fresh expeditionary party from England for the "conquest" of Mount Everest ? If so, have the Governments of Tibet and Nepal been consulted, or will their agreement be obtained ?

(*b*) Have Government given their sanction ?

(*c*) Is it a fact that an Indian party, with the same object, was refused permission by Government ? If so, why ?

Mr. H. A. F. Metcalfe : (*a*) There is no such proposal at present.

(*b*) Does not arise.

(*c*) If the Honourable Member is referring to the proposed expedition by an Indian Club to the neighbourhood of Mount Kailas in Tibet, he is referred to the answer given to his starred question No. 91.

RELEASE OF KHAN ABDUL GHAFFAR KHAN.

152. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that Khan Abdul Ghaffar Khan, has lost weight in Hazaribagh Jail on account of his being provided with an unsuitable cook ?

(*b*) How much has he lost in weight ?

(*c*) Do Government propose to release him ?

The Honourable Sir Harry Haig : (*a*) and (*b*). Khan Abdul Ghaffar Khan has lost 21 pounds in weight since his incarceration in December, 1931 ; but this is not attributed to any unsuitable cooking of his food. The medical reports show that he has kept and is keeping good health.

(*c*) I would refer the Honourable Member to the answer given by me to Mr. M. Masweod Ahmad's question No. 701 on the 6th September, 1933.

Mr. Gaya Prasad Singh : Do I understand Government to say that there has been no change in the policy of Government with regard to the release of Khan Abdul Ghaffar Khan since that answer was given last year ?

The Honourable Sir Harry Haig : Yes, Sir ; the answer given was that he will be released when Government are satisfied that his detention is no longer essential in the public interest.

Mr. Gaya Prasad Singh : How long will it take Government to be satisfied on this point ?

The Honourable Sir Harry Haig : That depends on conditions generally. But I must make it clear that the Government of the North-West Frontier Province, in view of the activities of Khan Abdul Ghaffar Khan when he was at liberty, cannot at present foresee the time when it will be safe to allow him to return to the Province.

Mr. Gaya Prasad Singh : Then do I understand Government to say that the Local Government of the North-West Frontier Province are at present opposed to the release of this gentleman ?

The Honourable Sir Harry Haig : Yes, Sir, the Honourable Member may certainly assume that.

Maulvi Muhammad Shafee Daoodi : Is it a fact that Khan Abdul Ghaffar Khan was convicted of an offence committed in prosecution of the Civil Disobedience Movement and not on account of any crime involving violence ?

The Honourable Sir Harry Haig : He is held at present not as a result of any conviction, but under Regulation III, and he is so held in respect of activities which very definitely included incitements to violence.

Mr. Lalchand Navalrai : Will the Honourable Member please say if Government are prepared, until he is released, to take care that he does not lose weight ?

The Honourable Sir Harry Haig : Weight, Sir, is not the only consideration in keeping good health. (Laughter.)

Maulvi Sayyid Murtuza Saheb Bahadur : Is it not a fact that, under the leadership of Khan Abdul Ghaffar Khan, the Pathan people proved true to the creed of non-violence, and, if that is a fact, does it not follow that he richly deserves release ?

The Honourable Sir Harry Haig : No, Sir ; I must differ entirely from my Honourable friend. They were not at all true to the creed of non-violence, and various very violent acts were committed.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 819, asked by Mr. S. C. Mitra on the 21st April, 1934.

CORRESPONDENCE WITH HIS RELATIONS OF MR. SATIN SEN, A STATE PRISONER IN THE CAMPBELLPUR JAIL.

(*a*) and (*b*). Mr. Satin Sen is allowed correspondence according to the ordinary rules in force, but he himself appears to be reluctant to correspond with his relatives.

(*c*) No application for an interview has been received by the Jail Superintendent from his brother.

Information promised in reply to part (b) of starred question No. 297 asked by Mr. Muhammad Anwar-ul-Azim on the 26th February, 1934.

DESPATCH OF BOOKS TO OVERSEAS STATIONS BY THE CENTRAL PUBLICATION BRANCH.

The expenditure incurred during the eight months from the 1st June, 1933, to the 31st January, 1934, on account of the freight and other incidental charges in sending consignments of books from the Delhi office of the Central Publication Branch to the office of the Deputy Controller, Stationery, Calcutta, was Rs. 1,384.

Information promised in reply to Mr. S. G. Jog's unstarred question No. 308 asked on the 4th April, 1934.

PROMOTION TO THE POST OF INSPECTOR IN THE DELHI HEAD POST OFFICE.

(*a*) Yes.

(*b*) No.

(*c*) The posts of Town Inspectors on conversion from the selection-grade rate of pay to the time-scale rate of pay are filled by selection from amongst the ordinary time-scale clerks belonging to the respective first-class head post office group. The passing of the Lower Selection Grade or Accountants Examination or the possession of degrees in Science or Law are not prescribed qualifications

for appointment to the post of Town Inspectors. No question of supersession arises as Town Inspectors continue to retain their position in the seniority list of time-scale clerks.

(*d*) No. I may add that in making appointments of the kind no question of communal representation arises.

(*e*) Some officials appealed to the Postmaster-General, Punjab, who rejected the appeals for the reason mentioned by the Honourable Member. All such appellants were senior to the clerks against whose appointment as Town Inspectors they appealed. Even though such appellants were senior in the gradation list it does not follow that they were necessarily better experienced or better qualified for the appointments in question. The first-class postmaster is the proper judge of the suitability of any official for the appointment.

(*f*) Government have no information nor do they propose to collect it, as they understand that the posts of Town Inspectors in the ordinary time-scale of pay are being filled in accordance with the orders issued by them in 1933.

(*g*) Does not arise in view of the replies to parts (*e*), (*d*) and (*f*) above.

Information promised in reply to unstarred question No. 291 asked by Mr. Sitakanta Mahapatra on the 3rd April, 1934.

REALISATION OF INCOME-TAX DEMANDS BY CERTIFICATES OR DISTRESS WARRANTS IN ORISSA.

Figures pertaining to years prior to 1930-31 are not available. Those for the years 1930-31, 1931-32 and 1932-33 are embodied in the following two statements (A) and (B) :

Statement showing the number of cases in which Income-tax Demands were realised by certificates or distress warrants in each district in Orissa and in the Ganjam District during the period 1930-31 to 1932-33 and the amount of income-tax revenue realised by such processes each year :—

District.	No. of cases in which demand was realised by certificates or distress warrants.			Amount of tax realised.		
	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.
				Rs. A. P.	Rs. A. P.	Rs. A. P.
Sambalpur ..	22	32	11	6,400 11 0	3,992 0 0	1,266 2 0
Cuttack	7	11	15	2,467 0 0	2,104 0 0	3,023 0 0
Puri	6	8	14	242 0 0	3,754 0 0	2,331 0 0
Balasore	11	13	7	1,800 0 0	2,153 0 0	2,732 0 0
Ganjam	49	42	27	7,761 7 0	7,439 8 0	1,213 0 0

B

Statement showing the total number of persons against whom warrants of arrests were issued and who were put in civil jail in Orissa, district by district, and in the Ganjam District during the years 1930-31 to 1932-33 and the amount of revenue involved in such cases and the cost incurred on such arrests :—

District.	No. of persons against whom arrest warrants were issued and who were put in civil jail.			Amount of revenue involved in such cases.			Cost incurred for such cases.		
	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.	1930-31.	1931-32.	1932-33.
				Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Puri ..	..	1	..	..	634 0 0	..	..	(b)15 12 0	..
Sambalpur ..	..	1	2	..	99 3 0	212 14 0	..	(a)	(a)
Cuttack ..	..	..	..	..	..	..	..	..	..
Balasore ..	..	..	..	..	..	..	..	..	..
Ganjam ..	5	..	..	2,197 12 0	..	..	58 10 4	..	..

(a) No cost was incurred by the Income-tax Department ; the cost of civil jail is met by the Certificate Officer, Sambalpur.

(b) Recovered from the defaulter.

Information promised in reply to starred question No. 786, asked by Mr. Sitakanta Mahapatra on the 20th April, 1934.

Development of the Sources of Salt Supply in Orissa.

The Government of Bihar and Orissa have undertaken to consider carefully every application for permission to manufacture salt in Orissa. One of the applications received is for permission to manufacture Karkatch salt at Gurubai in the Puri District, and the Local Government have undertaken to provide temporary buildings at their own cost for the preventive staff and to bear the cost of that staff for the first three years. Another application for permission to manufacture salt for the Bengal market on the South Orissa coast has not been followed up by the applicants. Arrangements for taking brine readings, as recommended in Mr. Pitt's report, have been made by the Local Government.

Information promised in reply to unstarred question No. 270 asked by Mr. M. Maswood Ahmad on the 3rd April, 1934.

COMMUNAL COMPOSITION OF THE STAFF OF THE NEW DELHI MUNICIPAL COMMITTEE.

(*a*) The information is as follows :—

	Hindus.	Muslims.	Sikhs.	Total.
Secretary's Office	26	12	4	42
Office of the Electric and Water Works Engineer.	13	3	2	18
Health Office	2	1	..	3
Total ..	41	16	6	63

(*b*) Hindus 40
Muslims 16
Sikhs 5

Since the 1st April, 1933, two appointments (one Hindu and one Sikh) have been made.

(*c*) (*i*) 7
(*ii*) 9
(*iii*) 2
(*iv*) 2
(*v*) 2
(*vi*) 4

Of these 17 are Hindus, 8 are Muslims and one is a Sikh.

(*d*) The four persons referred to in part (*c*) (*iv*) and (*v*) are qualified as follows. The Sanitary Inspector is a qualified Sanitary Surveyor of the Royal Sanitary Institute of London, and the Sanitary Sub-Inspector has 20 years' practical experience of sanitary and conservancy work. One Vaccinator has recognised Sanitary Inspector's qualifications from Lahore, and the other is a qualified compounder. The answer to the second part of the question is in the negative, and the remaining portions do not arise.

(*e*) In the Electrical and Water Works Section Muslim representation is inadequate. It is proposed to rectify the deficiency as vacancies occur.

(*f*) The superior staff to which the Honourable Member presumably refers consists of the Secretary, the Electrical Engineer, and the Assistant Electrical Engineer. The Secretary is an Indian Christian whose services have been secured for the Committee by the local administration from the Punjab Government. He was specially selected for his responsible post in view of his qualifications and past experience. The Electrical Engineer and the Assistant Electrical Engineer are Hindus, and were formerly Government servants. In common with the rest of the staff of the Electrical Department, they were transferred as a unit to the Municipality when the responsibility for electric supply was handed over to the Municipal Committee. The Honourable Member will appreciate that the question of recruiting successors to these three officers will not arise until they relinquish their present posts. When this happens it is hoped that the Municipality will

make fresh recruitment. They will pay due regard to the claims of qualified Muslims.

Information promised in reply to part (e) of starred question No. 72 asked by Mr. Lalchand Navalrai on the 5th February, 1934.

ALLEGATIONS AGAINST BRITISH OFFICERS AND SOLDIERS.

(*e*) Government are not prepared to admit that there is any long standing nuisance as suggested by the Honourable Member. It has been ascertained that in recent years only two cases have occurred on the larger railways in which conduct of the nature indicated in the question has been alleged. For these reasons and because Garrison Military Police are posted for platform duty at important cantonment stations, Government see no need for any special action.

I may mention that I enquired personally into one of the two incidents referred to at the Honourable Member's request and found that the officer who was involved had behaved correctly and that the matter had been amicably settled.

Information promised in reply to unstarred question No. 69, asked by Khan Bahadur Haji Wajihuddin on the 19th February, 1934.

APPEALS DETAINED BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT BOARD.

(*a*) The answer is in the negative. The exact position is that the original appeal, which was submitted on the 19th January, 1934, was kept till the Board meeting on the 31st January, 1934. It was forwarded to the Northern Command, on the 5th February, 1934, with the replies of the Cantonment Board to the points raised therein. It is understood that in order to avoid delay provisional replies approved by the President, Ambala Cantonment Board, together with a *copy* of the appeal were forwarded to the Northern Command in advance.

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

Information promised in reply to unstarred question No. 70, asked by Khan Bahadur Haji Wajihuddin on the 19th February, 1934.

ALLEGED INFLUENCE OF THE NORTHERN COMMAND ON THE EXECUTIVE OFFICER OF THE AMBALA CANTONMENT BOARD.

(*a*) The following is the exact statement which was made in the replies sent to the Northern Command :

> "The Executive Officer is doing his duty. He is under the influence of General Officer Commanding-in-Chief, Northern Command, whose orders he is endeavouring to carry out under difficult conditions."

(*b*) Under section 24 of the Cantonments Act, 1924, the Executive Officer is responsible for carrying out all the duties imposed upon him by or under the Act, and consequently he is bound to carry out the orders of the General Officer Com-

manding-in-Chief the Command, under the Act, without unnecessary delay. Such orders do not always require to be confirmed by the Board before they are carried out.

(*c*) to (*e*). In part (*c*) the Honourable Member is apparently referring to the fact that the Executive Officer was desired by the Officer Commanding-in-Chief the Command to inform, and did inform, the persons directly concerned, first that, if the building applications submitted by them were sanctioned by the Cantonment Authority, the Officer Commanding-in-Chief the Command would use his powers under clause (*b*) of sub-section (*1*) of section 52 of the Cantonments Act to suspend the sanction, and secondly, on the building applications being sanctioned by the Cantonment Authority, that the Officer Commanding-in-Chief the Command had so used those powers. The Government of India consider that the action taken was properly taken and that the Executive officer would have failed in his duty if he had acted otherwise. They therefore see no justification for the suggestions conveyed in part (*d*) and the first part of part (*e*), and they do not consider that occasion for the issue of any instructions by them has arisen.

Information promised in reply to starred questions Nos. 642 to 645, asked by Mr. S. C. Mitra on the 7th April, 1934.

SELECTION OF SENIOR GRADE OFFICERS FROM THE BOMBAY GRENADIERS, AJMER.

642. (*a*) Yes.

(*b*) Yes. Although three of the eight candidates were considered suitable for Senior Grade Commissions, it was decided not to select more than one on this occasion in order to avoid having several officers in the same battalion of exactly the same seniority.

(*c*), (*d*), (*f*) and (*g*). Government are not prepared to make public the proceedings of the Unit Advisory Committee which are of a confidential nature. They are, however, satisfied that the Committee exercised its discretion as regards selection correctly and in accordance with paragraph 5 of Appendix VII to the Regulations for the Indian Territorial Force, 1930.

(*e*) No.

(*h*) No. The second question consequently does not arise.

SELECTION OF SENIOR GRADE OFFICERS FROM THE BOMBAY GRENADIERS, AJMER.

643. (*a*) Two. Both were Rathore Rajputs.

(*b*) A list of unsuccessful candidates who appeared before the Unit Advisory Committee in August, 1931, 1932 and 1933, is attached. The qualifications are shown in each case.

List of unsuccessful Candidates.

Names.	Qualifications.	Status in life.	Class.
	Appeared before Unit Advisory Committee on the 17th August, 1931.		
Lieut. Kunwar Dalpat Singh.	Passed F.A.	An officer of the A. I. R. O.	Rajput.
Abd-el-Alim, Syed ..	Matriculate	The son of Khan Sahib Syed Abdul Haq, Civil Veterinary Officer, Ajmer. Candidate was an Apprentice in the B. B. and C. I. Railway Workshops.	Syed, Muhammadan.
B. L. Rawat ..	M. Sc. No Military training	Professor of Physics and Chemistry in Government College, Ajmer.	Hindu.
	Appeared before Unit Advisory Committee on the 3rd August, 1932.		
A. C. Johari	Passed F. Sc., 4 years' training in U. T. C., Benares	A student at Benares Engineering College.	Hindu.
Ram Singh Rathore ..	B.A.	Was about to become an Udaipur State Cadet.	Rajput.
	Appeared before Unit Advisory Committee on the 24th August, 1933.		
Abd-el-Alim, Syed .. (2nd appearance).	Matriculate. Six months' training with 10/6th Rajputana Rifles.	Apprentice in the B. B. and C. I. Railway Workshops.	Syed, Muhammadan.

Names.	Qualifications.	Status in life.	Class.
A. C. Johari .. .. (2nd appearance).	F.Sc. Obtained certificate of proficiency from 3rd Battalion, U. T. C., Benares University.	Student, Engineering College, Benares Hindu University.	Hindu.
	Appeared before Unit Advisory Committe on the 24th August, 1933.		
Indar Bhan Bhargava	School Leaving Certificate .. .. .. 6 months' Military training with 10th Battalion, 6th Rajputana Rifles.	Landlord	Hindu (Brahmin).
Harbant Singh ..	B.A., LL.B. 3 years' training in 9th Delhi U. T. C.	Munsif, Bikaner State	Sikh.
Satwant Singh ..	Matriculate. 6 months' training with Jaipur State Infantry.	Son of Captain Piyara Singh of Jaipur State Infantry. Candidate has no fixed occupation. Medically unfit.	Sikh.
K. Himmat Singh ..	M.A., LL.B. Obtained certificate of proficiency from 3rd Battalion, U. T. C., Lucknow.	No fixed profession	Kshtriya.
V. N. Misra	B.A. Studying for LL.B.	No fixed profession	Hindu (Brahmin).

MEMBERSHIP OF MR. GANPATI SINGH OF THE UNIT ADVISORY COMMITTEE OF THE BOMBAY GRENADIERS, AJMER.

644. Kunwar Ganpati Singh of Kharwa has been nominated annually by the Honourable the Agent to the Governor General in Rajputana and Chief Commissioner, Ajmer-Merwara.

UNIT ADVISORY COMMITTEE OF THE BOMBAY GRENADIERS, AJMER.

645. The Administrative Commandant and a Junior Grade officer have represented the unit on the Committee. The selection of Senior Grade officers is not its only duty, and the existing arrangement was considered the most suitable, having regard to the composition of the Committee as a whole.

Information promised in reply to starred questions Nos. 1326, 1327 and 1328 asked by Mr. E. H. M. Bower on the 11th December, 1933.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1326. (*a*) and (*b*). The Agent, East Indian Railway, reports that the rules have not been published in the East Indian Railway Weekly Gazette as this was not considered necessary and that the rules have not been withheld from the staff, a sufficient number of copies of these rules having been supplied to all offices for reference purposes.

(*c*) These rules govern the promotion of subordinates to officiating appointments.

(*d*) Does not arise.

(*e*) Yes.

(*f*) Assistant Train Examiners and Train Examiners are normally appointed from among the technically trained apprentices who are recruited and trained in accordance with the rules for the recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical workshops of State-managed Railways. A separate circular on the subject was issued by the Agent in April, 1933, and circulated to the departments concerned.

(*g*) Yes.

(*h*) Yes.

(*i*) The scales of pay of the posts in question are as follows :

Gunner Guards.—

Rs. 85—10—125 (East Indian Railway Company).
Rs. 85—10—115 (State Railway).

Pilot Guards.—

Rs. 130—10—210 (East Indian Railway Company).
Rs. 120—10—180 (State Railway).

Guards, Grade I.—

Rs. 105—5—110—10—210 (East Indian Railway Company).
Rs. 90—10—180 (State Railway).

Guards, Grade II.—

Rs. 45—5—100 (East Indian Railway Company).
Rs. 30—5—70 (State Railway).

(*j*) (*i*). Direct recruitment of guards is made in accordance with rule 17 of the rules for the recruitment and training of subordinate staff.

(*ii*) Gunner Guards are in a different category, their channel of promotion being to the post of Pilot Guards whose maximum pay equals that of ordinary guards and both Pilot Guards and ordinary guards are eligible for promotion to Assistant Yard Master and Assistant Station Master.

(*k*) Does not arise.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1327. (*a*) and (*b*). Yes.

(*c*) The posts of Relieving Guards are filled by qualified men from the ordinary grade I Guards' and Pilot Guards' lists.

(*d*) It is not the practice to promote Grade II guards or gunner guards to the post of relieving guards. Their normal channels of promotion are from Grade II to Grade I and pilot guards respectively.

(*e*) Yes.

(*f*) No. No other subordinates below the grades specified in part (*c*) of the reply are normally considered suitable for direct promotion to Relieving Guard.

RULES FOR THE RECRUITMENT AND TRAINING OF SUBORDINATE STAFF ON THE EAST INDIAN RAILWAY.

1328. (*a*) Yes.

(*b*) The Agent reports that the normal avenue of promotions of the Ticket Checking Branch staff is as follows :

T. C. Grade III.

T. C. Grade II.

T. T. E. Grade II.

T. C. Grade I.

T. T. E. Grade I.

Assistant H. T. C.

Head T. C. Grade II.

Inspector Grade II.

Head T. C. Grade I.

Inspector Grade I.

Chief Inspector.

(*c*) Promotions to higher appointments in the ticket checking branch except that of Chief Inspector are confined to Divisions.

(*d*) Such promotions are governed by rules set forth in Note (*3*) to rule 61 of the Rules for the recruitment and training of subordinate staff.

Information promised in reply to the latter part of starred question No. 312, asked by Mr. S. G. Jog on the 2nd March, 1934.

PERSONS DISCHARGED BY THE DIVISIONAL SUPERINTENDENT, EAST INDIAN RAILWAY, MORADABAD.

The Agent, East Indian Railway, reports that the number of persons discharged with or without one month's notice as per term of their agreements, during the year 1933, by the Divisional Superintendent, Moradabad, is 28.

Information promised in reply to starred question No. 452, asked by Bhai Parma Nand on the 13th March, 1934.

EXAMINATIONS FOR REFRESHER COURSES IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports as follows :

The ticket checking staff are required to pass triennial tests prescribed by the Chief Operating Superintendent. This test was approved by the Agent in terms of rule 64 of the rules for the recruitment and training of subordinate staff on State-managed Railways.

Information promised in reply to starred question No. 459 asked by Mr. S. G. Jog on the 13th March, 1934.

POSTS OF TICKET COLLECTORS AND TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports as follows :

(*a*), (*b*) and (*e*). Yes.

(*c*) It was first introduced as an experimental measure for six months.

(*d*) The sanction for the crew system was extended from time to time but the periods of extensions varied.

(*f*) No. Some of the grades in the crew system were higher than some of the grades in the old ticket collecting and (travelling) examining system and *vice-versa*.

(*g*) and (*h*). On the abolition of the crew system on the 1st June, 1931, most of the crew staff were absorbed in the new system and only those who were considered unsuitable were discharged.

(*i*) On the introduction of the new system, all the men were brought on a common seniority list irrespective of the source of recruitment. Relative seniority was determined by the pay drawn and where pay was equal, by the length of service.

Information promised in reply to parts (b) and (c) of starred question No. 462 asked by Mr. M. Masuood Ahmad on the 13th March, 1934.

ALLEGATIONS AGAINST AN OFFICIAL OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

(*b*) (*i*). Enquiries were made by the Divisional Superintendent, Moradabad, East Indian Railway, who reported that the account appearing in the newspaper was inaccurate and exaggerated.

(*ii*) The official in charge of the Mela was Mr. A. N. Logawney, Traffic Inspector.

(*iii*) and (*iv*). Yes.

(*v*) No.

(*vi*) Both cases were enquired into by the Superintendent, Transportation, and the Railway Administration considered that Mr. Logawney had not been guilty of intentional incivility.

(*c*) (*i*). Mr. A. N. Logawney has been serving in the Moradabad Division since 1921.

(*ii*) No.

Information promised in reply to starred questions Nos. 627 and 628 asked by Lieut.-Colonel Sir Henry Gidney, on the 4th April, 1934.

SURPLUS POSTS IN THE OFFICE OF THE DEPUTY COMMERCIAL MANAGER, CLAIMS, EAST INDIAN RAILWAY.

Question No. 627.

The Agent, East Indian Railway, reports as follows :

(*a*) Yes.

(*b*) (*i*) and (*ii*). No.

(*c*) (*i*) and (*ii*). Both the posts referred to were sanctioned in place of higher grade appointments.

(*d*) These posts were sanctioned after the Job Analysis of the Commercial Department, East Indian Railway, had been completed, in place of one post in grade of Rs. 280—20—500 and another in grade of Rs. 150—10—250.

POSTS DECLARED SURPLUS BY THE CHIEF COMMERCIAL MANAGER, CLAIMS, EAST INDIAN RAILWAY.

Question No. 628.

The Agent, East Indian Railway, reports as follows :

(*a*) Yes.

(*b*) The saving effected was Rs. 16,704 per annum.

(*c*) No.

(*d*) The number of staff found surplus were discharged.

(*e*) Yes.

Information promised in reply to starred question No. 629 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

SENIORITY OF SUBORDINATES OFFICIATING IN THE TRANSPORTATION INSPECTOR'S GRADE ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports that if a question arises as to which of the officiating Transportation Inspectors is the senior it would be decided on the basis of the relative seniority of the individuals in their substantive grades.

Information promised in reply to starred question No. 630 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April. 1934.

RATES AND CLAIMS OFFICES OF THE COMMERCIAL DEPARTMENT ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports as follows :

(*a*) Yes.

(*b*) Yes, provided that staff are suitable to fill places in either branch.

(*c*) Yes, a man's services can be so utilised if required in the interest of the administration.

Information promised in reply to unstarred question No. 340 asked by Khan Bahadur Haji Wajihuddin on the 10th April, 1934.

DIFFERENT RULES GOVERNING PAY AND ALLOWANCES FOR THE STAFF IN DIFFERENT DIVISIONS OF THE NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports that the rules regulating pay and allowances other than local allowances of staff are the same throughout the Railway.

Information promised in reply to starred question No. 725 asked by Mr. Lalchand Navalrai on the 16th April, 1934.

PROMOTION OF RAILWAY EMPLOYEES SUBJECT TO THE PASSING OF THE WALTON TRAINING SCHOOL EXAMINATION.

(*a*), (*b*), (*c*) and (*d*). The Agent reports that failure to pass a refresher course does not debar an employee automatically from promotion and that the existing orders provide for the results of examinations, qualified by reports from the Superintendent of the School giving estimates of each man's real worth, being given due weight when considering the question of promotion.

(*e*) The Agent does not propose to take any action in the matter.

Information promised in reply to starred question No. 746 asked by Rai Bahadur Lala Brij Kishore on the 17th April, 1934.

PAY, ETC., GRANTED TO THE OLD OUDH AND ROHILKUND RAILWAY STAFF ON PROMOTION.

The Agent, East Indian Railway, reports as follows :

(*a*) and (*b*). It is not a fact that old Oudh and Rohilkund Railway employees who are serving on the old East Indian Railway section are forced to accept the East Indian Railway grades on promotion. In 1928, the revised co-ordinated scales of pay were introduced for subordinate staff and old Oudh and Rohilkund Railway and East Indian Railway staff were given the option to elect these scales. With the exception of such of the old staff who elected the revised scales of pay and who are therefore governed by them the position in respect of old Oudh and Rohilkund or East Indian Railway staff is briefly stated below .

If an Oudh and Rohilkund Railway employee is transferred to the old East Indian Railway area, the old Oudh and Rohilkund or the equivalent East Indian Railway scale whichever is better automatically becomes his scale of pay.

The same principle applies to men of the old East Indian Railway when transferred to any station on the original Oudh and Rohilkund Railway area.

Information promised in reply to unstarred question No. 178 asked by Mr. S. G. Jog on the 10th March, 1934.

CLAIMS RECEIVED IN THE PENSION CONTROLLER'S OFFICE UNDER DIFFERENT RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

The figures below state the position on the 1st July, 1934 :

(*i*) 171.
(*ii*) 2.
(*iii*) 77.

(*iv*) 36. Out of this seven were admitted, fifteen were rejected and fourteen were under consideration.

(*v*) 70 [including fourteen mentioned in (*iv*)].

(*vi*) One reference was made to the Secretary of State to obtain his confirmation of the orders of the Government of India on Recommendation IX of the War Pensions Committee.

Information promised in reply to parts (b) to (f) of starred question No. 441 asked by Pandit Satyendra Nath Sen on the 13th March, 1934.

AMALGAMATION OF THE OUDH AND ROHILKUND RAILWAY WITH THE EAST INDIAN RAILWAY.

(*b*) and (*c*). Government are informed that except in respect of educational assistance, the staff appointed between the 1st January and 30th June, 1925, have been treated in the same way as staff appointed earlier, but in so far as educational assistance is concerned, staff appointed prior to the 1st January, 1925, are governed by the old Oudh and Rohilkund Railway rules as notified in Gazette, No. 1 of 1921 and staff appointed to the old Oudh and Rohilkund Railway between the 1st January and 30th June, 1925, have been governed by the East Indian Railway rules.

(*d*) Staff appointed on and after the 1st February, 1929, and also those appointed prior to that date who have elected to come under the new rules for educational assistance published in paragraph 1134 of East Indian Railway Gazette No. 41 of 1930, are governed by the said rules.

(*e*) and (*f*). It was recently brought to the notice of the Railway Board that the East Indian Railway rules regarding educational assistance had been applied to staff appointed on the old Oudh and Rohilkund Railway between the 1st January and the 30th June, 1925, and that this had caused hardship. It has been decided that such staff should be allowed to remain under the old Oudh and Rohilkund Railway rules.

Information promised in reply to parts (a), (c), (d), (e), (f), (g) and (h) of starred question No. 362 asked by Mr. M. Maswood Ahmad on the 6th March, 1934.

MUSLIM HEAD CLERKS IN THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY, DELHI.

(*a*) Yes.

(*c*) Yes.

(*d*) Yes.

(*e*) Yes. The previous clerk in charge of the Copying Branch was a Grade IV stenographer.

(*f*) and (*h*). The Agent, North Western Railway, reports that it was decided in December, 1931, to hold in abeyance the post of Grade IV stenographer in charge of the Copying Branch as a measure of retrenchment. The Stenographer, Grade III, who was subhead of the Copying Branch and happened to be a Muslim, was ordered to look after that Branch in addition to his duties as a stenographer to the Divisional Transportation Officer.

(*g*) Yes, but it has since been found to be incorrect.

Information promised in reply to starred question No. 458 asked by Mr. S. G. Jog on the 13th March, 1934.

NON-RECOGNITION OF SERVICES RENDERED DURING THE GREAT WAR BY THE EAST INDIAN RAILWAY EMPLOYEES.

The reply is in the negative. The East Indian Railway was not a State-managed Railway when the Home Department Resolutions Nos. 1099 and 2165, dated the 8th

August, 1919, and the 15th September, 1921, respectively, were issued and forwarded to the State-managed Railways for information and guidance. The Agent, East Indian Railway, reports that employees who proceeded on war service with the approval of the Railway Administration have been allowed to count their war service for the purposes of retiring gratuity, seniority and increments on the East Indian Railway. Cases of non-railway employees, who had rendered war service were dealt with on their merits by the late East Indian Railway Company.

Information promised in reply to unstarred question No. 303 asked by Mr. M. Maswood Ahmad on the 4th April, 1931.

THEFT OF RAILWAY PROPERTY AT THE NEW DELHI RAILWAY STATION.

Government have since been informed that as a result of further enquiries into the matter, the North Western Railway Administration are satisfied that there was no theft committed.

Information promised in reply to starred question No. 759, asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

RECRUITMENTS IN THE CENTRAL PUBLICATION BRANCH.

(*i*) Total number of candidates	233
Muslims	105
(*ii*) Number of candidates selected for recruitment	96
Muslims	39

Information promised in reply to unstarred question No. 276 asked by Mr. S. C. Mitra on the 11th December, 1933.

INTRODUCTION OF NEW CONDITIONS OF SERVICE IN THE EASTERN BENGAL RAILWAY PRESS.

(*a*) to (*d*). Yes.

(*e*) The staff of the press were divided into five categories.

(*f*) No. In accordance with the instructions in Railway Board's telegram No. 229-E.G., dated the 20th December, 1930, industrial press employees of the Eastern Bengal Railway were given 20 paid holidays to conform to the number of holidays given to corresponding employees in that Railway's workshops.

(*g*) Yes.

(*h*) and (*i*). The conditions of service remained intact except that the number of holidays for Press Industrial Staff was made to conform to the number allowed to the East Indian Railway staff. The conditions on which the staff were to be transferred, including the above mentioned exception, were intimated to them by a notice issued by the Agent, Eastern Bengal Railway, in July, 1933, before the transfer actually took place.

(*j*) No. Readers, copy-holders, time-keepers, etc., were in category II prior to the amalgamation whereas industrial superior establishment were in category IV (*a*).

(*k*) Readers, copy-holders and time-keepers are allowed shop paid holidays on the East Indian Railway and such other holidays as may be declared as closed holidays by the Agent, East Indian Railway.

(*l*) The reply to parts (*h*) and (*i*) above furnishes replies to items (*i*) and (*ii*) in part (*l*).

Information promised in reply to starred question No. 563 asked by Pandit Satyendra Nath Sen and Mr. S. G. Jog on the 27th March, 1934.

DISCHARGE AND RE-INSTATEMENT OF EMPLOYEES ON THE EAST INDIAN RAILWAY.

(*a*) to (*c*). The Agent, East Indian Railway, reports that the number of non-gazetted employees discharged, dismissed, re-instated and re-appointed in the Dinapur, Allahabad, Asansol and Lucknow Divisions of the East Indian Railway during the year 1932 and 1933, excluding staff discharged on medical grounds or on account of retrenchment, is shown in the enclosed statement.

The figures of staff discharged on the Asansol Division are high as compared to similar figures in other divisions owing to a large number of staff absconding and overstaying leave, which is peculiar to the coal-fields area.

Statement.

Division.	1932.				1933.			
	No. of employees discharged.	No. of employees dismissed.	No. of employees re-appointed.	No. of employees re-instated.	No. of employees discharged.	No. of employees dismissed.	No. of employees re-appointed.	No. of employees re-instated.
Dinapur ..	18	1	..	..	22	7	..	2
Allahabad ..	2	..	1	..	5	1	3	..
Asansol ..	108	4	4	1	88	8	..	3
Lucknow	2	4	..	..	3	1	..	..

Information promised in reply to unstarred question No. 76 asked by Sardar Sant Singh on the 21st February, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(*a*) Recommendation No. XII of the War Pensions Committee deals with cases of discharge on medical grounds *for disabilities contracted on field service or attributable to such service.* A discharge certificate of the kind referred to in the question cannot be regarded as sufficient proof of invalidment from the service by a medical board for a disability (wound, injury or illness) of the nature mentioned above.

(*b*) The fact that a man has been declared medically unfit for active service does not mean that he must have been invalided from the service on account of a physical disability contracted on, or attributable to, military service in a field, foreign or ordinary peace service area. Yet he must satisfy the latter condition to be eligible for a disability pension.

(*c*) No.

(*d*) The nature of proof required is that usually contained in invaliding rolls, hospital records, medical history sheets and documents, and other service documents showing details of field or foreign service and of periods of leave during such service due to illness, etc.

(*c*) I am not clear as to the object of this part of the question, but if the Honourable Member wishes to know whether the mere fact that the case was disposed of before the War Pensions Committee sat precludes its being reconsidered, the answer is in the negative. Before it can be reconsidered, however, the fresh facts referred to in the note to Recommendation No. XXI must be proved by the claimant.

(*f*) The medical history sheets and original Medical Board proceedings are not now available. It is, however, definitely established that the reservist was invalided in 1915 with a service gratuity at a time when a great many other reservists were also discharged on medical grounds as too old for further service, and in addition a medical board held in 1930 certified that he was not then suffering from a disability attributable to military service. In face of these facts Government are unable to grant him a disability pension.

Information promised in reply to unstarred questions Nos. 78 and 80 asked by Mr. S. G. Jog on the 21st February, 1934.

Recommendations of the War Pensions Committee.

78. (*a*) and (*c*). The 20th April, 1932, was the date of the Indian Officer's application for the revision of his pension. It was fixed as the date from which the revised rate of pension should be granted after full consideration of the merits of the case.

(*b*) No.

Belated Claims for Family War Pensions.

80. (*a*) and (*c*). Each case is considered on its merits under paragraph 96, Financial Regulations for the Army in India, Part I.

(*b*) Family pension claims are not time-barred.

Information promised in reply to parts (c) and (e) of starred question No. 319 asked by Mr. S. G. Jog on the 2nd March, 1934.

Disability Pension to Military Employees invalided during the Great War.

(*c*) The reference quoted deals with a case which was carefully investigated in 1932. The man concerned was invalided in 1915 with a gratuity at a time when a great many other reservists were also discharged on medical grounds merely because they were too old for further service. A medical board held in 1930 certified that he was not then suffering from a disability attributable to military service. In such circumstances Government would not be justified in granting a disability pension.

(*e*) Pension Controller's memorandum of the 6th December, 1933, related to a case in which the extent to which arrears of pension should be granted had already been settled by the Government of India. Instructions have been issued that appeals against such decisions should be forwarded to the Government of India for reconsideration, provided they comply with the provisions of the Note to Recommendation No. XXI of the War Pensions Committee.

The memorandum of the 23rd October, 1933, from the Officer Commanding, 2/6th Rajputana Rifles, merely covered the transit to the Pension Controller of an appeal in a case in which the Government of India have since issued orders.

Information promised in reply to starred questions Nos. 412 and 413 asked by Mr. Gaya Prasad Singh on the 7th March, 1934.

Disability Pension to Military Employees invalided during the Great War.

412. (*a*) Government are prepared to act up to their order to the fullest extent possible. The second question is not clear. If the Honourable Member will give details of any cases which he has in mind, they will be examined.

(*b*) The attention of the Honourable Member is invited to the answer given on the 11th December, 1933, to part (*a*) of starred question No. 1386. The Secretary of State has since confirmed the decision of the Government of India.

(*c*) No.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

413. (*a*) To the fullest extent possible.

(*b*) No.

Information promised in reply to starred question No. 481 asked by Lieut.-Colonel Sir Henry Gidney on the 14th March, 1934.

RETRENCHMENT ON STATE RAILWAYS.

(*a*) During the second block retrenchment after June, 1932, the selection for discharges was based on length of service, but the Agent reports that all temporary staff were not discharged. Temporary staff having over one year's service were, under the rules regarding retrenchment, treated on the same footing as permanent employees for this purpose.

(*b*) There was no block retrenchment of officers and no special instructions were laid down by Government for discharge of officers on railways, but a large number of temporary engineers were actually discharged.

(*c*) A statement showing the number of temporary engineers and other temporary officers discharged from the State-managed Railways as a measure of retrenchment is placed on the table of the House.

(*d*) Only one of the officers in the statement referred to above has been re-appointed temporarily. He is a temporary engineer on the Great Indian Peninsula Railway.

Statement showing the number of temporary engineers and other temporary officers discharged as surplus to requirements on State-managed railways.

Railway.	Number of temporary engineers.	Number of other temporary officers.
Burma	*Nil*	2
Eastern Bengal	6	*Nil*
East Indian	13	..
Great Indian Peninsula	9	5
North Western	15	..

Information promised in reply to starred question No. 1331 asked by Mr. S. G. Jog on the 11th December, 1933.

PERCENTAGE OF FAILURE OF STUDENTS IN THE RAILWAY SCHOOL OF TRANSPORTATION.

(*a*)	1931-32	10 per cent.
..	1932-33	23 per cent.
	1933-34 (First half).	36 per cent.

(*b*) One, who is a Cabin Signalman. Although he had passed the School Examination he was subsequently found unsuitable for the higher post of Assistant Station Master.

(*c*) Government regret that they cannot place on the table information regarding the marks obtained by individual students. Government are informed that marks are given in all cases except when a student has definitely failed in any branch of a subject in which case he is generally not further examined in that subject.

(*d*) The Agent reports that in most cases this is not so but it is not always possible to provide an examiner who has not also lectured in the same subject. In the case of written examinations papers are set by the Superintendent and examined by him.

(*e*) Three additional instructors have been added to the School Staff as it has been necessary to duplicate the probationary Assistant Station Masters' course. The provision previously made to train probationers was not sufficient to meet the requirements of this railway and in consequence the course had to be duplicated.

(*f*), (*i*) and (*j*). The men were discharged by the School Superintendent. With a month's pay in lieu of notice on and from the 1st April, 1933. This order was subsequently cancelled as there were no orders for retrenchment of staff on special terms at the time. The men were recalled to duty and their absence from the 1st to the 30th April, 1933, was treated as leave without pay. (The Agent.) It has since been decided that as these men were considered to have been incorrectly discharged and were re-instated in their former posts the period of one month should be treated as leave with pay so that they will not be put to any financial loss.

Information promised in reply to parts (b) (ii) and (b) (iii) of starred question No. 485 asked by Lieut.-Colonel Sir Henry Gidney on the 16th March, 1934.

LOWER GAZETTED SERVICE APPOINTMENTS SANCTIONED FOR THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

(*b*) (*ii*) *Nil.*

(*iii*) The balance of posts in the Lower Gazetted Service has not been filled. There are ten officers of the superior service in excess of the sanctioned cadre for superior officers of the Engineering Department and there are five temporary engineers who have been retained in service or re-appointed as a special case.

Information promised in reply to Lala Rameshwar Prasad Bagla's unstarred question No. 18 on the 5th February, 1934.

REVERSION OF CERTAIN CLERKS IN THE UNITED PROVINCES POSTAL CIRCLE.

(*a*) The fact is not as stated. Ten officials of the ordinary clerical time-scale who had been holding in an officiating capacity posts in the cadre of Sub-Divisional Inspectors of Post Offices and Head Clerks to Superintendents of Post Offices in the selection grade of Rs. 160—10—250 against available permanent vacancies in that cadre were reverted to ordinary time-scale posts.

(*b*) For reasons explained in the reply to part (*d*) of Mr. N. M. Joshi's starred question No. 398 in the Legislative Assembly on the 19th September, 1932, none of these officials had been given permanent promotion to the Rs. 160—10—250 grade, but were appointed only in an officiating capacity.

(*c*) The Honourable Member apparently refers to the orders issued in June, 1933, according to which selection grade posts of Town Inspectors were to be replaced by ordinary time-scale posts by the transfer on their own pay of the existing substantive holders of those selection grade posts to the existing and future permanent vacancies in the cadre of sub-divisional Inspectors and head clerks to Superintendents of Post Offices.

(*d*) The reply to the first part of the question is in the affirmative. The reply to the second part is in the negative. The last part does not therefore arise. In this connection, the Honourable Member is referred to the reply to part (*b*) above.

(*e*) The fact is not as stated. While the officials in question were officiating in the selection grade posts on Rs. 160—10—250, their permanent posts in the ordinary clerical cadre were kept unfilled. On reversion from their officiating posts, they were at first posted to work as Town Inspectors in the ordinary time-scale of pay without liens on their substantive posts in the clerical cadre. The position has since been regularised by the Postmaster-General, United Provinces.

(*f*) It is a fact that in some of the other circles, there are still some Town Inspectors in the Rs. 160—10—250 grade whose posts have not been converted to the time-scale for want of vacancies in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents to which they could be transferred. In the United Provinces, all the posts of Town Inspectors have been converted to the time-scale as there was a sufficient number of vacancies in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents to which they could be transferred.

(*g*) The permanent vacancies on Rs. 160—10—250 in the cadre of Sub-Divisional Inspectors and Head Clerks to Superintendents of Post Offices mentioned in part (*a*) above were correctly treated as ' existing vacancies ' for purposes of the orders referred to in part (*c*) above. Government do not therefore propose to take the action suggested by the Honourable Member.

Information promised in reply to parts (a), (b) and (c) of the starred question No. 226 asked by Bhai Parma Nand on the 24th February, 1934.

FIXATION OF HOLIDAYS FOR DUSSEHRA AND DIWALI ON PROPER DAYS IN THE UNITED PROVINCES POSTAL CIRCLE.

(*a*) The Local Government of the United Provinces of Agra and Oudh declared, under section 25 of the Negotiable Instruments Act, September 26th to September 29th, 1933, as the Dussehra holidays, and October 18th, 1933, as Diwali holiday. The last day of the Dussehra being the most important day of the festival the 29th September, 1933, was declared as a Post Office holiday on account of Dussehra and the 18th October, 1933, was declared as a Post Office holiday on account of Diwali in the United Provinces Circle. Government are satisfied that postal holidays for Dussehra and Diwali were fixed on proper dates in the United Provinces.

(*b*) Representations were received by the Postmaster-General, United Provinces, from the members of the staff of some Post Offices in the United Provinces Circle requesting a change in the date fixed for the Post Office holiday on account of Dussehra from the 29th September to the 28th September, and on account of Diwali from the 18th October to the 19th October. The dates were not changed in view of the notification already made by the Local Government fixing the dates for the observance of these two holidays no change in which was made by the Local Government.

(*c*) Government do not propose to take any action as they consider that the holidays were fixed on the correct dates.

Information promised in reply to supplementary questions to starred question No. 654 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

TENDERS FOR TREASURY CONTRACTS FOR THE BOMBAY AND POONA POST OFFICES.

The Assistant Postmaster-General who was present at the time of the opening of the tenders was Mr. Muhammad Siddique Hasan.

Information promised in reply to part (b) of unstarred question No. 324 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

LOWER AND UPPER SELECTION GRADE POSTS HELD BY EACH COMMUNITY IN THE PUNJAB POSTAL CIRCLE BEFORE AND AFTER RETRENCHMENT.

(*b*) On the assumption that by 'Punjab Postal Circle' the Honourable Member refers to the entire Punjab and North-West Frontier Posts and Telegraphs Circle, the numbers are as follows:

	On 1st July, 1931.	On 1st November, 1933.
Hindus	200	118
Muslims	77	39
Sikhs	23	11
Christians	8	6
Total ..	308	174

Information promised in reply to parts (i) and (iii) of unstarred question No. 326 asked by Mr. M. Maswood Ahmad on the 7th April, 1934

MUSLIMS RECRUITED IN THE LEH AND GILGIT POSTAL SUB-DIVISIONS IN THE KASHMIR STATE.

(*i*) and (*iii*). In pursuance of the existing orders that no posts are to be filled, except in an officiating capacity, no one has been confirmed in the Gilgit and Leh Sub-Divisions during the last three years. Nine vacancies in the Gilgit Sub-Division and seven vacancies in the Leh Sub-Division occurred in the postmen's cadre and four vacancies in the Gilgit Sub-Division and five in the Leh Sub-Division occurred in the line of packers during the said period. All the above mentioned posts were filled in an officiating capacity as detailed below:

Postmen's Cadre.

Gilgit Sub-Division.	*Leh Sub-Division.*
1 by a Muslim who had been reverted from postmanship in consequence of revision of establishment.	2 by Muslims, 1 by a Hindu — filled by qualified inferior servants.
2 by Muslims, 5 by Hindus, 1 by a Sikh — filled by promotion from qualified inferior servants.	1 by a Muslim who had been reverted from postmanship in consequence of revision of establishment.
	1 by a Hindu by merit.
	1 by a Muslim by merit.
	1 by a Muslim by reservation.
9	7

Packers.

Gilgit Sub-Division.	*Leh Sub-Division.*
4 by Muslim approved candidates by merit	2 by Hindus by merit.
	1 by a Muslim by reservation.
	1 by a Hindu by merit.
	1 by a Muslim by merit.
4	5

Information promised in reply to parts (a) and (b) of starred question No. 739 asked by Mr. D. K. Lahiri Chaudhury on the 17th April, 1934.

CETRAIN POSTAL OFFICIALS IN THE BENGAL AND ASSAM CIRCLE, INCLUDING CALCUTTA.

(a) The total number of the officials referred to is 201.

(b) In Calcutta—66.

In the Mofussil—135.

Information promised in reply to starred question No. 310 asked by Mr. S. G. Jog on the 2nd March, 1931.

STAFF EMPLOYED AT THE RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.

(a) and (d). These rules do not apply to persons retrenched on reduction of establishment and offered lower posts as an alternative to discharge.

(b) Yes. The surplus staff of the Railway School of Transportation, Chandausi, was included.

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

Information promised in reply to part (c) of starred question No. 632 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

DEPUTATION TO THE RAILWAY BOARD REGARDING THE RATIO OF POSTS TO BE HELD BY THE EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY OFFICERS.

(c) The Agent, East Indian Railway, reports that this ratio could not be worked to satisfactorily in practice in case of officers and in fact its abolition was pressed for by the officers themselves. It was never observed in respect of promotions of subordinates to officers grades ; such promotions were based on merit and seniority. There would in these circumstances be no point in now introducing for the promotion of subordinates to officer's grade a ratio already found unsuitable for officers.

Information promised in reply to parts (b) to (e) of unstarred question No. 38 asked by Seth Haji Abdoola Haroon on the 11th September, 1933.

COMMUNAL COMPOSITION OF THE STAFF IN THE OFFICE OF THE CHIEF MEDICAL AND HEALTH OFFICER, NORTH WESTERN RAILWAY.

(b) to (e). Government have made enquiries and consider that so far as recruitment to the categories of the Medical Department mentioned in part (a) of the question is concerned, the North Western Railway Administration have carried out orders subject to slight adjustments from time to time.

Information promised in reply to starred questions Nos. 180 to 183 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 21st February, 1934.

DIRECT RECRUITMENT OF SOME OF THE EX-CREW INSPECTORS ON THE EAST INDIAN RAILWAY.

Question No. 180.

The Agent, East Indian Railway, reports as follows :

(a) On the introduction of the crew system, it was found necessary to increase the strength of the ticket checking staff and consequently direct recruitment was made.

(*b*) When the crew system was introduced a few of the travelling ticket inspectors were taken over from the Accounts Department against appointments for which they were most suited. A travelling ticket inspector was selected as an inspector, Crew Training School, Fyzabad, as he was fully qualified in the duties required under the crew system.

(*c*) No.

(*d*) Yes.

(*e*) Yes.

(*f*) Yes.

(*g*) No. The crew scale was fixed independently in accordance with the conditions prevailing in 1926.

(*h*) The maximum pay of a crew inspector was Rs. 460 and that of a travelling ticket inspector was Rs. 300.

SENIORITY OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

Question No. 181.

The Agent, East Indian Railway, reports :

" Yes. The term ' service ' used in connection with seniority invariably means permanent service."

SENIORITY OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

Question No. 182.

(*a*) The letter referred to in this part of the question was specifically intended to regulate the policy of retrenchment.

(*b*) No. Except, in so far as the selection of men for discharge was concerned. Certain recommendations of the Court of Enquiry were accepted by the Government of India and announced in Government of India Communiqué of the 6th June, 1932, a copy of which is already in the Library of the House.

(*c*) The Agent's circular No. 464 of the 26th January, 1927, only dealt with the question of co ordination of the rates of pay of subordinates on the old East Indian and Oudh and Rohilkund Railways and is not superseded by the Railway Board's letter of the 3rd March, 1931, which referred to the retrenchment of staff made subsequent to March, 1931. The former had no connection with the latter.

(*d*) The Agent, East Indian Railway, reports that as neither the Railway Board's letter nor the Agent's circular were in his opinion applicable to the crew staff who are all temporary, the fixation of seniority by pay and length of service was resorted to as being the fairest method.

(*e*) As stated in part (*c*) above Railway Board's letter No. 6839-E.G. of the 3rd March, 1931, applied to retrenchment of staff and had no reference to fixation of seniority of staff.

INAUGURATION OF THE CREW SYSTEM OVER THE DINAPUR DIVISION.

Question No. 183.

The Agent, East Indian Railway, reports :

" (*a*) Yes. Out of the 36 posts of crew inspectors and assistant crew inspectors sanctioned for the Dinapur Division, 21 were filled by direct recruitment and 15 by promotion of suitable travelling ticket inspectors and head ticket collectors.

(*b*) The old travelling ticket inspectors who were not selected to fill vacancies of crew and assistant crew inspectors were absorbed as crews-in-charge.

(c) After training the newly recruited crew and assistant crew inspectors were examined, 13 passed and the remaining eight men who failed were reduced to lower ranks and replaced by suitable old travelling ticket inspectors."

Information promised in reply to unstarred question No. 287 asked by Mr. S. C. Mitra on the 11th December, 1933.

INCREASE OF THE PAY OF THE EASTERN BENGAL RAILWAY TICKET PRINTING STAFF.

(a) There was an increase in the hours of work and a corresponding increase in pay.

(b) Yes.

(c) Yes, except that the number of holidays was altered to conform to the practice on the East Indian Railway.

(d) Yes.

(e) The hours of work of the staff of the Eastern Bengal Railway Ticket Printing Section transferred to the amalgamated press were increased to correspond to those worked by the similar staff of the East Indian Railway on the 1st November, 1933, under the orders of the Agent, East Indian Railway.

(f) Yes.

(g) In conformity with the statement made by the Honourable Sir Joseph Bhore on the 24th February, 1934, in reply to a cut motion moved by Mr. S. C. Mitra, certain grievances of the State Railway Press Employees are to be examined by the Railway Board. A Committee has been appointed by the Agent, East Indian Railway, to enquire into the matter and as this is one of the alleged grievances, the matter will be further considered by Government on receipt of the report of the above-mentioned Committee.

Information promised in reply to unstarred questions Nos. 359, 360 and 361 asked by Sardar Sant Singh on the 16th April, 1934.

NON-ADOPTION OF THE MOODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

359. The Agent, North Western Railway, reports as follows :

(a) Yes. Orders were issued in 1932 and 1933 that a group may at times be further subdivided into sub-groups of two men each and at times Special Ticket Examiners may even be allowed to work singly though they always form part of the group to which attached.

(b) The orders referred to in part (a) above were issued in 1932 and 1933 whereas the instructions alluded to in reply to part (d) of question No. 475 were issued on the introduction of the present system on the North Western Railway in 1931.

(c) (i) Yes.

(ii) There are two instances where the Divisional Superintendent, Ferozepur, has, due to the unimportance of certain sections, not provided a grade III post for the groups-in-charge ; he has since been instructed to provide grade III posts for all groups-in-charge.

NON-ADOPTION OF THE MOODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

360. The Agent, North Western Railway, reports :

(*a*) The group-in-charge in the course of his programme supervises and checks the work of the Special Ticket Examiners who are working to a similar programme.

(*b*) The amount of correspondence which a group-in-charge is called upon to undertake is not such as to preclude him from working to the programme of a Special Ticket Examiner and supervising the work of his group. As already stated in reply to part (*c*) (*ii*) of question No. 359, the Divisional Superintendent, Ferozepur, has since been instructed to provide Grade III posts for all groups-in-charge.

NON-ADOPTION OF MOODY-WARD SYSTEM OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

361. Government are informed that (*a*) checking group is required to be detailed to a Section for three months and then changed over to another Section. A change of headquarters is not essential in order to permit of this, and the Rawalpindi and Lahore Divisions are the only ones in which the headquarters of the checking groups are changed, but this is done very infrequently and when it becomes necessary three days' joining time is allowed to effect such a transfer.

The attention of the Agent, North Western Railway, has been drawn to the inconveniences referred to by the Honourable Member as attendant on frequent transfers of headquarters and he has been requested to reduce such transfers as far as possible.

Information promised in reply to unstarred question No. 140 asked by Khan Bahadur Haji Wajihuddin on the 6th March, 1934.

RULES IN CONNECTION WITH APPEALS REGARDING PAY AND ALLOWANCES ON THE EAST INDIAN RAILWAY.

(*a*) to (*c*). Orders also exist on the East Indian Railway about the submission of appeals regarding pay and allowances. These orders were issued by the Agent, East Indian Railway, in Notification No. 1315 of Weekly Gazette No. 49 of 9th December, 1925. The orders are still operative except that submission of appeals in cases of discharge and dismissal is now governed by Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants, a copy of which is already in the Library of the House. I place a copy of the Agent's Notification referred to above on the table of the House.

(*d*) Agents of State-managed Railways have full powers to deal with non-Gazetted Staff with certain exceptions. Memorials regarding pay and allowances do not fall under the exceptions and as such they lie within the competence of the Agent.

Weekly Gazette No. 49 of 9th December, 1925.

1315. Notice to subordinate staff :

The staff are aware that under the new organisation Divisional Superintendents have powers very largely in excess of the powers formerly given to District Officers.

In fact their powers are very much greater than those formerly exercised by Heads of Departments. On a very large system such as the East Indian Railway has now become, without such a decentralisation of authority and work the administrative organisation in the head office tends to become over-burdened.

As a further step in this decentralisation the staff are advised that, while I am fully prepared to give the most careful personal consideration to all appeals regarding dismissals, discharges and loss of gratuity, if received through the proper channel, appeals against all other orders passed on their cases can in future only be to the officers immediately above the officer passing the orders. For example, if a Divisional Superintendent has reduced a member of the staff, or has superseded him by another man, the member of the staff may appeal to the Chief Operating Superintendent, or, if he be one of the Engineering staff, to the Chief Engineer. In such cases appeals should not be addressed to me.

G. L. COLVIN,

Agent.

Information promised in reply to starred question No. 820 asked by Rao Bahadur S. R. Pandit on the 21st April, 1934.

FUND CREATED FROM THE PERSONAL PROPERTY OF RAJA RAGHUJI III.

The amount of the fund in question, as it stood at the time of its creation, was about 19¾ lakhs. Since the annual charges of the Palace stipends *khasgee* lists and religious endowments which were to be defrayed from the fund considerably exceeded the interest that would have accrued from its investment, the fund was credited to Government who undertook to bear these charges in future. Pensions to the Bhonsla family are paid from general revenues. The Nagpur District Gazetteer is not an authoritative publication and the statement made therein is incorrect.

Information promised in reply to starred questions Nos. 667 and 686 asked by Mr. S. C. Mitra on the 10th and 14th April, 1934, respectively.

TENDERS FOR BODY VARNISH HARD DRYING INSIDE.

Question No. 667.

(*a*) The Honourable Member has not stated the particular year or period for which the information is required. The Indian Stores Department calls for tenders annually for paints, pigments and varnishes including Body Varnish Hard Drying Inside. No Indian Stores Department specification has been framed for this particular class of varnish, but samples are tested to see if they satisfy the Indian Stores Department specification for Copal Varnish. The tender of Messrs. Jenson and Nicholson for Body Varnish Hard Drying was accepted for the annual contract for 1931-32.

(*b*) No.

(*c*) No.

(*d*) No.

(*e*) The answer is in the negative in so far as it concerns contract referred to in part (*b*) of the question.

The circumstances connected with the transaction which appear to be referred to by the Honourable Member are as follows :

The East Indian Railway placed two requisitions No. I.S.D.-22425, 4|Gb5|CST.-53, dated 7th November, 1930, for 200 gallons and No. I.S.D.-22445|4|Gb5|CST|53, dated

the 12th November, 1930, for 1,300 gallons of varnish Body Hard Drying Inside with Jenson and Nicholson (India), Ltd., Calcutta. The varnish so ordered was to conform to a special sample approved by the East Indian Railway. Through a misunderstanding the Indian Stores Department Inspectorate tested this varnish against an Indian Stores Department standard sample and as the varnish offered for supply did not conform to this Indian Stores Department standard sample it was rejected. When the East Indian Railway pointed out that the varnish ordered was to comply with an East Indian Railway sample which had been found satisfactory in service, it was re-tested by the Inspecting Authorities and found to conform to the East Indian Railway sample and was, therefore, accepted.

(*f*) The reply to the first part of this question is in the affirmative. As regards the second part, no case existed for an application of the rule.

(*g*) No reasons exist for Government enquiring into the matter.

(*h*) No, but if specific cases are given, the Government will enquire into these cases.

CONTRACT FOR THE SUPPLY OF READY MIXED BLACK PAINT TO THE EAST INDIAN RAILWAY.

Question No. 686.

(*a*) The answer to the first part is in the affirmative. With regard to the second part, three years' working test in service was carried out by the Eastern Bengal Railway and found satisfactory.

(*b*) Yes.

(*c*) It is understood that the paint manufactured by Messrs. Jenson and Nicholson, called special black paint ready mixed for wagon bodies and underframes, and supplied to the East Indian Railway, was of the same quality as that supplied to the Eastern Bengal Railway. It is not possible to ascertain from analysis whether the black pigment contains 3 per cent. carbon black or not, but paint of the quality has been found to give satisfactory results in service although exposure tests of paint of similar composition made on panels tested under non-service conditions were not satisfactory.

(*d*) Does not arise.

(*e*) Jenson and Nicholson (India), Ltd., are a Company registered in India with Rupee capital. No information about shareholders is available.

(*f*) I invite the Honourable Member's attention to the "Rules for the supply of articles required to be purchased for the Public Service" in which the policy of Government in regard to the preference to be shown to articles produced by indigenous industries is clearly laid down.

(*g*) It is not a fact that against the tender in question contracts were given to three firms for supply of black paint to Indian Stores Department Specification No. G.O.P.|21|1 with 3 per cent. carbon black.

Against tender No. 04|M., for 1932-33 contracts for black paint were awarded as follows :

(1) Messrs. Napier Paint Works for Indian-made Paint Black Stiff to Indian Stores Department Specification No. G.O.P.|121, which lays down that the paint should contain 20 per cent. lamp black.

(2) Messrs. Jenson and Nicholson for Indian-made Paint Black Stiff for underframes and wagon bodies. No Indian Stores Department specification was stipulated for this supply but paint was to be supplied exactly as previously supplied to the Railway.

(3) Messrs. Murarka Paint and Varnish Works for Paint Black Stiff for underframes and wagon bodies to Indian Stores Department Specification No. G.O.P.|121, which lays down that the paint should contain 3 per cent. carbon black.

(4) Messrs. Murarka Paint and Varnish Works for " Muraco " special Black ready-mixed paint for underframes and wagons.

Messrs. Jenson and Nicholson quoted Rs. 9-7-0 per cwt. for their particular paint and Messrs. Murarka Paint and Varnish Works quoted Rs. 8-10-0 per cwt. for their black paint stiff. The paint of Messrs. The Murarka Paint and Varnish Company was tested by the Alipore Test House.

(*h*) The East Indian Railway did not place orders with Messrs. Murarka Paint and Varnish Company, for the black paints stiff tendered by them at Rs. 8-10-0 per cwt., but did place orders for 23,000 gallons of " Muraco " special black ready mixed paint manufactured by that firm.

(*i*) The difference in price between the two tenders referred to is As. 13 per cwt. and not As. 14 as stated by the Honourable Member.

With regard to the second part of the question, Government do not consider there has been any loss in revenue, as the price of paint is not the sole index of relative value nor do Government consider that undue patronage has been shown to any particular firm.

(*j*) Does not arise.

Information promised in reply to part (b) of starred question No. 674, asked by Mr. S. C. Mitra on the 10th April, 1934.

SOLDIER AND LADY CLERKS IN THE ARMY HEADQUARTERS.

The total pay during 1933-34 of the 172 soldier, *ex*-soldier and lady clerks was Rs. 4,92,141 and that of the 558 civilian clerks Rs. 13,57,173.

Information promised in reply to a supplementary question arising out of starred question No. 653 asked by Mr. M. Maswood Ahmad on the 7th April, 1934.

LEAVE FACILITIES TO CLERKS IN THE RAILWAY AUDIT DEPARTMENT TO PREPARE FOR THE RAILWAY SUBORDINATE AUDIT SERVICE EXAMINATION.

A statement showing for the last two years the names of clerks in the office of the Chief Auditor, Railway Clearing Accounts, who applied for leave to prepare for the Subordinate Railway Accounts Service Examination, the leave granted to them and the reasons for refusal or postponement of the leave is laid on the table of the House. In eight cases out of nine occurring in the last two years it was possible to grant the leave. In the ninth case (*i.e.*, of Mr. Meharban Ali) the applicant was asked to wait as no leave reserve was then available. He did not, however, renew his application for the leave when a leave reserve was available, nor did he send in his name as a candidate for the Subordinate Railway Accounts Service Examination held that year.

Statement showing the names of clerks of the Office of the Chief Auditor, Railway Clearing Accounts, Delhi, who applied for leave to prepare for the S. R. A. S. Examination and the leave granted to them or reasons for refusal or postponement of leave.

	Leave applied for.		Leave granted.		Reasons for refusal.	Remarks.
	Date of application.	Leave applied for.	Date from which granted.	Leave granted.		
1933.						
1. Mr. Meharban Ali	19-6-33	3 ms. on A. P. and 1 m. 7 d. on H. A. P. from 1st July 1933.	..	..	Were asked to await better opportunities as no Leave Reserves were available at that time. * See entry No. 4.	
2. Mr. Ram Lal ..	20-6-33	2½ ms. from 2nd July 1933.	*	..		
3. Mr. R. R. Khan	16-8-33	2 ms. from 1st September 1933.	3-10-33	1 m. 17 ds. ..	Postponed to 3rd October 1933 due to no leave reserve being available then.	Leave was applied on account of ill-health and for S. R. A. S. Examination preparation.
4. Mr. Ram Lal	15-9-33	1½ ms. from 1st October 1933.	3-10-33	1 m. 15 days	..	
5. Mr. A. J. Mukherjee	30-9-33	1 m. whenever convenient.	21-10-33	1 month ..	..	
1932.						
1. Mr. Durga Dass	26-10-32	12 days from 8th November 1932.	8-11-32	12 days ..	..	
2. Mr. A. J. Mukherjee†	14-10-32	1 m. 10 days from 1st November 1932.	1-11-32	1 month ..	..	† Leave was applied on account of ill-health, Examination and other causes.
3. Mr. H. N. Sen	26-10-32	12 days from 8th November 1932.	8-11-32	12 days ..	..	
4. Mr. S. V. Ramchandani ..	7-11-32	10 days from 10th November 1932.	10-11-32	10 days ..	..	
5. Mr. R. R. Khan	26-10-32	15 days from 7th November 1932.	10-11-32	10 days ..	..	

Sd. H. K. BOSE,
Chief Auditor.

Information promised in reply to starred question No. 386 asked by Mr. M. Maswood Ahmad on the 6th March, 1934.

MEDICAL ARRANGEMENTS FOR THE MENIAL AND SUBORDINATE STAFF ON STATE RAILWAYS.

On the State-managed Railways detailed instructions have been issued by Railway Administrations for medical attendance on menial and subordinate staff. No specific penalties have been laid down for neglect or carelessness, but obviously staff concerned are liable to be punished for not carrying out their duties properly.

Information promised in reply to unstarred question No. 129 asked by Mr. D. K. Lahiri Chaudhury on the 3rd March, 1934.

SAVINGS BANKS WORK IN CERTAIN POST OFFICES.

(*a*)(*i*)(*1*)				1,48,552
(*a*)(*i*)(*2*)				7,04,035
(*a*)(*i*)(*3*)				5,68,012
(*a*)(*ii*) Number of clerks employed for the performance of savings bank duties—				
in Calcutta G. P. O.		Wholetime		—36
		Part time		—64
in Bengal and Assam and Bihar and Orissa Circles excluding Calcutta G. P. O.		Wholetime		—124
		Part time		—1,060
in Madras and Burma Circles		Wholetime		—82
		Part time		—227
(*a*)(*iii*) Number of officials employed in savings bank audit section of Calcutta Audit Office				161
Do. of Madras Audit Office				108

(*b*) None.

Information promised in reply to starred question No. 665, asked by Mr. N. M. Joshi on the 10th April, 1934.

RECRUITMENT OF OUTSIDERS ON THE GREAT INDIAN PENINSULA RAILWAY.

(*a*), (*b*) and (*c*). The Agent, Great Indian Peninsula Railway, reports that so far as can be ascertained outsiders have only been engaged when there have been no suitable retrenched staff or *ex*-strikers available.

Information promised in reply to starred questions Nos. 471 and 474 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 14th March and to unstarred question No. 218 asked by him on the 19th March, 1934.

STENOGRAPHERS IN THE JUDICIAL DEPARTMENT IN DELHI.

No. 471.

(*a*) A statement giving the information required is attached.

(*b*) The Government of India have no information.

Statement.

(*a*) Number.	Muhammadan.	Non-Muhammadan.	Grade of pay.	Class of Court to which attached.
			Rs.	
1	..	1	100—5—150	Senior Sub-Judge.
1	..	1	100—5—150	Judge Small Cause Court.
3	..	3	75—5—125	3 Sub-Judges, first Class.

PROMOTIONS IN THE JUDICIAL DEPARTMENT IN DELHI.

No. 474.

(*a*) Both seniority and efficiency are considered when promotions are made.

(*b*) No posts are graded as selection appointments.

STRENGTH OF STAFF IN THE JUDICIAL DEPARTMENT OF DELHI.

No. 218.

(*a*) A statement giving the information is attached.

(*b*) and (*c*). Since the orders of 1926 were issued nine appointments out of 23 were filled by Muhammadans. There is no necessity therefore to take any action such as is suggested by the Honourable Member.

Statement.

Grades.	No. of posts.	Muhammadans.	Christians.	Hindus.	Sikh.
Rs.					
150—5—225	1	..	..	1	..
100—5—175	2	..	1	1	..
100—5—150	3	..	..	2	..
75—5—150	1	..	..	1	..
75—5—125	13	..	..	10	1
45—2—95	8	4	..	4	..
35—1½—75	10	6	..	4	..
35—1—55	15	4	..	11	..
	53	14	1	34	1

	Percentage.	
Muhammadan	26%	
Christian, Sikh } each	2%	
Hindus	70%	(Includes 3 Jains).

Information promised in reply to starred question No. 631 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

FILLING UP OF VACANCIES IN ONE DIVISION ON THE EAST INDIAN RAILWAY FROM OTHER DIVISIONS.

The Agent, East Indian Railway, reports :

(*a*) **Yes, but only to posts of lesser responsibility.**

(*b*) The attached list shows the higher posts in the Operating Department to which staff are not promoted locally from the division in which the vacancy occurs but appointments are made by selection from amongst all eligible staff.

List.

Station Superintendent.
Transportation Inspector.
Coal T. I.
Station Master, Grade I.
Chief Controller.
Yard Master, Grade I.
Deputy Station Superintendent.
Dy. Gr. Controller.
Yard Master, Grade II.
Station Master, Grade II.
Office Superintendent.
R. S. F., Grade I.
R. S. F., Grade II.
R. S. F., Grade III.
R. S. F., Grade IV.
A. R. S. F.
P. T. I.
P. T. I.
P. T. I.
Trial Engine Inspector.
Senior Fuel Inspector.
Junior Fuel Inspector.
Foreman T. X. R.
Foreman T. X. R.
S. T. I.
S. T. I.
S. T. I.
Section Boiler Maker.
Inspecting Fitter.
Mechanics, Grade I.
Mechanics, Grade II.
Mechanics, Grade II.
Mechanics, Grade III.

Drivers on the old East Indian Railway Grade :

Grade I (Mail).

Grade II (Passenger).

Grade V (Passenger).

Drivers on the Old O. and R. Scales :

Scale IV .. (Senior Drivers on the Mail and Passenger Services).

Scale II .. Senior Drivers on the Passenger Service.

Scale I

Drivers on the Revised Scales of pay :

Grade I .. (Senior Drivers on the Mail and Passenger Services).

Grade III .. (Senior Drivers on the Passenger Service).

Information promised in reply to unstarred question No. 366 asked by Mr. Bhuput Sing on the 16th April, 1934.

PROMOTION OF THIRD DIVISION CLERKS IN THE ARMY HEADQUARTERS.

(*a*) Permanent Third Division clerks in Army Headquarters may, if they wish, sit for the Public Service Commission examination for the Second or the First Division, provided they satisfy the ordinary rules for the examination. They are not required, however, to qualify for the Second Division before being promoted into one of the vacancies set apart for departmental promotion. A man so qualified would naturally receive preference.

Seven clerks who qualified for the Third Division have been confirmed in the Second Division. This occurred in a single branch of Army Headquarters before the introduction of a Third Division in that Branch. The men concerned had proved their fitness for the Second Division.

(*b*) and (*c*). The reply to the first portion of (*b*) is in the negative. The remaining portion of (*b*) and part (*c*) do not therefore arise.

(*d*) No Third Division clerk has so far been promoted to the Second Division under the concession referred to. The reply to the last portion is in the negative.

(*e*) The orders referred to were waived, as a special case, to provide for the absorption in the Second Division of 18 supernumerary Second Division clerks and eight Third Division clerks, who were qualified for the Second Division, but whose promotion to that Division was retarded on account of the absorption of the 18 supernumerary Second Division clerks.

Information promised in reply to unstarred question No. 271 asked by Mr. M. Maswood Ahmad on the 3rd April, 1934.

RETRENCHMENT IN THE METEOROLOGICAL DEPARTMENT.

(*a*) to (*d*). The required information is given in the statement enclosed.

Statement.

Name of Office.	Number of permanent gazetted and non-gazetted men retrenched.		Number of men absorbed.		Proportion of Muslims.			Remarks.
	Hindus.	Muslims.	Hindus.	Muslims.	Before retrenchment.	After retrenchment.	At present.	
Poona	11	4	8	..	22·6	19·3	20·8	The 3 Hindus who were not absorbed retired on full pension. Of the 4 Muslims 3 retired on full pension and 1 was not considered fit for re-employment.
Agra	3	..	3	..	27·6	28·03	28·0	
Delhi	..	..	..	..	9·1	Office was	abolished.	
Calcutta	9	..	5	..	4·1	4·3	4·7	Of the 4 Hindus who were not absorbed, 1 retired on full pension and 3 retired voluntarily.

Information promised in reply to supplementary question asked by Mr. S. C. Mitra in connection with starred question No. 641 (d) asked by Mr. K. P. Thampan on the 7th April, 1934.

SERVICES OF RAILWAY EMPLOYEES PROSECUTED FOR CRIMINAL OFFENCES BUT FOUND NOT GUILTY.

The Agent, Madras and Southern Mahratta Railway, reports as follows:

No. The Chief Transportation Superintendent and Traffic Manager did not write that there had been "miscarriage of justice".

Information promised in reply to unstarred questions Nos. 392 and 393 asked by Mr. S. G. Jog on the 21st April, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

392. (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) The administrative instructions referred to were issued in 1922. As they are confidential, they cannot be laid on the table. At the same time I shall, however, be glad to show them to the Honourable Member if he will call at my office at any time convenient to himself.

(*e*) The answer to both the questions is in the negative.

(*f*) No further definition of the term has ever been laid down, nor is it necessary.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

393. (*a*) The subsequent medical board was held to consider the eligibility of the person concerned for a disability pension under the 1922 rules. It had been decided that he was ineligible for a pension under the 1915 rules.

(*b*) As *strict evidence* is not required in the case of field and foreign service disabilities the question does not arise.

(*c*) No.

(*d*) (*i*) as a matter of fact; (*ii*) as a matter of opinion based on facts.

(*e*) No medical certificate or any other evidence is ignored.

Information promised in reply to starred questions Nos. 658, 659, 663 and 664 asked by Mr. N. M. Joshi on the 10th April, 1934.

TREATMENT OF THE *ex*-STRIKERS IN THE ENGINEERING DEPARTMENT ON THE GREAT INDIAN PENINSULA RAILWAY AT NAGPUR AS A NEW ENTRANT ON RE-INSTATEMENT.

658. (*a*) Yes, if re-appointed in a vacancy after the 16th July, 1931.

(*b*) Yes. The Agent, Great Indian Peninsula Railway, reports that this was at variance with the standing orders and happened through a misunderstanding of the

orders in the Transportation Department. The orders are being correctly observed now.

(*c*) The men were correctly dealt with in accordance with the orders in force.

(*d*) The difference arose owing to a misunderstanding as referred to in part (*b*) above. No difference now exists in the different Departments.

RE-INSTATED *ex*-STRIKERS IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY AT NAGPUR

659. (*a*) and (*b*). The Agent, Great Indian Peninsula Railway, reports :

(*i*) *Ex*-strikers were taken back as vacancies occurred and hence some were re-engaged within two months.

(*ii*) No such rule is in existence on the Railway.

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

RE-INSTATEMENT OF CERTAIN *ex*-STRIKERS OF BHUSAVAL AND NAGPUR ON THE GREAT INDIAN PENINSULA RAILWAY.

663. The Agent, Great Indian Peninsula Railway, reports :

(*a*) Yes.

(*b*) Individual cases differed, but mostly they did not offer to resume duty by the date specified in the communiqué.

(*c*) An enquiry was held in November, 1930, by the Deputy Agent, Staff, Great Indian Peninsula Railway, in accordance with the announcement made by the Railway Board at the first half-yearly meeting with the All-India Railwaymen's Federation, and as a result it was decided to place on the waiting list the names of certain *ex*-strikers who were found to have complied with the terms of the Government of India Communiqué, dated the 1st March, 1930. Government do not consider any further enquiry necessary.

REDUCTION OF MEN ON THE GREAT INDIAN PENINSULA RAILWAY.

664. The Honourable Member's attention is invited to the reply given to his starred question No. 660 on the 9th April, 1934. It is not possible to forecast the number of staff likely to be reduced on the Great Indian Peninsula Railway.

Information promised in reply to unstarred question No. 6 asked Mr. M. Maswood Ahmad on the 24th January, 1934.

EDUCATIONAL FACILITIES GIVEN TO THE CHILDREN OF THE SUBORDINATE EMPLOYEES ON THE EAST INDIAN RAILWAY.

(*a*) I lay on the table a statement giving information regarding the cost and number of students in Schools on the State-managed Railways.

(*b*) Agents of State-managed Railways have been addressed on this question.

Statement.

Railway European Schools.				Railway Indian Schools.			
Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of		Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of	
		Railway Employees.	Others.			Railway Employees.	Others.
	Rs.				Rs.		
				East Indian Railway.			
Lillooah	1,853	23	..	Bareilly, Victoria M. E.	5,396	88	87
Bandel	1,296	18	..	Pathardihi, L. P.	640	52	19
Burdwan	1,720	14	..	Ondal, H. E.	2,688	106	67
Ondal	1,512	33	3	Asansol, M. E.	9,150	287	224
Asansol	2,460	73	3	Gomoh, L. P.	702	86	3
Dhanbad	1,512	89	7	Jhaja, M. E.	1,080	54	34
Gomoh	1,296	17	..	Sahibganj, H. E.	6,518	139	134
Madhupur	2,240	210	6	Jamalpur, Islamia M. E.	1,080	200	23
Jhaja	1,812	15	..	Dinapur, H. E.	4,992	232	138
Rampur Haut	1,396	11	..	Moghalsarai, M. E. ..	3,032	165	151
Sahibganj	1,323	12	..	Tundla, A. V. High	8,367	183	116
Jamalpur	2,160	89	..	Jamalpur, Keshavapur Behari, M. E.	1,064	91	49

Railway European Schools.			
Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of	
		Railway Employees.	Others.
	Rs.		
East Indian Railway—contd.			
Gaya	1,188	14	..
Dinapore	1,720	46	..
Buxar*	1,920	9	..
Moghalsarai	1,496	34	3
Mirzapur	1,272	20	1
Cawnpore	2,236	18	4
Tundla	1,728	72	3
Allahabad†	1,215	58	7
Moradabad	2,970	36	9
Oakgrove School	1,61,280	370	73
Great Indian Peninsula Railway.			
Parel	1,670	50	24
Kalyan	2,719	78	..
Lonavla	3,332	35	2
Igatpuri	2,325	35	1

Railway Indian Schools.			
Name and place of school.	Annual Expenditure 1932-33.	No. of students who are children of	
		Railway Employees.	Others.
	Rs.		
East Indian Railway—contd.			
Giridih, Miners' Elementary ..	6,000	654	2
Jamalpur, H. E.	3,774	238	80

Manmad	1,552	47	6	No Indian Schools are run by the Great Indian Peninsula Railway. A certain number of non-Europeans are admitted to the European Schools.	
Bhusawal	3,896	130	1		
Dhond	1,536	26	..		
Sholapur	3,278	32	3		
Bina	2,555	42	..		
Jhansi	7,189	59	2		
Itarsi	1,473	27	..		
Ajni	2,337	26	..		

North-Western Railway.

St. Andrew's School, Lahore ..	7,814	108	..	Railway Punjabi School, Sukkur ..	7,495-12	289	234
N. W. R. School, Saharanpur ..	5,236-8	25	5	Railway A. V. Middle School, Samasatta	6,061	209	24
Joint Railways School, Ghaziabad ..		5	..	N. W. R. Hadow Sindi School, Lahore	2,281	36	333
Railway European School, Kotri ..	2,280	10	2				

Eastern Bengal Railway.

European Day School, Kanchrapara ..	3,600	17	Not known	No Indian Schools are maintained by the E. B. Railway.
European Day School, Chitpur ..	1,271	16	Do.	
European Day School, Katihar ..	1,090	12	Do.	
European Day School, Saidpur ..	1,383	8	Do.	

Burma Railways.

Insein	900	12	92	Insein	4,110	138	72
				Myitngo	4,896	183	1

* Closed from 3rd May, 1933.

† Closed from 1st January, 1933.

Information promised in reply to supplementary questions to starred question No. 498 asked by Mr. M. Maswood Ahmad on the 16th March, 1934.

FREIGHT ON RICE FROM PATNA TO DELHI.

The Agent, East Indian Railway, reports as follows :

1. With reference to the Railway Board's letter No. 4910-T., dated the 24th March, 1934, I beg to observe that from enquiries made in the matter it is ascertained that :

(*i*) There have been no despatches of rice from Patna to Delhi during the last 12 months. On the contrary Patna usually imports rice from stations on the East Indian Railway's loop line section and the Bengal Nagpur Railway.

(*ii*) The rice merchants of Patna do not appear to be interested in the Delhi market as they consider there is small prospect of any movement of rice from Patna to Delhi.

(*iii*) The rice merchants in Delhi also appear disinterested in the proposal to obtain supplies of rice from Patna.

(*iv*) Delhi usually consumes a better quality rice than that obtainable at Patna.

(*v*) Rice was received at Delhi during 1933-34, as follows :

	Mds.
From the Province of Bengal	1,20,632
From the Province of Behar and Orissa	2,461
From the Province of United Provinces	9,209
From the Province of Central Provinces	4,879
Total ..	1,37,181

2. So far as the Province of Behar and Orissa is concerned rice moved to Delhi from Sultanganj, Karmatar Sarak, *via* Bukhtiarpur, and *via* Futwah, and it is significant that the freight charges from these points to Delhi are higher than the rate from Patna.

3. Indeed, it is of even greater significance that of the total despatches from Bengal 65,963 maunds of rice were drawn from Howrah at a rate of Re. 0-11-2 per maund as compared with a rate of Re. 0-9-0 per maund from Patna.

4. In these circumstances it is obvious that there can be no justification for introducing a reduced rate for rice from Patna to Delhi.

Information promised in reply to part (b) of starred question No. 191 asked by Mr. Goswami M. R. Puri on the 21st February, 1934.

LOW SALARIES OF ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports that steps are being taken to give the same scales of pay to Assistant Station Masters performing similar duties at big stations like Ghaziabad.

Information promised in reply to unstarred questions Nos. 304, 305, 306 and 307 asked by Kunwar Hajee Ismail Ali Khan on the 4th April, 1934.

MANAGING COMMITTEE OF THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.

304. The Agent, East Indian Railway, reports as follows :

(*a*) Ten including the three *Ex-Officio* members.

(*b*) Europeans two,

Muslims two and

Hindus six.

Europeans.

(*1*) R. E. Rutherford, Esq., Divisional Superintendent, President.

(*2*) Reverend G. F. Buchanan, Secretary.

Muslims.

(*1*) Mr. Ishtiaq Ali Khan.

(*2*) Mr. Bashir Khan.

Hindus.

(*1*) Capt. B. G. Kane.

(*2*) Mr. A. N. Puri, Assistant Superintendent Way and Works.

(*3*) Dr. S. C. Chowdhury.

(*4*) Mr. B. Pershad.

(*5*) Mr. Jowala Singh.

(*6*) The Head Master.

(*c*) (*i*) Seven.

(*ii*) Three.

(*d*) The District Medical Officer is the Vice-President and the Senior Sub-Assistant Surgeon is a Member.

It is not correct to say that the latter has not an independent vote.

(*e*) So far no resignations have been tendered.

HEADMASTER OF THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.

305. (*a*) Mr. H. C. Bansal.

(*b*) and (*c*). A reference is invited to the reply to question No. 176 laid on the table of the House on the 3rd December, 1932. Government are not prepared to lay on the table the findings of the Enquiry Committee.

(*d*) 33 boys were sent up for the High School Examination of which 12 passed.

MUSLIM STUDENTS IN THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.

306. (*a*) A statement showing the number of boys in the East Indian Railway High School, Tundla, during the years 1922 to 1933, and the number of Muslim boys in that School is placed on the table.

(*b*) Government understand that the allegations are unfounded. The Agent reports that promotions from class to class are made on merits and not on communal grounds.

(*c*) A statement showing the number of boys in the East Indian Railway High School, Tundla, who passed the High School Examinations during the last ten years and the number of Muslims amongst them is placed on the table.

Statement showing the number of boys in the East Indian Railway High School, Tundla, during the years 1922-1933 and the number of Muslim boys in that School.

	Hindus.	*Muslims.*	*Total.*
1922-23	189	16	205
1923-24	179	27	206
1924-25	156	26	182
1925-26	193	31	224
1926-27	209	33	242
1927-28	208	33	241
1928-29	209	40	249
1929-30	213	40	253
1930-31	236	43	279
1931-32	253	41	294
1932-33	248	51	299
1933-34	243	58	301

Statement showing the number of boys in the East Indian Railway High School, Tundla, who passed the High School Examinations during the last ten years and how many of them are Muslims.

	Total No. sent.	Hindus.	Muslims.	Passed Hindus.	Passed Muslims.
1924	19	17	2	12	..
1925	15	14	1	8	1
1926	14	14	..	7	..
1927	14	14	..	8	..
1928	11	11	..	9	..
1929	17	17	..	16	..
1930	21	21	..	13	..
1931	22	20	2	15	2 (2 absent).
1932	21	19	2	17	..
1933	33	27	6	12	..

TEACHERS IN THE EAST INDIAN RAILWAY HIGH SCHOOL AT TUNDLA.

307. Total number of teachers is 17 of which 12 are Hindus and five Muslims.

Information promised in reply to part (c) of starred question No. 526 asked by Sardar G. N. Majumdar on the 19th March, 1934.

VACANCIES IN THE GRADE OF MANAGERS AND SUPERVISORS OF FARMS.

(c) The answer to the first question is in the affirmative and to the second in the negative.

Information promised in reply to starred questions Nos. 328, 329 and 330 asked by Mr. S. C. Mitra on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

328. (a) No, the rate was 6*s.* 6*d.*

(b) Yes. This rate has been in force since 1921.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

329 and 330. The attention of the Honourable Member is invited to the answer I gave on the 11th December, 1933, to part (a) of starred question No. 1386. The Secretary of State has since confirmed the decision of the Government of India on Recommendation No. IX. This is the only recommendation of the War Pensions Committee on which his orders were required.

Information promised in reply to starred question No. 333 asked by Mr. S. G. Jog on the 2nd March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(a) and (c). Government have the reason to believe that the Deputy Controller of Military Pensions, Lahore, is not acting in accordance with their intention. If the Honourable Member will furnish particulars of any case he has in mind, enquiries will be made.

(b) No. Soldiers' Boards are non-official organisations, and for purposes of pension claims, are only investigating and forwarding authorities.

(c) Yes.

(d) and (e). The channels of submission are different in the case of *Jangi Inams*. While claims to family pensions are submitted through the deceased soldiers' Commanding Officer, *Jangi Inams* are transferred from the 1st to the 2nd holder without the intervention of the Commanding Officer of the deceased soldier on account of whom the *Jangi Inam* was originally granted. I do not understand the difficulty which the Honourable Member fears may arise through this difference of system, but if he will furnish details of any case he may have in mind, enquiries will be made.

Information promised in reply to unstarred question No. 59 asked by Mr. N. M. Joshi on the 16th February, 1934.

HOLIDAYS IN THE MECHANICAL WORKSHOPS OF STATE RAILWAYS.

The information as furnished by the Railway Administrations is given in the statement below.

Railway.	Workshops.	No. of holidays on which shops are closed in a year.	No. of paid holidays allowed to daily rated staff.	Remarks.
1	2	3	4	5
Burma ..	Insein Loco. shops..	17	*Nil.*	
	Mytinge C. & W. shops.	20	*Nil.*	
	Rangoon Signal Engineering shop.	23	1	
E. B. ..	..	41	20	
E. I. ..	Jamalpur shops ..	43	15	
	Lillooah ..	34	15	
	Lucknow (Loco. & Car. & Wagon shops.	38	16	
G. I. P. ..	Parel Shops ..	17	*Staff under new leave rules.*	
	Matunga shops ..	17	15 holidays with pay in lieu of casual leave.	In addition all employees irrespective of leave rules by which they are governed, are given holidays on Empire Day and His Majesty the King Emperor's Birthday without deduction of pay.
	Jhansi shops ..	17	*Staff governed by the leave rules of the late G. I. P. Railway Company.*	
			15 days leave without deduction of pay which may be replaced by an equivalent number of holidays.	Occasionally, in response to a written request by a majority of the workmen, the shops are closed on other than the holidays specified in column 3. In such cases Staff governed by the State Railway Leave Rules may have such holidays with pay if any leave is due to them while staff governed by the G. I. P. and Fundamental Rules must have such holidays without pay.
N. W. ..	Moghalpura shops	23	17	
	Sukkur shops ..	18	17	
	Kalka shops ..	18	17	
A. B. ..	..	36	6	
B. N. ..	Mechanical Workshops.	24	14	
B. B. & C. I.	Metre Gauge system	25	17	
	Broad Gauge system	17	17	
M. & S. M. ..	Perambur ..	23	14	Empire Day and His Majesty the King Emperor's Birthday are treated as paid holidays for all staff. The remaining 12 paid holidays are earned by staff for regular attendance at the rate of one per month.
	Hubli	26	14	
	Bangalore ..	25	14	
S. I.	Mechanical Workshop	12		

Information promised in reply to starred question No. 626 asked by Lieut.-Colonel Sir Henry Gidney on the 4th April, 1934.

RULES FOR THE PROMOTION OF PASSENGER DRIVERS TO MAIL DRIVERS ON STATE RAILWAYS.

(*a*) The rules governing the promotion of passenger drivers to mail drivers on the State-managed Railways are as follows :

North Western Railway.

Mail Drivers and passenger drivers are not separate classes. Mail drivers are drawn from the most senior men with a good record as driver.

Burma Railways.

Whenever a vacancy occurs in the links of main line fast-passenger and ghat services, the best and fittest engine-man irrespective of district, salary or length of service is selected for promotion.

East Indian Railway.

Promotions to mail drivers from passenger drivers are made by slection, seniority being observed if the driver is considered suitable, has a good record and is reported on satisfactorily. Promotion is subject to a driver passing a satisfactory examination in a knowledge of the rules and in enginemanship.

Eastern Bengal Railway.

The most efficient men are selected to work on the Mail Link.

Great Indian Peninsula Railway.

Mail and passenger drivers are on the same rate of pay, *viz.*, Rs. 310 for A grade and Rs. 235 for B grade and the mail and passenger services are worked on a combined link. Promotions to this grade or pay are made from goods drivers.

(*b*) In the past there was a system of selecting covenanted and non-covenanted drivers on the East Indian Railway alternately for promotion irrespective of the order of seniority. This was discontinued from the 1st November, 1926.

(*c*) The alternate system of promotions was due to the fact that covenanted drivers were formerly recruited on the original East Indian Railway with superior British railway training and experience on account of which they were given a certain degree of preference.

(*d*) The practice, referred to, has been discontinued on the East Indian Railway. It was never in existence on other State-managed Railways.

Information promised in reply to part (vi) of starred question No. 694 (b) by Mr. S. G. Jog on the 14th April, 1934.

EXPENDITURE ON THE MOVE OF THE MILITARY ACCOUNTANT GENERAL'S OFFICE.

Expenditure incurred for carriage of records, etc.

	Rs.	a.	p.
1930-31	1,698	4	0
1931-32	1,080	2	0
1932-33	1,271	8	0

Information promised in reply to unstarred question No. 286 asked by Mr. S. G. Jog on the 3rd April, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(*a*) No. The memorandum quoted by the Honourable Member relates to a follower who was no longer fit for his peace time duties on account of old age. There was no question of war-unfitness.

(*b*) Government are aware of this publication.

(*c*) There is no such difference. The Ministry of Pensions have not adhered strictly to the official Nomenclature of Diseases in the table in question, but have for the sake of convenience grouped various conditions under the heading "debility".

Medical Boards in India are required by the regulations to adhere to the diagnosis given in the Nomenclature of Diseases and in consequence patients in whom debility is a marked symptom are invalided, not for debility, but for the disease from which the debility originated.

(*d*) No. I would refer the Honourable Member to the answer given on the 10th March, 1934, to parts (*a*) and (*b*) of his question No. 182.

(*e*) and (*f*). Do not arise.

Information promised in reply to Mr. S. C. Mitra's starred question No. 678 on the 10th April, 1934.

LADY CLERKS IN THE CENTRAL MILITARY OFFICES AND IN THE GOVERNMENT OF INDIA OFFICES.

(*a*) Military Offices	56
(*b*) Other Government of India Offices	29

Information promised in reply to part (a) of starred question No. 1267 asked by Mr. K. C. Neogy on the 1st December, 1933.

QUOTATIONS FROM THE INDIAN SHIPPING COMPANIES FOR THE CARRIAGE OF GOVERNMENT MATERIALS.

Consequent on the acceptance by Government of Sir Lalubhai Samaldas's Resolution in the Council of State on the 15th March, 1922, particulars of Government stores purchased by the High Commissioner for India and ready for shipment, were given regularly to Messrs. Devitt and Moore, Limited, the London Agents of the Scindia Steam Navigation Company, Limited, of Bombay, which is believed to be the only Indian Company operating in European waters. Messrs. Devitt and Moore, Limited, did not, however, submit any freight tenders, nor were any applications for cargo ever made by them. It is understood that the Company have no regular sailings from Europe to India. The High Commissioner had ascertained some time ago from them that in the event of any of their steamers returning from the United Kingdom after repairs or of new steamers proceeding to India after construction in the United Kingdom, they would be interested only in whole cargoes or in very large consignments; but in consequence of the altered arrangement for shipment of stores under Rupee Tender Rules such large consignments are not now shipped by the High Commissioner's Store Department.

The High Commissioner is prepared to consider any proposals which might be placed before him by any Indian Shipping Company.

Information promised in reply to parts (b) to (f) of unstarred question No. 339 asked by Khan Bahadur Haji Wajihuddin on the 10th April, 1934.

CONSOLIDATED ALLOWANCE TO SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

(*b*) to (*e*). The Agent, North Western Railway, reports as follows :

(*b*) Yes.

(*c*) and (*d*). Mr. Labhu Ram Teji was not a temporary Travelling Ticket Examiner but on 12 months probation from the 15th November, 1930. Had the old Travelling Ticket Examiners' posts not been abolished with effect from the 1st June, 1931, he would have been confirmed as Travelling Ticket Examiner from the 15th November, 1930. On representing this point of view to the Chief Accounts Officer of this Railway he agreed that the spirit of the Railway Board's orders covered such cases and he was accordingly admitted by this office to the concession alluded to in part (*a*) above and not by the Divisional Superintendent, Delhi, as stated in the question.

(*e*) Messrs. Mathews, Labhu Ram and M. Abdulla of the Lahore Division were placed on probation as Travelling Ticket Examiners on the 30th June, 1930, 9th June, 1930, and 9th June, 1930, respectively. Due to a reduction in the number of Travelling Ticket Examiners' posts on the Lahore Division, they reverted to their substantive posts of Ticket Collectors on the 20th March, 1931, 3rd September, 1930, and 20th March, 1931, respectively, prior to the abolition of Travelling Ticket Examiners' posts and were not utilised as Special Ticket Examiners until the 25th February, 1932, 29th November, 1932, and 13th February, 1932, respectively, whereas Mr. Labhu Ram Teji who was still working as a Travelling Ticket Examiner on the 1st June, 1931, was given the option of selecting a post of Special Ticket Examiner when Travelling Ticket Examiners' cadre was abolished. It will thus be seen that these are not parallel cases.

(*f*) Does not arise.

Information promised in reply to starred question No. 1472 asked by Sardar Sant Singh on the 20th December, 1933.

REPORT OF THE MISRA COMMITTEE APPOINTED TO CONSIDER THE APPEALS OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports that the practice on the Allahabad Division was different from that followed in other divisions, but from the 1st February, 1934, a uniform procedure has been adopted on all the divisions.

Information promised in reply to starred question No. 818 asked by Rai Bahadur Lala Brij Kishore on the 12th September, 1933.

SENIORITY OF EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKUND RAILWAY STAFF.

(*a*) Thirty-three old East Indian Railway subordinates are working in the senior post on the Oudh and Rohilkund Railway area and 12 subordinates of the old Oudh and Rohilkund Railway are working on the old East Indian Railway area.

(*b*) Yes. In this connection, I would refer the Honourable Member to the information laid by me on the table of the House on 12th December, 1933, in reply to starred question No. 1017 asked by Mr. E. H. M. Bower on 18th September, 1933. The Agent, East Indian Railway, reports that separate seniority lists are maintained for the Engineering staff of the old Oudh and Rohilkund Railway and the old East Indian Railway for administrative purposes and to avoid hardship to old Oudh and Rohilkund Railway Engineering staff who would suffer if they were brought on the revised scales of pay for the purposes of a common seniority list.

(*c*) All departments, except the Operating Department, are governed by the same set of rules. The question of rules for staff in the Operating Department is under consideration.

(*d*) No. The only change which has been made is that the period of absence from headquarters by which daily allowance can now be earned is more than four hours between 9 P.M. and 5 A.M., instead of more than eight hours on each day, beginning and ending at midnight.

(*e*) There is no separate allotment of posts in grades I and II for the Oudh and Rohilkund Railway Inspectors; promotions to these grades being made by selection. So far one Oudh and Rohilkund Railway Inspector of Works has been promoted to grade II.

(*f*) The revised scales of pay of 1928 were promulgated with effect from the 1st August, 1928, and have been applied generally to new entrants appointed since that date. There have been exceptions in certain cases where it was considered necessary.

(*g*) There is no such restriction imposed on the staff of the Operating Department. As regards the staff of the Engineering Department the amount of allowance has been limited to the number of nights out which the Divisional Superintendent considers it sufficient for the proper maintenance of the line. It has not been considered necessary to impose a restriction on officers.

(*h*) The staff whose vision requires testing in the interest of public safety are periodically examined.

Information promised in reply to starred question No. 414 asked by Mr. Gaya Prasad Singh on the 7th March, 1934.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

(*a*) To the fullest possible extent.

(*b*) In accordance with the instruction in clause (*viii*) of the Note to the Government orders on recommendation No. XXI of the War Pensions Committee, it is necessary for an applicant claiming the benefit of recommendation No. XIII to show that the rejection of his original claim was based on the absence of records which under rule should be permanently retained. In other words, it is necessary for a claimant to produce some evidence to indicate that his discharge from the Army was due to a disability incurred on or attributable to military services during the war and that some particular document or documents should be in existence to confirm his claim. In neither of the two cases mentioned has any such evidence been produced and it is obviously impossible for the Government to accept the unsupported statement of a claimant that his discharge from the Army was due to a disability of the kind mentioned above. All that is on record in the two cases mentioned is that the men concerned were discharged on medical grounds; many men were discharged during the war for disabilities other than those contracted on or attributable to military service; and there is no evidence in these two particular cases to show that the disabilities were so contracted or attributable. It was not, however, merely on the absence of such evidence that the claims were rejected. One of the two men was found in 1931 to be suffering from no disability whatever, while the disability of the other in the same year was limited to the minimum degree of 20 per cent. The disease from which he was suffering, namely, defective vision, was not of a kind that improves by lapse of time, and it is therefore most improbable that he was suffering from a pensionable degree of disability at the time when he was discharged. As a special case, however, in view of his long service, this man has already been granted a special pension of Rs. 4 and has therefore already been treated more generously than would have been strictly justifiable under the regulations.

Information promised in reply to part (b) of starred question No. 76 asked by Mr. G. Morgan on the 6th February, 1934.

PURCHASE OF COAL BY STATE RAILWAYS.

The names of the collieries whose tenders for the supply of coal to the State Railways were accepted for the year 1933-34 and who failed to supply the quantities contracted for are given below :

	Tons.
Messrs. H. V. Low's Sultanpur Colliery	804
Messrs. Siduli Colliery Company	2,020

Information promised in reply to starred question No. 762 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

(*a*) Yes. A copy of the report is annexed.

(*b*) Yes. The new agreements provide for termination on six months' notice.

ANNEXURE.

Letter No. A. A.-109/Cal/4, dated 2nd June 1934 from the Agent, East Indian Railway, to the Secretary, Railway Board.

Vending in Dinapur Division.

I beg to say that on consideration of the results of granting on the Howrah Division, as an experimental measure, the contract for the Hindu and Muhammadan Refreshment Rooms at Burdwan, the Hindu and Muhammadan Tea Stalls at various stations, and the vending of Indian sweetmeats, food stuffs and miscellaneous articles at certain stations to one firm of caterers, it was decided to continue the system of extended contracts for the sale of such articles but to a more limited extent. This proposal had the general approval of the Calcutta Advisory Committee. It was also decided that there should be separate Hindu and Muhammadan contractors and that the contract should be for all sales at a large station, and would include an area of say 25 to 30 miles from that station.

In settling the contracts on the Dinapur Division, it was found impracticable to adhere to the limited distances contemplated, for the reason that on such small areas there was no possibility of doing any appreciable vendor's business. Consequently areas were enlarged in order to make them sufficiently remunerative for the contractors to give good service to the public.

The Dinapur Division was split up into four areas as shewn under :

(*a*) Moghalserai area ..	From Moghalserai to Tarighat and Sasaram (inclusive) 110 miles.
(*b*) Gaya area	Manpur (inclusive) to Sasaram (exclusive) and Daltonganj branch—141 miles.
(*c*) Patna area	Athmal Gola (inclusive) to Bhadaura (inclusive) and Patna Junction to Chakand (inclusive 175 miles.)
(*d*) Kiul area	Jhajha (inclusive) to Barh (inclusive) Luckeeserai to Paimar (inclusive) and Kiul to Dharara—164 miles.

The old contractors were petty tradesmen and none of them had the necessary professional experience, knowledge or capital to run area contracts and institute proper supervision which is essential to improve the service to passengers. Consequently their services

had to be terminated and new contractors were appointed. Owing to the inability of the Divisional Superintendent to obtain suitable contractors for the above four areas, it was necessary to give two areas to one man, *i.e.*, one Hindu and one Muhammadan respectively for the vending of Hindu and Muhammadan food.

I would, however, point out that the contractors appointed were most reluctant to take over the small intermediate stations, but that the Divisional Superintendent, Dinapur, insisted on them doing so as it is at these stations that most improvement is necessary which can only be brought about by proper inspection and organisation.

The placing of these contracts is fully within the competence of the Divisional Superintendent, and I am fully satisfied that his action was undoubtedly in the interests of the travelling public.

The Calcutta Advisory Committee have, in view of the circumstances, agreed that these revised arrangements should be given a fair trial.

Information promised in reply to starred question No. 729 asked by Pandit Satyendra Nath Sen on the 16th April, 1934, and starred questions Nos. 763 and 764 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

Starred question No. 729.—The Agent, East Indian Railway, reports as follows :

(*a*) Out of a total number of 138 contractors only 11 were *ex*-Railway employees.

(*b*) There is no record of any policy laid down in 1919. It is within the Divisional Superintendent's powers to make catering contracts on their Divisions. The present policy is the outcome of a suggestion of the Calcutta Advisory Committee, the object being to raise the standard of catering which was low.

(*c*) Complaints were frequent against contractors under the old system and their standard was acknowledged to be low.

(*d*) No. It is not the policy of the Railway to call for tenders, but applications are called for.

(*e*) The new contractors are paying the same rate of fees, and rents as the old ones were paying. No premium for the contracts was paid by the old contractors and none is paid by the new ones.

(*f*) No record is maintained of the province of origin of the contractors as it is not the policy of the Railway necessarily to confine themselves in any area to the inhabitants of that area. Of the four new contractors employed, three were already employed in Bihar.

(*g*) Passes in accordance with the duties required of them have been issued.

(*h*) No definite information is available. It is understood that Messrs. Ballavhdas Eshwardas were for years contractors on the Bengal Nagpur Railway and resigned the contract with the concurrence of the authorities. They received excellent certificates from that Railway.

(*i*) The same firm held Refreshment Room contracts on the Howrah Division and had been given the contract for the new Refreshment Room at Gaya on its completion on the 15th February, 1934.

(*j*) With the object of employing as many as possible of the petty vendors, and their servants in order to continue their livelihood, the new contractors were asked to take them on as their employees, if suitable. Where this has been done, service agreements have been executed. The contracts have not been sublet.

(*k*) Subletting is not permitted under the terms of the agreement and is always punished when discovered.

(*l*) Yes. These were duly received on March 5th and 12th.

(*m*) (*i*) The various portions of the contracts were taken over on various dates between March 25th and April 10th. The details of the contracts were completed on various dates between 21st February and 10th March.

(*ii*) A copy of the agreement form is annexed.

(*iii*) Because the matter was within the Divisional Superintendent's powers.

(*n*) The Divisional Superintendent has no cognisance of the recommendations of the Local Advisory Committee, except recommendations which are accepted by the Agent and are forwarded by him to Divisional Superintendents with instructions to implement them.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

Question No. 763.—(*a*) No. The selection of individual contractors is an executive matter not requiring previous consultation with the Local Advisory Committee.

(*b*) The reply to the first part of the question is in the affirmative. The system now in force was discussed at a Local Advisory Committee meeting and it was agreed to give the present scheme a trial.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

Question No. 764.—It is too early to say yet. The Railway Administration expect to gain by the approbation of passengers of the much improved arrangements. They will also gain by a great decrease in clerical work. In actual fees for rents, vending and hawking they have not gained, and do not look to gaining anything.

Information promised in reply to starred question No. 972 asked by Mr. Lalchand Navalrai on the 16th September, 1933.

RE-EMPLOYMENT OF RETRENCHED STAFF ON THE NORTH WESTERN RAILWAY.

(*a*) to (*e*) The Agent, North Western Railway, reports that the instructions issued by the Railway Board to regulate the retrenchment of staff, their registration on a waiting list and re-employment have been applied by his Administration to the retrenchment that took place in 1931-32.

(*f*) The Agent, North Western Railway, who has examined the individual case referred to, reports that Mr. Chughani was discharged in 1934.

(*g*) Does not arise.

Information promised in reply to parts (a), (b), (e), (f) and (g) of starred question No. 391 asked by Rai Bahadur Lala Brij Kishore on the 6th March, 1934.

POSTS OF YARD SUPERVISORS, YARD FOREMEN ASSISTANT YARD MASTERS AND YARD INSPECTORS ON THE EAST INDIAN RAILWAY.

(*a*) The Agent, East Indian Railway, reports that there are no Yard Supervisors or Yard Inspectors on the East Indian Railway. Yards are controlled by Yard Masters, who frequently have Assistant Yard Masters or Yard Foremen working under them in

eight-hour shifts. The Yard Foreman works under the supervision of an Assistant Yard Master. Some yards do not have any Yard Foremen.

(*b*) The Agent, East Indian Railway, reports that Yard Masters and Assistant Yard Masters must have the same qualifications as Station Masters and Assistant Station Masters and in addition must have special aptitude for yard work. Yard Foremen are generally promoted from literate gunners but are not responsible for train passing.

(*e*) and (*g*). The East Indian Railway Administration do not consider it necessary to provide special facilities for guards, Indian Assistant Station Masters and Head Number-takers for their promotion to the posts of Yard Masters, Assistant Yard Masters and Yard Foremen. Before staff can be considered eligible for promotion to higher posts, it is necessary for them to qualify by passing such examinations or tests as may be necessary and must possess the qualifications required for such promotions.

(*f*) The Agent, East Indian Railway, reports that Head Number-takers have little or no knowledge of the duties of a gunner or of yard work and in consequence cannot ordinarily assume the duties of Yard Foremen.

Information promised in reply to starred question No. 756 asked by Mr. M. Maswood Ahmad on the 17th April, 1934.

PROMOTIONS IN THE OFFICE OF THE AGENT, NORTH WESTERN RAILWAY.

The Agent, North Western Railway, reports :

"(*a*) Hindu members of the staff, as well as those of other communities, once declared unfit for promotion from a lower to a higher grade are given further chances to prove their fitness.

(*b*) and (*c*). No such case is traceable. A Grade I Hindu clerk who officiated in Grade II in leave vacancies in 1930, however, was reverted while again officiating in the same grade in 1931 on account of reduction in establishment, because he was found to be less efficient than another clerk junior to him in the same Grade. This individual did not, however, officiate in Grade II in 1925 and he is not being given a trial now in Grade II. He has, however, been recently transferred to another Section in his substantive grade, Grade I, to see whether he can earn a recommendation of fitness for promotion to Grade II.

(*d*) and (*e*). An employee once declared unfit is not debarred from subsequently earning a recommendation of fitness for promotion. This applies to all classes of staff irrespective of community.

Information promised in reply to parts (b) to (e) of starred question No. 554 asked by Pandit Satyendra Nath Sen on the 27th March, 1934.

ABSENCE OF A SHED ON THE PLATFORM OF THE HARDWAR RAILWAY STATION.

The Agent, East Indian Railway reports as follows :

(*b*) A portion measuring 12′ × 140′ or 1,680 square ft. of the station is covered. The shedding is sufficient to meet normal requirements. Special arrangements are made for mela traffic. There is a shelter for the third class passengers outside the platform covering an area of 6,875 square ft.

(*c*) The platform and station buildings at Hardwar are 9 feet higher than the public road level which is 320 feet away and therefore the several exit gates leading to the platform have a gradual slope.

(*d*) The reply to the first part of the question is in the affirmative. The reply given by the Divisional Superintendent, Moradabad, was that it was impossible to consider the amenities suggested *at present.*

(*e*) Figures of gross and net earnings of the station are not available. Passenger earnings at the station were as follows :

Period.	Local.	Foreign.
Year ending—	Rs.	Rs.
31st March, 1933	253,545	611,415
31st March, 1934	265,378	751,416

Information promised in reply to starred question No. 634, asked by Mr. N. M. Joshi on the 4th April, 1934.

DENIAL OF THE BENEFIT OF SUNDAY REST TO WORKERS IN THE RUNNING SHEDS AT CERTAIN PLACES ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

(*a*) Yes.

(*b*) Because Ratlam and Godhra are not in British India, and the provisions of the Factories Act therefore do not apply. The same is probably the case with the other places to which the Honourable Member refers.

(*c*) No, because (*i*) the staff concerned do not favour any change and (*ii*) the application of the Hours of Work Regulations to the Bombay, Baroda and Central India Railway is under consideration.

Information promised in reply to unstarred questions Nos. 375 and 376 asked by Pandit Satyendra Nath Sen on the 16th April, 1934.

APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.

375. It is assumed in the replies to this and the next question that Mr. C. Keys is the Anglo-Indian apprentice referred to :

(*a*) The Agent, East Indian Railway, reports that Mr. Keys holds a certificate of having passed the Jamalpur Technical School in the Second Division. When he left the St. Xavier's College, Calcutta, he was in the 8th standard, which is above Junior Cambridge and Matriculation standards.

(*b*) (*i*) Mr. Keys received his training in the Machine, Fitting and Mill-wright shops and the Drawing Office of the Carriage and Wagon Workshops at Lillosah.

(*ii*) Yes.

(*c*) The European in question was trained in the Machine, Fitting and Under-Frame Production Sections and Drawing Office of the Carriage and Wagon Workshops, Lillooah, and was selected by the Selection Committee convened to make the selection. The Committee besides taking into consideration the results of the examination also considered other qualifications such as initiative, general intelligence and ability to command labour before making the appointment.

Government understand that the selection was not based on racial considerations.

(*e*) and (*f*) Government are informed that the cases of all time expired apprentices will be taken into consideration by a special selection committee when suitable vacancies occur.

SELECTION OF LILLOOAH *ex*-APPRENTICES FOR THE POSTS OF TRAIN EXAMINERS.

376. (*a*) The Agent, East Indian Railway, reports as follows :

(*a*) (*i*) The candidates appeared before a Selection Committee, who considered the qualifications of each candidate carefully before making their choice.

(*ii*) The Selection Committee was composed of three Senior Scale Officers of the Operating Department.

(*b*) No. The Selection Committee selected candidates who appeared to them most suited for employment at the time they appeared before the Committee.

(*c*) Government are informed that the appointment was made in 1930 and the information asked for is not now available.

(*d*) There were only five apprentices.

(*i*) Train Examiners in the 1933 batch, who passed out of the Technical School and of these only one was an Indian, who obtained 54% marks in the final examination. The *ex*-apprentice who was appointed obtained 84% marks.

(*d*) (*ii*) and (*f*) The men referred to were considered by the Selection Committee to be the best all round men for the posts. If seniority is to be taken as the determining factor in making selections of time-expired apprentices, there would be no necessity for appointing selection committees to select the best men offering.

(*e*) Government do not consider their intervention is called for.

Information promised in reply to part (c) of starred question No. 185 asked by Sardar Sant Singh on the 21st February, 1934.

CONSOLIDATED ALLOWANCE OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

(*c*) Government are informed that the cut was not applied on the North Western Railway through a misunderstanding. The recovery of the amount overdrawn by the staff in good faith has been waived.

THE FACTORIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume the third reading of the Factories Bill.

12 NOON.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Sir, the amount of agreement and approval which this measure has commanded in this House ought to be a matter of congratulation for my Honourable friend, the Mover. Some of that agreement and approval may be due to the popularity which my Honourable friend, Sir Frank Noyce, enjoys in this House, but while some of the agreement in this House to the present measure may be due to the personality of the Honourable the Mover, I think a great part of that agreement should be ascribed to the intrinsic merits of the measure. From the point of view of the workman, from the point of view of the employer and from the point of view of the country at large, there is abundant material in the measure itself which should command approval in and outside this House. This very welcome phenomenon of agreement of the non-official Benches with an official measure like the present is all the more remarkable when one considers that the initiation of the very first measure

on factory legislation in India in the early seventies was due almost entirely to the jealousy which the nascent cotton textile industry of India had aroused in Lancashire. It is remarkable that during the whole of the debate I have heard not a single Honourable Member mention the very name of Lancashire. It is possible that it is a happy augury of the movement to which my Honourable friend, Mr. James, alluded at the last Session. The representative of the employers, Mr. Mody, blessed the measure with his complete approval, Mr. Mody—the enemy of labour and the avowed friend of labour leaders. My Honourable friend, the Deputy President, no doubt had some criticism to offer and he said that many "vital" matters concerning labour were omitted in this Bill and he instanced the non-provision of restricting the hours of labour to 48 hours per week. My Honourable friend, the Deputy President, ought to realise that there is a distinction between the ideal and the practical, that there is a distinction between conditions obtaining in Europe and conditions obtaining in India. The principle of the Bill is the protection of the country from the evils which are inherent in the factory system based on the institution of capital. But that principle so far as India is concerned has to be viewed in the light of more than one consideration. It must be remembered that India is industrially a backward country. It has got to compete with foreign countries which have developed their industrial system unshackled by restrictive legislation like the present. We must also remember that the industrial areas of British India are surrounded and interlaced with native States territory where restrictive legislation like the present does not obtain or if it obtains at all not to such a degree as it does in British India. When the Honourable the Finance Member, last year or in 1932, brought forward his Bill for taxing foreign income, my Honourable friend, Mr. Mody, and I warned the Government against the danger of British Indian capital, on account of restrictive industrial legislation to which this country was subjected, taking flight to the neighbouring native States.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Say Indian States.

Mr. N. N. Anklesaria : I am a native of India, and I do not see why I should not call them native States.

There is a second consideration which should affect the framing of a measure like the present, and that is the fact that the Indian industrial labourer is first and last an agriculturist. Industrial labourer as a whole-time worker, as a class, has not yet developed in India and, as you are aware, Sir, human effort in India is more extensive than intensive as it is in Europe. That is to say, the Indian labourer having his traditions in agriculture produces much less in a given period of time than the European labourer, and if you restrict his hours of labour unduly, you restrict unduly his means of earning his livelihood. Protection, Sir, should not be a protection which protects the Indian labourer out of his means of livelihood. If you look through the Bill, you will find that these various conflicting considerations have been given effect to in a well balanced manner.

Lastly, Sir, I would point out that, however beneficent a law may be as regards its provisions, the beneficient effect which it produces in the country depends very much upon the men who administer it and the way in which it is administered. I was very glad to hear the name of Mr. Johnstone, the Chief Factory Inspector in the Bombay Presidency, and I have got personal experience of the way in which Mr. Johnstone administers the

[Mr. N. N. Anklesaria.]

factory law in the Bombay Presidency. Unfortunately, all the Factory Inspectors in India cannot be Mr. Johnstones.....

Mr. B. Das : How do you know it ?

Mr. N. N. Anklesaria : It is impossible, I say ; just as everybody cannot be Mr. B. Das, so every Factory Inspector in India cannot be Mr. Johnstone. And, Sir, I would respectfully suggest to the Government that as regards the provisions regarding prosecutions, some latitude may be allowed for withdrawal of prosecutions in cases where there is no contumacy, and the offence appears to be merely a technical one. Sir, with these few words I support the Third Reading of this Bill.

Mr. G. Morgan (Bengal : European) : Sir, whatever disappointment I may have felt in that Government could not see their way to accept the majority of my amendments, it is nothing to the shock I got when my Honourable friend, Sir Frank Noyce, said he had come to the conclusion that it was evident I neither represented capital nor labour. I hope, however, my Honourable friend will change his opinion in the near future.....

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I am not sure if I heard my friend correctly, but I never said at any time that he represented neither capital nor labour. I know perfectly well what interests he represents, and those interests, to the best of my knowledge, might not unfairly be described as the interests of capital.

Mr. G. Morgan : I am sorry if I have misunderstood the Honourable Member, anyhow I do not take any offence at all, but I think my Honourable friend said something to that effect in his reply to one of my amendments.

With regard to the Bill, I wish again to emphasise the opinion I have already put forward, namely that the Bill is of too general application and that the revision of the present Act should have been such as to give special attention to each major industry. The different industries such as the cotton mills, jute mills, engineering companies and shipbuilding works, saw mills, rice mills and jute presses are all combined and brought under the purview of this measure. Therefore, as the Bill is of general application, I would now ask the Government to give us an assurance that under clause 80 there will be careful scrutiny of all rules and regulations made by the Local Government so that the power under this clause may be effective. It is a co-ordinating clause, and we do feel that there may be great difficulty between province and province, and I would ask the Government of India to scrutinise carefully all those regulations and rules so that they can exercise the powers under clause 80 properly and equitably to prevent differences and difficulties arising out of the Provincial rules and regulations. Sir, I support the Third Reading of this Bill.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I offer my sincere congratulations to the Honourable Sir Frank Noyce for successfully introducing and piloting this Bill. This Bill is conceived in the right spirit and is intended to ameliorate the conditions of Indian labour. India was in former times a country of cottage industries and the factory system was almost unknown. After the advent of steam power, big factories began to rise and the capitalists came forward

to take advantage of the factory system. It is a well-known fact, Sir, that the capitalists in India had only one point of view, and that was to get as much profit as possible. They looked upon the Indian labourer in the same way as they looked upon the machinery they had purchased. They wanted to take as much work from them as they could, but, Sir, foreign philanthropists began to raise a voice against the exploitation of Indian labour, and Government were obliged to give up their attitude of *laissez faire* and they started inquiries. I am reminded of the Factory Commission that was appointed in the good old days, in which the late Dr. Nair of Madras took a prominent part, and he was assisted by another philanthropist Rao Bahadur Narayan Meghajee Lokhande of Bombay who had himself risen from the position of a worker in a mill. As a result of that inquiry certain legislative provisions were made, and at that time the hours of work were regulated. Before that they used to work for very long hours and contrary to the advice of my friend Dr. Dalal, Mr. Anklesaria comes forward to justify long hours in the case of Indian labour . . . .

Mr. N. N. Anklesaria : In their own interest.

Mr. B. V. Jadhav : When you say in their own interest, perhaps you mean in the interest of the capitalists and not in the interests of labour. I might state here, Sir, that a human being is a human being. Whether he is born in the West or in the East, I think he has to obey certain laws. Fatigue is common to both. If a labourer in England or in Europe is fatigued after constant work for a certain number of hours, it does not follow that a brother labourer in India will be able to maintain his vigour and strength for longer hours on account of the heat of this country. They say heat expands. I do not think it expands the staying power of a man ; on the contrary, heat is injurious to it. Although I do not accept the theory of Mr. Anklesaria I leave him to the enjoyment of the credit of having expounded a new theory in this House.

Mr. N. N. Anklesaria : Not a new theory at all.

Mr. B. V. Jadhav : Is it as old as you ?

Mr. N. N. Anklesaria : As old as yourself or anybody else.

Mr. B. V. Jadhav : Another point I may allude to here is the organisation of labour. As soon as the factory system came into India, poor indigent persons began to go there for labour and earn their livelihood. They found that the conditions there were not suitable to healthy living, and philanthropists came forward to teach them how to get their grievances redressed by combining. The instances of labour unions in England and other western countries were followed and the labour movement in India began. At present it is not very well organised, but there are the seeds of organisation. It is a pity that the Indian labourer is generally misled by political propagandists. One reason for his being misled is his ignorance. He is wholly illiterate, he has got a very narrow outlook on life. He is priest-ridden, superstitious, and therefore very easily gullible. Political propagandists have found that the Indian labourer is a very convenient material to handle. The conditions of Indian labour favour these propagandists. The labourer is ill-fed, ill-clothed, and ill-housed. Nobody looks after his comforts. There are certain organisations which do some welfare work, but it is very perfunctorily done and leaves the labourer a discontented man. The political worker or agitator who has borrowed his ideas from books, and not from any experience. . . .

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is covering a very much wider ground than is warranted in the Third Reading. The whole field of labour legislation and labour problems is not open for discussion. The Third Reading must be confined to the principles arising from the clauses of the Bill.

Mr. B. V. Jadhav : I shall curtail my remarks. In short, socialistic doctrines are making a steady progress among the Indian labourers and the apathy of the capitalists is responsible for it. The capitalists have done very little for them, and, therefore, they fall an easy prey to the preachings of the agitator. The capitalists in general ought to recognise that more and more clamour will be raised in favour of the labourer. Government have now awakened to the necessity of dealing evenly with the labourers and therefore they appointed the Whitley Commission and they are legislating according to the recommendations of that Commission. More and more Bills of this nature will, I hope, come forward and help the Indian labourer to get what is due to him. With these few words I again congratulate the Honourable Member in charge of the Bill.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I welcome this measure despite its obvious limitations and defects. I admit it is some improvement on the present law, and, as such, we ought to be thankful to the Government for having effected this improvement. The improvement is to be found especially in the reduction of the hours of labour from 60 to 54 hours a week for perennial factories. I have already said that my own personal opinion is that it should be further reduced to 48 hours, but in deference to the report of the Royal Commission, throughout which I find strong evidence of sympathy for labour and a desire to improve their conditions of life,—in deference to their opinion, especially as they had had the advantage of consulting the various parties interested and of anticipating the difficulties that might arise if proposals of a somewhat radical character were made, I am content for the time being with the reduction that has been proposed in this Bill. In the second reading I pointed out to the Government and made suggestions with a view that certain defects that were apparent in the Bill should be removed by them. In the present state of attendance of Honourable Members in this House, it was impossible for me to expect that any amendment that we put forward would be carried to a division. I therefore appealed to my Honourable friend, Sir Frank Noyce, if he would see his way to accept the suggestions that I made. I was aware that there were no amendments to that effect, but that would not stand in the way of the Government themselves, if they thought my suggestions were reasonable, to accept them and to amend their Bill accordingly. I am alluding to two defects which appear in the Bill.

One is the extremely wide powers that are left to the Local Governments, so much so that I feel apprehensive that the uniformity which is desirable in a legislation of this character and which is desired by the Government, by the employers and by the representatives of labour, may not be secured. I am also apprehensive that some of the provinces which are industrially developed may be loath to advance as far as my Honourable friend opposite would like to, and certainly they may not be eager to advance as far as the Royal Commission had in contemplation. But, Sir, there is a much more serious objection still left, and that is the discretion, almost uncontrolled discretion that is given to the

inspecting staff. I pointed out in my last speech that when the Inspector has found that certain things are necessary according to the provisions of the Act and those things can be done and suitable measures can be adopted by the owners of factories without any undue cost, even then he is at liberty to enforce or not the provisions of the law. He has a discretion in the matter. Even when for instance he finds that there is not sufficient ventilation in a factory, that there is not sufficient sanitary arrangement and things of that character, still, the Bill, which will soon be passed into law, gives him a discretion whether to apply the provisions of the Bill or not. The only answer that I got from my Honourable friend was that the word 'may' occurs in the old Act itself. If the old Act was satisfactory, why did the Labour Commission find that the state of things was such that legislation on a very wide scale and in different aspects has to be undertaken if the condition of labour was to be improved. I do not think that my Honourable friend is in a position to state that the old Factory Act has been so successful that we ought to repeat the provisions of that Act. That is not the case, but I hope that, even in spite of these defects, the Local Governments under whom the inspecting staff will have to work will see to it that the provisions of the Act are fully carried out. I hope that, in the near future, labour and all that concerns labour and industries will be entirely in charge of ministers responsible to the legislature and no doubt my Honourable friend opposite will say that it will depend on the responsible ministers to see that the inspectors do their duties properly and carry out to the fullest extent the provisions of the Act. Sir, I also hope that the future Government will realise their full responsibility in this respect. My only doubt was that having regard to the fact that labour is so thoroughly unorganised and capital is so well organised in this country, that even responsible Ministers may find it difficult sometimes to resist pressure proceeding from influential quarters. When I was speaking at the Second Reading of the Bill, I asked for information from the Government on various other matters which are dealt with in the Royal Commission's report. My Honourable friend, Sir Frank Noyce, has been good enough to send me a copy of the report of the action taken or contemplated by the Central Government and the Local Governments on the various recommendations of the Commission. I have gone through them, I don't say with great care. I have looked into them and I find that that book gives almost all the information that I wanted. I wish we were in a position at this stage to deal with that report and make such suggestions with respect to it as might occur to us for the consideration of the Government, because there are many cases in which decisions have not been arrived at by the Central Government or the Local Governments and some Local Governments have expressed opinions on certain matters on which it might have been helpful to my Honourable friend opposite to hear what we have got to say. May I suggest to the Government and to the Leader of the House that, whenever a Bill or any measure is placed before us based on the report of an important commission like the Labour Commission, when the matters are of a complicated and diverse nature and the Central Government after consulting the Local Governments and other bodies have either arrived at certain tentative conclusions or consider that certain steps have to be deferred for some reason or other, I submit it will be a source of great convenience to us, on this side of the House, if we had a report of that kind placed in our

[Sir Abdur Rahim.]

hands before the discussion on the measure in question began. I do not think it would prejudice the Government in any way. I know the report was laid on the table of the library but a report like that, I do submit, ought to be in the hands of every member of the House, so that they will know exactly what action the Government has taken and what action they are not inclined to take or do not find it feasible to take. At any rate if I had a report like that, my speech might have been shorter than it was on the last occasion and that would have been some gain to the House. The benefit that will be derived from an Act of this nature will not be anything up to the expectations of those who are interested in the welfare and efficiency of labour in this country, unless other measures of a connected nature are also passed in order to supplement the object of this Bill. Some other Acts have already been passed on the report of the Commission. I am also aware that Government have under consideration and have also prepared certain other measures which will be placed before us. It is only on the cumulative effect of all these measures that we shall be able to judge how far really the position of the workers in this country is going to be improved. The Whitley Commission repeatedly pointed out that the question of raising the standard of living of the workers is one of crucial importance and it is upon that really that the efficiency of the workers and their well-being depends. That is a matter upon which I do not think the present Government would be inclined to think of legislating. I do not know what the future Government will do. I know in many civilized countries Governments are taking steps to raise the standard of living of their people. Our Government, on the contrary, is very far from any such idea, and it will depend, as the Royal Commission pointed out, mainly if not entirely, in the present circumstances, on the efforts of the workers themselves and their leaders if they are to improve their position in respect of wages and the general conditions in which they have got to live and work.

There is another matter of very great importance, of fundamental importance, upon which the future development of industries in this country as well as the well-being of the workers themselves depends, and that is the education of the workers. So far as the education of the masses generally is concerned, we know that India occupies the very lowest place among the important countries of the world. I do not think there is any other country in which illiteracy and ignorance is so overwhelming and universal among the people as in India. The Commission made suggestions by which a beginning could be made in the factories at least in all concerns which employ labour on a large scale, for educating if not the adult workers at least, the juvenile workers employed there. Sir, I do hope the Government will not take up the attitude that the question of education ought to be dealt with by the Local Governments and that they here at the Centre have no concern with the question of education. This is one of those matters which depends largely upon the initiative of the Central Government. Time after time it has been pressed on the Government of India, not only by Indian public opinion, but by men holding responsible positions who are not Indians, that until the Central Government comes to the aid of Local Governments, definitely in this matter, no progress, at any rate no substantial progress, is possible. It is possible that some of the provinces have done their best to promote primary education, but I know at least in my province of Bengal primary

education has not advanced to any appreciable extent. Now, Sir, when we are dealing with the Report of the Royal Commission, I should like to impress upon the Government of India that so far as the recommendations of this Commission regarding education are concerned those should be accepted by them and carried out in the spirit in which the proposals are made. Sir, my Honourable friend, Sir Frank Noyce, said in reply to my speech on the second reading that he was shocked that I did not appreciate what the Government had done with respect to.....

The Honourable Sir Frank Noyce : I do not think I said that, " I can well understand that the Leader of the Opposition might be shocked by what Government have done or have failed to do ". What I said was that I was shocked that he did not know what we did or failed to do. That is not quite the same thing.

Sir Abdur Rahim : Of course I could not have anything like all the information which that report gives because that report was not available to us. It might have been in the Library but there are heaps of books and pamphlets in the Library and we are not expected to read everyone of them before coming here and discussing the Bills that are placed before the House. That is not a possibility which I think the Government ought to contemplate. Some Honourable Members opposite tell us that we ought to consult dictionaries when we ask them certain questions. Also we are often referred, in answer to our questions, to some paper that was laid on the table two years back. I do submit, Sir, with all respect to you, that the Government are not helping this side at all if they refer us to some papers that were laid on the table of the House two or three years back. Sir, I do say I was perfectly justified in asking for information from my Honourable friend as to what action the Government had taken with regard to the various recommendations of the Royal Commission : and because I was ignorant on that point, as regards the action or steps taken by them, because they did not supply us with that information, I am not prepared to plead guilty to any charge that the Government might bring of not having taken care to know the facts. However that may be, I do not want to prolong this debate. Speaking from this side of the House I have been feeling for the last few days very great difficulties in criticising the action of the Government because our own men do not take any interest in important matters of this character. If my Honourable friend complained on that ground, that any criticism which emanated from me, speaking from the empty Benches on this side of the House, was shocking, I would plead guilty to that charge. Sir, I have come to realise that it depends more and more upon the Government themselves whether they do the right thing by the people or not. We do not seem to be in a position to force them to do it. We can only appeal to them to do the right thing. If they do it, well and good. If they discharge the responsibility which they have assumed towards the people, they would be clearing their own conscience. Sir, I am not in the habit of indulging in compliments but I must admit, having read the report, that my Honourable friend and his Department have not been sleeping over the matter. I admit that fully. They have been examining every single recommendation of the report and calling for reports from the Local Governments as to what they think about those recommendations and what action they are prepared to take. They are doing their duty, but still I must say that my Honourable friend, Sir Frank Noyce, Mr. Clow and the rest of the Department deserve every credit for the interest

[Sir Abdur Rahim.]

they have shown in this matter and the earnestness with which they are taking steps to see that the recommendations of the Royal Commission are carried out and given effect to as fully as possible.

One appeal, that I would like to make to my Honourable friend, is this. Now that the Act will be passed, rules will have to be framed. I take it that the Government of India will see that proper rules are framed. After the rules have been framed, as I pointed out, the administration of the Act will be entirely in the hands of the Local Governments, especially the Chief Inspector and the inspecting staff. I believe that the present law, at any rate, does not debar this Central Government from exercising full supervision and control over the administration of this Act and other Acts relating to labour. Even under the future Constitution, I believe, labour legislation is going to be a Central subject or at least a concurrent subject. Even then, I take it, the Central Government will have the power to see that these Acts are fully enforced by the Local Governments through the local officials.

Sir, I have nothing more to say. I do hope that this Act and other similar Acts that have been passed will be of real help to the workers. If the workers benefit, if they are made happy, if they are made more efficient, then the industries of the country will prosper and everybody will be benefited by the prosperity which the development of our industries will necessarily bring about. I therefore earnestly hope and pray that this Act along with the other labour Acts will bring about the beneficial results that are anticipated by us and the Government.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural) : Sir, I appreciate the honest attempts of the Honourable Member and his Department to carry out the recommendations of the Royal Commission on Labour and I congratulate my Honourable friend, Sir Frank Noyce, for the able manner in which he has piloted the Bill in the Assembly, although I must say that, as he was quite immune to all the arguments brought forward from this side of the House, he is also suffering like his other colleagues on the Treasury Benches from what I called the intoxication of the fourth type. Sir, in discussing these questions, as was pointed out by my Leader, Honourable Members on the Treasury Benches entirely forget that the position in India in this House is different from the position in the British Parliament. In the British Parliament, the Opposition had been the Government at some time or other, but in our case the Government is a permanent Government and we on the Opposition Benches have never been in the place of Government and therefore are not in a position to know all the facts and documents which are at the disposal of the members on the Government Benches. Talking of the Library, it reminds me of a story that in a college library, a member of the governing body, before sanctioning the money for the purchase of a new library, demanded that a certificate must be produced by the librarian to the effect that the students have finished all the books now in the library before fresh books could be purchased. I suppose a similar certificate perhaps might be demanded from the Secretary of the Legislative Assembly to the effect that the Members of the Legislative Assembly have read all the statements, documents and reports that were placed in the Library in order that they may be sure that we come here well prepared ; Sir, I feel very unhappy regarding this particular Bill

about certain points and if this measure is passed then I shall feel still more unhappy about the whole thing. The first thing that I wish to say is, as was pointed out by my Leader and also by Mr. Morgan, that we are giving too large powers to the Local Governments, and when these Local Governments have used these powers and have made their regulations, and if you then read this Bill with all divergent regulations, you will find that the Bill that we passed was entirely a different thing. The second point, about which I am very unhappy, is the large powers that we have provided for factory Inspectors who are like :

" Khud kuza o, khud kuza garo, khud gilai kuza."

Their position will be very similar to the position of the Income-tax officers against whose orders practically there is no appeal and the only thing that you can do in that case is to abide by their decisions without question. Similarly the factory owners will do well to abide by his decision, good or bad, if they want really to carry on their business. The third thing, about which I feel very unhappy, is the provision that is in the Bill about medical inspection. My friend, Dr. Dalal, has pointed out that so few men are really versed in the science of anthropometry. It is certainly a new science and I am sure that it has not yet been included in the medical course of our medical schools and colleges.

1 P.M. Then the inspection, according to his ideals, will practically be only in theory, and it will be cursory, because those men who will give certificates are ignorant of this very important new science which has now got a great future on account of the new legislation that we have introduced. It will be exceedingly hard for the labourers to secure a certificate as the expense, legitimate and illegitimate, may be enormous. My Honourable friend has pointed out that he would look into the matter. I suggest that he should have adopted a different course, instead of demanding a medical certificate, before beginning the service, he should have introduced the system of medical inspection to those labourers in factories on the same lines as we have got medical inspection to school children.

The Honourable Sir Frank Noyce : Does my Honourable friend also suggest medical inspection for Members of this House ?

Dr. Ziauddin Ahmad : I would very much welcome medical inspection, for in that case the seats of those members who are medically unfit would be declared vacant and the opposition will be strengthened. I suggest that instead of demanding a medical certificate at the outset we should introduce a system of medical inspection to these labourers on the same lines and in the same manner as the medical inspection to school children. In that case the burden on the labourers will be minimised. Any person, who is found unfit for a particular kind of work, may be shifted to another kind of work and if he is quite unfit he may be removed to a hospital or a sanitarium and a thing of this kind will exceedingly be beneficial to them.

Another thing, on which I am exceedingly unhappy, is the entire discussion on the hours of work. Everybody will admit that our labour is inferior in quality to the labour in the West and this deficiency in quality can only be made up by quantity and so we cannot apply the same principle to Indian conditions as exist in the West. Otherwise, if the labour is inferior in quality and we insist on the same quantity as in other

[Dr. Ziauddin Ahmad.]

countries because production will increase then in the competition of the world, we will be very much handicapped. This is an important factor which you cannot ignore. We have really to compete in the production with the rest of the world and we cannot increase the cost of production because the whole industry would fail. In this connection, in order to improve the quality, my Leader has pointed out two important factors which we ought to carry out. The one is education. Unless we have compulsory education it is impossible to get an intelligent class of labourers. This is a thing which we ought to press in season and out of season, relevantly or irrelevantly. The Government must take up this question of compulsory education in order to train efficient labourers. The second thing is about the housing problem, because a person who is accustomed to live comfortably will also be able to do more efficient work than a person who is practically keeping awake all night for want of a proper house and who may be suffering on account of unhealthy surroundings. He cannot be expected to do any efficient work in the morning. The next point, on which I am unhappy, is clause 5, in which Local Governments have got power to extend the definition of a factory. Of course my amendment was rejected by the House but I think the Government ought to have accepted at least one thing that in this particular case, before a Local Government may extend the definition, the permission of the Government of India ought to have been obtained. At least in this case they ought to have kept this in their own hands in order to see that this extension of the definition, which is a very important item, should be used very sparingly and with great discretion and not used with enormous diversity in different provinces.

After giving certain arguments as to why I am very unhappy, I now come to another class of arguments and I appeal to the House that we should reject the whole Bill. My first argument for the rejection of the Bill is that India is an agricultural country pure and simple. The factory labourers are comparatively very few. I have not got a copy of the census report, and when I asked the librarian, I was told that the book was out. This is really the condition of the Assembly Library.

Mr. President (The Honourable Sir Shanmukham Chetty) : That shows that our Library is being very well used by Members.

Dr. Ziauddin Ahmad : I quite admit that the Library is so much used by the Members that some other Members have not got the chance to use the Library because, in the race for getting books first, others get preference. I was saying that I have not got the figures before me, but I may say that the factory labour is a very small part and the bulk of the labour in this country is agricultural labour and they form something over 90 per cent. It is well known that the Commerce Department is doing everything for a small minority and they are overlooking a large section of labourers, that is agricultural labourers who are practically starving and living from hand to mouth. We have passed several Bills, and we had several Commissions and we have carried out all the instructions of the Labour Commission, but we have not carried out the recommendations of the Agricultural Commission and no Bills have been brought forward to safeguard agricultural labourers in this country. It is still an unsettled question whether agricultural labour is in the Department of Industries or in the Department of my Honourable friend, Mr. Bajpai.

The Honourable Sir Frank Noyce : I can answer that at once. It is under the Department of Education, Health and Lands.

Dr. Ziauddin Ahmad : I see this Department is not so strongly represented in the House and therefore we are not having as many Bills to safeguard agricultural labour as we have for factory labour. Whenever we talk of the poverty of India, we always keep in mind the labourers in the villages who are practically starving and who depend for their livelihood on the cultivators in the villages who occasionally employ them to help them in their fields. We are producing Bills after Bills to ameliorate the conditions of factory labour and nothing has been done to improve the conditions of agricultural labour and, I hope, my Honourable friend, Mr. Bajpai, whom I now see in the House, will be able to help the agricultural labour, and, though he may not be able to produce 12 Bills, I hope he will produce at least half a dozen Bills to improve the conditions of agricultural labour. That is one reason why I oppose this Bill, because you are doing everything for a microscopic minority and doing nothing for the labourers who form a majority. The second argument why this Bill should be rejected is, that the kind of action that we have been taking to settle this question between capital and labour is not the proper one by which we can solve this problem. We ought to attack this problem from an entirely different point of view. I believe that by these measures we do not compose the differences between employers and the employee, the capital and labour and the solution of the problem will become more remote. We ought to handle this problem in a different manner and by that method alone we hope to solve the problem. Before I come to that argument I would like to make passing reference to strike. The origin of the strike of labourers lies in the fact they have got the idea that the capitalists are using the whole of their labour for their personal benefits. This belief is impressed in their minds that the capitalists are making huge profits of 20 or 30 per cent. and they are giving insufficient wages and making fat dividends at the sacrifice of the labourers. I was in Bombay in May last and some of the leaders of the labourers told me this definitely. I know they were wrong in their statement but they actually believed it and that was the cause of the strike. But they said that all the millowners of Bombay were making fat profits and giving fat dividends at the sacrifice of the labourers who are given very poor wages. When this idea is present in their minds it is impossible to find a solution ; and I thought that, instead of having a Bill of this kind, we should tackle this problem in a different manner and no legislation will in future be necessary. That remedy is that you ought to create a feeling by means of which the interests of the workers and the interests of the capitalists ought to be identical. The workers should be made to believe that their interests are the interests of the employers and the employers should be made to believe that their interests are the interests of the labourers. They should be unified together, and, unless this ideal condition is achieved, it is impossible to avoid strikes and to create good feelings between the employers and the labourers. You try to create legislation but the effect of the legislation will be the creation of greater and greater discontent among these two classes of people.

Now, Sir, I will tell you how you can have these two things combined together, and how you can have uniformity of interests between the labourers and the employers. In the first place the labourers should be

[Dr. Ziauddin Ahmad.]

made to believe that the employers do not make a profit entirely for their own good. If there is any profit in the factory it will go proportionately to the labourers as well, and if there is a loss to the factory this loss will be borne to a greater extent by the employers and to a smaller extent by the labourers. If there is a profit it will be shared equally. The moment you make the labourers believe that the profits are used for their advantage as well, then I am sure they will never go on strikes and the diversity of interests between the labourers and the employers which exists at present will practically disappear. And this can be done in this way. First you legislate that every factory will be allowed to have so much profit and the profit which is supposed to be reasonable is that you allow so much for depreciation, and so much for the reserve fund, and so much for interest charges and so much for profit. After allowing for all these four things, whatever additional profit is left must be divided proportionately between the labourers and the employers. If it goes entirely to the employers, and no share is given to the labourers, then you produce discontent among them and they will demand a direct share in the way of increased wages and if you do not agree to that they will go on strike. But if you make the labourers believe that they are entitled to get their share from these additional profits that accrue in that particular factory, then the question of strikes will practically disappear, and therefore to achieve this object the ideal way is that you should have your union of these labour employees and that union should be represented in the directorate. They should have access to the accounts and they should know definitely what are the profits that accrued to this particular company.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can resume his speech after Lunch.

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

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

Dr. Ziauddin Ahmad : Sir, just before the lunch interval, I was developing my point in order that I might convince my colleagues to vote with me and reject the entire Bill. The first argument that I advanced before lunch was that India is primarily an agricultural country.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has allowed very considerable latitude to the Honourable Member in his speech. The condition of agricultural workers and any scheme of profit sharing in factories are subjects entirely outside the scope of this Bill, and, if he continues his remarks on these subjects, the Chair will have to say that he is irrelevant.

Dr. Ziauddin Ahmad : I have said quite enough on this topic before lunch (Laughter), and I need not recapitulate them for the benefit of

Members, because I hope that they will remember what I said. I will take up the topic from the place I left, without further recapitulation.

The fundamental object of this particular Bill, which I am going to oppose, is that it seeks to provide better understanding between capitalists and labourers. The object is that industries may flourish under better conditions and everybody may live a contented life and strikes may be a thing of the past. Strikes are a modern institution : they were unknown to ancient India ; and it is really one of the achievements of modern civilisation and we should try to meet strikes by modern methods and not by the old system. We should create an atmosphere in which capitalists and labourers may live contented lives with mutual understanding. If mutual understanding is achieved by the methods I described, then it will be quite unnecessary to have this kind of legislation and we can achieve our object by more direct methods. When there are two parties fighting, as is the case with capital and labour, then there are two ways of settling the fight. One is to fix by rules and regulations the jurisdictions, limitations and the other restrictions that we can lay upon them so that they may all work within their particular spheres. The other method is to make them both come together on friendly terms so that all these limitations and rules and regulations may be unnecessary. My friend, the Member in charge of Industries and Labour, tries to settle the question by the first method ; he wants to regulate the jurisdiction of labour and capital by a series of enactments I want to solve it by the second method, by having friendly relations between labour and capital, so that all these enactments may be quite unnecessary. There are these two different points of view, and if I can convince my Honourable colleagues on this side that the second method is the more practical method and will achieve the end desired, then this Bill and similar Bills which might follow would become absolutely unnecessary, and this is what I wish to emphasise. In order to have amicable relations and good understanding between labour and capital they should realise that their interests are identical. So long as they feel that there is divergence of interest, it will be impossible to talk of any kind of union between them. But if we can secure by some method that the parties realise that their interests are identical, that they can work in harmony, then legislation of this type is quite unnecessary. The managers should enter into the feelings of their labourers and realise what they desire : they must understand that the workers are ignorant people, without the benefit of education which the managers have got ; that the workers do not know the methods of recreation and how to use their time and live comfortably ; the managers ought to enter into their society and establish clubs at their own expense and teach the workers how to live cheerfully and nicely. The labourers also should be contented as their minimum wages are ensured ; they should realise that while factories work at a loss they will get only the ensured minimum wage, while if factories work at a profit, they will get additional bonus and this is quite possible to be achieved. The capitalists should realise that they are entitled to some kind of minimum out of the profits, and, if they make over and above that minimum, they should not take the whole of it but should share it with the labourers and others who helped to produce the profit.....

Mr. B. Das : And also the Finance Member of the Government of India.

Dr. Ziauddin Ahmad : As regards the Finance Member, I am afraid, I tried my best to convince this House that this Legislative Assembly should be considered as a factory, but unfortunately my view was not shared by all ; otherwise the Finance Member and ourselves would have derived some benefit out of the revenues of the Government of India.....

The Honourable Sir Nripendra Sircar (Law Member) : If this is a factory, it is a gas factory.

Dr. Ziauddin Ahmad : But my view, which I expressed the other day, in connection with clause 5 of the Bill, was unfortunately not accepted by this House, and, therefore, the view that my Honourable friend has accepted has been ruled out of order by his own votes.....

Mr. B. Das : What I implied was that the surplus profit of the employers must be shared by the parties which my Honourable friend mentioned, and also by the Honourable the Finance Member who draws it in the shape of income and super-taxes.

Dr. Ziauddin Ahmad : I quite understand that the income-tax that has to be levied is really a legitimate expenditure and I am thinking of the profit after paying all these legitimate dues. In this case if the labourers realise that they have a legitimate share in the earnings.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is continuing his irrelevancy.

Dr. Ziauddin Ahmad : I am just coming to the practical side.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's suggestion may be very practical, but it will not be relevant to this Bill, and I would ask him to come to relevant suggestions.

Dr. Ziauddin Ahmad : I am coming to them. If we follow the methods I suggest, this Bill is unnecessary, and that is the point which I say is relevant ; as I am opposed to this Bill and I want to convince the House that the method I suggest is more practical for achieving the results sought in this Bill, and unless I advance my argument it is impossible for my friends to vote with me. As I said, Sir, we must have uniformity of interests in these cases ; the employers should take part in the recreations of the employees ; while on the other hand, the employees should have one of their representatives on the directorate of the company, and that person should take part in all discussions that may take place concerning not only the welfare of the employees but also the general progress of the company, but he should have no votes, because the labourers will then know what is the real income of the company, and if the labourers are convinced of the true position of the company, if they are taken into confidence by the company, if they are shown the balance sheets and all the relevant papers which are placed before the directors, then they will realise that it is not right for them to demand higher wages. They will then realise that if there is a loss made by the company, it is not right to demand higher wages ; they will also feel sure that if there is a loss made by the company their wages will not be cut down, that they will be paid out of the reserves which they are going to build and the capitalist alone will suffer ; but if on the other hand there is any profit, they will get a proportionate share. But they

should be told always what is the total amount of profit earned by the company so that they may get their legitimate share of it. Sir, I consider that the legitimate share of a capitalist may be classified under four heads. In the first place, there must be some fund reserved.....

The Honourable Sir Frank Noyce : Sir, I rise to a point of order. My friend is endeavouring to persuade the House to reject this Bill in favour of some solution which he is putting forward. I would ask you whether it is relevant to discuss that solution in view of the fact that there must be some legislation to control factories in the interval until a happy utopia which he is advocating is reached ?

Dr. Ziauddin Ahmad : My inention is simply this. If I want to convince my colleagues on this side to vote for me and reject this Bill, I can only do so by persuading them to accept a better method of achieving the object than the method which is suggested in this Bill.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would point out to the Honourable Member that a detailed discussion with regard to profit sharing, or, what ought to be the legitimate charges on the profits of a company, is irrelevant to this Bill, and the Chair would again point out that what he has been talking after lunch is absolutely irrelevant. If he continues in his irrelevancy the Chair will have to ask him to resume his seat.

Dr. Ziauddin Ahmad : If you consider, Sir, that any discussion on this Bill in favour of my suggestion with a view to throwing out the Bill altogether and take up a better view of the solution of the problem of capital and labour is out of order, then I have no alternative.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Quite so. Now, the Honourable Member has come to the point of his irrelevancy. If the object of this Bill were to find a solution for the conflict between capital and labour, then all his remarks would be relevant, but the object of the Bill is not so wide as all that. It is very much restricted ; it is only to regulate the conditions of workers in factories, and for that purpose all the remarks that the Honourable Member is making are absolutely irrelevant.

Dr. Ziauddin Ahmad : My point was that there are two ways of solving this particular problem either by means of regulation or.....

Mr. President (The Honourable Sir Shanmukham Chetty) : But the problem is to regulate labour in factories.

Dr. Ziauddin Ahmad : With which I do not agree. I do not agree for a moment that the methods suggested in the Bill to regulate labour are correct methods, and, therefore, I oppose the whole Bill, and I say that the methods which I suggest are the correct methods.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair can only tell the Honourable Member that he is absolutely irrelevant.

Dr. Ziauddin Ahmad : If you do not want me to speak, I shall not continue.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can certainly speak anything relevant.

Dr. Ziauddin Ahmad : I consider what I say to be quite relevant, but if you consider it to be irrelevant, I shall not say anything.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I hope I am not standing up to prolong the agony of irrelevancies on this occasion, but merely to convey to the Honourable Member in charge the cordial approbation of this side of the very useful measure which he has almost passed in this House.

Sir, under this measure, there will be less difficulties for the people whom the Bill is intended to benefit.

As many of us are anxious to get away from this Session to the plains to face new difficulties,—I believe I am echoing the sentiments of many a Member of the Opposition when I say that we want to conclude discussion, not only on this Bill, but on other Bills as well, so that the Government may be able to release us from an inevitable bondage—staying up here.

Sir, I congratulate the Honourable Member in charge for bringing forward such a useful measure.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I do not propose to be lengthy, nor do I propose to take up the time of the House with any irrelevant matter, but I shall confine myself strictly to the Bill itself. I support it, I am not for its rejection. I have taken part in this Bill at its former stages. The first time that I took part in the discussion of this measure was at the time of its consideration, and I said then that this Bill was in the interests of the workers, and that with certain improvements, which were absolutely necessary, it would be a very sound enactment. Sir, I then thought that it would be much better to present certain difficulties and improvements which I thought were necessary by way of amendments. I put forward several amendments, and though almost all the amendments that have been put forward, not by me alone, but by several other Honourable Members, have been rejected, yet as an optimist I must say that I am not disappointed. I take it that this Bill, as it is going to be passed, is the first instalment of the attempt in the direction of improving the welfare of workers, and I hope that the Honourable Member in charge of this Bill will consider seriously all the suggestions that have been made and see that they are carried out in the spirit in which they were made. The improvements which we have suggested are not such as not to be considered to have no substance in them at all. Sir, there are very strong grounds for making those improvements, and I hope that the Honourable Member in charge will watch carefully the working of this measure and devise means to make the improvements we have suggested.

With regard to the Bill, the first thing that I want to draw the attention of the House to is the attitude of the Government Benches in connection with Bills that emerge from Select Committees. This is a typical instance to show what their mentality is. Certain provisions there were in the original Bill and some of them have been eliminated by the Select Committee. It cannot be said that those provisions have no substance in them or that they were really such as to be rightly eliminated. I was not on the Select Committee, reasons might have been given, but I do not know how the Select Committee were persuaded to eliminate at least one clause about which I had put in an amendment. I, therefore,

submit that the attitude of the Government Benches should not be that they are infallible. The Government's attitude should be an open one, and when there are any amendments the duty of the Whips or of the speakers on their side should not be that everything that has been passed by the Select Committee should be carried through at all costs. No doubt, our representatives are there on the Select Committee, but all the same when the Bill comes to us, does it come to us only to be passed as a matter of course by us ? Then where is the necessity of giving time to the House for consideration stage, then discussion clause by clause and then the Third Reading ? I therefore hope, that the attitude of the Government will not be that every amendment, however good and sound it may be, should be thrown out. The first omission is about the surgeons or doctors who, though they are interested directly or indirectly, may be appointed for the purpose. I hope the Honourable Member in charge will, at no distant date, bring in an amendment to the effect that the certifying doctor should be a man who is not interested. Instances were given to us of difficulties that would arise if this were done. Mr. Sen, who was a member of the Select Committee, thought that he could not budge an inch from the reasons that were given in the Select Committee for taking away this clause. I have always a liking and regard for him, he knows it, but when he says that Bengal has not got registered medical practitioners in the mufassil, it is discreditable if it is true. But nowadays in the mufassil there are places where there are medical practitioners, and if they are not actually in a village, they are within a stone's throw ; there are tahsils where there are such men. I wonder how that could be advanced as a reason why honest, impartial doctors could not be put for the purpose of the functions under this Bill. If my Honourable friend will come to my part of the country, I will show him registered practitioners in the villages, and then he will go to Bengal and say that they also require medical practitioners in the villages. But I suggest that Bengal is certainly more advanced than our place. (Interruption.) I do not doubt it, though I doubt about Bihar and Orissa. Another reason,—and this was put forward by the Honourable the Mover—was that the doctor might have very insignificant interest, and in that case how could he be refused ? My reply to that is that even if there be such little interest, he could leave it so as to enlist the confidence of the people that the certificate that he was giving was a right one.

The Honourable Sir Frank Noyce : If the certifying surgeon is interested in a factory situated in Tuticorin, is he to be prevented from performing any duties in regard to a factory in Assam ?

Mr. Lalchand Navalrai : If he has got some shares and if he does not come under the definition of directly or indirectly interested, then I shall have no objection. I would be even willing if a man has an indirect interest in such a thing, that it should not stand in the way of the medical practitioner being appointed for the purposes under the Act, but in that case the word " indirectly " should be taken away. The fundamental principle is that a man who is interested cannot be the judge in his own case. It is plain even to a layman. I have said that I am an optimist, and I hope that the Honourable Member in charge will at least issue instructions to the Local Governments that, when these surgeons are appointed, they should avoid as far as possible any doctor being appointed who is an interested person. Let me come to the next point with

[Mr. Lalchand Navalrai.]

regard to the hours of work. From the very beginning I have taken the view that we should not run too fast, nor should we walk too slow, and, therefore, I have not put in my objections to the 54 hours prescribed by this Bill. I was told that the principle in other countries now is that it should not be more than 40 hours.

An Honourable Member : Where is that ?

Mr. B. Das : Are you thinking of the civil service trade union ?

Mr. Lalchand Navalrai : I got it in the papers and I have got a copy of it, though not here. But I believe I am supported in this by the Deputy President. You know the International Labour Conference in Geneva and they have held now that it should be 40 hours a week.

The Honourable Sir Frank Noyce : I am sorry I did not quite catch my Honourable friend. Did he say that the International Labour Conference at Geneva had approved a 40-hour week ?

Mr. Lalchand Navalrai : Yes.

The Honourable Sir Frank Noyce : That is not so.

Mr. Lalchand Navalrai : Excuse me. I have sent for that paper, and I hope my Honourable friend, the Deputy President, would enlighten us on that point a little more.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : What I told my Honourable friend, Mr. Lalchand Navalrai, was that last year in the Tripartite Conference held at Geneva to discuss the hours of work and to reduce the hours of work having regard to unemployment in all the countries, they passed a resolution recommending 40 hours a week.

The Honourable Sir Frank Noyce : But the International Labour Conference has not done so.

Mr. Abdul Matin Chaudhury : No. I said the Tripartite Conference which was held in January last year.

The Honourable Sir Frank Noyce : I am not disputing the correctness of what the Deputy President says. He is perfectly right, I am disputing the correctness of what my Honourable friend, Mr. Lalchand Navalrai, said. He said, if I understood him correctly, that the International Labour Conference at Geneva had approved a 40-hour week. That is not so. They have postponed further discussion of the subject till next year.

Mr. Lalchand Navalrai : I am in possession of some papers which
3 P.M. I have promised to send to the Honourable Member.

The Honourable Sir Frank Noyce : I can claim to know a little more about the International Labour Conference at Geneva than my Honourable friend. I am very closely connected with it, as Member in charge of the Industries and Labour Department. My Honourable friend is mixing up two things. He is mixing up the views of a preparatory conference with the views of the International Labour Conference itself. The preparatory conference prepares the work to be discussed at the Sessions of the International Labour Conference. The two things are quite different and the fact that a preparatory conference passes any resolution does not mean that that is accepted by the International

Labour Conference. The position in regard to the International Labour Conference is as I have just stated. The question of the 40-hour week has been postponed for further discussion until next year.

Mr. Lalchand Navalrai : I do not feel myself more competent than the Honourable Member himself. I do accept that, but what I mean to say is I have read both and.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member need not pursue that point. The Chair can tell the Honourable Member that the International Labour Conference has not yet passed that Resolution.

Mr. Lalchand Navalrai : I accept the statement of the Honourable Member in charge, and I do not think there is any need for the Chair to support the Honourable Member. So, what I mean to say is, that there is a great difference over this. 54 hours is not a standard which is a permanent standard or a standard which is accepted by all. At least that much will be accepted. The expert member for the labourers, Mr. Joshi, has put in a dissentient note the figure of 48 and there is the Deputy President also joining him. I do not mean that the Bill should have necessarily put it at 48 or 40. I am saying this only as a warning to the Member in charge. He should really watch the situation and see if this 54 hours is objected to, whether it is too much and so on and then the amendments may be made. This is only the first instalment.

Then I come to this point, that the Factories Act is being worked through certain Inspectors and these Inspectors have not given satisfaction. I think the Boiler Inspectors enjoy a much higher position than the Factory Inspectors. I do not know whether I am correct. That at any rate is my opinion. I hope that when Inspectors will be appointed, care will be taken to see that very responsible persons are appointed and that their work will be so watched that there may be no complaint of the nature that has been brought to the notice of this House. The Inspectors are the pivot of the whole system and it is they who have to carry out the functions under this Bill. Especially when an amendment I placed before the House with regard to the supervision in prosecutions has not been accepted, I request that in the working of this Bill care should be taken to see that things are done straight.

Coming to the question of punishment, I was told that the magistrates consider the question from the bottom, that is the minimum punishment. I accept the statement that came from the Honourable Member. This is going to be a new improved Act and I hope that magistrates will give careful consideration and pass sentences very leniently.

Lastly, I would say that prosecutions should not be launched after a very long time. There should be no delay. Six months and twelve months are going to be given and the Inspector should hurry up things and they ought to see that the cases are disposed of as quickly as possible. The Honourable Member should also keep in mind the question of the schooling of the children. Conveniences should be given to the family living in the premises, and, as the children are also going to work, the question of education is very important. We have been saying that there should be compulsory education. I say the railways have been

[Mr. Lalchand Navalrai.]

generous enough to give them schools and I hope these factories will give better facilities to these labourers and I would appeal to the Honourable Member in charge to give attention to this question of schooling also.

Mr. **Sitakanta Mahapatra** (Orissa Division : Non-Muhammadan) : Sir, I congratulate the Honourable Member in charge of Industries and Labour on his honest attempt to ameliorate the grievances of factory labour in India, however haphazard the attempt may be, and although most of the recommendations of the Whitley Commission have not been given effect to in the Bill. I wish Government had taken as much interest in the improvement of the wages of factory labour as they have taken in cutting short their working hours. Sir, I cannot say anything about labour conditions in other parts of India, but I know that about one lakh able-bodied men from my parts migrate to the Calcutta side every year, for about three or four months a year during slack agricultural seasons, in order to supplement their earnings. I believe, Sir, that labour in cities is mostly rural labour. The Whitley Commission also found this in urban areas. The rural mass in India find it difficult to make their both ends meet out of their agricultural earnings and so a large number of able-bodied poor people go out to industrial cities to earn some extras in order to pay their rents, interest and other obligations. So they would have been much more grateful to the Honourable Member in charge if he could have found some means to improve their wages. Sir, they are not so much keen about other factors as they are for their earnings. My information is that in Japan the highest salary in a factory never exceeds five times the lowest salary. But in India, while the ordinary labourer gets ten annas a day, the man at the top draws Rs. 10,000 a month. A very large percentage of the people of India is agricultural labour and I believe the Honourable Member for Industries and Labour, who has so much interested himself in labour conditions in India, will soon interest himself in improving their lot. A splendid beginning may be made by making laws for abolishing forced labour and cheap labour in both British India and Indian India. Besides Indian landlords who indulge in forced labour and in cheap labour, the Government of India themselves, Sir, indulge in such contemptible methods and it is a standing reproach on the Government of India, I shall quote only a few sentences from a book—"Condition of India"—by Mr. Bertrand Russell being the Report of the Delegation sent to India by the India League in 1932. This Delegation included three Members of Parliament. On page 447, it says :

"In Orissa, another plague spot of labour, the ordinary labourer receives four annas a day, while the Government extracts forced labour at about half that wage rate."

Then, Sir, on page 452 it says :

"The Government in India employs forced labour and, as we have already pointed out, remunerates at scales lower than the miserable ones that prevail in the area.

We came across this problem acutely in Orissa. Time did not permit us to investigate it as well as we should have liked to do, for we felt certain that the practice obtains legally and illegally on a large scale.

In the Angul District, which is governed under the Angul Laws Regulation (Act III of 1913), Government officials exact forced labour. Orders are sent to local officials for supplies of goods and services, which are enforced by penalties.

We have in our possession copies of orders issued under the authority of the Deputy Commissioner of Angul, and stated to be under the seal of his office, which calls on the local official to supply coolies for serving officials, beaters for shooting parties for the Political Agent and for providing cows, vegetables and other provisions for Government officials. (Hear, hear.) These orders threaten penalties and are very peremptory in their character.

The practice of Forced Labour is not confined to Angul. In other parts of British India also it obtains. *Begar* is enforced in the villages and much resented."

Mr. B. Das : Has not this book, Sir, been proscribed ?

The Honourable Sir Frank Noyce : To the best of my recollection, my Honourable friend is correct. I think the book is proscribed. I have just sent to ask the Honourable the Home Member if this is so or not.

Dr. Ziauddin Ahmad : It has already been ruled, Sir, that a proscribed book can be read in the House.

An Honourable Member : Mr. Mahapatra has got the book in fact from the Library. (Laughter.)

Mr. Sitakanta Mahapatra : I, therefore, ask the Government to show practical sympathy for the labourers and set their own house in order and, before attempting to reform labour conditions in factories and mills, to follow the adage, " physician, heal thyself ". There is, Sir, another side of the question. By this enactment we have curtailed the hours of work of workers in British India. But in Indian States, forced labour and cheap labour is the rule rather than the exception. If the suzerain power cannot put a stop to this system in Indian States, it will hit hard the Indian industrialists and it is quite possible that British Indian capital will fly to Indian States. Sir, coming as I do from Orissa, I may say that three-fourths of that country is Indian State. I personally know to what extent the system of forced labour is in existence in most of the States. Very recently the *begar* system has gone to such a high pitch in a neighbouring State that the town of Cuttack has been simply flooded with refugees from that State. It is a shame, Sir, on the part of a power that boasts of suzerainty, not to be interested in such things and allow a sort of slavery to be continued in this the twentieth century. Now, if a factory is established in such a State, will any factory in British India be able to compete with it ? It is time, Sir, that the Political Department should make a searching inquiry into labour conditions in Indian India and particularly in the Orissa Feudatory States. Sir, conditions, particularly labour conditions in India, are quite different from labour conditions in England. Will it not be better to treat Indian conditions in a different way than English conditions ? I trust, Sir, that the Government of India have in their possession information about forced labour in both British India and Indian India and they will be able to put a stop to such barbarous system before long. With these words, Sir, I resume my seat.

Mr. Abdul Matin Chaudhury : Sir, I only want to say a very few words, referring to the observations of the Honourable Sir Frank Noyce. Sir, we have not been able to achieve a good deal of what we wanted, but still I consider that this is a very considerable improvement on the present position. Sir, my friend, Sir Frank Noyce, has told us that this is

[Mr. Abdul Matin Chaudhury.]

only an instalment, and that other instalments will come in in due course. We hope that the efforts of the Department of my Honourable friend to implement the recommendations of the Royal Commission on Labour will continue unabated. I still entertain the hope, Sir, that at no distant date the workers' demand for a 48-hour week will be acceded to. Sir, my friend, Sir Frank Noyce, has described this measure as one of the three measures of major importance which have been produced by his Department in implementing the recommendations of the Royal Commission on Labour. If, Sir, I am able to look back at all with satisfaction on any work that I have been able to do in this Assembly in co-operation with the Government, it has been in connection with these progressive measures that have been introduced in this House by my friend, Sir Frank Noyce. Our legislative records during the past few years have not been a very happy one. But, Sir, if I may say so, I have always regarded that the only silver lining in that cloud of reaction through which we have passed have been the measures that have emanated from the Department of Industries and Labour. I only want to express my appreciation to the enormous amount of work that has been done by that Department in connection with the measure that is about to be passed.

The Honourable Sir Frank Noyce : Sir, we have spent three days on this measure which cannot, I think, be considered a disproportionate amount of time considering its complexity and importance. I do not wish to prolong the discussion more than I can help, and I shall, therefore, confine myself strictly to the measure before the House and not attempt to follow my Honourable friend, the Leader of the Opposition, or, my Honourable friend, Dr. Ziauddin Ahmad, into an excursus on the economic and educational policy of the Government of India.

I should like, at the outset, to say that I fully appreciate the position in which my Honourable friend, the Leader of the Opposition, was placed by lack of information, and I realise that his view of what the Government of India have done in the direction of implementing the recommendations of the Whitley Commission's report would have been expressed differently yesterday if he had had the report I sent him subseqently then before him. I would mention for his information that we are now in process of collecting the material for a third report on the action taken by ourselves and the Local Governments on the recommendations of the Commission,—the one I gave him yesterday was the second. Those reports are beginning to come in. A consolidated report will be compiled as rapidly as possible and, before the next Session of the Assembly, the third report will be ready. I shall be very glad to have copies of it placed at the disposal of all the Members of the House. (*Sir Abdur Rahim* : "Hear, hear".) I might perhaps mention in this connection, though it is hardly as relevant today as it would have been yesterday but it may interest the House, what the Chairman of the Royal Commission himself thinks about the progress we have made. He said at the end of a series of four important articles which appeared in the English *Times* about a year ago :

> "My colleagues on the Commission will, I think, join in my appreciation of the progress made in the first legislative periods since the issue of the Report, and in my hope that the advance made in the second may be equally good. When political questions occupy the centre of the stage, industrial and social reforms risk being side-tracked. It is to the credit of the present Administration in India, (*I could wish that he had added that it is also to the credit of the present Legislature*), that this has not happened so far as official action is concerned."

Now, Sir, before I come to deal at comparatively brief length with the main criticisms which have been brought against this Bill, I should like to get one or two small points out of the way. My Honourable friend, Mr. Anklesaria, suggested that provision should be made in the Act for the withdrawal of prosecutions when the offence is merely technical. It was rather late, at this stage of the discussion on the Bill, to bring forward a suggestion of that kind, but there is no reason to believe that, where an offence is merely technical, Inspectors indulge in prosecutions merely for the sake of doing so or that the Court is not prepared to deal with the matter leniently and let off the offender lightly.

My Honourable friend, Dr. Ziauddin Ahmad, made an assertion yesterday about medical inspection in the United Provinces. He definitely said that fees were being charged for such inspection. I promised to find out whether that was so or not. I thought I should have to inquire from the United Provinces Government, but I found that we have, as indeed we ought to have, the information here and that there is a definite rule that no fees should be charged for such examination or for the grant of a certificate in pursuance thereof. That, I think, deals sufficiently with that point.

Dr. Ziauddin Ahmad : May I know what is the rule which the Honourable Member has just quoted? Is that the order of the Government of the United Provinces?

The Honourable Sir Frank Noyce : It is a rule of the Government of the United Provinces under the Factories Act. I do not propose to deal with the points raised by my Honourable friend, Mr. Lalchand Navalrai. Apart from the fact that he is not here, all the points that he raised were very thoroughly gone into in the discussion on the amendments. I now come to the main criticisms which have been brought against this Bill, both of which were raised by the Leader of the Opposition, and one or other of which was also taken up by other speakers. The first criticism which has been brought against the Bill is that it confers too wide powers on Local Governments and a suggestion was made that the Government of India should utilise very freely the powers which have been conferred upon them by clause 80 of the Bill, which makes the rules promulgated by Local Governments subject to the control of the Government of India. Now, Sir, I do not want the House to be under any misapprehension on this point. "Control" is quite a different matter from "previous sanction". When a Local Government has to obtain the previous sanction of the Government of India to the promulgation of any rules under an Act, it means that those rules are subjected to meticulous scrutiny by the Department concerned. But when rules are subject only to control, they are only subjected to *post-facto* examination.

Sir Abdur Rahim : Are not the Local Governments bound to inform the Government of India beforehand that they are going to frame such rules?

The Honourable Sir Frank Noyce : I am not sure. I do not think so. I think they send us the rules after they have been framed. The control which is exercised is a *ex-post-facto* examination to the best of my knowledge.

Sir Abdur Rahim : Even then may I suggest that the Government of India can give directions to Local Governments.

The Honourable Sir Frank Noyce : I am coming to that, Sir. What I wish to emphasise is the reason why this should be so in the case of the rules under this Bill. My Honourable friend, Mr. Morgan, complained that the Bill covered a vast number of factories, cotton, jute, tea, rubber and the like, and that it was a disadvantage that there should be a general Act, and not a special Act, dealing with different industries. It would be very difficult and would take an immense amount of time to deal with industries in that way. I would submit to the House that the purpose Mr. Morgan has in view is served by giving Local Governments wide discretion in regard to the framing of rules. They know all the local circumstances and they can frame their rules to meet the varying conditions of different industries. There is no reason why they should impose meticulous uniformity on different industries and, similarly, there is no reason why the Government of India should impose meticulous uniformity on all provinces in which climatic and other conditions differ so widely that a uniform code would probably be unworkable. If there is any serious divergence between the rules in force in different provinces and it is found that they work to the disadvantage of one province or another, that could always be set right if it were brought to the notice of the Government of India or if they discovered it themselves by an examination of the rules. The point really is that the control of the Government of India exists under clause 80 and can be exercised if necessary. I may mention a case, for example, which lately occurred in which a certain province, there is no necessity to say which, issued a Notification under the Workmen's Compensation Act, which we found would not bear examination. We suggested that it should be amended and it was amended. We could do the same here. If we were to examine these rules meticulously, if we were to decide that they should be subject to the previous sanction of the Government of India, it would mean a tremendous increase in our staff and there is also the great disadvantage in that we have no expert advisers in these matters. We should certainly have to add one to our Department if we were to insist that Local Governments could not make or amend the factory rules without our prior sanction.

My Honourable friend, the Leader of the Opposition, if I heard him correctly, suggested that provinces which were industrially developed might not be willing to advance as far and as rapidly as others. I do not think that is our experience. I think our experience of the two most advanced industrial provinces, Bombay and Bengal, is that the Local Governments of both provinces are even more anxious to insist on the proper regulation of labour in their factories than are some of the others and that they naturally have Inspectors with more experience and use them accordingly. The second main criticism of the Bill has been that the powers conferred on the Chief Inspectors are too wide and my Honourable friend, the Leader of the Opposition, has specially drawn the attention of the House to the use of the word " may " instead of " shall " in regard to those powers. The criticism under this head seems to fall under two classes. The first criticism is that Inspectors have powers which they may abuse and the second is that they have powers which they may not use. The second criticism is the one which my Honourable friend, Sir Abdur Rahim, has advanced. I, Sir, am not a lawyer and I do not know what was in the minds of the framers of the original Bill when they used the word " may " instead of " shall ". It is difficult to say how far " shall " is of a more mandatory character than " may ". But I imagine that what

was in the minds of the framers of the original Bill was something like this. It was that, after all, it is a mistake to use a Nasmyth hammer to crack a walnut. There may be cases in which, in order to bring about some small but desirable improvement, it would be necessary to incur an amount of expenditure out of all proportion to the value obtained by that improvement. I think their idea must have been that it was necessary to leave the Inspectors a certain amount of discretion in this matter. For instance take clause 14 (*3*) of this Bill :

"If it appears to the Inspector that, in any factory, gas, dust or other impurity generated in the course of work is being inhaled by the workers to an injurious extent, ... he may serve on the manager of the factory an order in writing, etc."

It might be possible that the injurious extent is very small indeed but that the installation of proper ventilation would cost the manager of the factory several lakhs and might indeed lead to the closing down of the factory completely and to what would really be far more serious injury to the workmen employed in it. That, Sir, is, I think, the reason why the existing Act was drafted as it is and we have seen no reason to depart from it. My Honourable friend, the Leader of the Opposition, said that, if the Factory Act is working properly, why was it necessary to appoint a Royal Commission to make recommendations regarding it. I think the answer to that is that the Royal Commission did not criticise the actual working of the Factory Act in any way. There is not to the best of my recollection any criticism in their Report of the actual working of the Act, or of its administration of the Act. I do not say it is perfect. No one claims that it is perfect. But, at any rate, there is nothing in the report of the Royal Commission to suggest that the actual working of the Act requires rectification. The point of their Report was that the Act was working so well that they wanted to extend it to other factories and in other ways to existing factories. We, Sir, have no reason to believe that Inspectors or Chief Inspectors abuse their powers either by omitting to do what they ought to do or by doing what they ought not to do. As regards doing what they ought not to do, the point was raised by my Honourable friend, Mr. Morgan. As regards his criticisms Inspectors have far too extensive powers to require the factory owner to do certain things ; the answers to that is that there is a provision for appeal, in the case of the factory owner, to the appellate authority appointed by the Local Government and that, in the case of prosecution, the alleged defaulter has the protection of the Court. I think, Sir, that is all I need say on these two points except that I would add that the point raised by Sir Abdur Rahim in regard to the use of the word "may" instead of " shall " in the Bill is a point that is well worth noting and discussing with Local Governments if and when we propose to amend the Act further.

I do not propose to walk into the trap set for me by my Honourable friend, Mr. B. Das, and to discuss the condition of labour in the Indian States. I have really nothing to add to what I said in replying to Mr. Mody which was that the point raised in his minute of dissent is under the consideration of the Government of India. Mr. Das knows the constitutional position as well as I do, though he chose to ignore some of its aspects in the remarks he made on the subject. But lest the House should think that his picture of labour condition in the Indian States was entirely correct, I should like to remind it that there are quite a large number of States which have followed the Government of India in regard to the introduction of

[Sir Frank Noyce.]

labour legislation and which have Acts more or less on the lines of the Indian Factories Act. I cannot give the House a complete list nor can I say how far their legislation differs from that which we have passed. But amongst the States that have labour legislation are such important States as Hyderabad, Mysore, Baroda, Gwalior, Travancore, Indore, Jodhpur, Cochin, Jhind, Porbandar and Rajkote,—amongst them the States which are most advanced industrially and otherwise.

Mr. B. Das : I am very glad to hear it.

The Honourable Sir Frank Noyce : How far they will again be prepared to follow the example of the Government of India in regard to introducing a further instalment of legislation remains to be seen, but I think their record is such that it is at any rate permissible to hope that they will be able to do something in that direction.

That, Sir, I think concludes all that I have to say except to thank the House most gratefully for the very great assistance it has given me in placing this important piece of legislation on the Statute-book. It represents a very marked advance in the amelioration of labour conditions in this country ; it represents an important step in establishing that contented labour force on which alone the industrial development of India can be securely based. To those gentlemen on the Opposite Benches who have criticised us for not going further and faster, I would venture to read the following extract from the report of the Whitley Commission. They say :

"This brief outline of the history of certain features of factory legislation in India shows that from the beginning the principle of factory regulation, here as in other countries, has been gradually to extend the area of protection afforded to the industrially employed worker. This principle has been effected in three ways—by regulation affecting specific classes of workers, by regulation affecting specific classes of establishments and by powers given to Local Governments to include under such regulation smaller places of a similar kind. The value of a policy of gradualness has been clearly demonstrated in the history of factory legislation in India in the past and the dictates of common sense and practicability confirm us in the belief that the same policy should continue to actuate future developments in factory legislation."

That, Sir, is the policy which we have followed in this Bill and that is the policy which we shall continue to follow. We recognise that the Bill has defects : we recognise that it will need to be supplemented in various directions as time goes on, but we feel that caution is necessary and that we cannot adopt the policy that some of my Honourable friends opposite have advocated and to take leaps in the dark. (Loud and Prolonged Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

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

"That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be referred to a Select Committee, consisting of the Honourable the Law Member, Mr. B. Sitaramaraju, Mr. D. K. Lahiri Chaudhury, Mr. Uppi Saheb

Bahadur, Mr. Lalchand Navalrai, Rai Bahadur Sukhraj Roy, Mr. N. N. Anklesaria, Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Khan Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Raisman, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, the Bill to which this motion relates is a comparatively simple measure, the nature and purpose of which are clearly shown in the Statement of Objects and Reasons. When my predecessor introduced this Bill into the House on April 20, he hoped that it would be possible to take it into consideration at once ; but objection was taken, and he, therefore, agreed to a motion for circulation for the purpose of eliciting opinions by the 30th June. The House is now in possession of the opinions which have been elicited, and this motion is in accordance with the procedure laid down by the Standing Orders for the subsequent stages of a Bill which has been circulated.

The object of the Bill, Sir, is twofold. It is to protect the revenue from the excise on matches, and it is also to protect the indigenous match manufacturing industry from the abnormal development of the use of mechanical lighters which would otherwise result from the imposition of an excise duty on matches. It is a matter of practically universal experience in other countries that the imposition of an excise duty on matches does give an abnormal stimulus to the import and production of mechanical lighters, with the result that other countries have found it absolutely indispensable to take measures of this kind in order to protect their revenue. Honourable Members will no doubt have discerned from a perusal of the opinions which have been received a certain tendency to believe that this measure, *i.e.*, this imposition of an excise duty on mechanical lighters, is unnecessary and that the fears for the match revenue on which it is based are, to say the least of it, exaggerated. Against this we have, apart from the experience of the other countries to which I have alluded, the testimony of the Excise Commissioner of Burma. This is given on pages 2-3 of the printed collection of opinions. The significance of this is that for some time there has been in existence in Burma an excise duty on matches, and therefore in Burma we can see a concrete example of what happens as a result of the imposition of an excise duty, and,—I may say,—an excise duty much lower than the one which has just been imposed on matches in India as a whole. The figures of imports of mechanical lighters into Burma are conclusive evidence that the apprehensions on which the Bill is founded are not at all unjustified. In the six months pending the introduction of this measure into the Assembly the number of lighters imported into Burma was over 150,000, and a very simple calculation will show that that is at the rate of 300,000 a year. The majority of persons who have been consulted on this Bill are either in favour of it or have made no comments at all. A few of them, however, think that a duty of Rs. 2 per lighter is excessive ; but I would like to point out that the proper criterion in looking at a measure of this kind is not the *ad valorem* incidence of the duty, but the number of matches the consumption of which will be supplanted by the use of an individual lighter. The duty of Rs. 2 is equivalent to the excise duty on one gross boxes of matches each containing 80 sticks. I do not think it can be contended that this is an unfair measure of the efficiency of the ordinary mechanical lighter, and from this point of view the duty proposed is

[Sir James Grigg.]

certainly not excessive, particularly if we have regard to the vital importance of safeguarding revenue and the Indian match industry as well.

A few critics have observed that the scope of the definition of mechanical lighters is too wide and that it would include toys which amuse children by emitting a spark. On this, I may say at once that I shall be quite prepared to modify the definition so as to avoid this undesirable and unintended effect. That certainly is a point which can be much more conveniently dealt with in Committee. Detailed drafting is more suitably done there than on the floor of the House. I do not think I need add anything more. I am of course not the father of this Bill, merely the step-father. Step-mothers are generally supposed to be extremely hard on their step-children.....

An Honourable Member : What is the position of the step-father ?

The Honourable Sir James Grigg : But the same is not necessarily true of step-fathers. At any rate, I adopt this child with a due amount of cordiality. Certainly, the House having passed the legislation for an excise duty on matches, I think it is only fair to ask the House, in order to safeguard the collection of the duty on matches and to safeguard the indigenous match manufacturing industry from the abnormal effects which are incidental to such legislation, that it should complete its work and pass this measure.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be referred to a Select Committee, consisting of the Honourable the Law Member, Mr. B. Sitaramaraju, Mr. D. K. Lahiri Chaudhury, Mr. Uppi Saheb Bahadur, Mr. Lalchand Navalrai, Rai Bahadur Sukhraj Roy, Mr. N. N. Anklesaria, Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Khan Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Raisman, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I rise to oppose the reference of this Bill to Select Committee. It is in fulfilment of an announcement I made on the floor of this House when it was introduced, and now that this new baby, which I find is an unwanted baby, comes to be considered on the floor of the House, I will oppose it tooth and nail. One is surprised to see that different Finance Members leave unwanted children to be adopted by their successors. The frenzied financial policy of Sir Malcolm Hailey gave lots of trouble to Sir Basil Blackett, and the latter's ratio baby gave so much trouble to Sir George Schuster that he had to raid the Indian homes and was instrumental in the outflow and export of gold to the extent of 200 crores, fifty per cent. of which is distress gold. Even with that Sir George Schuster

the future Federal Assembly and the future federal financial resources,— the matches and sugar excise duties that were reserved to the future federal finance and for autonomous provinces to work out their provin autonomy in their full measure,—Sir George Schuster stole a march drew on the future credit of the Governments, federal and provin

He was not satisfied with the Match Bill alone. This Bill is not a gigantic baby,—it is a tiny little thing,—it is an unborn babe, but Government have already found a step-father for it. One cannot understand why the Finance Member should have conceived of this Bill or whether the Members of the Select Committee were parties to it, whether they understood that 20 years hence somebody might set up a mechanical lighter manufacturing plant and that Sir George Schuster was not only safeguarding the interests of his successor, the present Finance Member, but of the future batches of Finance Members and Finance Ministers that will succeed him. I will just quote a line from my own speech while I was speaking on the former Bill. (Laughter.) There is no need to laugh. I foreshadowed other babies too, but I think, when the present Finance Member will have time, he may, as a necessary corollary to this Mechanical Lighters (Excise Duty) Bill, if it is not thrown out, introduce other Bills, because his predecessor has foreshadowed that he may introduce a Flint Bill and a Coir Bill, because flint and steel and tinder are used to produce mechanical light in the interior of India, and so when the Finance Member is hard up and wants a little more money, and finds that people are not buying more matches than is absolutely necessary, he will put a tax on flints, and introduce a Flint Bill or a Coir Bill and he and the Central Board of Revenue or the Customs Department will send batches of people to go round the villages and when they see in the grocer's shop or the *biriwala's* shop a rope or straw coir hanging, which is always burning for people to smoke from, the myrmidons of the Finance Member will snatch that piece of rope or straw bundle and say " Why should people do like this ? They must buy matches : the revenue under the head matches is going down ".

An Honourable Member : The Bill refers to mechanical lighters, mechanical in the sense that it produces a spark.

Mr. B. Das : That rope burns and there is the spark and light. I will discuss about flint later. I said at the time :

" I am surprised that my Honourable friends in the Select Committee did not bring out another baby called the Flint Bill."

Whereupon Sir George Schuster said :

" There is plenty of time ; we might get it ready before the Session is out if my Honourable friend wants it."

4 P. M. I do not myself want it ; but, as a necessary corollary, I would advise the Honourable the Finance Member to have a Flint Bill and also a Coir Bill

Now, Sir, I call it a panicky legislation. What is the necessity for this Bill ? Do you think that people will buy these four-anna mechanical lighters all over the country ? Of course, the Finance Member quoted from the statistics supplied by the Burma Government ; the other Provincial Governments completely ignored the Bill. They thought it was a huge joke played by the Government of India. When we visit provincial metropolitan towns we see that they always laugh at Simla and Delhi ; they say that the Government of India have little work to do and sometimes they perpetrate jokes, and this Mechanical Lighters Bill is one of the huge jokes that comes out from Simla and Delhi. Sir, I had little respect for Punjab, but I find that even the Punjab Government have taken a very sensible view in this matter ; so also the United Provinces

[Mr. B. Das.]

Government. This is what the Finance Commissioner to the Punjab Government, Mr. J. F. Fergusson, says :

"The danger, in my opinion, of such an industry being established in the near future, appears to be very slight. As remarked by Mr. Bhupat Sing, there is not, as yet, any established industry in the manufacture of mechanical lighters in India ; it cannot be established in a day as the necessary machinery will have to be obtained from abroad in the first instance. With such a high duty of Rs. 2 per lighter, there is no chance of this industry being ever established in India."

I do not know if any secret order has gone from the Government of India to the Punjab Government over this impertinence on the part of a subordinate official of a Provincial Government passing such remarks on a Bill drafted by the all-highest Finance Member of the Government of India. Sir, the Finance Member said that this is a very simple Bill ; yet they have devoted three pages. There are 16 clauses to this simple Bill as it is called, and I do not know how many hours the Draftsmen spent in drafting this Bill, with which none of them were satisfied at heart, but for which, thank God, a step-father has been found. Sir, the United Provinces Government said this :

"The excise duty levied on mechnical lighters should not be so high as to prevent altogether the development of this new industry."

The United Provinces Merchants Chamber of Commerce, the Upper India Chamber of Commerce and the Indian Chamber of Commerce, Lahore, all oppose this excise duty on mechanical lighters. I can understand how Sir George Schuster, and his advisers and the Draftsmen of the Government of India as well as the Law Member, who was advising him at the time, jumped to the conclusion that if they must have an excise duty on match they have to apply the similarity of conditions to mechanical lighters Sir, one of the officers has remarked that the mechanical lighters, that could be bought for four annas, just light for a few minutes and then they get out of order because people light them too often with the result that they soon get out of order. Knowing that, I do not understand why, not only this revenue duty of Rs 2-4-0, but also an excise duty is proposed to be imposed. I could buy in England one of these mechanical lighters for a shilling ....

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : For six pence.

Mr. B. Das : Somebody told me that there is an excise duty of a shilling, am I correct ?

The Honourable Sir James Grigg : There is certainly an excise duty on mechanical lighters in England ; I am not sure how much it is, but I think it is six pence.

Mr. B. Das : It might be a shilling ; but still these lighters are sold for six pence at certain places in England, and for the Government to conceive the idea of putting an excise duty of Rs. 2-4-0 on each lighter, if it can be manufactured in India, is, to say the least, simply absurd and ludicrous.....

Dr. Ziauddin Ahmad : Particularly when these are not manufactured in India.

Mr. B. Das : Yes, when they are not manufactured in this country. Of course, if the Government's policy is anti-industrial, if they desire

that nobody should manufacture these lighters in this country, then I can understand the object of introducing this measure.

Now, Sir, regarding flint, it is no use saying that flint, steel and tinder, are not mechanical lighters. The Commissioner, Nagpur Division, has made some very pertinent remarks on this which I hope the Finance Member has read and cogitated upon. I should like to quote a little *in extenso*, because it forms very good reading, and since there is more sense today among the provincial satraps and provincial officers than in the Government of India. This is what he says :

"I would suggest, however, that, in order to obviate any possible misinterpretation of the definition of 'mechanical lighter', it should be specifically provided that the Bill does not apply to the ordinary flint and steel carried by members of the aboriginal tribes. In this province practically all adult male Gonds and Korkus carry a flint, steel and tinder with which to make fire. The actual mechanism in a lighter is, as a rule, of the simplest possible kind and is designed to bring a flint in contact with a steel so as to produce a spark which shall ignite a wick soaked in petrol or kerosene. It seems to me somewhat doubtful whether the production of a spark to ignite tinder by bringing a flint in contact with steel by hand differs essentially from performing the same operation by rotating a wheel with the finger as in many mechanical lighters. It will not be desirable, in my opinion, to subject the ordinary apparatus for producing fire which is used by the poorest class of the population and which, in the broadest sense of the term, must be described as a mechanical device, to any duty."

Sir, it is a very sensible view that has been expressed. It is not that the Finance Member is contemplating the eventuality of making these lighters in this country, but as we are going down and down in the downhill grade of our financial bankruptcy, a time will come, at least five years hence, when the Honourable Sir James Grigg will be contemplating to bid good-bye to India, when he will be thinking to leave some little surplus money to his successor, then he might think of manufacturing this new baby called the flint baby. That is an eventuality to be considered only when a man is in despair, because a drowning man catches any straw, and when the Government of India are bankrupt of any financial brains, when they are bankrupt of any scientific financial or fiscal policy,—by linking the rupee to the sterling, by having the 18*d.* ratio, they have not only made the Government of India bankrupt, but they have made the people of India poor, so poor that today the people of India cannot pay their taxes, nor can the Finance Member, including his ally the Commerce Member, find new sources of tariff and taxation by which they can fill the coffers so that the Government Budget can be balanced. That is the whole trouble and that is why these unwanted children, these unwanted Bills are manufactured. The Honourable the Finance Member himself has noted the difficulty about the definition of mechanical lighters. It is best to drop the Bill. Why go and worry our heads over an explanation and ask the Law Member to devise a proper wording without leaving a loophole, as to what a mechanical lighter is ? As the Commissioner of Nagpur has pointed out, it is best to drop the Bill. It is very difficult for ordinary human mind to define a mechanical lighter, and knowing as I do the ingenuity of my legal friends, both inside this House and outside, if they are in a mood for mischief they can turn the definition to any interpretation they like, and if the Government also are in a mischievous, litigious mood, they could prosecute anybody who produced a fire or light. Even if I fail in my opposition to the Bill and this House does not throw out the Bill, I do hope that the Select Committee will not be as foolish as the other Select Committee was. They should

[Mr. B. Das.]

not think of legislating for an excise duty on mechanical lighters which may be produced 20 years hence. So I would suggest that clauses 5 and 6 should be dropped. Clause 6 deals with the bringing in of mechanical lighters into British India from the territory of any specified Prince or Chief in India. I do not know if the Princes or Chiefs could produce mechanical lighters, but most of us pass through these Indian States. Everywhere the customs department or the excise department which will go on increasing in numbers—as soon as we come to the railway station, our pockets will be searched if there are any mechanical lighters, and knowing as we do that in Kathiawar Ports, the French Ports and Portuguese Ports, the Japanese mechanical lighters will be sold at four annas a piece, the Government of India cannot prevent the Ports of Kathiawar, Jamnagar, Bhavnagar and other places from selling mechanical lighters at four annas a piece, and if accidentally we pass through such territories and come into Viramgam line or elsewhere in British India, at once the policeman or excise man will come and search our pockets and then we have to be troubled to produce a certificate that the particular mechanical lighter was purchased in London and not at Porbander or Jamnagar. So, the whole idea of an excise duty on manufactured mechanical lighter should be dropped, and, if Government are so anxious to make a little money out of the mechanical lighters that are dumped by Japan, they can have it. Supposing my Honourable friends in the Select Committee with their inner knowledge of the facts that would be placed before them,—but from the opinions that have been collected I do not think the Government of India have more facts because the Finance Member has not put forward any new argument on the floor of the House,—supposing they think that they should have to legislate for an excise, I would suggest that they should legislate for the control and licensing of manufacture of mechanical lighters, but no excise duty should be levied. Such a duty can be collected but it must be returned to the manufacturers if Government want to have certain control as they have even now a method of collecting taxes at ports and then refunding them to those who import these articles. Sir, with these few observations, I oppose the reference to the Select Committee.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : I support this motion for reference to a Select Committee. My Honourable friend, Mr. B. Das, has perhaps forgotten under what circumstances this Bill was introduced in the last Session of the Assembly. When we were discussing the excise duty Bill on matches, it was pointed out to us by the manufacturers in India that unless a duty on the lighters also was put on, it would hit them very hard. It was not included in the first Bill that had already been passed. Therefore, it was, firstly, for the benefit of those manufacturers in India, and, secondly, for protecting the revenue that would be derived by the sale of the matches that this Bill was introduced in the last Session.

Mr. B. Das : But the capital is foreign, either Swedish or Japanese.

Mr. A. H. Ghuznavi : As I said in the last Session, when my Honourable friend, Mr. Joshi, was giving us a lot of trouble, the best way of silencing Mr. Das would have been for the new Finance Member to have included Mr. Das in the Select Committee.

Mr. B. Das : I am opposing the Bill, and I do not want to serve on the Select Committee.

Mr. A. H. Ghuznavi : Sir, it is stated in the Statement of Objects and Reasons :

"There is a serious danger that, with the imposition of a considerable duty on matches, there will be an abnormal development of the use of mechanical lighters. This would mean a loss of duty and interference with the business of the Indian match manufacturing industry."

It was solely in the interests of the match manufacturing industry in India that this Bill was introduced. As regards the various other objections which my Honourable friend.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : I do not want to interrupt the Honourable Member, but will he give us any information as to whether the manufacturers themselves have asked for this measure ?

Mr. A. H. Ghuznavi : I will say to this House that those manufacturers, who were present before us in the Select Committee, asked us, the Members of the Select Committee, to introduce a Bill of this kind to protect them from this.

Mr. D. K. Lahiri Chaudhury : May I know from the Honourable Member who are the manufacturers of matches who came before the Committee ?

Mr. A. H. Ghuznavi : Manufacturers came from Bengal, Bombay, and other places. They came on our invitation to tell us how the industry would be affected by that Bill. We had to go into the whole question with them and then we fixed the duty which has now been passed into an Act.

Mr. B. Das : Was it not trade jealousy and trade rivalry of match manufacturers ?

Mr. D. K. Lahiri Chaudhury : It may not be, but how could the manufacturers of matches know at that time that there were manufacturers in India of mechanical lighters when there was not a single factory doing it ?

Mr. A. H. Ghuznavi : They did not say about the manufacture of lighters in India. Their apprehension was that the importation of foreign lighters.....

Mr. D. K. Lahiri Chaudhury : That is true, but this is an excise duty.

Some Honourable Members : Both.

Mr. A. H. Ghuznavi : This is for lighters, both imported and manufactured here. It is not merely an excise on lighters made here. It is also for the lighters that are imported into this country. As regards the other objections that my Honourable friend, Mr. Das, has raised, he may wait till the Members of the Select Committee make their report. Perhaps we will meet all the objections that he has raised on this question. With these words, Sir, I support this motion for Select Committee.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I regret I cannot subscribe fully to the ideas to

[Mr. Gaya Prasad Singh.]

which expression has been given by my friend, Mr. Das, on this side of the House. This Bill seeks to achieve two objects. One is to impose an import duty on mechanical lighters which are imported into this country from foreign countries, and another is to levy an excise duty of the same amount, namely, Rs. 2 per mechanical lighter, which may be manufactured in this country. Now, with regard to the first object, namely, the imposition of an import duty on foreign mechanical lighters, I am quite at one with the object of this Bill. My Honourable friend, Mr. D. K. Lahiri Chaudhury, is evidently under some misapprehension when he says that there is no such provision in the Bill.

Mr. D. K. Lahiri Chaudhury : There may be a provision, but it is not in the Preamble.

Mr. Gaya Prasad Singh : When he reads the last clause, he will find it is stated :

"Provided that, mechanical lighters as defined in the Mechanical Lighters (Excise Duty) Act, 1934, shall be liable in addition to a duty equal to the amount of the excise duty imposed by that Act on mechanical lighters manufactured in British India."

Now, Sir, on principle I am opposed to the importation of foreign goods into this country, so far as practicable, and to that extent I am heartily in sympathy with the proposed import duty on mechanical lighters. When we passed the Match Excise Duty Bill, the manufacturers of matches in India were naturally apprehensive that if steps are not taken to discourage the importation of mechanical lighters in this country their industry would suffer, and they were quite justified if I am to take the word of my Honourable friend, Mr. Ghuznavi, who was a Member of the Select Committee. They were naturally apprehensive that unless steps are taken to supplement the provisions of that Act by means of a fresh legislation discouraging the importation of mechanical lighters from foreign countries, their trade would naturally suffer. I am in hearty agreement with that part of the Bill which seeks to impose an import duty on foreign mechanical lighters ; but I find some difficulty in accepting the other part of this Bill in which it seeks to impose an excise duty on mechanical lighters which may be manufactured in this country. As a matter of fact, it is stated in the Statement of Objects and Reasons :

"There is not, as yet, any established industry in the manufacture of mechanical lighters in India."

To that extent the imposition of an excise duty seems at best to be premature. It will adversely affect those persons in this country who may think of starting an indigenous industry in this particular line. My friend, Mr. Das, has already quoted certain opinions which are opposed to the imposition of an excise duty on mechanical lighters and I need not trouble the House by reading out those extracts. I may merely refer in passing to the opinion of the Commissioner of the Assam Valley Division who says :

"My personal opinion is that the danger of a flood of mechanical lighters has been greatly exaggerated and that there is no necessity for such a Bill. I regard the rate of duty proposed as exhorbitant."

This also is the opinion of the General Manager of the Assam Railways and Trading Company, Ltd. The opinion of the Government of United Provinces has, I think, been referred to by my friend who

spoke, as well as the opinion of the Upper India Chamber of Commerce, Cawnpore.

Now, with regard to that part of the proposal, I have got one submission to make. In the first place, I am not very sure whether it is advisable to impose an excise duty on mechanical lighters which may be manufactured at some future date in this country. In the second place, I am opposed, even if it be assumed that an excise duty on mechanical lighters is advisable to safeguard either the revenue of India or from any other considerations, to a duty of Rs. 2 per lighter. I quite agree to the duty of Rs. 2 on mechanical lighters which may be imported into this country from other countries, but if an excise duty is to be imposed at all, I should think that the duty should be considerably less. Some opinions favour the imposition of eight annas or atmost one rupee per mechanical lighter as excise duty. I am therefore of opinion that if an excise duty is to be levied at all it should be of a small amount, so that it may not seriously interfere with the establishment of an indigenous industry in the future. I have no doubt these points will be carefully considered by the Members of the Select Committee, and I hope that when the Bill emerges out of the Select Committee it will be a more acceptable measure than the one before the House.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : After the speech of Mr. B. Das answered fully by Mr. Ghuznavi and partly by his own friend and neighbour from Bihar, I think I should not at this late hour of the day take up the time of the House, but I am compelled to intervene on account of an unique observation by the previous speaker who said ' on principle we object to the importation of foreign articles into this country '. It is an amazing principle, and if I were to support this Bill, I rise to make assurance doubly sure that Members seated on this side of the House do not subscribe to that principle.

Mr. Gaya Prasad Singh : Buy Indian goods.

Mr. D. K. Lahiri Chaudhury : Are you speaking on your own behalf ?

Mr. C. S. Ranga Iyer : I am speaking on behalf of every sensible man in this House.

Mr. D. K. Lahiri Chaudhury : I think you are taking the hat to your own head.

Mr. C. S. Ranga Iyer : I always put my hat upon my head.

Mr. D. K. Lahiri Chaudhury : That is right.

Mr. C. S. Ranga Iyer : In this House I do not talk through the hat as the Honourable gentleman does, nor do I leave my head outside and bring only the hat inside. (Laughter.) Leaving the hatter portion of the argument, any man who does not talk through his hat will say that if we do not buy foreign goods, foreigners will not buy our goods. (Laughter by Mr. Gaya Prasad Singh.) That is an economic principle which the loud laugh that speaks the vacant mind does not seem to appreciate. Here is a very useful institution, a mechanical lighter. Mr. Gaya Prasad Singh does not smoke.

Mr. D. K. Lahiri Chaudhury : Sir, on a point of order. You have ruled on a previous occasion that no demonstration of any article will be allowed on the floor of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair did not see that lighter.

Mr. C. S. Ranga Iyer : Here is the mechanical lighter (showing it) which seems to have caused some disorder on the Opposition Benches. (Laughter.) It is good to derive some customs revenue by paying a duty on a thing like this, and even my friend, Mr. Studd, who possesses this valuable thing will not object to it. But if you were to prohibit the importation of foreign articles, I suppose even the cause of the earthquake in the Province of Bihar will not find much money because one part of our revenue will be cut off. So much for the spokesman of the Democratic Party.

Sir, I think we have had more light than lightning on these mechanical lighters today and I hope that, without much ado, this House will place this Bill on the Statute-book. It is a very old Bill, as this House is aware. Sir George Schuster did not have the time to pass it through this House and therefore his successor has taken it up and I think the Select Committee can pass it without very much discussion. I do not see why we should waste the time of this House by talking such interesting things as the Honourable Member from Bihar was able to talk just now. Sir, all I need say is this, that in simple matters like this, I hope the House will not follow the example of the previous speaker and waste the time of this House.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I give my wholehearted support to this measure. Once the Bill, which has now become law, imposing an excise duty on matches has been passed, and when it is remembered that the amount recovered in the shape of a revenue duty on matches has been found necessary to meet the deficit in the Budget, and when we remember that that excise duty cannot be fully realized if there is a loophole such as the one which this Bill is meant to counteract, then I think the measure before us is more or less a consequential measure upon the one which we have already passed.

Sir, this Bill aims at levying a customs duty on imported mechanical lighters, and at the same time it is meant to levy an excise duty on indigenous manufactured mechanical lighters. So far as imported mechanical lighters are concerned, I do not think there is any one in the House who has got to say anything against it, at least so far as the customs duty is concerned. The whole trouble seems to arise with regard to the mechanical lighters manufactured in this country. With regard to that, Sir, I feel it is absolutely essential that such a duty must be levied because it is admitted that these manufactories are not in existence at the present moment and they want to spring into existence because of the increased duty on matches. Otherwise they would not come into existence. Now they want to take advantage of the fact that the excise duty is being levied on matches to an abnormal extent, and advantage is sought to be taken of that fact. If that duty had not been levied, the proposed factories probably would not have come into existence. I say this, arguing in the way in which my Honourable friend, Mr. Gaya Prasad Singh, has done, we have necessarily to come

to the conclusion that, if an impetus is given to the starting of indigenous manufactories, the result, after the lapse of a certain number of years when this excise duty on matches is done away with, will be that all these manufactories will come down with a crash. They may make some profit for the time being, to the detriment of the revenue which the country would otherwise derive, but the moment the excise duty on matches is taken away, the result will be that all these manufactories which may be set up will have to close down their business, so that both from the point of view of the customs duty which is to be levied on mechanical lighters as well as from the point of view of the excise duty that is sought to be levied on the Indian manufactured article, I think the Bill is rightly framed and I heartily support this motion.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, this Bill, I think, is intended to prohibit the importation as well as the manufacture of lighters. It is not a revenue Bill. I do not think the Finance Department can expect any substantial revenue in consequence of the passing of this Bill. There is not a single factory at present in India which is manufacturing mechanical lighters and, with this heavy excise duty, I do not think there is any capitalist who will invest any money in the starting of a new factory. So this Bill does not expect any revenue from the excise side of it. Now we shall see what revenue is expected from the articles imported into India. In addition to the present duty on lighters, clause 16 of the Bill levies an additional two rupees per lighter. The price of each lighter will therefore, I think, be nearly Rs. 2-8-0.

The Honourable the Finance Member has told us that the amount of Rs. 2 was calculated as the price of a gross of matchboxes each containing eighty splints. If one were to calculate how many matches a man uses in a year, it would fall considerably short of a gross of matches, and a mechanical lighter, I think, is not a very permanent thing—it goes to pieces or goes out of order in a very few months ; and therefore it will not at all be advantageous for any gentleman to purchase a mechanical lighter, with this heavy duty put upon it. So I think that as the sale of mechanical lighters will be stopped on account of the heavy duty put upon it, the customs revenue from the imports of mechanical lighters will almost be nil. So this Bill is not intended to bring revenue into the coffers of the Government of India but is plainly intended to prohibit the use of mechanical lighters altogether, and the Finance Member has told us that this Bill is intended to encourage the indigenous match industry. I do not know why the Finance Member should be so very harsh upon the future manufacturers of mechanical lighters and in favour of the manufacturers of matches. Manufactures of all sorts ought to be encouraged in a country, and to discourage imports. But the present policy appears to be to completely prohibit the one and to foster the other. I submit, therefore, to the House that the excise and import duty of Rs. 2 per mechanical lighter is an excessively heavy one and ought to be reduced when this Bill is considered by the Select Committee. This excessive amount is not at all warranted by the exigencies of the case unless the Government is determined to prohibit the import as well as the manufacture of mechanical lighters. Now, Sir, clause 6 refers to the importation of mechanical lighters into British India from a territory of any specified Prince or Chief in India. If a factory is started in an Indian State, the mechanical lighters manufactured there

[Mr. B. V. Jadhav.]

will not be allowed to be brought into India even after paying the excise or import duty, while the manufactures of foreign countries are allowed under clause 16. I think this is discrimination which ought not to be tolerated. The manufacturers in an Indian State ought not to be treated worse than the manufacturers in any foreign country.

Sir, I have got to say something about the definition of a mechanical lighter. Under the present definition, a mechanical lighter means any mechanical or chemical contrivance which is portable and is intended for producing a spark or flame whether by itself or when brought into contact with gas and includes a mechanical lighter issued from a manufactory in an incomplete state or requiring for its completion the addition of a flint. It has been stated here by my Honourable friend, Mr. B. Das, that from time immemorial the people of this country have been using a piece of flint with a piece of steel and some pieces of tinder to get fire. This contrivance is in use all over the country and from very ancient times and for the poor and indigent people it is the only way of producing fire. Under the present definition, I am afraid that that contrivance may be called a mechanical lighter because any mechanical contrivance which is portable is so called. It is called *chakmak* in my part of the country and I think the name appears with certain changes all over the country. So, *chakmak* is a mechanical contrivance which is portable and intended to produce the spark. What I am afraid of is that the *chakmak* may be brought under the definition as at present drafted, and zealous excise officers may harass poor people. It is therefore necessary that care should be taken to state clearly that a *chakmak* does not fall into the category of mechanical lighters. Sir, I have shown what I consider to be the object of this Bill. I do not know what feelings the step-father has towards the Bill. He has brought it forward and placed it before the House. It has been received with mixed feelings. Some are very fond of this child, others are condemning it as ugly. As it is sponsored by Government and is helped by Members who love more foreigners than their own countrymen, I think it has got every chance to pass. But for myself, I must raise a voice of protest that this Bill is intended solely in the interests not of Government revenue but in the interests of the match manufacturers. Government is deriving a good deal of revenue from the manufacture of matches and therefore in gratitude to those who provide a large amount as excise duty on matches, this Bill is intended in their benefit. I do not see any reason why I should oppose the reference to the Select Committee. But if the Bill is not satisfactorily modified, I shall have to oppose it at a later stage.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I would not have risen at this late hour, but I desire to satisfy a curiousity of my Honourable friend opposite, Mr. B. Das. He asked,—I have taken down his words,—how could the Honourable the Finance Member, helped by the Law Member, jump into the framing of this Bill ? I can assure my Honourable friend that so far as the Government Members are concerned. jumping is not their method of locomotion. (Laughter.)

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : The Oriyas are expert in that.

The Honourable Sir Nripendra Sircar : Once the excise duty was imposed, the framing of this Bill was reached by very easy and very short steps and the reasoning has been clearly explained by the Honourable the Finance Member. Then, my Honourable friend, Mr. B. Das, described the bankruptcy of India and his heart was melting when he did so. I hope that will induce him to protest against the creation of bankrupt Provinces like Orissa. (Applause.) Then, I heard also from one of the Honourable Members who, while opposing the calculation of the Honourable the Finance Member, said that matches are lost. That is so. I have very often lost matches, but what I have lost has been the corresponding gain of someone else. So, let us not complicate calculation by any consideration of lost and gained matches. The calculation of the Honourable the Finance Member may safely be accepted.

With regard to clause 6, I might just remind the House that the provision contained therein is exactly the same as in the case of the excise duty. No new method has been followed so far as this Bill is concerned.

The only other matter with which I will just speak for a moment is the fear of my Honourable friend, Mr. Jadhav, that the *chakmak* might be hit by this definition. If there is any danger of the *chakmak* being hit, of course that can be corrected by drafting in the Select Committee, but I do not see how the *chakmak* can be hit. It is not a mechanical or chemical contrivance. Striking a piece of iron or steel is not a mechanical contrivance, as much as striking a person down with a *lathi* is not a mechanical contrivance. Then, again, he laid stress on these words " in an incomplete state or requiring for its completion the addition of a flint ". But, there, I am sure, the Honourable Member will notice that that is controlled by the words which precede and includes a mechanical lighter issued from a manufactory in an incomplete state. That cannot possibly hit the *chakmak* with which the aborigines are supposed to be moving about.

The Honourable Sir James Grigg : After the speech of my Honourable colleague, I think there is very little left for me to say. He has dealt with the question of the too all inclusive character of the definition and he has dealt with the question of clause 6 which relates to the power to prohibit importation from the States. Perhaps I can give the assurance to the House generally that there is in my adoption of this Bill no ulterior motive and it has no relevance whatever to the rival views which are held about the question of whether India can live in a self-contained way or whether it cannot. It has nothing whatever to do with that. The sole purpose is that, this House having passed the excise duty on matches, in the absence of some such measure as this, the excise duty will be extremely ineffective and the finances of India will be correspondingly damaged. That is the primary purpose of the Bill. The secondary purpose is that you have got in India a considerable industry, the match industry. Not only in the absence of this measure will the revenue be damaged seriously but an already existing and prosperous industry will be damaged severely for the sake of an industry which does not yet exist and even if it could ever exist could only exist as a very small and puny infant. Sir, I have nothing more to say.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be referred to a Select Committee consisting of the Honourable

[Mr. President.]

the Law Member, Mr. B. Sitaramaraju, Mr. D. K. Lahiri Chaudhury, Mr. Uppi Saheb Bahadur, Mr. Lalchand Navalrai, Rai Bahadur Sukhraj Roy, Mr. N. N. Anklesaria, Rao Bahadur S. R. Pandit, Bhai Parma Nand, Sirdar Harbans Singh Brar, Khan Bahadur Haji Wajihuddin, Mr. E. Studd, Mr. A. H. Ghuznavi, Mr. A. J. Raisman, Mr. S. G. Grantham and the Mover, with instructions to report on or before the 25th July, 1934, 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.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : Sir, next week, apart from motions for leave to introduce any new Bills which may be ready, we propose to proceed in the first place with the unfinished business on today's list in order in which it stands in that list. Thereafter, the House would be asked to consider and pass the Indian Dock Labourers Bill on which the report of the Select Committee was presented on Monday last and the Indian Trusts (Amendment) Bill which was passed by the Council of State and laid on the table during the course of the last Session.

The Assembly then adjourned till Eleven of the Clock on Monday, the 23rd July, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 23rd July, 1934.

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

QUESTIONS AND ANSWERS.

CHANGE IN THE OFFICE HOURS OF THE RAILWAY BOARD.

155. ***Mr. Uppi Saheb Bahadur** : Will Government be pleased to state if the office hours of the Railway Board have been changed from 10-30 A.M. to 4-30 to 9 A.M. to 6 P.M. ? If so, will Government be pleased to state the reasons which led to this change ?

Mr. P. R. Rau : The office hours have not been changed, but the clerks in one of the branches, where the work has fallen into arrears, were asked to work somewhat longer hours as a temporary measure.

FINDINGS OF THE POPE COMMITTEE IN THE RAILWAY BOARD'S OFFICE.

154. ***Mr. Uppi Saheb Bahadur** : (*a*) Is it a fact that the investigations of Mr. Pope in the Railway Board's office revealed many irregularities and condemned a large list of the present ministerial staff ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state what action, if any, has been taken in the case of :—

(*i*) those who were sent in for medical examination ;

(*ii*) those who were declared unfit for upper division ;

(*iii*) those who were reported very badly by their branch officers ; and

(*iv*) those who were found habituated to taking narcotic drugs like opium, etc., during office hours ?

(*c*) Will Government be pleased to lay a copy of the findings of the Pope Committee in Railway Board's office on the table of this House ?

Mr. P. R. Rau : (*a*) Mr. Pope and Mr. Case examined the procedure in the Railway Board's office and made certain suggestions in regard to improvement which are at present under the consideration of the Board. Incidentally Mr. Case tested the work of some members of the staff and reported unfavourably on a few of them.

(*b*) Government are unable to identify the cases referred to by the Honourable Member, and cannot get any assistance in this direction from Mr. Case's report.

(*c*) No. The report is a purely departmental document and not intended for publication.

METHOD OF PROMOTIONS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

155. *Mr. Uppi Saheb Bahadur : (*a*) Will Government be pleased to state the objects of maintaining seniority lists in all the Departments ?

(*b*) How are promotions from one grade to another made in the case of (*i*) branch vacancies and (*ii*) general vacancies in the Departments of the Government of India ?

(*c*) How are transfers arranged from the routine branch to the regular branches of the Government of India Secretariat ? Are the men in the lower division promoted, if they are considered fit to perform the necessary duties, by seniority, or is it left to the establishment section to nominate anybody, even though he may be junior-most, to be promoted in the vacancies that occur ?

The Honourable Sir Harry Haig : (*a*) The object of maintaining seniority lists is to find out readily the relative positions of the employees in a Department when necessary.

(*b*) All vacancies to be filled by promotion are treated as vacancies in the Department as a whole and filled on the basis of merit combined with seniority from the general list of the establishment. In the case of short vacancies, however, particularly in the grade of Superintendent, it is open to Departments to make such arrangements as may be most convenient from the point of view of departmental work.

As regards the Railway Department, I invite attention to the reply given to clause (*a*) of Mr. T. N. Ramakrishna Reddi's question No. 1004 on the 28th March, 1933.

(*c*) Promotions are made by the officer in charge of the establishment, or other competent officer, who takes into consideration all the relevant factors such as exigencies of work, merit, seniority, qualifications and individual suitability for the particular work to be performed.

TEMPORARY INFERIOR ESTABLISHMENT IN THE GOVERNMENT OF INDIA SECRETARIAT.

156. *Mr. Uppi Saheb Bahadur : (*a*) Will Government be pleased to state if certain temporary establishment is charged to contingencies in the various Departments of the Government of India Secretariat ? If so, how long have these men been in service and what are their duties ?

(*b*) What are the duties of watermen ? Do their duties include those of a peon ?

The Honourable Sir Harry Haig : (*a*) In the Government of India Secretariat, *chaukidars*, *farashes* (who see to the dusting and cleaning of officers' and office rooms), *bhishties* and sweepers are paid from contingencies. In some cases temporary peons are also paid from contingencies. I regret I cannot give particulars of the length of service of each of these individuals.

(*b*) The duties of watermen are to supply water and do not include those of a peon. In the Railway Department, however, whole-time watermen are employed and they are occasionally called upon to perform the duties of a peon when not otherwise engaged.

BUSINESS CARRIED ON BY THE MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA.

157. ***Mr. Uppi Saheb Bahadur** : (*a*) Will Government be pleased to state if enquiries were made by the Accountant General, Central Revenues, regarding the receipt of fees, honoraria, bounties, etc., by the ministerial staff of the offices of the Government of India under the following classifications :

(*i*) amateur doctors, mostly homœopathic, receiving fees ;

(*ii*) working after office hours as coach in schools, athletic associations, and other institutions, and receiving remuneration for that ;

(*iii*) working as contractors during the time of move of the Government of India for the carriage of records ; and

(*iv*) carrying on business of insurance or money-lending in the names of their minor sons, wives or other relatives ?

And if so, what action, if any, was taken ?

(*b*) Are these incomes shown in the annual income-tax returns, and is income-tax paid on them ?

The Honourable Sir James Grigg : (*a*) No.

(*b*) Section 54 of the Income-tax Act debars me from giving this information.

ACCEPTANCE OF PRESENTS FROM SUBORDINATES IN THE RAILWAY BOARD'S OFFICE.

158. ***Mr. Uppi Saheb Bahadur** : (*a*) Is it a fact that it is customary in the Railway Board's office to accept presents from their subordinates ?

(*b*) Did Government receive any letter to this effect ?

(*c*) If the reply to part (*b*) be in the affirmative, what action, if any, was taken by Government to crush this evil ?

Mr. P. R. Rau : (*a*) So far as Government are aware, the reply is emphatically in the negative.

(*b*) No.

(*c*) If they are furnished with evidence in support of the allegation, Government will take suitable action.

PURCHASE BY THE INDIAN RAILWAYS OF *Poppet Valves* BY MR. F. A. POPE.

159. ***Mr. Uppi Saheb Bahadur** : (*a*) Is it a fact that a valve has been patented as *Poppet Valve* by Mr. F. A. Pope who recently conducted an investigation on Indian Railways, jointly with the makers of this valve ?

(*b*) How many of these valves have been ordered by Indian Railways for their use ?

(*c*) What is the total amount spent by Indian Railways on these valves during the last three years ?

Mr. P. R. Rau : (*a*) No. I am afraid, my Honourable friend has been misled by the name.

(*b*) There are at present about 200 locomotives fitted with *Poppet valves.*

(*c*) The information is not readily available.

IMPORT DUTY ON SUGAR.

160. ***Seth Haji Abdoola Haroon** : (*a*) Will Government be pleased to state whether it is a fact that this Assembly have passed Sugar Industry (Protection) Act, 1932, Act No. XIII of 1932, which gives power to the Governor General in Council to increase the duty imposed by section 2, as under :

"If the Governor General in Council is satisfied, after such enquiry as he thinks fit, that sugar not manufactured in India is being imported into British India at such a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industries by the duties imposed by Section 2, he may, by notification in the Gazette of India, increase such duty to such extent as he thinks fit."

(*b*) If the answer to part (*a*) above be in the affirmative, has the attention of Government been drawn to the fact that sugar not manufactured in India is at present being imported into British India at such a price as renders insufficient the benefits intended to be conferred upon the sugar industries by the duties imposed by section 2 ?

(*c*) If the answer to part (*b*) above be in the affirmative, have Government set up any committee to enquire into the matter, and if not, when do they propose to do so ?

(*d*) Are Government aware that according to the Tariff Board's recommendations, least protection necessary for the sugar industry, as soon as the price of foreign sugar dropped to below Rs. 4 per maund *c. i. f.* Calcutta, was Rs. 7-4-0 *plus* Annas 8, total Rs. 7-12-0 per cwt. ?

(*e*) Are Government aware that the present prices for foreign sugar have dropped to considerably below Rs. 4 per maund *c. i. f.* Calcutta level, and rule around Rs. 2-13-0 or Rs. 2-14-0 per maund, reduction below Rs. 4 amounting to Rs. 1-2-0 to Rs. 1-3-0 per maund ?

(*f*) Are Government aware that in view of the above further reduction in the prices of foreign sugar below Rs. 4 per maund *c. i. f.* Calcutta the protection of Rs. 7-12-0 per cwt. referred to in part (*d*) above does not render sufficient the benefits intended to be conferred upon the sugar industry by the duties imposed by section 2 ?

(*g*) If the answer to part (*f*) above be in the affirmative, do Government propose to give relief to the sugar industry, and if so, how and when ?

(*h*) If the answer to part (*f*) above be in the affirmative, do Government propose to increase the protection by raising the rate of present duty on imports of foreign sugar ?

(*i*) If the answer to part (*h*) above be in the affirmative, do Government propose to announce their intention early ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) and (*f*). Government are not satisfied that the position is as stated.

(*c*) Does not arise.

(*d*) Yes.

(*e*) The present price of Java sugar at the ports works out at Rs. 3-3-6 per maund *ex*-duty.

(*g*), (*h*) and (*i*). Do not arise.

CADETS UNDERGOING TRAINING IN THE INDIAN MILITARY ACADEMY, DEHRA DUN.

161. ***Mr. Jagan Nath Aggarwal** : (*a*) Will Government be pleased to state if the full quota of cadets is undergoing training in the Indian Military Academy at Dehra Dun ? If not, since when has the number been less than the quota agreed upon ?

(*b*) Will Government be pleased to state if the number of cadets actually undergoing training at the Royal Indian Military Academy, Dehra Dun, is not short of the quota, agreed upon, by three cadets ? If so, do Government propose to fill up the said vacancies before the next term of the Academy and thus man the Academy with the full strength ?

Lieut.-Colonel A. F. R. Lumby : (*a*) and (*b*). At the end of the last term, on the 9th June, the Academy contained its full proportionate quota, that is 120, of cadets under training for commissions in the Indian Army ; it will only reach its full authorised strength of 150 when it re-opens next month. All vacancies which occur during the course of a term are filled up not later than the beginning of the following term.

The Indian States Forces Cadets have been under strength owing to lack of qualified candidates since August, 1933, and the deficiency last term reached 15 in an authorised strength of 40.

ALLEGED RACIAL DISCRIMINATION IN THE MATTER OF RECRUITMENT AND PROMOTIONS OF INDIAN GUARDS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

162. ***Mr. Nabakumar Sing Dudhoria** : (*a*) Will Government be pleased to state if it is a fact that the Indian Guards on the East Indian Railway under the Divisional Superintendent, Howrah, appealed to the Railway Board complaining against racial discrimination in the matter of their recruitment and promotions ?

(*b*) If the reply to part (*a*) be in the affirmative, what action has been taken by the Railway Board on that appeal ?

Mr. P. R. Rau : (*a*) No such appeal has so far been received by the Railway Board.

(*b*) Does not arise.

GUNNER GUARDS IN THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

163. ***Mr. Nabakumar Sing Dudhoria** : Will Government be pleased to state :

(*a*) the total strength of Gunner Guards under the Divisional Superintendent, Howrah ;

(*b*) the percentage of posts held by Anglo-Indians and Indians in the cadre of Guards ;

(*c*) the scale of pay of the Gunner Guards ;

(*d*) whether the Gunner Guards are supposed to work trains on the main line ;

(*e*) the number of Indians who are drawing the maximum of Grade II and the number in Grade I ; and

(*f*) the total number of Guards in Grade I and in Grade II, respectively ?

Mr. P. R. Rau : (*a*) to (*f*). I would invite the Honourable Member's attention to pages 94 to 96 of Volume III of Mr. K. M. Hassan's " Report on the representation of Muslims and other minority communities in the subordinate railway services " which contains the information in the possession of Government regarding the staff referred to.

PASSES FOR GUARDS ON THE EAST INDIAN RAILWAY.

164. ***Mr. Nabakumar Sing Dudhoria** : (*a*) Will Government be pleased to state if it is a fact that the Guards on the Eastern Bengal Railway are entitled to second class passes when their pay and mileage allowances exceed Rs. 125 a month ?

(*b*) If the reply to part (*a*) be in the affirmative, why are not the Guards of the East Indian Railway given second class passes, when their pay and mileage allowances exceed Rs. 116 ?

Mr. P. R. Rau : (*a*) Yes.

(*b*) The rules for the issue of passes over the East Indian Railway are not identical with those over the Eastern Bengal Railway. The question of having uniformity in the pass rules over the State-managed Railways is under consideration.

REDUCTION IN THE NUMBER OF PASSES ON THE EAST INDIAN RAILWAY.

165. ***Mr. Nabakumar Sing Dudhoria** : (*a*) Will Government be pleased to state if it is a fact that on the East Indian Railway employees drawing pay of Rs. 116 and above are entitled to four return or eight single journey passes, whereas employees drawing pay of Rs. 75 to Rs. 115 are entitled to three return or six single journey intermediate class passes and those drawing pay of Rs. 74 and under are entitled to three return or six single journey third class passes ?

(*b*) If the answer to part (*a*) be in the affirmative, what is the reason for reduced number of passes for those receiving lower scales of pay ?

(*c*) Is it a fact that no question of pay is taken into consideration in the case of officers who are entitled to first class passes ? If so, why is there consideration of pay for the subordinate staff in the matter of granting them passes ?

Mr. P. R. Rau : (*a*) Yes, except that employees having not less than 20 years' service are entitled in addition to one return or two single journey passes.

(*b*) and (*c*). Certain arbitrary limits have to be fixed in order to determine the class of accommodation an employee should be allowed. In view of the large number of employees in subordinate ranks, pay limits are the only possible criteria. The number of passes admissible in a year is limited according to the class of pass, as it is obviously necessary for administrative reasons to set some limit to the grant of this privilege.

TEST OF STAFF ATTACHED TO TRANSPORTATION WORK ON RAILWAYS.

166. ***Mr. Nabakumar Sing Dudhoria** : Will Government be pleased to state if the Railway Board propose to examine the question and issue an uniform rule for all Railways in the matter of testing the staff attached to transportation working as is in existence on the Eastern Bengal Railway ? (On the Eastern Bengal Railway Officers and Inspecting Officers, when visiting a station on inspection, take oral examination of staff attached to Transportation working.)

Mr. P. R. Rau : Presumably the Honourable Member refers to some oral tests to which transportation staff may be put by Inspecting officials to see that they are conversant with general and subsidiary rules. The question of what tests are desirable in the case of staff of the different Departments of a Railway is one which lies within the competence of Agents of Railways and Government are not prepared to prescribe a uniform rule or procedure.

APPOINTMENT OF TRANSPORTATION INSPECTORS, COMMERCIAL, ON THE EAST INDIAN RAILWAY.

167. ***Mr. Nabakumar Sing Dudhoria** : (*a*) Will Government be pleased to state if it is a fact that recently sanction has been accorded to the appointment of seven Transportation Inspectors, Commercial, in the various divisions on the East Indian Railway and that for the purpose of filling up the appointments the Chief Operating Superintendent has invited recommendations from the Divisional Superintendent and the Chief Commercial Manager ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state what the percentage is of the appointments that are held by the Anglo-Indians and Europeans and by Indians respectively, in the cadre of Transportation Inspectors, Commercial ?

(*c*) Is it a fact that the recommendations made by the Divisional Superintendent for the new appointments of Transportation Inspectors are all in favour of Anglo-Indians and Europeans and none for Indians ?

Mr. P. R. Rau : Government have no information. The creation and filling of these posts is within the competence of the Agent. Government are confident that the selection for these posts will be made on grounds of merit and not on communal considerations.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

168. ***Mr. B. Das** : (*a*) Has the attention of Government been drawn to the Press report that the Zanzibar Government are legislating (or have already legislated) whereby Indians in Zanzibar will lose their

right to acquire land and further Indians will be restricted in their trading rights ?

(*b*) Are Government aware of the feeling of perturbation and anxiety created all over India on account of this restriction of rights of Indians who have been settled for long in Zanzibar ?

(*c*) Will Government be pleased to state what latest information they have in their possession and whether those four Bills are already placed on the Statute-book ?

(*d*) What steps have Government taken so far to protect the accruing rights of Indians in Zanzibar ?

Mr. G. S. Bajpai : With your permission, Sir, I will answer questions Nos. 168, 169 and 170 together. The attention of the Honourable Member is invited to the reply given by me to Mr. Gaya Prasad Singh's question No. 148 on the 19th instant and to connected supplementary questions.

Mr. B. Das : Will Government kindly state why is it that the Colonial Secretary did not inform the Secretary of State for India in time that such an anti-Indian legislation was being introduced in the Zanzibar Council ?

Mr. G. S. Bajpai : I am afraid I cannot say why the Secretary of State for the Colonies did not inform the Secretary of State for India.

Mr. B. Das : Did the Secretary of State possess any earlier information than the information which was given to him by the Government of India ?

Mr. G. S. Bajpai : I am sure he did not possess any earlier information, because in that case he would have consulted the Government of India.

Mr. B. Das : Has the attention of the Honourable Member been drawn to the speech of the *ex*-Attorney-General of Zanzibar, Mr. Wiggins, who stated that the policy of the Zanzibar Government for the last three years has been entirely anti-Indian ?

Mr. G. S. Bajpai : I have perused that speech, Sir.

Mr. B. Das : Does the Honourable Member agree with that view ?

Mr. G. S. Bajpai : That, Sir, is asking for an expression of opinion.

Dr. Ziauddin Ahmad : May I ask whether the Government of India received a copy of the Land Alienation Restriction Bill mentioned in question No. 169 (*a*) ?

Mr. G. S. Bajpai : We have got in the normal course a copy of the Zanzibar Official Gazette in which the Bill was published.

Dr. Ziauddin Ahmad : Is it possible for the Honourable Member to lay it on the table ?

Mr. G. S. Bajpai : I have only one copy and I am afraid I cannot spare it at the present moment as I need it for my own personal use, but I have asked for another copy. If my Honourable friend would like to have a look at my copy, I can lend it to him temporarily, with pleasure.

Mr. Lalchand Navalrai : Is it not a fact that the Zanzibar Government wants to force out Indians by these indirect methods ?

Mr. G. S. Bajpai : I am not prepared to subscribe to that inference of my Honourable friend.

Mr. Lalchand Navalrai : What is the difficulty in giving me that reply ?

Mr. G. S. Bajpai : The difficulty is that I do not entirely agree with my Honourable friend, that is all.

DISQUALIFICATION OF INDIANS TO POSSESS LAND IN ZANZIBAR.

†169. ***Mr. B. Das** : (*a*) With reference to the cablegram received by the Imperial Indian Citizenship Association (Bombay), from the Indian National Association, Zanzibar, and as published in the *Sun* of the 4th July, 1934, will Government be pleased to state if the Land Alienation Restriction Bill does not specifically aim at disqualification of Indians to possess land in Zanzibar ?

(*b*) Is it not a fact that the formation of Clove Growers Association by Decree No. 2 is aimed at keeping Indians from taking part in clove growing business or trading in cloves ?

(*c*) Is it not a fact that Decrees Nos. 3 and 4 are aimed at destroying Indian business in Zanzibar ?

SECURITY FOR THE INVESTMENTS MADE BY INDIANS IN ZANZIBAR.

†170. ***Mr. B. Das** : (*a*) Are Government aware that the Indians in Zanzibar have invested 80 lakhs of rupees in business and mortgage of the Arabs' and natives' properties ?

(*b*) If the Land Alienation Restriction Bill, as contained in Decree No. 1 comes into operation, what security will the Zanzibar Indians have for all this large sum of money invested there ?

(*c*) Is it not a fact that the connection of India with Zanzibar is much older than the Christian era ?

DEPUTATION OF SIR LANCELOT GRAHAM TO LONDON.

171. ***Mr. B. Das** : (*a*) Will Government be pleased to state if Sir Lancelot Graham has been sent on deputation to London to help in the draft of the New Constitution Bill ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government be pleased to state the date from which Sir Lancelot Graham is placed on his deputation work ?

The Honourable Sir Joseph Bhore : (*a*) and (*b*). Sir Lancelot Graham has been deputed to the India Office for work generally in connection with Indian Constitutional Reform. He was placed on deputation with effect from the afternoon of the 14th June, 1934.

Mr. K. C. Neogy : Is it not a fact that we have another officer already there in the person of Sir James Dunnett, doing somewhat similar work ?

The Honourable Sir Joseph Bhore : That is quite true, Sir.

† For answer to this question, *see* answer to question No. 168.

Mr. K. C. Neogy : What additional duties will Sir Lancelot Graham have to perform there ?

The Honourable Sir Joseph Bhore : I shall be replying in the next question as to the duties that Sir Lancelot Graham may possibly be entrusted with. I may anticipate to this extent that it is a matter entirely for the Secretary of State and we cannot say on what matters Sir Lancelot Graham will be employed.

DEPUTATION OF SIR LANCELOT GRAHAM TO LONDON.

172. ***Mr. B. Das** : (*a*) Has the attention of Government been drawn to the Press report that the Joint Committee will report on the Indian Constitution some time in mid November this year ?

(*b*) Is that Press report true, and if so, will Government be pleased to state if Sir Lancelot Graham will assist in the preparation of the New Constitution Bill prior to the presentation of the Joint Committee Report to the Houses of Parliament ?

(*c*) What is the special nature of work in which Sir Lancelot Graham will be required to help the Parliamentary draftsman ?

(*d*) Is it a fact that Government contemplate deputing a few *ex*-Round Tablers to assist in the drafting of the New Constitution Bill ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) and (*c*). Government have no information other than has appeared in the Press regarding the probable date of the presentation of the Joint Committee's report to Parliament. The nature of the work on which Sir Lancelot Graham will be employed is a matter entirely within the discretion of the Secretary of State. On this point reference is invited to the answer given to the Honourable Member's immediately preceding question.

(*d*) So far as I am aware there is no such intention.

Mr. K. C. Neogy : In view of the fact that Sir Lancelot Graham will be assisting the Secretary of State and the India Office, do I take it that the cost of his deputation will be borne by His Majesty's Government and not by the Indian Government ?

The Honourable Sir Joseph Bhore : I am not prepared to make any declaration on this point without notice.

Mr. S. C. Mitra : May I take it that Sir Lancelot Graham has been sent to London on the requisition of the Secretary of State and not on the initiative of the Government of India ?

The Honourable Sir Joseph Bhore : The Government of India were undoubtedly consulted by the Secretary of State.

Mr. S. C. Mitra : Who took the initiative ? Was it at the suggestion of the Secretary of State or was it the Government of India who sent him there in addition to Sir James Dunnett ?

The Honourable Sir Joseph Bhore : I am not prepared to be precise on that point without specific notice.

Mr. S. C. Mitra : Will the Honourable Member kindly inquire about this matter and inform the House ?

The Honourable Sir Joseph Bhore : If my Honourable friend will put a question down, I will see.

Mr. S. C. Mitra : Will the Honourable Member kindly take this as a notice ?

Mr. B. Das : Are Government prepared to ask the Secretary of State to ask the British Government to bear the cost of Sir Lancelot Graham's deputation ?

The Honourable Sir Joseph Bhore : I am not prepared to give my Honourable friend an immediate answer to this question.

Dr. Ziauddin Ahmad : May I ask whether the question, as to who should pay the deputation allowance, was ever discussed by the Government of India with the Secretary of State ?

The Honourable Sir Joseph Bhore : I am not aware, Sir, whether that question was specifically considered.

Dr. Ziauddin Ahmad : If it was not discussed and he was asked by the Secretary of State, then naturally he should be paid by the British Government.

The Honourable Sir Joseph Bhore : That is my Honourable friend's inference.

Dr. Ziauddin Ahmad : I am asking the Government of India whether it is not a fact that he ought to be paid by the British Government.

The Honourable Sir Joseph Bhore : That is also a matter of opinion.

Mr. Gaya Prasad Singh : Has not India got the prescriptive right to foot such little bills ? (Laughter.)

RESEARCH CONDUCTED UNDER THE LAC CESS COMMITTEE.

173. *Mr. B. Das : (*a*) Has the attention of Government been drawn to the articles in the *Searchlight* of Patna of the 13th May, regarding the Lac Cess Committee ?

(*b*) Is it a fact that research under the Lac Cess Committee is mostly concerned with Applied Chemical, Physio-Chemical and Electrical Research ?

(*c*) Is it a fact that there are no Industrial Chemists, Physicists or Electrical experts on the Lac Cess Committee ?

(*d*) Is it a fact that there is a Research Sub-Committee of the Lac Cess Committee ? What is the personnel of the Sub-Committee, and what are the qualifications of each member for expert knowledge and research ?

(*e*) Will Government be pleased to state the personnel of corresponding research sub-committees in England and the United States of America, and the qualifications of their members in research work ?

(*f*) Are Government satisfied that the three sub-committees in India, England and America are at par in personnel and expert knowledge ?

(*g*) Are Government prepared to put in a few suitable scientists in the Lac Cess Committee and amend the Lac Cess Act accordingly ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The branches of research referred to by the Honourable Member have recently assumed great importance.

(*c*) One member of the Committee is a qualified industrial chemist.

(*d*) and (*e*). A statement showing the composition of the Sub-Committee of the Indian Lac Cess Committee and of the Lac Research Sub-Committees in England and in the United States is placed on the table.

(*f*) The three Committees are complementary to one another.

(*g*) The question is under consideration.

Statement showing the composition of the Research Sub-Committee of the Indian Lac Cess Committee and of the Lac Research Sub-Committees in England and in the United States.

(*a*) *India—Sub-Committee of the Lac Cess Committee.*—1. The Director of the Lac Research Institute. Is a Chemist with 11 years' experience of Lac Research.

2. A member nominated by the Bihar and Orissa Government. At present the Commissioner of the Chota Nagpur Division.

3. The Conservator of Forests, Bihar and Orissa. Has knowledge of Lac production in forest areas and specialist knowledge of the trees which are the hosts of the Lac insect.

4. Mr. W. F. Dines. An Industrial Chemist with experience and knowledge of both the manufacture and utilisation of Lac.

5. Mr. T. C. Mukerji, representing the Shellac Manufacturing Industry. Has commercial knowledge and experience of the different qualities of Lac and of the trade in Lac.

6. The Imperial Entomologist. Has Research experience in applied entomology. At the first meeting of the Sub-Committee Dr. Aldis, Physical Chemist at the Lac Research Institute, was co opted to it.

(*b*) *England—Advisory Committee on Lac Research.*—1. The High Commissioner for India.

2. The Indian Trade Commissioner.

3. Mr. W. Duval, Chairman of the London Shellac Trade Association.

4. Dr. L. A. Jordan, Director of the Paint and Varnish Research Station, Teddington.

5. Mr. W. Bayley-Parker, Chief Chemist to the British Thomson Houston Company, Research Laboratories, Rugby.

6. Mr. A. Nutton of Messrs. Angelo Bros. Shellac Manufacturers.

7. Mr. A. J. Gibson, Special Lac Officer.

(*c*) *United States—The American Lac Research Bureau maintained by the United States Shellac Importers' Association.*—1. Director. Dr. Gardner—Research Chemist.

2. Consultant. Dr. Olsen.

3. Consultant. Dr. Whitmore.

(The Board of Directors of the Association is also advised in matters of research policy by a Chemists' Committee comprising four Chemists employed by four manufacturing firms who are members of the Association.)

Mr. K. C. Neogy : With reference to the answer to clause (*a*) of this question, will the Honourable Member be pleased to state whether any action is being taken by Government with regard to the various criticisms that have appeared in the *Searchlight* ?

Mr. G. S. Bajpai : I would invite my Honourable friend's attention to the answer which I gave to part (*g*), that the question is under consideration.

Mr. K. C. Neogy : Was that the sole point involved in that article ? I thought there were several other points.

Mr. G. S. Bajpai : All the points, which were raised by my Honourable friend, during the November Session of the Assembly in Delhi and in regard to which I gave an undertaking that they would be considered by Government, are receiving consideration.

Mr. K. C. Neogy : Will the Honourable Member be pleased to state whether he proposes to lay a statement on the table showing the result of the consideration of this question by Government ?

Mr. G. S. Bajpai : Certainly, Sir, I shall lay a statement on the table, but in due course ; that is to say, when the results of the consideration become available.

Mr. B. Das : With reference to the reply to part (*d*), does not the statement show that the Committees in England and America are all composed of experts, while, in the Indian Committee, the personnel, barring one, is all composed of laymen ?

Mr. G. S. Bajpai : I would not go so far as to say that they are all laymen. There is one layman on it.

Dr. Ziauddin Ahmad : May I ask whether the statement will be laid before this Assembly, as otherwise the whole question will lapse and the Honourable Member would not be bound to lay it on the table before the next Assembly ?

Mr. G. S. Bajpai : My Honourable friend does not surely imply that the next Assembly will be less interested in this subject than the present ?

Mr. S. C. Mitra : May I ask whether Government have considered the question of putting on the Committee in its future reconstruction more chemists who are adepts in this particular line of expert work ?

Mr. G. S. Bajpai : The position is that the whole structure of this Committee is under consideration by Government at the present moment.

Dr. Ziauddin Ahmad : On a point of order. May I ask whether, after this Assembly has been dissolved, the Honourable Member will lay a statement without any fresh question being asked or whether a fresh question would be necessary.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is no point of order in that.

Legislation on the Protection of Steel Industry.

174. *Mr. B. Das : Will Government be pleased to state whether they are bringing any legislation on the protection of steel industry in the current Session of this House ?

The Honourable Sir Joseph Bhore : The Honourable Member is referred to the Government of India, Commerce Department, Press Communiqué, dated the 12th July, 1934.

Mr. B. Das : May I know when the Bill is likely to be introduced ? I am sorry I have not seen the Communiqué.

The Honourable Sir Joseph Bhore : I hope that it will be possible for me to introduce the Bill on some day this week.

DISPOSAL OF SURPLUS SILVER.

175. *Mr. B. Das : (*a*) Will Government be pleased to state whether they are giving an early day in this House for ascertaining the view of the Legislature regarding disposal of surplus silver ?

(*b*) What effect, if any, has occurred on prices of silver on account of the Roosevelt policy of conservation of silver in America ?

(*c*) What is the present policy of Government regarding conservation of silver for India ?

The Honourable Sir James Grigg : (*a*) I would refer the Honourable Member to the reply which my predecessor gave to Sir Cowasji Jehangir's question No. 125, on the 13th February, 1934. In accordance with the undertaking then given, the matter was placed before the Standing Finance Committee on the 12th and 20th of March, 1934, and the Committee expressed a general approval of the arrangements proposed by Government for the disposal of the surplus silver to be retained by Government when the Reserve Bank is created, on the understanding that this would not debar them from criticising the Government's policy with regard to the sale of silver. These conclusions of the Committee have been made known to Honourable Members by the circulation of their proceedings, and no member of the Committee has suggested that a discussion in the House is necessary.

(*b*) The price of silver per ounce in the London market on the 12th March was 20$\frac{3}{4}$*d.* ; on the 12th April, 20$\frac{1}{4}$*d.* ; on the 12th May, 19$\frac{5}{8}$*d.* ; on the 12th June, 19$\frac{5}{8}$*d.* ; and, on the 12th July, it was back at the price (20$\frac{3}{4}$*d.*) which ruled on the 12th March. I must leave the Honourable Member himself to draw from these quotations any conclusion he can as to the effect of Mr. Roosevelt's action on the prices of silver.

(*c*) Our policy has been explained in Sir George Schuster's speech, proposing the ratification of the Silver Agreement, on the 21st November, 1933, and in Mr. Taylor's speech, in the Council of State, on the 14th December, 1933. I would refer the Honourable Member to these speeches.

Mr. B. Das : With reference to part (*a*) of the question, did not the predecessor of the Honourable the Finance Member give an assurance on the floor of the House that the House would be given a day for the consideration of the question of the disposal of surplus silver ?

The Honourable Sir James Grigg : My reading of his assurance was that if there was a general desire for a discussion, a day would be given, but my understanding of the position is that no such general desire has manifested itself.

Mr. B. Das : May I tell the Honourable Member that there is a general desire on this side of the House to have a discussion ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Whenever the Government undertake to give a day for the discussion of a particular subject in case there is a general desire on the part of the

House, then it is up to the Leaders of Parties to get into touch with the Leader of the House and arrange for a discussion. The proceedings of the House cannot go on smoothly if every individual member of a Party gets up and says, on his own responsibility, that there is a general desire.

Mr. B. Das : With reference to part (*b*) of the question, apart from my own inferences about the Roosevelt policy, is it not the present policy in America to conserve their resources of silver ?

The Honourable Sir James Grigg : That is a question very difficult to answer in the short space customarily allowed to answers to parliamentary questions. I shall be glad to discuss it with my Honourable friend in private : I think it will take too long to do it here.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

176. ***Mr. B. Das** : (*a*) Will Government be pleased to state what action has so far been taken to constitute the Reserve Bank of India since the Reserve Bank Act was placed on the Statute-book ?

(*b*) What is the probable date when shares of the Reserve Bank will be placed on the market ?

(*c*) Have Government so far incurred any expenditure on the Reserve Bank, and, if so, to what extent ?

The Honourable Sir James Grigg : (*a*) The detailed arrangements for setting up the bank have been under active investigation and are now in a fairly advanced stage of preparation. A senior officer is shortly to be placed on special duty to see to their completion, so far as that is possible before the Central Board is actually constituted.

(*b*) After the supplementary questions that my Honourable friend has put, he will not be surprised to hear that I am not yet in a position to make any announcement.

(*c*) No, except in so far as expenditure is being incurred on working out the detailed arrangements I have mentioned under (*a*).

Mr. B. Das : Is it not a fact that the Honourable Member's predecessor announced that Mr. Darling of the Punjab will be placed on special work in connection with the work on rural credit facilities ?

The Honourable Sir James Grigg : That is only one side of the preparatory work for the Bank ; it is a very important side ; but, if my Honourable friend, will allow me to say so, it is not the main purpose of the Reserve Bank and the other preparations are even more important.

Mr. B. Das : Have not Mr. Darling's services so far been requisitioned by the Government of India ?

The Honourable Sir James Grigg : I understand that Mr. Darling will very shortly land in India.

Dr. Ziauddin Ahmad : May I ask whether the Finance Member will lay the matter before the Standing Finance Committee for the confirmation of expenditure in this connection ?

The Honourable Sir James Grigg : I do not think the Honourable Member can have heard properly my reply to part (c) of the question. The question was :

"Have Government so far incurred any expenditure on the Reserve Bank, and, if so, to what extent ?"

The answer to it was :

"No, except in so far as expenditure is being incurred on working out the detailed arrangements I have mentioned under (a)".

The main expenditure is the placing on special duty of a senior officer and that has not yet occurred. Most of the preparations have been done in the ordinary course of the Finance Department's work.

Dr. Ziauddin Ahmad : My question was, will the matter be laid before the Standing Finance Committee before the expenditure has actually been incurred ?

The Honourable Sir James Grigg : I can give no such pledge, because the main purport of the questions addressed to me from the other side of the House has been that we were being too slow in preparing for the setting up of the Reserve Bank. As then there is a certain amount of urgency about it, I can give no sort of pledge that we would obtain the approval of the Standing Finance Committee before incurring any expenditure at all.

Mr. B. Das : Has the attention of the Honourable Member been drawn to the Press report that Mr. Shankar Rau is being placed on special duty in connection with the Reserve Bank ?

The Honourable Sir James Grigg : I have said that a senior officer is shortly to be placed on special duty to see to the completion of the arrangements.

Maulvi Muhammad Shafee Daoodi : Should not the House be in possession of the probable date when the shares of the Reserve Bank will be placed on the market ?

The Honourable Sir James Grigg : No, Sir.

Maulvi Muhammad Shafee Daoodi : Why not ?

The Honourable Sir James Grigg : I should have thought the answer to that was obvious.

Mr. K. C. Neogy : Is the Honourable Member's disinclination to place the matter before the Standing Finance Committee due to shortness of time or is it based on grounds of policy ?

The Honourable Sir James Grigg : It is based on an unwillingness to commit myself to doing something which it may be quite impossible to do in any case.

Mr. K. C. Neogy : Why does the Honourable Member think at this time of the year that it will not be possible for him to summon the Standing Finance Committee to do the work ?

The Honourable Sir James Grigg : Because practically no expenditure has yet been incurred.

Mr. K. C. Neogy : Supposing the expenditure has to be incurred and supposing this House is still in being, does the Honourable Member

still think that it will not be right on his part or feasible to summon the Standing Finance Committee to be consulted ?

The Honourable Sir James Grigg : It is the universal rule, I think, in every parliamentary institution in the world that Members in charge of Departments are exempt from answering hypothetical questions. I must plead the same privilege.

Mr. Gaya Prasad Singh : Did the Honourable Member just now say that some expenditure with regard to the details in the setting up of the Reserve Bank has already been incurred ?

The Honourable Sir James Grigg : The answer is no, except in so far as expenditure is being incurred in the near future, and that expenditure is simply the placing on special duty of a senior officer.

Mr. K. C. Neogy : Why was not this particular item of expenditure, namely, that involved in the placing of an officer on special duty, placed before the Standing Finance Committee ?

The Honourable Sir James Grigg : Because it has not yet been incurred.

Mr. K. C. Neogy : The Honourable Member, I take it, has decided to incur it without consulting the Standing Finance Committee ?

The Honourable Sir James Grigg : The business of Government must be carried on.

Mr. K. C. Neogy : Has the Honourable Member come to the conclusion that the business of the Government cannot be carried on if the Standing Finance Committee is consulted ?

Mr. President (The Honourable Sir Shanmukham Chetty) : There appears to be a great deal of misunderstanding in the questions and answers with regard to this point. Definite rules have been laid down as to what are the items of expenditure which ought to be placed before the Standing Finance Committee, and the Chair takes it that the Government in the usual course will comply with this rule.

The Honourable Sir James Grigg : Certainly, Sir ; but I have just been reminded that in this particular case the whole of the expenditure which has been incurred, which is negligible, and that which will be incurred by the placing of a senior officer on special duty is non-voted, and, therefore, there is no obligation to bring it before the Standing Finance Committee.

Mr. Gaya Prasad Singh : May I know, Sir, if the expenditure, which is being incurred or which is likely to be incurred in connection with the placing of an officer on special duty, is all non-voted or there are some votable items also in that connection ?

The Honourable Sir James Grigg : My information is, it is all non-voted.

Mr. D. K. Lahiri Chaudhuri : Is it not a fact, Sir, that cases of non-voted items of expenditure also should be placed before the Standing Finance Committee for approval ?

The Honourable Sir James Grigg : Speaking off-hand,—I have had no experience of these matters,—I understand there is no necessity to

bring items relating to non-voted expenditure before the Standing Finance Committee.

Mr. Gaya Prasad Singh : Is it not a fact that non-voted items come before the Standing Finance Committee for approval when expenditure relating to new services has to be incurred ?

The Honourable Sir James Grigg : Only if they are presented in connection with new services involving voted expenditure.

Sir Abdur Rahim : Will the Honourable Member comply with the rules and practices that have hitherto been observed in this matter ?

The Honourable Sir James Grigg : Certainly, whatever they are.

Mr. Gaya Prasad Singh : May I know approximately the amount of expenditure which is likely to be incurred in connection with the placing of that senior officer on this particular work ?

The Honourable Sir James Grigg : I will look into that.

Mr. Lalchand Navalrai : May I know if any rules have been made or any policy laid down in regard to recruitment for the establishment of the Reserve Bank ?

The Honourable Sir James Grigg : That is precisely why a senior officer is being placed on special duty—to investigate some of those matters.

Mr. Lalchand Navalrai : May I know if the recruitment will be made through the Public Service Commission, or, if it is not so, how will it be made ?

The Honourable Sir James Grigg : I cannot possibly make any statement about that just now.

Mr. Lalchand Navalrai : Will the Honourable Member make some statement about it some day when he can ?

The Honourable Sir James Grigg : When I can, but not before.

Dr. Ziauddin Ahmad : Is it not a fact, Sir, that the Honourable Member, in his capacity as Chairman of the Standing Finance Committee, is himself the custodian of the rights and duties of that Committee ?

The Honourable Sir James Grigg : Yes, and those privileges and duties will be fully safeguarded.

Dr. Ziauddin Ahmad : Will he be pleased, as Chairman of the Standing Finance Committee, to ask the Finance Member of the Government of India to see that the privileges and duties of that Committee are fully carried out and that no departure is made from the practice hitherto followed ?

The Honourable Sir James Grigg : I will certainly ask myself that question, and I hope that I shall give myself a sensible answer.

Mr. B. Das : May I know, Sir, if this non-voted officer is not being assisted by a *chaprassi* and stenographer, so that part of the expenditure is still votable ?

The Honourable Sir James Grigg : I must have notice of that, Sir.

Sirdar Harbans Singh Brar : Is it not a fact, Sir, that in previous years, cases of officers placed on special duty, whose salaries were non-voted, were placed before the Standing Finance Committee for approval as in the case of the Honourable Sir Harry Haig who was placed on special duty twice or thrice before he was appointed Home Member, and sanction was always obtained of the Standing Finance Committee ?

Mr. Gaya Prasad Singh : I hope the Honourable the Finance Member is not departing from the rights and privileges which have hitherto been followed by the Standing Finance Committee ?

The Honourable Sir James Grigg : No.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not think it was the intention of the Honourable the Finance Member to announce any departure from the recognised policy of the Government in placing matters before the Standing Finance Committee.

The Honourable Sir James Grigg : That is quite so. What I refused to give was any undertaking that no expenditure should be incurred or no action taken until the Standing Finance Committee had actually approved. I understand that the rules of procedure in this country provide for the Government taking action in cases of urgency in advance of the approval of the Standing Finance Committee. I am quite unwilling to waive those rules.

Mr. President (The Honourable Sir Shanmukham Chetty) : In any case, it is not the intention of the Honourable the Finance Member to vary the practice that has so far been followed with regard to the placing of such matters before the Standing Finance Committee ?

The Honourable Sir James Grigg : Not at all, Sir.

REPORT OF THE INDIAN COLONIZATION ENQUIRY COMMITTEE OF SOUTH AFRICA.

177. ***Mr. B. Das** : (*a*) Will Government be pleased to state if they consented to the preliminary investigation report of the Indian Colonization Enquiry Committee by the Government of South Africa ?

(*b*) At the time of giving such consent, did Government of India agree to the point that this alien Committee should recommend as to how and where India should provide a colony for her surplus population ?

(*c*) Will Government be pleased to lay on the table of this House all relevant correspondence that passed between them and the South African Government ?

Mr. G. S. Bajpai : (*a*) and (*b*). The attention of the Honourable Member is invited to the replies given by me to the supplementary questions asked by him on the 18th instant, in connection with Mr. Ranga Iyer's short notice question on the subject of the Report.

(*c*) Government regret that they are unable to lay a copy of the correspondence on the table of the House.

APPOINTMENT OF A JOINT COMMISSION TO EXPLORE COLONIZATION SCHEMES FOR SOUTH AFRICAN INDIANS.

178. ***Mr. B. Das** : (*a*) Will Government be pleased to state the reasons which prevented the appointment of the Joint Commission as was agreed at the 1932 Round Table Conference ?

(*b*) Will Government be pleased to state if the 1932 Agreement regarding appointment of a Joint Commission to explore colonization schemes for South African Indians still holds good, and if so, when will such a Joint Commission materialise ?

Mr. G. S. Bajpai : (*a*) and (*b*). The initiative in this matter rested with the Union Government who decided to appoint a preliminary Committee in South Africa first.

REPORT OF THE INDIAN COLONIZATION ENQUIRY COMMITTEE OF SOUTH AFRICA.

179. *Mr. B. Das : What correspondence have the Government of India sent to the Government of South Africa on the advice of the Committee over colonization of India ? Will Government kindly lay on the table all letters and cables that have passed between them since the publication of the report ?

Mr. G. S. Bajpai : I would invite the Honourable Member's attention to the answer I gave to Mr. Ranga Iyer's short notice question on the 18th instant. Government have not yet formed or communicated their views on the recommendations of the Committee to the Union Government.

Mr. B. Das : Has the Union Government addressed any letter or cable to the Government of India on the matter ?

Mr. G. S. Bajpai : Merely a communication, Sir, inquiring as to whether the Government of India will be agreeable to the publication of the Report on a certain date.

TOTAL CAPITAL EXPENDITURE ON ROLLING STOCK.

180. *Mr. K. P. Thampan : Will Government be pleased to state :

(*a*) the total capital expenditure on rolling stock—stating figures separately for locomotive engines and wagons—for the years 1919 to 1934 ;

(*b*) how much of it was spent in India, Great Britain and foreign countries ; and

(*c*) what steps they are taking to make this country self-contained in respect of the requirements of its Railways ?

Mr. P. R. Rau : (*a*) The total expenditure on locomotive engines and wagons, during the 15 years referred to, amounted to 30,49 and 41,86 lakhs, respectively.

(*b*) The detailed information is not available, but I would inform the Honourable Member that locomotives are only manufactured in India at the Bombay, Baroda and Central India Railway Workshops at Ajmer. During the last few years an average of 15 Metre Gauge locomotives per annum have been built at Ajmer at a cost of approximately Rs. 62,000 each.

Wagons complete, with the exception of certain components such as wheels and axles, buffers, etc., are manufactured in India and railways' requirements of I. R. S. wagons are ordered from Indian builders.

(*c*) The attention of the Honourable Member is invited to the Government of India, Industries and Labour Department Resolution No. S.-217, dated the 12th December, 1929 [printed as Appendix I (A) in the State Railway Code (Revised)], a copy of which is in the Library of

the House. The Railway Board are actively following the policy therein enunciated, for encouraging indigenous industries. The subject of constructing locomotives in India is now under consideration.

CLERKS WORKING AS DESPATCHERS AND DIARISTS IN THE GOVERNMENT OF INDIA DEPARTMENTS.

181. *Mr. K. P. Thampan : (*a*) Will Government be pleased to state whether there are some clerks in certain departments drawing more than Rs. 200 per month, who do only despatching work or work as diarists ?

(*b*) If the answer to part (*a*) be in the affirmative, how many such clerks are there and in which departments ?

(*c*) What is the highest salary now drawn by such a clerk ?

(*d*) Have Government considered whether they cannot in the interests of economy be put on some more responsible work elsewhere, or retrenched ?

The Honourable Sir Harry Haig : I lay on the table a statement containing the information required by the Honourable Member.

Statement showing the number of clerks in the Government of India Secretariat who are drawing pay of more than Rs. 200 a month, and who are doing work as diarist or despatcher.

Name of Department.	No. of clerks.	Pay.	Remarks.
Education, Health and Lands.	1 (Despatcher) ..	Rs. 300 (substantive) Rs. 325 (on probation).	There is only one post of despatcher in the Department, and as the work is very heavy at all times and at times of a confidential nature it is necessary to employ a senior and trustworthy clerk. The existing incumbent is nearing the age of superannuation.
Finance ..	2 { 1 Despatcher ..	268	It is not considered desirable to transfer them to other work or to retrench them, as the despatcher is nearing the age of superannuation and the diarist's work is considered to be as responsible as most of the other duties which can be entrusted to a clerk of his pay and status.
	1 Diarist ..	236	
Foreign and Political.	1 (Despatcher) ..	350	He is the senior despatcher. The special nature of work in the Foreign and Political Department makes it necessary to have senior man to do the despatching of secret and confidential work.
..	..	..	

LIBRARIANS ATTACHED TO THE GOVERNMENT OF INDIA DEPARTMENTS.

182. *Mr. K. P. Thampan : (*a*) Will Government please state whether there are separate librarians attached to every department ? If so, how many ?

(*b*) What is the grade of their salary and the amount actually drawn by each at present ?

The Honourable Sir Harry Haig : I lay on the table a statement containing the information required by the Honourable Member.

Statement showing the number of Librarians attached to the Departments of the Government of India, together with their pays and grades.

Name of Department.	No. of Librarians.	Grade.	Pay.	Remarks.
1	2	3	4	5
		Rs.	Rs.	
Military Finance ..	..	..	..	
Army	..	..	..	
Railway ..	1*	100—5—200	..	* The post has been held in abeyance since 1st March 1932 as a measure of economy.
Legislative ..	1	200—15—500 (E. B. at 365).	410	
Commerce	1 Librarian.	100—8—300	253†	† Inclusive of Rs. 25 Special pay.
	1 Assistant Librarian.	(II Division.)	180	
Imperial Council of Agricultural Research.	1	200—15—365 E. B. 380—15—500.	365	
Foreign and Political	1	200—15—500	475	
Finance ..	1‡	100—8—300—25—350 (II Division).	325	‡ There is no separate post of librarian. A second division clerk performs the duties in addition to other work.
Industries and Labour.	1	124—8—300	212	
Legislative Assembly	1§	200—15—365 (E.B. 380—15—500) (First Division).	320	§In charge of the Library of the Indian Legislature.
Education Health and Lands.	4‖	200—15—365—E. B. 380—15—500 (First Division).	260	‖ All these men are working in the Imperial Secretariat Library which is under the administrative control of the Education Health and Lands Department.
		100—8—300—25—350 (Second Division).	244	
			164	
[illegible]		60—2—80—3—95—E. B. 3—125. (New scale of the Routine Division).	64	
Home ..	..	..	..	..
Reforms ..	..	..	..	..

WAIVING OF THE DISQUALIFICATION OF CONGRESS CANDIDATES CONVICTED FOR OFFENCES IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

183. *Mr. Abdul Matin Chaudhury : (*a*) Will Government be pleased to state if they propose to waive the disqualification under rule 5, sub-rule (2) of the Legislative Assembly Electoral Rules and Regulations, in the case of Congress candidates convicted of any of the offences under any of the Ordinances, or the Indian Penal Code, in connection with the Civil Disobedience Movement ?

(*b*) If the reply to part (*a*) be in the affirmative, do Government propose to (*i*) issue a communique stating their general policy in regard to such cases, or (*ii*) deal with each individual case ?

(*c*) If the reply to part (*ii*) of part (*b*) above be in the affirmative, will it be left to Local Governments to deal with such cases ?

The Honourable Sir Harry Haig : (*a*), (*b*) and (*c*). Provision is made in the Electoral Rules that on application made by a person disqualified under Rule 5, sub-rule (*2*), and with the previous approval of the Governor General in Council the Local Government may remove the disqualification. There is no intention of departing from the procedure laid down in the Rules. Any person who wishes his disqualification removed will have to apply to the Local Government. The Government of India are at present in correspondence with Local Governments in regard to the treatment of such applications.

Mr. Lalchand Navalrai : Are there any Rules for such exemption ?

The Honourable Sir Harry Haig : The Rule is that to which I have just referred,—Rule 5, sub-rule (*2*).

Mr. K. C. Neogy : Do I take it then that the Government have decided not to issue any general orders waiving the disqualifications in the case of Civil Disobedience prisoners ?

The Honourable Sir Harry Haig : They have decided not to make any amendment in the existing Rule ; but, as I have said, they are in correspondence at the present moment with the Local Governments in regard to the application of those Rules.

Mr. D. K. Lahiri Chaudhury : Have Government received any applications till now ?

The Honourable Sir Harry Haig : No applications have reached the Government of India so far.

Mr. Abdul Matin Chaudhury : Will the result of their correspondence with the Local Governments be communicated to the public by means of a communiqué ?

The Honourable Sir Harry Haig : No, Sir ; that is not our intention.

Mr. K. C. Neogy : Is it a fact, Sir, that, so far as the Bengal Government are concerned, while the Executive Councillors are in favour of removing the disqualifications, the " popular " Ministers are all opposed to such removal of the disqualifications ?

The Honourable Sir Harry Haig : I do not think I can.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member need not answer that question.

AERIAL BOMBARDMENT ON THE SOUTHERN WAZIRISTAN IN THE TRANS-FRONTIER AREA.

184. *Mr. M. Maswood Ahmad : (*a*) Has the attention of Government been drawn to the article *Sarhad par Gola bari shroo ho gai*, published on page 5 of the *Khilafat*, Bombay, dated the 14th June, 1934 ?

(*b*) Will Government be pleased to state whether the news, as published, is correct and if it is correct, what were the reasons which led to the aerial bombardment on Southern Waziristan in the trans-frontier area ?

(*c*) Will Government be pleased to state (*i*) on which villages the bombs were actually dropped, (*ii*) how many bombs were dropped on each village, and (*iii*) what were the estimated losses of each village ?

(*d*) Do Government propose to change the policy of aerial bombardment on the population of the trans-frontier area ?

Mr. H. A. F. Metcalfe : (*a*) Yes.

(*b*) The report is entirely without foundation and an official contradiction was published on the 13th June, 1934, when the report first appeared in the Press.

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

INTRODUCTION OF CREW SYSTEM AND MOODY-WARD SYSTEM OF TICKET CHECKING ON THE EAST INDIAN RAILWAY.

185. *Khan Bahadur Haji Wajihuddin : (*a*) Did the Agent, East Indian Railway, ever report to the Railway Board that the old system of checking tickets (when it operated) was not efficacious ?

(*b*) Did the Agent, East Indian Railway, desire the introduction of Crew system and Moody-Ward system on his Railway of his own initiative or did he simply approve of their introduction when a suggestion was made to him from different quarters ?

Mr. P. R. Rau : (*a*) and (*b*). I cannot trace any such report, but the Agent, East Indian Railway, was a member of the Committee which recommended in 1926 the introduction, as an experimental measure, of the crew system as a means primarily of preventing passengers from entraining without tickets. In 1927, he recommended its extension over the entire East Indian Railway system. As regards the system recommended by the Moody-Ward Committee, the Agent, East Indian Railway, agreed with the view that the crew system should be abolished and the arrangement recommended by the Moody-Ward Committee adopted.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member, who is also the Financial Commissioner for Railways, inform this House what approximately is the cost of maintaining the crew system on the East Indian Railway, as compared with the gain accruing from the traffic of passengers travelling without tickets and excess fares ?

Mr. P. R. Rau : I think, Sir, I must ask for notice of that question.

Lieut.-Colonel Sir Henry Gidney : Is it not a fact that the Audit Department has not up to date been able to obtain this information ?

Mr. P. R. Rau :: It is a difficult matter to ascertain what would have been the earnings if the crew system had not been introduced.

Lieut.-Colonel Sir Henry Gidney : Is it not a fact that various Agents of various Railways have condemned the crew system and have gone back to the old ticket collecting system, for instance, on the Bengal Nagpur Railway and the E. B. Railway, and that none of the Company-managed Railways have the crew system in force ?

Mr. P. R. Rau : I believe, Sir, the crew system is not at present in existence except in isolated sections of certain Railways.

Lieut.-Colonel Sir Henry Gidney : Is it not a fact that the crew system has been foisted on State Railways by the Railway Board ?

Mr. P. R. Rau : I have just replied to that question.

Mr. Lalchand Navalrai : Is the Honourable Member in a position to make a statement with regard to the complaints which have been lying with the Honourable Member regarding the revision of their allowances?

Mr. P. R. Rau : I think, Sir, that does not arise out of this question, but it arises out of a later question.

Dr. Ziauddin Ahmad : I did not quite follow the Honourable Member's reply to part (*a*). Did the Honourable gentleman say that the Agent definitely said that the old system was not efficacious ?

Mr. P. R. Rau : I said I could not trace any such report.

Dr. Ziauddin Ahmad : Is it not a fact that the Agent expressed no opinion, but the Railway Board took the entire initiative to change the system ?

Mr. P. R. Rau : As I have already informed the House, the Agent of the E. I. Railway was a member of the Committee which recommended the crew system.

Mr. Abdul Matin Chaudhury : Is it not a fact that the value of the crew system lies in the deterrent effect which it has on people travelling without tickets and it cannot be measured in terms of money ?

Mr. P. R. Rau : That was its object.

ILLICIT TRAVELLING ON RAILWAYS.

186. *Khan Bahadur Haji Wajihuddin : (*a*) Are Government aware that the Agent, East Indian Railway, in reply to part (*c*) of question No. 155 (reply laid on the table of this House on the 9th April, 1934), states that now the Travelling Ticket Examiners perform *other services to the public* and will Government be pleased to enquire and state whether the performance of these " other services " is incumbent on them in view of the fact that their " main duty is detection " [as admitted by the Agent in part (*b*) of the question] ?

(*b*) Where are these other duties tabled and announced to the employees ?

(*c*) What are those various other services ?

(*d*) Were such services not performed under the old system by the Travelling Ticket Inspectors controlled by Accounts ? If not, why not ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 186, 190 and 191 together.

I have called for certain information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

Mr. Lalchand Navalrai : Now the Honourable Member can reply to my question. Has any consideration been given to the complaints of these ticket examiners with regard to their allowances ?

Mr. P. R. Rau : I am afraid I must ask my Honourable friend to wait a little bit more. That arises under question No. 193.

ILLICIT TRAVELLING ON RAILWAYS.

187. ***Khan Bahadur Haji Wajihuddin** : (*a*) Are Government aware that the Agent, East Indian Railway, says " The only test of efficiency is the prevention of illicit travelling ", and in this connection, will Government be pleased to state if it is not a fact that it has lately been admitted that the efficiency of a Travelling Ticket Examiner is judged from his earnings ?

(*b*) Is it a fact that the efficiency of the system depends on prevention of illicit travelling, which means no earnings by the Travelling Ticket Examiners ?

Mr. P. R. Rau : (*a*) The reply to the first part is in the affirmative. As regards the second part, I shall be glad if the Honourable Member will tell me by whom and when such an admission was made.

(*b*) If the ideal can be attained and no passenger travels without a ticket, Travelling Ticket Examiners will obviously have no earnings to credit to the Administration.

EMPLOYMENTS OF TWO SQUADS OF SPECIAL TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

188. ***Khan Bahadur Haji Wajihuddin** : (*a*) With reference to the reply given to starred question No. 553 (*a*), (*b*) and (*c*), as laid on the table of this House on the 7th April, 1934, will Government be pleased to state if it is a fact that the men utilised belonged to Workshops, etc., and drew much less pay than what was offered to them for this ticket checking work ?

(*b*) What was the pay of each individual in his former capacity ?

(*c*) Why were they given higher rate of pay ?

(*d*) On what considerations was it thought necessary to have this auxiliary check by Watch and Ward conducted by purely Anglo-Indian and European boys ?

(*e*) On what considerations was it thought necessary to have this auxiliary check in addition to the existing number of 650 Travelling Ticket Examiners ?

(*f*) Was any such auxiliary force ever thought expedient when the Travelling Ticket Inspectors worked under the Accounts control and were about 150 in all as against 650 (Travelling Ticket Examiners) employed now ?

Mr. P. R. Rau : (*a*) The men were employed in Locomotive Running Sheds under the control of the Chief Operating Superintendent. The reply to the second part of the Honourable Member's question is in the affirmative.

(*b*) The emoluments of various individuals varied from about Rs. 12 to about Rs. 30 per mensem.

(*c*) The pay given approximated to that drawn by Travelling Ticket Examiners, as the nature of their work and the conditions under which it had to be performed were similar to those of Travelling Ticket Examiners.

(*d*) and (*e*). The Agent, East Indian Railway, considered it desirable to institute an intensive auxiliary check as he was satisfied that this had become necessary. The men were selected from amongst those who were temporarily surplus to requirements and who had no possible connection with staff then employed as Travelling Ticket Examiners or Ticket Collectors.

(*f*) I regret it is not possible to say at this distant date what auxiliary checks were previously exercised.

Dr. Ziauddin Ahmad : May I ask whether this Watch and Ward is also to look after the work of the railway servants ?

Mr. P. R. Rau : The Watch and Ward Department's function is different, but there is nothing to prevent its being used for this purpose as well.

Dr. Ziauddin Ahmad: Will they employ the Watch and Ward to look after the work of the officers also ?

Mr. P. R. Rau : I have not heard any proposal to that effect.

FORMATION OF SQUADS FOR TICKET CHECKING ON THE EAST INDIAN RAILWAY

189. ***Khan Bahadur Haji Wajihuddin** : (*a*) With reference to starred question No. 835, parts (*a*) and (*b*), reply to which was laid in this House on the 7th April, 1934, will Government be pleased to state, why the choice of such auxiliary check was made in respect of Watch and Ward department ?

(*b*) Is it a fact that dealing with excess fare matters is purely a commercial or audit concern and is not the function of the Watch and Ward ?

(*c*) Is it a fact that the Anglo-Indian and European boys who were utilised for the purpose had no previous experience in ticket checking work ?

(*d*) Is it a fact that they never passed any qualifying test ?

(*e*) Why was no Indian utilised for this auxiliary work and on what definite considerations was it exclusively monopolised by Anglo-Indian and European community ?

(*f*) Were these men surplus for requirements, and why was extra and higher pay given to these men ?

(*g*) Why was this extra expenditure incurred during these days of depression when cut on the pay of employees still continues ?

(*h*) Was this auxiliary force set up as a "special experimental scheme", and was any special report submitted by the Watch and Ward authorities on the experience gained by them? If not, why not?

(*i*) Has this experiment been successful?

(*j*) What conclusions were drawn by the Railway Board on the results of the check by these squads under Watch and Ward and independent of Operating control?

Mr P. R. Rau : (*a*) and (*b*). The Agent, East Indian Railway, reports that it was considered desirable that the check should be carried out under the control of a Department, independent of the Department normally responsible for the check and collection of tickets. The Watch and Ward Department was considered suitable for this purpose, as it was an organisation operating over the entire system and had staff who could be utilised to close exits at unfenced stations while the gangs were working on trains.

(*c*) and (*d*). The staff utilised had no previous experience, but were given a course of instruction in the duties required of them and qualified in this respect.

(*e*) Government understand from the Agent, East Indian Railway, that the Administration were anxious to ensure that none of the staff employed on this auxiliary work was in any way connected with the ticket examining and collecting staff at stations.

(*f*) Government understand that these men were temporarily surplus and that the pay given approximated to that ordinarily given for this class of work.

(*g*) The Agent reports that the position as regards illicit travelling necessitated an intensive check with a view to ascertaining whether any change in the existing arrangements was called for.

(*h*), (*i*) and (*j*). This was an auxiliary check arranged by the East Indian Railway Administration on their own initiative and without a reference to the Railway Board, the matter being within the Agent's own competence. The Agent has reported that there is ample evidence to show that the action of the Divisional Superintendents, along with the appointment of these gangs, has brought about a very great improvement in the working of the ticket examining staff.

Dr. Ziauddin Ahmad : Was the fact brought to the notice of the Railway Board that the Watch and Ward passed a railway ticket at Aligarh Station, while the ticket was only for a small station about ten miles away from Gaya, under the impression that this station was between Delhi and Aligarh?

Mr. P. R. Rau : No, Sir.

Dr. Ziauddin Ahmad : Will the Honourable Member kindly make enquiries from the Divisional Superintendent, Allahabad, about this case?

Mr. P. R. Rau : If my Honourable friend will give me particulars of this case, I shall look into it.

Mr. S. C. Mitra : From these questions it appears as if this Watch and Ward is manned only by Anglo-Indians. Is that so?

Mr. P. R. Rau : The Watch and Ward Department is not entirely manned by Anglo-Indians.

Mr. S. C. Mitra : I am asking about this particular Watch and Ward.

Mr. P. R. Rau : These are men who were employed in the locomotive running sheds under the control of the Chief Operating Superintendent.

GETTING INTO RUNNING TRAINS BY TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†190. ***Khan Bahadur Haji Wajihuddin** : (*a*) With reference to the reply to starred question No. 816 (*a*) and (*b*), given in this House on the 21st April, 1934, that it is against orders for a Travelling Ticket Examiner to get into the moving train, will Government be pleased to state if it is a fact that this action of these people is being tolerated by the administration ? If so, why ?

(*b*) Will Government be pleased to lay on the table a copy of these orders (prohibiting the Travelling Ticket Examiners from getting into moving train) ?

(*c*) Has any Travelling Ticket Examiner ever been punished for the disobedience of these orders, specially ever since the introduction of Moody Ward system ?

(*d*) If a Travelling Ticket Examiner is dealing with some case on the platform and before he has finished with it the train starts, then is it essential for him to attempt to board the train or should he remain back and miss the train ?

(*e*) Will Government be pleased to state what is the size of the satchel and whether the Salter's spring balance can be put into it ?

(*f*) Will Government be pleased to state what is the length of the spring balance (Salter's) without hook and ring and with hook and ring ? Will Government be pleased to exhibit it and the satchel in this House ?

SPRING BALANCES CARRIED BY THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†191. ***Khan Bahadur Haji Wajihuddin** : (*a*) With reference to the reply to starred question No. 815 (*e*), given in this House on the 21st April, 1934, will Government be pleased to state whether Travelling Ticket Examiners are expected to weigh passengers' luggage with their own hands ?

(*b*) Is it a fact that Travelling Ticket Inspectors under Accounts Department were provided with peons who carried the scale and weighed the luggage ?

(*c*) If it is necessary to weigh luggage in trains, then why are the scale peons not provided now ?

(*d*) Is it anywhere mentioned in the Moody-Ward Report that the Travelling Ticket Examiners in this scheme will, on amalgamation of

† For answer to this question, *see* answer to question No. 186.

peons and Travelling Ticket Inspectors, perform combined function of detection, prevention and weighment ?

(*e*) Is it a fact that in order to fix up a suit case or a box in the hook of the spring balance it is necessary to turn the articles over and then raise for weighment ?

(*f*) Is it expected of a Travelling Ticket Examiner to pull out luggage from under the berths or bring down from upper berths ?

(*g*) If a Travelling Ticket Examiner is unable to do so, is he expected to ask for passenger's help in this direction ?

(*h*) Are Government prepared to look into the matter ?

(*i*) Is it a fact that on account of the jerks caused by a moving train no correct reading can be ensured, which might lead to overcharge ?

MOODY-WARD REPORT ON THE TICKET CHECKING SYSTEM ON THE EAST INDIAN RAILWAY.

192. ***Khan Bahadur Haji Wajihuddin** : (*a*) With reference to the reply to starred question No. 817 (*c*), dated the 21st April, 1934, in this House, will Government be pleased to state whether the Director of Finance was consulted before giving effect to Moody-Ward recommendations in respect of pay and allowances and in respect of Operating control of Travelling Ticket Examiners ? If so, did he agree to the recommendations ?

(*b*) Is it a fact that the Moody-Ward recommendations have been made public, and the remarks of the dealing authorities kept confidential ? If so, why ?

(*c*) Was the opinion of Mr. Scott, inventor of the Crew system, solicited on the Moody-Ward recommendations and did he agree to them ?

Mr. P. R. Rau : (*a*), (*b*) and (*c*). Copies of the Moody-Ward Committee's report were placed in the Library of the House. Government regret they cannot state which of their officers were consulted before orders were issued on the recommendations contained in this report, and they consider it undesirable in the public interests to publish the opinions of such officers as may have been consulted.

MILEAGE ALLOWANCE AND GRADE PROMOTION TO THE OLD TRAVELLING TICKET INSPECTORS OF THE ACCOUNTS DEPARTMENT.

193. ***Khan Bahadur Haji Wajihuddin** : (*a*) Has the attention of Government been drawn to an article headed " a suggestion to the Railway Board ", published in the *Railway Times*, Bombay, dated the 23rd June, 1934 ? If so, what action do Government propose to take on these suggestions ?

(*b*) Is it a fact that the question about mileage allowance and grade promotion of the old Travelling Ticket Inspectors of the Accounts Department is still under the consideration of the Railway Board ?

(*c*) Is the complaint contained in paragraph 6 of the said article regarding seniority true ? If so, has it by now been redressed ? If not, why not ?

(*d*) What action do Government propose to take on the suggestion made in the concluding paragraph of the said article ?

Mr. P. R. Rau : (*a*) The reply to the first part is in the affirmative. As regards the second part Government do not consider that any action is called for.

(*b*) Memorials from the travelling ticket examining staff of the North Western Railway, and from the ticket examining staff of the East Indian Railway are under the consideration of the Railway Board in consultation with the Agents of the Railways.

(*c*) Government have no information. The question is within the competence of the Agent to decide.

(*d*) Government do not propose to make any change in the organization of this department at present.

Lieut.-Colonel Sir Henry Gidney : With reference to the Honourable Member's reply to part (*d*) of the question, will he kindly inform the House why the Government do not propose to take any action ?

Mr. P. R. Rau : Is it with regard to (*d*) ?

Lieut. Colonel Sir Henry Gidney : In regard to part (*d*) of the question.

Mr. P. R. Rau : Government do not propose to take any action, because they do not consider that any change is necessary.

Lieut.-Colonel Sir Henry Gidney : Will the Honourable Member kindly repeat his answer ? I cannot hear a word.

Mr. P. R. Rau : It is mutual, I am afraid. (Laughter.) Government do not propose to make any change in the organisation of the Department at present, because they do not consider that any change is required.

Mr. Lalchand Navalrai : May I know from the Honourable Member, now that my question is pertinent, how long it will take for the Agent to come to a conclusion on this point ?

Mr. P. R. Rau : The Railway Board is in communication with the Agents. I think a reply has not been received from one Agent, and, as soon as his reply is received, the matter will, I hope, be settled.

Mr. Lalchand Navalrai : Does the Honourable Member know that in the meantime some injustice is being done to these Ticket Examiners and that, owing to their incessant complaints, they are being transferred from their section to distant parts as a punishment ? Is it or is it not a fact ?

Mr. P. R. Rau : I am not in a position to reply to that question without notice.

Mr. Lalchand Navalrai : Will the Honourable Member tell the Agent not to pursue this policy ?

(No answer.)

HILL ALLOWANCE TO TRAVELLING TICKET EXAMINERS POSTED AT HARDWAR.

194. *Khan Bahadur Haji Wajihuddin : (*a*) With reference to the reply to starred question No. 135 (*a*) and (*d*), laid on the table on the 12th April, 1934, will Government be pleased to state if it is a fact that when the list of staff eligible for hill allowance was compiled, the Travelling Ticket Examiners were under the Accounts control and so their names did not appear ?

(*b*) Is it a fact that with the introduction of the Moody-Ward system the posts of the Travelling Ticket Examiners and the Ticket Collectors have been amalgamated ?

(*c*) Is it a fact that the Travelling Ticket Examiners posted at Hardwar during *melas* are utilised not as Travelling Ticket Examiners, but as Ticket Collectors ? If so, why are they not held eligible for hill allowance allowed to the Ticket Collectors ?

(*d*) On what considerations is the hill allowance sanctioned to certain employees stationed at Hardwar and to others it is not ?

(*e*) How many Travelling Ticket Examiners were utilised in all at Hardwar and other stations in connection with Adh Kumbh mela in other than their legitimate duties and what duties were allotted to them ?

Mr. P. R. Rau : With your permission, Sir, I shall reply to questions Nos. 194 and 195 together. The information is being obtained and will be laid on the table in due course.

PERCENTAGE ALLOTTED TO EUROPEANS AND ANGLO-INDIANS OF THE CONTROL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†195. *Khan Bahadur Haji Wajihuddin : (*a*) Is it a fact that the strength of the Control Staff is maintained at 50 per cent. Europeans and Anglo-Indians, and 50 per cent. Indians, on Metre Gauge System over the Bombay, Baroda and Central India Railway ? If so, why is such a high percentage allotted to Europeans and Anglo-Indians ?

(*b*) Has any Indian Controller been promoted to Station Master's Branch, like European and Anglo-Indian Controllers, Messrs. Bickers and Garlings ? If not, why not ?

(*c*) Is it a fact that Messrs. Hemmer and Lamas are over and above the percentage and have been given Rs. 50 promotion from Rs. 70 to Rs. 120 as probationary Controllers ? If so, why ?

(*d*) Is there any Indian trained (probationary) Controller being given any such promotion ? If not, why not ?

(*e*) Is it a fact that European and Anglo-Indian probationary Controllers, after having their extraordinary lifts, changed their designations to Guard ? If so, why ? Is any Indian trained Controller treated in this manner ? If not, why not ?

(*f*) Is it a fact that the staff in general get some promotion after qualifying themselves for some higher grade and Indian trained Controllers are debarred the privilege ? If so, why ?

(*g*) Is the Agent, Bombay, Baroda and Central India Railway, ready to remove the racial discrimination from Metre Gauge and to accord equal treatment to the Indian trained Controllers with due consideration of their arduous duties, and to grant some promotions ?

†For answer to this question, *see* answer to question No. 194.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

196. *Mr. C. S. Ranga Iyer : (*a*) Will Government be pleased to state their position in regard to the anti-Indian legislation in Zanzibar and place on the table of this House relevant correspondence on the subject which passed between the Government of India and that of Zanzibar ?

(*b*) Will Government be pleased to furnish to this House all the information in their possession on the subject ?

Mr. G. S. Bajpai : (*a*) and (*b*). The attention of the Honourable Member is invited to the reply given by me to Mr. B. Das's questions Nos. 168—170. Correspondence in regard to this matter is still in progress and Government therefore regret that they cannot lay a copy on the table.

EXEMPTION OF SAMPLES FROM CUSTOMS DUTY.

197. *Lala Rameshwar Prasad Bagla : (*a*) Have Government received any representation from the public regarding the exemption of *bona fide* samples from Custom duty ? If so, when and from whom ?

(*b*) In view of the existing trade depression, are Government prepared to consider the desirability of so amending the Indian Tariff Act as to provide for the exemption of *bona fide* samples ?

The Honourable Sir Joseph Bhore : (*a*) Yes, Sir, a representation on the subject was recently received from the United Provinces Chamber of Commerce.

(*b*) Under existing orders, import duty is not collected on samples, if they are practically valueless, in that they are unfit for consumption or for any other use than as samples for inspection, or if the quantity of a consignment is not in excess of the quantity ordinarily sent as a sample to an individual customer or potential customer. Government see no reason for extending the scope of the exemption, especially as Indian Customs practice in this respect is substantially in accord with the recommendations made by a body of experts to the Economic Committee of the League of Nations in connection with the International Convention for the simplification of Customs formalities.

ENCOURAGEMENT OF THE " BUY INDIAN " PROPAGANDA.

198. *Lala Rameshwar Prasad Bagla : (*a*) Are Government aware that the British and American Governments are considerably contributing towards the " Buy British " and " Buy American " propaganda, respectively ?

(*b*) Did Government receive any representation on the question of encouraging " Buy Indian " propaganda from any person or any public body ? If so, when and from whom ?

(*c*) Will Government please state what steps, if any, they have so far taken in the matter ?

(*d*) If the reply to part (*c*) be in the negative, will Government be pleased to state if it is not a part of their duty to carry on the " Buy Indian " campaign like other Governments ?

(*e*) Are Government now prepared to adopt the same measures to encourage the "Buy Indian" propaganda as are being taken by the British and American Governments ?

The Honourable Sir Frank Noyce : (*a*) Government are aware of the "Buy British" campaign, but not of the extent, if any, to which the British Government are assisting it. They have no information of its American counterpart.

(*b*) Yes : from the Federation of Indian Chambers of Commerce and Industry in April last.

(*c*) The Post Office have used the motto "Support Indian Industries" for some years past. Government have also supported exhibitions of Indian products and one object of the creation of the proposed Industrial Intelligence and Research Bureau is to develop this line of propaganda. Government, however, place more confidence on the practical assistance they are giving to Indian industries than on propaganda.

(*d*) and (*e*). Government will be very glad to examine any suggestion as to the lines on which such propaganda may usefully be developed.

Mr. B. Das : May I inquire if the activities of the Industries Research Bureau of the Department, which the Honourable Member is creating, will not come under the Ordinances of his colleague on his left ?

Mr. B. V. Jadhav : May I know from the Honourable Member what industries are contemplated to be taken under the new Department ?

The Honourable Sir Frank Noyce : All industries that can usefully take advantage of the facilities that it will afford.

INDIA'S MEMBERSHIP OF THE LEAGUE OF NATIONS.

199. ***Lala Rameshwar Prasad Bagla** : (*a*) Will Government please state the amount they pay as annual subscription to the League of Nations ?

(*b*) Will Government please state the number of Indians at present in the service of the League of Nations ?

(*c*) Will Government be pleased to place on the table for the information of this House a statement showing the amount of subscription paid to the League of Nations by each of its member States and the representation given to each in regard to the employment of its people in its Secretariat ?

(*d*) Did Government receive any representation from the public to the effect that India should resign the membership of the League ? If so, when and from whom ?

(*e*) Is it not a fact that, in spite of the numerous protests from the public, it was considered desirable by Government to continue the membership of the League ? If so, why ?

(*f*) Are Government prepared to consider the question of resigning the membership of the League now ?

The Honourable Sir Nripendra Sircar : (*a*) The amount is not fixed but is arrived at in each year by calculating the proportion of the total

estimated expenditure for that year which is payable by India under the system of allocation for the time being in force. The amount for 1934 is one million, seven hundred and four thousand, two hundred and two decimal gold francs which is equivalent to fourteen lakhs, ninety thousand and thirteen rupees.

(*b*) Six Indians are at present permanently employed in the Secretariat of the League of Nations including the International Labour Office. It is believed that there are also three temporary Indian employees.

(*c*) The Honourable Member is referred to pages 1258 to 1293 of the League of Nations Official Journal, 14th year, No. 10, Part II, a copy of which is in the Library.

(*d*) No.

(*e*) Government have received no protests and have never contemplated resignation from the League, a step which in their opinion would represent at once an abandonment of an international duty and an abdication of international status.

(*f*) No.

Mr. B. Das : Is it not a fact that the representatives of the Government of India at the League of Nations and also the delegates to the I. L. O. have always insisted that the League of Nations and the I. L. O. should employ more Indians than at present ?

The Honourable Sir Nripendra Sircar : That is my impression.

Mr. B. Das : Have the Government of India addressed any letter to the Director of the League of Nations that they should give effect to the recommendations which the representatives of the Government of India have addressed to the Government of India ?

The Honourable Sir Nripendra Sircar : I am not exactly aware of what happened before my time, but in my time I have done it.

Dr. Ziauddin Ahmad : What is the proportion of Indians in the Secretariat of the League of Nations, and what is the proportion of our contributions to the funds of the League of Nations ?

The Honourable Sir Nripendra Sircar : The answer to part (*c*) of the question refers to a journal in which all the details are given, and that is available in the Library.

Mr. K. C. Neogy : But the proportions are not worked out there ?

The Honourable Sir Nripendra Sircar : No one can do it better mathematically than my friend over there.

Dr. Ziauddin Ahmad : May I ask whether the Honourable gentleman can find out for his own benefit whether the proportion of the service is equivalent to the proportion of our contribution ?

The Honourable Sir Nripendra Sircar : I would accept even Dr. Ziauddin's mathematical calculations.

Mr. K. C. Neogy : Even !

Sir Abdur Rahim : Is it not a fact that Lord Lytton, when he was in one of the delegations, protested against the amount which was levied from India as contribution to the League of Nations ?

The Honourable Sir Nripendra Sircar : I should have been glad to answer that question if I had the information before me. I have not got it before me. If required, I can inquire into it. I require notice.

Sir Abdur Rahim : Are the Government of India considering whether it is not desirable to ask the League of Nations to substantially reduce the contribution from India ?

The Honourable Sir Nripendra Sircar : I am not prepared to answer that question just now, but speaking offhand, I would say that it is desirable.

Mr. D. K. Lahiri Chaudhury : The Princes are taking part in the delegation. Who is to meet the cost of the Princes ?

The Honourable Sir Nripendra Sircar : I do not think that the Princes are charged any costs, beyond a fixed payment.

Mr. D. K. Lahiri Chaudhury : They are represented also in the League of Nations and what is the Government of India's contribution to the Princes, when they go there, towards their expenses ?

The Honourable Sir Nripendra Sircar : A fixed sum is paid to the Prince, who may be a member of the Indian delegation.

Dr. Ziauddin Ahmad : May I ask whether the Government of India bear the entire cost of the delegation irrespective of the fact whether the members belong to the Indian States or British India ?

The Honourable Sir Nripendra Sircar : My information is that a fixed sum is spent for the Prince.

Mr. S. C. Mitra : Is it not a fact that this contribution bears a certain percentage to the revenue of a particular State and its population, and that it cannot be fixed from other considerations ?

The Honourable Sir Nripendra Sircar : To the best of my information, no.

Mr. Gaya Prasad Singh : Does the representation of India in the League of Nations mean the representation of British India only or British India *plus* Indian India.

The Honourable Sir Nripendra Sircar : It means India as a whole.

Mr. Gaya Prasad Singh : Should not the Indian Princes also be asked to contribute their share towards the expenses incurred on account of the League of Nations ?

The Honourable Sir Nripendra Sircar : I want notice, because I have no information with me just now.

Mr. B. Das : Is it not a sad commentary on Government's financial policy that, before linking the rupee to the sterling, we paid nine lakhs of rupees and now we pay 14 lakhs ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It is not asking for information.

Mr. B. Das : Is it not a fact that, before the rupee was linked to sterling, we paid Rs. 9 lakhs and now we are paying 14 lakhs through the wrong financial policy of the Government of India ?

The Honourable Sir Nripendra Sircar : What was paid in each year is a question of fact which can be ascertained from documents. I express no further opinion on that.

Mr. H. P. Mody : Is the Honourable Member in a position to inform the House whether the Government of India contemplate making a representation with regard to the reduction of the contribution ?

The Honourable Sir Nripendra Sircar : I think I have answered that question. I cannot answer that definitely now. The question was by Sir Abdur Rahim. I want notice.

Mr. H. P. Mody : Sir Abdur Rahim's question was, whether Government considered it desirable to make a representation. I want to know whether the Government of India actually contemplate making any representation.

The Honourable Sir Nripendra Sircar : I am not prepared to answer that question just now without notice.

Dr. Ziauddin Ahmad : Are the Government of India contemplating making the best use of our contributions by giving effect to the recommendations of the delegation which they themselves send from time to time ?

The Honourable Sir Nripendra Sircar : I do not think it arises, but the Government of India always contemplate doing the best for India.

Sir Abdur Rahim : If it is a fact that India is an original member of the League of Nations—and I believe that is so—then, is the Honourable Member prepared to explain to us what is the meaning of " original member " ? Has India a voice in the League of Nations independent of that of Great Britain ?

The Honourable Sir Nripendra Sircar : To answer that question, I require notice, because I have not come prepared to answer that as arising legitimately out of these questions.

Mr. Gaya Prasad Singh : Will Government seriously consider the question of asking the Indian States to make a contribution towards the expenditure of the League of Nations in view of the fact that the expenditure incurred by India in respect of the League of Nations represents, not only that appertaining to British India, but the Indian States as well ?

The Honourable Sir Nripendra Sircar : I want notice. But I can answer now only one portion of the question, *viz.*, whether they will seriously consider the question. Sir, if they consider it at all, they will do so seriously and not in a light-hearted manner. (Laughter.)

Mr. Gaya Prasad Singh : As usual !

Dr. Ziauddin Ahmad : Did the Government of India ever ask that India should have a permanent membership in the Council of League of Nations ?

The Honourable Sir Nripendra Sircar : I want notice ; I have not come prepared to answer all these questions.

ESTABLISHMENT OF MUSLIM CHAMBERS OF COMMERCE.

200. *Lala Rameshwar Prasad Bagla : (a) Are Government aware that a Muslim Chamber of Commerce has recently been established in Bihar and Orissa and that similar Muslim Chambers of Commerce are being opened in other Provinces ?

(b) Will Government please state if they have recognised the Muslim Chamber of Commerce in Bihar and Orissa ?

(c) Are Government prepared to consider the desirability of instructing the Provincial Governments to adopt in future such measures as may be deemed necessary to keep the two communities—particularly the commercial section—united ?

The Honourable Sir Joseph Bhore : (a) The Government of India are aware of the establishment of the Bihar and Orissa Muslim Chamber of Commerce and also of the Muslim Chamber of Commerce, Calcutta, but have no information regarding the formation of Muslim Chambers of Commerce in other provinces.

(b) Yes.

(c) This is a matter for the communities and not for Government.

Mr. B. Das : Are Government aware that there is no communal colouring in trade and commerce ? Is the Honourable Member aware that there is no communal colour in the sphere of trade and commerce all over the world ?

The Honourable Sir Joseph Bhore : I am not aware that trade and commerce have any colour at all, Sir.

ARTICLE HEADED "COMMUNALISM IN JUDICIAL DEPARTMENT" IN THE *Sind Observer*.

201. *Mr. Lalchand Navalrai : (a) Has Government's attention been drawn to an article which appeared in the *Sind Observer*, dated the 5th June, 1934, under the caption "Communalism in Judicial Department" ?

(b) How long do Government propose to continue their policy of recruitment in the Judiciary on a communal basis ?

(c) Is it a fact that in certain provinces, like the Punjab, it has now been definitely made a rule that judicial appointments at least be filled on merit alone by open competitive examinations ?

The Honourable Sir Harry Haig : (a) Yes.

(b) I presume the Honourable Member is referring to recruitment to the provincial judicial services which, as he is no doubt aware, is a matter the responsibility for which rests with the Provincial Governments.

(c) I understand that the Government of the Punjab have made rules regarding recruitment to the subordinate judiciary which aim at redressing communal inequalities. Candidates are selected by the High Court after considering the results of a qualifying examination, not a competitive examination.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether the point raised in clause (c) of the question has been or will

be referred to the Bombay Government and other Governments in order to ascertain their reply ?

The Honourable Sir Harry Haig : No, Sir, I do not think that is the concern of the Government of India.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether it is not the duty of the Government of India to see that justice is properly given and that judicial recruitment is nicely made ?

The Honourable Sir Harry Haig : The responsibility, Sir, for the administration of justice is laid primarily on the Provincial Governments.

Mr. Lalchand Navalrai : Is there no responsibility laid on the Government of India also in the matter if they come to know that the judiciary is deteriorating in the Provinces ?

The Honourable Sir Harry Haig : I am not prepared to accept the assumption of my Honourable friend that the system of recruitment of the subordinate judiciary in the Provinces leads to any deterioration of the administration of justice.

Mr. Lalchand Navalrai : May I know—as I put this question and I also gave the testimony of a paper which says that it is deteriorating—whether the Government of India are prepared to see that the Local Governments are alive to the point ?

The Honourable Sir Harry Haig : No, Sir. The Government of India propose to leave the matter to the Local Governments.

Mr. Lalchand Navalrai : May I take it from the Government of India that the Government of India are not prepared to take any action so as to correct any such impression in India ?

The Honourable Sir Harry Haig : No, Sir. The Government of India are not prepared to accept the estimate of the Honourable Member.

Mr. Lalchand Navalrai : May I, therefore, ask if the Honourable Member is prepared to verify this fact to find out if there is any truth in it and, if so, to ask the Provincial Government to behave better—if there is any truth in the allegation ?

The Honourable Sir Harry Haig : No, Sir. I do not think that the facts disclose any cause for an inquiry by the Government of India.

Mr. Lalchand Navalrai : I am very sorry.

IMPOSITION OF IMPORT DUTY ON INDIAN SUGAR BY THE KASHMIR STATE.

202. ***Seth Haji Abdoola Haroon** : (*a*) Will Government be pleased to state whether it is a fact that the Kashmir Government have imposed a duty of Rs. 2 per maund on imports of Indian sugar into their territory ?

(*b*) If the answer to part (*a*) above be in the affirmative, how is it that the Government of India allowed them to do so when they are not charging any duty on imports of fruits, food-stuffs, etc., from that territory into British India ?

(*c*) Have the Government of India, in view of the above step of the Government of Kashmir, decided to charge duty on imports into British

India of fruits, food-stuffs, etc., from Kashmir as in the case of foreign articles ?

The Honourable Sir James Grigg : (*a*) The duty levied by the Kashmir Government on Indian factory sugar imported into Kashmir is at the rate of Rs. 1-12-0 per maund.

(*b*) In accordance with the treaty concluded with Kashmir in 1870, the Kashmir Government are within their rights in levying this duty.

(*c*) The answer is in the negative.

SHORT NOTICE QUESTIONS AND ANSWERS.

ALTERATIONS IN THE TERMS OF THE INDO-JAPANESE AGREEMENT.

Mr. Bhuput Sing : (*a*) Will Government be pleased to state whether there has been any alteration in the terms of the Indo-Japanese Agreement, recently signed in London, from those previously agreed upon in India between the Honourable Sir Joseph Bhore and His Excellency Mr. Setsuzo Swada ? If so, what are those alterations ?

(*b*) Are Government prepared to issue a communiqué in the matter to allay public apprehension ?

(*c*) When is the full text of the Agreement expected to be published ?

The Honourable Sir Joseph Bhore : (*a*) No alteration has been made in the terms of the Agreement and Protocol agreed upon in India though a few verbal and punctuative changes have been made at the instance of the Government of Japan and with the concurrence of the Government of India.

(*b*) In these circumstances Government do not consider it necessary to publish a Press Communiqué.

(*c*) A copy of the Convention with the Protocol will be laid upon the table today.

Mr. Muhammad Azhar Ali : Are such agreements outside the purview of this Legislature ?

The Honourable Sir Joseph Bhore : I heard my Honourable friend, but I did not quite understand the meaning of his question.

Mr. Muhammad Azhar Ali : Are such agreements outside the purview of this Legislature ? Do they not require the sanction of this Legislature ?

The Honourable Sir Joseph Bhore : No, Sir. So far as the agreements themselves are concerned, this House has had the most ample opportunity of discussing them.

Mr. Muhammad Azhar Ali : Will Government please place the renewed agreement on the table of this House ?

The Honourable Sir Joseph Bhore : It will be placed today.

FLOODS IN ASSAM.

Mr. Abdul Matin Chaudhury : (*a*) Will Government be pleased to make a statement with regard to the devastation caused in Assam by the recent floods ?

(*b*) Are Government aware that the resources of the deficit Government of Assam are too meagre to cope with this unprecedented havoc, and do they propose to render any financial assistance to Assam and, if so, in what way and to what extent ?

Mr. G. S. Bajpai : (*a*) A statement giving such information as the Local Government have furnished is laid on the table.

(*b*) The Assam Government have asked for a grant of Rs. 1½ lakhs from the Indian People's Famine Trust. The Governor General in Council has notified to the Board of Management of the Trust the existence of general and severe privation over a considerable area in the Nowgong and Sylhet districts. The request of the Local Government will be considered by the Board. No application has been received for financial assistance by the Government of India.

Statement summarising the information on recent floods in Assam as furnished by the Local Government.

From the 13th to the 22nd June, there was almost incessant rainfall in these hills and the raingauge at Cherrapunji which overlooks the plains of Sylhet registered during the last three days of the deluge a rainfall of over 21, 25 and 36 inches, respectively.

Both in Nowgong and in the north of Sylhet, the floods attained an unprecedented level. The areas affected are poor in communications. With the havoc caused by the floods communication has become extremely difficult. District officers have inspected the areas which were accessible and responsible officers have been deputed to survey the less accessible areas. It will take some time before final reports are received from the latter. Meanwhile it is possible to imagine conditions in the interior from the reports relating to areas visited by local officers.

In Nowgong, the whole area between the hills and the Kopili was for the most part submerged and cut off from the rest of the district. The Assam-Bengal Railway line running through this portion is breached and through communication is not likely to be resumed for the next two months. There are breaches in the Chaparmukh-Silghat line and in the few public roads that served the affected area. The rise in the water was so rapid that the utmost that the people could do was to save their lives. Not many persons are reported to have been drowned, but the number of cattle carried away by the floods must be considerable. The total number of families who have nothing to live on is estimated to be about 12,000 to 15,000. Gratuitous relief will be needed in most of these cases for at least two months : it will be required longer in the case of those who live in parts which are very lowlying. In Sylhet the effects of the flood were serious though not so disastrous as in Nowgong.

The Government of Assam are meeting the situation as best as they can. Apart from placing the relief work on a satisfactory basis, the efforts of local officers are concentrated on procuring cattle and seed so that as soon as the water subsides the people may be enabled to resow as extensive an area as possible. The Deputy Commissioners have been authorised to incur such expenditure as may be necessary for the immediate relief of distress. They have also sanctioned a sum of one lakh of rupees for agricultural loans in Nowgong and are awaiting an estimate of the amount needed for this purpose in Sylhet. They will in due course consider proposals of suspension and remission of Government dues. Facilities are being afforded to the people to take timber free from Government forests for the reconstruction of houses. Relief Committees have been formed locally but in view of the financially depressed condition of the people it is feared that the response will be poor. His Excellency the Governor has placed at the disposal of each of the Deputy Commissioners concerned Rs. 10,000 out of the balance of the 1929 Cachar Flood Relief Fund.

The area affected is wide and the losses will run into lakhs. Without including the heavy expenditure which the Government must incur later in replacing cattle and seed grain, the minimum estimated requirements for gratuitous relief alone are a lakh and a half.

Mr. Abdul Matin Chaudhury : Will the Honourable Member give us any approximate date by which the meeting of the Board will be held ?

Mr. G. S. Bajpai : Sir, the Board is really independent of the Government of India, but I have no doubt that as soon as the Secretary, who is away on tour, returns to headquarters, a meeting will be convened.

Mr. B. Das : Are Government prepared to consider any representation that will be made by the Government of Assam for any subsidy from the Government of India towards the floods ?

Mr. G. S. Bajpai : That seems to be a hypothetical question, Sir.

Mr. B. Das : Did not the Honourable Member say that no representation had been received from the Government of Assam for a grant from the Government of India ?

Mr. G. S. Bajpai : That was a statement of fact.

Mr. B. Das : Are Government prepared to grant any subvention to Assam if an application for a subvention is made by that Government ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question is hypothetical.

CONVENTION AND PROTOCOL *RE* COMMERCIAL RELATIONS BETWEEN INDIA AND JAPAN.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I lay on the table the Convention and Protocol regarding commercial relations between India and Japan. (Applause.)

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of Japan, desiring to facilitate trade and commerce between India and Japan, have decided to conclude a Convention for this purpose and have accordingly appointed as their Plenipotentiaries :—

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :

For India :

The Right Honourable Sir John Allsebrook Simon, G.C.S.I., K.C.V.O., M.P., His Principal Secretary of State for Foreign Affairs ;

The Right Honourable Sir Samuel John Gurney Hoare, Bt., G.C.S.I., G.B.E., C.M.G., M.P., His Secretary of State for India ;

His Majesty the Emperor of Japan :

His Excellency Mr. Tsuneo Matsudaira, His Imperial Majesty's Ambassador Extraordinary and Plenipotentiary at the court of St. James ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :—

ARTICLE 1.

The territories to which the present Convention applies are, on the part of His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, British India, together with States in India which, by treaty with His Majesty the King or otherwise, may be entitled to be placed with regard to the stipulations of the present Convention on the same footing as British India (such territories being hereinafter referred to as India) ; and on the part of His Majesty the Emperor of Japan, all the territories and possessions belonging to or administered by His Majesty the Emperor (such territories being hereinafter referred to as Japan).

ARTICLE 2.

Articles produced or manufactured in the territories of one of the High Contracting Parties, on importation into the territories of the other, from whatever place arriving, shall not be subjected to duties or charges other or higher than those imposed on like articles produced or manufactured in any other foreign country.

ARTICLE 3.

Notwithstanding anything contained in the present Convention, the Government of India shall have the right of imposing or modifying from time to time special customs duties on the importation into India of articles produced or manufactured in Japan, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of India may consider to be necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee subsequent to the 31st day of December, 1933 ; provided that no modification in any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of Japan to modify such special customs duties, the Government of India shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in Japan, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the yen relative to the rupee on the duty-paid value of articles produced or manufactured in Japan and imported into India.

Reciprocally, the Government of Japan shall have the right of imposing or modifying from time to time special customs duties on the importation into Japan of articles produced or manufactured in India, other or higher than those imposed on like articles produced or manufactured in any other foreign country, at such rates as the Government of Japan may consider to be necessary to correct the effects of any variation of the exchange value of the rupee relative to the yen ; provided that such right shall not accrue to the Government of Japan so long as the exchange value of the rupee relative to the yen is not below the value of 0.732 yen, and that no modification of any such rate shall be made until it has been in force for at least five weeks.

In imposing or modifying or on being requested by the Government of India to modify such special customs duties, the Government of Japan shall give full consideration to all relevant factors which tend to raise the export prices of articles produced or manufactured in India, and shall limit the rates of such duties to what is necessary to correct the effects of any variation of the exchange value of the rupee below 0.732 yen on the duty-paid value of articles produced or manufactured in India and imported into Japan.

ARTICLE 4.

While reserving to the Government of India and to the Government of Japan the right to make such changes in their customs tariffs as may be necessary for the protection of their own interests, the High Contracting Parties agree that when any modification of its customs tariff by either country results in the trade interests of the other being adversely affected in any appreciable measure, the Governments of the two countries shall, upon the request of the Government of the country adversely affected, forthwith enter into negotiations with the object of reconciling as far as possible the interests of the two countries.

ARTICLE 5.

The present Convention shall be ratified. The instruments of ratification shall be exchanged in London as soon as possible. The date on which the instrument of ratification of each the High Contracting Parties has been completed will be communicated to the other through diplomatic channels, and the present Convention shall enter into force, in advance of the exchange of the instruments of ratification, as from the date on which the later of the two communications required under the present Article shall have been made.

ARTICLE 6.

The present Convention shall remain in force until the 31st day of March, 1937.

In case neither of the High Contracting Parties shall have given notice to the other six months before the said date of his intention to terminate the Convention, it shall continue operative until the expiration of six months from the date on which either of the High Contracting Parties shall have given notice of termination to the other.

In witness whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For India :

L. S. John Simon.

L. S. Samuel Hoare.

For Japan :

L. S. T. Matsudaira.

PROTOCOL.

At the moment of proceeding this day to the signature of the Convention regarding the Commercial Relations between India and Japan, the undersigned Plenipotentiaries, being duly authorized to that effect, have agreed as follows regarding the importation of Japanese cotton piece-goods into India :—

ARTICLE 1.

For the purposes of the present Protocol :—

the expression " cotton year " means a year beginning on the 1st day of January ;

the expression " cotton piece-goods year " means a year beginning on the 1st day of April ;

a cotton piece-goods year and the cotton year in which that cotton piece-goods year begins are referred to as " corresponding " ; and

the expression " yard " means a linear yard.

ARTICLE 2.

The customs duties to be imposed on importation into India of cotton piece-goods manufactured in Japan shall not exceed the following rates :—

(*a*) plain greys—50 per centum *ad valorem* or 5¼ annas per pound, whichever is higher ;

(*b*) others—50 per centum *ad valorem*.

If hereafter the Government of India should decide to impose a specific duty on cotton piece-goods other than plain greys, it will not impose on such piece-goods, being the manufacture of Japan, a specific duty exceeding 5¼ annas per pound.

ARTICLE 3.

(1) If in any cotton year 1 million bales of raw cotton are exported from India to Japan, the quantity of cotton piece-goods which may be exported from Japan to India in the corresponding cotton piece-goods year shall be a basic allotment of 325 million yards.

(2) If the exports of raw cotton from India to Japan in any cotton year are less than 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment diminished by 2 million yards for every 10,000 bales of the deficit or for any residual quantity thereof exceeding 5,000 bales.

(3) If the exports of raw cotton from India to Japan in any cotton year exceed 1 million bales, the allotment of cotton piece-goods for the corresponding cotton piece-goods year shall be the basic allotment increased by 1½ million yards for every 10,000 bales of the excess or for any residual quantity thereof exceeding 5,000 bales ;

Provided that the allotment of cotton piece-goods shall not in any case exceed 400 million yards for any cotton piece-goods year.

(4) If the exports of raw cotton from India to Japan in any cotton year exceed 1½ million bales, the excess shall be added to the quantity of raw cotton exported from India to Japan in the following cotton year for the purpose of determining the allotment of cotton piece-goods for the cotton piece-goods year corresponding to such following cotton year.

(5) For the purposes of the calculations under the present Article and under Articles 4, 5, 6 and 7, any raw cotton or cotton piece-goods which have been imported and then re-exported shall be excluded.

ARTICLE 4.

(1) The allotment of cotton piece-goods which may be exported from Japan to India during the first half of any cotton piece-goods year shall be 200 million yards ;

Provided that, if in the first half of any cotton piece-goods year the exports of cotton piece-goods from Japan to India exceed the allotment for the whole of that cotton piece-goods year, the allotment for the first half of the following cotton piece-goods year shall be 200 million yards less such excess.

(2) The allotment of cotton piece-goods which may be exported from Japan to India during the second half of any cotton piece-goods year shall be the annual allotment for that year less 200 million yards ;

Provided that, if the quantity exported from Japan to India in the first half of any cotton piece-goods year is less than 200 million yards, as increased or diminished under Article 5, the allotment for the second half of that cotton piece-goods year shall include the quantity of the deficit up to a quantity not exceeding 20 million yards.

ARTICLE 5.

Notwithstanding anything hereinbefore contained,

(*a*) If less than the allotment for any cotton piece-goods year is exported from Japan to India in that year, the quantity of the deficit up to a quantity not exceeding 20 million yards may be exported in the first half of the following cotton piece-goods year in addition to the allotment for that half-year ; and

(*b*) A quantity not exceeding 20 million yards of cotton piece-goods may be exported from Japan to India in any cotton piece-goods year, other than the cotton piece-goods year in which the present Protocol terminates, in addition to the allotment for that year ; but such excess shall be deducted from the allotment for the first half of the following cotton piece-goods year.

ARTICLE 6.

If the present Protocol should come into effect at any time other than the beginning of a cotton piece-goods year, the first cotton year shall, for the purposes of the Protocol, be deemed to begin on the 1st day of January, 1934, and the first cotton piece-goods year on the 1st day of April, 1934.

ARTICLE 7.

(1) For the purposes of the present Protocol cotton piece-goods shall be divided into the four categories of :—

(*a*) Plain greys,

(*b*) Bordered greys,

(*c*) Bleached (white) goods, and

(*d*) Coloured (printed, dyed or woven) goods ;

and the allotment for any cotton piece-goods year shall be divided into sub-allotments among these four categories, consisting of portions of the allotment as follows :—

Plain greys	45 per centum,
Bordered greys	13 per centum,
Bleached (white) goods	8 per centum,
Coloured (printed, dyed or woven) goods	34 per centum,

and, save as provided in paragraph (2), the export of cotton piece-goods in each category in any cotton piece-goods year shall be restricted to the said portions.

(2) Transfers may be made from one sub-allotment to another, subject to the following conditions :—

(*a*) The allotment for any cotton piece-goods year shall not thereby be increased ;

(*b*) The amount transferred from a sub-allotment for bordered greys or from a sub-allotment for bleached (white) goods shall not exceed 20 per centum of the amount of such sub-allotment, and the amount transferred from any other sub-allotment shall not exceed 10 per centum of the amount of such sub-allotment ; and

(*c*) A sub-allotment for bordered greys or a sub-allotment for bleached (white) goods shall not be increased by more than 20 per centum of the amount of such sub-allotment, and any other sub-allotment shall not be increased by more than 10 per centum of the amount of such sub-allotment.

(3) The principles of the present Article shall apply also to quantities of cotton piece-goods exported from Japan to India under Article 5 in excess of the yearly allotments, as if such quantities were yearly allotments.

ARTICLE 8.

Nothing contained in the present Protocol shall be deemed to affect the rights of either High Contracting Party under Article 2 or Article 3 of the Convention regarding the Commercial Relations between India and Japan of this day's date.

ARTICLE 9.

The present Protocol shall come into force simultaneously with the Convention regarding the Commercial Relations between India and Japan of this day's date and shall remain in force until the 31st day of March, 1937.

Done at London, in duplicate, this twelfth day of the seventh month of the 9th year of Showa, corresponding to the twelfth day of July, 1934.

For India :

L. S. John Simon.

L. S. Samuel Hoare.

For Japan :

L. S. T. Matsudaira.

THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir James Grigg (Finance Member) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the imposition and collection of an excise duty on mechanical lighters.

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

The Honourable Sir Harry Haig (Home Member) : Sir, I move (Applause) :

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be taken into consideration."

There have been alarming rumours of portentous speeches under preparation over the week-end. I trust, Sir, that those rumours are not, in fact, well-founded. I do not propose myself to occupy the time of the House very long, for I claim that the issues raised by this Bill are simple and, on the whole, are very familiar to the House. But I would make this preface. As I rise to initiate this debate, I am reminded of another debate in this Chamber two years ago. The occasion was a motion for the adjournment of the House arising out of the second murderous attack that had just been made on Sir Alfred Watson following very closely on an attempt at indiscriminate massacre of a harmless social gathering of Europeans and Anglo-Indians at the Railway Institute at Pahartali near Chittagong. The House, Sir, on that occasion was, I think I may say, deeply moved with feelings of horror and shame. I remember the then Leader of the House, Sir C. P. Ramaswami Aiyar, saying that he felt ashamed that an Indian should have done this and he urged everyone in the country to come together and get rid of this terror. That was the general feeling of the House. The question that everyone was asking was—how can we help ? I would like to refer, if I may, to words spoken on that occasion by the Honourable the Leader of the Opposition, words with which I personally was in full agreement. He said :

"If it were in the power of any one of us or any group of this House, whether on this side or on the other side, to suppress this movement, we would have done it. It is a subterranean movement ; it is a secret conspiracy. We do not know how it works, and if it is the business of any one to find out, it is the business of those who have got power at their command, who have got the means and the resources of finding out what is wrong."

And, a little later, he said :

"No one has been able to suggest what men like ourselves can do to help the administration. It is primarily for them to find out the remedies."

Well, Sir, I agree with those words. It is for the Government to devise the remedies, but I do urge that it is for this House to give us the powers. Here is an opportunity for the House to give the Government the help it needs. It is true that our feelings this morning are not so moved as they were during that debate two years ago. It is natural that people feel very deeply immediately after an outrage of that kind, but I would ask the House not to allow its feelings to cool too much and not to require any continuous stimulus of actual outrages in order to maintain their serious anxieties in this very acute problem.

[Sir Harry Haig.]

Now, Sir, with that preface, I come to the Bill. The nature of the Bill is very simple. In 1932, this House passed a Bill, known as Act No. VIII of 1932, to supplement the Bengal Criminal Law Amendment Act of 1930, and it provided that this Supplementary Act should remain in force for a period not exceeding three years. The proposal of our Bill is simply this, that that time-limit should be removed. The necessity for the Bill arises out of the action that has been taken in Bengal. The powers under the Bengal Criminal Law Amendment Act of 1930, to which our Act was supplementary, have now, by a recent Act of the Bengal Legislative Council, been made permanent. At the time that this time-limit was inserted in our Act, the Bengal Criminal Law Amendment Act was due to expire in 1935, and, therefore, our Supplementary Act with its three-year time-limit more or less covered the period still remaining for the Bengal Criminal Law Amendment Act as it then stood. Now it does not, and that is the immediate occasion for our introducing this Bill. I understand that it has been made a matter of some comment that we have introduced the Bill in this Session and have not waited until the next Session of the Assembly. I think the answer to that is very simple. Our existing Act expires in April, 1935. If we did not dispose of this Bill in the present Session, we could not take it up till February or March, 1935.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Why not earlier than that ?

The Honourable Sir Harry Haig : How much earlier would the Honourable Member suggest ?

Mr. Gaya Prasad Singh : In the January Session, for instance.

The Honourable Sir Harry Haig : Will the Honourable Member undertake to dispose of the matter before the end of January ? I know very well that the Honourable Member can give no such undertaking. But even so, that would be a quite unsatisfactory solution. I would ask Honourable Members to remember that we have under detention at Deoli something like 500 persons. The accommodation for 500 persons is very extensive. The preparation of that accommodation takes a very considerable time as we ourselves experienced when we were preparing these buildings at Deoli. The Government of Bengal have no accommodation for 500 additional detenus. It would be quite impossible for us to leave the Government of Bengal in doubt and ourselves in doubt up to within a month or two of the expiry of these powers whether they are to be extended or not.

Now, Sir, I come to the provisions of the Bill which we desire to extend. The main provision is a power to detain detenus outside Bengal. I would remind the House that this Bill does not give a power of detention which does not already exist. The power to hold these people in detention is a power that has been given by the Bengal Act. It is not given by this Act. Our Act is merely concerned not with the fact of the detention, but with the place of detention. The principle, that power should exist to detain detenus outside Bengal, was accepted by the House in 1932 at a time when, I should say, the implications and the menace of terrorism were hardly as fully appreciated in the country as they are now. The reason for detaining these men outside Bengal are briefly that the Bengal

Government finds it a matter of the greatest difficulty at the same time to wage its campaign against terrorism and to keep in effective segregation such large numbers of dangerous men living in surroundings with which they are thoroughly familiar and among people with whom they have close relations. Experience showed that they used to communicate with friends outside and they actually were able to hatch conspiracies and the Bengal Government felt very strongly that they could not cope with the measures required for dealing with this menace unless they could be relieved to a certain extent of this obligation, and the worst or what they considered to be the most dangerous of these detenus were removed to an isolated locality where conditions, such as those prevailing in Bengal, would not exist. I would just remind the House of a few figures. The total number of detenus in jails and special camps is, I think, something between 1,500 and 1,600, and the number that we have at Deoli is approximately 500. The House will, therefore, recognise what a very large element in the problem this camp at Deoli is. When this matter was debated in 1932, some criticism was made of the Bengal Government that they ought to be able to make efficient arrangements to look after these men. I think those criticisms did not do full justice to the very grave difficulties that are inherent in the problem. But I would like to mention that even in the remote Province of Madras, which had, I think, eight of what we considered the most dangerous Bengali State Prisoners, it has been found as a result of a trial that it was not possible even in Madras to prevent these men associating with other revolutionaries and in fact hatching conspiracies. I have here a rider by the jury in a recent conspiracy case in Madras. They said :

"We believe the evidence before us in relation to the lack of discipline in Trichinopoly jail and wish to record our surprise that violent revolutionaries were allowed to influence certain of the accused to inaugurate this conspiracy."

I merely mention that point in order to illustrate the fact that it is very difficult under normal conditions to prevent these men from communicating with others outside or in the jails. Now, Sir, I think a further advantage that we have from this power to detain the detenus outside Bengal is that it is in accordance with the elastic system which is at the root of the Bengal Criminal Law Amendment Act. The Government of Bengal do not desire that every one, whose liberty they feel it necessary to restrict, should be treated in exactly the same way. They realise that there are degrees, that there are great differences between these young men, that some of them are only at the beginning and that others are very deeply involved in the conspiracy. They have a system of what is called home domicile for those who are the least dangerous. These young men are merely directed to live in their own homes. Then, there is the system of what they call village domicile in which they are directed to live in a village, not their own, but otherwise their liberty is not restrained. Then the next grade are those who are in special camps or in jails in Bengal. Those who are regarded as the most dangerous are sent outside Bengal to Deoli. So much for the power of detention outside the province.

Now, the second power given by the Act, which we propose to continue, is the barring of the *Habeas Corpus* powers of the High Court. That has always been considered an essential complement of legislation of the type contained in the Bengal Criminal Law Amendment Act. It is a matter which has been discussed, I will not say threadbare, for I think it is one

[Sir Harry Haig.]

of those subjects in which lawyers find always something fresh to say, but at any rate it has been discussed repeatedly. With regard to the technical points, I hope that if Honourable Members opposite raise any question, my Honourable friend, the Law Member, will be able to answer them ; but, put in untechnical language, the justification is simply this. The Bengal Criminal Law Amendment Act says in effect that, owing to the nature of this secret conspiracy, we are not in a position to put into Court the evidence we have against these men. We must have the power to detain them without putting the matter before a Court. Well, if that is once accepted, it is obvious that we cannot allow the High Court to question the action taken, because the High Court can only question it by asking the executive, what is the evidence on which you have put these men under detention and that *ex hypothesi* is exactly what cannot be produced. That briefly is the case for barring the *Habeas Corpus* provisions of the Criminal Procedure Code.

Now, Sir, I may reasonably be asked what are the general conditions that have necessitated the removal of the time-limit from the Bengal Act. That is really the justification for the measure I am inviting the House to pass. This involves some review of the situation. I think it is fair to say that we have, during the last 18 months, by unremitting pressure, been gradually getting control over the movement. First of all, it could hardly be said that we were doing more than holding it. Latterly it would seem that we have been making some impression on it. But with much that was encouraging, the Government of Bengal, at the beginning of this year, felt that there was still much to be done. Recruitment was still going on. The spirit of the conspiracy was still alive and active. Moreover, in spite of a definite improvement, it is clear to every one that we still have a long way to go. I need hardly remind the House that only this year we have had two attempted outrages for which we have to thank Providence that there was no actual loss of life, but the escapes in both cases were very providential. The first was at Chittagong when a party of four young men attacked a gathering of Europeans,—men, women and children, who had been looking on at a cricket match. They attacked them with bombs with the intention of massacring them indiscriminately. Fortunately, none of the intended victims were killed. And then it is only within the last few months that there was that deplorable attack on the life of the Governor of Bengal. When the Government of Bengal earlier in this year introduced their new Bill, one of the most important points in that Bill was the making of their existing powers permanent. Time after time the temporary nature of the provisions has encouraged the terrorists to hope that they only had to hold out for a limited time and they would again get their chance. I wonder if we remember that this conspiracy has been going on for nearly 30 years. Each time, when the conspiracy has been brought under control, the powers have been surrendered and the organisation has started working again. It is easy to be wise after the event, but looking back it may seem that this has been a fundamental mistake in the policy of Government in the past, a mistake into which they have been led by precisely those arguments of optimism and confining our action to the very minimum required, which we shall no doubt hear in this debate. I have said it is easy to be wise after the event, and, therefore, a heavy responsibility rests on those who, even after the event, refuse to be wise, who misunderstand and reject the teachings of experience. The

Bengal Legislative Council accepted the arguments which the Government of Bengal put before them on this issue. The motion for rejecting the proposal to make the powers permanent was thrown out in the Bengal Legislative Council by 63 votes to 12 ; and amendments for a merely temporary extension were lost without a division.

We have never held, Sir, that these measures, which are often described as repressive measures, would alone bring the movement to an end, though we have held and still hold that they are the essential foundation in the fight against terrorism. Something more is needed, and I am glad to say that, within the last few months, there seem to be definite indications that that is beginning to materialise. It is not the first time I have said in this House that what is wanted is the development of an active and vigorous public opinion in Bengal which will destroy any deliberate or merely sentimental sympathy with those who are not only criminals, but I would hold, are evidently enemies to their own country and indeed to their own families on whom they bring sorrow and disgrace. The Government of Bengal are very fully alive to these considerations. They are working actively to encourage that public opinion which perhaps was called forth first unmistakably by the senseless outrage on His Excellency the Governor, Sir John Anderson, a man who it was felt had worked ceaselessly and whole-heartedly for the good of the people of the Province, who had analysed and understood the root causes of their discontent and was devoting his remarkable energies to devising a remedy. But while the House may rest assured that the Government of Bengal are fully alive to all the advantages that can be derived from the awakening of public opinion, I would ask them to remember that the Government of Bengal also regard it as essential to continue, without a time-limit, the powers they possess for dealing with this movement, and, in pursuit of that policy, they require and ask for our assistance. I feel convinced that this House will not deny them the help they need.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

" That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be taken into consideration."

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, I want to ask a question of the Honourable the Home Member. The Honourable Member has made no reference in his speech to the conditions of detention at Deoli. He realises there have been innumerable questions on the floor of this House with regard to these conditions. Will the Honourable Member make a statement as to the steps Government have taken to remove all reasonable complaints with regard to the mode of treatment of the detenus ?

The Honourable Sir Harry Haig : I thought, Sir, that the answers that I have given to the very numerous questions had proved satisfactory to the House. They certainly appeared to be satisfactory to Government. But, if, in the course of the debate, these allegations and complaints are revived, I shall, of course, deal with them when closing the debate.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, I move :

" That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1934."

[Mr. S. C. Mitra.]

Sir, in making this motion, I stand on the constitutional right of trying to obstruct the passing of any obnoxious and repressive measure which, I consider, is detrimental to the best interests of the country, both for the Government and the governed. I shall presently show that there are reasons why I move that even by circulation for a short period Government may be better advised not to proceed with such a measure. Before I go into the merits of this motion, I would like to draw your special attention to the fact that when this kind of Bill is brought before this House, we on this side are supplied with a mere sheet of paper like this—it may be called a one clause Bill—actually there are only two clauses, one is the short title and the other merely says that a certain sub-section in the original Act shall be omitted. The Members are not supplied with a copy of the Act to which this is a mere amendment. In some cases, particularly in connection with this Bill, I can maintain that the mere supply of the Bill is not sufficient, because the Act also, on which this is based, was a substantive Act covering 15 sections and two Schedules, and, therefore, the Members of the House are not in a position to deal satisfactorily with the Bill which is now presented, unless they are supplied with copies of these two Acts also. I remember, on one occasion, the attention of the Honourable the President was drawn, and the Legislative Department agreed that on such occasions Members would be supplied with the necessary copies of the original Act also and of the Act to which this is supplementary. I make a special grievance—it is not a mere formal grievance—I have heard from Members that they tried to get copies from the Library of the House—I myself could not come earlier, because I was ill and even today I am ill—but when I came and asked on Saturday for a copy, I was told by the Librarian that the two or three copies that were available had been sent out. It is impossible, therefore, to do justice to such an important measure if the House is treated in this way, by whom I do not know or whose responsibility it is,—the Legislative Department or the Home Department—but I appeal to you, Sir, that this House is not in a position to deal with this Bill if they are to be treated with this scant respect. I challenge most Members in the Opposition here to tell me what are the provisions in this Bill or of the Act of 1932.....

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : We have only our recollection to fall back upon.

Mr. S. C. Mitra : That may be enough for Mr. Neogy who knows something about these matters, but I challenge many others who do not understand even the A. B. C. of what is now going to be discussed.

Mr. Gaya Prasad Singh : Why do you challenge us ? We are with you.

Mr. S. C. Mitra : It is not your fault as I say ; and I appeal to the Honourable the President, as the custodian of the rights and privileges of the House, that the House should not be deprived of doing justice to a Bill like this if they are not provided with copies of the Original Acts or Bills.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Of course the Chair understands the purport of the complaint of the Honourable Member ; but does he mean to suggest that whenever an amending Bill,

is introduced, then copies of the original Bill, of which this is an amendment, should be supplied to all Honourable Members ? If that is what he means, that has never been the practice of the House, at least during the last eleven years that I have been here.

Mr. S. C. Mitra : If sufficient copies are available in the Library, I shall be the last man to complain ; but I say this is something special. Several of my friends, I am certain, do not know what are the provisions of the Acts—only this morning through the kindness of my friend, Mr. Amar Nath Dutt, I could get a copy—I myself did not know what are the provisions which I should have to deal with ; in the Assembly Library itself copies of the Acts are not available.

Mr. President (The Honourable Sir Shanmukham Chetty) : That is quite a legitimate point, and if that is the complaint that sufficient number of copies of these original Acts are not available in the Library, then the Chair will see that sufficient number of copies are made available in the Library.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I made a similar request last time in connection with some other Bill, that copies of the original Acts are not available and there is a race for books from the Library, because there are only two or three copies ; and it is an injustice to us, and it is not correct that we should be asked to give our opinions when the original Acts, of which the amendments are before us, are not available.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I remember, on at least two previous occasions, when Supplementary Bills were introduced to supplement Acts passed by the Bengal Council, that the original Acts of the Bengal Council were supplied to us. For instance, at the time when the Supplementary Bill regarding the Bengal (Suppression of Terrorist Outrages) Act was introduced in this House, at my request Sir Lancelot Graham supplied a copy each to all the Members, and, subsequently, on another occasion also, a similar provision was made.

Mr. S. C. Mitra : Now, proceeding to the merits of this Bill, I shall read for those who care to understand this Bill the provisions therein : They run thus :

"The second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted."

If anybody has not been enlightened, it is not my fault. That is the whole clause. I shall now read section 1 of the Act of 1932. That Act says :

"This Act may be called the Bengal Criminal Law Amendment Act of 1932 : it shall remain in force for a period not exceeding three years."

That is all. Does it enlighten any Member about the scope and functions of the Bill under contemplation ? The second clause says that power is given to order custody in jail outside Bengal. Another section, as the Honourable the Home Member said, deals with the *Habeas Corpus* provisions allied to section 491 of the Criminal Procedure Code. This Act VIII of 1932 in its Preamble says :

"Whereas it is expedient to supplement the Bengal Criminal Law Amendment Act, 1930 ; it is hereby enacted as follows : "

[Mr. S. C. Mitra.]

So, to do justice to this Bill, one must understand the provisions of the Bengal Act, VI of 1930, which primarily deals with the question of political suspects connected with terrorism. At the very beginning, I must disabuse the minds of the Honourable Members, at least on this side of the House, that the whole series of Acts deal not with any person who is convicted for any offence, not even by a special tribunal, but for mere suspects. Government admitted, times without number, that they are not in a position to say that 100 per cent. of these suspects are really guilty or that a conviction could be had in a Court of law if proper evidence could be given against them. The highest that the Government can put their case at, is that they are suspects only. That is one point which, at the very outset, I would like to make clear to the House.

Then, I would like to make my own position clear. The Honourable the Home Member, at the very beginning wanted to prejudice this House by telling a series of murders by terrorists and anarchists in the Province of Bengal. I admit, and I have asserted more than once, and it is for the Government to believe or not, that there is no difference between the Government Benches and the Opposition on this fundamental point, that if there is abnormal crime, crimes of anarchism or revolutionary crime, certainly any Government, civilised or uncivilised, should have power to deal with it. There is no question on that point. Why is this question raised every time, with a view to prejudicing the House ? We have no sympathy with terrorists. I have said on the floor of this House,—have any enactment passed, get any law you like passed and try to eradicate this evil. My fundamental difference with my friend, Sir Harry Haig, was that this would not really tackle the main question. I appealed to him, times without number, that you might exhaust your means, you are now intoxicated with power ; you can do anything you like ; you have a free hand. Neither the Bengal Government, nor the non-officials in Bengal, nor the non-officials in this House ever stood in your way. You had, to your satisfaction, all laws passed, repressive or oppressive, that you thought proper. We agree with you that if by any means by passing this sort of legislation you can successfully tackle this evil, then get this measure passed. But I appeal to my Honourable friend, on the eve of his retirement as Home Member, and taking up a higher place, to consider if, by passing such measures, he will be able to put an end to this evil. Even after the drastic Act of 1934 was passed, he told the House that there were two more outrages. Sir, we condemn these outrages as much as he does. As a matter of fact, we feel, more than the Honourable the Home Member does, for our country, because it is we who will have to deal with our people in future. We do want constitutional Government, and, as I said before, he will be inimical to the best interests of India if he persists only in passing these legislations instead of dealing with the real causes that give rise to these evils. Sir, who does not agree that when there are symptoms, these unhealthy exhibitions in the body-politic, drastic measures must be taken recourse to ? Who is the man with any responsibility who will say that drastic measures should not be adopted ? We say, do adopt all possible measures to check this evil ; but, at the same time, we do ask you to go into the real causes of these anarchical crimes. Where are the laws or legislations which can keep a man away from committing a murder ?

Where are the laws that can keep a man away from committing even the most brutal crime ? Where is the law which can stop a man who is determined to kill or take away even the most precious life, like that of our Governor, who is loved by every man in Bengal,—where is the law which can stop a man who is determined to take away another human life with a pistol in one hand to shoot his enemy and with poison in another hand to kill himself ? Are you honest in saying that by all your repressive measures you have succeeded in stopping the spread of this evil in the country ? Do you think that by passing all these oppressive and repressive measures you show greater sincerity for the good government and peace of the country, that you are more concerned with the country's interests ? I know it was said that when the last attempt was made on the Governor's life at Darjeeling, the police was not efficient. It may be argued that there should be collective fines imposed on the police just as they are imposed on the people of Chittagong, because, with all these wide powers, they could not check this attempt. That is a reasonable attitude, but I do not agree with it. With all the efficiency of the police, with all their determination to stop such crimes, the police could not stop the attempts of the mad man who was determined to murder his opponent with a pistol in one hand and not to spare himself by taking poison in another hand. It is not a question for a day-to-day statesman to deal with ; it is a psychological question and it is also an economic question. You pass some laws and you put some people in jail, and you think by that means you will be able to solve the whole problem. Now, there are people in jail numbering in all about 2,000 or so for the last two or three years. You had no evidence whatever against any one of them ; there was only some whisper of suspicion from some police spy, and so you have kept them in prison. Is it not time,—I appeal to you, Sir Harry Haig, before you leave your office that you should now try different methods ? I have appealed to you several times before and said that anarchism in Bengal can be stopped, but who will care to hear me ? I know that when you exhaust all your measures, the time will come when you will change your methods. I have approached you in private,—I put it before the House now,—there are ways by which this anarchism can be stopped in Bengal.....

The Honourable Sir Harry Haig : The Honourable Member seems to be entirely ignoring one important part of my speech in which I made it clear that it was not the whole policy of the Government to carry out these measures ; that this was the essential foundation, but that other measures were required and that the Government of Bengal were actively interesting themselves in the matter.

Mr. S. C. Mitra : I wanted to hear all these details, but for an emergency you are now proposing permanent measures which will insult the Statute law of India for all time. You have put before the House that capital punishment.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member should address the Chair.

Mr. S. C. Mitra : I beg your pardon, Sir. In 1934, an Act has been passed providing for capital punishment for possession of fire arms, for putting heavy fines on guardians and parents, whether they are responsible or conscious of the acts of their wards or children or

[Mr. S. C. Mitra.]

not. There are also provisions in this Act to arrest a person without warrant, to search a house, and there is a provision in it which says that no suit, civil or criminal, can be instituted against any officials for any of the actions that they may take. Sir, very extensive powers have been given to District Magistrates to occupy any place, and penalty has been provided for possession of what is considered by Government as undesirable literature. Now, all these provisions have been made, but what I maintain is that these measures can only be supported as temporary measures. They can never be tolerated as permanent measures, because they will be an insult to the whole nation. When all these measures have proved futile in the past, is it not time for the Government to take the people into their confidence and see how this evil can be eradicated, which is a point on which there can be no two opinions either in Bengal or anywhere else in India ? Sir, we in this House today are asked particularly to deal with those prisoners who are sent out of Bengal to other Provinces. The Honourable the Home Member has referred in this connection to my past criticism. If it is a reflection on anybody, it is a reflection on the inefficiency of the jail authorities and the police of Bengal. How is it that when a civilized Government like ours has taken all powers that one can contemplate, they cannot put a stop to having communication by these few suspects with outsiders ? Is it not a ludicrous thing to contemplate that when this Government have absolute powers like the powers of the Czars of Russia, they feel helpless to make adequate provision even in their jails, to prevent the few suspects in the jails from communicating with other people either inside or outside the jails ? That is the burden of the argument of the Honourable the Home Member for externing these political suspects from Bengal. What is Bengal after all ? Is Bengal a little town like the city of Simla ? Is it not a big Province, bigger than many of the continental countries in Europe who are original members of the League of Nations ? Is not Bengal such a country that contains many hills and detached places near about, where you could certainly provide detention camps, as you have at Deoli ? Why don't you have detention camps for these people in Bengal itself ? Why do you use these merely flippant and unreasonable arguments to support your case and say that the Bengal Government has failed to make provisions to prevent these few suspects from having communication with others, either inside or outside the jails ? When the Government have spent lakhs of rupees in erecting jails at Deoli and Hijli, when they have spent thousands of rupees for the travelling expenses of these suspects, why can't they spend some amount for building jails in Bengal itself like those at Hijli and Deoli ? Is it the argument that in a vast Province like Bengal there is not a locality round which for 10 or 15 miles there is no habitation ? Why is it necessary that the boys must be transferred to an uncongenial climate in Rajputana, in Ajmer or in the Punjab and Central Provinces ? I shall later on give details of some of these cases, but, as regards the fundamental point, I hope the House will try to get from the Honourable the Home Member more conclusive arguments to convince them to vote for such a foolish measure when the Bengal Government is now invested with very large and absolute powers. Whatever the law they wanted, they got it passed by the Local Legislature and the Central Legislature, and why could they not

control these few people communicating with people inside and outside the jail ? Then the Government had to admit that the detenus were doing the same thing in Madras and other Provinces. They do it in Bengal, and if, as the Home Member says, the detenus do the same mischief in Madras, I do not find why they are transferred at all.....

The Honourable Sir Harry Haig : It is a question of fact. We have, in fact, found that these communications are not made in Deoli.

Mr. S. C. Mitra : The only safe place in the whole of India is Deoli where no communication is possible, and in other places it is not safe ! My Honourable friend says that he had no information about any communication with outside people from Deoli, but I shall be divulging no secret when I say that a very high official of Bengal, who is likely to know as much as the Honourable the Home Member, has said that he has heard of communications with outside people from Deoli, from these detenus as well, and, therefore, they must be kept permanently under detention. This information I derived from a personal talk I had with some big officials who are interested in these matters. They are complaining that they must continue to keep these boys for 20 years and more and crush their spirit, and that there is no other way out of it.

An Honourable Member : Is it an official ?

Mr. S. C. Mitra : A high Government official who is likely to know as much as or even more than Sir Harry Haig. So, the main argument about transferring the detenus outside their Province, as I have said on the last occasion, is not convincing. The present condition is entirely ruining the health and the future prospects of these suspects. The Home Member knows full well that they are now in Deoli jail for more than three or four years. What are the prospects, what is the future career, what will be the condition of their health when they will be released—these are serious considerations to which times without number I have tried to draw the attention of the Home Member. I repeat those prayers and supplications again. Don't keep a class of men, very brilliant,—they are self-sacrificing, they are misguided if the allegations of Government are correct, but they are mere suspects. I hold that many of them are certainly innocent and some may be guilty, but Sir Harry Haig thinks that most of them are guilty and very few are innocent. Till they are judged by a competent Court of law as guilty, I as an honourable man should be the last person to consider even a single one of them as guilty.

What are the real remedies by which Government intend to combat this malady, this disease in the body-politic in this country ? As an emergency measure, we are for the passing of such legislation. But has it not failed after the detention for years together of every suspect, and should it not convince the Home Member and his Government that unless the disease is rooted out and a true diagnosis is made—we have always offered our co-operation, we are always willing to help Government, because it is more to our interest or as much to our interest as of the Government to get rid of this evil ? I will give a few cases to this House in order to enable it to understand what happens to these poor fellows. Only the other day, I got news of a lady who was being treated for cancer by Dr. Bidhan Chandra Roy, one of our eminent physicians. Her only son is a detenu at Deoli ; I think his is the only case of a detenu who has been allowed to go out for a fortnight or a week

[Mr. S. C. Mitra.]

to see his mother. He is the only son of his mother and has got no brothers or sisters or uncles, or any other relation in life, except his poor mother. She is suffering from cancer and the doctors declared that death was sure, it was only a question of days. Government were kind enough in that one peculiar case to grant permission to see the mother. The poor boy went to see his mother ; he saw that she was approaching her end, but fortunately or unfortunately the mother could not reach her end within the date of leave the benign Government was pleased to extend to the boy. The poor boy implored, appealed to the Government, and said that with or without restrictions as they pleased they might keep him in Bengal so that he could see his dying mother breathing her last. But that prayer has not been heeded to. (*An Honourable Member* : "Shame !") His name is Ashutosh Das-Gupta. I can give many other cases. I remember I once told Sir Harry Haig, when he was Joint Secretary or Secretary in the Home Department,—he must have forgotten—I know from my experience that long detention in jail for years together in the same environment, in the same cell, makes even a normal, sound man, abnormal to some extent. The detenu becomes unreasonable. It is only sympathetic Jail Superintendents who are also medical men—unfortunately they are not all medical men in Bengal—who can appreciate this fact. I may cite a case from Hijli. One young man—I shall quote my Honourable friend, Mr. Ghuznavi, as my witness, because it was through his "kind and sympathetic intercession that he got some privilege—I am speaking of detenu Debendra Nath Bose, he is a relation of mine. It is a typical case, and from that the Honourable Sir Harry Haig can realise the condition of these detenus. This young man was convicted in the civil disobedience days in April, 1930, when Mr. Subhash Chandra Bose was carrying on a procession. He was convicted for nine months. At the expiry of this period, when he was about to come back to his House, he was served with a notice under the Bengal Criminal Law Amendment Act for detention. Here is the section :

"Where, in the opinion of the Local Government, there are reasonable grounds for believing that any person—

(*i*) has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908 ; or

(*ii*) has committed, is committing or is about to commit any offence specified in the First Schedule (*a number of sections are given*) ; or

(*iii*) has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice ;

the Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member, of any association of which the objects or methods include the doing of any of such acts or the commission of any of such offences, may, by order in writing, give all or any of the following directions, namely, that....."

The direction is that he shall be committed to custody in jail. No period is given and nobody knows when he will be released. There is my friend, Mr. Sen, who says that period is given. The period is given as one year in the first instance, and then the Government of Bengal can continue it for any number of years. It may be 20 years as one responsible officer of the Government said. Now, Mr. President, you will easily realise the plight of these men who are

1 P.M.

put for years in jail. What happens is this. In this case I am telling you about, Debendra Nath Bose has been in jail from April, 1930, up to this time, which is more than four years. I appeal to you, Mr. President, to hear the details of this case. It is typical case. I want to tell you what happens when the same prisoner is put in the same jail for weeks, months and years without any change of environment. Even an ordinary prisoner is sometimes transferred from one jail to another, but these prisoners are confined mostly in one place. This thing works on their nerves and they generally get out of reason. What happened in this particular case was that this boy was losing his power of reasoning. He became very irritable. The jail authorities at once punished him and this made him more provocative in jail.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : No jail punishment was given.

Mr. S. C. Mitra : You don't know. He was in Hijli. Anyhow, let me put my case. He was failing in sanity. They instituted a case against him and he was put as an under-trial prisoner and sent to Midnapore jail. He was put in a cell there and the Magistrate put him under observation. For the last six months, his relations, in spite of repeated petitions, were being denied facilities to interview him. They became suspicious. There is no help or any remedy for these things. I have repeated similar instances in this House times without number. I myself could not secure an interview with my nephew at Deoli in spite of repeated applications for the last three years. You know at Deoli there are police officers in whose presence alone you are to communicate with your detenu relatives. The police are present there and they can stop any talk and still they do not permit these interviews. There are barriers between the detenu and his interviewer and yet interviews are often refused. So reasonable this Government are !

They may make their laws permanent, but nothing is permanent in this world. To resume the story about Debendra Nath Bose, I understand the police officers came and informed the relations of this boy that he had become insane. His younger brother and sister are students and are wholly dependent on him, and they are absolutely helpless. They were simply stunned to hear this. They informed me, and I rang up my good friend, Mr. Ghuznavi, of whose liberal heart and generous sentiments I wish to make a public acknowledgment. He really helped these poor fellows to have an interview with this boy. The relations went there. The boy was confined in a small room. There was water scattered all over the floor. His feet were swollen. There was no furniture in the room. He had to stay day and night in that small place. He has to pass his urine there and also answer the calls of nature. Things were in a terrible condition when his relatives saw him there. This is a typical case. We prayed that he might be given a chance to live with his relations for a day so that the change of environment might help in the restoration of his reasoning. The first reply was that it was impossible, because he was an under-trial prisoner and it was only the Magistrate who could release him. But, subsequently, the Political Department was pleased to grant the prayer and the order of his detention was temporarily suspended, and he was set at liberty, I again repeat, through the kindness of Mr. Ghuznavi. Bose was violent and was absolutely mad. I am mentioning these facts in order to impress on you and the House, and,

[Mr. S. C. Mitra.]

if possible, the Honourable the Home Member whom God has blessed with power. Let him not forget others in distress. In jail, even the most ordinary convict can claim some change of environment and transfer from one place to another. All these are denied to these poor suspects who have not been convicted by any Court of law. If they are convicted, there is a fixed period for which they have to serve after which they can hope to get their release. Some of these people have continued to stay in jail for five and more years and Government say they should remain in confinement for even 20 years. Is that the spirit of a civilised Government ? By all means eradicate this evil, but according to your present method you are only embittering feelings and doing injustice to yourselves being members of a race, which has a great reputation for fighting for liberty and freedom. Even in these days the British people do not follow other countries, and we are proud to have the British connection.

Do not try to prejudice the issues by raising all false questions. Who tells you not to pass legislation to put a stop to terrorism ? But do it decently. Give the suspects a chance to clear the charges against them. The High Court in Calcutta refused to go through these records when they were sent to them. That is the provision under the old Regulation III, that the records should be sent to two Judges of the status of the High Court Judges. I know one Chief Justice, who adorned the Calcutta High Court in those days, refused to go through these records unless they were also given the power to sift evidence and call witnesses and test them by cross-examination. Here you are going to take powers to detain these men for an indefinite period. It means an externment from their own Province out of their environment, and just now I have received a telegram saying that there is a hunger-strike in the Andamans for the last fifteen days. Nobody knows what has occurred. The telegram says :

"Andamans prisoners hunger-strike about fortnight, short notice question solicited."

Sir, while I was on my sick-bed recently, several relations of detenus at Deoli approached me and said that for the last one and a half months they were not getting any communications from any of their relations. It is most likely that there is another hunger-strike at Deoli also. Now, Government seem to take pride in that. Sir, what they will gain by this God alone knows, but what the country and the people have found out is that, in spite of these measures, the Government have not succeeded in the object they are aiming at. I think I can make bold to assert again that, if only the Government will enlist our co-operation, there will be no anarchism in Bengal. I am in a position to say, you can thus do away with it, but, alas, I know that, as long as the Government are intoxicated with power, they will only try in their own way to eradicate this evil, but if they do not succeed by themselves, I pray, Sir, even at the last moment that we may be asked to be of any service to them. Sir, I say this in no spirit of boast, but most humbly we say that this is in our own interest and that it is quite possible to achieve it. We have only to see and appreciate the root causes of this anarchism. Sir, why are these boys going to lay down their lives ? My Honourable friend, Mr. Ghuznavi, once remarked that he was very angry at some of these dastardly outrages. Sir, I am more aggrieved than angry. Get any Act passed, but the difficulty will

remain the same. Sir, when the circumstances are such that the young people go out with potassium cyanide in their pockets to put an end to their lives, how will you put a stop to their activities by simply passing repressive measures without caring to find out and remedying the root causes ? Sir, I can say that I have come in close connection with young men in Bengal, and I can say with confidence that they are not as bad as the Government of India make them out to be. Sir, fortunately for ourselves, our present Governor does not think in that manner. He is a really practical man in whom we have great confidence. Unfortunately, these anarchists attempted the life of the very man whose life was most precious, particularly for the Hindus of Bengal, as I can say with confidence. How can you stop it in this way ? These boys are inspired with a high ideal, they are reasonable people, it is not for some personal gain or comfort, in order to get some more emoluments and some titles and other advantages, that these boys go about to commit these outrages. They will not be deterred by the mere fear of deterrent punishment, but certainly a civilized Government like the British Government can appeal to the better sense of these young people and there are ways of bringing them round and there is a proper method of proceeding with the business. I have always done my best to suggest what I have thought to be the best course, and I believe and I sincerely believe that it is possible to put a stop to terrorism. As I have said, the time will come when the Government, of their own accord, will see the futility of all these repressive legislations. In the meantime, I say, Sir, that the present Bill is of such a nature that it will frustrate the purpose for which the Government are going to enact this Bill. (Applause.)

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

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

Mr. S. C. Mitra : Mr. President, I now propose to deal with some of the specific grievances of these externees and also with some of the individual cases. But, before I deal with that point, I would like to appeal to the Honourable the Home Member to try to be once with us. Sir, in a very feeling language he referred to the events when some murderous attempts were made or even murders were committed on Europeans and officials. I know that the feeling is very sincere and also strong, not only amongst the Europeans, but on this side also. But I appeal to him also to think of the other side. I mean the hundreds of cases of Indians who are being confined to the jail for years together, which is sometimes even worse than death. Then, there are deaths also in these prisons. Inhuman and brutal torture is inflicted on these suspects. I appeal to him to consider that if one case so much appeals to hundreds of Europeans, there is no wonder that the cases of hundreds of Indians' death and torture alienate the sympathies of thousands of families from the Government. They may be helpless ; they may not be in a position to express their strong feelings, but it is for the Government to see and try to feel with the Indians as well. We always try to look to both sides, the official and the Indian side. I appeal to Government not to be dictated only from their sense of feeling for the official victims alone, but

[Mr. S. C. Mitra.]

also feel for the inevitable victims of such harsh laws that are being enforced from day to day in this poor and unfortunate country. Sir, it may be perfectly true that all the methods of oppressions and tortures that are employed by the underlings may not be known to the highest officials But it is a fact that the tortures are going on. These tortures are not only confined to individual cases, but I have systematically inquired from the political sufferers as to what kind of tortures they are put to. These suspects are put to third degree measures ; and all sorts of tortures are inflicted on them in order to extract confessions out of them. Many have been put into water tubs during cold winter nights. Although many persons have nothing to confess, yet they have got to undergo all these barbarous measures. This is one aspect of the case.

I know that Government also sometimes think that this method alone would not cure the country of youngmen thinking in violent ways if they become hopeless of the future. But, may I ask the Government, what steps they have taken during all these years in that connection ? Can the talk of reconciliation and this oppression go hand in hand ? Is it not far more true that they exercise much more of their time and energy in suppressing not only terrorism, but also all ideas of liberty and freedom and even free thinking ? Even the ideas of Swadeshi and the Swaraj, which Government themselves have declared as very legitimate objects, are suppressed.

As regards the individual cases that were discussed by means of recent questions, I remember the case of suicide by Mrinal Kanti Ray Chaudhri on the 15th of January, 1932. That was the first case of suicide which a poor unfortunate detenu at Deoli committed under circumstances which everybody regrets, but which, I for one, think should not have been possible had he been in a Bengal jail.

An Honourable Member : Give us the details of that case.

Mr. S. C. Mitra : Some questions were asked on the floor of this House about him and the matter was discussed threadbare. It is known to the House. He was segregated from other detenus and put in a solitary cell. In broad day light, at about 4—25, he committed suicide by hanging himself with a rope which he put on the ceiling. Then, Sailesh Chatterjee's death occurred on the 23rd October under circumstances which we on this side consider could have been prevented if proper medical treatment had been administered in time. He had high fever for three or four days, he was brought to the segregation ward. There his fever ceased at 6 in the morning, and at 10 o'clock an injection was administered on him. There was no doctor to watch the after effects of an injection, and, within half an hour, he died. Those are the facts which are known to everybody. But we think that if he had been anywhere in a Bengal jail, where proper medical aid could be had, his life could be saved.

Then, Sir, we had cases of the type of Mr. Hem Chandra Ghosh, who was not permitted to perform the *Shradh* ceremony of his father. To a Hindu, that is the last duty that a dutiful son should perform in remembrance of his parents. One can just imagine their feelings when these suspects are deprived of these elementary rights of performing their religious duties. There are cases of some people who developed leprosy at Deoli although they never had any history of leprosy in their family

before. To such persons, it was not possible to give proper medical treatment in a segregated place like Deoli. Naturally, these externees must suffer from all these inconveniences inevitable under such circumstances.

I have drawn the attention of the House times without number to the special difficulties which even the best attention of the Government cannot remedy from which the externees must suffer. For example, the articles of food. It is well-known that Bengalees are fond of fish. At Deoli it is not possible to provide fish. I do not complain against the Government, but I only say that it is not possible to provide the food that they are accustomed to and the manner of cooking food. There is also the difficulty about interviews from relations who have to come all the way from Bengal. It is well-known that for long periods the detenus are cut away from their relations, and it would be a source of contentment to the unfortunate female relatives if they are allowed to have interviews with the detenus who are deprived of companionship of their relatives. Deoli is about 70 miles from Ajmer, and there is no regular hotel or place of residence where the relatives of the detenus could stay when they come for interview. I have heard from female relations how difficult it is to go to that place and have an interview, because the rules are stringently enforced. All these difficulties could be avoided if the detenus are not camped in Deoli.

As regards jail visitors, my Honourable friend, Mr. Lahiri Chaudhury, reminds me that even the jail visitors go to this detention camp at intervals of three or four months. There is one jail visitor who is a Government contractor and he may possibly be a title holder. I know from reliable sources that such kind of persons are not expected to do justice to the grievances of the detenus. My Honourable friend, Diwan Bahadur Harbilas Sarda, after much protest from this side of the House, was taken as a jail visitor ; but, owing to ill health, he has not been able to visit this camp for many months together.

On these grounds it is necessary to put an end to this system of externment, for the harsh treatment embitters the feelings of detenus. I shall not repeat what I said already. I also know that Government feel that unless some future career is chalked out for these unfortunate suspects, who have not been convicted by any Court, you cannot reconcile these detenus. It may be news to the House that no lawyers are allowed to plead the case of these suspects and they are not permitted to appear before these two so-called Judges to explain the charges that are brought against the suspects. There are circumstances which apparently may prove almost conclusive ; but, if an opportunity is given to an accused person, he may probably convince the authorities of his innocence. In spite of our protest, the Government are now trying to make the emergency measure a permanent one and no attempt is being made to give an opportunity to these suspects to clear their character about the allegations that are made behind their back on the untested evidence of low-class police spies.

In this connection, I should, with some hesitation, refer to *agent provocateurs*. I find there is a strange coincidence that, at the opportune moment, when there is a lull in terrorism for a long period, and perhaps when Government are also thinking of taking some remedial measures, then, all of a sudden, something happens which affects the whole policy. My suspicion is this and I put forward this with some hesitation before

[Mr. S. C. Mitra.]

you, Sir, for the consideration of Government, and I ask them if they are absolutely certain that there is no hand of the *agent provocateur* in these matters. Only the other day, I was reading in a book by the Secretary of State, Sir Samuel Hoare, how these *agent provocateurs* were working in Russia, and in Chapter VI of that book about " Dark force " he says how these *agent provocateurs* carried on their nefarious propaganda. In another Chapter, he also speaks of Indian spies. This is also a matter that Government should consider before thinking of repressive legislation. Young men are sensitive all the world over. It is well-known that there is no prospect for the younger people in Bengal or elsewhere in India. With the economic distress, the future for the people of this country is very dark. In these hard times of unemployment, it is easy for police spies and *agent provocateurs* to play on the sentiments of the young people. Should they not be guarded against these spies and *agent provocateurs* ? They should not, on mere suspicion, be put in jail. They should be given a chance to be influenced by their relations and friends to come to the right path. These are the different aspects of this question. Though, as regards the main question of putting an end to terrorism, there is no difference between ourselves and Government, yet I strongly object to the palliatives which the Honourable Sir Harry Haig wants to administer as the panacea for all the troubles in this unfortunate land. I say that higher statesmanship is necessary. Our rulers should rise to the occasion and should not apply these palliatives times without number. These emergency occasions should not be made the excuse for making these repressive measures permanent. On these grounds, I strongly appeal to Government to stay their hand and see how things develop and consult the people who are in a position to give them advice and see whether it is still necessary to go on with these repressive measures and pollute the Statute-book by making them permanent. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1934."

The amendment and the original proposition will now be under discussion.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, when I stood up to speak this morning before Mr. Mitra, I did so for the purpose of opposing the Bill. I now find that Mr. Mitra has made out an excellent case in support of circulation, but the arguments that have been advanced by him throughout his speech clearly and abundantly support opposition. And, speaking for myself, I have made up my mind, when the Bill will come again before this House after circulation, if circulation is allowed, to oppose the Bill straightaway. I should like, therefore, to follow the more straightforward course. Sir, I oppose the Bill not because I deny the existence of terrorism in my Province, not because I have any sympathy with terrorism, but because I hold that the prescription proposed by the Honourable the Home Member is unsound and perhaps wrong. Sir, oppression is no remedy for terrorism. It may have some effect upon one who has got a less hardened calibre, but a terrorist will be the last person to be cowed down by oppression. It may check the symptoms for the time being, but

not the disease, and I am sure the disease will try to rear its head whenever there is an opportunity for it ; and it is for this reason that the disease refuses to go away in spite of the continued application of this form of treatment for years together,—at least for ten years, as far as I can see. I should, therefore, like a typical and orthodox *Vaid*, advise Government to follow a more sympathetic and humane treatment. I would request Government to follow the following prescription. Change the whole educational policy of the country by making some religious education compulsory, so that the young people may be God-fearing citizens ; give the young people some employment ; find some means to give them at least a bare subsistence ; encourage timely marriage of young people,—young men as well as young women (Loud Laughter) ; and set apart a substantial sum of money to be given to the unprovided young people, so that they may settle in life and become plain-living householders. And, last but not the least, carry on the administration with even-handed justice without any communal bias. I would remind the House of the atrocities perpetrated by Government at Dacca, Midnapore, Chittagong and many other places. Sir, I submit that this prescription will prove more beneficial than the short-cut one prescribed by the Honourable the Home Member.

Sir, this short Bill, which is composed of practically only one paragraph, is pregnant with serious implications. In short, this extending Bill seeks to perpetuate Deoli with all its objectionable features, namely, want of facilities for interviews, want of facilities for treatment of patients, want of facilities for living, and everything else. Sir, we would not perhaps have uttered a single word of protest if these unfortunate young people were found guilty in open trial ; but when Government cannot prove them to be guilty in open Court, they should not run into extremes. Sir, what is the object of transferring these young people from their own native Province ? It has been said by the Honourable the Home Member that one of the reasons is that there is hardly any accommodation in Bengal for these detenus. I submit, Sir, that the Civil Disobedience Movement having been called off, jails like Dum Dum and other jails have been vacated by the prisoners and these jails may accommodate these detenus. Sir, when Government cannot prove them to be guilty openly, is there any justification for sending them away to a place which is about a thousand miles distant from their native Province and where the temperature and climate are widely different from those in their native place ? And is there any justification for Government in trying to make this black Act permanent on the Statute-book ? Sir, this Act does a two-fold injustice; it does injustice to Bengal as well as to the Province to which these detenus are to be sent. Some very unpleasant associations will always hang over that Province, and it is for this reason that the idea will not be very much liked by those Provincial Governments even.

Sir, this is the long and short of my arguments against this Bill. I am sorry I cannot develop my points as I am hard pressed for time and have to leave for Calcutta just now on receipt of a telegram from there. Sir, I appeal to Government from the humanitarian point of view. I do not know much of law, and I am sure no amount of legal knowledge will help us, because all the law is in the pockets of Government, and it is no use harping on that point. Sir, I oppose the Bill.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, two Honourable Members from Bengal have already

[Mr. B. Sitaramaraju.]

spoken on this Bill, but as the two provisions of this Bill are, (*i*) for the transfer of detenus from the Province of Bengal to other Provinces, and (*ii*) for overriding the powers of the High Court, I consider, though coming as I do from distant Madras, that this is a measure in which we are more interested than even Members from Bengal.

Sir, at the very outset, I may observe that the terrorist movement in this country is a live movement. Of late we find that the terrorist movement is not only devoting itself to high officials of Government, but also to nationalist workers. It was only the other day that we heard that Mr. Gandhi was bombed. Sir, terrorism is foreign to Indian character and it is against the very traditions of India ; there can be no gainsaying that. We are, therefore, as anxious as the Government to see that terrorism is eradicated from this country. My Honourable friend, the Home Member, is anxious to protect the Government of today. I am anxious that not only the Government of today should be protected, but also that the Government of tomorrow, which I hope will be our Government, should likewise be protected. We want that the machinery of the Government should not in any way be damaged when it is handed over to us, that it must be in smooth running order, and, therefore, we welcome any measures that the Government may think of taking to eradicate this evil. At the same time, I must point out to the Honourable the Home Member that this particular measure is not really so strong a foundation as he thinks for the building of that edifice.

3 P.M.

Before I deal with the more important provision regarding High Courts, let me first take up the question of the transfer of detenus. This morning, the Honourable the Home Member gave us an incident in Madras. I can understand his taking one view of it. He interpreted that to show how dangerous these detenus were and how capable they were of communicating their dangerous doctrines to the people outside. But I hope the Honourable the Home Member will permit me to draw another conclusion, or rather, to present the other side of the picture. I come from Madras and it was to us that the Home Member was pointing out this morning how these dangerous thoughts were responsible for some of the terrorist activities in a Province so placid as Madras is. Coming as I do from the Andhra country particularly, which is admittedly more emotional than the other parts of the Madras Presidency, I do consider that if these people are really so dangerous as the Home Member makes them out to be, he should see that they are not sent to our Province, at any rate, because our northern districts are admittedly very emotional and that is why they are sometimes called the South India Bengal. I am anxious that our Province, particularly Andhra Desh, should not be permitted to have these people if they are really so dangerous.....

The Honourable Sir Harry Haig : We have no intention of sending any more to Madras.

Mr. B. Sitaramaraju : Thank you.

The other question is a question of law. As a student of law, I am very much interested in this overriding of the powers of the High Courts. On the last occasion, when this Bill was before us, we had the benefit of receiving the opinions expressed on this measure from the Local Governments, from the Advocates General and other lawyers who are likely to

know the implications of this provision better. On that occasion, one of our most distinguished lawyers of Madras, Sir Alladi Krishnaswami Iyer, expressed an opinion with regard to the overriding of powers of the High Courts. He said that on principle he was opposed to a provision like clause 4 which affects the only remedy available to a subject of questioning the acts of the Executive. If the conditions of the Statute are satisfied, the detention is lawful, and the High Court will not exercise the jurisdiction under section 491. If, on the other hand, the detention is unlawful, because the conditions of the Statute are not complied with, or an order has been passed by the proper authority, there is no reason why the subject should be deprived of his remedy under section 491, and the principle obtaining in every part of the British Empire, namely, that a person has a right to be protected from illegal imprisonment, should be departed from in this country.

On the last occasion, when I was sitting in Select Committee on this Bill, I drew the particular attention of Government to the opinion expressed by Sir Alladi Krishnaswami Iyer. Subsequently, when I had the honour of addressing this House again, I asked the then Law Member whether he would consider from his legal knowledge that we have the power to override the powers of the High Court. Have we the power to override the powers of the High Courts given under their Letters Patent ? That was a point that was then engaging the best legal minds and they were of opinion that the point was not free from doubt whether this Legislature could, under the provisions of the Government of India Act, override the powers given to the High Courts under Letters Patent. In the opinion expressed by Sir Alladi Krishnaswami Iyer, he referred to certain decisions of the High Courts of Bombay and Madras ; whereas, if I remember aright, the opinion of the Calcutta High Court was against that view. I hope that our present Law Member will enlighten us on that point whether we have the power to override the High Courts' powers. Assuming for the moment that we have the power, I would like to bring once more prominently to the notice of the House whether such overriding is just and proper. What does section 491 of the Criminal Procedure Code provide ? It provides that when a person is illegally or improperly detained, the power of the High Court would come into operation. We are not now asking that no strong measures should be taken against the terrorists ; we are not now asking the Government not to take any strong view of the matter ; we are not asking the Government not to take enough powers into their hands to deal with this terrorism ; but what we are asking is this : supposing you have got a law like this, drastic as it is, supposing that law is not complied with by your officials, that your subordinate officials behave illegally and do not comply with the provisions of the very law that you have passed, where is the remedy ? The only remedy that is provided is section 491 of the Criminal Procedure Code under which you can go before a High Court and say : " Here is a law, drastic as it is, which is not obeyed by the officials : there is no remedy for us ; give us that." That was the interpretation of the powers under section 491 and Honourable Members are fully aware that the High Court will not question your law. But when your law is not even obeyed, then they will say " What right have you to deprive the ordinary citizen of the fundamental right of protection against abuses of the laws of your own creation ? " A lawless law is no remedy against lawlessness. Therefore, I venture to say under the circumstances that no reasonable

[Mr. B. Sitaramaraju.]

Member of this House, on this side at any rate, can even for a moment consent that the powers of the High Courts should be so ruthlessly overridden. On the last occasion, there was Mr. Jinnah and there was Mr. Rangachariar who were both speaking as leaders of distinct groups. They condemned such a procedure in very strong terms. Sir, why should the Government feel shy of the very Judges that they have appointed ? We in this country have great respect for the law administered by those Judges whom the Government have appointed. Those Judges of the House who have administered the law in this country have in our estimation fully justified their selection and the high positions which they occupy on the Bench. Can't you, I ask the Government, put in your Judges the same confidence and the same respect which we, the people of this country, put in them ? Sir, with these few remarks, I feel, I must oppose the motion.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I am quite familiar with this Bill, and the law which has been enacted before in this House, and I feel I must say something on this measure, of course consistent with what I have said before.

Now, the first issue that arises out of this measure is, whether Act VIII of 1932 should be made a permanent one. When the discussion was going on in 1932, I was a party to the debate, and several legal questions arose then, and there was a full dress debate, and we came to the conclusion, of course by a majority, that the Bill should be passed, but that the measure should remain in force for only three years. Now, today, we are asked to put this measure permanently on the Statute-book, and what we have to consider is, whether the arguments advanced by Government in support of their demand to put this measure permanently on the Statute-book are such as would appeal to this side of the House and whether those arguments are sound. Now, what does this Act VIII of 1932 provide for ? It provides that the Government will have power to transfer detenus from Bengal to places outside Bengal, and the main reason given then was—the same reason is advanced today also,—that the terrorist movement was going strong. Of course, I may say that the terrorist movement was really strong then.....

Mr. A. H. Ghuznavi : It is still strong.

Mr. Lalchand Navalrai : You come from Bengal and you say it is still going strong, but I hope those Members on this side who come from Bengal will not agree with what you say.

Mr. A. H. Ghuznavi : Of course they will.

Mr. Lalchand Navalrai : Sir, the other day I put a question to the Honourable the Home Member whether terrorism was on the decline or not. I did not get any direct reply, but what I would submit is that the real vigour and strength of the terrorist movement is not now in existence. I am, of course, speaking subject to correction on that point, because I do not myself belong to Bengal, and I have no personal knowledge or evidence to the effect that the terrorist movement is still going so strong as to demand the enactment of this measure, and that the detenus should be removed to places outside Bengal. Sir, we have listened this morning to the various difficulties which these suspects, who are now in jail, are facing and Mr.

S. C. Mitra has very eloquently placed them before this House. Sir, I am not in favour of terrorism, and I agree that, if terrorism really exists in this country, in any shape or form, it must be put a stop to by Government, and measures should be adopted to remove the evil from this country. We all know how terrorism took its roots in this country ; it is well-known to everybody, and so I shall not dilate on that aspect of the question, but, speaking briefly, the people of India want to govern themselves. On that point constitutional questions arise, and I need not go into them, but up to this time no conclusion has been come to as to whether India's demands, India's legitimate aspirations are going to be fulfilled or not. That is the pivot on which numerous questions have arisen, and a few youths got into such a mood and said that they would get self-Government by resort to terrorism. Therefore, I say that the remedies which you propose are not the remedies which would eradicate the evil of terrorism ; measures such as you propose to keep permanently on the Statute-book will not and cannot check terrorism ; measures such as these will merely increase the harassment of these few suspects and enrage the feelings of these people against the Government. You will not gain the desired object. The proper and real remedy to kill terrorism in this country is not to delay the constitutional reforms. Sir, these constitutional reforms have been delayed beyond measure. Even the instalment, as it has been called, which had to be given after ten years, has not come and it has now been further delayed by five or six years more. Therefore, unless the best constitutional reforms are granted to this country, I do not think measures like these will succeed in killing terrorism. You had these measures for the last three years, and I learn from the Honourable Member that terrorism has not even declined. Then, why are you enacting these measures ? Why not take conciliatory measures ? Be conciliatory, try and meet the wishes of the people of the country, and in that way your Government can be laid on a sure foundation.

Now, there are two things to be considered in connection with this Bill. The first thing is, whether we should agree to putting this measure permanently on the Statute-book. What is the reason, I ask, for putting it on the Statute-book permanently ? One reason advanced is that there are no places in Bengal where these suspects could be lodged. I really do not think that that can be the real reason. Sir, Bengal is a big Province ; there are so many places there where you can make temporary jails and keep these people. Therefore, the reason advanced that there are no suitable places to keep these people in Bengal is not a sound one. If you keep these people outside Bengal in places like Ajmer, if you remove them from Bengal and deprive them of their proper food, if you keep them in uncongenial surroundings, I am afraid you will be merely enraging them, you will not be improving them ; you will not be reclaiming them. Even for criminals, the jails are for punishment and not places for improving them. Therefore, if you enrage these terrorists, how can you hope them to improve themselves ? Will the improvement come about by making the already rigid measures still more rigid ? A little while ago, I heard from my friend, Mr. S. C. Mitra,—of course it was in the Lobby,—that if some of these detenus are released now, they are in a mood to improve. That means that if you don't keep them where they are, some of them really are in such a mood as to go in agreement with

[Mr. Lalchand Navalrai.]

the Government, and say that they will not carry on the terrorist movement provided certain conditions are complied with.

Mr. A. H. Ghuznavi : What are the conditions ?

Mr. Lalchand Navalrai : Give us all that India wants. You are a Round Tabler, and what have you done.....

Mr. A. H. Ghuznavi : Are you aware that the terrorists do not want an ordered Government ?

Mr. Lalchand Navalrai : How do you know that ?

Mr. A. H. Ghuznavi : Pamphlets will show that. I have not got them here today. If you want them, I shall have them brought from Calcutta, and I shall place them before the House next week.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Is it very difficult to manufacture such pamphlets ?

Mr. Lalchand Navalrai : I am not unaccustomed to such assertions on the part of my Honourable friend, Mr. Ghuznavi. I have been in this House for the last six or seven years, and I have heard such things from the Honourable Member. The point is that there is no unanimity. On this side you have opinions, and why should they not be respected ? I have nothing to say about the honesty of purpose on the part of my Honourable friend, but, I ask, what the Round Tablers have done for us when they went to England ? They merely succumbed instead of putting up a brave fight.....

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I do not know when the Federation is going to come and how much of

(At this stage, Mr. A. H. Ghuznavi rose in his seat.)

I am not going to give way. What I say is this, that the Federation that is going to come is not yet to be seen even on the horizon. It may or it may not come. As for Provincial Autonomy and Central Responsibility, what have we got up till now ? You are not going to get Central Responsibility for a long time to come. Otherwise, why should you have another election to this Assembly under the present Constitution ? It is evident even to a layman, the man in the street, that the Central Government is not going to get what the people want it to get. As for Provincial Autonomy, anybody, who is familiar with what is happening in England and reads the newspapers, will know what sort of autonomy it is. Law and order will be in the hands of a special officer who will be primarily responsible for it—he will be something like the C. I. D. I need not elaborate these things, nor are they relevant on this occasion. The question is, what is the remedy ? Is the passing of this Bill the remedy, or is the remedy in the meeting of the wishes and legitimate demands of the people of India ? Now, coming to making the Act permanent, I say, the Central Government are running a race with the Local Government without applying their own heads and their own brains. The argument is because the Act of 1930 has been put on the Statute-book permanently by the

Local Government, therefore we must also make our Act permanent. Such an argument should not come from the highest Government in India. The Local Government may pass the measure according to the environments there ; they can extend it for a long period or they may even make it permanent. I personally do not know how that Act came to be permanent. I have experience of the Councils and the Assembly now, and I know that the mere passing of a Bill does not mean that the opinion is really what the Bill contains. If Government want to fight out the people and show their power, then measures like this are reasonable. If you want to make the thing permanent, you would appear as if you want that there should be terrorism. If we are contemplating measures to see how this terrorist movement can be brought round to sense and, in the meantime, if you want to transfer these detenus for a year or so, you may have this Bill. But to ask the Assembly to be a party to a measure that the detenus shall always go out, is not reasonable. In the last debate, we heard about the hardships of these Bengal detenus with regard to food and clothing in a hot climate like that of Ajmer, and from that point of view it would be cruel to make this Bill a permanent measure on the Statute-book. Since we passed the Act of 1932, there have been many complaints from Honourable Members and others about the treatment which is being meted out in the jails at Ajmer, and also the difficulties which the relatives of the detenus have in meeting them. I do realise that Government may be honestly making some arrangements to remove those difficulties. Take, for instance, an English detenu who is made to live in the hot Indian plains, what would be his feeling ? I would ask the Home Member, whose heart I know is tender, though he is stern sometimes, to realise how difficult it would be for an Englishman to be locked up here in the hot plains, and in like manner how difficult it would be for a Bengali detenu to be locked up in a hot country like Ajmer. Mr. Mitra has put forward these difficulties in a sincere manner evoking the pity of all of us and the instances that he has given are such as must enlist our sympathy. What would have been lost if the Home Member had come today not for a measure to make this Act permanent on the ground that because the Bengal Government has passed the Bill of 1930 to be a permanent measure.....

Mr. A. H. Ghuznavi : Not the Bengal Government, but the elected Members of the Bengal Council.

Mr. Lalchand Navalrai : I know what the Bengal Council is, what we are, and what you are. I know the Legislature of Bengal and how the elected Members have succumbed by being disunited among themselves. Therefore, do not tell me that because the Legislative Council of Bengal has made this a permanent measure, therefore the Government of India should do the same.

(Interruption by Mr. Ghuznavi.)

I am not going to give way to any interruptions. I know my ground very well.

To continue my point. To keep these people away for a longer term must be decided always by the circumstances of a particular time. There must be some evidence brought forward that these people must remain for ever away from their home. What I mean to say is that this move to

[Mr. Lalchand Navalrai.]

give the men transfer must remain open. My friend, sitting opposite, may say when the time comes when there will be no necessity for this Bill, it will be cancelled, but I say, why go to the extent of getting the Bill passed when there is a feeling on this side that there is absolutely no necessity for it being made permanent ? Do not tease these men. On the contrary, tell them that if they behave better, we are not going to make this a permanent measure. I personally do not know whether there is any necessity any more for transfer hereafter. However, I will depend upon what the Honourable Members on this side and what the Honourable Members on the other side say and then come to a conclusion whether this Bill should be made permanent. I am not convinced that it should be made a permanent measure. Even in spite of what I know in connection with questions that have been put in this House, even not giving any credence to them, I say that there ought to be some imminent requirement that this Bill should be passed into law permanently. If the facts are placed before us, I shall be in favour of extending the Bill for two or three years. There are amendments to that effect. We should not blindly follow the Bengal Government. If the Government of India are not going to do that, then I will be with the Government. I shall not detain the House any more on this aspect of the question. The more pertinent question which is within my element is the legal question. That is a question on which we had a strong debate and we were just crossing arguments with the then Law Member. When I told him that he had lost his case, he was persistent and said that he did not so easily lose his case. I said it was obstinacy, because he was quoting a High Court ruling to which he was a party as Advocate General. I showed him other rulings of the Madras and Bombay High Courts against him, but this is by the by. I know the present Law Member, who is now sitting for the first time, but by reading a certain book which has been written by one Mr. Roy regarding him, I know him better. What I mean to say is that I want an honest, clear and distinct opinion on this law. I want to know whether he also agrees with his predecessor. I will make my point very clear if the Honourable the Law Member has not read the previous debates. My point is that a portion of this Bill of 1932 is *ultra vires*. This House has no jurisdiction to pass it. The provision contained in it militates against the common law that every man should have liberty and freedom. I would take the first point. We have at present two kinds of rights to the people to get their freedom. One is the *Habeas Corpus* by which the meanest of men should have the right of calling in question their detention. When any person is detained, the *Habeas Corpus* says that the High Court has got power to call that man before them and to decide the question whether that man has been rightly or wrongly detained in jail and then to give him relief if the High Court comes to the conclusion that the man has been wrongly detained. This is the first point. The second method is that the Legislature of this country has passed an Act, which is called the Criminal Procedure Code, and in that Criminal Procedure Code a section has been inserted, which is section 491. Now, that section 491 gives similar powers to the people to seek their liberty through the High Court. But that section has been hedged in by certain exceptions. The question, therefore, as I was saying, arises also whether those restrictions can be put on the Criminal Procedure Code by this Legislature, and, therefore, likewise in the Act of 1932, for, in the Act of 1932, we find a

clause where it is said that, under the Criminal Law Amendment Act of Bengal, if any man is detained under that Act, he shall have no power to go to the High Court. His detention and the taking away of his liberty will not be questioned and he shall have no right to go to the High Court to have his remedy. I, therefore, submit that on that first question my own opinion is what I said before ; and I think, instead of giving that opinion now, I may read a portion of the view put forward then by me, and, in this connection, Sir, I would refer the Honourable the Law Member to the debates of 1932, page 2537.....

The Honourable Sir Nripendra Sircar (Law Member) : May I assure my Honourable friend that I have read the whole of the debate of 1932—part of which was very painful to me when I read it ! (Laughter.)

Mr. Lalchand Navalrai : I do not think my friend, by saying that part of that debate was painful to him, was giving us a hint that he will be painful to us. (Laughter.) Sir, I expect differently. Sir, it all depends upon the reasonable construction which we put on the question and the way in which that is viewed by the House. Now, if my Honourable friend has read that debate—and I do not think we need an assurance that he has read it, because a matter like this has come before the House twice or thrice and the Honourable Member, being a new Member of the House, must have come quite prepared—what I was going to say was this. The first point is—is the Habeas Corpus Act under the common law when applicable to India independent of section 491 or not ? I may tell the Honourable the Law Member that the former Law Member conceded that that stands apart. That means that the common law is applicable to the people of India and the High Court have got powers under that. I hope that is quite clear from the debate ; and I would, therefore, ask the Honourable Member when he gets up to give me his view—is it so or not that the common law remedy of every person is existing in India or not, and independent of the provisions of section 491 of the Criminal Procedure Code ? Sir, it may have been quite unnecessary to make it quite plain to the Indian people that the common law right does exist, as the former Law Member conceded, and I think some of the High Court's have also decided that. Therefore, what I meant to say was this -that the common law remains intact in India. That means that we have a remedy at all times to the High Court. Then, the question arises whether the Honourable the Law Member will also say that that remedy does remain, but we have enacted a certain Statute in which we can make reservations and certain restrictions, and so forth. That is the second question that arose then and arises today also. Sir, if it is conceded as it was conceded before, that there is a right of *Habeas Corpus* which gives a right to the person detained and the person who is put in jail under any law, be it the Bengal special law or any extraordinary law, the High Court has got the power of investigation. If it be so, then I would ask a simple question. Why is it that section 491, which has got a similar provision, is going to create a bar, namely, that it will not apply to the Bengal Criminal Law Amendment Act of 1930 ? Now, I say there are two things—either that the law we are making is redundant, or the second is that it is unnecessary. I think certain rulings of certain High Courts are necessary to be presented to the Honourable the Law Member. He knows that one authority of the Calcutta High Court has decided that the High Court can be debarred in this manner from exercising their power by an Indian Statute. Well, with all respect to the High Court,

[Mr. Lalchand Navalrai.]

they have not directly given us a ruling to say that the *Habeas Corpus* Act also can be suspended. If it is so, however, this opinion, as I have said in a former debate, this ruling, is doubtful. But, on the other side, we have got the Bombay High Court and the Madras High Court saying that the Habeas Corpus Act remains and it is *ultra vires* of an Indian Legislature to bar the provisions of section 491. Sir, I submit that one broad point which is in favour of this view is that the Habeas Corpus Act is existing and that the Habeas Corpus Act provisions have not been swept away. It cannot be maintained that the British Government or rather those who have made the Government of India Act and given certain powers to the High Court did not mean to supersede the common law of every man having his liberty. So I submit that the point arises whether that Habeas Corpus Act is suspended. To use the words previously used by the Honourable the Home Member, the second question is the barring of the Habeas Corpus Act provisions—those were the words used. Now I do not think that the Honourable the Law Member will go to that extent and say that we are barring the Habeas Corpus Act.

Mr. Gaya Prasad Singh : " Hideous " ?

Mr. Lalchand Navalrai : Sir, you may call it " hideous "—because it is hideous to those who want that our rights should be taken away, only those will call it hideous—not you and me.

Sir, what we find in Act VIII of 1932 is that the power given under section 491 to the High Court calling for the records under the Bengal Criminal Law Amendment Act should be taken away from them. On this point an argument is always placed before us, and it is this. They say that this very Legislature at one time enacted an exception to section 491 and in it also some other special laws relating to Bengal and Madras were enacted. They say that they do not wish to have the general power under the Habeas Corpus Act. What they say is this : Well, your Legislature at one time passed these measures and made exceptions. Why not put in a provision giving one more exception ? Sir, excuse me when I say that those times and the present times are quite different even having regard to the particular matter which is now under discussion. At that time, when such a law was made, it may be that points, such as we have now put forward, were not before the House. I believe at that time the general question of the common law of *Habeas Corpus* was not before the House. However, what I am trying to emphasise is that this House is not infallible and it has passed once an *ultra vires* Act. Why should the argument be placed before us that because once this Legislature made a mistake, we should also repeat the same mistake ? We are not prepared to do that.

Then, there is another reason why I am against this Bill. If the extension of this Act was asked for for a year or so, then I might have said that as this Legislature has by a majority already, rightly or wrongly, come to the conclusion that a provision like this should be made and placed on the Statute-book for some time, therefore, let it be extended for some time more. Sir, my firm conviction is that the House had then in its mind that it was going to have his law for a short time. It was making the law under certain very special conditions and for a short time. If, on the other hand, the House had been told that it was not going to

be a temporary measure, the House would not have agreed to its being passed and thus deprive the people of their very fundamental right of *Habeas Corpus*.

An Honourable Member : Who gave the House the faith ?

Mr. Lalchand Navalrai : The House itself gave the faith or rather the Treasury Benches gave that faith. At no time was it said that this was going to be a measure for more than three years. Sir, many a time we are persuaded and induced to pass a measure, because it is not going to be placed permanently on the Statute-book, but will remain in force only for a short time. Several enactments have been passed on that understanding. The main question now before us is whether we are really going to pass an Act which will keep the Bengal people always out, and are we also going to take away the very fundamental right of *Habeas Corpus* from them ? These are the two questions which ought to be considered. I do not propose, Sir, to lengthen my arguments. My points have already been very plainly, and if you will allow me to say so, very distinctly placed before the House. It is for those who consider it hideous or heavenly to answer them. I think I have made it clear to the House that there is no necessity for making this a permanent measure, nor has any necessity been shown at this time that this fundamental right of *Habeas Corpus* should be taken away from the people of Bengal. Sir, if we allow such measures to be made permanent, there is a great danger. We will then be encouraging the Government to bring similar measures, however unreasonable they may be, to be promulgated in other parts of India. I would, therefore, submit that a full consideration should be given to the question whether this Act of 1932 should be made a permanent measure. If my arguments do not appeal to the Honourable the Home Member, I am sure the appeals of those Honourable Members, who occupy much bigger position than I do, will appeal to him. I submit that it will be wiser on the part of the Home Member, as well as the Law Member, not to press for the permanency of this measure. If there is a danger, let this measure be in operation for three or four years, because, after all, the remedy always is in the hands of this House. It is always in the hands of the Government to ask this House to increase its life. But why should we make it a permanent measure now ? Is there any fear ? The other day I put a question and said that many Bills were being rushed through this House and we were being detained here against our own interests, when we ought to be with our constituents and canvass them. The reply was that the Government had got to get through these measures. I have already said that the Government have got a lurking suspicion that they might not be so successful with the next Assembly, and, therefore, they wish to pass all such measures in this Assembly. I think that should not be the mentality of the Government. The Honourable the Home Member said that the anxiety of Government was to finish the work. I know that. But I must again request the Treasury Benches not to make this Act a permanent measure. You can tell the Bengal Government that if they have made the Act of 1930 a permanant one, let it remain so unless and until the Legislature there gets stronger and cancels it. But, so far as this higher House is concerned, it should exercise more responsibility than the Local Government. You can also tell the Local Government that we do not want to proceed whole hog in this matter, but that we will make a provision for the transfer of the detenus and also for the deprivation of their right of

[Mr. Lalchand Navalrai.]

Habeas Corpus for some time more, and I hope the Local Government will also be sensible enough to accept it. Sir, with these remarks, I bring my speech to a close.

Mr. A. H. Ghuznavi : Mr. Deputy President, let us not introduce any heat into this discussion. Let us consider dispassionately the Bill that is before us. The first duty of a Government, whether it is the British Government or a national Government or a Swaraj Government, must be to maintain law and order. In maintaining law and order, if any measure is necessary, I feel that every law-abiding citizen should give his hearty support to it. What is the Bill before us ? I am not a lawyer, but as far as I understand the Bill which is before the House, it is really a logical corollary to the Bengal Criminal Law Amendment Act of 1930 as altered by the Bengal Criminal Law Amendment Act of 1934. This Bill makes the life of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, co-terminous with the Bengal Criminal Law Amendment Act of 1934. It is of the nature of a consequential amendment. Let us see what happened in the Bengal Legislative Council with regard to the Criminal Law Amendment Act of 1930 in 1934. There was an overwhelming support for this measure from the Members of the Bengal Council. There is no question that the provisions of that Bill received overwhelming support from the elected Members. Sir, it is admitted on all hands that the terrorist movement still exists and it is at its height. Only the other day what did we notice ? Even Mr. Gandhi was the victim of a terrorist who threw a bomb.

4 P.M.

Mr. Lalchand Navalrai : That was not done by a terrorist, but by a Sanatanist.

Mr. A. H. Ghuznavi : Certainly it was a terrorist and not a Sanatanist. What do we see even now ? Look at the precaution that the Bengal Government had to take against the terrorists in Bengal to see that Mr. Gandhi was safe in his tour through Bengal. A number of C. I. D. detectives had to follow Mr. Gandhi wherever he went, because the terrorists were determined to aim at the life of Mr. Gandhi.

Mr. S. C. Sen : That is not the view of the Bengal Government.

Mr. A. H. Ghuznavi : That is the view of every sensible person in Bengal.

Mr. S. C. Sen : If you look at the communiqué issued by the Bengal Government, you will know the reason.

Mr. S. C. Mitra : They are not sensible.

Mr. A. H. Ghuznavi : I am afraid my Honourable friend must have read a wrong issue and not the correct issue of the communiqué. The point is whether this segregation should be in or outside Bengal, and for what period. If segregation outside Bengal was supported three years ago by this very House, what has happened since then to end it now ? Again, Sir, if the substantive provisions have been made permanent in Bengal, why not the consequential provision regarding segregation outside Bengal ? If it was advisable three years ago to deal effectively with the terrorist movement, it is nonetheless desirable

today when the terrorist movement is still showing signs of great vitality. If you agree to the one, you should not refuse the other Then, Sir, there is one other thing that I have to say and that is, if Honourable Members think that there are defects in the administration of detention camps, whether within or outside Bengal, let them be brought to the notice of the authorities concerned, and I am sure they would take due notice of those defects and remedy them. We have heard many speakers and particularly the most telling speech of my Honourable friend, Mr. Mitra. I must say that we have to face facts really. The terrorist movement is existing and segregation outside Bengal has become an absolute necessity. If you want to cope with the terrorist movement, you must have this weapon and you must have it not for only a fixed period. Let the terrorists understand that this measure will stand permanently on the Statute-book, so that they will not be encouraged in future, after the period of three or six years, to continue their terrorist activities. That is one point that was raised in Bengal that every time this Criminal Law Amendment Act was legislated, a fixed period encouraged the terrorists to begin their activities afresh after that fixed period came to an end, and that was the reason why the Bengal Government was forced to ask the Bengal Council to place the measure permanently on the Statute-book. That is also the reason why this House should also make the provision in this Bill permanent on the Statute-book. If, in course of time, it is found that terrorism has died down, certainly it will be time enough for Members to come to this House to repeal this Act as well as for Members of the Bengal Council to go before that Council to repeal that Act. Sir, with these words, I oppose the motion for circulation.

Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, on several occasions during the course of this year, I had to read in the papers rules and regulations promulgated by Bengal Government to restrict the activities of the inhabitants of certain towns, I think they are Chittagong, Midnapur, Dacca, and others.

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

My conscience prompted me at that time to write a letter to the Honourable the Home Member who is always very reasonable and to ask him whether he thought in his cooler and calmer moments that these restrictive measures were going to deal successfully with the terrorist movement in Bengal. Now, here, I have been given opportunity by the Home Member to express my feeling on some of the points in connection with this Bill. It is high time that we should express ourselves in unequivocal terms as to where we are being led by what is happening in the country. The Honourable the Home Member has rightly observed that this terrorist movement is not a temporary one. It has been going on for the last 30 years. It has become a chronic disease and that not only a small number of men are involved in it, but, as he has said, about 1,500 or 1,600 young men are involved in this movement so far as Government know them. About 500 of them have been segregated outside Bengal. We see the enormity of the movement from the figures which have been quoted this morning. I should rather say that the speech of the Home Member has given me some impetus to rise today and speak

[Maulvi Muhammad Shafee Daoodi.]

out my mind on this question. It is no doubt true that this movement has raised its head many a time and has gone down also on several occasions. There is here food for us to think why it raised its head, how long it remained in that condition and when it was that it went down. The Honourable the Home Member has again himself given us a very sober proposition to think of. He said that it was not repressive measures alone that were being enacted in Bengal ; it was the cultivation of public opinion against the movement that had been aimed at,—I believe he said, of recent years. I think any man in his senses would at once agree with him that a movement of this description can be checked only by cultivating public opinion against it. Nothing else can bring the movement under control, except public opinion in the locality where the movement is on foot. But when I weigh these things together, I find that public opinion in Bengal, so far as my reading of the situation goes, is stiffening ; and I feel that if drastic repressive measures of the kind promulgated by the Bengal Government, during the course of the year, in those cities were promulgated in my Province, I would have also revolted against them and protested to my utmost, both for the sake of the people as well as for Government. I do not think Government have taken this side into their consideration. They are relying, as far as I can see, on the powers that they have been endowed with by the Bengal Council as well as by this House. But that is not going to solve the problem. All attention should have been concentrated on cultivating public opinion in favour of eradicating this movement from Bengal, but I am afraid that the way in which things are being done in Bengal is not the way to cultivate public opinion. I can picture to myself, after reading those rules and regulations, how far they would be palatable to a reasonable and independent man who has a soft corner in his heart both for the country as well as for Government. I find that in the name of law and order things are enacted in Bengal which are a slur on the name of a civilised Government. I find accounts of police actions as disclosed in the newspapers,—I read the *Statesman* as well as the *Patrika*,—from which we can very well judge that the measures which have been taken in those towns which I have named are not such as to reconcile any sane man. One has to think whether life is worth living in those conditions, and although I have not been to Bengal during the last two years, I can imagine what would be the feeling of the people of Bengal. Therefore, what I submit to the Honourable the Home Member and the Treasury Benches is that it is high time that stock should be taken as to what has been done by the executive authorities who are entrusted with the task of controlling the movement, and by the terrorists themselves.

Mr. A. H. Ghuznavi : But what about the present Bill ? We are discussing the present Bill.

Maulvi Muhammad Shafee Daoodi : If you look to the words alone which are contained in the present Bill, you are mistaken. Behind them is a great principle and we are giving expression to our views on those principles. It is not the words which rule the country, but the policy and principle behind them. Therefore, as I said in the beginning, I take this opportunity to warn Government of what is happening in Bengal. On the one hand, they are trying to control the terrorists and

their friends and sympathisers,—so far so good. But on the other hand, they ought to control the actions of the authorities, the police, the C. I. D., the executive and the magistrates. I find they conduct themselves in such a way as if they were not subject to any law. In the name of law and order, things are being done which no loyal citizen can reconcile himself to. That is why I feel very strongly, and unless the Government of Bengal are going to deal even-handed justice both to the terrorists as well as to the authorities who are endowed with these extraordinary powers, there will be no peace and no end to the movement. The very object for which these measures are taken will be frustrated, and, for that reason, I submit that my humble submissions should be taken into consideration by Government.

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) : Sir, I confess I do not possess a first-hand knowledge of the conditions prevailing in Bengal, and, therefore, my remarks will be of a general nature and consequently brief.

Both Mr. Mitra and Pandit Sen, who have spoken from amongst the Bengal Members in the opposition, have cut short this discussion inasmuch as they admitted that the terrorist movement does exist in Bengal, and, therefore, some remedy should be found to check that movement. So, about the disease there is no difference of opinion between the two wings of this House. It is only on the prescription that there is difference of opinion. As has been so ably pointed out by my friend on my left, the primary duty of the Government is to give safety of person and property to the people under their charge ; and, as a corollary to this principle, it is also the primary duty of this Legislature or of any Legislature for the matter of that, to arm the executive with necessary weapons to discharge that duty. If we, as Members of the Legislature, fail to arm the executive with necessary powers, what will be the result ? The result will be that the executive will have to hand over the country to another agency which does not care for written laws and which goes by common sense—I mean the martial law.

The Bill in itself is a very simple one. The question which has to be decided here is, whether we will agree to these detenus being kept in a certain place outside Bengal or not. Supposing we throw it out, what will be the result ? The detenus have been detained ; they will be detained in some place in Bengal. That is the only principle that is underlying this Bill. Several prescriptions have been proposed. Pandit Sen made an attempt to place a prescription before this House. but Honourable Members will remember that, when he was speaking and putting his prescription before the House, he was laughing all the time : he did not believe in his own medicine, and so I need not take any notice of it especially as he is not in his seat now.

Mr. Lalchand Navalrai : But you have said it all the same !

Hony. Captain Rao Bahadur Chaudhri Lal Chand : My friend, Mr. Lalchand Navalrai, has dwelt at length on his prescription and has tried to persuade this House to believe that all this agitation and this terrorist movement is due to the fact that reforms are not being expedited. May I put one simple question to him ? Is this an All-India question or is this question confined to Bengal ? If that had been the

[Captain Rao Bahadur Chaudhri Lal Chand.]

reason for this terrorist movement, there would have been terrorist movement in Karachi also from where my friend hails.....

Mr. Lalchand Navalrai : Will you allow me to answer your question ? I can give you an effective reply.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : There will be several amendments later on and you can then have an opportunity of speaking. So, Sir, if my friend's argument is pursued to its logical conclusion, it will mean that the reforms are needed only in Bengal and not in any other part of the country.....

Mr. Lalchand Navalrai : Not at all : that is not logic.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Speaking generally, the so-called repressive laws, that have been passed during the course of the two years, have given the present peace of which all of us boast here. I hope Government will not resort to the old policy of drift and hide and seek, and will have the courage to meet the situation and thus guarantee peace and safety of life and property, and thus discharge their primary function to which reference has been made by me.

Mr. K. C. Neogy : As was done at Jallianwalla Bagh !

Hony. Captain Rao Bahadur Chaudhri Lal Chand : My friend, Mr. Navalrai, used a very good argument when he said that nobody should be punished without being placed before a Court and without a charge being framed against him, and that nobody should be sent to jail without being told as to the period for which he is being sent there. I quite agree with him there. But he has ignored another principle of criminal law and that is the preventive portion of it. Just as a good surgeon would perform an operation on one part of the body and deprive a person of a diseased limb in order to save his life, similarly the liberty of individuals can be sacrificed in order to ensure liberty to the society at large ; and it is on that principle that this Criminal Law Amendment Act has been passed.

Sir, several prescriptions have been proposed, and I do venture to suggest a prescription, not in place of what has been proposed by the Honourable the Home Member, but in addition to it.....

An Honourable Member : You dare not. (Laughter.)

Hony. Captain Rao Bahadur Chaudhri Lal Chand : We all know and there is no difference of opinion that the terrorist movement is generally confined to the educated classes, and these educated classes have a monopoly of Government services. Now, if you trace the pedigree of these terrorists, you will find that most of them are related to Government servants and depend upon these Government servants for the maintenance of their families and kith and kin while they are being detained or when they are taken away. Now, it is up to Government to see that money taken from Government treasuries is not utilised to keep a movement like this going by allowing their servants to stand as guarantee for the kith and kin of those who sacrifice themselves or who commit these terrorist acts. I was very pleased when I read the other day in the papers a certain instance where a son or relative of a Government servant misbehaved and the father was punished. I wish Government will take courage in their hands and extend this principle further

and make such amendments in their service rules as to ensure that Government servants at least use all their influence to check this movement, directly or indirectly. With these few words, I support this motion.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Mr. President, that none on this side of the House and no responsible individual outside have any love or sympathy with either the terrorists or with terrorism is beyond the least doubt : all of us, one and all, deplore that terrorism should exist and that terrorists should exist and flourish in this land of ours. Where the difference comes is whether by these half-hearted remedies the disease itself can be or would be checked. We deal with terrorists and not with terrorism ; and dealing with terrorists alone would not stop terrorism, but will only bring it underground and make it more complicated. By cutting the branches or plucking the flowers, we do not stop the growth of the tree. We must deal with the causes of terrorism and the roots which bring terrorism into existence. The continuance of it is much more dangerous and harmful to the progress and advance of this country than of any other country, and, therefore, we feel, more than anybody else, that this terrorism should be checked or completely eradicated as quickly as possible.

Sir, the manner in which the various penal laws have been administered has given rise to misunderstanding and discontent in this country, and my friend, Mr. S. C. Mitra, has given us some food for thought this morning and to consider whether the time has not arrived for amending the existing laws dealing with terrorists. By merely confining these terrorists in jails or other places, whether within or outside Bengal, you will not be able to change the mentality of these people. The treatment meted out to these people, the manner in which they are deprived of their liberties make other young men of their class sympathise more and more with the terrorists and make them terrorists themselves who otherwise might not care to join their ranks. Therefore, I think that the Government ought, in fairness to their duties towards this country and its people, to thoroughly go into the matter and find out the real causes as to why these youngmen, after spending so much money of their parents, after spending so much time and energy in colleges for attaining academic distinctions, instead of applying their cultured minds to beneficent activities, turn their attention to nefarious activities which only bring ruin, not only on themselves and their families, but on the country at large. Therefore, it is obvious that there must be some strong reason. Psychological experts and others should be called in to give Government useful advice regarding the causes which create these terrorists. My Honourable friend, the Home Member, said that the movement is going on unchecked, and, therefore, he asked for the continuance of the measure. For how long have the Government had this measure in existence, and for how long have they been administering it, according to them, in the most sympathetic manner ? And yet have Government been able to check the spread of this evil or to kill the spirit of terrorism ? No, they have not. Therefore, I think it is time that they should, before deciding to continue these measures for an indefinite period, consider whether these measures have not failed in their objective to check the movement, and that something quite different should be had

[Sirdar Harbans Singh Brar.]

resort to, before the Legislature is asked to put this measure on the Statute-book permanently.

Sir, some years ago, in this very Chamber, I talked on this subject. When the Press Act was under discussion in this august Chamber, I happened to take the view that it was not the press which was wholly responsible for bringing terrorism into being or the terrorists into creation, that the causes were deeper to seek, that it was education which the young men received in schools and colleges which made them feel that their ambitions, that the fruits of their labours have been lost practically, and that their desire to have a proper place in the service of their motherland has remained unmaterialised ; when they have spent all the resources of their parents and when they had spent the best part of their lives in fitting themselves for the service of their country, the Government of the country are not giving them enough scope or field, that the Government are not alive to the needs, development and progress of the country, that all their education has become an absolute waste because of the apathy of the Government, as these youngmen are not allowed to take a proper share in the administration of the country. Therefore, Sir, unless Government care to create an atmosphere of trust and confidence in the people, unless they create an atmosphere where these youngmen will feel that the country is theirs, and it is they who have to look after its interests, and that the Government will do all in their power to help them to achieve their desire, these kinds of half-hearted measures will not bring in any good either to the people or to the Government. If terrorism is confined merely to Bengal and if you keep these terrorists within the boundaries of Bengal, then terrorism will spread and flourish in Bengal and it will prove dangerous to that Province, but why should my friend, Diwan Bahadur Harbilas Sarda's Province be infected by taking these terrorists into his Province, namely, the Ajmer-Merwara ? Why should the people of that small administration be infected with this disease of terrorism ? We should try to confine these people within the limits of Bengal only, so that those people, who are responsible for producing terrorists and terrorism, may alone suffer by this evil. But cannot the Government consider some other scheme of colonising and sending these people outside India ? Cannot the Government request His Britannic Majesty's Government to hand over to the Government of India that troublesome territory in the Mediterranean known as Malta for the settlement of these Bengalees in that bracing climate and far and further away from India, so that terrorism may be removed from the borders of India and yet these detenus may continue in some occupation which will help them to improve themselves ? If a suitable settlement is founded outside India for settling these people, their lives will become more useful, and after a time we might be able to reclaim them as faithful and loyal citizens of this land of ours, instead of ruining their lives either in Bengal or in the Andamans or in the Deoli camp. I think when the Government are considering other schemes of settlement for the repatriated Indians from South Africa and other places, they may also consider that, instead of locking up these people in the cells somewhere here and there, they may find some good land and some good area outside India where they may be able to settle and use their knowledge and experience and their energies to fruitful conclusions. If they have to be kept in cells, it is immaterial whether they are in Bengal or elsewhere. I personally consider that it does not matter much.

If you do not allow them intercourse with other people, if you are not going to permit them to go out of the jails, then it is immaterial whether you send them to the Andamans or to Deoli or keep them in Bengal. In that case the Administration will have to consider which is the best place from the point of view of administrative convenience. My appeal to the Home Member will again be that he should try to consider and deal with the causes of terrorism rather than with the terrorists individually.

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : I had no desire to speak on this Bill, but the moving speech of Mr. Mitra has compelled me to extend my sympathy to these poor detenus of Bengal. I condemn the terrorists, but I do not agree with those Members who say that this is a new movement. Individual terrorism may be new, but I may say that those who know the history of India know very well that terrorism has always raged for ages and ages.

Mr. B. Das (Orissa Division : Non-Muhammadan) : All over the world.

Shaikh Sadiq Hasan : Sir, I have no sympathy with those people who are terrorists, and once they are convicted their punishment should be heavy, and if a deterrent punishment is given to them I have no objection. But the question is of these suspects,—suspects who are given no chance before law Courts, against whom police spies bring very often false charges and then are sent to detention camps. I do think that if these people had been convicted of offences, they might be sent anywhere outside their own Province, because they had committed crimes and they must suffer for the consequences. But those people who have not committed any crimes,—simply because they are suspects, if they are sent outside their own Province and kept in environments where their health suffers I think it is a great hardship. There was one case specially which I brought to the notice of the Home Member. He showed his great sympathy in that matter and released the person. The case was similar to the one that Mr. Mitra related. It was a case of a man living in Amritsar. He was considered to be Bolshevik or something of the sort, and the police involved him and he was put in jail in Lahore. For years he rotted there without any hope and naturally his reason began to give way. He was becoming a demented sort of person He wrote me a letter containing a letter for the Home Member. It was written over there, "My Honourable friend in power", and later on, he had also written this thing, "If anything happens to him, the entire responsibility will be on the Government of India and they will have to suffer for the consequences". When I showed this letter to Sir Harry Haig, I told him how a man of that type was not capable of doing any harm to the Government. He saw the papers and generously released him. What I do say is this, that many of these papers cannot be brought to the notice of the Home Member. There are two thousand people who are rotting in jails. I sincerely believe that many of them are not culprits, but only involved by the police. I do admit that there may be a number of them who may be guilty, but a good number are innocent. If you take away these people from their environments, from their Province and put them somewhere in Gwalior or some other place far from their relatives and without any hope of their release, their reason would suffer, and unless the Government intend to keep them for ever in jail, the result would be that, when they come out, they would come with very embittered feelings and there

[Shaikh Sadiq Hasan.]

would be the greatest hatred for the Government and they would like this Government to be turned out of this country. I think it is really a great hardship, and naturally their reason would suffer if these people were given no opportunity to see their relatives. I agree with the Home Member that from an ordinary jail they would be able to send messages to all sorts of people outside and their friends, but if there is a detention camp in Bengal, say, at a place where there is not much of population —I dare say there must be some such places,—and if these people like prisoners of war are put over there, it would remove all the dangers of which the Home Member is afraid, namely, the fostering of the movement. On the other hand, it will give these men facilities to see their relatives and they will not become so desperate as otherwise they would. If these people are going to be kept permanently in jail, then the best thing is for them to be sent to Deoli or trans-frontier, or anywhere that Government like. But if Government think that they are to be released after some time or other, then I submit that their feelings should not be made so bitter that they might become desperate enemies of Government and try always to injure.

The Assembly then adjourned till Eleven of the Clock, on Tuesday, the 24th July, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, the 24th July, 1934.

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

MEMBER SWORN.

Mr. Alan Duguid, M.L.A. (Bombay : European).

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred questions Nos. 1404 and 1405 asked by Maulvi Sayyid Murtuza Saheb Bahadur on the 14th December, 1933.

HEAD LIGHT KEEPERS AND ASSISTANT LIGHT KEEPERS.

No. 1404.

†(*a*) Head Light Keepers	27	17 Europeans, Anglo-Indians and Indian Christians. 8 Hindus. 2 Muslims.
Light Keepers	76	27 Europeans, Anglo-Indians and Indian Christians. 42 Hindus. 7 Muslims.
*(*b*) (*1*) Muslims	2	
(*2*) Other communities, other than Anglo-Indians and Indian Christians	10	

*(*c*) *Nil.*

(*d*) No particular educational qualifications have been laid down. Candidates are however expected generally to be able to read and write English, to be conversant with the mechanism of the lights and to possess some knowledge of signalling. They should also be physically fit and intelligent.

(*e*) The claims of some of retired Muslim Light Keepers who apply for appointment to vacancies in the Light Keepers† grade will be considered, but Government are unable to guarantee that such applicants will be given preference regardless of their suitability for the posts or of the claims of other candidates.

REPRESENTATION OF MUSLIMS IN THE GRADE OF HEAD LIGHT KEEPERS.

No. 1405.

(*a*) No.

(*b*) Muslims have been appointed to the posts of Head Light Keeper as will be seen from the reply given to part (*a*) of question No. 1404.

(*c*) The Joint Committee's recommendation to which the Honourable Member refers related specifically to the training of Indians as Inspectors of Lighthouses and expert mechanics. That recommendation was accepted by Government.

---

*The figures are correct upto the 31st March, 1934.

†There are no Assistant Light Keepers in the Light House Department now.

Information promised to reply given to unstarred question No. 60, asked by Mr. N. M. Joshi, on the 16th February, 1934.

SHORT TIME WORKED AND THE STAFF EMPLOYED IN THE STATE RAILWAY WORKSHOPS.

Statement showing the amount of short-time worked, the total number of staff employed and the number affected by short-time, in the various workshops on State-owned Railways.

Railway.	Workshops.	Staff employed.	Staff affected by short-time.	Short time worked.	Remarks.
Burma Railways ..	Locomotive Works, Insein ..	1,337	447	56 hours a month	Represents position as it stood during February 1934.
			499	22 hours a month	
	Carriage and Wagon works ..	1,516	1,516	34 hours a month	
	Myitnge Signal Workshop ..	100	100	34 hours a month	
E. B. Railway ..	Loco. Shops, Kanchrapara ..	2,173	2,173	All Saturdays	Represents position as it stood during March 1934.
	Carriage and Wagon Shops ..	2,091	2,091		
	Saidpur Shops	1,994	1,994		
	Dacca Shops	248	248		
	Electrical Workshops, Kanchrapara	272	272		
	Electrical Workshops, Saidpur ..	132	132		
	Marine Workshops	41	41		
	Beliaghata Signal Shops	158	158		

E. I. Railway ..	Loco. Workshops, Jamalpur ..	8,338	427	4 days	Represents position as it stood during April 1934.
	Carriage and Wagon Shops, Lillooah	6,240	631	7 days	
	Signal Workshop, Lucknow ..	137	130	2¾ days	
G. I. P. Railway ..	..	..	..	No short time is being worked ..	Represents position as it stood in March 1934.
N. W. Railway ..	Mechanical Workshops	9,213	..	All Saturdays, and in addition 2 hours extra when there are 4 Saturdays in a month, normal working hours on a Saturday being 5½ hours.	
	Electric Shops	208	208	Ditto ..	
	Clothing Factory, Petty Repair Shop (Stores) and Stores Depot, Moghalpura.	948	948	Ditto ..	
	Signal Shops	471	471	All Saturdays of 5½ hours in addition one hour extra when there are 4 Saturdays in a month.	
	Stores Depot, Karachi	260	260	Ditto ..	
	Bridge Workshop	808	808	All Saturdays, hours of work on a Saturday being 9 hours.	
A. B. Railway ..	Workshops	2,131	..	All Saturdays, *i.e.*, 5 hours a week ..	Represents position as it stood during February 1934.
				Saw Mill is closed on Friday also, making 13 hours a week short time in that shop.	
B., B. & C. I. Railway ..	Electrical Workshops, Ajmer ..	295	295		Represents position as it stood in February 1934.
	Carriage and Wagon Shops, Ajmer	3,409	3,409	All Saturdays 4 hours each, 16 hours per month.	
	Loco. Shops, Ajmer	4,009	598		

Railway.	Workshops.	Staff employed.	Staff affected by short-time.	Short time worked.	Remarks.
B. N. Railway ..	Engineering Workshop, Sini ..	291	291	23 hours per month	Represents position as it stood in February 1934.
	Locomotive, Carriage and Wagon and Electrical Workshops, Khargpur, Nagpur and Adra.	8,592	8,592		
	Marine Workshops, Shalimar ..	230	230	0 hours per week	
M. & S. M. Railway ..	Loco. Workshops, Perambur ..	3,109	3,109	3 hours per 48 hours a week ..	
	Carriage Workshops, Perambur ..	2,325	2,325	Ditto ..	
S. I. Railway ..	Erecting, Stripping and Copper Smith, Forge and Smithy, Saw Mill, Carriage body, Yard gang shops at Golden Rock.	*..	..	Half day a week *4,054 men employed in Central Workshops at Golden Rock.	

Information promised in reply to part (c) of starred question No. 212, asked by Sardar Sant Singh on the 21st February, 1934.

RECRUITMENT OF TEMPORARY CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

Statement showing the number of candidates appointed to temporary posts or vacancies (a) from the list relating to the Third Division examination held in 1932 promulgated by the Public Service Commission on the 12th July, 1932 and (b) appointed from outside that list since its promulgation.

Name of Department.	No. of candidates selected from the P. S. C.'s list. (a)	Duration of vacancies.	No. of unpassed candidates appointed. (b)	Duration of vacancies.
Legislative ..	..	..	..	..
Legislative Assembly	..	..	3	(1) 21st August, 1933 to 25th September, 1933. (2) 10th January, 1934 to 6th February, 1934. (3) 31st January, 1934 to 30th April, 1934.
Commerce.. ..	1*	25th August 1933 to date continuing.	3	(1) 1st February, 1934 to ....(continuing). (2) 16th August, 1933 to 13th November, 1933. (3) 23rd February, 1934 to 11th March, 1934.
Education, Health and Lands.	..	..	2	(1) 21st July, 1933 to 15th April, 1934. (2) 29th January, 1934 to 14th April, 1934.
Railway (Railway Board).	..	..	12 (6 from retrenched staff). Unpassed.	(1) December, 1933, 1st to 28th January, 1934, 1—14th February, 1934. 6—12th March, 1934. (2) 6—30th November, 1933, December, 1933 to March, 1934. (3) 1—22nd December, 1933, 2nd January, to 15th February, 1934. (4) December, 1933 and January 1934. (5) 1st December, 1933 to 15th February, 1934. (6) 1—11th February, 1934.
		(These persons were appointed to temporary posts or vacancies lasting from less than a week to a month. The period shown is the total of continuous temporary appointment.)		

Name of Department.	No. of candidates selected from the P.S.C.'s list. (a)	Duration of vacancies.	No. of unpassed candidates appointed. (b)	Duration of vacancies.
Foreign and Political	..	..	5	*(1) 24th July, 1933 to 3rd or 4th week of June, 1934. *(2) 21st September, 1933 to 3rd or 4th week of June, 1934. (3) 10th August, 1933 to 3rd October, 1933. (4) 2nd January, 1934 to 26th April, 1934. (5) 2nd January, 1934 to 10th March, 1934. *The Public Service Commission have been asked to nominate candidates for these posts.
Reforms Office ..	..	..	..	....
Industries and Labour	2	Upto 31st March 1935 (at present).	4	(1) and (2) up to 31st March, 1935. (3) Up to 25th May, 1934. (4) Up to 18th April, 1934.
Military Finance ..	..	..	1	3 months and 9 days.

Information promised in reply to starred question No. 477, asked by Mr. A. Das on the 14th March, 1934.

PAYMENT OF SINGLE-PAYMENT STERLING POLICIES OR PREMIUMS BY INSTALMENTS FROM PROVIDENT FUNDS.

(*a*) The total amount withdrawn from Government provident funds, civil and military, during the period from the 1st April, 1930, to the 30th September, 1933, for the payment of premiums on single-payment sterling insurance policies was approximately Rs. 1,24,91,000. It has been found impracticable to collect the information asked for in respect of sterling policies on which the premiums were paid in instalments since the figures are not always booked separately in the Government accounts.

(*b*) As the Honourable Member will have observed from the first paragraph of the circular to which he refers, the reference was to any policy in which the insurance company undertakes to pay a fixed sum at a fixed date, with a provision that should the assured die before that date, the single premium or periodical premiums paid (*plus* in certain types nominal interest or profits intermediately declared) would be repaid to his estate.

The reply to the second part is in the negative. ' Endowment assurance policies ' and ' Pure endowment policies ' are entirely different types of policies.

(*c*) The opinion referred to was formed as the result of the examination of the rates offered by certain British Life Offices. The rebate of income-tax was not taken into account.

(*d*) The circular was issued only for the reason stated in the second paragraph thereof, namely, that Government were of the opinion that the benefits guaranteed to

dependents by pure endowment policies in the event of the subscriber's death before maturity of the policy are inferior to what the Funds themselves provide.

(*e*) The answer to the first part is in the affirmative. The benefits of the Post Office Insurance Fund are confined to Government servants and persons of analogous position, and it is considered that the existing practice does not involve unfair competition with private insurance enterprise. The attention of the Honourable Member is invited to the reply given by the Honourable Sir Frank Noyce on the 12th September, 1933, to part (*c*) of Mr. Studd's starred question No. 837.

(*f*) The Postal Insurance Fund has only one class of endowment assurance policies and there are no separate with-profit and without-profit policies. A quinquennial examination and valuation of the Fund is made by the Government Actuary and, as a result of these examinations, a simple reversionary bonus at the rate of .8 per mensem per 1,000 rupees of the sum assured in the case of endowment assurance policies, which works out to .96 per cent. of the sum assured per annum, was distributed for the quinquennium ending the 31st March, 1927, while a simple reversionary bonus at the rate of one per mensem per 1,000 rupees, equal to 1.2 per cent. of the sum assured per annum, has just been declared for the quinquennium ending the 31st March, 1932.

The balances of the Post Office Insurance Fund are not invested in Government securities at 3½ per cent. rate of interest as presumed by the Honourable Member. They are kept with Government as 'unfunded debt' bearing interest at the rate of 3½ per cent. per annum free of income-tax. The reasons for the low rate of bonus allotted to policies of the Post Office Insurance Fund are—

(*1*) the premiums charged by the Fund are based on a 3½ per cent. rate of interest which is exactly the rate at which its balances are accumulated and no profit is therefore earned from interest income, and

(*2*) the provision for profit made in these premiums is comparatively lower than that made in the premiums charged by life insurance companies.

The Postal Insurance Fund was not taken into account in the calculations of Mr. Christie. The Fund does not issue any 'pure endowment policy'.

Information promised in reply to starred question No. 693, asked by Sardar Sant Singh, on the 14th April, 1934.

CONSOLIDATED ALLOWANCE TO THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

(*a*) Yes, under orders contained in Railway Board's letter No. 7195-F., dated the 24th July, 1931.

(*b*) Yes, under Supplementary Rule 22.

(*c*) and (*d*). No. The Government have waived recovery of the excess amounts drawn in good faith by the special Ticket Examiners on the North Western Railway.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under Standing Order 78, I have to report that 302 petitions, as per statement laid on the table, have been received relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

No. of signatories.	District or town.	Provinces.	No. of signatories.	District or town.	Province.
50	Darbhanga.	Bihar & Orissa.	21	Darbhanga.	Bihar & Orissa.
27	Do.	Do.	14	Do.	Do.
11	Do.	Do.	45	Do.	Do.
47	Do.	Do.	93	Do.	Do.
20	Do.	Do.	64	Do.	Do.
23	Do.	Do.	55	Do.	Do.
18	Do.	Do.	58	Do.	Do.
22	Do.	Do.	58	Do.	Do.
18	Do.	Do.	53	Do.	Do.
23	Do.	Do.	57	Do.	Do.
18	Do.	Do.	51	Do.	Do.
21	Do.	Do.	47	Do.	Do.
38	Do.	Do.	96	Do.	Do.
42	Do.	Do.	36	Do.	Do.
39	Do.	Do.	30	Do.	Do.
41	Do.	Do.	57	Do.	Do.
37	Do.	Do.	34	Do.	Do.
41	Do.	Do.	46	Do.	Do.
34	Do.	Do.	53	Do.	Do.
51	Do.	Do.	54	Do.	Do.
22	Do.	Do.	28	Do.	Do.
24	Do.	Do.	24	Do.	Do.
54	Do.	Do.	17	Do.	Do.
56	Do.	Do.	48	Do	Do.
58	Do.	Do.	36	Do.	Do.
49	Do.	Do.	46	Do.	Do.
48	Do.	Do.	14	Do.	Do.
56	Do.	Do.	37	Do.	Do.
4	Do.	Do.	41	Do.	Do.
54	Do.	Do.	63	Do.	Do.
18	Do.	Do.	36	Do.	Do.
20	Do.	Do.	63	Do.	Do.
51	Do.	Do.	35	Do.	Do.
31	Do.	Do.	88	Do.	Do.
15	Do.	Do.	86	Do.	Do.
57	Do.	Do.	82	Do.	Do.
111	Do.	Do.	44	Do.	Do.
97	Do.	Do.	42	Do.	Do.
86	Do.	Do.	24	Do.	Do.
88	Do.	Do.	14	Do.	Do.
144	Do.	Do.	70	Do.	Do.
57	Do.	Do.	69	Do.	Do.
72	Do.	Do.	51	Do.	Do.

No. of signatories.	District or town.	Provinces.
54	Darbhanga.	Bihar & Orissa.
34	Do.	Do.
20	Do.	Do.
40	Do.	Do.
37	Do.	Do.
73	Do.	Do.
13	Do.	Do.
70	Do.	Do.
75	Do.	Do.
31	Do.	Do.
63	Do.	Do.
56	Do.	Do.
41	Do.	Do.
53	Do.	Do.
60	Do.	Do.
53	Do.	Do.
135	Do.	Do.
53	Do.	Do.
80	Do.	Do.
96	Do.	Do.
82	Do.	Do.
85	Do.	Do.
59	Do.	Do.
70	Do.	Do.
66	Do.	Do.
42	Do.	Do.
78	Do.	Do.
85	Do.	Do.
88	Do.	Do.
95	Do.	Do.
86	Do.	Do.
12	Do.	Do.
62	Do.	Do.
67	Do.	Do.
35	Do.	Do.
60	Do.	Do.
18	Do.	Do.
8	Do.	Do.
67	Do.	Do.
90	Do.	Do.
26	Do.	Do.
33	Do.	Do.
56	Do.	Do.

No. of signatories.	District or town.	Provinces.
81	Darbhanga	Bihar and Orissa.
51	Do.	Do.
60	Do.	Do.
63	Do.	Do.
65	Do.	Do.
30	Do.	Do.
75	Do.	Do.
76	Do.	Do.
63	Do.	Do.
50	Do.	Do.
66	Do.	Do.
66	Do.	Do.
74	Do.	Do.
90	Do.	Do.
100	Do.	Do.
87	Do.	Do.
79	Do.	Do.
94	Do.	Do.
88	Do.	Do.
105	Do.	Do.
83	Do.	Do.
70	Do.	Do.
100	Do.	Do.
92	Do.	Do.
93	Do.	Do.
84	Do.	Do.
40	Do.	Do.
80	Do.	Do.
102	Do.	Do.
96	Do.	Do.
53	Do.	Do.
63	Do.	Do.
44	Do.	Do.
54	Do.	Do.
55	Do.	Do.
68	Do.	Do.
22	Do.	Do.
40	Do.	Do.
59	Do.	Do.
94	Do.	Do.
27	Do.	Do.
36	Do.	Do.
30	Do.	Do.

No. of signatories.	District or town.	Provinces.	No. of signatories.	District or town.	Provinces.
53	Darbhanga.	Bihar & Orissa.	47	Darbhanga.	Bihar & Orissa.
54	Do.	Do.	36	Do.	Do.
25	Do.	Do.	10	Do.	Do.
66	Do.	Do.	34	Do.	Do.
39	Do.	Do.	31	Do.	Do.
55	Do.	Do.	42	Do.	Do.
70	Do.	Do.	23	Do.	Do.
56	Do.	Do.	92	Do.	Do.
74	Do.	Do.	36	Do.	Do.
51	Do.	Do.	60	Do.	Do.
40	Do.	Do.	22	Do.	Do.
37	Do.	Do.	84	Do.	Do.
77	Do.	Do.	109	Do.	Do.
7	Do.	Do.	18	Do.	Do.
70	Do.	Do.	81	Do.	Do.
42	Do.	Do.	107	Do.	Do.
21	Do.	Do.	10	Do.	Do.
27	Do.	Do.	41	Do.	Do.
50	Do.	Do.	24	Do.	Do.
42	Do.	Do.	23	Do.	Do.
46	Do.	Do.	60	Do.	Do.
53	Do.	Do.	48	Do.	Do.
46	Do.	Do.	85	Do.	Do.
63	Do.	Do.	88	Do.	Do.
34	Do	Do.	71	Do.	Do.
97	Do.	Do.	60	Do.	Do.
45	Do.	Do.	154	Do.	Do.
8	Do.	Do.	89	Do.	Do.
24	Do.	Do.	67	Do.	Do.
75	Do.	Do.	54	Do.	Do.
16	Do.	Do.	31	Do.	Do.
57	Do.	Do.	52	Do.	Do.
90	Do.	Do.	66	Do.	Do.
47	Do.	Do.	76	Do.	Do.
55	Do.	Do.	15	Do.	Do.
45	Do.	Do.	11	Do.	Do.
49	Do.	Do.	20	Do.	Do.
48	Do.	Do.	56	Do.	Do.
51	Do.	Do.	70	Do.	Do.
31	Do.	Do.	70	Do.	Do.
33	Do.	Do.	30	Do.	Do.
50	Do.	Do.	40	Do.	Do.
			8	Do.	Do.

No. of signatories.	District or town.	Provinces.
54	Darbhanga.	Bihar & Orissa.
12	Do.	Do.
52	Do.	Do.
46	Do.	Do.
24	Do.	Do.
28	Do.	Do.
13	Do.	Do.
85	Do.	Do.
40	Do.	Do.
63	Do.	Do.
54	Do.	Do.
36	Do.	Do.
44	Do.	Do.
38	Do.	Do.
36	Do.	Do.
50	Do.	Do.
62	Do.	Do.
38	Do.	Do.
58	Do.	Do.
73	Do.	Do.
47	Do.	Do.
20	Do.	Do.
33	Do.	Do.
19	Do.	Do.
14	Darbhanga.	Bihar & Orissa.
70	Do.	Do.
50	Do.	Do.
76	Do.	Do.
46	Do.	Do.
11	Do.	Do
28	Do.	Do.
45	Do.	Do.
23	Do.	Do.
8	Do.	Do.
54	Do.	Do.
24	Do.	Do.
22	Do.	Do.
8	Do.	Do.
75	Do.	Do.
62	Do.	Do.
24	Do.	Do.
60	Do.	Do.
76	Do.	Do.
90	Do.	Do.
45	Do.	Do.
15,594	Grand Total.	

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : The Honourable Member in charge began his speech yesterday by saying that the issues involved in this Bill are simple. Then he went on to develop that point and stated that we in this Bill are concerned principally with the place of detention and not the power of detention which had been provided for by the Bengal Legislature ; but, a few moments later, my Honourable friend, in pointing out the second feature of the legislation which is sought to be given a permanent life by this amendment Bill, stated that the second provision was intended to bar the powers of the High Court in regard to *Habeas Corpus*. I, therefore, maintain that my Honourable friend was not quite correct when he stated that under this Bill we were principally concerned with the question as to where the detenus were to be detained and that the issue

[Mr. K. C. Neogy.]

of detention without trial did not arise directly out of this Bill. I maintain, on the other hand, that we are asked to confirm the principle of banishment without trial of detenus who are suspected of complicity in the terrorist movement and whose guilt has not been proved before any Court of law, or any regularly constituted authority, before whom these people had any chance of making their defence. The second principle which this Bill involves is, if I may borrow the frank words that were used by the Honourable Sir Brojendra Mitter on a similar occasion before, the substitution of executive judgment in place of judicial judgment as a permanent feature of the law of this land. Now, Sir, the Honourable Member in charge stated that the Bengal Legislative Council having made permanent the provisions of their Act of 1930, our Act VIII of 1932, which was passed as a consequential measure, has necessarily to be made permanent. And, following this cue, my Honourable friend, Mr. Ghuznavi, stated that this Bill is a mere logical corollary, a mere consequential amendment of a Bengal Act which has been recently passed.

Now, Sir, assuming that the principle of detention without trial is accepted, does banishment necessarily follow as a logical consequence of it ? In my study of the proceedings of the Bengal Legislative Council in connection with the last measure which was passed just a few months ago, as also in connection with the measure which was passed in 1930, I do not find any indication in the official speeches there which show that banishment was in the least contemplated by the Government of Bengal or that Deoli was even then in contemplation. As a matter of fact, I find that some Bengal Members complained afterwards when Deoli had become an accomplished fact that they knew nothing about it. As a matter of fact, they said that it was only as a result of the report of the Public Accounts Committee, or the proceedings before the Public Accounts Committee in Bengal, that they came to learn that funds were being provided for the detention camp at Deoli. So far with regard to the necessary logical connection between the Bengal Act and the present Bill. Why was Deoli wanted ? We had an elaborate explanation from the Honourable Member in charge, and his statement amounted to this in effect, that unless we provide for banishment, in the case at least of the more hardened among the suspects, their detention cannot be effected satisfactorily. " Bengal finds it difficult to keep them in effective segregation in Bengal." That is the purport of the statement of the Honourable Member. Now, Sir, I remember a similar statement was also made by his predecessor in office, when the Bill of 1932 was under discussion. But this very question was raised in the Bengal Legislative Council as well, and no earlier than the 19th March, 1934, by way of a token cut in connection with the demands for the budget grants. The following official reply was given, I am quoting from the speech by the Honourable Mr. Reid on that occasion :

" There was a great congestion in Bengal, and we could not accommodate further detenus here."

That is what he puts in the forefront. The first and foremost reason for Deoli was that there was a great congestion in Bengal and they could not accommodate further detenus there ; that is one reason why it was

started. I dare say that if that reason was a valid reason in the year 1932, when the Civil Disobedience Movement was at its height and the jails in Bengal were chokeful of Civil Disobedience prisoners, that reason no longer holds good today. Now, I will let the Honourable Mr. Reid proceed with his statement. The second reason was this :

" These men whom we have in the detention camp are all men who are deep in the terrorist movement. To remove them outside the Province does make a difference both to conditions here and also to their own mentality."

We do not find anything here specifically stated with regard to the communications by detenus being more feasible from detention camps with the outside world, if they are to be kept in Bengal, and a new element has been introduced here to which I should like to draw the attention of the House once more :

" To remove them outside the Province does make a difference both to conditions here and also to their own mentality."

This element of the effect of banishment on the mentality of political suspects has never before been mentioned in this House, as far as I am aware. To put it in a nutshell, the position of the Government of Bengal is that these terrorist suspects should be terrorized out of terrorism. Sir, English is not my mother-tongue, but I should like to ask my Honourable friend, the Member in charge, as to what exactly is meant by the expected " difference to the mentality " of these people which is looked forward to as a result of their banishment. I know that the Honourable Member in charge has always assumed that these suspects are as good or as bad as confirmed terrorists against whom definite charges have virtually been proved. But here comes in a fundamental difference in the outlook of this side of the House and that ; and that is that, so long as these people are not placed before any properly constituted authority where they may have proper chances of putting in their defence, so long as they have not any chance of clearing themselves, public opinion will not easily take these suspects to be confirmed terrorists, which, I take it, is the case of the Honourable Member. Now, with regard to the question of the investigation which takes place, before orders of internment or detention are passed I took the occasion to look up the Rowlatt Committee Report and I should very much like to place one paragraph of that report which today sounds so very liberal in its recommendations. I would draw the attention of the Honourable Member in charge to paragraph 191 of that report where the Committee contemplated " an investigation authority " :

" An investigating authority or authorities should be constituted, as to which we shall say more later on."

Then they go on to deal with the duty of the investigating authority :

" The duty of the investigating authority will be to inquire *in camera* upon any materials which they may think fit and without being bound by rules of evidence. They would send for the person and tell him what is alleged against him and investigate the matter as fairly and adequately as possible in the manner of a domestic tribunal. It would not be necessary to disclose the sources of information, if that would be objectionable from the point of view of other persons. No advocates would be allowed on either side or witnesses formally examined, nor need the person whose case is under investigation be present during all the inquiry. Should such person indicate that other persons or any other inquiries may throw light on the matter from his point of view, the investigating authority would endeavour to test the suggestion if it seems relevant and reasonable. At the close of the inquiry the investigating authority would certify their conclusion to the Local Government."

[Mr. K. C. Neogy.]

Now, Sir, I do not know these things as well as my Honourable friend, Mr. Mitra, does, and I am assured on his authority that this particular recommendation, even of the Rowlatt Committee, has not been followed in practice and that the facilities and the opportunities which even that Committee contemplated that these suspects should be given have been denied to them for the past so many years. Then, to come to the question of the composition of the authority, here again I would like to read out just a few sentences from the Rowlatt Committee Report, *viz.*, paragraph 193 :

"If the functions of the investigating authority are such as we have described, the difficulty of its composition is minimized. For an inquiry in a judicial spirit into facts, knowledge and experience are the requisites. It has been suggested to us that the judicial, the executive and the non-official elements should be represented upon the body or bodies in question. Having indicated the functions which we recommend for the investigating authority, we do not feel that we are driven to give our views as to its exact composition. But we think we may say, as based upon the experience gained in the course of our labours, that one member should be a non-official Indian selected for his knowledge of the people."

I should like to know from my Honourable friend as to the reasons why Government have departed from the recommendations of such an eminent authority as the Rowlatt Committee, both in regard to the question of the personnel of the investigating authority and its powers and procedure. As I have said before, Indian public opinion will refuse to accept the executive judgment in these cases as conclusive.

Now, Sir, my Honourable friend, in the course of his speech, stated that this measure alone would not end terrorism, and then he referred with appreciation to the fact that public opinion has been actively ranging itself against the menace of terrorism in Bengal. Was that the only other thing necessary, I ask ? My Honourable friend left me in some doubt, because he did not mention any other thing that might be necessary,—any other action that might be necessary for the purpose of stamping out this menace from this land ; and it was only when my Honourable friend, Mr. Mitra, was speaking that the Honourable gentleman interjected an observation to suggest that there were other steps to be taken, but that these were being considered by the Government of Bengal.

The Honourable Sir Harry Haig (Home Member) : I think my Honourable friend will remember that, when I was referring to Sir John Anderson, I said particularly that he was endeavouring to devise other remedies.

Mr. K. C. Neogy : I am very glad my Honourable friend has explained that point. As a matter of fact, I am just going to quote a few words from a speech which His Excellency Sir John Anderson made before the Bengal Legislative Council on the 28th February, 1933. This is what he said :

"While I claim that that experience goes to show that the outward manifestations of disorder can only be dealt with by what are called repressive measures, and that any Government that neglects or fears to employ such measures, is sealing its own doom, my Government have always realized that there are certain underlying or predisposing causes of unrest that must be removed if lasting improvement is to be achieved. It is not enough to meet force by force or to overbear lawlessness by asserting the majesty and the power of the law. An atmosphere must if possible be created in which the seeds of disorder will not readily germinate. Here, in Bengal, as any careful observer must realize, there are problems,—political....."

and here I should like my Honourable friend, Captain Lal Chand, (I wish he were here) to listen to me——

"There are problems—political, social and economic, formidable no doubt in character, but amenable, I am sure, to treatment, given the imagination, resolution and good-will, the solution of which would in a short time change the whole aspect of affairs."

I should have very much liked my Honourable friend, the Member in charge, to tell this House the manner in which the Government of India are trying to help the Government of Bengal in carrying out the tremendous task which His Excellency Sir John Anderson referred to and has undertaken. I very much hope that the only contribution which the Government of India are making to the solution of this problem does not consist of this measure or measures of this kind.

Now, Sir, there are very great impediments in the way of public opinion asserting itself in an effective manner so as to combat this evil, and there are very great difficulties in the way of creating a favourable atmosphere for the effective co-operation of the people and the Government for stamping out this menace from our country. One impediment is the existence of repressive measures if, as they are as a matter of fact, they are operated in a repressive manner and in an indiscriminate fashion. And the second impediment is terrorism by local officials for which there is no remedy anywhere.

Now, Sir, I should like to refer to a statement which the Honourable the Home Member laid on the table only the other day in reply to certain allegations which were made by my Honourable friend, Mr. S. C. Mitra, in the course of his speech at Delhi sometime ago. These allegations, as also the official reply, have a somewhat familiar ring about them. I was struck, when the allegations were being made by my Honourable friend at Delhi, by a strange family liking which they bore to certain incidents which I had the misfortune of witnessing with my own eyes in the distinguished company of a very distinguished friend of our present Law Member, I mean Mr. Jatindra Nath Basu, whose testimony, I daresay, he will ask his Honourable colleague, the Home Member, to accept. On that occasion—and it was about four years ago, before there had been one single terrorist outrage in the district of Midnapore—things, which I do not want to mention now, happened or used to happen as a matter of course, as a matter of routine almost; and some of us, who had gone down there, were arrested for the hardihood of having gone and witnessed the depredations that were being committed under the direct charge of the Sub-Divisional Magistrate there. And I may tell my Honourable friend, the Law Member, perhaps he knows it already, that for that offence, that is to say, for having gone to see what things were taking place, his distinguished friend, Mr. Basu, and several others, including my own humble self, were placed under immediate arrest. And, not very long after that, the Sub-Divisional Magistrate was promoted to a District Magistrateship.

Now, Sir, the countryside has been harried for the last four years, from the beginning of the second Civil Disobedience Movement, by police raids and police hooliganism. Innumerable questions have been asked here and in the Bengal Legislative Council. Allegations have been made of wanton insults to respectable people, assaults on all and sundry,—men, women and children,—and wanton destruction of property

[Mr. K. C. Neogy.]

without any discrimination whatsoever. Now, Sir, I have no desire to refer to those incidents in any great detail, but for the particular benefit of my Honourable friend, Mr. Ghuznavi, who, I am sorry, is not in the House just now, I should like to refer to certain incidents which happened in Chittagong and to which reference was made, not by any disgruntled agitator, but by a gentleman who had, not long before that, been the Divisional Commissioner of the Chittagong Division himself, I mean Khan Bahadur Maulvi Abdul Momin, who after retirement from that responsible office, became a non-official Member of the Bengal Legislative Council. On the 1st of December, as also on the 5th of December, 1932, he made specific allegations of a very serious character against the police authorities of Chittagong and he stated that the houses of about 150 Mussalmans of the Chittagong town (including the houses of very respectable persons) were searched on the 16th November, 1932, that in the course of searches Muhammadan ladies were rudely treated (*Cries of* "shame") and men were assaulted, that the *Muezzin* of a particular mosque was threatened with a bayonet and prevented from calling the *Azan*, and that this had led to a good deal of agitation among the Muslim community. Of course the usual vague answers followed denying the allegations in the usual form. This matter came up once more for discussion in the Bengal Legislative Council and Mr. Momin repeated these charges in substance. We then had Mr. Shama Prasad Mukherjee, who also spoke on that occasion, re-enforcing Mr. Momin's statements with some personal remarks of his own relating to other similar incidents that were happening in the country. I may tell this House that this Mr. Shama Prasad Mukherjee has just been thought fit by the Government of Bengal for being appointed the Vice-Chancellor of the Calcutta University. And this is what he stated :

"The report (*I am reading out from the speech of Mr. Shama Prasad Mukherjee*) which has been read out by Mr. Abdul Karim, is not, therefore, an isolated instance. Things like that have been happening in different parts of Chittagong."

Then, later on, referring to a particular case, he says :

"In this case, men were brought out of their houses and their hands were tied behind their backs and their women-folk were made to stand for hours. One of these women, who was pregnant, asked for permission to sit down but the result was that abuses were hurled at her. But the climax was reached and all these gentlemen, who were apparently respectable persons, were made to dance in a circle."

Then, he added :

"I do not know what particular amusement it offered to the officer in charge, as indeed I do not know what particular amusement would it offer to anybody in this House to see my Honourable friend and members of his department dancing round the circle, although that is an experiment worth trying."

Now, Sir, let me come to Maulvi Abdul Karim, a name which is universally respected in Bengal, a venerable old gentleman, who retired from Government service after holding the responsible appointment of an Inspector of Schools. This is what he stated. I am not going to read out all that he said. I will quote just a few lines :

"That innocent people have been harassed at times by zealous officers is perhaps too well-known to need detailed mention. It is to be regretted that either for lack of correct information or for the sake of prestige Government did not seem inclined to take such action as would put a stop to these deplorable state of things. What happened at Chittagong the other day? We have received reliable information, which we have no reason to disbelieve, that a number of innocent men and Pardanashin

women were roughly handled and greatly humiliated and the *Muezzin* of a mosque was prevented from saying the call to prayers by reason of a search for absconders."

And he stated that, as a result of the search of 150 Mussalmans' houses, not a single absconder was discovered. Then he added :

"I need hardly say (*that is how he concluded*) that regrettable occurrences such as this are causing indescribable sufferings to the people and creating an immense discontent and disaffection throughout the country. Even those who have all along been staunch loyalists are fast losing faith in Government's justice and fairness. I shudder to think what the ultimate result of all this would be. The sooner the undesirable impression prevailing in the country is removed and the people are assured not by mere words but by effective action that such deplorable incidents could not be tolerated any longer the better would it be for all concerned."

I do not think that this appeal or warning made by a man, who had served the Government all his life so loyally, produced any result.

Now, Sir, these allegations are met with the usual official denials both here and in Bengal. But, has my Honourable friend taken the trouble to enquire as to the percentage of people who put any belief in the Government communiqués that are issued on such occasions or in Government replies? If he had, he would have been struck by the tragedy that after 150 years of British rule in India official statements in such matters are presumed to be false by the people at large. It is my contention, and it is the contention of this side of the House, that terrorism is partially, nay, very largely, being fed by these acts of oppression committed by the local officials for which there does not appear to be any remedy at all either here or anywhere else. It is on this account that repressive measures are not proving as effective as they might otherwise be. My Honourable friend is leaving this high office in a few days. May I make one appeal to him that before he leaves, he may institute a committee of enquiry, consisting of High Court Judges, drawn from the different Provinces, who would tour the different parts of the country which are affected and make an open enquiry as to how far the Government policy and such acts of official terrorism are responsible for keeping alive the terrorist movement in Bengal. I dare say that if such action were to be taken by my Honourable friend, it would be seen that the responsibility for keeping alive the terrorist movement lies to a very large extent on the shoulders of the over-jealous local officials (Hear, hear) who are not being checked properly from above. And so long as they are not checked, such repressive measures would, in any event, prove to be futile. When we make complaints, we do not assume that things would have been better if India were at the present moment being governed by any other European nation. But it is no compliment to Government to say that the condition of things in India would have been worse if we were under Nazi rule. I do not think it would be any compliment to the British rule in India to say that. Poet Tagore in his own inimitable way has stated in a recent article:

"Even in times of hardest trials, I cannot own to myself that magnanimity is lacking in the English character ; other Europeans in their treatment of subject peoples are less generous and more cruel than the English. The opposition that we show in word and deed against the English race and their administration is unthinkable against rulers of other races. Even had it been otherwise, the punishment would have been far less bearable, proof of which is not wanting in Europe itself or even in America. Even when we openly revolt and are punished by the officials, we complain in surprise, which only shows that even in the midst of the beatings we receive our deep respect for the English people dies hard."

[Mr. K. C. Neogy.]

I want the Honourable Member in charge to realise that they have fallen off from the great ideals that inspired the early pioneers of British rule in India. I want my Honourable friend, before he leaves the shores of the country, to do something to rehabilitate British rule in India on the old and sound foundations of justice, equity, and good conscience. It is because this particular measure is un-British in its character, it is because the policy which stands behind this measure and its likes is absolutely un-British in its character, that I must emphatically record my protest against the present Bill.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, there have been so many Bengal Criminal Law Amendment Acts with their partial repeals and other supplementary Acts that it may not be altogether unprofitable to tell the House in a very few words of the exact legal situation today. We need not go back earlier than 1930. In 1930, the Bengal Criminal Law Amendment Act was introduced and passed. Put very shortly, the result of that Act among other things was, as my Honourable friend, Mr. Neogy, has pointed out, executive judgment was substituted for the judgment of Courts. That was done in 1930. I am not referring to its minor or to its detailed provisions. It enacted that where, in the opinion of the Government, something was happening, they would have the power to detain persons in jail without trial in any established Court of law. I need not refer to the details of notifications of residence, powers of search, this, that, and so on. That was done in 1930. The next thing was that, in 1932, this House passed an Act which was called the Supplementary Act, and the result of that Supplementary Act was that the Bengal prisoners could be segregated outside Bengal, and, on that occasion, the House, by its decision and by its passing that particular Act, the Supplementary Act, approved of the principle that Bengal being in difficulties with the grave menace which had appeared there, it was the duty of this House to go to her rescue and to allow the prisoners to be taken outside Bengal. That was done in 1932. Then I should remind the House that the 1932 Act, which was passed by this House (it was called the Supplementary Act), would expire sometime in 1935. The idea was that the Supplementary Act would expire with the main Act and, as matters stood in 1930, the main Act would expire in 1935, and, therefore, this House decided that it will help Bengal in her difficulties and in her distress by allowing the prisoners to be taken outside Bengal and both Acts would expire sometime in 1935, the hope being that by that time the situation would so much improve that neither the first Act nor the second Act would require to be continued or made permanent. In this state of affairs in 1934, the Bengal Council, as this House has been informed so often during the debates, passed what I may call shortly the Act of 1934. By the Act of 1934 they repealed the section in the Act of 1930 which was section 1(*4*) which limited the life of that Act of 1930 to five years. The result of the Act of 1934 has been that the Act of 1930 has been made permanent. In addition to that, again, I am not going into details, very drastic powers have been given to the Government, to the executive, in addition to the powers which they already had under the Act of 1930. It will be enough if I remind the House, for instance, of the provision that in the case of a man found in possession of arms, if it was proved that the possession was with the object of committing murder, then he could be sentenced to death or transportation for life That was one of

the additional provisions of 1934. There were further additional provisions in the shape of control over literature, punishment for possessing literature of a certain kind, and so on. Therefore, the result, when the Act of 1934 was passed, was this that the Bengal Legislature, by an overwhelming majority,—a division of something like 80 to 20,—by its Act recited that it is necessary in the interest of the State to give further powers to check the activities of the terrorists. It gave powers which are very much wider than the powers which the executive enjoyed under the Act of 1930. It proceeded to repeal the section which made the previous Act only temporary, its life expiring after five years. That was the position in 1934 after the passing of that Act. At the present moment the legal situation, therefore, is this that the main Act, of which the Act of 1932 passed by this House was a supplement, is now permanently on the Statute-book. The supplemental Act which was intended to be co-extensive with the main Act is now in this position that it will expire in 1935 leaving the main Act to operate even after the Supplementary Act had come to an end. That is the exact legal situation.

Now, Sir, I shall deal with some of the points which have been raised by my Honourable friends on the opposite Benches. I do not intend to deal with all their points, but I find that one point which has been pressed by almost every Honourable Member is this, that this law is a repressive law; this law has failed in spite of all legislation; terrorism has not come to an end; so what is the object of persisting in similar legislation? We have heard similes of quacks and doctors; we had prescriptions here given by three Honourable Members widely varying from one another. May I tell the House that if they will only apply that principle to offences which are non-political, they will find out the soundness or otherwise of this reasoning. I am applying the reasoning to non-political crimes, because, in politics, even in connection with crimes, reason has but little scope, passion and prejudice succeed in overpowering reason. Now, in the case of murder or in case of dacoity, in spite of a sentence of death or transportation for life or a long term of rigorous imprisonment having been on the Statute-book at all possible times, has it put an end to murder? Has it put an end to dacoity? Is it a good argument to say that you must abolish all these punishments and say, what is the good of having any punishment prescribed against dacoity and murder if those things are still persisting? How would the argument sound, that so long as root causes of murder, such as avarice and revenge are not removed, it is useless trying to prevent murders?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : But this Act is a preventive Act and not a punitive one.

The Honourable Sir Nripendra Sircar : I am obliged to my Honourable friend for reminding me that it is a preventive Act and not a punitive one. I take him at his word. Why do you take steps for preventing murder or dacoity, when you know all your "legislation has failed", because murder has not gone out of the land? In the case of political crimes, in dealing with terrorism, you say we should go to the root cause; until the root cause has been discovered and the thing has been uprooted, it is no good indulging in these palliatives. Why don't you do that in the case of murder?

Mr. S. C. Mitra : But you passed a law only the other day. Half a dozen laws were passed in the last four years; in what other country has the Legislature passed half a dozen laws for preventing murder?

The Honourable Sir Nripendra Sircar : In what other country has terrorism appeared in such a form within the last few years ? (*Voices* : "Russia, Germany, Ireland.") And if my friend is thinking of other countries, I do not like to talk about them, because there are countries like Germany or Italy or Russia where these measures will be considered as milk and water provisions not worth looking at. Let us not think of other countries, where there happen executions and not merely detentions without trial. I had been telling the House that Statutes for suppressing terrorism have been called repressive laws. That reminds me of the saying of a very learned Judge "that you gain nothing or lose nothing by simply adding a vituperative epithet".

Now, what is a repressive law ? I say that the case of the man who is transported for life, because he has murdered, the man who gets a sentence of imprisonment, because he has committed dacoity, and even in the case of a man in his motor car who is held up by a policeman while he is on the wrong side of the road, these are all cases of repression. Repression it must be, as, in the larger interests of the State and Society, crime has to be repressed. No one has contended, that, because, law very often is repression, therefore the amount of repression must have no bearing and no proportion to the crime which is intended to be prevented. Nor is there any issue on the question, whether the duty of the State consists solely in repressing and preventing crime. It has been conceded that the Governor of Bengal is doing all that is possible in other directions.

Mr. K. C. Neogy : But His Excellency Sir John Anderson did not dispute that these measures can be described as repressive.

The Honourable Sir Nripendra Sircar : I think I am in good company if I say that I agree with Sir John Anderson. In fact, what I have now stated is not different from his views. I am only pointing out that nothing is gained by describing legislation for preventing terrorism as "repressive". We know exactly what they mean, what they are intended for and what their effect and operation amount to. They are meant for repressing crimes, and it is the duty of this House to help the administration in repressing terrorists.

Then, Sir, in considering the present Act, we need not go into the details of what exactly has been done by the Bengal Council. What amount of "repression" is necessary in the situation which has arisen in Bengal (*Mr. K. C. Neogy* : "And for all time"), and for what time and in what manner, that has been decided by the Bengal Council by men who are most competent to decide this matter. I daresay, if my Honourable friend, Mr. Neogy, had been in the Bengal Council, he would have tried to bring about such a change in their frame of mind that, by an overwhelming majority, the Bill would have been thrown out. But, as it is, the Bill has been passed. When a Statute is said to be permanent, of course it is always subject to its being repealed. And we have been assured that the time is not very far when some people who are not in the Assembly yet will get every repressive law repealed and that their permanency will disappear within a short time if that assurance is carried out. Honourable Members should remember, that temporary Acts have failed. They only induce the terrorists to bide their time.

Now, Sir, in considering this Bill, I beg of this House to remove from its mind certain considerations which, in my humble submission, are

not relevant at all, on the sole issue which is being discussed, *viz.*, whether suspects can be detained in jails outside Bengal. For instance, the consideration that the detenu loses his liberty, that he loses the company of friends, that in some cases prompt medical attention is not given and similar complaints,—I say in all humility that these are irrelevant considerations, because they may as well happen in jails inside Bengal as outside it. If there are cases of hardship, by reason of the iniquities of subordinate staff, they may as well occur in a Bengal jail as in a jail outside Bengal. I shall have to discuss the point as to why this additional restriction should be placed upon detenus : that is a different matter ; but I am pointing out to the House, that those factors, which are common to jails, whether they are inside or whether they are outside Bengal, do not come into the picture at all in considering the desirability or otherwise of this Act.

As regards the merits of those complaints, that is a matter which is more in the province of the Honourable the Home Member than myself ; but I cannot take it for granted, because my information is otherwise, that, as a matter of fact, these political detenus are each confined in a solitary cell. My information is, that is not the fact. Solitary cell may be prescribed both in Bengal and outside Bengal as punishment for breaches of jail discipline. The normal condition of life at Deoli is that the detenus live in large airy barracks, each barrack containing from thirty to forty persons and surely that is enough company for any one, and that is the best that can be done, assuming people have to be detained. But, as I said, those details are more in the province of my colleague, the Honourable the Home Member, than myself.

I shall advert to the *Habeas Corpus* Act after I have made a passing reference to the appeals which were made to the humanity of the gentlemen who are occupying the Treasury Benches. The appeal which has been made by my Honourable friend, Mr. Mitra, and by other speakers on the opposite side—I am not making light of them, I respect them for their consideration, for their concern for others and for their feelings of humanity ; but what I do protest against and protest most strongly is the assumption that this humanity, this consideration for the misery of fellow-beings is an absolute monopoly of gentlemen who occupy the other side of this House. I beg to assure them that it is no pleasure either to the Government of Bengal or to the Government of India or to the eighty gentlemen in the Bengal Council who passed this Act, it is no pleasure to them to be compelled by overriding necessity to have recourse to a measure of this kind. It is nonsense to suppose that men like Khan Bahadur Abdul Momin, whose name was mentioned by my friend, Mr. Neogy, and others who helped in passing this Act are less sensible to the misery of others than my friends on the opposite side. It is difficult to imagine that those gentlemen would be so callous that they would not pause to consider what the effect of this legislation was going to be. I submit that any sensible man would come to the conclusion that they were impelled by the grave menace which the Province has been faced with, the extreme peril to which society has been put, to take the measures which were enacted in that Act of 1934. To them, as to all reasonable men, detention without trial must be an abomination, but they were compelled to enact an abomination to get rid of, or at any rate to prevent, a greater abomination, namely, terrorism.

[Sir Nripendra Sircar.]

Now, my friend, Mr. Lalchand Navalrai, raised some questions about the power of this House to enact a law which would interfere either with the *Habeas Corpus* Act or with any rights under the common law which the subject has. That is purely a technical question, but I would like to put it in as non-technical language as is possible. I am sorry, time of this House has to be taken up in discussing legal questions, which really do not arise. My assertion in this House is that that question is not open to argument since the year of grace 1870, and I shall, as briefly as possible, give this House an account of the history of the decisions, not only of the Calcutta High Court, but of the Judicial Committee, relating to this matter. The thing started early in 1870 when the well-known case of Amir Khan was tried in the Calcutta High Court. He had been detained under the provisions of Regulation III of 1818. He applied before Mr. Justice Norman, and his counsel—a very eminent counsel—argued that this Regulation of 1818 was beyond the competence of the Indian Legislature. It had to be conceded by the Government that by that Act the *Habeas Corpus* Act had been suspended, and the other side said that the Indian Legislature could not do that, that the subject had certain rights under the *Habeas Corpus* Act, certain rights under the unwritten law of the Constitution, and certain other rights under the common law of England, and that none of these rights could be touched by the Indian Legislature. That was the exact point which was raised in Amir Khan's case In the original trial, Mr. Justice Norman accepted the contention to some extent, and, if I may give his exact words, he came to the conclusion that an Act passed by the Indian Legislature which was contrary to the provisions of, say, the Magna Charta, would be beyond the competence of the Indian Legislature ; he said :

"Legislation which restricted the existing rights of an individual in a manner contrary to the provisions of, for example, the Magna Charta, without the special justification expressed by the maxim *salus populii suprema lex* would be beyond the power of the Indian Legislature."

Having done that, Mr. Justice Norman went on to say :

"But, as a matter of fact, this law was not *ultra vires*, because, having regard to the conditions prevailing in this country, it was necessary for the larger interests of the State and for the society at large that some people should lose their right of going to the High Court and having matters questioned there."

That was his position. But, unfortunately, or fortunately, whatever it is, when the matter came up to the Court of Appeal, the Court of Appeal differed from Mr. Justice Norman and it will be my endeavour to place in five or six minutes before this Assembly the facts which will show that, ever since 1870, Courts, including the Judicial Committee, on repeated occasions have accepted, not the judgment of Mr. Justice Norman, but the judgment of the Judges in Appeal. The Judicial Committee, in one of the cases, rebuked counsel and told him that he ought to remember that the judgment of Mr. Justice Norman had not been accepted. When it went to the Court of Appeal—I am trying to be as brief as possible—Mr. Justice Markby and Mr. Justice Phear thoroughly disagreed with the opinion of Mr. Justice Norman and they came to the conclusion that, apart from any application of the maxim which I have quoted—*salus populii suprema lex*—which need not be considered at all,—irrespective of that consideration, the Indian Legislature has every power to enact Bengal

Regulation III of 1818. And their Lordships said,—I will quote their exact words :

"The Learned Counsel who appeared for Amir Khan very strenuously argued that allegiance of the subject is co-relative with protection, and where sovereign cannot protect his subjects, their allegiance ceases."

Consequently, counsel said that Acts like Regulation III of 1818, which suspended the *Habeas Corpus* Act, and which prevented the High Court from testing the grounds on which detention had been ordered by executive authority, were illegal and *ultra vires*. Mr. Justice Phear, after pointing out that counsel was trying to convert a political sentiment into a principle of law, ended by saying :

12 NOON.

"Surely, a more startling proposition than this was never made to this Court and it ought never for a moment to receive its sanction."

Mr. Justice Markby fully concurred, although he wrote a much shorter judgment, with Mr. Justice Phear, and if I may quote one passage from his judgment, he said :

"I see no ground for supposing that an Act affects the prerogative of the Crown, because it affects the liberty of the subject. If that were so, then the Indian Legislature would have no power at all to legislate in criminal matters,—a position which would not be entertained for a moment."

He also stated :

"I wholly repudiate the doctrine that the allegiance of a subject to his sovereign can by any possibility be legally affected by the mere withdrawal from the subject, of any right, privilege or immunity whatsoever. I think the notion of reciprocity upon which this argument depends is one which is wholly inadmissible in any legal consideration."

They once for all said that the mere fact that the liberty of the subject has been curtailed, that his privileges or immunities have been taken away, that the *Habeas Corpus* Act has been suspended, are no grounds for declaring an Indian Act to be *ultra vires*.

That was in 1870. I will tell the House rapidly how events have moved. Much later, about 23 years ago, before that eminent Judge, Chief Justice, Sir Lawrence Jenkins, this matter was again argued,—and I am referring to this case although there are a dozen, because in this case the matter, from the point of view of the subject, was argued with remarkable ability and strenuousness by the late Mr. C. R. Das, as the judgment itself will show. He pressed the argument of *ultra vires*, he pressed the point that the common law liberty of the subject has been taken away, he pressed the point that, under some unwritten law of the Constitution of England, the subject has the right to approach the Courts for investigating the facts upon which he was detained,—no point which could, with any reason, be argued was omitted by Mr. Das.....

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Are you not confining to the Calcutta High Court decisions ?

The Honourable Sir Nripendra Sircar : Yes, Sir ; I am confining myself to the Calcutta High Court decisions, and I shall proceed to show that the Calcutta High Court decisions have been affirmed on at least five occasions by the Judicial Committee, but I cannot take all the cases at the same time in the same breath. The contentions of Mr. Das were over-ruled by Chief Justice Jenkins who followed Amir Khan's case, and he said that the fact that, under the common law right, assuming the subject had any common law right, and assuming that the provisions of the

[Sir Nripendra Sircar.]

Habeas Corpus Act had been suspended or abrogated, that did not mean that the Indian law was invalid, illegal or *ultra vires*. Still later,—I shall only give the House the reference,—the matter was decided by another Special Bench, again in Calcutta, of five Judges of the Calcutta High Court, and confirmed still later by Mr. Justice Carnduff. These are all Calcutta rulings,—but, before I come to the Judicial Committee, I would beg to remind the House of the fact that we are dealing with detenus in Bengal, and if in Calcutta the High Court, by their rulings, uniformly from 1870, have recognised that such an Act is not *ultra vires*, it is idle to say that some learned Judge in Bombay or Madras may have come to a different decision.....

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Will the Honourable Member allow me to ask a question ? Does he think that if the question of *Habeas Corpus* Act comes into question in other Presidencies, it will not be legal to suspend it ?

The Honourable Sir Nripendra Sircar : Will the Honourable Member kindly repeat his question ?

Mr. Lalchand Navalrai : As the Honourable Member is restricting his remarks of the Privy Council to Calcutta, I am asking that if the *Habeas Corpus* Act is attempted to be suspended in other parts of the country, will it be legal or not.

The Honourable Sir Nripendra Sircar : I shall just....

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Chair understand that any Honourable Member has raised a point of order whether the Bill before the House is *ultra vires* of this Legislature ?

Mr. Lalchand Navalrai : Sir, no point of order has been raised, but I will raise it, because, Sir, I know of a time when such a question was raised in this House. I asked the Secretary to help me to find out the ruling, and I am trying to find out the ruling given by your predecessor who held that the Legislature has got no power in that direction. I was only waiting to raise it.

Mr. President (The Honourable Sir Shanmukham Chetty) : May the Chair understand the Honourable Member now that he formally raises the point of order that this Bill before the House is *ultra vires* of the Indian Legislature ?

Mr. Lalchand Navalrai : If the Chair will allow me to do it hereafter, when the Honourable the Law Member has finished his speech, I will do it then, otherwise I will.....

Mr. President (The Honourable Sir Shanmukham Chetty) : It seems to be an after-thought of the Honourable Member from the remarks made by the Honourable the Law Member.

Mr. Lalchand Navalrai : I did not quite follow.

The Honourable Sir Nripendra Sircar : I must say that my friend, Mr. Lalchand Navalrai, did indicate the point, because I have it in my notes that he used the words *ultra vires* in connection with any Act which would suspend the *Habeas Corpus* Act ; he did raise that point. I have no difficulty in answering the point, whether in Bombay or Madras, a similar principle which has been laid down in Amir Khan's case will be

followed. All I can say is this, that the Judicial Committee has repeatedly affirmed that an Act which abrogates the *Habeas Corpus* Act or which takes away any supposed common law rights, that will be *intra vires* of the Indian Legislature. If any learned Judge of the Bombay High Court refuses to follow the decisions of the Judicial Committee, that is a different matter. Now, Sir, about the Judicial Committee, I shall not take more than three minutes. In the case of Mrs. Annie Besant, which went up to the Judicial Committee, this principle was again affirmed, I mean the principle which was laid down in Amir Khan's case, that the supposed abrogation of the *Habeas Corpus* Act or the supposed interference with common law rights of the subject were not good grounds for attacking the Act of the Indian Legislature as being beyond its competence. I will quote only one sentence here from the judgment of the Privy Council in Besant's case. It was contended in the High Court and before this Board that it was beyond the competence of the Indian Legislature to enact section 22, and possibly even to enact the Press Act. This argument was mainly founded upon the language of Mr. Justice Norman in Amir Khan's case, and received some encouragement from the officiating Chief Justice,—that is my friend, Sir Abdur Rahim,—but Their Lordships found themselves unable to appreciate it. I think I may say with respect that the Judicial Committee was perfectly right in using the words " some encouragement ", because, as I read Sir Abdur Rahim's judgment, from the point of view of the appellant it was encouraging in some parts, but extremely depressing in other parts, and, therefore, they are right in saying that there was some encouragement, but they were unable to appreciate it. This matter again came up before the Judicial Committee in appeal from a judgment of the Martial Law Commissioners of Lahore in the case known as the case of Bugga Singh and others. The argument was again attempted to be revived that the Indian Legislature has deprived the accused of the fundamental right of having his case tried by an established Court of law. Again the argument was advanced based on allegiance, common law rights, rights under the Constitution, *Habeas Corpus* Act, and every other possible matter was again pressed before the Judicial Committee. Their Lordships pointed out that counsel should have remembered that the view of Mr. Justice Norman had been thrown over by the appellate Judges. They further referred to two other cases, namely, to an unreported case of their own in the Privy Council, and also to a full bench case of the Patna High Court, all those cases affirming over and over again the principle which was laid down in Amir Khan's case. They said *inter alia*, the exact quotation being :

" It was contended that the Ordinances by depriving British subjects in India of the right to be tried by the established Courts of law affected the unwritten law of constitution whereon the allegiance of His Majesty's subjects in India depends. The law does not prevent the Indian Government from passing a law which may modify or affect a rule of the constitution or of the common law."

That is what the Judicial Committee said. Their Lordships again quoted fully and approved once more the appellate judgment in Amir Khan's case. Before I leave these cases, I will finally like to read a passage from the judgment of the Judicial Committee in Bugga Singh's case .

" If their Lordships were to adopt now the argument pressed upon them (that argument being based on the infraction of common law rights, the abrogation of the *Habeas Corpus* Act and similar and allied arguments) they would be casting doubt upon a long course of legislation and judicial decisions which must be presumed to

[Sir Nripendra Sircar.]

have been known to and were in view of the Imperial Parliament when the Act of 1915 was passed."

Their Lordships then referred to various authorities with which I am not going to trouble the House, including the case of Mrs. Besant, and concluded :

"This argument cannot therefore prevail."

Shortly speaking, therefore, the position is this, that, from 1870 onwards, the Calcutta High Court consistently maintained that there is no ground for attacking legislation by the Indian Legislature on the ground of any question of allegiance or of infraction of common law rights or abrogation of the *Habeas Corpus* Act, and so on. The Judicial Committee, as I have shown, in these reported cases and also in their unreported case to which they themselves referred, have affirmed this principle. So far, therefore, the question seems to me so absolutely concluded by repeated decisions of the highest authority that there is no question of law which is now open to be argued so far as this aspect of the matter is concerned. With all respect to Mr. Navalrai, if I may say so, his points.....

Mr. Lalchand Navalrai : People know me as Lalchand Navalrai.

The Honourable Sir Nripendra Sircar : I am extremely sorry, and hope to be dealt with as a first offender. Regarding my Honourable friend, Mr. Lalchand Navalrai,—his points of law will remind Honourable Members of the House of the story of the celebrated jumping frog of Mark Twain. They may remember that the owner of that celebrated frog was always boasting of the points of that frog, the particular special point being that it could jump more than any other frog. When the challenge was taken up, his enemy had taken the precaution of putting in a decent amount of shots into the stomach of the frog, and, at the crucial moment, the frog could not jump at all. I may say about my Honourable friend, Mr. Lalchand Navalrai's points that in the stomach of his frog so many shots have been put in by the Judicial Committee and by the Calcutta High Court that it would not jump at all.

Mr. Lalchand Navalrai : I have other shots from other High Courts and other opinions.

The Honourable Sir Nripendra Sircar : I said that the legal frog would not jump. I never insinuated that my Honourable friend, Mr. Lalchand Navalrai, would not jump. (Laughter.)

Reading the debates on the last occasion, I find some points were made by my Honourable friend, Sir Abdur Rahim, and also by others. I have read them carefully and any arguments coming from my friends are entitled to be treated with great respect, and that is what I have done. If I differ from them, it is because I am entitled to my own opinion as they are entitled to theirs. One point made was this,—Why should you put in this section at all, 491, because it is not necessary. It was said, what could the High Court do when a man complained that he was being kept in detention without trial ? The High Court could only say whether a proper order under the Bengal Criminal Law Amendment Act had been passed against the particular accused. If that had been done, the High Court would have no power, no authority to test the grounds on which the executive had been moved to act in the particular matter, and upon that,

it was argued, what was the necessity of putting in this section ? Those arguments were met at length by my predecessor, Sir Brojendra Mitter, and I find, that in the end this House decided by a majority to have this clause, namely, to put in an express clause that section 491 will not apply to any persons detained under the Act. If we are now going to pass this Act and if we repeal that section, there can be but one implication, namely, the corresponding section 491 will apply to these proceedings. That is an impossible situation, because, by reason of the Bengal Act, as my Honourable friend, Mr. Neogy,—I should use the full name—Mr. K. C. Neogy.....

Mr. K. C. Neogy : It is not necessary in my case.

The Honourable Sir Nripendra Sircar : Mr. K. C. Neogy said that executive judgment had been substituted for the judgment of the Court. That is perfectly right, I am not going to dispute that for one second. But if that is so, what are the unfortunate High Court Judges going to do ? If the object of deleting the section relating to 491, is that the High Court will test the grounds on which the opinion of the Government was based, then the High Court would be helpless. They have been made helpless, not by anything which this House has done, but by the Bengal Act. Sir Abdur Rahim made another point, and that was quite a debatable point. He made the point : " Very well, but supposing the man has been kept in custody in jail, and, as a matter of fact, none of the provisions, even of this Act, had been complied with,—imagine a case where a man is put in jail. It is said that he is being kept in jail under the provisions of the Bengal Act of 1934, but, as a matter of fact, there was no order from the proper person in the Government expressing his opinion that this man ought to be kept in jail." Would the High Court have the power to interfere or not ? I think that is the point which my friend, Mr. Lalchand Navalrai, had in mind when he said, it was conceded by my predecessor that in such a case the High Court would have the power to interfere in spite of this second section relating to section 491 ; and, if I may say so, with respect to my learned predecessor, his answer was quite correct. All that the High Court could see in the supposed case, is, whether, as matter of fact, the provisions of this Statute had been complied with. There, its jurisdiction ends. It cannot go behind the order of the executive and then find out for itself whether the executive arrived at a right or a wrong conclusion about the guilt of this person. It has no right to sit in judgment over executive opinion, which is conclusive by reason of the Bengal Act.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Then my Honourable friend agrees that the High Court can interfere with an order which does not conform to the provisions of the Act.

The Honourable Sir Nripendra Sircar : Yes. As a matter of information, I may tell my Honourable friend that this specific point came up before the Calcutta High Court, either last year or towards the end of the year before last. I am not sure whether both the cases have been reported. I believe one has been reported in the Calcutta Weekly Notes. I could not lay my fingers on the decision this morning. I think that Sir Abdur Rahim will remember that several applications were moved in the Calcutta High Court. Two of them were applications based on this particular ground, namely, that the provisions of this Act have not been complied with. In one case, the Bench was constituted, I think, by Mr.

[Sir Nripendra Sircar.]

Panckridge and another, and, in the other case, by Mr. Justice Ameer Ali and another Judge. However, the names of the Judges do not matter. I believe in each case they granted a rule, and I submit that they granted it quite properly, because *prima facie* on the affidavits there was an allegation that the provisions of the Bengal Act had not been complied with. In both these cases, rule was issued and the Crown was called to show cause and the applications were ultimately dismissed, not because the High Court had no power to go into that question, but because in each case the High Court was satisfied that there was an order by the executive which made it clear that in their opinion the man ought to be detained in jail without trial under the provisions of the Statute. I mention it specially because I find that Sir Abdur Rahim raised this question and that question has now been decided by the High Court in the way in which my friend contended.

I have only one other matter to raise. I have already said that whatever the conclusion might have been in 1932, this House thought it was unnecessary to introduce section 2, and they did act accordingly. At the present moment, the position is that this House having once considered it necessary to make it perfectly clear that section 491 was not going to apply ought not withdraw it on the ground that it is unnecessary. After all, this House will certainly agree with me that this application of section 491, this question of law which we are discussing here and which Mr. Lalchand Navalrai raised, after all they are really of no substance whatsoever, nor of any material importance for obvious reasons. What according to my learned friends is the mischief, namely, the mischief of the substitution of executive judgment, that has been done by the Bengal Act, and having regard to the Bengal Act, it is not competent to the High Court, whether section 491 is made applicable or it is removed altogether, to go behind the opinion formed by the executive in relation to the necessity of detention under the provisions of that Act.

I do not think I shall take up more time of this House. If any other new points are raised about *Habeas Corpus*, common law rights or English constitution or Magna Charta, Petition of Rights, and so on, I shall certainly have an opportunity of dealing with them when the amendments are moved.

Mr. Lalchand Navalrai : On a point of order.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member will simply state the point of order. The Chair proposes to hear arguments in support of the point of order later on.

Mr. Lalchand Navalrai : I want to have a ruling from the Chair whether the *Habeas Corpus*, the common law, can be superseded by this Legislature ?

Mr. President (The Honourable Sir Shanmukham Chetty) : If that is the only point on which the Honourable gentleman wants the decision of the Chair, it can straightaway give the ruling, without having the need of hearing arguments for and against. So far as the powers of this Legislature are concerned, the only restriction placed is contained in section 65 of the Government of India Act, and, under section 65 (2),

the Indian Legislature has not power to make any law affecting the authority of Parliament or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India.

The Chair understands the Honourable Member to mean that the *Habeas Corpus* law, being a part of the unwritten law and constitution of Great Britain and Ireland, any law of this Legislature affecting that law would be *ultra vires*. Is it not ?

Mr. Lalchand Navalrai : Yes, Sir. That is the point.

Mr. President (The Honourable Sir Shanmukham Chetty) : The answer to that is this. It is not merely sufficient to show that a Bill before this House affects the unwritten law or constitution of the United Kingdom, but any Member, relying upon that section, must also show that that unwritten law of constitution of the United Kingdom is such that on that alone depends in any degree the allegiance of the subject to the Crown. It has been held by the Judicial Committee of the Privy Council that the allegiance of the subject to His Majesty is not conditional, but that it is an absolute duty of the subject, and no Act or law of the Legislature can be an excuse for a subject to abrogate his allegiance to the Crown. Therefore, a violation of the *Habeas Corpus* law cannot be construed as in any way affecting the allegiance of the subject to the Crown and the Bill before the House is *intra vires* of this Legislature.

Mr. Lalchand Navalrai : I am thankful to the Chair for the first portion of the ruling. With regard to the last part, namely, the question of allegiance, the Chair, I hope, will kindly hear us and also give an opportunity to other Members to be heard before coming to a final judgment, because this is a very important point. I was under the impression that this point had been raised at one time, and your predecessor, Sir, gave a ruling. I have asked for the reference, but I have not yet, up to this time, been able to find it. This is a very weighty point which involves more or less strengthening the hands of the executive against the judiciary.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Honourable Member has not raised any new point. It is covered by the point which was raised before.

Sir Abdur Rahim : Mr. President, I am afraid my Honourable friend, Mr. Lalchand Navalrai, drew a red herring across our path. At any rate that led my Honourable friend, the Law Member, to deliver a very interesting disquisition on the law of *Habeas Corpus* and the powers of the Legislature in this country. Well, so far as a point of that nature is concerned, I was perfectly prepared to hear from my Honourable friend opposite a very learned discussion of the character he has given us. Fortunately the question really need not arise and I think on a previous occasion the matter was the subject of a ruling from the Chair, if I recollect correctly, and, therefore, I do not think it is a serious point at all arising from the Bill. But as regards the other arguments of the Honourable the Law Member,—I am sorry that he has left his seat,—I regret that most of us on this side of the House were unable to appreciate

[Sir Abdur Rahim.]

those arguments. We are perfectly aware that he has just come from Bengal, saturated with the local atmosphere, and, therefore, he is not expected to take at present that all-India view which I hope the membership of this House and the Government of India will soon bring about. His arguments in favour of the measure before us are mainly based on the fact that the Legislative Council of Bengal has passed the Act of 1934, and, therefore, we are bound to follow the Legislature of Bengal and pass the measure now before us. Before I deal with that class of argument, which, I submit to the House, has very little value, I wish, first of all, to make my position clear with respect to what the Honourable the Home Member said with reference to the attitude I took up on a question of this character on a former occasion. He cited some passages from a speech of mine which, if I remember correctly, I made in reply to a provocative speech delivered by an Honourable Member of the European Group on a Resolution which was moved in connection with the attempt, I believe, on Sir Alfred Watson, the editor of the *Statesman*. In that speech Mr. James tried to convey that a great deal of responsibility rested upon us on this side of the House in the matter of these terrorist crimes, that we had not done enough in order to ensure that these crimes are put a stop to, and so on, and it was in reply to that speech that I pointed out to the House that the responsibility for dealing with terrorist crimes rested primarily and substantially upon the Government and not upon the Non-Official Benches. I am glad to find that the Honourable the Home Member entirely agrees with that proposition. In the course of my speech, I pointed out also that Government must find out the remedy, and I believe my Honourable friend wants to lay stress on that proposition as if trying to suggest that we are bound to accept any measure that is put forward by the Government. Is that really the position which the Honourable Member takes up ? I am sure, he does not take up any such position. I say, now that my Honourable friend, the Law Member, has returned to his seat, even if the Honourable the Law Member was inclined to be technical, the Honourable the Home Member would not say that I am bound to accept this measure, because I had previously said it was for the Government to find the proper remedy.

Sir, the Government ask us to pass this Bill, because the provisions of this Bill are not within the competence of the Local Legislature. I should like my Honourable friend, the Law Member, to note this fact that the Local Legislature of Bengal is incompetent to enact a measure like this. That is the reason why the Government of India, under the Constitution, is compelled to come to us. Surely my Honourable friend, the Home Member, will not deny that there are extremely good reasons why legislation of this character should not be undertaken by a Local Government, but only by this Government and by this Legislature. Sir, that being the position, the responsibility is entirely laid upon us whether to approve the measure put forward by the Government or not. The question, therefore is whether the provisions of the Bill are such as should meet with our approval, whether it is the right policy for this Legislature and the Government of India to adopt or not.

Sir, there are three important questions which arise. The first is the detention of these political suspects outside the Province of Bengal.

The second is whether the power of the High Court to interfere with illegal detentions under the Act should be retained or should be taken away ; and the third—the most important question—is whether the time limit should be removed and the Act made permanent. Sir, this is an Act which applies primarily to the situation in Bengal. But there are certain important principles involved in it with which the whole of India is concerned. Therefore, we have to consider the provisions from the all-India point of view. We have to take a long view of the situation and not merely confine our vision and our examination of the problem to the local difficulties that have arisen in Bengal. Now, Sir, my Honourable friend, Sir Harry Haig, has told us, as indeed we all know, that these terrorist activities began as far back as 30 years ago. He also assured us that the Government of Bengal have been able to establish some control over the activities of these misguided youngmen, but not sufficiently well to satisfy them that a law of this character was no longer necessary. I may just in passing point out that the position taken up by my Honourable friend opposite does not appear to be very logical or consistent. If, as a matter of fact, the Government of Bengal have been able to secure control over the movement remembering the fact that these Acts were passed four years back, then surely we are entitled to expect that within a fairly short period of time they will be able to complete that control and stamp out the menace. I say that that consideration *prima facie* arises from the statement made by my Honourable friend, but I do feel that the Honourable the Home Member realises at the same time that his anticipations may not be justified. What he fears apparently is that the terrorist movement may become a permanent feature of the Province of Bengal, and, therefore, he is asking us to make this legislation permanent. Sir, it is a very serious thing to ask of us. It means not only that the House should authorise the Bengal Government to send their political suspects anywhere they like, instead of following the normal procedure of detaining them in their own Province. Not only that, but we should be sanctioning generally a mode of dealing with political movements which can only be justified in an emergency and which should be dealt with only by emergency legislation. Sir, we have often been asked by the Benches on the other side to refer to dictionaries, but I may say from my experience of measures like this that the Government dictionary defines " emergency " as something permanent. Sir, we are seriously asked to hold that the activities of persons who are merely suspected of certain crimes can only be met by the Government of Bengal if these men are confined for all time without any trial whatever. That is to say, the Government of Bengal must be empowered to deprive the citizens of Bengal of their liberty, detaining them whether in the Province or outside the Province as they choose, without any trial, without any remedy being made available to these persons whose liberty is so taken away. Sir, that is asking of us too much unless the Government of Bengal is able to satisfy us that the condition of things that prevails at present is going to remain a permanent feature of the Province of Bengal. Sir, I myself do not believe that that is going to be the case. And I should strongly object to the making of a measure like this permanent on one ground alone, if not on other grounds. It is this. I do not want the Government of Bengal to go to sleep. I want the Government of Bengal to be vigilant and to take the necessary steps, as vigorous steps as possible, to stamp out terrorism from that Province. Sir, what would be the psychological effect of this measure on a Govern-

[Sir Abdur Rahim.]

ment which has not been able to deal with this evil for the last 30 years ? They will go on in their good old ways. On the other hand, what we are entitled to expect from the Government of Bengal is that they should find out the real causes, they should spare no effort to find out what are the causes at the bottom of this conspiracy if it is a conspiracy and deal with it vigorously and effectively. Does my Honourable friend, the Home Member, contend that this is not possible ? Surely, that would be a very serious indictment of the Government of Bengal. The Government of Bengal is possessed of every possible power and all the resources that can be available to any Government to deal with this menace. My Honourable friend has assured us that he is also thinking of other suitable measures in order to deal with the situation. He simply told us of one, and that is the enlisting of public opinion in condemnation of crimes of this character. But, surely, there are other measures possible by which this movement can be met. My Honourable friend, Mr. S. C. Mitra, has told us that Sir John Anderson, the Governor of Bengal, is particularly loved by the Hindus of Bengal, and yet the fact remains that only the other day a deplorable attempt was made on his life.

Sir, during the last two or three years that we have been considering measures of this character, I must say that we have been kept more or less in the dark, I do not suggest wilfully, but, as a matter of fact, we are not in a position to understand what the real causes of this trouble are. Is it a racial movement ? Is it a movement purely aimed against Englishmen ? If that is so, I, for one, would publicly tell these misguided youths of Bengal that if they believe that, by assassinating a few British officials, they are going to frighten the British people, that they are going to coerce them to give up their rule in India, then they are absolutely mistaken. I, for one, do not believe for one moment that a single British official will be deterred from doing his duty because of these outrages. I am perfectly sure, and I believe that the British Government would be perfectly justified, if this movement is racial, to use every means in their power to stamp it out. That is a position which no one can deny. Any one who has read the history of the different nations and of different Governments must admit that the British people cannot allow themselves to be driven out of India by a menace of this kind. If this movement is racial in origin, then of course, they would be perfectly justified in taking whatever measures they like. It has also been suggested that the causes are political. There also we are quite in the dark whether it is really the intention of these young men to overthrow British rule in India by activities of this nature. Well, I do think that the friends of these people ought to tell them in as distinct language as possible that if that is their idea, they are wholly mistaken and that they will never realise their political objective. If that is one of the predominant motives, I do not see any chance of conciliation by taking measures which will bring them round to a more reasonable attitude of mind. If by political motive is meant political concessions, then in that case we are equally in the dark, because we do not know what sort of political concessions will satisfy these misguided young men. It has also been suggested that the causes are economic, that most of these young men can find no employment and they thus become desperate and think that, by assassinating some officials, they will possibly achieve their object or that they have become so desperate that they do not care what happens either to themselves or to the officials. Sir,

I am saying all this in the hope that the Honourable the Home Member might take us into confidence as to what—I do not ask him to disclose any confidential information that he has received, but I think he ought to enlighten us what in his opinion—are the root causes of this trouble, whether racial, political or economic. If he is able to find out the causes, then I suggest that the Government will be in a much better position to find the remedy. So far as we have heard speeches from Government Benches, speaking for myself, I feel entirely in the dark. I do not know what the causes are and we must remember that this movement has been going on for over 30 years. The Government of Bengal have an adequate police establishment, they have their detective forces, they have various other means of finding out what is happening, and when they have been able to find out what the real trouble is, then it is that the Government of Bengal and the Government of India will be able to fight this menace. That is exactly what I suggested in the speech from which my Honourable friend quoted one passage. I say, as I said then, that this is a matter of administration. I cannot exonerate any Government which, for 30 years, allow this evil to go on and is unable to find out the causes. I do think, therefore, that the Government of Bengal must be awakened to the situation, and it must be kept up to the mark instead of enabling it to shift its responsibility on to other Provinces and instead of encouraging them to ask the Government of India and this House to give them a measure of this sort as a permanent feature of the Statute Law of India. What I suggest to the Government of India, through the Honourable the Home Member, is that they should tell the Government of Bengal " Very well, you have not been able to deal with this menace effectively so far, we will give you another period of three years or five years at the most, but we refuse to give you for ever laws of this character, because laws of this character, will aggravate the evil the longer they last on the Statute-book ". I, therefore, say, there is really no justification in asking us to make this law permanent on the Statute-book in order to deal with the movement.

I will just say one or two words about a specific point that has been raised. As regards detention of these political suspects outside Bengal, I am afraid the Honourable the Law Member has dealt with it very lightly. He says what does it matter where they are detained, in Bengal or outside ? It does make a deal of difference. As a lawyer, for instance, he ought to know that there is a difference between transportation and ordinary imprisonment in one's own Province. Transportation is considered a heavier punishment, and rightly so. Therefore, that fact itself is enough to regard this measure of detention of political suspects outside as something abnormal and as something which ought not to be resorted to, unless the Bengal Government is really compelled to it. I do not attach undue importance to this question, but I do still say, as I said on the previous occasion, that it is a reflection on the Government of Bengal and on the administration of Bengal that they should not be able to make effective arrangements for their own political suspects. My friend, Mr. Sitaramaraju, pathetically appealed to the Government of India not to send these political prisoners to the Madras Presidency; and I believe it is clear from some of the opinions that were received that at least some of the Local Governments are not happy at the prospect of these people being shoved on to their charge. There is, from the point of view of all Provinces, a very strong objection, and under the future Constitution, each Province will become autonomous. I believe the Central Government will

[Sir Abdur Rahim.]

then find greater difficulties in inducing other Provinces to give shelter to the political suspects of Bengal.

Sir, as regards the treatment of these men, I am absolutely sure that so far as the Government of India can ensure it, they will be treated humanly and kindly. They are not criminals who have been convicted of violating the law of the land. They are mere suspects. But I do not endorse the protest of my Honourable friend, the Law Member, when he says that it is a reflection on the Government of India to appeal to them to see that humane and fair treatment is meted out to these detenus. I think the Law Member must know that the heads of Government, though they are technically responsible cannot always ensure that the subordinate officials discharge their duties properly. And, therefore, we, the Non-Official Members on this side of the House, can only hold the Government Members responsible for seeing that these detenus are properly treated.

1. P. M.

Now, as regards the question of the powers of the High Court to interfere with illegal orders passed by an official or the Local Government, I think the law has been correctly stated, as we all conceived it, by the Honourable the Law Member, that if the provisions of this Act are not complied with and any person is detained in custody in contravention of the provisions of this Act, the High Court, in spite of the repeal of section 491 of the Criminal Procedure Code, will still have the power to interfere and set such person at liberty. That, I think, is the correct position of the law, and, therefore, it is not necessary for me to go into that matter further.

Sir, the most important question is whether this law should be permanent or not. I believe there are some amendments on the agenda with respect to this provision, and I appeal to Government that they should on no account make this law permanent, but put a reasonable time limit. I say it is not in the interest of the Government of Bengal, any more than it is in the interest of the citizens of Bengal, that a law of this character should be made permanent.

Sir, I do not propose to embark upon the subject of how some officials at times behave towards the people and thereby embitter feelings. I believe the present Governor of Bengal is very watchful and will see to it that such undesirable behaviour as far as possible is not repeated. A great deal has been made of the fact that the Bengal Legislative Council, by a large majority, passed the Act of 1934 which contains provisions of an extremely repressive character,—I use that expression in spite of the criticism of my Honourable friend, Sir Nripendra Sircar. Sir, I take that as a fact in favour of Government but that fact does not exonerate us from discharging our responsibilities in the matter. The state of things in Bengal is still not all that is desired and the Government of Bengal think that such a measure, as is contained in the Act of 1934, is necessary in order to enable them to meet the situation. Sir, I do not wish to criticise the Bengal Legislative Council ; I shall give them credit for having done what in their judgment appeared to be the right thing and I do not challenge that position as taken up by the Law Member. But so far as this Bill is concerned, it is solely our concern, and I deny the proposition that it follows as a matter of course that, because the Act of 1934 has been passed by the Government of Bengal, therefore, we are bound to enact this measure. I know there is no time limit in the provincial Act, but that is not

inconsistent without asking Government to put a time limit to this measure. It may be asked, what will happen ? Supposing a time limit is put here, say, for three years, what will happen as regards the prisoners that will be dealt with under the Act of 1934 after the three years have expired ? The answer is obvious. If the Government unfortunately find,—which I hope they will not find,—that the situation has not been brought under control in the next three years, then it is open to them to come to this Legislature, as they have come now, to extend the Act for another period. It may be said that, under the new Constitution, responsibility may be introduced in the Central Government as well. I hope it will. We are not at all sure about it, and I do not think even the Honourable the Home Member is sure about it. But even so we know that under the Constitution it is proposed the Governor General as well as the Governors will have uncontrolled legislative power. They can pass any Act they like and they can veto any measure of the Legislature. This is in addition to the power to issue Ordinances. All those powers being there, I do not see what justification there is for the Government of India to ask us to place this measure permanently on the Statute-book. On the other hand, as I have ventured to suggest to the Government, it would be bad policy, so far as the Government of Bengal is concerned, to pass a permanent measure of this kind. The Government of Bengal ought to be told in so many words : " We give you three years in which you must put your house in order. This thing has been going on long enough, and you have not been able to do much. We give you another three years and let us see what you are able to do within that time ". I do not believe really—and I have some little experience of administration—that the situation is past remedy, that it cannot be controlled by proper methods and within a reasonable time. I, therefore, strongly object to this measure being placed on the Statute-book permanently.

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 Shanmukham Chetty) in the Chair.

Mr. E. Studd (Bengal : European) : Sir, as I listened to the lucid, and, to my mind, convincing speech made by the Honourable the Home Member yesterday in introducing this measure, it seemed to me that he was making a proposition that anybody could understand quite simply and easily. As I listened to the speech of the proposer who made the motion for circulation and, to my mind, his somewhat laboured explanation of the difficulties in understanding the question fully, it seemed to me that he was confusing the issue instead of clarifying it, and as he proceeded with his speech, it certainly seemed to me that he had confused the issues as far as he was concerned, for he spent a considerable time in arguing against detention without trial, or as he preferred to put it, detention on mere suspicion, a line of argument which one or two other speakers also chose to adopt. But, Sir, it seems to me that that argument is really entirely irrelevant to the present question. Whether the present Bill is passed, whether the Act which it seeks to extend is made permanent or is extended for a period of a few years or is allowed to lapse

[Mr. E. Studd.]

next year ; whichever of these alternatives may occur, detention without trial is provided for under the Bengal Act and will continue, and, therefore, I submit that question does not really arise out of this proposal.

Sir, there are two points in my friend, Mr. Mitra's speech to which I should like to refer. I do take exception to his accusation which has been repeated by other speakers that these men become detenus on mere suspicion. He ought to know as well as others that that is by no means the fact. Definite and ample evidence has to be submitted to the appointed authority before any man is declared a detenu. Now, Sir, I think it was my friend, Sir Abdur Rahim, who, in a previous debate on this subject, stated that terrorism was a subterranean movement and that it was impossible for the ordinary man to know how it works. Now, if you have to deal with a subterranean movement, you have got to adopt underground and secret measures for getting your evidence and your information to deal with it, and if you have to work in that way, I think it is obvious to any sane man that if that evidence, when it has been obtained, has to be submitted to a Court of law, the source of that evidence becomes public property, and that means you cannot in future use that same source to get any further evidence or any further information. And, Sir, there is another very strong argument against making that evidence public, and that is, while it is difficult to get a member of the public to come forward to give evidence or information in ordinary cases, it is still more difficult in the case of terrorist activities, because of the very natural fear they entertain that, if they do come out into the limelight, they will be the victims of reprisals. I should like to remind the House that it is no idle fear, for on more than one occasion there have been cases of witnesses who have been shot by the terrorists, because they dared to give any information.....

An Honourable Member : When was the last of that ?

Mr. E. Studd : Now, Sir, there is another point on which my friend, Mr. Mitra, spent some time in arguing the question relating to complaints about the treatment of detenus. We have in this House on frequent occasions listened to long strings of questions and supplementary questions on that subject. Personally, I have sometimes marvelled at the unruffled patience with which the Honourable the Home Member answered those questions. For, Sir, it seemed to me listening to the questions and answers, that a great many of those complaints were unfounded or grossly exaggerated, and that in any case where there does seem to be any real cause for complaint, Government have always shown their readiness to investigate the matter and to adopt any measures possible to remedy the complaints. But, Sir, I submit that even if there are cases of hardship, that is no argument against the continuance of these measures. I should like to remind my friend of the saying " Hard cases make bad law ", and the chief consideration is not whether individuals unfortunately are suffering hardship, but what is to be for the greatest good of the greatest number. I do not think that any sane and reasonable man will attempt to deny that the enactment of these measures has definitely achieved the greatest good of the greatest number, it has helped at any rate to check the evil of terrorism and to bring more security to the general public.

Now, Sir, in spite of what almost seemed like red herrings being drawn across the trial in the shape of legal arguments, it seems to me that the

issue is a perfectly clear and simple one. It is sought to enact this Act as a permanent measure, the principles of the measure have had already been accepted by this House two years ago, and they have been in operation for something like two years,—the first is to keep the detenus outside Bengal, the second is to bar the power of intervention of the High Court. Now, Sir, I have not heard anybody in the course of this debate claim that the present Act and the present powers have done no good. I think every one is prepared to admit that they have at any rate helped to check terrorism, even though they have not cured the evil. It is equally beyond question that the evil which we are aiming to check still exists. Surely, Sir, if those two points are admitted, there can be no possible grounds for relaxation of any of the measures which are taken to deal with this evil. I certainly endorse what the Honourable the Home Member said in his speech regarding the study of the history of terrorism in Bengal during the past 30 years. This is no recent evil unfortunately, and I think any one who will study the history of those outrages and of the measures which have been taken to deal with them will inevitably come to the conclusion that it is the greatest mistake in the world to relax your vigilance or to relax the stringency of your measures just because for the moment at any rate terrorism seems to be dying out. It has been found over and over again that where special powers have been relaxed, because it appeared that the evil was decreasing, immediately terrorism raised its ugly head again. We, Sir, for our part are under no delusions in this matter. We do not believe that the task will be either an easy one or a quick one ; we believe that it is going to be and it must be a long fight and a stern fight. And I should like to tell my Honourable friends on the other side of the House that unusual powers of this kind are just as distasteful to the Englishman as they are to any Indian. The whole of our history and tradition and upbringing has taught us to dislike anything that curtails the liberty of the subject. But, Sir, we are so convinced of the evils of terrorism, we are so certain that desperate evils require desperate remedies, that we are determined to support these measures which we consider necessary, with the whole of our strength. Sir, when I say that, I am quite sure that I am not speaking merely for these Benches or for the European community in Bengal. I am quite sure that those views are shared by every European throughout this great country. Now, Sir, we hold those views, not, as I think the Leader of the Opposition seemed to suggest this morning, because our community has been the one which has hitherto at any rate suffered most, or because we think that there is anything racial about it. We are quite convinced of there being something far deeper than that. We believe that it is a blot on the fair name of India and that it is entirely contrary to the whole grain of Indian culture and Indian traditions and we maintain most firmly that the fair name of India is just as dear to those of us who spend the best part of our life in this country as it is to Indians themselves. For that reason we see in terrorism a canker which must either destroy or be destroyed, and that is the reason why we are so determined to support any measures that are necessary to cope with it. We are convinced that it is a menace not merely to the present Government, but to any Government. I have heard it argued that when Constitutional Reforms, when Provincial Autonomy come in, terrorism will die a natural death. I think that that is the greatest delusion. The terrorist's hand is against every man who does not agree with his way of thinking or does not approve of his way of doing things, and I am quite certain that the

[Mr. E. Studd.]

new Governments will find terrorism just as much a menace as the present Governments have found it. And it is just because we feel that the new Governments will have constantly to deal with new and difficult problems without the ripe experience and traditions which long years have given the present Government, that we feel that terrorism should, if possible, be removed before they undertake their task.

There is another point with regard to this measure which, I think, deserves consideration. This, to my mind, is not merely a question of co-operation with the Government of India or the Government of Bengal ; it is something much bigger than that. It is co-operation also with the people of Bengal. I do not think that there is the slightest question that, if it had been possible for these powers to be included in the Bengal Act, they would have been passed by the Bengal Legislative Council with just as big a majority as it did actually pass the Act as it stood. My Honourable friend, Mr. Mitra, in the course of his speech, told the House that he had been informed by a high official that even from Deoli communications were being established to some extent with the outside world and that a certain amount of conspiracy was being hatched even there. Surely, that is an argument against his own case. If even from Deoli such things can happen, it is quite obvious that, if the detenus get back into the middle of Bengal, such things will happen to a very much greater extent.

Now, Sir, my Honourable friend, Mr. Lalchand Navalrai, said that he would be agreeable to an extension of this Act for a few years, but he thought that it would be most unreasonable to make it a permanent measure. I do not know what was at the back of his mind in saying that. He comes from a part of India where he has not had an opportunity of coming into close touch with terrorism, and, possibly, therefore, he does not realise the strength of the movement or the magnitude of the problem. I should prefer to think that it was that, rather than weakness which prompted him to say that. But, Sir, it seems to me the great objection to extending this Act merely for a few years will be, as the Honourable the Home Member suggested, that it will hold out some sort of encouragement to the terrorists that if they can hang on for another two or three years or whatever period it may be, some of these stringent powers will be relaxed and then they will have a better chance of getting their own way. On the other hand, if the measure is made permanent now, surely it is a clear indication to them that Government, backed by the Legislatures, are out to fight them to the bitter end, and that they will not relax their efforts or relax their measures to deal with this evil until the evil no longer exists. I fail to understand how there could be any objection to making a measure of this sort permanent. It looks as if my Honourable friends thought that it was like the law of the Medes and Persians which we were told could not possibly be altered. The Honourable the Law Member has pointed out this morning that making it permanent only really means that it is on the Statute-book until it is repealed or amended. There is no question of its being there and it being impossible either to repeal or amend it. I have no doubt that if and when the day does come when the powers are no longer needed, it will be a perfectly simple matter to repeal it, but it does not seem to me that very much damage would be done even if it was not repealed, because, if there

is no evil to deal with, the powers would become a dead letter for there would be no detenus.

Now, Sir, it has been said and said quite correctly that this will not cure the whole evil. That, I think, every one admits. Surely, the fact that it is only a partial cure does not mean that it should be discarded and it has certainly helped. The only question is what else can be done. I must confess that I was somewhat disappointed at the speech of the Honourable the Leader of the Opposition, for I had hoped that we might get some constructive proposals from him. It is so easy to be destructive and to say that somebody has not done his job, that the Government of Bengal is inefficient, and so on, but it is quite another story to put forward some constructive proposals in order to improve matters. But it does seem to me that the two great bodies which can do more than anything else to help us are the Indian press and Indian public opinion. They should not rest until they have convinced these misguided people, and those who are inclined to follow them, that terrorism is something outside the pale. There are undoubtedly many other contributory causes which will have to be dealt with. I do not think I can do better than once again quote the Honourable the Home Member in one of the debates two years ago when he was referring to this subject. He said " mobilize public opinion, make it strong, vigorous and lively ". My Honourable friend, Sir Abdur Rahim, this morning referred to a speech which was made by Mr. James from these Benches two years ago. I was not in the House at the time, but I have read the speech and I have read the comments on it made then. Now, Sir, it appeared to my Honourable friend as some sort of accusation. I do not believe it was ever intended to be taken in that light, but I should like to say this. My own view is very much the same as the view that Mr. James held. Can anybody think he has done enough so long as terrorism still exists ? It is not a matter that Government can tackle by themselves. It is a matter for every right minded citizen to do his best to contribute his part in fighting this evil. I do maintain that until terrorism is dead and gone, no one has any right to claim that he has done enough. That is no reflection on what has been done. I believe if we are honest in our attempts, we can do something more. It is, I think, noticeable that public opinion is beginning to form, but until these misguided people realise that any act of terrorism is a definite act of treason to India and will be regarded as such by their relations and friends and by the leaders of their community, when public opinion gets as far as that, then I believe that terrorism will cease to be a menace. Now, Sir, I submit that there is no body of men that could give a better lead to public opinion than this House—the elected representatives from all over India. To my mind the motion for circulation is merely shirking responsibility. This is merely saying " we are not prepared to tackle this unpleasant subject until we have heard what other people have to say about it ". I venture to suggest that perhaps the greatest single blow that we can strike at terrorism and the most effective way of educating and encouraging public opinion will be the passage of this Bill through this House without a division.

There is one other aspect I should like to touch upon before I finish, and that is this. Have my Honourable friends considered what the effect of refusing to pass this measure or of making great difficulties about it may be on those doubters who exist, who have openly expressed misgivings on the subject of the transference of law and order in this country or

[Mr. E. Studd.]

on the die-hard section at home ? Whatever we may think of their views, we cannot ignore that factor in the situation. Are we going to play into their hands by refusing to take these measures, because they are unpleasant, or are we going to cut the ground from under their feet by passing this measure and rigorously enforcing its provisions. I look upon this measure as a plain duty to the present Government and the future Governments which we hope soon to see installed. It is a definite step in the furtherance of the cause of the Reforms. I am convinced that it is for the good of India, that India, which all of us, Europeans and Indians, love and seek to serve.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I think there is no one on this side of the House who would not agree with Mr. Studd that terrorism must be stamped out from this country, and there is no one on this side of the House who would not agree with all that has been said by the Honourable the Home Member that terrorism is a menace, not only to the peace of Bengal, but to the whole of India; but the question which the Honourable Mr. Studd has raised and which the Honourable the Home Member has raised seems to me, with due respect, to be wholly irrelevant. We are here concerned with the perpetuation of a Statute which was passed in 1932. The Honourable the Home Member and the Honourable the Law Member and, last of all, Mr. Studd appealed to us by stating that only two years back we had accepted the principle of the Bill. Human memory is short. If Honourable Members will recall the proceedings of 1932, they will find that emphasis was laid by all speakers on the fact that this was merely a temporary measure, and, because it was a temporary measure, this House was prepared to support the Government. Let me read to the Honourable Members what I myself said speaking from the Opposition Benches:

> "That being the position of this side of the House, we are not going to intervene in the further progress of this Bill, but at the same time we wish to tell the Honourable Members on the Treasury Benches that whatever you do, whether for the purpose of laying terrorists by the heels or ruling the whole country by Ordinances, it is only a palliative and not a cure.",

and, then, later on, I went on to state that the primary reason which had led the Opposition Benches to support the measure was the fact that its duration was limited to a period of two or three years.

3 P.M.

Now, Honourable Members will perhaps remember the view of the case that I am going to place before them. In 1932, the terrorist movement was at least 28 years old. The Honourable the Home Member reminded us that it is now about 30 years old. And I cannot for one moment assume that the Honourable the occupants of the Treasury Benches were not aware of the argument that has been used by the Honourable the Home Member and repeated with such vehemence by other speakers on the other side of the House that, because this is a temporary measure, therefore it ceases to serve its purpose, because the terrorists wait for their time and hope that, after the lapse of two or three years when there will be no measure at all, they will be free to resume their illegal activities. Sir, the terrorist movement started as far back as 1905, and it has continued down today.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Even earlier.

Sir Hari Singh Gour: As my Honourable friend, Mr. Ghuznavi, reminds me, it started even earlier. Now, if there was anything in the argument that permanency is a cure for the terrorist movement, I am perfectly certain that the old Legislative Council, which was responsible for the enactment of legislative measures, would have placed on the Statute-book a permanent measure against terrorism, but it did not do so. And when the late Lord Minto began to deport terrorist and others under Regulation III of 1818, we have in the words of the Secretary of State for India the following comments thereupon. Let me read to Honourable Members what the Secretary of State himself wrote in his Despatches and since published in John Morley's Recollections, Volume II, page 250. He says in his letter to Lord Minto:

"The question is the Future. It is like the Czar and the Duma."

I make a present of these words to the Honourable the Home Member—

"Are we to say, 'you shall have reforms when you are quiet. Meanwhile we won't listen to a word you say. Our reform projects are hung up. Meanwhile plenty of courts-martial, *lettres de cachet* and the other paraphernalia of law and order'. People here who have been shouting against the Grand Dukes in Petersburg for bullying the Duma will shout equally vociferously against you and me if we do in our sphere borrow the Grand Duke policy."

Now, Sir, the Honourable the Home Member, in spite of these observations made by his former chief, is following the Grand Duke policy. At page 217 occur the following words:

"Deportation is an ugly dose for Radicals to swallow; in truth, if I did not happen to possess a spotless character as an anti-coercionist in Ireland, our friends would certainly have kicked a good deal. As it is, if a division is forced after my speech, we shall have against us the Irishmen, most if not all of the Labour men, and a fair handful of our ordinary rank and file. This may put me personally into something of a hole; for I don't see how I could carry on, if I found myself opposed by a majority of our own party. However, we need not say good-morrow to the Devil until we meet him.

I suspect your difficulties will only now be beginning, for the reactionaries are sure, after getting their first mouthful of Energy, to clamour for more—right and left. Personally, I am not at all squeamish in such a community, or mass of communities, as India is, for a conflagration there would be too terrible."

Then, I wish to draw your particular attention to the closing passage which I shall read:

"The worst of it is that we do not really know, and cannot know, what is going on in the subterranean depth of the people's own minds."

Sir, these are pregnant words: and the Honourable the Home Member may feel that, because he is faced with an attenuated House and is sure to carry this measure on to the Statute-book, the last will be heard of it in this country. It may be so, but we have friends on the other side of the ocean, and they at any rate will recall the words of their own Secretary of State and examine the position more independently than we are able to do here today. Whatever may be the fate of this measure, this side of the House cannot be a consenting party to its passage; and I beg further to say that no measure, which the Government have hitherto brought forward, has received the opposition of this House merely because it was a Government measure. Only two years back, we supported the measure, because it was a temporary measure, but it is one thing to pass a temporary, emergent measure, just as we have had in England the suspension of the Habeas Corpus Act, but what would the House of Commons say if the Habeas Corpus Act were suspended for all time? And that is what the

[Sir Hari Singh Gour.]

Honourable the Home Member is now striving to do by this measure. He is suspending the operation of the Habeas Corpus Act, enacted, in section 491 of the Criminal Procedure Code, for all time, and I submit it is upon that crucial point that we and he are at issue.

The Honourable Mr. Studd said that the Honourable the Leader of the Opposition had made a destructive criticism of the Government measure, but had not suggested any constructive scheme. Well, Sir, a constructive scheme it is very easy to suggest, but it would not perhaps be as easy for the Government to adopt it. If the Honourable the Home Member had come forward with a Resolution to appoint a Committee to go into the terrorist movement and to suggest means and measures, I am quite sure we would have helped him and suggested a line of action which would not have been as obnoxious as the present measure is. Even as it is, we would have gladly joined our friend, the Honourable the Home Member, in wishing this measure Godspeed, were we sure that the terrorist movement would be laid under its composite provisions ? The Honourable the Home Member has himself admitted that these measures passed from time to time, have not stamped out the terrorist movement. The Honourable Mr. Studd expressed the same view. Now, I wish to ask you, Sir, this. India is suffering from a disease. The Government have been administering a pill from time to time. Now, I wish to know if, instead of administering one pill, you are to give three, is the patient going to recover or die ? And the mere fact, that this measure, whether temporary or otherwise, has been in existence from 1915, when the Rowlatt Act was enacted, down to the present date, has not stamped out to any perceptible degree the forces of terrorism, makes us doubtful whether this measure will serve that purpose. If the measure is inadequate, the fact that it is permanent does not make it adequate. If the measure is adequate, its permanency is not necessary and not called for. I submit that the Honourable the Home Member should reconsider the position in which he has launched himself. I know he said that the Legislative Council of Bengal have passed by an overwhelming majority a measure of which the measure before us is a supplement. But I beg to ask the Honourable the Home Member whether the question of *Habeas Corpus* was before the Legislative Council. Did they pass any measure or did they pass any Resolution recommending to the Legislative Assembly the enactment of a measure in which the Habeas Corpus Act would be suspended for all time ? What is the good of referring to the Bengal Legislative Council because they have passed a measure which is quite different to the measure with which we are concerned? The measure with which we are concerned is a measure in which we give the *lettres de cachet* to the executive Government and give the aggrieved party no recourse to the Court of law in any circumstances, not even to the High Court under the provisions of section 491. That, I submit, is a main point before us, and nobody on this side of the House is prepared to give a *carte blanche* to the executive to arrest and detain without trial for any indefinite period any person whom they consider to be a danger to the State. Now, Sir, that is the question with which we are concerned, and I submit that if we apply ourselves to this main question, the answer will not be far to seek. It has not only been said but admitted that, so far as this House is concerned, it has only a subordinate position or a secondary place in view of the decision of the Bengal Legislative Council. Let not Members on this side of the House remain for one moment in any delusion that the Bengal Legislative

Council has either passed any law or recommended any law like the one with which we are now dealing. We are dealing here with the amendment of the Code of Criminal Procedure, with the repeal of section 491 of the Code of Criminal Procedure which does away with the power of *Habeas Corpus* given to the chartered High Courts of India. And it is upon that point that we join issue with the Honourable Members on the Treasury Benches. My friend, the Honourable the Law Member, upon whose maiden speech I congratulate him, made, as is expected from an astute lawyer, a special pleading on behalf of the Government. I think at times he was speaking with the tongue in his cheek because he said: "Oh, this is only a preventive measure." Well, Sir, it may be a preventive measure, but why are you going to send these people to jail for an indefinite term ? A preventive measure is well understood. Bind them down to keep the peace, bind them down under the provisions of section 107 or section 108, because these are preventive sections, but to send a man to perpetual incarceration to a place unknown can never be described, with due respect to my Honourable friend, as a merely preventive measure.

The Honourable Sir Nripendra Sircar : Will my Honourable friend allow me to point out that in 1932, as Chairman of the Select Committee, he fully approved of each of these principles ?

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : You have anticipated everybody here.

Sir Hari Singh Gour : Sir, because I happened to be a Chairman of the Select Committee in 1932, I have read passages from my speech for the purpose of saying to the Honourable the Occupants of the Treasury Benches in what circumstances we acceded to the request of the Government to legislate for a period of three years.

Then, Sir, my friend, the Honourable the Law Member, said that a complaint was made from this side of the House that the detenus deported outside the province of Bengal would suffer from hardship. He then said : "Do not the prisoners in Bengal suffer from hardship ?" I think my friend must have overlooked the fact that there are degrees in hardship, and while prisoners in Bengal suffer from hardship, the Bengali prisoners outside Bengal suffer from greater hardship, and it is against that greater hardship that Members on this side have been complaining. Then my friend said : "What about this Habeas Corpus Act ?" He said that from 1870 down today the Calcutta High Court and the Judicial Committee of the Privy Council have held that the Indian Legislature has jurisdiction to legislate in these matters. Well, Sir, assuming for the sake of argument, that it was competent for the Indian Legislature to legislate, there remains the question whether it would be proper for the Indian Legislature to legislate. Jurisdiction and authority is one thing and its appropriate use in the circumstances of the case is another. And I beg again respectfully to join issue with my friend on the other side when he read, or, at any rate, intended to read the provisions of section 65 of the Government of India Act. In it occur the following words (I am paraphrasing them) :

"The Indian Legislature has no power to legislate upon any matters whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India."

[Sir Hari Singh Gour.]

Now, this postulates that allegiance must be subject to some rule or power. None of the Lordships of the Privy Council have said what is intended and what is the common law upon which the allegiance of the Indian subject is dependent. Nobody has ever said that. In the Wahabi case and in the latest case that went up to the Lordships of the Privy Council, Their Lordships simply contented themselves by saying what the section does not include, but they never said as to what it really means and that is really the point with which we are concerned here. If allegiance were unconditional, what becomes of the clause ? If allegiance were absolute, unqualified or unconditional, these words would be otiose and yet we find in the Indian Statute these words occurring as limiting the jurisdiction of the Indian Legislature. On a previous occasion to which my friend, the Law Member, has referred, I passed in review the whole constitutional law on the subject. I do not wish to detain this House beyond referring in very few words to what I then said. I said that under the Bill of Rights, when William and Mary got the Crown of England, it was distinctly stipulated that that would be subject to the provisions of the Habeas Corpus Act or what then amounted to the Habeas Corpus Act. Let me read from the book on constitutional law a passage.

The whole Bill of Rights, Honourable Members will find, is dependent upon what is laid down in Taswell-Langmead's Constitutional Law, page 572, upon the right of personal liberty, the most precious of all rights, as old as the Constitution itself. It is the right of liberty which is older than even the common law of England, and it was recognised as the common law of that country and was embodied in the Bill of Rights and afterwards in subsequent *Habeas Corpus* Statutes. I submit that it is open to argument that the allegiance subject to the common law of England referred to in section 66 must necessarily refer to some rule of common law by which allegiance is qualified.

Mr. N. N. Anklesaria : May I ask the Honourable Member in what circumstances a man is absolved from his allegiance to his sovereign ?

Sir Hari Singh Gour : I am not here answering my Honourable friend, Mr. Anklesaria's question. I am answering the Honourable the Law Member (*Mr. N. N. Anklesaria* : " Because you cannot answer me "), and I am pointing out to him that merely citing a number of cases commencing from the Wahabi case of 1870 down to the recent Lahore case is no answer to the plain meaning of the provisions of section 66 of the Government of India Act which lays down in unqualified terms that allegiance is qualified by some rule of law and neither Their Lordships of the Calcutta High Court nor Their Lordships of the Privy Council have ever in one of these cases pointed out as to what is that rule of common law subject to which.....

The Honourable Sir Nripendra Sircar : Will my Honourable friend allow me to point out that he is entirely wrong. The Judicial Committee as well as one of the Calcutta judgments have pointed out what those words mean, but I am not prepared to read out the long judgments here.

Sir Hari Singh Gour : If that is all the answer that my Honourable friend on the other side can give, then the answer is somewhat more

emphatic than the answer given by his predecessor, Sir Brojendra Mitter, he was not quite cocksure as to what the meaning of section 66 was, referring as it did, to the allegiance being qualified by the rule of Common Law. But let that pass. I refer that as not a primary question in this case. I am not dealing here with the question of *ultra vires*. I am dealing not with the authority of the Legislature. I will assume that this Legislature has the authority to legislate upon these matters. But I say that is not the point with which we are concerned. Is it right for this Legislature to exercise that power which curtails the liberty of the subject? That, I submit, is the question. That it does curtail, and curtails materially and curtails in a most significant manner the liberty of the subject will admit of no doubt. Even the Honourable the Home Member and the Law Member will not doubt it. My Honourable friend, Mr. Studd, has said that it does curtail the liberty of the subject. What are the impelling causes and reasons which would induce this House to override the fundamental principle of Indian Constitutional Law that the liberty of the subject shall be inviolate. The Honourable the Home Member says, well, terrorism is rampant throughout Bengal. We know it is rampant throughout Bengal, but how are you going to deal with terrorism by this measure? You have tried it and failed. By merely placing this measure permanently on the Statute-book, you are not likely to better things.

My Honourable friend admits that the measure is not likely to stamp out terrorism, other things have to be done. I ask him this question. How can you assert that this measure or similar measures which have been on the Statute-book for a number of years, for at least a quarter of a century which have not sufficed to stamp out terrorism will do so merely because the measure is made permanent? That, I submit, is a question upon which we have our doubts. Then, the Honourable the Home Member said this is not a measure which by itself will control terrorism. Other means have to be adopted. Public opinion has to be mobilised. I echo those sentiments, public opinion has to be mobilised. But how are you going to mobilise public opinion if the public of Bengal and throughout India feel aggrieved that this is a Draconian law—a repressive law which does not discriminate between the guilty and the innocent. If you wish to mobilise public opinion, you must take the public into your confidence. Give the accused a reasonable chance of defending himself. Give the accused the most elementary right of safeguarding his liberty. When you have done that, public opinion would be behind you. But this measure, passed without that salutary qualification, would arouse and inflame public opinion instead of rallying it to your support. (Hear, hear.) Sir, the more coercive the measure, the greater is the feeling of the public against it. As Lord Morley pointed out, you have to count against subterranean mental revolt that exists in the country and is inflamed by the repressive laws. Therefore, I say that it is in the interest of the Government that I am asking them to give the accused a reasonable chance. The Honourable the Home Member says that the executive always examines the cases, and one of the speakers behind me said that they are examined by some Judicial Officers. He further went on to say that if there was a trial or if the High Courts exercise their power of *Habeas Corpus* under section 491, then the evidence would have to be made public. Well, I ask the Home Member, is it not very easy to make a provision

[Sir Hari Singh Gour.]

providing a special procedure for dealing with such cases, that such cases shall be tried *in camera* and that the evidence shall not be published ? Such things do occur. There are precedents for it and that would safeguard the mischief which the Home Member and Mr. Studd apprehend. What we are fighting against is not the measure which the Honourable the Home Member has placed before us for consideration, but fighting against its drastic provisions which leave no loophole for the accused to ask for, at any rate, a summary judgment of any constituted judicial authority. That is what we are complaining of.

Sir, that leads me to the other point. How do the executive act ? Those who have practised at the bar, as my Honourable friend, the Law Member, has done, know too well the machinery of the executive. It goes down from the bottom from a subordinate of the police department and then it goes up by a concatenation of dittos right up to His Excellency the Viceroy, and the result of that is that the person who really sets the ball in motion is an underling in the police department ; and it may be that the executive have gone wrong. They trust too much the man on the spot as the Honourable the Home Member wants us to trust the Council on the spot. In such cases, we also know that there have been numerous cases in our very practice when, out of animosity or from motives of corruption, these underlings report against a particular person. The moment the report is made against him, he is helpless. It goes up and up and up in confidential dockets till an order comes from the Local Government that the man is detained and is transported either to the Andaman Islands or to a segregation camp in Deoli. How are you going to provide against the abuse of power ? I can quite understand that in those cases, in which the order is right and the crime of the terrorist is proved to the satisfaction of the executive Government, the executive Government would be justified in detaining him. But what safeguard have you provided in this Bill against the abuse of power by the executive. You have provided no safeguard at all. No man's life is safe under the provisions of this Bill. He may be ever so innocent, but once there is a fiat of the executive, he is done for ; he has no remedy. My Honourable friend, the Law Member, said that the High Court has jurisdiction to examine whether the case comes under the Statute. Of course the High Court has jurisdiction if the case falls outside the Act, but that is not the point. If once a case comes under the Act, the High Courts cease to have jurisdiction even if there was a *prima facie* case. What we want is that the High Courts should retain jurisdiction just as the High Courts have jurisdiction under the preventive sections of the Criminal Procedure Code of going through,—not necessarily in a detailed form, but at any rate summarily,—and seeing that justice has been done in the case of the accused. And that is the very modicum of the safeguard which we want to be inserted in the Act ; and these are the things which would have been considered if you had prepared a new draft to cope with a new emergency and understood that it was to be a permanent measure. I know, Sir, that Government are very fond of tinkering legislation. During the last 14 or 15 years, that we have been in this House, we know that they have pulled out of their pigeon holes old drafts and say, here is the law. Only the other day, in connection with a similar measure, they brought out a Bill which had to be recast from

top to bottom. My friend, the Law Member, may once more refer to the proceedings of the Select Committee and he will see what was done there. On this occasion, they have taken a short cut. This measure was passed for three years, those three years are now about to expire, and so they say : let us make it permanent. But you have never considered the main question whether a temporary measure is suited to be enacted into a permanent measure and whether a measure enacted to deal with a temporary emergency could serve the purpose which you have in view, namely, of checking the terrorist movement in this country. These are questions which Government have never considered, and, therefore, I submit that it is a crude measure ; it is a measure which there is no justification for saying will serve the purpose which it is intended to serve. But one purpose it will serve ; it will be a messenger of discontent throughout the length and breadth of the country. The student of law reads in the class rooms of the well-known phrases, " Every Englishman's house is his castle " ; " Every Englishman is entitled to *Habeaus Corpus* " ; " Every Englishman is entitled to the liberty of person and property ", and so on. When these catch phrases of English law are read by the Indian student in the class rooms, let alone the professors and the grown-up people, what will be the result throughout the country ? There will be a growing discontent against this measure that it tramples under foot the most elementary and precious rights of man. And, therefore, I submit that it is up to you to reconsider it. We are not against measures designed to suppress terrorism ; we are in favour of them.

My Honourable friend, the Law Member, has reminded you that I took part in shaping a measure which found its way into the Statute-book. But it was a measure, as I have said, which was intended to do its work in a period of two or three years ; and I find, and the Honourable the Law Member admits, that this measure is not sufficient to deal with the crime of terrorism. Therefore, let us put our heads together and devise a new measure, a more effective measure, keeping in mind the fundamental rights of human beings to safeguard their liberty and to see that the measure, while it reaches the guilty, does not punish the innocent. It is very easy to think out such a measure.

My friends, the Members of the European Group, say that we have made no constructive proposal. Well, Sir, on behalf of the occupants of the Opposition Benches, I offer this olive branch to the Honourable the Home Member. Will he accept it ? It is very simple to draft a measure that will deal with the mischief and prevent its abuse. It is to its abuse that we object. The measure, as it is, is a crude production, as I said ; it is not well thought out. You have concentrated, like the one-eyed camel of the Arabian Nights, on one side of the road. The result is that on that side of the road there is nothing but dry field with no grass. If you had only used the other eye, you would have found yourselves confronted with verdant verdure and the result of that would have been that you would not have then suffered from starvation, but would have got every assistance from the popular section of this House. Whatever legislation you may pass in this House, whatever measure you may enact during your government will not be permanent, because there is a Nemesis awaiting these reactionary measures ; and I assure you that, before many months and many years are past, these words of mine will come true. This measure will be blotted

[Sir Hari Singh Gour.]

out of the Statute-book, not by this House, but by a power greater than this House possesses. (Applause.)

Mr. N. N. Anklesaria : Sir, the Centre Party has always stood for law and order, and in every measure pertaining to law and order the Centre Party has always co-operated with Government. This present measure essentially pertains to law and order, and, at the fag-end of the life of this Assembly, the Centre Party is not going to change its attitude. I am, therefore, authorised to associate the whole of my Party with the Honourable the Home Member in support of this measure. The arguments addressed in connection with this measure are based on law and also on facts, many of which are imaginary, as has been amply shown by the communiqué published as regards the allegations with regard to the Midnapore affairs made by my Honourable friend, Mr. Mitra, on the floor of this House.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by the Deputy President (Mr. Abdul Matin Chaudhuri).]

So far as arguments in connection with law are concerned, I think, after the very able and very powerful speech of the Honourable the Law Member, it would be sheer impertinence on the part of anybody on this side to try to supplement it.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : Then, why do you rise ?

Mr. N. N. Anklesaria : I am not going to repeat the arguments of my Honourable friend, the Law Member. So far as arguments based on facts are concerned, it is a pity that the Pro-Leader of my Party, Mr. Sarma, who has been rightly and courageously fighting the terrorist movement in his paper, the *Whip*, has been forbidden by medical advice to speak on the present occasion : otherwise, he would have spoken himself and given the complete lie to the statements as regards hardships of, and oppressive acts towards, the detenus, which have been alleged on the floor of the House. (Ironical Opposition Cheers.) I am quite sure, the Members coming from Bengal know all this much better than myself ; but we have to look to a greater authority than the men from Bengal here, I mean the decided opinions of the Bengal Legislative Council (*Cries of* " Oh ") who have passed the substantive measure with an overwhelming majority and who are far more interested than friends like my friend, Mr. Gaya Prasad Singh, here, who is now interrupting me. The primary principle on which this measure is based is that of detention without trial. As regards that principle, my Honourable friend, Dr. Gour, was completely in agreement till today with the Government, and I believe on the previous occasion there was not a single dissentient vote of any of the influential Members in this House as regards that principle on which this Bill is based.....

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : May I know who are the influential Members and who are not ?

Mr. N. N. Anklesaria : My friend, Mr. Amar Nath Dutt, can judge for himself.....

Mr. K. C. Neogy : Those who have influence with the Government.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Or those whom the Government can influence. (Laughter.)

Mr. K. C. Neogy : I accept the amendment.

Mr. N. N. Anklesaria : I am not going to take much of the time of the House, because I believe this motion must be decided upon by this evening. (*An Honourable Member* : " Why ? ") But I will address myself simply to the motion of my Honourable friend, Mr. Mitra, about circulation. So far as I have followed the debates in this House on the present measure, after Mr. Mitra there was not a single Member except Mr. Studd who even alluded to this motion for circulation. No allusion was made by any Member to this motion for circulation. I ask my Honourable friend, Mr. Mitra, what does he want to circulate ? Is this a new measure ? Is this an unfamiliar measure ? This measure has been before this House for over the last five years. I do not understand what relief circulation will bring to my Honourable friend, Mr. Mitra. The principle of detention without trial is a principle very well known throughout the civilised world. In times of stress and strain, when revolutionary activities are making headway in the country, measures giving effect to such principles and far more stringent principles than the principle of this Bill have been enacted in all countries of the civilised world. Take the history of France ; take the history of England during the French Revolutionary period ; take the history of the Irish Free State ; take the almost, if I may say so, contemporary history of Germany. The principle that has been given effect to in these countries is not detention without trial, but actual execution without trial.

An Honourable Member : Let us have it here.

Mr. N. N. Anklesaria : Unfortunately that cannot be given effect to here.

An Honourable Member : Why ?

Mr. N. N. Anklesaria : For reasons very well known to my Honourable friend. I ask Honourable Members, who are opposed to this measure, what will happen if this measure is not passed ? It is quite plain that the duration of this measure, which is supplementary to the Bengal Act, should be co-terminous with the duration of the substantive Act itself. Otherwise obviously it would land us into very awkward situations which can much better be imagined by this House than described by me.

My Honourable friend, Mr. Navalrai, said the other day that this House passed this measure, with his concurrence, of course, because the Government had given an undertaking that it was to be a temporary measure. I asked him, when was that undertaking given, and he was not able to reply. Today my Honourable and esteemed friend, the Leader of the Nationalist Party, has stated to the House that he gave his assent to the Bill, because he understood that the measure was a temporary one. I ask him who gave him that understanding ; who asked him to understand the nature of the measure in that way ?....

Sir Hari Singh Gour : May I reply to my friend, Sir ? Section 2 : that it shall extend for a period not exceeding three years. That is the undertaking.

Mr. N. N. Anklesaria : That was not the undertaking given by the Government. The Government actually opposed an amendment to that effect which was moved by my friend, Mr. Raju. That was not the undertaking given by the Government. The amendment was carried in spite of the Government votes.

An Honourable Member : Was it carried in the Select Committee or in the House itself ?

Mr. N. N. Anklesaria : No, it was carried in the House itself. In the Select Committee, not a word was spoken about the duration of the Bill, and my friend, Sir Hari Singh Gour, who was the Chairman of the Select Committee, never thought fit to put forward the views which he has now propounded before the Committee or before the House.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : The original Act passed in the Bengal Council in 1932 was for three years.

Mr. N. N. Anklesaria : That is so.

Mr. S. C. Sen : Then why do you say that you did not agree to make it a temporary measure ?

Mr. N. N. Anklesaria : You wanted to make it temporary, but Sir James Crerar actually opposed it.

Mr. B. Das : You are doing an injustice to the Government.

Mr. N. N. Anklesaria : No, I am not doing any injustice to the Government. I am stating a fact which you ought to know.

An Honourable Member : Please don't get excited.

Mr. N. N. Anklesaria : I can understand that measures like these are mere palliatives to check the immediate mischief which the terrorist movement may do, but they cannot completely eradicate the evil, and the Honourable the Home Member, as well as several other Honourable Members from this side of the House, expatiated on the imperative necessity of educating public opinion. Sir, I ask, what have the Government done to educate public opinion in this matter ? I also ask in spite of the advice and recommendations of His Excellency the Viceroy in his various addresses asking Honourable Members to educate their constituencies, what have the several Honourable Members, who have spoken on this subject, done to educate public opinion ? So far as I know, Sir, they have done nothing ; nor have the Government themselves done anything to sufficiently educate public opinion. Sir, public opinion, so far as Gujarat is concerned, has now come wholeheartedly on the side of Government, and it is prepared to fight subversive activities standing shoulder to shoulder with Government, but let me tell the Government that that transformation is not due to any act of the Government. That transformation has been solely due to the recent movement against the Hindu religion started by Mr. Gandhi, the apostle of all subversive movements in this country....

Mr. B. Das : Sir, I strongly object to the words used by my friend regarding Mahatma Gandhi that he is the apostle of all subversive movements in this country.

Mr. N. N. Anklesaria : You may object as much as you like, but I am entitled to say what I consider to be the truth. Mr. Gandhi, Sir, did command some influence in Gujarat till a year or two ago, but he has now become an object of sheer contempt of all law-abiding people in Gujarat (Ironical Laughter from the Opposition Benches)....

Mr. B. Das : In the next election, you will lose your five hundred rupees !

An Honourable Member : It is an election speech.

Mr. N. N. Anklesaria : I say, Sir, that Government have done little to educate public opinion, and I am quite prepared to substantiate it. On the contrary, Sir, the present policy of the Government not only does not tend to create opinion in favour of the Government, it, on the contrary, tends to create opinion against it, especially on account of the policy pursued in Bengal. It must be admitted, Sir, that Bengal contains the cream of Indian intelligentsia.....

An Honourable Member : Question.

Mr. N. N. Anklesaria : And I say, Sir, that it is not out of sheer wantonness that you find educated men and women cheerfully sacrificing themselves for what they consider to be the good of their country. Now, Sir, what is the real cause, what is the reason, for all this trouble ? Sir, I have tried to make some inquiries in the matter, and I have found that the root cause of the terrorist movement.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Have you ever been to Bengal ?

Mr. N. N. Anklesaria : No, I have not been there, but I have talked with Mr. Mitra who knows all about terrorism and knows Bengal as much as anybody else.

Mr. D. K. Lahiri Chaudhury : Do you say he knows terrorism ? How ?

Mr. N. N. Anklesaria : Yes.

Mr. D. K. Lahiri Chaudhury : How can you say so ?

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Order, order.

Mr. N. N. Anklesaria : I say, Sir, the result of my inquiries is this, that the Bengal people, I mean the Hindus, mostly from whom the terrorists are recruited, have as their hereditary vocation Government service, and the present policy of refusing jobs to Hindus of Bengal simply because they happen to be Hindus has created an amount of discontent which, as we can easily imagine, has culminated in a movement like the one we are trying to check. Sir, this favouritism shown towards certain classes, at the expense of the other classes, has created an opinion, not only in Bengal, but in my own Province of Gujarat also, that this Government are trying to rule on the maxim of divide and rule. And, Sir, it lends colour to the prevailing belief, which I have voiced in this House in the very first Session of this Assembly, that this communal partiality, a partiality towards certain communities, does create in the minds of people adversely affected a belief that justice has departed from British administration, and I appeal to the Government of India, I appeal to Sir Harry Haig.....

Mr. Amar Nath Dutt : What is the use of appealing to him ? He is going away shortly.

Mr. N. N. Anklesaria : My friend asks, what is the good of appealing to Sir Harry Haig, as he is going away ? But, Sir, Sir Harry Haig will leave his influence behind him, and I am quite sure of that.

Mr. Gaya Prasad Singh : And leave a note about you also ?

Mr. N. N. Anklesaria : I appeal to Sir Harry Haig, because I believe the times which needed a strong man have found a strong man in Sir Harry Haig. Sir, he has restored peace to India, and I ask him to bring contentment to India by getting the Government to adopt a just and impartial policy towards all communities residing in this great land of ours. (Hear, hear.) My Honourable friend, Mr. Neogy, stated that you cannot suppress terrorism by terrorising terrorism. I say that, if, in the words he himself quoted, asserting the majesty of the law for the suppression of lawlessness is terrorism, I would ask the Government to go ahead with their policy of terrorism with full support of men who put India's interests first and the interests of seditious organisations nowhere.

4 P.M.

Mr. Amar Nath Dutt : It was my intention to record a silent vote against this pernicious measure, if I may be permitted to use the word. When I heard the last speaker, he, so to say, out-haiged Haig and outsircared Sircar, and I am obliged to take some of his points and to reply to them.

The Honourable Sir Nripendra Sircar : May I ask the Honourable Member if the notes in his hands were prepared only after the last speech which goaded him to break his vow of silence ? (Laughter.)

Mr. Amar Nath Dutt : There are some notes against my Honourable friend, Sir Nripendra Sircar's speech and some notes against the Honourable the Home Member's speech, but I think they will not be so full as they will be against my Honourable friend, Mr. Anklesaria, for whom I have a soft corner, at least as soft a corner as I have for Sir Harry Haig or Sir Nripendra Sircar. Sir, I shall begin with my amiable friend whom I have known for the last four years. When he first entered this Assembly, he assured us that we must be His Majesty's Opposition. Many of my Honourable friends remember that historic day, but we Members were not inclined to be His Majesty's Opposition, but Opposition to the Government of India. My Honourable friend, with his knowledge of constitutional law gathered in a foreign land, and with his knowledge of history of revolutions beginning from the French Revolution down to the present day revolution in Germany—apprised us of the fact that we should have His Majesty's Opposition although His Majesty is neither here, nor there, nor anywhere.

Mr. N. N. Anklesaria : You do not understand the word.

Mr. Amar Nath Dutt : I do not claim that knowledge of English constitutional law and of English constitutional history as my Honourable friend claims to possess. I do humbly say that I have only gone through the pages of English history beginning from the days of King John, where I have read that, in the year 1215, the barons with swords in their hands got their Magna Charta, and here in India we want to have that Magna Charta, and of some sort as we have in section 491. The Statement of

Objects and Reasons of a Bill is intended to point out to every cursory reader of the Bill all that is salient and all that is necessary to be given notice of, so that lawyers or laymen may know what is wanted of them. And when laymen vote for the Bill, they will at least know the implications of the Bill that is being introduced and attempted to be passed. I am sorry to characterise the Statement of Objects and Reasons of the Bill as a very, very misleading statement of its objects. A cursory glance through it will at once show that the Government only want to make certain provisions of the Bengal Criminal Law Amendment Act permanent, by which they are empowered to send the detenus to a Province other than the Province of Bengal. And because they have enacted another Act by which they have made this provision permanent in Bengal by the Bengal Criminal Law Amendment Act of 1934, therefore it has been argued that this Bill has been found to be necessary. How do they propose to give the Bengal Government those powers ? By saying that the second paragraph of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act of 1932 shall be omitted. That second paragraph runs as follows :

"It shall remain in force for a period not exceeding three years."

But,—a but follows after that—but I invite the attention of Honourable Members on the Treasury Benches to sections 2, 3 and 4. Was a perpetuation of section 4 wanted by the Government of Bengal, and were they competent to pass such a measure as that ? Is it within their legislative competency to repeal a certain section of an Act which has been passed by the Central Legislature ? I confess I have not got the same legal knowledge and am not versed in constitutional laws as my Honourable friend, Mr. Anklesaria, and I appeal to him to enlighten the Government on this point whether or not it is within the competence of the Provincial Government to repeal an enactment of the Government of India. I think in this matter his advice may be tendered to the Treasury Benches on the other side as they have been advised by my Honourable friend in other respects, such as those in which he has denounced one of the greatest individuals of the present day and also those in which he has given certain other pieces of advice which the Government may or may not accept. In this connection, I may be permitted to observe in passing that I do agree with one remark of his, and that is, it is the Government which is responsible for these acts of terrorism in Bengal. Of course, he has given one reason. He has said that particular communities are being favoured by the Government in that Province, and naturally the youths of other communities feel it. I do not know how far that is correct, it will be for my Honourable friend, Sir Nripendra Sircar, to say that.

Mr. N. N. Anklesaria : To say what ?

Mr. Amar Nath Dutt : Whether you are right or wrong.

The Honourable Sir Nripendra Sircar : May I point out, as the question has been put, that there is no difficulty whatsoever if one has only read section 80A, sub-section (*2*) of the Government of India Act :

"The local Legislature of any Province may, subject to the provisions of the sub-section next following, repeal or alter as to that Province any law made either before or after the commencement of this Act by any authority in British India."

Mr. Amar Nath Dutt : Then why did not they take that task themselves ? As a clever lawyer—I have been also at the bar for more than

[Mr. Amar Nath Dutt.]

thirty years, though I do not claim to be as clever a lawyer as the *ex*-Advocate General of my Province.....

The Honourable Sir Nripendra Sircar : It is not a question of cleverness ; one has only got to read the Act. (Laughter.)

Mr. Amar Nath Dutt : If my Honourable friend will only read once more the words which are uttered in this House and bestow the attention which we know he bestowed on his cases and briefs, I am sure he will see that that does not mean that any measure which we here, after the passing of the Government of India Act, enact, they are entitled to abrogate. That is the view of the Honourable the Law Member, and I respectfully beg to differ from that opinion.

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

I was just submitting about the causes of revolution or terrorism which has been stated by Mr. Anklesaria to have led to all these things. I wish also to submit that this matter of the permanent repeal of section 491 escaped our attention till it was pointedly brought to the attention of this House by my Leader, and I think we should all be grateful to him for drawing our pointed attention to that fact. Here we are not only permanently legislating for removing some detenus from the Province, but also we are depriving the whole people of Bengal of their Magna Charta, the right of *Habeas Corpus* which was given to them by section 491 for all times, and here, with due respect to the high office of the Law Member, I differ from the interpretation which has been given by him which may mislead the lay Members of this House, and I warn them against the advocacy of one of the greatest advocates of modern times. Sir Harry Haig, when introducing this simple Bill, as he called it, brought in things with which we have been made familiar from the Treasury Benches, not once or twice or a dozen times, but a hundred thousand times. He brought in the Chittagong riots, and so on, and then he said here is an opportunity given to this House to give their help. Sir, when you are in charge of the administration of a great country like ours, and when you have taken the duty of administering it with even-handed justice, if you really follow the path of righteousness and honour and give to the children of the soil their dues, the right of governing themselves, the right of self-determination, I think we shall then co-operate with you and allow you to administer the country certainly in our interests as well as in your interests. You are not here for a philanthropic purpose. You have not come here, six thousand miles away from your home, for that. You have come here for the sake of bread. In this connection, I am reminded of an old story. When the predecessor of this Assembly, I mean, the old Imperial Legislative Council was appointed, three great men were taken as Members, and one of the greatest of them was Sir Barnes Peacock. When introducing a very beneficient measure, he said " If we are not here to render service to Indians, then why are we here ? " That gentleman, who happened to be a Member of the Imperial Legislative Council in those days, did not know English and it was interpreted to him and he replied at once in Hindi " For your belly's sake ". Sir, we are not such fools as to think that Englishmen are here for a philanthropic purpose. We need their services. We are grateful to them for what they have done for India by

giving us education, by giving us an ordered Government and all the benefits which we enjoy under British rule after the chaos of Muhammadan rule. We and our children will be very grateful to them, but at the same time do not try to delude us by saying that you are here for our benefit. You came for your own purpose and you are staying here in order to perpetuate your rule with the help of Omichands. But that is not the way of a true Englishman and a righteous Englishman. If only they knew to what unrighteous paths they are led by their Indian advisers, they would not adopt this method of governing the country, but our difficulty has been that they do not approach good men for advice. There are lot of Indian *badmashes* to advise them, who are dangerous to Indian freedom and they are misled. I warn them against this and ask them not to enslave Bengal in the way in which they are attempting. Then we have got two reasons why this Bill is being brought in the present Session of the Assembly. The Honourable the Home Member has given one reason and the Honourable the Law Member has also given us some consolation which may be taken as another reason. The Home Member's suggestion is this that it may be that after you are kicked out from this Hall, other people will come in and they may delay, and so on, but the real reason behind this seems to me that other people may not be so amenable to your influence and your Councils.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should address the Chair.

Mr. Amar Nath Dutt : The Chair would not be so amenable. I shall therefore address through you.

Whatever that may be, that is the Honourable the Home Member's reason—that it may be January or February or March or April, and we may not have this Legislative Assembly. But what has been our experience in the past ? Well, if the Government do wish to have this Bill passed, they can get it passed within a fortnight by going to Select Committee, having it reported and then having it considered and passed, all quickly. So I beg to submit that the reason that has been given by the Honourable the Home Member is, with all due deference to him and to his opinion, is not valid. The other thing which may be taken as a reason and which was given to us as a consolation is this : " why can't you pass this Bill ? " This was probably the reason of the Honourable the Law Member : " You pass this Bill, you are going away, the other people will come, stronger men, and they will do away with it. I am also an Indian. I am your friend. I do not like this measure. We will have it passed as an eye-wash for some months." (Laughter.) Sir, anyone who knows the constitution of this House, who knows the formidable array of the 40 Nominated Members—26 officials and 14 non-officials—added to those representing the interests of that community for whose interest the Britishers would give you everything save and except the market, I mean the European community which commands sixteen Members.....

An Honourable Member : No, no, twelve Members for the European community.....

Mr. Amar Nath Dutt : All right, nearly a dozen, and then we should remember our amiable friends to whom my Honourable friend, Mr. Anklesaria, referred, that community which is being bribed from the very beginning.....

Mr. N. N. Anklesaria : I protest against the word " bribed ". I never said the community was being bribed.

Mr. Amar Nath Dutt : I withdraw the word " bribed "—perhaps the community is being given prizes by being given 25 per cent. of all jobs, the Communal Award and such other things. Very well, we then get almost another thirty or something like that, then it will come to about eighty in a House of one-hundred and forty-four : and knowing full well that they can pass any measure and every measure with the help of this body, the Government do not care. I remember, Sir, in a humbler sphere, that of district boards and municipalities, how the Government in former days had members through nomination to the extent of one-third and how, with the aid of that one-third, they would have any measure brought up for the consideration of the municipality or district board. So long as this House does not consist solely of elected Members and so long as any legislative enactment does not depend upon the vote merely of the elected Members, I think such consolation as my esteemed friend, the Law Member, wants to give us will not really console us in the least ; but I forget that probably my Honourable friend had not much experience, at least that experience which I can claim of these self-governing institutions either in my Province or elsewhere. Be that as it may, I beg to submit it would have been more honest and fair if the Government had not brought up this Bill, and, Sir, that ought to have been their attitude– not that of giving the dog a bad name and then hanging him, as by calling upon us now to pass this legislation so that they might say afterwards, " these are the men who supported us in such Draconian legislation ".

An Honourable Member : Are you making an election speech ?

Mr. Amar Nath Dutt : The House has not been dissolved as yet. When the House is dissolved, I shall no doubt make my election speech.

Then, as regards my friend, the Honourable the Law Member's argument, that has been met by my Leader, and the only thing I want to say about it is this. He has said, and there I agree with him, that, in spite of all this repressive legislation, terrorism has not been crushed. Sir, I am not a scholar either of ancient or of modern history of the type of my friend, Mr. Anklesaria, although I may claim to be the father of a scholar of ancient Indian history and culture. Sir, it has been said that it is preventive and not punitive, and here we have the testimony of no less a person than my Honourable friend, Mr. Anklesaria, who has derived his knowledge about it from no less a person than Mr. R. S. Sarma, whose activities are confined to Bengal and who is presumed to know more of my people than my friend, Mr. S. C. Mitra, or Mr. K. C. Neogy, or, for the matter of that, even that of the Honourable the Law Member ; and he has been pleased to say that these detenus are kept in nicely-furnished bungalows with all the luxuries possible—with books and the other amenities of life, and so on.

Mr. N. N. Anklesaria : Even perfume bottles also, I am told ?

Mr. Amar Nath Dutt : Not of whisky bottles ? Be that as it may, if this House can believe one of its Members, and, I think, if I name him, nobody will say that we can disbelieve him, I mean my Honourable friend, Mr. S. C. Mitra, he has his nephew in one of those fine commodious bungalows—the poor boy is not allowed to have any interview with his uncle or with his father, and that not for one month or one or two years, but

for all the years he is going to be detained at Deoli, and wild stories are being recited—we cannot vouch for the absolute correctness of those stories—but wild stories have reached the ears of Mr. Mitra and his family that every now and then big blocks of ice are placed on the chest of this young man, and the reason why he is not allowed an interview with Mr. Mitra is lest such things should leak out and come to the knowledge of the Honourable the Home Member, who has tried at least to do what little justice is possible for him to do, but he is kept in ignorance of all these things that are being done. My friend, Sir Nripendra Sircar's knowledge about the mode of living of these detenus.....

The Honourable Sir Nripendra Sircar : My knowledge is as great as yours.

Mr. Amar Nath Dutt : A little more probably—because neither I nor Sir Nripendra have had the good fortune of ever being a detenu or of being a visitor of a camp for detenus. At this old age I would like to be free, but if we have books, lights, perfume bottles and other luxuries there, I will not mind going there even at this old age. But if the conditions there are as described by the nephew of Mr. Mitra, certainly I for one would not like to go there. I do not know whether Sir Nripendra Sircar would like to go there or not. It has been said by the Honourable the Law Member that in no country has terrorism appeared in such a form. I appeal to him to say from his personal knowledge of other countries of the world, where he has travelled, whether the form of revolutions there was not of a more virulent type than that of Bengal. In Bengal, we have a handful of misguided youths who are patriotic enough to think that they will free their country of the foreigners. Some of them have been driven to this method owing to the economic depression or because youths, belonging to other communities and possessing the same intellectual attainments as they, have been provided with employment and they have been neglected. This sort of thing can be cured by more humane measures than this drastic legislation. Therefore, I submit that it is not the vituperative language to which the Honourable the Law Member objects when we say that it is a repressive measure. This is not only a preventive measure, but it is a punitive measure. As for the preventive measure, we have the provisions in sections 107, 108, 109 and 110 and section 144 of the Criminal Procedure Code wherein we find an iron hand in a velvet glove. Under section 144, you can do anything under the sun. In spite of all these provisions, you wish to arm yourself with these drastic powers and thereby disgrace the pages of the Indian Statute-book. I agree with the Honourable the Law Member when he says that by using vituperative language nothing is gained or lost. But I do submit that the charge of using any vituperative language can hardly be laid at the door of any Members on this side of the House at the present moment. Only we are trying to draw the attention of the Government.

Now, Sir, I have already replied to the argument that the permanency will disappear when the new Assembly comes. Then it was said that there was lot of irrelevant matter brought in. Sir, when the Government are concerned with the sending of prisoners from Bengal to other Provinces, it is up to them to see that their comforts and conveniences are looked after and it cannot be said that these things are irrelevant. With due respect to Sir Nripendra Sircar, I must say that in these matters he was, I think, more led away as an advocate of Government rather than by the consideration of relevancy or irrelevancy. Then, Sir, as regards the

[Mr. Amar Nath Dutt.]

solitary cell, he said that it was common everywhere. Sir, for people who are fired with the imagination that they must free their country from foreign domination, and who, rightly or wrongly, think that the foreigners have no business to rule over us, and it is their inalienable birth-right to have their own government, and if, in pursuance of those high ideals, they pursue methods which are subversive of law and order, then certainly the Honourable the Home Member is entitled to ask us for more powers, and we, at least the older men, would be the last persons to deny him those powers. But you cannot blame them for holding these ideas. If you give them human treatment in the jails by giving them the diet to which they are accustomed, and if you put them in surroundings where they will not feel themselves lonely and where the climate is bearable, surely the British Government will not collapse if these things are given to them. The mighty Government, as the British Government is, can easily afford to do these things for them and thereby wean these misguided youths from the path of revolution and terrorism, and thus save not only themselves, but also save their own countrymen. I quite appreciate that when they take a step like this under laws, it will be a mistake. But if these people can be won over from the path of revolutionary activities, then I believe that even these mistakes will not be committed and the whole country will be saved. I think both you, Englishmen, and we, Indians, will be able to co-operate with each other working hand in hand for years to come. Sir, I have learnt today several legal phrases. I have practised in the mufassil and have never had the privilege of going to higher Courts, and therefore, I will not take up the time of the House by referring to these things. But when it is said that this is not a question of law, I join issue, however high the authority holding this view may be. It is certainly a question of law. The first question is whether or not this Legislature is competent to pass this legislation. Whether or not this Legislature should co-operate with the Bengal Legislative Council and accept their *ipso dixit*. When you ask us to do this, I beg to think that you cannot do so under the law. When the Honourable the Law Member said that his predecessor was perfectly right in giving his interpretation, he was only paying a compliment which everyone pays to his predecessor. His predecessor gave us the assurance that the measure was to be a temporary one.

Mr. N. N. Anklesaria : He never gave that assurance.

Mr. Amar Nath Dutt : I can understand the chain of reasoning by which you can arrive at propositions like this that he never gave an assurance. I beg to submit that he did not utter any such words, namely, that after the expiry of three years the Bill is going to be made permanent. Otherwise, the fate of the Bill would have been different. May I ask my Honourable friend to point out anything like that from the speech of the previous Law Member ? I wait for an answer.

Mr. N. N. Anklesaria : If the Honourable Member should refer to the debates of 1930, he will find that it was actually Sir Cowasji Jehangir who, on behalf of the Opposition, invited the Government to express an opinion and give an undertaking that they will come to the House to extend this Act if the Local Government extended the Act. This will be found in the debates.

Mr. Amar Nath Dutt : I am sorry that I allowed this wasting of the time of the House, because my Honourable friend has referred to

some materials which are not in this astronomical universe. I think I ought to have proceeded with my speech without waiting for this answer. I would say that I feel very strongly on this measure. Even if for the sake of argument there are revolutionary youths by thousands, they have all been captured and more will be captured, I do say that the Government have no justification for perpetuating these repressive laws and putting the whole of a great Province, which once supported the British rule with loyalty and devotion, to restraint in this way, and thereby, alienate their sympathies. It has been rightly said by my Honourable friend, Mr. Anklesaria, that it is the Government that has been terrorising and that has been at the root of all this trouble.

Mr. N. N. Anklesaria : I never said that.

Mr. Amar Nath Dutt : I think the memory of certain Honourable Members seems to be short. If Honourable Members will go back 35 years, I mean towards the latter half on the 19th century, they will find that warnings were given by such far-sighted statesmen as Dadabhai Naoroji, Pherozshah Mehta, R. C. Dutt and Surendra Nath Banerjee and others, and these warnings were given from the Congress Pandal of those days, not the Congress of the present day, but the Congress of those days when such veterans were serving, and they gave warnings in no unmistakeable terms that they wanted to co-operate with the Government and they asked the Government not to drive sedition underground, but to allow the fullest expression to the thought and to remove the grievances. That was the demand then made. I remember, Sir, as young boys our ambition was only to have a few High Court Judges, to have simultaneous examination for the Civil Service and to have the repeal of the Arms Act. These were a few of the items in the programme of the Congress of those days when we joined it 35 or 40 years ago. What is it that occurred since to change the programme of that great constitutional body from asking for a few grievances to be redressed to one of independence. It was because the foreigners, who are administering this country, have not done their duty properly towards the children of the soil. There are a great many names in British Indian history to whom the country will ever remain grateful. We can cite Bentincks, Ripons and Macaulays and several others who devoted their lives to the good of this country. I can also name certain others who lived in recent years, because I have also some knowledge of the history of the present day, but I will not name them, but these are the men who are the greatest enemies of British rule in India. I remember, Sir, a gentleman, who was not a Congressman, but a very learned and erudite scholar, whose name if I mention will be remembered by the Honourable the Law Member, because, at one time, he lived in Bihar, this gentleman was a great Bengali scholar, and you will be surprised to hear that he used to say that the greatest enemies of India were men like Bradlaugh, Sir William Wedderburn, A. O. Hume and others. We were all boys then, and my uncle was surprised to learn that men like Bradlaugh and Sir William Wedderburn were enemies of India, because they wanted to broadbase the British rule upon our affection and thereby perpetuate our slavery. Mind you what kind of administration would give birth to thoughts like this. Have you ever cared to enquire what is at the root of this revolutionary movement ? The Honourable the Law Member was right when he said that quack prescriptions will not do. I do submit that these are quack prescriptions to which he is also going to be a party. Let them go deep into the root cause of this revolutionary movement and

[Mr. Amar Nath Dutt.]

try to weed it out and save the youths who are the flower of this country from ruin, and if Government take proper steps, they can win over these youths and they will be very helpful in carrying on the administration of this country to the advantage both to themselves and to their countrymen.

Sir, I see that some of my Honourable friends are impatient, and they desire that I should conclude my speech. I will only say a few words more. As regards the motion for circulation, I must honestly confess that I do not believe in circulation. I would rather oppose it, because what does the motion for circulation mean ? The Government will circulate the Bill to proper quarters who are best fitted to give them advice on these matters. The Government also know what sort of opinion they will get. So, Sir, I have no faith in circulation, but my Honourable friend, Mr. Mitra, who has been the victim of repressive laws, desires that the Bill should be circulated, and, therefore, we are in duty bound to support him. But personally I have no faith in circulation. I have been asked to finish my speech as early as possible. I know full well that we cannot carry anything in this House. Still I thought that more than the votes of those, who are always inclined to support Government in order to please them, there are genuine hearts throbbing within the human framework of the Honourable Members on the Treasury Benches, and that if I appeal to them for a more humane consideration for these people, who are taken away from their hearths and homes to a distant Province, I shall get some response. Sir, in my earlier years, I lived for several years in the Rajputana desert and I know the trial and the trouble of living in those deserts. There were no electric fans in those days and the *punkha* had to be pulled the whole night. But if the *punkha*-puller went away at 5 o'clock in the morning,—and I am a very late riser,—I would at once get up as soon as the *punkha* ceased. Then, I remember the difficulty about fish. I remember fish used to be brought one day in the week from far off Delhi by sending a man there and fish could not be had anywhere else. As you know, Sir, we Bengalis are not meat eaters, but we are accustomed to fish.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : When was that ?

Mr. Amar Nath Dutt : That was from 1882 to 1886.

Then, again, there is the question of climate. My friend, Diwan Bahadur Sarda, if he had been here, could have given us some idea of the climate of a place like Deoli, and Deoli is 70 miles away from Ajmer. There is also the difficulty about getting interviews. Sir, we can well understand that some police officer should be there at the interview. If these detenus are of the type, who cannot be trusted to carry on a conversation, keep a police officer there, but allow them interviews at times with their friends and relations, and give power to the police officer to stop the interview as soon as he finds that something objectionable is being uttered by the detenu or the man who is interviewing him. He will be on this side of the bar and the interviewer will be on the other side. This is a small humanitarian treatment, which I am pleading for, before the Honourable the Home Member, whose term of high office ends in a day or two, and who is going to take up his exalted office of Governor of a great Province, on which we all congratulate him. (Applause.) We appeal to him to do something for these detenus. Sir, at one time I despaired

about getting anything. I know that this Bill will be passed and we will not be able to check its passage. But in the language of the great poet, I was tempted to say, in the words of Karna to his mother Kunti, when the latter wanted to bring him to the side of the Pandavas :

"Jê pakshêr parājay,
Sê paksha tyajitê morê karonā āhvān ;
Jayi hôk Rājā hôk Pandava santān ;
Āmi rabo hatāshêr nishfalêr dalêy.
Āmārêy nirmam chittêy tyaāga jananee,
Deeptiheen, keerttiheen parābhav parêy,
Shoodhoo āi āshirbbād diyê jāo morê,
Jayalôbhê jasholôbhê rājyalôbhê ār,
Virêr sadgati hotê bhrashta nāhi hôi."

"Don't ask me to leave the party that is to lose the fight. Let the Pandavas be victorious and win the kingdom. I shall remain with those whose hopes have been smothered and do not expect success. Leave me to the darkness of defeat and being unknown to fame. I pray only for your blessings, so that I may not swerve from the path of righteousness to secure victory, fame or kingdom."

So, Sir, that was the thought which was uppermost in my mind. I knew full well that this Bill will be passed and my protestations will be of no avail. But I once more appeal to the Home Member to do some more acts of justice to these detenus as he has done in the past.

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the question be now put."

The motion was adopted.

The Honourable Sir Harry Haig : Sir, the hour is late. It is said that every action produces an equal and opposite reaction and certainly the action of my Honourable friend, Mr. Amar Nath Dutt's speech impels me to be brief. (Laughter.) The debate has ranged over a very wide field, and I think the House can consider that every relevant argument, every consideration bearing directly or even remotely on this problem, has come before it. Now, Sir, that reminds me of the amendment that stands in the name of my Honourable friend, Mr. Mitra, the amendment for circulation. That is an amendment about which we have heard very little, and particularly from the Mover of it ; and I think the reason is clear. The facts, the considerations, the arguments, are all before this House, and no real reason has been advanced as to the advantage that would be derived from circulating this Bill for further opinion. I think, Sir, it may be regarded as merely a means of postponing a decision, and I submit that all the materials for a decision are before the House now.

Now, Sir, the Honourable Member, Mr. Mitra, with some engaging sentences occasionally interposed which indicate that he is as much interested in the suppression of terrorism as we are, nevertheless seems to me to suffer from certain blind spots in his outlook on this problem ; and the most amazing blind spot that I observed when he addressed himself to this problem was that he actually took me to task for reminding the House of what terrorism really means. He made it a complaint that

[Sir Harry Haig.]

I referred to some of these outrages and recalled them to this House. But, Sir, what is the subject we are debating ? It is terrorism. What is the justification for this Bill ? It is terrorism. And does the Honourable Member really think it reasonable that we should lull ourselves into a sense of security or of negligence ; that we should not remind ourselves of what terrorism really means, the menace that it is, or,—to borrow the words of my Honourable friend, the Law Member,—the abomination, an abomination which we are determined to root out ? I hope, Sir, we shall hear no more complaints that I have endeavoured to recall the House to a sense of the gravity of this problem.

5 P.M.

Now, Sir, I was asked by the Honourable the Leader of the Opposition whether I could give any account of the origin of the movement. In a few casual words, at the end of the debate, I cannot attempt to give any exhaustive analysis of it. But I think the House recognises well enough that it originated in what one might call a revolutionary movement ; the object was to overthrow the Government by the method of assassinating Government officials. The movement has spread since then : its aims are possibly wider now than in its origin. A movement like that gathers to itself and embraces all the revolutionary and subversive movements that may arise from time to time. Its aims broaden out, and that has been the case with the terrorist movement. In origin, perhaps the movement of a few people, it has been, I think, reinforced by some belief among a considerable section of the people in Bengal—a belief that is, I think, now disappearing—that the movement had something valuable in it, that it would pay, that it would succeed. That is why I continually stress the importance of public opinion. As long as public opinion is not genuinely opposed to this movement, genuinely determined to root it out, it is very difficult to make an end of it. And besides that, there have been certain predisposing causes among the boys who are recruited to this movement. They are very definitely recruited by revolutionaries for their own ends ; but there are certain causes which predispose them to be recruited, and those causes might perhaps be found partly in an educational system which it is suggested is not altogether in accordance with the needs of the Province and partly in economic conditions. Perhaps one might say that a number of these boys are turned out with a certain lack of hope, with little to look forward to in life, and in that way they tend to become the prey of these people who recruit them into this vile movement. My Honourable friend, Mr. Neogy, acknowledging, I think, that His Excellency the Governor of Bengal and the Government of Bengal were addressing themselves to these wider causes, asked me whether the Government of India were doing nothing. This is a provincial problem ; it has to be handled primarily by provincial means ; but I would remind the House that the problem is to some extent economic, and that the Government of Bengal believe that greater financial resources will help them greatly in removing what I have called some of those predisposing causes, and my answer to Mr. Neogy, therefore, is that this House has already made some contribution in that direction by placing at the disposal of the Government of Bengal half the jute tax—a very substantial contribution.

Now, I want to say a little about the treatment of these detenus at Deoli. That is a very direct responsibility of the Government of India.

One of the last acts of my predecessor was to secure the passing of this Act, VIII of 1932, which we are dealing with today ; and, consequently, I found that one of the first responsibilities that faced me when I took over charge was the organisation and superintendence of a camp for the detenus at Deoli. I realised that it was a very serious responsibility ; I realised that it was difficult to deal with these men in a remote place, far from their own Province, and that it was necessary to have an efficient staff and to have arrangements that so far as we could ensure would work effectively. I got into touch at the very beginning with the officer who had been selected to be in charge of that camp, and until he went on leave a few months ago, I maintained constant personal touch with him. He has visited me here in Simla and in Delhi several times. I myself have been to Deoli and seen conditions on the spot ; the Secretary in the Home Department, Mr. Hallett, has also been to Deoli and seen for himself ; and we have been fully satisfied that the officers on the spot have administered their very difficult charge with patience, with discretion and with good sense. I would remind the House that their task is a peculiarly difficult one, for these men, as my Honourable friend, Mr. Mitra, has himself suggested, are very often not what one describes as altogether normal. They have a considerable measure of freedom, that is to say, from the ordinary restrictions of jails, and they have a great deal of leisure on their hands : they tend to become introspective and self-centred ; the fact that they have no definite work to do, that we cannot give them any tasks, is really, I believe, looking at the matter broadly, bad for them ; and yet I fear this House would not support us if we gave them any compulsory task.....

Mr. D. K. Lahiri Chaudhury : Why do you not give them proper education in jail ?

The Honourable Sir Harry Haig : It is an exceedingly difficult problem, and I think it must be admitted that these men are the most difficult prisoners in all India to deal with. My Honourable friend asks me why we do not give them education in the jail ; we do what we can to give them facilities for occupying their time ; we give them ample facilities for games and physical exercises ; we give them a reasonable supply of books ; we allow them to enter for examinations, and I think the House will remember that, only a short time ago, the Government of Bengal brought out a scheme for precisely what my Honourable friend is suggesting—some form of education to fit these boys for something useful when they are released ; but on some point of, shall I say, pride—I do not know what the cause is—I understand that they have rejected the offer.

Well, Sir, my Honourable friend, Mr. Mitra, suggested that he could deal with these detenus, that the solution was to let them out, and I think his view was that he would be able to control them. That is what I understood to be his position.....

Mr. S. C. Mitra : You are not to let out all of them at the same time, but by batches and groups.

The Honourable Sir Harry Haig : I would only say that to take that action at the present time would be inconsistent with the lessons of experience. I would remind the House that in 1924 and 1925, a number of detenus were sent to jails or camps. In the course of the next two or three years, they were gradually released, and by the end of 1928,—I think I am right in saying,—that there was not a single detenu

[Sir Harry Haig.]

still under detention. Well, Sir, if the release of these men is really the cure for this evil, how was it that two or three years later this movement broke out again with a force that it had never possessed before, and we had that formidable outbreak at Chittagong in April, 1930? Did any of these gentlemen, who now suggest that they can control the detenus, control them between 1928 and 1930, and, if not, why not?

Again, Sir, my Honourable friend, Mr. Mitra, suggested that some of these manifestations might be due to *agents provocateurs*. I think his suggestion was that when a long interval passed without an outrage and the Government were beginning to think of relaxing their measures, then some new outrage always supervened, and his suggestion was that cannot be the work of the detenus themselves, but that must be the work of the Government acting through its subterranean agents. Well, Sir, again I would appeal to the lessons of experience. How does a theory of that sort fit in with what happened in 1927, 1928, 1929 and 1930? In 1927 and 1928, there was practically a complete cessation of outrages, and acting on that, the Government did release all these men, and then when the powers of Government had been removed, and not before then, these outrages were resumed. Is that consistent with this theory of *agents provocateurs* being used in order to create incidents which will justify the retention of these powers? The facts are exactly the opposite.

Now, Sir, my Honourable friend, the Leader of the Opposition referring to the speech which he had made two years ago, which I have mentioned, said that he hoped my view was not that I felt he was bound to accept any remedy which the Government put forward. That, of course, was not my intention. What I did welcome in his former speech,—and I must say I found some traces of it in his speech today,—was a spirit of some helpfulness, an inclination to examine fairly our proposals. The main point that the Honourable Sir Abdur Rahim has made against our Bill is that the powers we are taking should not be permanent. He argued that to give these powers to the Bengal Government in permanence would be likely to induce them to relax their efforts. I was surprised to hear such a view coming from an Honourable Member who is well acquainted with Bengal and well acquainted with administration. For surely if one fact stands out more clearly than any other, it is that circumstances themselves absolutely compel the Government of Bengal to devote the main part of their attention to this terrible menace of terrorism, and they cannot possibly relax their attention so long as that menace continues.

Now, Sir, what is the justification for making these powers permanent? That justification, I think, is very clearly to be found in the experience of the past. Let me remind the House of one or two facts. In 1915, the Defence of India Act was passed, and that Act for the first time gave the Government powers similar to those which are now contained in the Bengal Criminal Law Amendment Act. While that Act was in force, the movement was brought very definitely under control. Those powers of the Defence of India Act were removed, I think, in 1919 or in 1920, and in the next year or two, all the main weapons with which the Bengal Government had been fighting the terrorist movement were repealed. The result was that, within a year or two, there was a

very serious and dangerous recrudescence of the movement,—so much so that in 1924 it was necessary for the Governor General to issue an Ordinance re-imposing those powers, and that was further confirmed by legislation undertaken in the Bengal Legislative Council in 1925.

Now, Sir, as I mentioned before, all the detenus were out by 1928, and again the question arose whether these powers should not be allowed to lapse as they naturally would in 1930. It was decided to allow them to lapse. They lapsed in 1930, and, within a month or two, we had that very serious outbreak at Chittagong—clear evidence that the terrorist movement was stronger than it ever had been before. Consequently, in 1930, those powers were again taken, and now once more they are due to lapse in 1935. I say, Sir, that it would have been flying in the face of all experience to continue those powers still on a temporary basis. The experiment has been tried, not once, not twice, and has failed. That, Sir, is the justification for making the powers permanent, and I do appeal with confidence to the House to support a measure which will help us to continue without intermission the struggle against terrorism until it is finally rooted out.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1934."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be taken into consideration."

The Assembly divided :

AYES—60.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Bagla, Lala Rameshwar Prasad.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Duguid, Mr. A.
Fazal Haq Piracha, Khan Sahib Shaikh.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Grantham, Mr. S. G.

Grigg, The Honourable Sir James.
Haig, The Honourable Sir Harry.
Harbans Singh Brar, Sirdar.
Hockenhull, Mr. F. W.
Hudson, Sir Leslie.
Ibrahim Ali Khan, Lieut. Nawab Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Lumby, Lieut.-Colonel A. F. R.
Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya Charan.

Nihal Singh, Sardar.
Noyce, The Honourable Sir Frank.
Pandit, Rao Bahadur S. R.
Perry, Mr. E. W.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Raghubir Singh, Rai Bahadur Kunwar.
Rajah, Rao Bahadur M. C.
Rastogi, Rai Sahib Badri Lal.
Rau, Mr. P. R.
Row, Mr. K. Sanjiva.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan Gakhar, Captain.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Studd, Mr. E.
Trivedi, Mr. C. M.
Wajihuddin, Khan Bahadur Haji.
Yamin Khan, Mr. Muhammad.
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
Zyn-ud-din, Khan Bahadur Mir.

NOES—17.

Abdul Matin Chaudhury, Mr.
Bhuput Sing, Mr.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Mahapatra, Mr. Sitakanta.
Mitra, Mr. S. C.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Sen, Mr. S. C.
Singh, Mr. Gaya Prasad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 25th July, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 25th July, 1934.

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

QUESTIONS AND ANSWERS.

CHANGE IN THE ARRANGEMENT FOR THE CARRIAGE OF MAILS BETWEEN DELHI AND CALCUTTA.

203. ***Dr. Ziauddin Ahmad** : (*a*) Will Government be pleased to give reasons for changing the old arrangements of carrying the mails between Delhi and Calcutta ?

(*b*) Is it not a fact that the mails are not carried by the down mail train between Delhi and Howrah ?

(*c*) What is the present arrangement for carrying the mails from Simla to Allahabad, and intermediary stations ?

The Honourable Sir Frank Noyce : (*a*) The old arrangement of carrying mails between Delhi and Calcutta had to be altered owing to the changes in the time tables introduced by the East Indian Railway with effect from the 1st October, 1933.

(*b*) It is not a fact that mails are not carried by the 2 Down Mail train between Delhi and Howrah.

(*c*) Mails from Simla for Allahabad are sent by the 14 Down Mail of the Kalka-Simla Railway from Simla to Kalka, by the Kalka-Delhi-Calcutta Mail from Kalka to Ambala, by the 6 Down Punjab Mail from Ambala to Partabgarh and by 4 A. F. Down Passenger from Partabgarh to Allahabad. Mails for intermediate stations are sent from Simla to Kalka by the 14 Down Mail train to Kalka. They are despatched from Kalka by the 2 Down Kalka-Delhi-Calcutta Mail to Delhi and therefrom a portion of the mails for certain important places is sent under weighment system by the Kalka-Delhi-Calcutta Mail while the rest of the mail is sent by the 16 Down Delhi-Mughalsarai Fast Passenger.

Dr. Ziauddin Ahmad : Is it not a fact that by this new arrangement the delivery of the mails is delayed by one day ? Instead of being delivered on the following day, they are delivered a day later ?

The Honourable Sir Frank Noyce : I have no information on that point, but I shall be happy to inquire. I hardly think it is likely.

Dr. Ziauddin Ahmad : The mails reach Delhi early in the morning and the whole day they remain lying in Delhi, and are sent at 10 P.M.

PROHIBITION OF BEARERS OF INDIAN REFRESHMENT ROOMS FROM GOING NEAR THE CARRIAGES OCCUPIED BY UPPER CLASS EUROPEAN PASSENGERS ON THE NORTH WESTERN RAILWAY.

204. *Dr. Ziauddin Ahmad : (*a*) Is it a fact that the North-Western Railway administration issued a circular prohibiting the bearers of Indian Refreshment Rooms from going near the carriages occupied by upper class European passengers ?

(*b*) Are they prohibited to approach Indian passengers travelling in upper classes ?

(*c*) Are these orders issued for economic or hygienic reasons ?

Mr. P. R. Rau : (*a*) and (*b*). No.

(*c*) Does not arise.

Mr. Lalchand Navalrai : May I know from the Honourable Member if there are still separate first class carriages for European passengers ?

Mr. P. R. Rau : I am not aware of any.

Mr. Gaya Prasad Singh : Is it not a fact that the opening of Indian refreshment rooms is an eyesore to the Kellners and the Spencers whose income is going down ?

Mr. P. R. Rau : I am not in a position to answer that question.

Dr. Ziauddin Ahmad : The answer given to part (*a*) is "No." I have got a copy of the circular in my room, and therefore, the statement "No" is definitely incorrect.

Mr. P. R. Rau : If the Honourable Member will send me a copy of that circular, I shall make further inquiries. I have been informed by the North Western Railway that there is no such circular.

Mr. Gaya Prasad Singh : Are more facilities given to Kellners and Spencers who cater for European passengers than to the Indian refreshment rooms ?

Mr. P. R. Rau : What are the facilities that my Honourable friend is referring to ?

Mr. Gaya Prasad Singh : One of the facilities, if I understand it correctly, is that any number of bearers of the European refreshment rooms are allowed to travel in railway trains if they are in charge of crockeries, while this facility is denied to the bearers of Indian refreshment rooms. That is one of the things.

Mr. P. R. Rau : I am not aware of that. If the Honourable Member will put down a question, I shall obtain information.

Mr. Vidya Sagar Pandya : Was it to encourage the European caterers that the Members of the Central Legislature from the Madras Presidency are now allowed Rs. 33 extra to travel *via* Bombay and not necessarily *via* Nagpur ?

Dr. Ziauddin Ahmad : This particular notice was shown to me by Mr. Shafee Daoodi who is not here. If I show it, will the Honourable Member take action ?

Mr. P. R. Rau : Most certainly.

STOPPAGE OF THE TRANSMISSION OF TELEGRAMS TO GOVERNMENT OFFICIALS, EDITORS AND OTHER PERSONAGES.

205. *Dr. **Ziauddin Ahmad** : (*a*) Have Government issued instructions to the Post Masters, authorising them to stop transmission of telegrams to Government officials, editors and other personages under certain conditions ?

(*b*) What are these conditions ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). Telegraph Offices including Combined Offices which are in charge of postmasters are authorised, under rules 15 and 180 of the Indian Telegraph Rules, to refuse to accept or to forward any inland or foreign private telegram or radio-telegram or any part of such telegram of a plainly objectionable or alarming character or which appears dangerous to the security of the State or contrary to the laws of the country, to public order or decency. In cases of doubt, the matter is referred by the officer in charge of the Telegraph Office to a Secretary to Government or other officer nominated by the Local Government from time to time for this purpose if the office is located at a seat of Government, or to the Chief Civil or Military Officer, if the office is located elsewhere.

Dr. Ziauddin Ahmad : May I just ask whether these telegraph officers are entitled to stop messages even if they are sent to higher Government officials ?

The Honourable Sir Frank Noyce: I imagine if a telegram sent to higher Government officials offends against public order or decency, it will be subject to the same criterion as any other telegram.

Dr. Ziauddin Ahmad : If the telegrams give details of facts which have happened, are the Telegraph Department entitled to stop the message even if it is addressed to the Governor or any other high Government official ?

The Honourable Sir Frank Noyce : They have to follow the rules to whomever the telegram is addressed.

Dr. Ziauddin Ahmad : I can give one instance if the Honourable Member is prepared to inquire. There has been a great misuse of this power and in one case the telegrams addressed to the Governor have been stopped, and, therefore, the Governor had no opportunity to know the other side of the picture.

The Honourable Sir Frank Noyce : If the Honourable Member will send me information about that, I shall be happy to make inquiries and see whether the orders were carried out or not.

NON-PROVISION OF LATRINES IN THE THIRD CLASS CARRIAGES ON CERTAIN SECTIONS OF THE BARSI LIGHT RAILWAY.

206. *Mr **Gaya Prasad Singh** : (*a*) Is it a fact that there are no latrines provided in the third class carriages on the Kurduwadi-Miraj Section, and Kurduwadi-Latur Section of the Barsi Light Railway, and are Government aware that this causes great inconvenience and discomfort to travellers ?

(*b*) Do Government propose to take any steps to remedy this state of affairs ?

Mr. P. R. Rau : (*a*) So far as Government are aware fourteen out of 49 third class carriages on the Barsi Light Railway are provided with latrine accommodation.

(*b*) The Honourable Member's question is being communicated to the Agent of the Barsi Light Railway for consideration.

NON-APPOINTMENT OF AN INDIAN TO THE PORT ADVISORY BOARD OF KENYA.

207. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of Government been drawn to the leading article, headed " Flimsy grounds ", in the *Kenya Daily Mail*, dated the 13th June, 1934, on page 14, in which it is stated that there is no Indian appointed to the Port Advisory Board of Kenya ?

(*b*) Are Government aware that, in reply to a question in the Kenya Legislative Council on the subject, the Government stated that :

" The constitution of the Port Advisory Board provides for full representation of all interests primarily concerned in the administration of the Port, and Government considers that no useful purpose would be served by amending the Order in Council to provide for representation on a racial basis."

(*c*) Are Government aware that Indians are making use of the Port in Kenya in a greater degree than the Europeans, that the Indians are exporting cotton in large quantities, that their imports are definitely more than those of Europeans, and that Indians are, along with other sections, shouldering the responsibility of meeting the interest and sinking fund charges on loans taken for the development of the Port ?

(*d*) What is approximately the number of Indians and Europeans in Kenya ?

(*e*) Is it a fact that the Association of East African Chambers, and the Mombasa Chamber of Commerce have been given representation on the Board ?

(*f*) Do Government propose to enquire into this matter and take steps to see that the Indian Chamber which represents Indian commercial interests in Kenya, is also given representation on the Board ?

Mr. G. S. Bajpi : (*a*), (*b*), (*c*), (*e*) and (*f*). Government have no information beyond what is contained in the Press article referred to by the Honourable Member, but are making enquiries.

(*d*) According to the census of 1931, the Indian population in Kenya was 39,644 and the Europeans, 16,812.

NON-APPOINTMENT OF A SINGLE BIHARI HINDU MEDICAL GRADUATE AS MEDICAL OFFICER ON ANY OF THE STATE RAILWAYS.

208. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that there is not a single Bihari Hindu medical graduate, appointed as Medical officer, on any of the State-managed Railways in India ?

(*b*) Are Government aware that there is in existence a Medical College in Bihar which turns out about 25 medical graduates every year ?

(*c*) Do Government propose to take any steps in this matter ?

Mr. P. R. Rau : (*a*) Government have no information.

(*b*) Yes.

(*c*) No.

LIQUIDATION OF THE EAST AND WEST CORPORATION, LIMITED, DELHI.

209. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the East and West Corporation Limited, Delhi, was floated some time back to push on the sale of Lancashire piece-goods in the Indian markets and that the official liquidator's report says that about Rs. 2 lakhs worth capital subscribed by the Mussalmans is not accounted for ?

(*b*) Is it a fact that several European firms and banks, which had materially helped the Corporation, show large debit balances against the defunct concern ? What are the names of these European firms and banks ?

(*c*) Is it also a fact that several high officials helped the promoters to bring into existence this commercial organisation ? If so, who are these officials ?

(*d*) Do Government propose to place a copy of the official liquidator's report in the Library of this House ?

The Honourable Sir Joseph Bhore : An enquiry has been made and the result will be furnished to the House in due course.

INTRODUCTION OF NIGHT FLYING FOR AIR MAIL SERVICES.

210. ***Mr. Gaya Prasad Singh** : Will Government kindly state if night flying for Air Mail Services has been, or is going to be, introduced in India ? If so, on what routes, and since when ?

The Honourable Sir Frank Noyce : The schedules of the air services operating in and across India, in the main, provide only for day flying. A considerable amount of flying before daylight and after dark is done, particularly when services are delayed and in the winter months.

The introduction of regular night flying depends on the provision of adequate aerodrome and route lighting, and this requires money. Government intend to provide the necessary equipment as soon as funds are available.

NON-REMOVAL OF BAN FROM THE RED SHIRT ORGANISATION.

211. ***Dr. Ziauddin Ahmad** : (*a*) Is it not a fact that Government removed the ban from the Congress Working Committee and from all Congress Sub-Committees ?

(*b*) Is it a fact that Government have not yet removed the ban from Red Shirt Organisation of the North-West Frontier Province ? What are the reasons for this differentiation ?

The Honourable Sir Harry Haig : With your permission, Sir, I will answer questions Nos. 211 to 216, together. With one exception I think the points raised have already been dealt with in the replies given by me to questions Nos. 81 and 112 on the 18th and 19th July, and in the supplementary answers. The Red Shirt Organisation has never been

regarded by Government as a terrorist organisation, but as a revolutionary organisation, the object of which was to drive out the British from India by force. Specific acts of violence have included the murder of an Assistant Superintendent of Police by a mob of Red Shirts near Mardan, and an attempt to murder the Assistant Commissioner at Charsadda following on the performance of a seditious drama containing direct incitement to his murder.

Dr. Ziauddin Ahmad : Has the Honourable Member seen the special cartoon in the *Hindustan Times* of today by Mr. Sarma in which he showed clearly that this terrorist movement is entirely the imagination of the Home Member and that he is looking into his own mirror ?

The Honourable Sir Harry Haig : I am afraid I have not had the privilege yet of seeing that cartoon.

Sir Abdur Rahim : Supposing there have been isolated cases of violence on the part of some members of the Red Shirt Organisation, does it follow that it is part of the creed of the Red Shirt Organisation ?

The Honourable Sir Harry Haig : No, Sir, not necessarily ; but our view is that the whole of the teaching and preaching of the Red Shirts was really directed to those results. After all the Red Shirts were definitely trying to stir up the trans-border tribes, and the latter were not going to act on principles of non-violence.

Sir Abdur Rahim : But is it not correct that the creed of the Red Shirts is non-violent non-co-operation, the same sort of creed as that held by the Congress ?

The Honourable Sir Harry Haig : I think if my Honourable friend will study some of the speeches of Khan Abdul Ghaffar Khan mentioned in those statements to which I have already referred, he will draw the same conclusion himself that he was not aiming at peaceful revolution.

Dr. Ziauddin Ahmad : Is it not the creed of the Red Shirts that their activities should be confined to British India and not extended to tribal area ?

The Honourable Sir Harry Haig : No, Sir, it is quite definitely the case that their activities extended beyond the border.

Mr. B. Das : Have the Government documentary evidence that the Red Shirt movement was planned out as a revolutionary movement ?

The Honourable Sir Harry Haig : We draw our conclusions from speeches and acts.

Sir Abdur Rahim : Is it not a fact that Mr. Gandhi, the apostle of non-violence, blesses the Red Shirt movement and adopts it as an intimate part of the Congress ?

The Honourable Sir Harry Haig : That may be so, but the Red Shirts were at the time useful allies of the Congress, and that is how they regarded themselves.

RED SHIRT ORGANISATION.

†212. *Dr. Ziauddin Ahmad** : Was not the Red Shirt Organisation a branch of the Congress, and formally recognised by Congress as such ?

†For answer to this question, *see* answer to question No. 211.

RED SHIRT ORGANISATION.

†213. *Dr. Ziauddin Ahmad : Is it not a fact that the objects of the Red Shirt Organisation are identical with the objects of the Congress ? If not, what are the points of difference ?

RED SHIRT ORGANISATION.

†214. *Dr. Ziauddin Ahmad : (*a*) Was the Red Shirt Organisation a terrorist organisation ?

(*b*) If the answer to part (*a*) be in the affirmative, will Government be pleased to mention the details of the political murders and political dacoities committed by the Red Shirt Organisation ?

RED SHIRT ORGANISATION.

†215. *Dr. Ziauddin Ahmad : (*a*) Did the Government of India consult the Government of the North-West Frontier Province about removing the ban from the Red Shirt Organisation ?

(*b*) If the answer to part (*a*) be in the affirmative, what reply did the Frontier Government give ?

BAN ON CONGRESS ORGANISATIONS.

†216. *Dr. Ziauddin Ahmad : Is there any Province, other than the North-West Frontier Province, which has refused to remove the ban from the Congress Organisations ?

RELEASE OF KHAN ABDUL GHAFFAR KHAN.

217. *Dr. Ziauddin Ahmad : (*a*) When do Government propose to release Khan Abdul Ghaffar Khan ?

(*b*) What are the conditions which must be satisfied before Khan Abdul Ghaffar Khan will be released ?

The Honourable Sir Harry Haig : (*a*) and (*b*). I would refer the Honourable Member to the answer given by me to Mr. Gaya Prasad Singh's question No. 152 on the 19th July, 1934, and to the supplementary questions.

Dr. Ziauddin Ahmad : What is the answer to part (*b*) ?

The Honourable Sir Harry Haig : I think my Honourable friend will find that point dealt with in the supplementary questions.

Dr. Ziauddin Ahmad : I do not think there were any supplementary questions regarding the conditions to be satisfied for release.

The Honourable Sir Harry Haig : Actually there were a number of questions on that point, and I referred to the previous answer. I said that the answer given was that he will be released when Government are satisfied that his detention is no longer essential in the public interest.

†For answer to this question, *see* answer to question No. 211.

Dr. Ziauddin Ahmad : What are the conditions which must be satisfied before the Government are satisfied ?

The Honourable Sir Harry Haig : The conditions are that his release would not cause further trouble in the North-West Frontier Province.

Mr. Gaya Prasad Singh : Is it not a fact that Khan Abdur Ghaffar Khan was at the head of this Red Shirt movement ?

The Honourable Sir Harry Haig : Yes, Sir.

Mr. Gaya Prasad Singh : Is it the contention of the Government that Khan Abdul Ghaffar Khan used to indulge in revolutionary and unlawful activities before he was detained ?

The Honourable Sir Harry Haig : He was indulging certainly in activities which were tending to violence.

Mr. Gaya Prasad Singh : Is it fair on the part of Government to make this charge behind the back of a man whom they have kept in prison without giving an opportunity to him to justify his conduct ?

The Honourable Sir Harry Haig : I am not making this charge for the first time. The statements to which I referred were made simultaneously with the arrest of Khan Abdul Ghaffar Khan.

Mr. Gaya Prasad Singh : Was he given a chance of repudiating or explaining those charges ?

The Honourable Sir Harry Haig : No, Sir. He was dealt with under Regulation III.

Mr. Gaya Prasad Singh : Why was not an opportunity given to him to answer those charges if there is any substance in them ?

The Honourable Sir Harry Haig : Because the Government considered at that time that the situation was such that he must be arrested and dealt with at once under Regulation III.

Mr. Gaya Prasad Singh : Are Government aware that prominent members of the Indian National Congress have issued a statement repudiating the charges made with regard to this gentleman ?

The Honourable Sir Harry Haig : I have not observed this.

Mr. Lalchand Navalrai : In view of the fact that the general situation has now changed, do Government propose to give him an opportunity now to explain the charges against him ?

The Honourable Sir Harry Haig : No, Sir.

Dr. Ziauddin Ahmad : Did the members of the Red Shirt Organisation commit any act of violence after it had been formally recognized as a branch of the Congress ?

The Honourable Sir Harry Haig : I am not quite sure at what date it was recognized formally as a branch of the Congress, but I do not think that that indicated any particular change in its policy. It had been working as an ally of the Congress since 1930.

Mr. S. C. Mitra : Will the Honourable Member kindly explain if they have any evidence in their possession that, after the lapse of these two or three years, if the Khan is released, the work of the organisation will continue in the same way, on the lines of preaching violence ?

The Honourable Sir Harry Haig : I am afraid, the view of the Local Government, with which the Government of India agree, is that the past activities of Khan Abdul Ghaffar Khan in the Frontier Province were of such a nature that at the present moment it is not possible to contemplate allowing him to return to that Province.

Sir Abdur Rahim : Is it not a fact that the attitude of the Local Government of the Frontier Province has been greatly influenced by the political opponents of Khan Abdur Ghaffar Khan, and that they are afraid that at the next election, if Khan Abdul Ghaffar Khan is free, his political opponents will find it very difficult to meet the electors ?

The Honourable Sir Harry Haig : No, Sir. I do not think that is a fair statement of the case. Khan Abdul Ghaffar Khan's activities in 1930 and, later on, in 1931, produced such a state of disorder, unrest and insecurity in the North-West Frontier Province that the Local Government are fully justified in objecting to his release.

Mr. Gaya Prasad Singh : If there is sufficient evidence in the possession of the Government, what, I ask, is the objection to their placing Khan Abdul Ghaffar Khan before a Court of law and convicting him in a regular way ?

The Honourable Sir Harry Haig : Government are satisfied that they have a sufficient case for detaining him under Regulation III.

Mr. Gaya Prasad Singh : And this case they are not prepared to make known before a Court of law or before the public ?

The Honourable Sir Harry Haig : They have not considered it suitable to prosecute him.

Sir Abdur Rahim : Is it not a fact that the attitude adopted by the Government towards the Red Shirt Organisation and Khan Abdul Ghaffar Khan as distinct from the attitude they have adopted towards the Congress has led to a great deal of misunderstanding and uneasiness ?

The Honourable Sir Harry Haig : According to my information, it has not led to any such results in the Frontier Province ; there is a certain amount of fictitious agitation in other parts of India.

REPORT OF THE TARIFF BOARD ON THE PROTECTION OF THE STEEL INDUSTRY.

218. *Dr. **Ziauddin Ahmad** : Will Government be pleased to give an opportunity to this House to discuss the Tariff Board Report on the protection of steel industry ?

The Honourable Sir Joseph Bhore : The Honourable Members will have an opportunity to discuss the report when the Bill, embodying the decisions of the Government of India on the recommendations contained in the report, is before the House.

ILL-TREATMENT OF INDIANS IN ZANZIBAR.

219. *Dr. **Ziauddin Ahmad** : (*a*) Have the Government of India made any representation to the Government of Zanzibar about the ill-treatment of Indians ?

(*b*) Are Government prepared to lay all the relevant papers on the table of this House ?

Mr. G. S. Bajpai : With your permission, Sir, I shall answer questions Nos. 219 and 220, together. The attention of the Honourable Member is invited to the reply given by me to Mr. C. S. Ranga Iyer's question No. 196 on the 23rd July, 1934.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

†220. ***Sir Muhammad Yakub** : Will Government be pleased to state fully the situation arising out of the anti-Indian legislation in Zanzibar and the steps taken by the Government of India for protecting the interests of the Indians ?

SELECTION OF AN OBJECTIONABLE DRAMA BY THE TEXT BOOK COMMITTEE, DELHI.

221. ***Khan Bahadur Haji Wajihuddin** : With reference to the reply given to my starred question No. 458, *vide* statement laid on the table on the 14th March, 1933, regarding selection of an objectionable drama by the Text Book Committee, Delhi, are Government prepared to consider the advisability of (*a*) nominating at least one Muslim to the Committee of Courses and Studies in English, (*b*) forfeiting to His Majesty's Government the drama in question, and (*c*) prosecuting the author, printer and publisher of the book in question ?

Mr. G. S. Bajpai : (*a*) Government have no power to nominate members of the Committee of Courses and Studies in the Delhi University. Moreover as stated in reply to part (*h*) of the Honourable Member's question No. 458, on the 14th March, 1934, they are quite sure that the Committee will always pay due regard to Muslim susceptibilities.

(*b*) and (*c*). The Honourable Member is referred to the reply given to parts (*e*), (*f*) and (*g*) of his question No. 458 on the 14th March, 1934.

CONSTRUCTION OF QUARTERS FOR DUFTARIES IN NEW DELHI.

222. ***Mr. M. Maswood Ahmad** : (*a*) Is it a fact that the Standing Finance Committee has sanctioned the construction of 100 quarters at Delhi for duftaries ?

(*b*) Will Government please state if these quarters will be constructed according to the application and the map submitted by the Record-sorters and Duftaries Association ? If not, why not ?

(*c*) At which site will these quarters be constructed ?

(*d*) Is it intended to allot these quarters, when ready, to the staff of the Imperial Secretariat only, or to that of the Attached Offices also ?

(*e*) Are Government prepared to place on the table of this House the application and the map referred to in part (*b*) above ?

(*f*) Is Block No. 90 of the duftaries' quarters a permanent building or a temporary one ?

(*g*) Is it a fact that the Health Officer, New Delhi, has condemned the old type duftaries' quarters as being unfit for habitation ?

---

†For answer to this question, *see* answer to question No. 219.

(*h*) Is it a fact that there are more than one thousand peons' quarters ready and that the Standing Finance Committee has sanctioned the construction of 200 more ? If so, what is the reason for not sanctioning the construction of more than 100 duftaries' quarters ?

The Honourable Sir Frank Noyce : (*a*) Yes.

(*b*) No. The question was carefully considered by Government, and the design actually adopted was considered suitable, having regard to the status and pay of those for whom the quarters are intended.

(*c*) In the City Extension Area, New Delhi.

(*d*) To both.

(*e*) A copy of the application and of the plan is being sent to the Honourable Member.

(*f*) A permanent building.

(*g*) No.

(*h*) The reply to the first part of the question is in the affirmative. As regards the second part, Government do not consider it necessary at present to build more quarters. With the completion of the new quarters the percentage of quarters to applications will be approximately 66 for duftaries and 81 for peons and this is regarded as sufficient for the present, as the demand is falling.

PROVISION OF A TURNSTILE GATE AT THE GARHI HARSARU RAILWAY STATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

223. ***Mr. Bhuput Sing :** (*a*) Is it a fact that there is a railway station on the Bombay, Baroda and Central India Railway named Garhi Harsaru ?

(*b*) Is it a fact that a large number of railway passengers use that station day and night ?

(*c*) Is it a fact that most of the trains on the Bombay, Baroda and Central India Railway stop at that station in the night ?

(*d*) Are Government aware that such railway passengers getting down at night at that station used to be without shelter from the inclemencies of the weather and without any protection against dacoits and ferocious animals owing to the want of waiting rooms ?

(*e*) Are Government aware that with a view to help such railway passengers a generous minded philanthropic person built a Dharamshala at a cost of Rs. 50,000 by the side of the railway fencing of the said station platform for the use of all railway passengers using that station, irrespective of caste, creed or sex ?

(*f*) Are Government aware that the said philanthropic gentleman has employed four men at his own cost, to supply water to railway passengers either in the train or on the railway station platform ?

(*g*) Is it a fact that the said philanthropic gentleman requested the Bombay, Baroda and Central India Railway authorities for providing a turnstile gate on the railway wire fencing nearest to the station road for the convenience of the railway passengers using the said dharamshala ?

(*h*) Is it a fact that the District Traffic Superintendent of the Bombay, Baroda and Central India Railway recommended the provision of the turnstile gate nearest to the dharamshala and the station platform ?

(*i*) Is it a fact that some officers of the Engineering Department of the Bombay, Baroda and Central India Railway demanded from him some money for the provision of such gate ?

(*j*) Are Government aware that on the refusal to comply with that demand the provision of a turnstile gate was refused by the Bombay, Baroda and Central India Railway authorities ?

(*k*) Is it a fact that the proprietor of the dharamshala expressed his willingness to the Bombay, Baroda and Central India Railway authorities to execute a bond waiving all his rights over the said turnstile gate if provided by the Railway Administration ?

(*l*) Do Government propose to enquire into the causes for such a refusal to provide a gate for the convenience of the Railway passengers and do Government propose to remove the said grievance of the railway passengers of the said Garhi Harsaru Railway Station ? If not, why not ?

Mr. P. R. Rau : Will you permission, Sir, I propose to reply to questions Nos. 223, 225 and 226, together. Enquiries are being made from the Railway Administrations and a reply will be laid on the table in due course.

VACANCY AMONG THE MEMBERS OF THE RAILWAY BOARD.

224. ***Mr. Bhuput Sing** : (*a*) Is it a fact that there is going to be a vacancy among the Members of the Railway Board in the near future ?

(*b*) Is it a fact that generally the Members of the Railway Board are recruited from amongst the incumbents of the posts of Agents of the different Railways ?

(*c*) Will Government be pleased to state how many vacancies among the Members of the Railway Board occurred during the last ten years and how many of such vacancies were filled by the recruitment of Agents of State Railways and other Railways ?

(*d*) Do Government propose to fill the next vacancy by promoting one of the Indian Agents of State Railways, if there be any ? If not, why not ?

(*e*) Is it a fact that generally Government fill up the vacant posts of the Members of the Railway Board by men with technical qualifications of Railway Engineering together with the qualifications of general administration of Railway management as Agents ? If so, do Government propose to recruit such a qualified Indian Agent of a State Railway or a Company Railway, if there be any ? If not, why not ?

(*f*) Are Government aware that this House always insisted, during each Railway Budget discussion during the last so many years, for bringing in qualified Indians as Members of the Railway Board ? If so, do Government propose to give effect to these popular demands of this House by recruiting an Indian with Railway Engineering qualifications as well as with the qualifications of running a railway administration as

Agent of a Railway in India to fill up the post of the Railway Board Member, if there be any vacancy in the near future ? If not, why not ?

The Honourable Sir Joseph Bhore : (*a*) Yes.

(*b*) and (*c*). Since the re-organization of the Railway Board, there have been 11 permanent Members (including Chief Commissioners, but excluding Financial Commissioners). Of the officers holding these posts, five had been permanently Agents of Railways before appointment ; and four others had officiated as Agents.

(*d*) Mr. Tylden-Pattenson, Agent of the Great Indian Peninsula Railway, has been selected for the post.

(*e*) All relevant factors are taken into consideration and the most suitable officer is selected Engineering qualifications are not by any means essential in the case of all Members of the Board.

(*f*) Government are aware that this opinion has been expressed during the discussion of the Railway Budget, but Government have more than once explained that these appointments must be filled by selection from the most suitable candidates, irrespective of nationality.

Mr. Lalchand Navalrai : May I ask the Honourable Member if no Indian is available to fill up the place of one of the Members of the Railway Board ? Has any attempt been made in that direction ?

The Honourable Sir Joseph Bhore : My Honourable friend may take it from me that, after taking into account seniority and other factors, the choice has, in the opinion of the Board, fallen upon the most suitable candidate.

RACIAL DISCRIMINATION IN ALLOWING THE USE OF THE CAB ROAD BETWEEN PALTFORMS NOS. 6 AND 7 OF THE HOWRAH STATION.

†225. ***Mr. Bhuput Sing** : (*a*) Is it a fact that there is a cab road between the platforms Nos. 6 and 7 of the Howrah Station ?

(*b*) Are Government aware that Indian passengers going to the platform of the Howrah Station to entrain the outgoing Bengal Nagpur Railway Bombay Mail are not allowed to take their motors through that road upto platforms Nos. 6 or 7 ?

(*c*) Are Government aware that European motorists are allowed to take their motors right up to the side of the platforms ?

(*d*) If Government are not aware of these facts, do they propose to enquire into the matter ? If not, why not ?

(*e*) Will they be pleased to state the reasons for this racial discrimination by the Howrah Station authorities ?

(*f*) Do Government propose to remove immediately this racial discrimination between Indian motorists and European motorists ? If not, why not ?

(*g*) Will Government be pleased to state the reasons why this road should be closed for motorists, either European or Indian ?

(*h*) Is it a fact that owing to the absence of side fencing and barrier to the two platforms, Nos. 6 and 7, the road is being closed ? If so, do

†For answer to this question, *see* answer to question No. 223.

Government propose to put fencing on the road side of the two platforms with an entrance gate on either side of the two platforms adjoining the said road ? If not, why not ?

ACQUISITION BY THE EAST INDIAN RAILWAY AUTHORITIES OF LANDS ATTACHED TO HINDU PLACES OF WORSHIP AT AZIMGANJ.

†226. *Mr. Bhuput Sing : (*a*) Are Government aware that there are two idols of the Hindu god—Shiva—situated close to the railway line passing between Azimganj Junction and City Station on the East Indian Railway ?

(*b*) Is it a fact that the East Indian Railway authorities have decided to take possession of the lands attached to those two places of worship and to remove those idols ?

(*c*) Are Government aware that on the day of the last Chaitra Shankranti when, according to the usual old custom prevailing there, a fair was being held on the grounds of that Hindu place of worship, the Railway authorities sent police to prevent people from going into that place of worship ?

(*d*) Are Government aware that the said place of Hindu worship was desecrated by the Muslim constables sent by the Railway authorities, or under the instruction of the Railway authorities ?

(*e*) Are Government aware that there is strong resentment being felt by the Hindu population of Azimganj City owing to the attitude of the Railway authorities in trying to demolish the temples and the usurpation of the lands belonging to such places of Hindu worship ?

(*f*) Is it a fact that the Railway authorities have left only 10 square feet area of land for one of the temples in place of the original 100 square feet area ?

(*g*) If Government are not aware of the facts mentioned in parts (*a*) to (*f*), do they propose to enquire into the allegations of high-handedness and *zulm* of the railway authorities concerned over the Hindu public of Azimganj ?

(*h*) Do Government propose to return the old lands attached to those places of Hindu temples ? If not, why not ?

CONTROL OVER THE ADMINISTRATION OF THE MADRAS PORT.

227. *Mr. Vidya Sagar Pandya : (*a*) Will Government be pleased to state whether they exercise any control over the administration of the Madras Port ?

(*b*) What are the harbour dues and landing charges prevailing in the Madras Port as compared to those in the other ports of the Madras Presidency ?

(*c*) What is the fall in the volume of traffic in the Madras Port during the last three years ?

(*d*) What is the number of Indian and foreign insurance companies with whom the properties of the Madras Port Trust are insured against risk of fire ?

†For answer to this question, *see* answer to question No. 223.

(*e*) What is the proportion of Indians to Europeans on the Madras Port Trust Board ?

(*f*) (*i*) What is the daily average number of quays that were vacant during 1933-34 in the Madras Port; (*ii*) how many vessels discharged cargo in the moorings during that period ; (*iii*) to what company or companies those vessels belonged ; and (*iv*) what amount did the Port Trust pay to such companies on account of discharge having taken place in the moorings rather than at the quays ?

(*g*) What is the total amount spent by the Madras Port Trust in connection with the insolvency of Messrs. C. K. Narayana Iyer & Sons, who are the solicitors, and what was their share of the amount so spent ?

(*h*) Is it not a fact that even the Chairman of the Madras Port Trust overdrew salary or allowances due to him and whether the Trust Board did not recover the amount but condoned it ?

(*i*) Do Government propose to appoint a Committee of Inquiry to investigate and report on the matter ?

The Honourable Sir Joseph Bhore : (*a*) I would refer the Honourable Member to the Indian Ports Act, 1908, and the Madras Port Trust Act, 1905, which define the statutory powers of Government over the administration of the Madras Port.

(*b*) to (*i*). The Government of India are making enquiries on the subject and when information has been obtained, a reply will be laid on the table.

MEETINGS OF THE MADRAS AND SOUTHERN MAHRATTA AND SOUTH INDIAN RAILWAY ADVISORY COMMITTEES.

228. ***Mr. Vidya Sagar Pandya** : (*a*) Will Government be pleased to state the number of the meetings of the Madras and Southern Mahratta and South Indian Railway Advisory Committees held in 1933 and 1934 ?

(*b*) Did the two Railways hold any periodical conferences with merchants, as is done in Bombay and Calcutta ?

(*c*) Are their mercantile coupon tickets interchangeable as between themselves and over other Railways in India ? If not, why not ?

(*d*) Have those two Railways appointed any traffic canvassers as has been done on the Great Indian Peninsula and Bengal Nagpur Railways, etc. ? If not, why not ?

(*e*) Did the Agents of the two Railways, or their deputies, or other officers, accompany Mr. P. R. Rau to the Southern India Chamber of Commerce meeting on his two visits to Madras ? If not, why not ?

Mr. P. R. Rau : (*a*) *Madras and Southern Mahratta Railway.* In 1933, there were held five meetings of the main Committee of the Madras and Southern Mahratta Railway at Madras and four of the branch committee, the meetings of which are generally held at Hubli. In 1934, the meetings held up to May were three and one, respectively.

The South Indian Railway Advisory Committee had four meetings in 1933, and two up to May, 1934.

(*b*) No. The Agents of these two Railways consider that their administrations are sufficiently in touch with commercial interests to make such conferences unnecessary.

(*c*) No. Interchangeability is not practicable owing to the basis of charge for such coupons on the different railways not being uniform.

(*d*) Government have no information. I am forwarding this suggestion to the Agents for consideration.

(*e*) They did not, because they were not asked.

Mr. Vidya Sagar Pandya : With reference to part (*c*), are the rates of the Madras and Southern Mahratta Railway and the South Indian Railway the same, and how do they differ from the other railways with the result that the interchangeability cannot be put into practice ?

Mr. P. R. Rau : I have no information at the present moment as regards the actual rates for coupons on different railways, but if my Honourable friend wants the information, I shall be glad to supply it to him.

Mr. Vidya Sagar Pandya : Previously they were interchangeable. May I ask what were the rates then ?

Mr. P. R. Rau : I understand that at present the basis of charges is not the same.

Dr. Ziauddin Ahmad : Are these mercantile coupon tickets issued on State Railways also ?

Mr. P. R. Rau: I do not think they are issued on all railways.

Dr. Ziauddin Ahmad : Are they issued by the East Indian and Great Indian Peninsular Railways ?

Mr. P. R. Rau : I must ask my Honourable friend to give me notice of that question.

Mr. Vidya Sagar Pandya : Regarding part (*e*), will the Agents of the two Railways accompany the Member, whether he is an Indian or a European in the future.

Mr. P. R. Rau : I do not quite understand that question.

Mr. Vidya Sagar Pandya : When European Members used to go there, the Agents of the two Railways used to accompany them when they met the two Chambers of Commerce, but in the case of an Indian Member, when he went to the Southern India Chamber of Commerce last, the two Agents were conspicuous by their absence.

Mr. P. R. Rau : I do not think that my Honourable friend is entitled to make that inference. The fact was that when I met the Southern India Chamber of Commerce, the Chamber did not ask that the Agent should accompany me, and, in the absence of such an invitation, I did not ask the Agent to accompany me either.

Mr. Vidya Sagar Pandya : But in previous years no invitation was sent to the Agents and still the Agents used to accompany the European Member ?

Mr. P. R. Rau : I do not know anything about previous years.

Mr. Vidya Sagar Pandya : Will the Honourable Member please make inquiries in the matter ?

Mr. P. R. Rau : I think it does not matter.

Mr. Balchand Navalrai : May I ask if the Honourable Member did not want them because there was no necessity for them to accompany him ?

Mr. P. R. Rau : I understood that the Chamber wanted to meet me.

MADRAS TELEPHONE COMPANY, LIMITED.

229. ***Mr. Vidya Sagar Pandya** : (*a*) Will Government be pleased to state, whether the Madras Telephone Company, Limited, which is a public utility concern, pays a dividend of nine per cent. ?

(*b*) How much have its shares appreciated since the formation of the company ?

(*c*) Were its shareholders given free bonus shares from the General Reserve ?

(*d*) Were its shareholders given new issues of shares at a nominal premium of rupee one when the market premium was seven or eight times that amount ?

(*e*) Have Government received a representation from the Southern India Chamber of Commerce for reasonable reduction in the monthly rental and other charges of the company ?

(*f*) Do Government propose to ask the company to reduce the charges accordingly ?

The Honourable Sir Frank Noyce : (*a*) A dividend of 9 per cent. was paid by the Madras Telephone Company during the calendar years 1932 and 1933 only, dividends paid during the previous years being less than this rate.

(*b*) and (*d*). Information has been called for, and will be placed on the table of the House in due course.

(*c*) Yes.

(*e*) Yes.

(*f*) The Madras Telephone Company, Limited, have already decided to make a reduction in their monthly telephone rent charges with effect from the 1st January, 1935, and the Government have accorded their approval thereto. Government do not propose to ask the Company to make any further reductions at present.

FORMATION OF A SEPARATE DEPARTMENT TO LOOK AFTER THE ADMINISTRATION OF THE INDIAN COMPANIES ACT IN MADRAS.

230. ***Mr. Vidya Sagar Pandya** : (*a*) Will Government be pleased to state whether they are not aware of grave defects in the Indian Companies Act, 1913 ?

(*b*) Is the Registration Department of Madras looking after the administration of the Companies Act as also of the Indian Partnerships Act ?

(*c*) Is the administration of the Acts in Bombay and Bengal in a separate department ?

(*d*) Has Government's attention been drawn by the Southern India Chamber of Commerce to the necessity of improving the position ?

(*e*) Do Government propose to form a separate department in Madras also for the purpose ?

The Honourable Sir Joseph Bhore : (*a*) Certain alleged defects in the existing company law have been brought to the notice of Government and it is proposed now to undertake a revision of the Indian Companies Act, 1913, at an early date.

(*b*), (*c*) and (*d*). The reply is in the affirmative.

(*e*) The question is already under the consideration of the Government of India.

Mr. B. Das : May I ask, Sir, if the amendment of the Indian Companies Act will take place in this Session of the Assembly or will it be postponed till the new Constitution ?

The Honourable Sir Joseph Bhore : I can remove all anxiety on that score from my Honourable friend's mind. It will certainly not be brought before the Assembly this Session.

Mr. Vidya Sagar Pandya : Is it possible for the Government to name the gentleman who will be in charge to look after the business of these amendments ?

The Honourable Sir Joseph Bhore : A communiqué will be issued in due course.

Dr. Ziauddin Ahmad : Is it not a fact that the Standing Finance Committee has already given sanction to appoint a special officer to prepare the preliminary draft ?

The Honourable Sir Joseph Bhore : That is quite right.

Mr. B. Das : Will Government consult the different Chambers of Commerce and get their opinion about the amendment of the Indian Companies Act ?

The Honourable Sir Joseph Bhore : I have no doubt that all responsible opinion, which is concerned in this matter, will be consulted.

RICE IMPORTED INTO THE MADRAS PRESIDENCY.

231. ***Mr. Vidya Sagar Pandya** : (*a*) Will Government be pleased to state the quantity of imported rice into the Madras Presidency by coasting and foreign trade and what is the quantity of the production in the Presidency during 1932-33 and 1933-34 ?

(*b*) How much has the price of rice fallen during that period ?

(*c*) How much has the export of Madras rice diminished during the period and is it not expected to diminish more and more in the future ?

(*d*) Do Government propose to negotiate for recapturing old markets, and to order a substantial reduction in the railway freight ?

(*e*) Do Government not propose to stop the import of rice, at least for the time being, in order to try to raise the price level ?

Mr. G. S. Bajpai : (*a*) and (*b*). A statement giving the information required is laid on the table.

(*c*) The exports of rice abroad from Madras have not diminished, but increased from 66,912 tons in 1932-33 to 79,344 tons in 1933-34.

(*d*) The Ottawa Agreement has already had the effect of substantially improving the export of Indian rice to the United Kingdom. The recent Crop Planning Conference recommended that the question of improving prospects in Ceylon and British Malaya should be taken up. This suggestion is already receiving attention. As regards railway freights, the Railway Board have already advised the various Railway Administrations that where special rates are required to facilitate particular movements of special crops, the question should be sympathetically considered.

(*e*) I would refer my Honourable friend to the reply given to Mr. M. Maswood Ahmad's starred question No. 18 on the 16th instant.

Statements showing the imports, production and prices of rice in the Madras Presidency.

Imports :

(*i*) By sea from abroad—

	1932-33. Tons.	1933-34. Tons.
Rice in the husk	10	4,381
Rice not in the husk	35,418	77,665
Total ..	35,428	82,046

(*ii*) By sea coastwise from other parts of India—

Rice in the husk	69,399	80,696
Rice not in the husk	445,374	533,927
Total ..	514,773	614,623

Production :

1932-33. Tons.	1933-34. Tons.
54,06,000	50,90,000

Retail Prices of Rice.

(in Rs. per md. = 82 2/7 lbs.).

First week of	West Godavari.		Tanjore.		Tinnevelly.		Malabar.		Madura.		Trichinopoly.		Madras.	
	1934.	1933.	1934.	1933.	1934.	1933.	1934.	1933.	1934.	1933.	1934.	1933.	1934.	1933.
January ..	2·50	3·15	3·41	3·70	3·50	3·86	3·16	3·66	3·45	3·93	3·19	3·94	3·88	4·74
February ..	2·48	2·87	3·57	3·06	3·59	3·71	3·08	3·57	3·55	3·69	3·49	3·73	3·63	4·69
March ..	2·41	2·89	3·08	2·96	3·31	3·66	2·99	3·32	3·33	3·28	3·28	3·35	3·48	4·49
April	2·43	2·69	2·93	2·69	3·20	3·43	2·97	3·25	3·18	3·14	3·30	3·45	3·24	4·49
May	2·49	2·68	3·12	2·62	3·32	3·27	3·05	3·19	3·29	3·10	3·45	3·42	3·24	4·31
June	2·75	2·75	3·14	2·86	3·10	3·30	3·20	3·20	3·33	3·31	3·43	3·41	3·26	4·45
July	2·81	2·81	3·25	3·23	3·10	3·58	3·23	3·31	3·30	3·44	3·57	3·64	3·47	4·53

Mr. Vidya Sagar Pandya: May I ask, Sir, if the negotiations with the foreign Governments in the matter of rice have progressed any further, and can the Honourable Member throw any more light on the matter ?

Mr. G. S. Bajpai: They have progressed no further except chronologically, I presume, since I made my last answer.

ENFORCEMENT OF THE PROVISIONS OF THE CHILD MARRIAGE RESTRAINT ACT.

232. ***Mr. Vidya Sagar Pandya** : (*a*) Has the attention of Government been drawn to the letter from the correspondent of the *Madras Mail*, dated the 2nd July, 1934, stating how the provisions of the Sarda Act are being violated by performing marriages in Yanam, a French territory in the Madras Presidency ?

(*b*) What steps do Government propose to take to enforce the provisions of the Sarda Act ?

(*c*) Do Government propose to draw the attention of the High Courts in India and request them to instruct the Courts to inflict punishment by way of imprisonment, along with the fines, so as to deter the public from violating the Sarda Act ?

The Honourable Sir Harry Haig: (*a*) Yes. I am making enquiry into the facts.

(*b*) and (*c*). Government do not consider that any special steps are called for.

Mr. B. Das : Have Government communicated with the French Government not to permit British Indians to violate the British Indian laws in the French territory ?

The Honourable Sir Harry Haig : No, Sir. I said that I was making enquiry into the facts of this case and nothing can be done until the facts are ascertained.

Mr. Vidya Sagar Pandya: If the Government do not propose to take any further action, will it not be defeating the Act which has been passed by the Legislature ?

The Honourable Sir Harry Haig : I cannot anticipate whether any action will or will not be taken when the facts have been ascertained, but I submit that the first thing to do is to ascertain the facts.

TRADE BETWEEN INDIA AND CEYLON.

233. ***Mr. Vidya Sagar Pandya** : (*a*) Has the attention of Government been drawn to the leading article of the *Hindu*, dated the 4th July, 1934, regarding " Trade between India and Ceylon " ?

(*b*) Will Government be pleased to state what the Indian commodities are that suffer under the new prohibitive duties imposed by the Ceylon Government ?

(*c*) What steps do Government propose to take to safeguard the interests of India as a whole and of the Madras Presidency in particular ?

The Honourable Sir Joseph Bhore : (*a*) Yes, Sir.

(*b*) and (*c*). Government have no information beyond what is contained in the Press reports. Enquiries have, however, been made and the matter will receive the careful consideration of the Government of India.

Mr. Vidya Sagar Pandya : Have the Government of India taken any action to prevent the dumping of copra from Ceylon to the west coast of India ?

The Honourable Sir Joseph Bhore: I am not prepared to say whether it is dumping or not, but as my Honourable friend knows, there is a very substantial import duty on copra.

Mr. Vidya Sagar Pandya: On account of the ten per cent. concession allowed to Ceylon Government under the Ottawa Agreement, is not Ceylon enabled to dump copra on the west coast ?

The Honourable Sir Joseph Bhore : The Ottawa Agreement gives them a ten per cent. preference, but if my Honourable friend will remember, we did not reduce the duties, but we gave preference by increasing the duties against others.

Mr. Vidya Sagar Pandya: Will the Government increase the duty still further ?

The Honourable Sir Joseph Bhore: I made it clear to the House on a previous occasion that we were awaiting the report of the special officer who has been appointed to conduct enquiries in regard to the coconut industry. We can do nothing, nor can I make any announcement to the House until the report of that officer has been considered.

Mr. Vidya Sagar Pandya: When is the report expected ?

The Honourable Sir Joseph Bhore: I do not know.

Mr. Vidya Sagar Pandya: Would it be the next season ?

The Honourable Sir Joseph Bhore: The officer was not appointed by the Commerce Department, and I am, therefore, not able to give my Honourable friend any definite information on the point.

Dr. Ziauddin Ahmad: Who appointed that special officer?

The Honourable Sir Joseph Bhore: I think it was the Imperial Agricultural Council.

Mr. B. Das: May I ask the Honourable Member, Mr. Bajpai, as to when the report is likely to be published ?

Mr. G. S. Bajpai: I shall have to make an enquiry on the point.

Mr. B. Das: Is it because Madras is a benighted Province that much interest is not taken in its affairs ?

Mr. G. S. Bajpai: The mere fact that an officer has been appointed disproves my Honourable friend's suggestion that Madras is neglected.

Dr. Ziauddin Ahmad: Madras is well represented in the Executive Council also.

Mr. G. S. Bajpai: I do not think I need stress the obvious for the information of my Honourable friend.

Mr. Vidya Sagar Pandya : May I protest against the remark of my Honourable friend, Dr. Ziauddin Ahmad ?

Dr. Ziauddin Ahmad : There is no point in the protest. Do these gentlemen deny that they do not belong to the Madras Civil Service ?

GRANT OF SUBSIDIES TO THE BRITISH SHIPPING INDUSTRY.

234. ***Mr. Vidya Sagar Pandya :** (*a*) Has the attention of Government been drawn to Reuter's telegram of the 3rd July, published in the newspapers on the 5th July, 1934, about Government's conditions for granting subsidies to the British shipping industry ?

(*b*) With reference to the telegram wherein Mr. Runciman said " that it was essential to have the co-operation of the Dominions and India with whom the Government were consulting in the matter ", will Government kindly lay on the table of this House the correspondence in the matter and indicate to what extent and on what conditions India is expected to co-operate in this scheme ?

(*c*) Will the Central Legislature be consulted before the Government of India render any financial help for granting subsidies or special facilities to the British Shipping Industry ?

The Honourable Sir Joseph Bhore: (*a*) Government have seen the Press telegram referred to.

(*b*) The Government of India have not so far been consulted in the matter.

(*c*) Does not yet arise.

Mr. Vidya Sagar Pandya: Will the Central Legislature be consulted in the matter?

The Honourable Sir Joseph Bhore: Should the occasion arise, I have no doubt that Government will take appropriate and suitable action.

Mr. B. Das: Have Government received any communication from the Indian Shipping Companies regarding the point referred to, namely, Mr. Runciman's speech ?

The Honourable Sir Joseph Bhore: I must ask for notice of this question.

PROVISION OF MORE SPACE FOR CLERKS WORKING IN THE NORTH BLOCK OF THE SECRETARIAT IN NEW DELHI.

235. ***Mr. S. G. Jog :** (*a*) Is it a fact that in some offices located in the North Block of the Delhi Secretariat, there is great congestion in the rooms occupied, by the clerks, while the space provided for officers is more than what is admissible ?

(*b*) Is it also a fact that some of offices have more space for their clerks, while in others the rooms occupied by the clerks are very much overcrowded ?

(*c*) Are Government aware that the congestion in the rooms affects the health of the clerks and is a source of discomfort, specially in summer months ?

(*d*) If the replies to the preceding parts are in the affirmative, do Government propose to accord equal treatment in all offices and provide more space for the clerks ?

The Honourable Sir Frank Noyce : (*a*) and (*b*). No.

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

SPACE ALLOTTED TO EACH CLERK, SUPERINTENDENT, ETC., IN THE IMPERIAL SECRETARIAT IN NEW DELHI.

236. ***Mr. S. G. Jog** : (*a*) Will Government please state whether there is a standard scale of space to be occupied by a clerk, a Superintendent and a gazetted officer in the Government of India Secretariat in New Delhi ? If so, what is that scale for each class of officers ?

(*b*) Is the space occupied by racks and almirahs for keeping current records, etc., included in the scale ?

The Honourable Sir Frank Noyce : (*a*) The standard scale of space allowed is 40 sq. ft. for a clerk and 64 sq. ft. for a Superintendent. No standard scale is prescribed for gazetted officers and the accommodation allotted to them depends on circumstances. Some gazetted officers are given rooms to themselves, while others share rooms. The space actually available in the New Delhi Secretariat is considerably in excess of the standard scale.

(*b*) Yes.

REPORT OF THE VARMA COMMITTEE.

237. ***Dr. Ziauddin Ahmad** : (*a*) When was the Report of the Varma Committee presented to Government ?

(*b*) When was it printed ?

(*c*) What action have Government taken, or propose to take, on that Report ?

The Honourable Sir Frank Noyce: (*a*) to (*c*) The Report was available in print in June, 1933. Consideration of the Report was, however, deferred for reasons explained in the reply to Mr. S. C. Mitra's unstarred questions Nos. 178 and 179 in this House, on the 21st November, 1933. Government have recently received the views of the Director-General on the Report and hope to pass orders shortly.

Dr. Ziauddin Ahmad: May I ask whether the orders will be passed sometime in this Session of the Assembly ?

The Honourable Sir Frank Noyce: I should think it somewhat doubtful.

Dr. Ziauddin Ahmad: May I know the reason for delaying the consideration of this report specially when it was urged that it was of an urgent nature and that tax-payers were losing money ?

The Honourable Sir Frank Noyce: I shall be very happy to satisfy my Honourable friend's desire for information on that subject. The fact is that the report is a very technical one and involves issues of the greatest importance to the Telegraph Department. It was, therefore, felt necessary, as I have already explained in this House in reply to a question put by my Honourable friend, Mr. Mitra, that the views of the Departmental Associations should be taken on the report before the Director-General's recommendations were submitted to Government. That naturally took

time. Sir Thomas Ryan was busily engaged on the report when his tragic death took place. It had been his desire to submit his recommendations to Government before he retired. But unfortunately his death prevented his doing so. The notes he left were not complete and that meant that the new Director-General, being fresh to the Department, had to go through the report from beginning to end. I received his recommendations on the subject a few days ago, and I hope to pass orders on them as soon as possible. The report, as I have said, is a very technical one and difficult to deal with, and it is possible that my pre-occupations with this Assembly will prevent my dealing with it before the end of this Session. That is the position. The delay is very much to be regretted, but it is, I think, the House will agree, due to circumstances over which we have had no control.

Mr. B. V. Jadhav: Will the Honourable Member please see that copies are placed in the Library before Government passes any order ?

The Honourable Sir Frank Noyce: I am replying to that in answer to another question. Copies have already been placed in the Library of the House.

REPORT OF THE VARMA COMMITTEE.

238 *Dr. **Ziauddin Ahmad**: Is it not a fact that Government considered the establishment of the Varma Committee very urgent on the ground that tax-payers were daily losing money ?

The Honourable Sir Frank Noyce: The Committee was appointed to investigate the methods adopted to determine the number of posts in the telegraph traffic establishment and to make, as early as might be found possible, recommendations to secure the most economical organisation compatible with efficiency.

REPORT OF THE VARMA COMMITTEE.

239. *Dr. **Ziauddin Ahmad**: (*a*) Do Government propose to circulate the Varma Committee Report among the Members of the Legislature ?

(*b*) Are Government prepared to give an opportunity to the Legislature to discuss the Report ?

The Honourable Sir Frank Noyce: (*a*) and (*b*). The replies are in the negative. In this connection the Honourable Member's attention is invited to the reply given to Mr. Dudhoria's starred question No. 890 in this House, on the 23rd March, 1933. I may add that a copy of the report has been placed in the Library and is available for such Honourable Members as may desire to study it.

RURAL INDEBTEDNESS IN BRITISH INDIA.

240. *Dr. **Ziauddin Ahmad**: (*a*) What is the probable amount of rural indebtedness in British India ?

(*b*) What is the amount in each Province ?

Mr. G. S. Bajpai: (*a*) and (*b*). The total rural indebtedness of India was roughly estimated at about 900 crores of rupees by the Indian Central Banking Enquiry Committee in 1931. The figures for the Provinces are given in paragraph 77 of the Committee's report, copies of which are available in the Library of the House.

Dr. Ziauddin Ahmad: May I know whether Government have calculated the amount in 1933-34, and have they calculated by any method the usual rate of interest charged ?

Mr. G. S. Bajpai : There has been no calculation so far as I am aware since 1931.

Dr. Ziauddin Ahmad: Has any attempt been made in any Province in India to bring the figures up-to-date?

Mr. G. S. Bajpai: According to my recollection of the proceedings of the Provincial Economic Committee, all the representatives of the Provinces took their stand upon the Banking Enquiry Committee's calculations, which, as I have already stated, were up to 1931.

RURAL INDEBTEDNESS IN BRITISH INDIA.

241. ***Dr. Ziauddin Ahmad :** (*a*) Have Government framed any policy of meeting the rural indebtedness ? If so, what is their policy ?

(*b*) Do Government propose to help the Provincial Governments who cannot make up their minds ?

Mr. G. S. Bajpai : (*a*) and (*b*). This question was discussed at the Provincial Economic Conference held at Delhi in April last. The general view of the Conference was that the diversity of the conditions of the agricultural classes in India was so great, both in respect of land tenures and general economic status, that any legislative measures to afford relief must be primarily provincial. The question of ensuring a regular exchange of information on this matter between various Local Governments is under consideration.

Dr. Ziauddin Ahmad: What is the answer to part (*b*) whether Government propose to help the Provincial Governments who cannot make up their minds ?

Mr. G. S. Bajpai: I would rather leave that task to my Honourable friend.

Dr. Ziauddin Ahmad : We know that the Government, to which the Honourable gentleman belongs, could not make up their mind for the last four or five years.

Mr. G. S. Bajpai: I do not think my Honourable friend is correctly representing the position when he says that he and I belong to the Government of the United Provinces, at least I do not.

CIRCULATION OF COUNTERFEIT RUPEE COINS.

242. ***Mr. Lalchand Navalrai :** (*a*) Are Government aware that since lately a very large number of false, counterfeit and suspicious rupee coins have got into circulation in India and in consequence thereof there is no safety and convenience in generally accepting any rupee coin ?

(*b*) Are Government aware that by ordinary scrutiny nowadays it is difficult to distinguish a good rupee from a bad one and therefore rupees are being rejected on a mere suspicion by Government banks, treasuries, post and railway offices, which affects the commercial and general currency of them ?

(*c*) What steps do Government propose to take to meet the situation and to eradicate the mischief caused thereby and the fraud perpetrated ?

(*d*) Do Government propose to issue one-rupee notes at least until such time as the spurious and suspicious coins are excluded from circulation ? If not, what other method do Government propose to adopt ?

The Honourable Sir James Grigg : (*a*) The number of counterfeit rupees which came to notice increased substantially between 1928 and 1930, but since 1930 there has been comparatively little change. The total for 1933 is slightly higher than the totals for 1930 and 1932 but slightly lower than the total for 1931.

(*b*) Government have received no report to this effect.

(*c*) and (*d*). Government do not consider it desirable to issue one rupee notes so long as India has a large surplus holding of silver. Measures for the suppression of counterfeiting are, however, engaging the attention of the Departments concerned, and any marked increase in the number of counterfeit coins reported in any particular area is brought to the notice of the appropriate Local Government.

Mr. Vidya Sagar Pandya : May I inquire whether there is more counterfeiting in currency notes or in coins ?

The Honourable Sir James Grigg : I should like to have notice of that question.

Mr. Vidya Sagar Pandya : Is it not a fact that the Bank of England does not issue any note below £5, and, in view of that, is it not necessary that India should not issue any currency note below Rs. 5 ?

The Honourable Sir James Grigg : No, Sir, that is not correct. The Bank of England now issue currency notes of the denominations of £1 and 10 shillings.

Mr. Lalchand Navalrai : With regard to clause (*b*), my object was to show that at present there are suspicious rupees in circulation, and people are inconvenienced, because the scrutiny applied is very strict, and the coins are returned on the slightest pretext. May I know from the Honourable Member if he is aware of this fact ?

The Honourable Sir James Grigg : My answer to clause (*b*) was that Government have received no report to this effect. But I would like to make it clear that if the Honourable Member has in his possession conclusive evidence to that effect, I will be very glad to consider it if he would furnish me with it.

Mr. Vidya Sagar Pandya : Will not one-rupee postal stamps do instead of printing fresh one-rupee currency notes ?

The Honourable Sir James Grigg : That is a new question, and I should like to have notice of it.

Mr. B. Das : Is it not a fact that the Honourable Member's predecessor, Sir Basil Blackett, had to stop the circulation of one-rupee notes, because there were losses caused to the poor people in the villages because these paper notes got destroyed in water ?

The Honourable Sir James Grigg : I was not aware of it, but I am quite prepared to take it from my Honourable friend that it is so.

Mr. Vidya Sagar Pandya : Is it not also a fact that Government found that the circulation of one-rupee notes was costing them too much, much more than the coins in circulation ?

The Honourable Sir James Grigg : There also I have no information myself, but I am quite prepared to take it from my Honourable friend.

Mr. Lalchand Navalrai : What testimony does the Honourable Member want me to give him with regard to the inconvenience caused to the people ? Shall I take him to the stamp vendor downstairs and prove it by offering him a rupee ?

The Honourable Sir James Grigg : No, Sir ; the evidence I would like to receive is the indubitable evidence which the Honourable Member says he has in his possession.

Mr. Lalchand Navalrai : I never said there is any evidence in my pocket. I only say it is common knowledge that the scrutiny of rupees at present is very strict, and even genuine rupees are rejected on very flimsy grounds. Will the Honourable Member make inquiries about this ?

The Honourable Sir James Grigg : All I can say is that I have received no report to that effect. The Honourable Member said it is common knowledge. If it is common knowledge, it must be quite simple for him to produce instances and bring them to my notice.

Mr. Lalchand Navalrai : Is the Honourable Member prepared to inquire even from his own office people ?

The Honourable Sir James Grigg : Presumably the answer which I have given the Honourable Member was not prepared in any other office, but my own. (Laughter.)

UNSTARRED QUESTIONS AND ANSWERS.

INTRODUCTION OF MOTOR BUS SERVICES BY RAILWAYS.

20. **Mr. Gaya Prasad Singh** : What are the names of the Railways which have opened motor bus services since the passing of the Railway (Amendment) Act on this subject, and from which place to which place ?

Mr. P. R. Rau : None of the Railways affected by the Indian Railways (Amendment) Act, 1933, has as yet instituted road motor services.

SPACE PROVIDED FOR OFFICERS IN THE NORTH BLOCK OF THE SECRETARIAT IN NEW DELHI.

21. **Mr. S. G. Jog** : Will Government please lay on the table of this House a statement showing separately the area of accommodation provided for officers of different classes in the several offices located in the North Block of the Secretariat in New Delhi, both in summer and winter, with the number of officers of different classes ?

The Honourable Sir Frank Noyce : The information is not readily available, and Government do not propose to collect it, as the result would not justify the labour involved.

THE INDIAN CARRIAGE BY AIR BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to present the Report of the Select Committee on the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air.

THE INDIAN AIRCRAFT BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to present the report of the Select Committee on the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft.

THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Bengal Criminal Law Amendment Supplementary (Extending) Bill.

The question is :

"That clause 2 stand part of the Bill."

Rao Bahadur B. L. Patil (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That for clause 2 of the Bill, the following be substituted :

'2. In part 2 of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, for the words 'three years' the words 'six years' shall be substituted'."

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, on a point of order. We find from the supplementary agenda that the Indian Iron and Steel Duties Bill will be given preference over any other business today. What has happened to that Bill ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Indian Iron and Steel Duties Bill will be introduced at about 1 o'clock. Copies of the Bill have not yet come from the press.

Rao Bahadur B. L. Patil : Sir, in moving my amendment, I feel that most of the important points have been already fully threshed out in this House, and that very little remains for me to put before the House. However, I should like to place before the House my points as to why this amendment should be accepted. In the first place, my amendment assumes that this terrorist menace exists in Bengal. It further assumes that the Bengal Government are confronted with a serious situation. Lastly, the amendment also assumes that some help should be given to the Bengal Government at this juncture. But the amendment seeks to protest against making the provisions of Act VIII of 1932 a permanent feature of the Statute-book. Sir, in reply to yesterday's debate, the Honourable the Home Member stated perhaps as his foremost ground that because from time to time Government were required to place before the Legislature similar measures, it is no use fixing a time limit for this

[Rao Bahadur B. L. Patil.]

Bill, but that once for all it should be made a permanent one. In placing this argument before the House the Honourable the Home Member referred to an Act of 1915 known as the Defence of India Act. I may submit, Sir, that this reference to that Act does not take the case of Government any further. The Great War began in the year 1914, and it was necessary for the Government of India as well as the Government of Great Britain to enact such measures, and it was in order to safeguard the interests of the State as a whole that this Act was enacted in India. Let me point out a few provisions of that Act to show that it had nothing to do with the terrorist movement in Bengal or in any other part of British India. In section 1 (*4*), it is stated :

" This Act shall continue in force during the continuance of the present war and for a period of six months thereafter."

This conclusively shows that this Act had absolutely nothing to do with the terrorist movement. In my humble opinion, the Government of India's first resort to this procedure of transferring detenus from the Province of Bengal to the other Provinces started in the year 1925. Therefore, the argument which was put forward as the one justification for making it permanent does not hold good at all. On the one hand, we know that it has become difficult for the Government of Bengal to accommodate a large number of detenus and also to segregate them in a proper manner, and to prevent them from making unauthorised communications with the sympathisers outside the jail. We know also that, on the other side, there are serious objections to the continuation of this procedure of transferring the detenus to jails outside Bengal. My Honourable friend, Mr. Raju, the other day protested against this procedure of sending detenus to his own Province and causing any contamination to take place in his own Andhra Province. May I bring to the notice of the Honourable the Home Member that it is not one individual Member who has protested against this procedure, but practically every Provincial Government and every jail authority had something to say against this when opinions were called for in 1932. That being the case, what justification have the Government of India to force upon the people of other Provinces and upon their Governments to accept the detenus in their jails ? My Honourable friend, Mr. Raju, also alluded to some instances that recently occurred in Poona. In my opinion, by this Act, the Government of India are doing a great injustice in forcing upon the other Provinces to accept these dangerous detenus. Here I assume that all the detenus are dangerous ; but if that is not the case of Government, if they say that all of them are not so dangerous as some of us think or as some Provincial Governments think, then I urge why should they not be kept in the Province of Bengal itself ?

Another serious objection taken is with regard to the personal inconveniences of the detenus themselves. We have heard during the last two years a number of questions put forth from this side of the House with regard to the treatment of detenus in other jails. We have heard that no facilities are given, if any are given at all in a few cases, to the relatives of these detenus to visit them. We know that the detenus are hard put to in the matter of maintaining their families. We know that with regard to food and the surroundings, and different climates, the detenus are greatly inconvenienced. These are certainly serious matters.

Then, we have to weigh the inconveniences on both sides. If the Government of Bengal still think that it is necessary that these detenus should be removed from the Province of Bengal, it is up to them to make their own arrangements. They have had sufficient time. I do not think they hoped that it would end sooner than now. I do not think that the Bengal Government are not spending money for the suppression of this movement. We know that lakhs of rupees are lavishly spent in suppressing this movement. Then, why should they not make proper arrangements for accommodating all these detenus ? They are, after all, 1,500 at present. My Honourable friend, Mr. Sen, the other day suggested, as also my Honourable friend, Mr. Neogy, that the Civil Disobedience prisoners being let off, there is sufficient accommodation in the jails in Bengal. These being my few reasons in addition to whatever has already been urged before the House, I should like to deal with one or two other points.

It appears that the Government are under the impression that in 1932 this House accepted the principle of sending these detenus outside Bengal in perpetuity. That is not a fact. Any one who refers to the debates in 1932 can very easily see that it was not so. The question then was whether the Bill introduced in 1932 would automatically be tagged to the local Act if that Act were extended before it lapsed. The opinion of the then Honourable the Law Member was that if it was extended before it lapsed, the Bill before this House would become tagged to that local Act, but if it was extended after the Act had exhausted itself or lapsed, it would not be so. Under those circumstances, and fortified with the legal opinion which was placed before this House, this House accepted the time limit of three years. Sir, may I submit that this House did not accept the principle of making it a permanent measure ? It only gave a qualified support to the Bill.

12 NOON.

Then, Sir, another argument advanced by some of the Honourable Members as well as by the Honourable the Home Member is that such time limit gives encouragement to these detenus. Now, let us consider what will be the position when the time limit is over. The result will be that these detenus would be taken back to the jails in Bengal. How can their mere transfer back to Bengal jails give them any encouragement ? Under the local Act, they would still be kept in prison. The Local Government will have all the powers under the local Act to deal with these terrorists. Sir, I do not see any relation between these two things. It cannot give them any encouragement. But, I am sure, Sir, if they are taken back to Bengal, you will remove the anxiety of other Provinces, the burden on their jails, and at the same time you will temper the administration with justice. For these reasons, I commend my amendment for the consideration of this House.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That for clause 2 of the Bill, the following be substituted :

' 2. In part 2 of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, for the words ' three years ' the words ' six years ' shall be substituted '."

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I rise to oppose this amendment. It occurred to me that after the most lucid and convincing speech which the Honourable Mr.

[Mr. Muhammad Muazzam Sahib Bahadur.]

Studd made yesterday, my friend, Rao Bahadur Patil, would not move his amendment, but as he has moved it, I think I should place my view of the case when I rise to oppose this amendment.

Sir, the objection raised is that this Bill should not be placed permanently on the Statute-book. My friend, Mr. Studd, yesterday pointed out the necessity for a permanent legislation of this character, and he also, in the course of his very eloquent speech, said that the fair name of India is being sullied by acts of terrorism, and that, in the interest of the preservation of law and order in this country, the terrorists should know that a drastic measure of this type is going to remain on the Statute-book for all time. Sir, from one point of view, I admit, that we should have a permanent legislation of this kind on the Statute-book. It is a slur to Indians, no doubt ; but, at the same time, I must say that from another point of view it is a still greater slur on the Government of the country when they introduce this measure as a permanent one, but while they do so, they must be feeling that they are compelled to do it. Knowing as they do that terrorism ought to be stamped out of this country by any means and under any circumstances, and knowing as they do that the credit of the Government of this country would be lowered in the estimation of the outside world by the introduction of such a measure permanently on the Statute-book, that the Government of the country are bringing discredit to themselves, they still maintain that such a legislation is necessary, whatever may be the consequences, and however much their reputation may be lowered in the estimation of the outside world. Sir, I say that the Government are prepared to do it simply because the necessity demands it. Terrorism is an exceptional malady, and it requires exceptional treatment. That is admitted on all hands, and if it is alleged, as some Honourable Members did, that terrorism was due to the unpopularity of the Government, then I ask them, how is it that it is peculiar to the Bengal Province alone. If the Government of the day is unpopular, it is equally unpopular in every Province, and not in Bengal alone. While I admit that there must be some cause, political or economic, and that we have not tackled these questions in the way we ought to, still the fact remains that we have got to legislate some such law, we have got to take drastic measures as a palliative until the root cause is discovered.

Then, Sir, dismissing the question of the legality or the illegality, fairness or otherwise, of detaining persons without trial, I should say that it is a matter entirely foreign to this debate. It is a matter which has been conclusively determined by the Legislative Council of the Bengal Province, and we have nothing to say further upon it. But, in the course of the discussion, it was pointed out that when persons are detained without trial, it almost amounts to their being detained on the barest suspicion. That is what my friend, Mr. Mitra, said yesterday. I should think, Sir, that although there may be a certain margin of error in these arrests and detentions without trial, although it cannot be claimed that these detentions have that margin of certainty which exists in the case of an ordinary judicial trial, still we have to consider the fact that, even in the case of ordinary judicial trials, there is a certain margin of error in many instances. In the case of acquittals and convictions in ordinary trials, can my friend, Mr. Mitra, assert that they are always right ? There is

a certain margin of error even in the case of judicial trials. Well, my friend, Mr. Mitra, might say,—then do away with judicial trials altogether. I say,—No, why should we do away with judicial trials ? We are dealing here with a peculiar set of circumstances, we have to deal here with a peculiar disease, and we need a peculiar prescription for it. I think if my Honourable friend, Rao Bahadur Patil, applies his mind to it for some time more, he is bound to change his opinion. I think he will be on my side and would say that " I shall not move my amendment ". (*An Honourable Member* : " Question.") In my opinion, what is exactly needed is a strong, lively and vigorous public opinion expressed in unequivocal terms, public opinion which exerts itself every moment. It has occurred to me that my Honourable friends from Bengal, those who are anti-terrorists, if I may say so, have not applied their minds in the way they ought to. For instance, when in any city there is a scare of kidnapping, as we have had in some cities in India, every home is vigilant, is on the alert to find out who the kidnapper is, and some such sort of feeling ought to exist in Bengal if they are determined to root out this malady. With these words, I oppose the amendment.

Mr. G. Morgan (Bengal : European) : Mr. President, I rise to oppose this amendment. From the speeches I have heard in regard to this Bill, most of the speakers have been dealing with the result of the administration of the Bengal Act of 1930 and the Supplementary Act of 1934. The Bill before us merely deals with the question whether the three years should be omitted from the Bill. The Bengal Act of 1930 will remain in force whatever we do with this Bill. The 1930 Act was put permanently on the Statute-book. Our Act of 1932 expires in 1935, the date on which the original Bengal Act of 1930 would have expired, and it is to bring it into conformity with the Act now in force in Bengal that the Government wish to have this Bill passed. That, I take it, is the plain issue before us at the moment. Sir, with regard to the terrorism in my Province, a good deal has been said about stirring up public opinion. I would like to inform the House that within recent months public opinion is being stirred. In Chittagong, in Dacca, in Calcutta, there is a good deal going on to try and combat this terrorist movement. I myself have attended anti-terrorist meetings of the British Indian Association in Calcutta, both a general meeting and also the committee meetings, and I am co-operating with them in every way. They are now working out the question of propaganda. They are co-operating with Government with regard to propaganda in the districts and they are proposing to have committees at some big centres like Mymensingh, Comilla, Dacca, and so on, and in that way to help to tackle this unfortunate movement. Sir, as regards the Calcutta Committee there are many eminent Bengalis connected with it, and I am glad to say that my friend, Mr. Nalini Ranjan Sarkar, now the Mayor of Calcutta, is one of the prominent members of that committee. He would be in a position to do a great deal, so far as Calcutta is concerned, because there has always been a suspicion that the schools of the Calcutta Corporation certainly did not help to stop this terrorism, whatever they may have done to keep it more or less alive. Mr. President, I want my Honourable friends to understand that apathy has now been broken. It is not easy to get a general interest in anti-terrorism, but a beginning has definitely been made. I may mention also that we are in close touch with the Educational Officer of the Bengal Government with a view to helping the students in schools and colleges to

[Mr. G Morgan.]

a proper perspective of the situation, and I have every hope that some real good will come out of this anti-terrorist movement inaugurated by the public in Bengal.

Sir, I am sorry to have to refer to the administration of the Act, but I should like to say that one of the difficulties of the position referred to by my Honourable friend, Mr. Mitra, is that the bulk of the administration in India is carried on by various grades of officers, and it is very difficult to control the last rung of the ladder. The top rung of the ladder will always get the blame of whatever objectionable may happen in the lower rungs of the ladder. Sir, my Honourable friend, Mr. Amar Nath Dutt, is not here. I believe he has entirely forgotten what Bengal climate is like when he refers to the terrible ordeal of waking up in the morning at Ajmer and finding the *punkah* had stopped. All I can say is that when I had to sleep under the old pull *punkah*, it would be more trying from the time I went to bed and the time I had to get up in the Bengal climate than the Ajmer climate, if the *punkah* had stopped. (*Mr. S. C. Mitra* : "To Mr. Morgan.") My Honourable friend, Mr. Patil, said,—at least I understood him to say, it was very difficult to follow what he was saying,—I understood him to say that the Government of Bengal are not spending any money to combat this movement.

Rao Bahadur B. L. Patil : I said that the Government of Bengal were lavishly spending money.

An Honourable Member : Not slavishly !

Mr. G. Morgan : Quite unwillingly. Unfortunately as you, Sir, know, the coffers of the Bengal Government are not what you might call overflowing. I think I am right in saying that it cost Rs. 77 lakhs on account of extra administration, police, and so on, for the year 1933-34. Mr. President, I have nothing more to say about the Bill before the House. Sir, I oppose the amendment.

Mr. J. M. Chatarji (Bengal : Nominated Official) : Sir, I appreciate the opportunity that has been allowed to me of saying a few words on the measure now under discussion which concerns my Province. The necessity for the measure.....

An Honourable Member : Louder please. We cannot hear.

Mr. J. M. Chatarji : The necessity for the measure and other points have been discussed so threadbare that I do not propose to go over them again. We are not considering whether the old Act of 1930 should have been placed permanently on the Statute-book, but we are considering whether the powers which this Legislature gave to Bengal in 1932 for a period of three years should be made permanent. We have had a lot of discussion over matters which are cognate, though not strictly relevant, to the measure under discussion. I do not propose to touch on any of those points, but in case I happen to digress into some of them, I hope I will be pardoned for being in good company.

I listened to the speech of my Honourable friend, the Leader of the Opposition, with the attention which his utterances always deserve. The main ground that he made out was, why should the power to send the detenus outside Bengal be given permanently and not for a term of years and why should not she be asked in the meantime to set her house in order.

I believe he could not have struck a safer ground, because I hardly think it was possible for him to attack any of the provisions of Act VI of 1930 which was but an offspring of the Act of 1925 in favour of which he had voted with a minority of 57 in the Bengal Legislative Council. I did not find in my Honourable friend's speech any reference to the reasons which the Honourable the Mover of the Bill had given for making this measure permanent. Temporary measures lead to a quiescence for a period and keep alive the expectation that it may be possible to revive the movement, and to strengthen it, should the measure be withdrawn from the administrative armoury. Again, the mere fact that the measure is being made permanent does not necessarily mean that it could never be repealed. Should the situation fortunately improve, there will be nothing to prevent the Legislature from asking for a repeal of the measure.

Another point on which my friend laid much stress was that proper and right steps have not been taken by Government in the past to meet the evil which has been in existence for the last 30 years. He does not even now prescribe any medicine which he thinks is likely to be effective. May I remind the House that he was himself for years an honoured Member of the Bengal Cabinet which he now accuses of inefficiency in grappling with the evil. If the remedy that he knew was so patent or potent, he would have saved a generation of blooming young men from trouble and misery if he had himself pressed for the application of the remedy in the comparatively initial stages of the disease.

Sir, my friend, Mr. Mitra, has given us a moving picture of the conditions in which the detenus live. We all know that, the more moving a picture, the greater perhaps is its indebtedness to imagination. Detenus are not, as they have been described to be, prisoners confined in solitary cells. The Honourable the Law Member has already touched on the point.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I do not want to interrupt my Honourable friend when he is making a maiden speech. There are detenus, not only at Deoli, but also in Mianwali, in the C. P., Madras. They are put in jails and in cells also.

The Honourable Sir Harry Haig (Home Member) : I think the Honourable Member is under a misunderstanding in calling them detenus. I think I am right in saying that the detenus outside Bengal are all held at Deoli and those who are held in other Provinces are State Prisoners under Regulation III. It is a technical point, perhaps, but it is of some importance with regard to this Bill.

Mr. S. C. Mitra : Only the other day I put a question about State Prisoners at Mianwali, and I was corrected by the Honourable the Home Member. The man has now been transferred to Bengal, though he was under the Bengal Criminal Law Amendment Act. He is Satyendra Nath Sen. He was not a State Prisoner.

The Honourable Sir Harry Haig : The Honourable Member is right. There may be one or two cases like that.

Mr. J. M. Chatarji : I do not propose to deal with the conditions of detenus outside Bengal, because I have no experience of them ; but from what I gathered from the speech of my Honourable friend, Mr. Mitra, I thought his observations referred to the condition of detenus in general,

[Mr. J. M. Chatarji.]

and what I am speaking about is the condition of detenus in a camp of which I have myself some experience. There is a tendency to assume that these detenus are confined in cells. It is nothing of the kind. The camp is a big enough place with a large number of houses for living accommodation and with all the paraphernalia of a camp including hospitals, dispensaries, kitchens and other things. At night the detenus are locked in their own rooms, but during the day their freedom is not interfered with in any way except that they are not allowed to go outside the boundary wall. It cannot possibly be said that the sameness and monotony of a detenu's life affects his mental equilibrium. It will perhaps be truer to say that some of those who have to administer their camps run the danger of qualifying themselves for a short stay in a mental asylum. The detenus have their hands full of work, if they want to do it. They have got their own committees for looking after the supply of provisions, for cooking, and sanitation, and if he has any time to spare after finding fault with the servants and after carrying his complaints to the Commandant, he can devote it to books of which he has usually a plentiful supply, and he can take to sports, both indoor and outdoor, for which he is given sufficient facilities.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I know from the Honourable Member whether he has ever visited Deoli ?

Mr. President (The Honourable Sir Shanmukham Chetty) : He is speaking of his own experience in a Bengal camp.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : As a detenu !

Mr. J. M. Chatarji : My Honourable friend, Mr. Mitra has spoken of torture on the detenus, I was not quite sure whether he referred to torture inside or outside detention camps. If he referred to torture inside detention camps, I could unhesitatingly tell the House that such a thing is unthinkable. The Commandant of a camp has usually reason to congratulate himself if on any day he can persuade the inmates to partake of a kind of fish different from that which they indented. In such circumstances, to think that any person would think of putting any pressure upon a detenu in a camp would be thinking something which is impossible ; and it must be remembered that there are about four to five hundred of these detenus and their compatriots looking on all the time.

Another question that has been asked is, why send them out of Bengal, why not keep them within the jurisdiction of the Local Government ? Sir, the answer is perhaps simple. It would then be extremely difficult to prevent any communication between the detenus and the outside world. Again, to confine them perhaps in detention ships in the Bay of Bengal or to dump them into the Sundarbans will probably not give them better conditions than they can have outside Bengal. There is also, Sir, some misapprehension about the scope of the Bill. There is a tendency to assume that if the Bill is passed, all the detenus will be sent out of Bengal. No doubt the Local Government of Bengal will have the power to do so, but the whole purpose of the measure is not to extern detenus wholesale, but to assume powers to extern only those who are found to be too dangerous to be kept inside Bengal.

Now, Sir, about the reason for the measure, what are the facts today in Bengal ?

Mr. S. C. Mitra : On a point of order, Sir. Is the Honourable Member speaking on the third reading or on the amendment before the House ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not want to interrupt the Honourable Member, but the further remarks to be made by him must now be confined to the amendment before the House, namely, whether the Bill ought to be made a permanent measure or should remain only a temporary measure.

Mr. J. M. Chatarji : Sir, I stand corrected. As regards the question of the term of the measure, I have already said what I have to say. My main point is that even if the measure becomes permanent, there will be nothing to prevent the Legislature from repealing the measure at any time it is found possible to do so. Sir, I am afraid I should be digressing into other features of the Bill if I were to speak on all the matters on which we have already heard very useful speeches. I do not think I should now detain the House any longer on this point. Sir, I oppose the amendment. (Applause.)

Mr. Gaya Prasad Singh : Sir, the sum and substance of this amendment is to extend the power, which has been conferred by the measure already passed, for another three years from the time when it is going to expire next year. I venture to think that this is an amendment which my Honourable friend, the Home Member, should seriously consider before summarily rejecting it. I know he commands a majority in this House and it is very easy for him to reject this amendment. But in the very interest to which he referred yesterday, I would very seriously appeal to him to consider this amendment. Yesterday, Sir, my Honourable friend said, if I remember aright, that without the force of public opinion behind the back of the Government, it is not possible to stamp out terrorism from Bengal or from any other part of the country. Now, I would ask him to consider whether the proposal of the Government to make this Bill permanent on the Statute-book is likely to win over public opinion to his side. As is very well-known, public opinion, not only in Bengal, but in other parts of the country, is seriously opposed to this measure being permanently placed on the Statute-book, and if the Government ride roughshod over public opinion, they will have no reason to complain if public opinion is not arrayed on the side of Government measures designed to stamp out terrorism from Bengal or from any part of the country. Sir, when an outrage occurs, all and sundry, including the Members of the Legislative Assembly and the leaders of opinion, proceed to condemn unmistakably these outrages and rush to the rescue of Government to save the fair name of India, as it is said, but when disgraceful and obnoxious measures are sought to be rushed, should this House support Government when they spurn public opinion and endeavour to give effect to the prescription which comes uppermost in their mind ? I would, therefore, ask my Honourable friend, the Home Member, to consider whether it is not possible to limit this Bill to a stipulated period. Sir, had the so-called terrorists been convicted by a properly constituted tribunal, there would have been some justification for the proposal which is before this House, but these so-called terrorists have not been

[Mr. Gaya Prasad Singh.]

put before any Court of law : they are at best kept in detention on mere suspicion.

Sir, is my Honourable friend, the Home Member, I ask, prepared to stand up and say that he is morally satisfied that all these detenus in Deoli or elsewhere are really guilty of the offences of which they are suspected ? It is just possible, is it not, that several of these prisoners may, after all, be innocent. I say, it is just possible, because their guilt has not been proved before any Court of law. We know how the guilt is usually established in the case of political prisoners. The police officer submits a report, a confidential report which forms the basis of further action by his superior officer, and thus we have seen how innocent persons are sometimes clapped in jail and kept in detention. I do not assert that none of the prisoners may be guilty, but I merely want to say that it is just possible that the guilt of at least some of the prisoners may be open to question. Now, if an innocent person is kept in detention, what will be the state of feelings of his relatives and friends ? One can understand this temporary inconvenience being undergone in the interest of law and order, but when this legislation is going to be made permanent, one should think over the consequences of such a measure. Thousands and thousands of young men, consisting of the friends and relations of these detenus, must be smarting under a sense of injustice and must be highly discontented, and I would ask my Honourable friend to consider whether that condition of things is conducive to the effect which we are anxious to secure in Bengal. Sir, we seem to be moving in a vicious circle. Outrages unfortunately sometimes occur which we all deplore, but the conditions under which such outrages occur must be thoroughly investigated before a proper remedy can be prescribed. The very fact of these detenus being imprisoned without trial for an indefinite period is hard enough, but to compel them to live for an indefinite period outside their own Province, and amid circumstances to which they are not accustomed, is harder lot still for them. Sir, I am opposed to the outbreak of violence. I am equally opposed to violence whether it proceeds from the side of the people or whether it proceeds from the side of the Government. I am equally prepared to condemn any murderous outrage in Bengal committed by a misguided youth as I am prepared to condemn the act of General Dyer when he massacred hundreds of our innocent men, women and children at the Jallianwala Bagh. But, are the Government on their side, prepared to condemn the outbreak of lawlessness on the part of the Government officials in an equal measure ? That is just the point on which Government and the Members of the Government are silent. That creates a state of feeling in the country which is very deplorable. Sir, this amendment is a limited one. We are not yet at the stage of the third reading. I would, therefore, finally appeal to the Government to consider what would be the consequence of making this feature permanent in the administration of the country. I know it is no use appealing to Government because in this Assembly, they command an absolute majority and they can carry everything before them. Is it going to soothe the feelings of the people or is it going to embitter the feelings which have already been roused over this Bill ? With these few words, I beg to support the amendment.

Mr. B. V. Jadhav : Sir, I rise to support the amendment. There have been a number of detenus in Bengal, and the Government of Bengal

saw that it was necessary to keep them outside that Province. The Bengal Legislative Council passed the Criminal Law Amendment Act three years ago, and this House was asked to sanction the same measure in order to empower the Government of Bengal to keep the detenus outside that Province. The then Home Member drafted the Bill for a limited period of three years. Now, the Bengal Legislative Council have passed the same measure on a permanent basis, and the Government of India here have come before this House to pass a similar legislation. This House need not follow implicitly the example set by the Bengal Legislative Council. This House has a will of its own and it ought to exercise it in the best interests of the country. The amendment of Rao Bahadur Patil is to limit it for a further period of three years. It has been said here that such a drastic legislation is a slur on the fair name of any country, and I perfectly agree with it. Therefore, such measures ought not to be made permanent but they ought to be passed for a certain stated period.

I am very much obliged to my Honourable friend, Mr. Morgan, for describing here the steps that are being taken in Calcutta and the whole of the Province of Bengal to co-operate with Government in putting down this outrageous movement. I am confident that with the active co-operation of the European members and the Indian members in Calcutta and outside, this pernicious movement will be put down during the period of the next three years. If it is not put down within the period of six years, then it shows that the repressive measures are not very effective. I think the repressive measures during the past three years have had a very considerable effect in curbing the movement, and I am quite confident that the active movement that has been started in Calcutta with its branches in every important city will surely succeed in putting down the pernicious movement within the period of next three years. Therefore, the period proposed in the amendment can be very safely accepted.

Sir, this House by questions and Resolutions has brought to the notice of the public and the Government that the conditions at Deoli and other camps are not very desirable. The Honourable the Home Member has personally visited that place and he has assured this House that the treatment given to the detenus is according to law, and, I think, according to the circumstances of the place. I have full confidence in his statement, but what I urge is this, that this question of the treatment of the detenus ought to come for discussion on the floor of this House periodically, and this is one of the other reasons for our urging that the duration of this Bill should be limited to a further period of three years. The Government of India, if they unfortunately find that the period ought to be prolonged, will have to come before this House and place the facts before it, so that there will be a general discussion before any further extension of the period is granted. In the interests of the detenus as well as in the interests of the general administration, it is necessary that such a drastic measure ought to be discussed periodically in this House. I do not think that the acceptance of this amendment will embarrass either the Government of India or the Government of Bengal in any way, as the Bengal legislation is for an unlimited period and the detenus or the would-be detenus will be governed by that legislation. Therefore, if the extension of this

[Mr. B. V. Jadhav.]

measure is made here only for three years, it need not have any deleterious effect upon the minds of the people there. On the other hand, it will show the desire of Government to do away with the legislation as early as possible.

The Honourable the Official Member from Bengal has given a very important piece of information to this House, namely, that even the Bengal Criminal Law Amendment Act can be repealed at any time. That is a fact known to everybody. But when an Act is passed for an unlimited period, it is not expected that a repealing Act will be introduced at any time. If there is no necessity for making use of that legislation, it will lie dormant, but then in that case nobody takes the trouble of getting it repealed. And, as it has been said, such a drastic measure is always a slur on the fair name of any country, such a measure ought not to be made permanent, so that it will lead to the lasting shame of that country. That is another reason why the period of the operation of the Bill should be limited to three years, and no more. If, unfortunately, there is any necessity for the measure again, then, the Government will be free to come to this House and ask for another extension. With these words, I support the amendment.

The Honourable Sir Harry Haig : Sir, I quite appreciate the spirit in which my Honourable friend, Mr. Patil, has moved this amendment. He is prepared in the circumstances to give some assistance to the Government of Bengal in coping with their difficulties. But he proposes to limit that assistance to a period of three years. I gave at some length yesterday to the House my reasons against that principle. I tried to show the House that in the past this principle of temporary legislation to deal with terrorism had been tried a number of times, and it is my own conviction that it is because the legislation was not continuous and it has not been permanent that this movement has continued for such a long period. I think it might not have revived with such strength as it undoubtedly did revive in 1930—that is the root of our present troubles—had the legislation, for instance passed in 1925, been of a permanent character.

Now, Sir, I do not know that I need follow my Honourable friend, the Mover, in his reference to the Defence of India Act. It is perfectly true that the Defence of India Act was an Act passed for the general defence of India during the period of the Great War and that it was not passed specifically in order to deal with terrorism in Bengal. But the powers given by that Defence of India Act were used with very great effect in Bengal, and the lapsing of these powers, as my Honourable friend reminds me, in 1919, did give a great opportunity to that movement to start again. With regard to the other Provinces there seems to be some misunderstanding of the position. I can quite appreciate that Honourable Members from other Provinces are particularly anxious that these detenus should not be detained among them. They do not feel exactly the same confidence about their innocence as some other Honourable Members in this House. But, Sir, it is not our policy to distribute these men all over India. We have a limited number of what were originally considered the most dangerous men who were dealt with under Regulation III and who have been distributed in

small numbers in various Provinces. But that was not done under the provisions of our Act VIII of 1932. The action we took under Act VIII of 1932 was to constitute this big camp at Deoli which is under the charge of the Chief Commissioner of Ajmer-Merwara, and that is our policy at present—to keep these detenus in Deoli where a very large expenditure has been incurred by the Government of Bengal on providing buildings and a suitable water supply amounting, in all, I think, to about four lakhs of rupees. My Honourable friend, Mr. Gaya Prasad Singh, said that by continuing these powers we were offending and affronting public opinion. I am not sure that I agree with my Honourable friend in his interpretation of public opinion. After all, should we not consider the public opinion of the Province of Bengal ? They, after all, are the people most intimately concerned, and it is reasonable to look to that public opinion being reflected in the Bengal Legislative Council where, as we have heard so many times, these provisions in regard to terrorism have just been passed by an overwhelming majority and made permanent.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : But the Honourable Member assumes that the Bengal Legislative Council today represents public opinion '

The Honourable Sir Harry Haig : It is as representative of public opinion as this House.

Mr. K. C. Neogy : Do not say then that it is the public opinion in Bengal which supports such measures.

The Honourable Sir Harry Haig : At any rate that is the constitutional means of expressing public opinion. I really think that my Honourable friend, Mr. Gaya Prasad Singh, does a certain injustice to public opinion by identifying it with his own.

We have heard an interesting speech from my Honourable friend, Mr. Chatarji, who gives from his own personal experience some idea of the conditions in a detenu camp. I do not want to go over that point again, because, as I said yesterday, I have endeavoured, since I have had on myself the responsibility for this Deoli Camp, to keep in touch as closely as I could with the officers who are actually administering the Camp, and I am convinced that they are doing their best to look after these detenus in a reasonable way.

In conclusion, I would merely say that the Bengal Legislative Council have decided that it should be made clear that their policy is to last so long as the menace continues, and I submit that we should also make it clear that our help continues for the same period. (Applause.)

1 P.M.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That for clause 2 of the Bill, the following be substituted :

' 2. In part 2 of section 1 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, for the words ' three years ' the words ' six years ' shall be substituted '."

The Assembly divided :

AYES—23.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Bhuput Sing, Mr.
Chandi Mal Gola, Bhagat.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Hoon, Mr. A.
Isra, Chaudhri.
Jadhav, Mr. B. V.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Mitra, Mr. S. C.
Mody, Mr. H. P.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Sadiq Hasan, Shaikh.
Sen, Mr. S. C.
Singh, Mr. Gaya Prasad.
Ziauddin Ahmad, Dr.

NOES—57.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Ali, Mr. Hamid A.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Bajpai, Mr. G. S.
Bhadrapur, Rao Bahadur Krishna Raddi B.
Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Buss, Mr. L. C.
Chatarji, Mr. J. M.
Dalal, Dr. R. D.
Fazal Haq Piracha, Khan Sahib Shaikh.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Grantham, Mr. S. G.
Grigg, The Honourable Sir James.
Haig, The Honourable Sir Harry.
Hockenhull, Mr. F. W.
Hudson, Sir Leslie.
Ibrahim Ali Khan, Lieut. Nawab Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmad, Shams-ul-Ulema Mr.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Lee, Mr. D. J. N.
Liladhar Chaudhury, Seth.
Lumby, Lieut.-Colonel A. F. R.
Metcalfe, Mr. H. A. F.
Morgan, Mr. G.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur Sir Satya Charan.
Nihal Singh, Sardar.
Noyce, The Honourable Sir Frank.
Pandit, Rao Bahadur S. R.
Perry, Mr. E. W.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Raghubir Singh, Rai Bahadur Kunwar.
Raisman, Mr. A. J.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Scott, Mr. W. L.
Sher Muhammad Khan Gakhar, Captain.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Studd, Mr. E.
Trivedi, Mr. C. M.
Wajihuddin, Khan Bahadur Haji.
Wilayatullah, Khan Bahadur H. M.
Yamin Khan, Mr. Muhammad.
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.
Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

Mr. Vidya Sagar Pandya : Sir, I rise on a point of order. It appears that some gentleman cast his vote on one side and the paper was torn up and another paper substituted and the count was taken afterwards. Is that in order ?

Mr. President (The Honourable Sir Shanmukham Chetty) : If any Honourable Member voted wrongly and immediately corrected the mistake, it is perfectly in order, and there is no objection.

The question is :

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

THE INDIAN IRON AND STEEL DUTIES BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel.

I ought to explain, Sir, and apologise for, an omission which has occurred in the course of printing in the Statement of Objects and Reasons. I understand that in certain copies of the Bill the word "proposed" has been omitted at the end of the Statement of Objects and Reasons and I would ask Honourable Members who have copies in which that word has been omitted to be so good as to insert the word "proposed" after the words "has not been".

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That leave be granted to introduce a Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel."

The motion was adopted.

The Honourable Sir Joseph Bhore : Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 26th July, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 26th July, 1934.

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

SHORT NOTICE QUESTION AND ANSWER.

HUNGER-STRIKE BY POLITICAL PRISONERS IN THE ANDAMANS.

Mr. K. C. Neogy : (*a*) Is it a fact that there has been a hunger-strike amongst the political prisoners in the Andamans ? If so, when did it begin and is it still continuing ?

(*b*) What are the reasons for this hunger-strike ?

(*c*) How many persons are involved in the hunger-strike ?

(*d*) What steps have been taken, or are proposed to be taken, by Government to meet the wishes of the hunger-strikers in removing the grievances ?

(*e*) What is the present state of the health of the strikers ?

The Honourable Sir Harry Haig : (*a*) to (*e*). It is not a fact that there has been any recent hunger-strike amongst the terrorist prisoners in the Andamans. The rumour may have arisen from the following facts. On the 7th July, the Superintendent of the Cellular Jail had occasion to punish a terrorist convict from Madras with seven days cross bar fetters for assaulting a head warder, the assault being entirely unprovoked. The next day, the majority of the terrorist convicts protested against the punishment inflicted. They were informed that the infliction of a punishment and the form of punishment were matters for the decision of the Superintendent. On the 9th July, when the weekly parade was held, all but twenty of the terrorist convicts refused to turn out of their cells for inspection. It was found that this action was deliberate and had been taken as a protest against both the punishment of the convict and the refusal of the Jail authorities to cancel the punishment at their request. In consequence of this action, all those convicts, who were absent from parade, were deprived for a period of certain privileges. I am informed that everything in the Cellular Jail is now absolutely quiet and normal.

Mr. Lalchand Navalrai : May I know if there are any other persons who are on hunger-strike who are not terrorists ?

The Honourable Sir Harry Haig : No, Sir ; there is no hunger-strike in the Andamans.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under Standing Order 78, I have to report that 105 petitions, as per statement laid on the table, have been

received, relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province
3,367	..	Bengal.	1	..	Bengal.
27	Howrah.	Do.	89	Burdwan.	Do.
15	Do.	Do.	89	Do.	Do.
47	Tippera.	Do.	92	Do.	Do.
51	Do.	Do.	81	Do.	Do.
24	Do.	Do.	90	Howrah.	Do.
47	Do.	Do.	11	Do.	Do.
57	Do.	Do.	37	Burdwan.	Do.
85	Dacca.	Do.	94	Do.	Do.
65	Do.	Do.	71	Howrah.	Do.
18	Do.	Do.	93	Do.	Do.
13	Do.	Do.	14	Do.	Do.
13	Do.	Do.	91	Do.	Do.
44	Sylhet.	Assam.	95	Burdwan.	Do.
50	Do.	Do.	90	Do.	Do.
18	Do.	Do.	50	..	Do.
42	Howrah.	Bengal.	94	Midnapore.	Do.
670	Do.	Do.	10	Howrah.	Do.
26	Do.	Do.	95	Midnapore.	Do.
7	Do.	Do.	95	Do.	Do.
42	..	Do.	94	Do.	Do.
6	..	Do.	91	Burdwan.	Do.
86	Chandpur.	Do.	90	Do.	Do.
40	Jessore.	Do.	90	Do.	Do.
54	Do.	Do.	13	Howrah.	Do.
42	..	Do.	23	Kidderpore.	Do.
43	..	Do.	94	Howrah.	Do.
48	..	Do.	90	Do.	Do.
88	Burdwan.	Do.	59	Burdwan.	Do.
33	Horwah.	Do.	75	Howrah.	Do.
77	Do.	Do.	40	..	Do.
90	Do.	Do.	90	..	Do.
92	Do.	Do.	2	Calcutta.	Do.
71	Do.	Do.	21	Howrah.	Do.
80	Do.	Do.	89	Do.	Do.
63	Do.	Do.	78	Do.	Do.
5	Do	Do.	211	..	Madras.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
8	Guntur.	Madras.	52	Gauhati.	Bengal.
4	Do.	Do.	90	Larkana.	Sindh.
41	..	Do.	238	Do.	Do.
21	..	Do.	32	Do.	Do.
222	Godavary.	Do.	812	Do.	Do.
34	Tanjore.	Do.	11	Benares.	United Provinces.
27	Do.	Do.	15	Do.	Do.
31	..	Do.	10	Do.	Do.
33	Howrah.	Bengal.	5	Do.	Do.
16	Calcutta.	Do.	10	Do.	Do.
23	Kidderpore.	Do.	127	..	..
4	Hooghly.	Do.	49	..	..
3	Do.	Do.	52	..	..
23	Do.	Do.	62	..	..
86	Howrah.	Do.			
183	Patna.	Bihar & Orissa			
325	Gauhati.	Bengal.	10,928		

THE UNTOUCHABILITY ABOLITION BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly : Sir, under Standing Order 78, I have to report that 79 petitions, as per statement laid on the table, have been received, relating to the Bill to provide for the abolition of untouchability among the Hindus, which was introduced in the Legislative Assembly on the 24th March, 1933, by Rao Bahadur M. C. Rajah.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
425	..	Bengal.	93	Burdwan.	Bengal.
263	..	Do.	82	Do.	Do.
41	Howrah.	Do.	88	Do.	Do.
43	..	Do.	101	Midnapore.	Do.
42	..	Do.	11	Howrah.	Do.
48	..	Do.	37	Burdwan.	Do.
16	Howrah.	Do.	93	Do.	Do.
24	Do.	Do.	71	Howrah.	Do.
3	Kidderpur.	Do.	94	Do.	Do.
3	Hooghly.	Do.	14	Barrackpur.	Do.
23	Do.	Do.	95	Burdwan.	Do.
86	Howrah.	Do.	90	Do.	Do.
89	Burdwan.	Do.	94	Midnapore.	Do.

No. of signatories.	District or town.	Province.	No. of signatories.	District or town.	Province.
95	Midnapore.	Bengal.	72	Howrah.	Bengal.
95	Do.	Do.	29	Hooghly.	Do.
94	Do.	Do.	80	Do.	Do.
49	Do.	Do.	64	Howrah.	Do.
90	Burdwan.	Do.	5	Do.	Do.
90	Do.	Do.	4,128	..	Do.
91	Do.	Do.	73	..	Do.
21	Do.	Do.	102	..	Do.
94	Howrah.	Do.	52	..	Do.
90	Do.	Do.	57	..	Do.
41	..	Do.	49	..	Do.
56	Burdwan.	Do.	47	..	Do.
75	Howrah	Do.	58	..	Do.
90	Do.	Do.	56	..	Do.
2	Do.	Do.	27	..	Do.
21	Hooghly.	Do.	11	Rangpur.	Do.
89	Calcutta.	Do.	51	..	Do.
91	Do.	Do.	16	..	Do.
88	Do.	Do.	47	..	Do.
13	Howrah.	Do.	12	..	Do.
11	Do.	Do.	47	Noakhali.	Do.
90	Do.	Do.	52	Tippera.	Do.
88	Midnapore.	Do.	44	Noakhali.	Do.
89	Burdwan.	Do.	35	Do.	Do.
33	Howrah.	Do.	9	Do.	Do.
77	Do.	Do.			
90	Do.	Do.			
92	Do.	Do.	9,237		

RESOLUTION *RE* CONSTITUTION OF MALABAR INTO A SEPARATE PROVINCE.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the following motion moved by Mr. C. S. Ranga Iyer on the 6th April, 1934 :

"That this Assembly recommends to the Governor General in Council that steps be taken to constitute Malabar (Kerala) (Madras Presidency) as a separate Province together with neighbouring Malayalam-speaking areas."

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I rise to support the principle underlying this Resolution, namely, the need for redistribution of areas on a linguistic basis. As an Andhra, the principle appeals to me very much, because for nearly two decades the Andhra people have put strong faith in this principle. Long before the Utkals dreamed of an Oriya Province, long before the Sindhis realised the benefits of separation, the Andhra districts

demanded that the provincial boundaries should be readjusted with a view to ensuring linguistic and racial and cultural affinities. That being so, I am only doing my duty in supporting the principle underlying this Resolution. The principle is not only confined to any particular section like the Andhras, but it has been a demand from the whole country that the provincial areas should be redistributed. The Government did recognise that the existing Provinces are not based on any particular principle, that they are more a result of historical accident, and that the redistribution of areas could be made provided certain conditions are fulfilled. The Statutory Commission observed as follows on this question :

"There is a considerable body of opinion in India which calls for some readjustment of boundaries and redistribution of areas, and we entirely share the views of those who think that the present arrangement is not altogether satisfactory. The existing provincial boundaries in more than one case embrace areas and peoples of no natural affinity and sometimes separate those who might under a different scheme be more naturally united."

Further on, they say :

"If those who speak the same language form a compact and self-contained area, so situated and endowed as to be able to support its existence as a separate province, there is no doubt that the use of a common speech is a strong and natural basis for provincial individuality."

Further down, they make these important observations at page 26 of their report :

"As long as the Government of India was entirely centralized, and both the administration and the finance of any area were provided and directed from the Centre, the line taken by a provincial boundary was of less importance. But now that the provinces have a real political existence of their own, the situation is changing, and if, as we hope, the time is coming when each province will not only have its own provincial Government and its own provincial resources, but will form a unit in a federated whole, it is extremely important that the adjustment of provincial boundaries and the creation of proper provincial areas should take place before the new process has gone too far. Once the mould has set, any mal-distribution will be still more difficult to correct. We therefore propose and we regard it as a matter of urgent importance, that the Government of India should set up a Boundaries Commission with a neutral Chairman, which would investigate the main cases in which provincial readjustment seems called for, and should endeavour to work out schemes with a view to seeing how far agreement is possible."

As has been pointed out by the Royal Commission, for the very success of the Federation which is now in sight, it is necessary that the various units composing it should, as far as possible, be natural units. It is no longer a matter of simple faith nor a sound principle to be thought of, but a matter of urgent necessity in order to promote rapidly the process of evolution of really natural units into a harmonious group of Federation. It is not born out of any narrow-minded provincialism as some people would like to call it, but, Sir, it is born in the desire to create really natural units for building a sound federal scheme. Sir, having said, and having also referred to the weighty words.....

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Will the Honourable Member kindly speak up ? We can't hear him.

Mr. B. Sitaramaraju : Having said that, and having also referred to the weighty words of the Simon Commission on this subject, I would like to point out that the linguistic and racial considerations, however primary they may be, there are also other considerations to be taken into account, namely, the economic and the administrative factors. They are

[Mr. B. Sitaramaraju.]

also of as much importance in the consideration of this problem as the other two. Sir, with my limited knowledge of Malabar, I have tried to picture to myself whether these tests could be applied to Malabar. Sir, it would satisfy the linguistic considerations ; it would satisfy the racial considerations, and when the test made whether it has got a due share of country and town and coast line and interior, I submit that Malabar would satisfy those requirements also, though I am not so hopeful as my friend whether economically it would be paying its way. My friend, Mr. Ranga Iyer, the other day said that economically it will be able to support itself. He said that he will cut his coat according to his cloth. It really does not rest with him or with us to reduce the cost of administration, but it rests with the Government of India and His Majesty's Government. They prescribe certain standards of administration and services which must be paid in a certain scale. If it rested with us, we could make our administration cheaper, but it is the Government which prescribe the pattern and the length and breadth of that coat. Such being the case, I am not so sure about its ability to pay itself. If it does, as my friend says it does, then I for one would certainly welcome the day when it shall be a separate Province. Sir, the All-Parties Conference in 1928 observed as follows :

"Partly geographically, partly economic but mainly the consideration must necessarily be the wishes of the people and the linguistic unity of the area concerned. We are of opinion that ordinarily a province should be self-sufficient in regard to finances and must not look to Central Government for doles."

Sir, I do not attach much importance so far as the Province of Malabar is concerned with regard to the wishes of its people, because Honourable Members are aware of the fact that the Tamils wanted to have a separate Province of their own, and a Resolution to that effect was moved in the Council of State by Sir Sankaran Nair ; similarly, the Andhras wanted to have a separate Province of their own and moved Resolutions in the Madras Council and the Council of State, while the Karnataks wanted a separate Province of their own. Now, if all these races have their own separate Provinces, what would be left in the Madras Presidency would be only Malabar itself, whether Malabarese would like to have a separate Province of their own or not, Malabar would be a separate Province.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : May I inform my Honourable friend that every Taluq Board in Malabar has passed a resolution, as I shall show, supporting my plea for separation of Malabar.

Mr. B. Sitaramaraju : I am glad to hear that, Sir. I have referred to the All-Parties Conference of 1928 welcoming linguistic Provinces which can be self-supporting. The Central Government should not be asked to pay any doles to any Provinces. Further, Sir, in 1931, the Council of the All-India Moslem League resolved :

"The Council is of opinion that the question of re-organization of Provinces should be taken up as a whole and not piecemeal."

Again, Sir, the Sub-Committee, which was constituted under the Simon Commission, observed that their decision to create the Utkal Province involved the larger question of the sub-division of existing Provinces, and that the creation of the Sind and Utkal Provinces are part and parcel of a larger scheme of re-distribution of provincial areas. We demand that the

scheme should be carried, and that the Boundary Commission, which was pointed out as one of urgent necessity, should also be constituted as early as possible. However, Sir, I cannot overlook the fact that subsequent developments did not give us much confidence in the matter. The Second Round Table Conference, after considering the question of Sind and Utkal, have said that the further re-distribution of Provinces should be left to be considered only by way of amendment to the new Constitution. That means to say that for the present the question is shelved and the constitution of a Boundary Commission is passed over. Sir, when the Secretary of State, giving his evidence before the Joint Parliamentary Committee, was asked as to what he proposed to do with regard to the question of the constitution of a Boundary Commission, the Honourable gentleman said "Boundary Commission for what?" Sir, he was pointed out that it was the Boundary Commission which was recommended by the Statutory Commission to be constituted for the re-distribution of provincial areas, and this was his reply :

"The Simon Commission recommended the setting up of a Boundaries Commission (they say it is an urgent matter) to investigate the main cases in which provincial readjustments might be called for. I would very much hope that we should not have a Boundaries Commission. I would not like to pre-judge the decision at all now, but I do not want these constitutional questions to get confused in a maze of disputes about frontier delimitations. We have dealt with the two most urgent questions of provincial redistribution by dealing with Sind and Orissa, and I very much hope that we are not going to get into an endless dispute about the boundaries of every other Province in India."

The Secretary of State having thus thrown cold water upon the whole, as though it is a matter in which he could not possibly take any action or encourage the idea, I venture to submit that the view taken by His Majesty's Government on this matter is not just and proper. The very success of the Federation depends upon the units of the Federation being homogeneous and capable of having individuality of their own. Unless they feel conscious that they are one, it will not be possible for a real Federation of natural units. Therefore, Sir, I submit that on the question of re-distribution of Provinces and of constituting a Boundaries Commission, the Government of India should convey to His Majesty's Government the desire of the people of this country that the question of the re-distribution of provincial areas should be taken up and not postponed. Sir, with these words, I would like to resume my seat.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, in view of the statement made by the Honourable the Mover of this Resolution to the effect that he has got the fullest support for his proposition from almost all the District Boards and Taluq Boards and Municipalities,—and we all know how these District Boards and Municipalities are run, how their finances are bad,—I would like to read a letter which I have received from a very responsible body, and it is my duty as a Member representing the Indian Commerce Constituency of the Madras Presidency to read that letter for the information of the House. This is a letter from the Malabar Chamber of Commerce.....

Mr. C. S. Ranga Iyer : Run by Chetties ?

Mr. Vidya Sagar Pandya : Malabar Chetties or outside Chetties ?

Mr. C. S. Ranga Iyer : Outside Chetties having settled down in Malabar.

Mr. Vidya Sagar Pandya : I am very sorry that my Honourable friend does not fully know the conditions of Malabar when he talks like that.

Mr. C. S. Ranga Iyer : You will soon know it.

Mr. Vidya Sagar Pandya : We have been financing the Malabar area from our Bank. We know who are the people running the business there, who are the parties who have got any stake there, and as such the Chamber, which has got a stake in the country, must be heard. its opinion must carry the greatest weight with this Assembly. I shall now proceed to read their letter. It is dated the 14th May, 1934. They say :

"*Re.* Agitation for a Kerala Province : The following resolution was passed by the General Body of this Chamber (please note, not in the Executive Committee) at its Annual General Meeting held on Saturday, the 12th May, 1934 at 4-30 P.M. :

Whereas certain suggestions for constituting a separate province of Kerala have come from certain quarters, and

Whereas....."

Then they give a set of reasons, and here I may relate a small story before I give their reasons. It is said that on one occasion, when Queen Elizabeth went out of London into a provincial town, no guns were fired in her honour. She was very much upset and she ordered that the Mayor, the Aldermen and the Municipal Commissioners, or whoever they were, should be called before her. They came trembling and then she asked them why the guns were not fired. The Lord Mayor replied, " Your Majesty, we have got nine solid reasons for it ". She said, " Very well, I would like to know the first reason ". He said : " The first reason is, in the first place, we have no guns ". Then the Queen said, " I do not want to listen to any of your other reasons ". Similarly, here is the first reason which has been given by the Malabar Chamber of Commerce, and, after that, I do not think it is necessary to go into the other reasons. The first reason itself is sufficient. They say :

" Whereas the financial burden involved by such separation would be so heavy as could not be borne by the tax-payer " and

I think that is the strongest reason. But as they have given the other reasons also, let me read them to the House.

" Whereas it will affect the employment of thousands of men of Malabar now employed outside Kerala and throughout India....."

This is also a very strong reason, because a number of our Malayalee friends are spread all over the Presidency, and it will considerably affect them. for even now it has been observed by an Englishman, who recently visited the Madras Government Secretariat, when he went into the Secretariat, he asked, " Is this the Madras Government Secretariat, or is it a Malayalee village ? " (Laughter.) Therefore, we have first got the question of the financial burden and then the employment of these gentlemen. Then the Chamber say :

" Whereas the entry of the Native States of Travancore and Cochin into the Federation will minimise the area of the province considerably, and

Whereas even that small area will not be composed of a particular set of people with unity of language and culture,

This Chamber is emphatically of opinion that the suggestions are impracticable and unnecessary at this stage."

I do not wish to say anything about it ; my Honourable friend, Mr. Thampan, who comes from Malabar will be in a position to say to what extent there is any real agitation in the matter. No doubt, Malabar is a very beautiful place, and we should be the last to be separated from them. We have got such nice places as Cannanore, etc., with so many beautiful sceneries, and with such close connections as we have, it will be a very severe strain to part with Malabar. And as has been suggested by a responsible Chamber which has got a stake in Malabar, I am sorry that I cannot support my Honourable friend's Resolution. I must oppose it as desired by the Chamber in the resolution which has been communicated to me and which I have now placed before the House.

Mr. B. Das (Orissa Division : Non-Muhammadan) : On principle nobody would raise any objection that there should be Provinces formed on a linguistic basis. In fact, the Government of India were sorely agitated on that issue from the year 1910 or some time thereabouts when the Minto-Morley Reforms were introduced. A former Home Member, the late Sir Alexander Muddiman, was very much enamoured of that principle, at the time, and, if I remember aright, a gentleman from the Survey of India Department, a Colonel Tandy, wrote a book on the principle of linguistic re-distribution of the Provinces. But that book did not see the light of day, at least it did not come out of the shelves of the Government Department,—of the Department concerned or the Home Department I do not know. I have no idea of what Colonel Tandy recommended, but on principle Colonel Tandy was very much enamoured of the idea.

Sir, I am very grateful to my Honourable friend, Mr. Ranga Iyer, for referring to the creation of my own Orissa Province. The Oriya people agitated for 30 long years, and still, although they are within the sight of their Province, I do not know when the new Constitution is coming and when my Province is coming. There are certain processes which have got to be gone through before any people can claim to have a Province of their own. For 30 years we did agitate. We formed ourselves into the Utkal Union Conference, we agitated, and then when the new Government of India Act of 1919 came, we followed, step after step, the procedure laid down under the Government of India Act. Our representatives passed Resolutions in the Bihar and Orissa Provincial Council. Then we invaded the stronghold of the Madras Legislative Council and tabled a Resolution there, although at the time it did not receive much sympathy, because the Oriya representatives were there in a very small minority. Then, Sir, we went and followed the next step. We moved a Resolution on the floor of this House and it received sympathy from the Government of India, from the then Home Members, Sir Malcolm Hailey and Sir Alexander Muddiman.

I do not know if the people of Malabar have followed a similar procedure. Unless they follow that procedure, I do not think they can get much support from the nation at large or from the Government. It is true, I do recognise the point was raised in the All-Parties Conference at Lucknow. But the representatives of Malabar have not moved such a Resolution in the Madras Legislative Council. (Interruptions.) My Honourable friend, Mr. Jadhav, asks what is the population of Malabar. I understand, it is 30 lakhs ; but my Honourable friend, Mr. Thampan, when he rises to speak, will go into the financial aspect and the population aspect of the matter. No doubt, on the basis of sentiment, one would like

[Mr. B. Das.]

to see the Province of Kerala made into a separate Province, because it is the one area in the whole of the universe where the women have the right of ownership of property and enjoy rights and privileges that women nowhere else in the world enjoy.

An Honourable Member : With a right of divorce !

Mr. B. Das : Yes, not only the right of divorce, but a right to govern, to own property, and the right to displace their menfolk from property. Kerala arts, Kerala civilisation—they are well known in the ancient history of India. Kerala has contributed its arts and its music to the greatness of India, and today the people of Kerala are noted for their arts and culture. Nobody would deny them separate existence if they can justify such an existence, but of that little knowledge has been placed before the House by my Honourable friend, Mr. Ranga Iyer. Unfortunately, the Government of India's proposition of creating Federation and separating the princes from the people of British India is a barrier to the cherished hope of my Honourable friend, Mr. Ranga Iyer. If Cochin, Travancore and Malabar could be joined together, surely it would be a nice little Province and the people could go on developing their culture and art and find their self-expression, and probably they will be much more homogeneous than my own Province of Orissa ; but, unfortunately, under the system of Federation—I do not know when that Federation is coming—but with that anticipation of the Federation, there is no chance of States like Cochin and Travancore joining with Malabar, simply because they will have a unified culture. The people of Malabar have a tradition. They are a very ancient people. It is they that gave refuge to the Syrian Jews, and Malabar is the only place where we find villages that remind us of the Jewish homes of Palestine and Syria. My Honourable friend, Mr. Pandya, reminds me that the Britishers landed there first, and, I believe, they were received with the same courtesy and the same oriental hospitality as other refugees and other visitors were received with by the Zamorin of Malabar. There are other aspirants to new Provinces. There is my friend, Mr. Raju, who asks for an Andhra Province. I have every sympathy with my Honourable friend, Mr. Raju, because he belongs to an old civilisation, the old Telingana Empire which held sway during the 14th and 15th centuries from the Empire of Vijayanagar and the town of that name. That was the admiration of the European travellers. The people there talked Telugu. My friend, Mr. Raju, has a just claim to have a Province of his own, but they must go through the processes and the travails that have been laid down in the Government of India Act.

But, unfortunately, Sir, I find that the White Paper contains no clauses which lay down as to how, in the future Constitution of India, there should be re-distribution of Provinces or re-adjustment of boundaries as is provided under section 52A, of the present Government of India Act. I have read the reports of the Round Table Conferences. I find none of the members of these three Round Table Conferences did lay stress on that point, not even before the Joint Parliamentary Committee.

Mr. B. Sitaramaraju : In the Second Round Table Conference, under Article 42, I think they said that it could be done only by way of amendment to the Constitution.

Mr. B. Das : It could be done but it is not provided for.

Mr. B. Sitaramaraju : Amendments must be by an Act of Parliament.

Mr. B. Das : It is not provided in the White Paper. I was the sole, solitary representative of Orissa, nay of India, who was present at the time in London and who presented a memorandum before the Joint Parliamentary Committee that the Constitution Bill should provide for such an emergency. I had not the opportunity to give evidence before the Joint Parliamentary Committee. Had I given evidence, I would have laid stress on that issue, but I saw the high and the mighty of the India Office, and I told them that they should not ignore such contingencies, because there is prospect of new Provinces being created in future under the new Constitution.

I am grateful to my Honourable friend, Mr. Raju, for quoting that pregnant passage from the report of the Simon Commission. I have a grievance as an Oriya. I have got a Province, but I have not got all the boundaries that Orissa should contain. There are tracts that have been left out in the Central Provinces, in my Honourable friend's Province, Madras, and in Bengal, and also in Bihar, which are properly and purely Oriya-speaking tracts and which ought to be included in the Orissa Province.

Mr. B. Sitaramaraju : Question.

Mr. B. Das : You may question, but if you want to ensure the contentment of these people and ensure homogenity,.....

Mr. B. Sitaramaraju : Await the Secretary of State's decision in the matter. You do not know the boundaries as yet.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House is not discussing the Orissa Boundary now.

Mr. B. Das : Sir, I was only pointing out that the new Provinces which are sought to be created should be homogeneous. As the point of re-distribution of boundaries under the new Constitution has been raised, I do hope, the Honourable the Home Member would look into the issue I have raised, that the White Paper does not provide anything that there should be re-distribution of boundaries or there should be creation of separate Provinces under the new Constitution Bill. If the draft new Constitution Bill does not provide for such an emergency, I hope that when my Honourable friend visits London in the near future, he will at least point out that deficiency.

Mr. B. Sitaramaraju : May I just point out that the White Paper Constitution proceeds upon the existing basis of the present provincial units and they said that any alteration of the provincial boundaries could only be done by way of amendment to the Constitution Act and the powers under the Government of India Act, which the Governor General possesses with regard to the distribution of areas, is not to be found in the new Constitution, because it was held that whatever changes may be made with regard to these boundaries of Provinces must be done by way of an Act of Parliament.

Mr. B. Das : But my contention is that the Act of Parliament, which will be the new Constitution Act, should provide for such an emergency. Otherwise, future agitators and propagandists like my Honourable friend, Mr. Raju, will be left in the lurch, and they will have no opportunity to agitate. As regards the subject matter of this Resolution, whether

[Mr. B. Das.]

Malabar can be made a separate Province, although it is a welcome proposition, I have my doubts whether one small district can be made into a Province, but I would very much like to hear my Honourable friend, Mr. Thampan, and also the Home Member, to know whether such an eventuality can arise.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I may assure the House that I had absolutely no intention to intervene in this debate especially as I was not feeling well this morning. However, I must say that this Resolution of my friend, Mr. Ranga Iyer, is not really wanted. My reasons are quite plain. If I give a silent vote on this occasion, it might give rise to some misunderstanding that I am in favour of the separation of Sind. If this small Province is going to be separated, it is going to be an agony. Sind is in that agony from which she has not yet come out. Sind is even being coveted by a high personage as His Highness the Aga Khan who wishes to have a territory of his own. Sir, I submit that though the papers say that there is no truth in His Highness the Aga Khan gaining a territory here as a ruler, yet, when we have heard such rumours and when we remember the manner in which the question of Sind has been considered, there should be no surprise in seeing one day that he is made a ruler of one of the territories in India. Sir, I do not say that so far as Kerala is concerned, there is any such high personage like the Aga Khan who is insisting upon Kerala being separated. Therefore, there is no great danger of Kerala being separated ; but I just want to say one thing that that is that, when I thought of this Kerala being separated, I put the question to myself—have I the facts before me about any demand about Kerala being separated ? Well, Sir, I have none ; but I am very glad to see today that several Members on this side have expressed themselves plainly and declared that the main question which is relevant is the same which applies to Sind also, namely, the financial difficulty. Sir, financial difficulty is a matter which can curb down all our rights, all our privileges and all our benefits when we wish to have a new Province. The question of Sind unfortunately is such that even though it has been so prominently found out by not only one, but by two Committees and other officials and by the Bombay Government itself that there are no spare finances, yet the threat is at least that Sind might be separated when the federal legislation and the Federal Government comes into operation. Sir, if that is so, if Sind is going to be separated, then I shall curse that day when that Federation comes into force.

Sir, the second point is that when you receive such Resolutions as this and when you comply with them, the difficulties of the Government are augmented. The Honourable the Finance Member is not here ; otherwise he would have told you that he also has not got lots of money to give away subventions : and if Kerala is not going to be self-contained and it is not going to supply the finances that will go to make it a separate province, I submit it will operate as an unnecessary and unbearable burden upon the tax-payers of the whole of India. Why, I ask, should Bengal be called upon to pay, why should other Provinces similarly be called upon to pay just in order to get Sind or Kerala separated ? Sir, that is the main point ; take hold of it, and such Resolutions should be thrown into the waste paper basket. Sir, I have on the contrary now learnt facts which

have been made out showing that Kerala could not be separated, but further, on the ground of principle, I oppose the proposition very strongly. What is the principle underlying the Resolution, and what is the authority for it quoted by two of my Honourable friends on my right ? They quoted for their principle the Simon Commission. Sir, there was a time when these same gentlemen had a hatred for the Simon Commission, and now they come forward and say that this is the opinion of the Simon Commission. Sir, I do not endorse the principle that is sought to be enunciated in this House that every Province should be separated on a linguistic basis. Sir, I am exceedingly opposed to such a dangerous principle. Sir, don't you see that when we want India to be united, our opponents want to make it disunited, and they seek to make as many different Provinces as possible, so that we may be so segregated that there should be no union but disintegration and questions like the Hindu-Muhammadan question, the Anglo-Indian question and such like should loom large and come into prominence, all tending to make for the disintegration of the very unity and solidarity of India.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Then abolish all the Provinces !

Mr. Lalchand Navalrai : I submit, Sir, that the principle is one which should not appeal to anybody. Sir, what is it that the Congress wants ? Why is the Congress suffering so much ? What for ? What do the people want ? The people want that there has been a great deal of disunion amongst us and that has been on account of several reasons,—but we want to unite the various sections. The Congress and the people have from early times been crying and crying that there ought to be only one language current for the whole of India. (*Dr. Ziauddin Ahmad* : " Hear, hear ".) Do you want that the multifarious languages should all remain permanently and perennially separating the nation, so that people may not understand one another and the language and interest, and get into chaos. Sir, I say it is not even in the interests of the Government to separate these Provinces on a linguistic basis. Sir, if you adopt the principle of separating provinces on a linguistic basis then you shall have to consider many more such Provinces. When I went to Madras, I found a language which was going to be universal for that Province, although their own indigenous languages were four or five—Malayalam, Telugu, Tamil, Canarese, Urdu, Oriya. But nonetheless English is going to be the uniform language in Madras. Even the rickshaw driver who took me spoke in English, and unhappily he told me that he was a matriculate, though, of course, I shuddered when I got into his rickshaw that I should be driven by a matriculate who has got so much respect in this part of the country. Go anywhere, Sir, in Madras, and they all speak English. But if you are to have this separation of Kerala on the ground of language, then you have to separate the other four parts of the Provinces also which have different languages. On the contrary, the attempt of all patriotic people, people who have any love for India and for unity, should be that there should be one and one language only for India, and I submit that Hindustani is already getting to be the *lingua franca* the common language of India (Hear, hear), though Hindustani is not known so much in two parts of India, namely, Madras and Bengal. On the Madras side, however, I found Muhammadans speaking Urdu. Of course Urdu and Hindustani are alike, and it was thus easy for the Madras Muhammadans to talk in Hindustani, though, so far as the

[Mr. Lalchand Navalrai.]

other communities are concerned, I found they had different languages and they could not understand Hindustani.

Mr. Vidya Sagar Pandya : They are learning Hindi now.

Mr. Lalchand Navalrai : I am very glad my friend on my right says that they are learning Hindi. I pray for that day.

Mr. Vidya Sagar Pandya : Four lakhs of people have learnt and passed in Hindi.

Mr. Lalchand Navalrai : So I am correct in opposing this Resolution. Sir, I think the Mover of this Resolution will excuse me when I tell him that he was probably thinking of some journalistic venture when he proposed the question of Kerala's separation.

Mr. C. S. Ranga Iyer : If my Honourable friend will wait to know the truth, he will find that not only every district board, but every taluqa board in Malabar and every public-spirited Kerala gentleman wants separation.

Mr. Lalchand Navalrai : I have heard several such assertions.

Mr. C. S. Ranga Iyer : I am quite willing, when my turn comes, to place documentary evidence on the floor of this House.

Mr. Lalchand Navalrai : I am sure that will not move me an inch. Sir, these reasons are overwhelming, namely, as the Congressmen have all along insisted upon,—we have all remained for a long long time in segregation ; if we now want unification, then we must have one language in India, and, therefore, I say, Provinces should not be separated on the score of linguistic differences.

Mr. C. S. Ranga Iyer : Did we not, as Congressmen, take a large part in the Congress resolution which altered the Congress creed under which Malabar ought to be treated as a separate Province on linguistic grounds ?

Mr. Lalchand Navalrai : It is not a direct reply to me, and, therefore, I will proceed. Sir, what I submit is this that we must have the common welfare of India at heart. I would not even object if we have English as a common language of the whole of India. I have no objection to that at all, especially as our destinies are linked together with the English people. It is on that ground that the English education is advancing. It may be that if we are not careful to have Hindustani as our common language and try our very best to see that this is done, then one day in the near future we will find that we will not only be speaking in English but even thinking and dreaming in English. I, therefore, submit that I am strongly opposed to this Resolution. Sir, I am sure my points are such that they will at least appeal to the public outside and to many of the Honourable Members on this side of the House. Although my learned friend, the Mover of the Resolution, may persist in sticking to his opinion, I can assure the House that one day we will read a contribution from him in some paper to the effect that he has re-considered the question and that he is not for a separate Province on linguistic basis.

Sir, my grievance was about the separation of Sind, and that made me get up. I know that the moment I mention the Sind question, the

Muhammadan Members will attack and say : " Do not raise that question at all ". But I must say that Sind is not a Province which should be separated. It will be a grievous mistake to do so. I would make it clear to the Honourable the Muhammadan friends of mine in this House what they are really going to get if Sind is at all separated. The Barrage area is included in the area of Sind and practically the whole of it is going to be a reserved subject in the hands of the Government. Then comes the question of law and order. A strong case has already been made out, not only before the Round Tablers, but also before the Joint Parliamentary Committee that Sind is full of atrocities, dacoities and abductions.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should now bring his remarks to a close.

Mr. Lalchand Navalrai : I am going to finish, Sir. Therefore, without saying much on this point, I would only submit that on principle I am absolutely against this Resolution, and I hope the House will realise all these points. Let Sind remain apart, but this is a principle which we should not endorse.

Mr. C. S. Ranga Iyer : You do not want the separation of Sind ?

Mr. Lalchand Navalrai : You have not understood me up to this time at all. I never wanted Sind to be separated, and I am a strong advocate of no separation of any Province. With these reasons, and without taking any more time of the House, I oppose this Resolution.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, the question involved in this Resolution is really a very important one, namely, the re-distribution of the Provinces in India, and I think that the success of the Federal Constitution in India, to a very large extent, depends upon this question. It is indeed very unfortunate that this question was not threshed out, as it ought to have been, before the Round Table Conferences or the Joint Parliamentary Committee, but I think that it is not yet too late to take it up and give it the consideration that it deserves.

The Provinces of India, as we know, were not constituted and formed on any logical or reasonable grounds. The fact was that the British came to India as traders, and not as conquerors ; but when the circumstances of the country led them to take possession of different territories under their administration, then, as soon as a portion of some territory came into their possession, they attached it to another portion already in their possession, without seeing whether there were any logical or reasonable grounds for adding or attaching it to a particular Province. In this way, we find that in India there is a heterogeneous collection of Provinces, and they have got no affinity with one another. One of these tracts of land, the Province of Malabar, was attached to the Presidency of Madras. Now, Sir, you know it very well, in fact, more than I do, that there is no affinity between the traditions, the culture, the language or anything else, between Madras proper and the people of Malabar. Therefore there is no reason why Malabar ought to have been attached to Madras.

Mr. K. P. Thampan : West Coast and Nilgiris : Non-Muhammadan Rural) : May I know what the Honourable Member means by " Madras proper " ?

Sir Muhammad Yakub : By " Madras proper " I mean Madras excluding Malabar.

Mr. Vidya Sagar Pandya : Does my Honourable friend know that Tamil and Malayalam are very much alike to each other ?

Sir Muhammad Yakub : Many languages are alike to each other. For instance, English and French are very much alike to each other, but it does not follow that English should be merged into French. Then, Sir, in the same way, we find that there is no affinity whatsoever, geographically, linguistically or culturally, between Sind and Bombay, and there was absolutely no reason why Sind should have been amalgamated or attached to Bombay. Sind and Hind are, in fact, two different portions of the country. Geographically, Sind is a part of Arabia, and, therefore, I say there was no reason why Sind should be attached to Bombay. The very idea of the Federation of Provinces means that there should be small Federal States having something in common between them. My friend, Mr. Lalchand Navalrai, has been talking about the Congress and the unity which the Congress wants. The Congress has all along been for the creation of a nation in India. Now, Sir, can anybody claim that the huge sub-continent of India ever be formed into one nation ? If you can form the whole of Europe into one nation, then certainly you can form the whole of India into one nation. But as they have divided Europe into different small countries, such as, France, Germany, Italy and others, most of which are even smaller than the Provinces in India, you can also divide India into several small units you may call them Provinces or States as you like, in such a way as to create a nationality in those Provinces. Then and then alone you can introduce and run the Federal system in India successfully, and then and then alone can the national ideal of Congress be realised.

Let us examine what is it that goes to form a nation ? The first and foremost thing which goes to form a nation is a common language. Then come the culture and the family traditions. What we want is that India should be divided into small States having a common language, common culture and common traditions. If you can achieve this object, then really you can form a Federation of States in India. My Honourable friend, Mr. Lalchand Navalrai, has referred to the separation of Sind. I think there was a time when the Congress, and members belonging to the community of my Honourable friend, Mr. Lalchand Navalrai, wanted the separation of Sind.

Mr. Lalchand Navalrai : Question.

Sir Muhammad Yakub : That question can be replied in the affirmative, and it can be proved by documentary evidence on record, but as soon as they found that the Mussalmans were in favour of separation of Sind, only from that very day they turned round and said that they did not want the separation. (Laughter.) There is, I understand, a distinct resolution of the Congress in which the separation of Sind from Bombay was demanded, and my Honourable friend, who talks in the name of the Congress, now says that he is opposed to the separation of Sind.

12 Noon.

Mr. Lalchand Navalrai : The Honourable Member is not correct in saying that there is a resolution. No doubt there is a resolution with

great reservation and safeguards and others which were also tentative, and they all fell through.

Sir Muhammad Yakub : All resolutions are always tentative. As regards safeguards, we have never denied that the minority community in Sind should have adequate safeguards. In fact we have always been for safeguards, and Muslims have always extended the same safeguards to the minority communities which they want for themselves in Provinces in which they are in a minority.

Mr. Lalchand Navalrai : Poor consolation.

Sir Muhammad Yakub : Sir, it is very unfortunate indeed that the name of His Highness the Aga Khan was dragged in this debate by my Honourable friend, Mr. Lalchand Navalrai. If he adopts this attitude, he is widening the gulf of disunion between Hindus and Muslims in this country. (Hear hear.) Nothing has hurt the feelings of the Muslims throughout the country so much as that the name of His Highness the Aga Khan was introduced in this Assembly. On the basis of some rumours, for which there was no foundation, and on the basis of some information from official documents, which somehow or other, through the subversive agency of the Congress, has leaked out into the Press, this question has been brought to the notice of the public. Those who cry for union between the two communities must understand the effect of making allegations like these and wounding the feelings of Muslims.

Mr. B. Das : How can the Congress steal the secrets from Government offices ?

Sir Muhammad Yakub : They have got secret agency in all the offices of Government. I can make this assertion on the floor of the House, and I warn the Government to take very great care about the leakage of confidential news from their offices, through the subversive agency of the Congress.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : So it appears that the matter alleged is true.

Sir Muhammad Yakub : Well, Sir, my Honourable friend has also made another unfortunate reference to Hindustani. This is another contrivance which is now being made in order to destroy Urdu, which is the language in which the culture, the religion and traditions of Mussalmans are embodied today in India. It is another method to destroy Urdu and to bring Hindi, with Sanskrit in it.

Mr. Lalchand Navalrai : Excuse me, you are thoroughly wrong.

Sir Muhammad Yakub : I assert that this is bound to widen the gulf of disunity between the two communities in India. The other day a question was asked in the Assembly about some resolution which was passed in Delhi requesting the substitution of Hindi for Urdu in the Courts of Delhi. Without having any reference or any relevancy to the resolution, my Honourable friend has again introduced this question.

Mr. Lalchand Navalrai : Urdu and Hindustani are similar.

Sir Muhammad Yakub : They are quite different, and there is no affinity whatsoever between them. If Hindustani means anything, it is a combination of *bhasha* and Sanskrit, which the Mussalmans do not know and which it would be extremely difficult for them to learn. Therefore,

[Sir Muhammad Yakub.]

I say that it is very unfortunate that, in a simple Resolution about the separation of Malabar, all these points, which tend to create trouble between the two communities, have been brought in. As regards the desire of the people of Malabar to form a separate Province of their own, I would only quote some resolutions passed by the Moplahs of Malabar. I have got in my hand the proceedings of the Ernad Taluk Board passed at its meeting held at Manjeri on the 5th February, 1934. The resolution runs thus :

"Resolution No. 6 : Read the following resolution by Member K. Mammad Moyan Kurikkal Sahib Bahadur :

'Since Malabar has got an individuality of its own on account of its extensive area, dense population and peculiar language and culture, this Board resolves to request the Government of Madras to pass before the Joint Parliamentary Committee the claims of Malabar to be constituted as a separate Province when the Reforms are given effect to'."

This is signed by the President, Mr. V. Kunhi Moyi.

There is another resolution passed by the District Board of Malabar at its meeting held at Kottakkal on 16th October, 1933 :

"Resolution No. 10. Moved by Mr. Abdur Rahiman Sahib Bahadur, District Board Member :

'This Board considers it to be in the best interests of the people of the West Coast to have a separate Province to their own and requests the Government to take early steps to form such a separate Province and bring into working along with the reconstituted new provinces under the Reforms Scheme'."

Mr. K. P. Thampan : Is that all, only one Taluq Board and the District Board ?

Sir Muhammad Yakub : These will show that the people of Malabar are highly in favour of the separation of Malabar. As I have said in the very beginning, this is a very important question, and if the Government want that the Federal Constitution should work successfully, they should consider the whole question of the re-distribution of Provinces on linguistic and cultural basis before the new Constitution is fully in working order. With these remarks, I heartily support the Resolution.

Mr. K. P. Thampan : Sir, before I came to the House this morning, my idea was to request you to adjourn this motion, because I felt unequal to the task of making a speech having been in the train for the last four or five days. I arrived here only this morning and came into the House straight without taking my food and I found that the discussion has been proceeding and has gone too far to make a request for adjourning the debate. I must, therefore, content myself with what I can do under the circumstances.

Sir, I had the pleasure of carefully listening to the speech of my Honourable friend, Mr. Ranga Iyer, when he moved this Resolution on 6th April last. I had also the benefit of reading in cold print the full report of the debate as published in the proceedings of the Assembly. Having read it, I find that Mr. Ranga Iyer's speech contains more of abuse and vilification of the party to which I have the honour to belong and of myself than anything about the merits of the question. Sir, I would be very sorry to assume the role of a bad lawyer who abuses his adversary, finding that he has a very weak case. That is precisely what Mr. Ranga Iyer

has done, but I must in duty bound to myself and to my constituents offer certain explanations by way of answering the charges and allegations made against me. Before I deal with the merits of the question, I will deal with that aspect of the case, and I crave your indulgence for a short while. Mr. Ranga Iyer says that the representative of Malabar has :

"Disappointed his own constituents in Malabar and judging from a newspaper article in the *Matrabhumi*, a very cautious newspaper, it appears that Malabar is not represented in this House as it ought to be represented."

Sir, I would not care a tuppence for an opinion like that from Mr. Ranga Iyer. The proper persons to come forward with such expression of opinions are my constituents. If anybody in Malabar,—never mind who he is,—holds a public meeting and passes a resolution condemning my attitude in this Assembly, it is my duty to answer it, but not the vilifying attack of an Honourable Member who ought to know his duty better. Sir, he refers to the newspaper *Matrabhumi*. The *Matrabhumi* is a Congress paper and the Congress, as all people know, is for a separate Province. If the people for whom the *Matrabhumi* speaks are the people of Malabar, then I do not represent them here, I do not represent the Congress and I do not think the Congress has got a majority in my district. Sir, Mr. Ranga Iyer says that I uttered a falsehood in saying that nobody wanted the separation of Kerala. Sir, I did not mean literally what I said. I knew Mr. Ranga Iyer wants it, I knew Mr. Palat wants it, and I knew a handful of his followers want it ; but they are such a microscopic minority in the district that one can safely say that nobody wants it. It is in that sense that I used these words. And if what I said is a falsehood, Mr. Ranga Iyer's statement that people of Malabar want separation is certainly a malicious falsehood.

Then, Sir, there are one or two attacks that are more or less personal. He compares me to Mr. Palat who is no doubt a very respectable gentleman and a friend of mine ; he says that Mr. Palat occupies a position that I have yet to occupy and that, during my political career, I have failed to occupy that position,—*i.e.*, the Chairmanship of the District Board. Well, Sir, if Sir Charles Innes, whom everybody in the House knows, and who was our Collector, were here, he could tell Mr. Ranga Iyer that if I cared to be President of a Taluk Board or the District Board, it was not very difficult for me to get it. And it would not be a travesty of truth to say that, after the advent of the present Constitution, when a vacancy occurred in the Presidentship of the Malabar District Board, the then Minister, my revered friend, the Raja of Panagal, made himself sure, before he nominated one, that I did not care to have it. Frankly, I have not got those qualities which go to make a District Board President. I confess I am not made for that kind of work, and I have no ambition in that way.

Sir, one other aspersion that he made is that I wanted to exploit the position of the Muslims of Malabar. I am sorry, my friend, Mr. Uppi Saheb, is not here, but if he were here, he would have told the House what my views on such matters and what my relations with the Muslims are, how kind and cordial they are to me as I am to them. If he had made a statement that the Muslims of Malabar were not having their due share, I should have respectfully heard it, but it is not for a gentleman like Mr. Ranga Iyer to take up the cause of the Muslims. I might have failed in my duty, but why should he cast aspersions on my friend, Mr. Uppi

[Mr. K. P. Thampan.]

Saheb, also, for whom it was open to agitate for the due share of the Muslims, both here as well as in the Local Council where he was a distinguished Member ? Sir, the Muslims, the Moplahs of Malabar, have not yet began to take to English education and are not well represented in the public services. They are quite well off in other walks of life. As merchants, they hold a unique position in the district, as agriculturists they are second to none, and there are a very large number of landholders amongst them, people who pay more than Rs. 3,000 as revenue and are eligible to vote in the landholders' constituency. In my election campaign to represent the landholders in the Madras Legislative Council, I came across many of them, and I know the enormous influence which they wield in their place. They are after all not a very unimportant community, and judging from the number of Moplahs who are already in the service, the proportion of unemployment among the educated Moplahs is not so great as it is among the other communities in Malabar.

This is all, Sir, by way of preface. I now come to the merits of the question. In the first place, I maintain that this is not the place to discuss this question. The Joint Select Committee in 1919 said that if a Local Legislative Council by a majority passes a Resolution to separate a portion of its Province and constitute a different one, then the Government must appoint a committee to investigate and report on the question before taking any action. And section 52A of the Government of India Act says that the Government of India must satisfy themselves by consulting the Local Government and the Local Legislative Council before doing anything. Sir, this question was by way of an amendment to another Resolution fully discussed and turned down in the Madras Legislative Council, and it is curious to find that only two out of the six representatives from Malabar supported it. The Madras Government also opposed it. If the people of Malabar had a grievance on this subject, it was up to the representatives of Malabar to take it up in the Local Council.

Sir, I must apologise to the House for making a digression and going back to answer another aspersion of my Honourable friend which I left out. Mr. Ranga Iyer says here that Members of the Democratic Party

"run with the hare and hunt with the hound ignoring their duties and responsibilities to their own constituents."

Sir, hunting with the hound and running with the hare is a very happy phrase. The House knows very well who all are flirting with the Congress on the one hand and flirting with our friends on the Government benches on the other ; who all are moving Resolutions such as the release of Mahatma Gandhi, the abolition of untouchability and the disabilities as regards entry into temples to placate the Congress, and, at the same time, are voting with Government in regard to the Press Law and other repressive measures and angling for preferances such as nominations to go to England as members of Railway Board and Reserve Bank Committees. Sir, I have been in this House for four years, and sitting in that Chair you must have seen how many times I have gone into the Government Lobbies : except once, namely, in the matter of tariff duty on hosiery, in which many of my constituents are interested, I have not voted with the Government. I am a Member of the Opposition, and it is my duty to be in my place and oppose the Government.

Who are hunting with the hounds and running with the hare is very plain and obvious to the House and people outside. To come back to the subject, Mr. Ranga Iyer urged, as one of the main reasons for separation, that Malabar has got its own greatness and genius, and he wanted the people of Malabar to keep up that genius. It is, indeed, a noble endeavour. My friend very well knew that the one instance, the *marumakkathayam* system, which he quoted, was proposed to be uprooted in the district by means of a legislative measure : his very friend, Mr. Palat, was the sponsor of that measure in the Madras Legislative Council. Did he do anything then ? Where did his magnanimity go ? Did he discuss the matter with his friend, Mr. Palat, or any other, and persuade them not to destroy it, but to keep that characteristic genius or greatness of Malabar to itself ? The only instance of that great genius he quoted was the *marumakkathayam* system and that was completely abolished by that measure. There is, now, absolutely no difference between the law of inheritance and marriage in Malabar and that of other districts in Madras. He did not move a single finger then to agitate against that measure. If he was sincere in his declarations, it was up to him to carry on a propaganda with a view to keeping that genius ; but, now, after the law was passed and the system was totally abolished, very generously he says " Why not keep it ? " He wants the people of Malabar to keep their genius. Keep what ? Surely there ought to be a limit even for Mr. Ranga Iyer. One could fool a few people for all time ; one could also fool all people for some time ; but one cannot fool all people for all time. This is just what Mr. Ranga Iyer vainly attemps to do.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has just got two minutes more.

Mr. K. P. Thampan : I have not touched the fringe of the question and have a good lot more to say.....

Mr. President (The Honourable Sir Shanmukham Chetty) : He must finish in two minutes.

Mr. K. P. Thampan : Sir, we in Malabar do not want separation. We are well off as we are. When the Andhras, Tamilians separate or when Cochin and Travancore will consent to join us to form a Province, the time may come. The present move is a mischievous one and will end in ruin. The District Board or the Taluk Boards do not count. I will wind up by reading two or three letters from among many which I have received from leading and representative gentlemen to whom I wrote for an expression of their opinion on this subject. Sir M. Krishnan Nair, one of the foremost men of my district, writes :

" Dear Thampan, with reference to your letter requesting me to state my views about the desirability or otherwise of constituting a Kerala Province, I have to state that in my opinion the formation of a Kerala Province will be against the interests of the people of Malabar. If it were possible to include the whole of the Malayalam speaking country consisting of the Indian States of Travancore and Cochin, the British District of Malabar and the Kasergode Taluq of the S. Kanara District in a Kerala Province, it might be desirable to have a Kerala Province. But you know as well as I do that it will not be possible to include the tracts referred to above in a single province. I have no objection to your making use of this letter in any way you like."

[Mr. K. P. Thampan.]

Another gentleman, Mr. K. P. Raman Menon, the uncle of Mr. Palat, who has a very good record of public career, writes—this was long before the Resolution was moved :

" Your letter of the 24th *re* Kerala Province could be read by me only on the 2nd March when I returned from Madras. My views are decidedly against the separation of Kerala from the present Madras province. Most of my reasons have been stated by me in the debate on a similar resolution moved in the Madras Legislative Council and negatived there, I believe last November or so, to which please refer. Over and above those reasons I may mention one or two more. What are you going to do with Travancore and Cochin ? If those Rajahs are to be pensioned off and all Malayalam speaking people are brought together as one Province there is some semblance of common sense behind it. Again how can a small province like this sustain the financial burdens that would arise from the top heavy machinery of a Governor, ministers, secretaries, etc. As far as I can gather from the trend of the discussion people who advocate separation can be classed under two heads (1) those suffering from what I call pseudo-patriotism who want their language, their culture, etc., to predominate, (2) those who think that in a sphere more restricted than the Madras Presidency they could make themselves masters either honestly or dishonestly. A smaller legislative council can be better managed than a larger one either by corruption or by honest endeavour and hence the craving to separate, because men of this persuasion are in too great a hurry to thrust themselves into the lime light."

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member's time is up.

Mr. K. P. Thampan : I have got letters condemning this proposal from all classes and creeds of people, merchants, landlords, Government servants—people in all walks of life and Brahmins, Tiegyas, Nairs, and Rajas representing all communities.

The financial aspect of the question has also to be considered. The Government of Madras was good enough to supply me with certain relevant figures and I can show.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot embark upon a new topic just now.

Mr. K. P. Thampan : I oppose the motion and request the House to vote with me.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : Sir, in one respect I appreciate that I cannot say much on the particular subject of the separation of Malabar from Madras. But as this subject has another aspect and that aspect has involved in it the interests of the country as a whole, I would like to make a few remarks on it. The main argument that Mr. Ranga Iyer has given to us, is the linguistic reason. If we take the linguistic reason as a main ground for the separation of a Province, then I think there will be so many different Provinces in this country that it would become very difficult to make arrangements for the separation of each. If Malabar is to be separated from Madras, then the question which Andhra people would ask is " Why should not Andhra be made a separate Province ?"

An Honourable Member : They have already done so.

Bhai Parma Nand : I quite agree with Sir Muhammad Yakub in his view that the division of the country into separate Provinces was not made by any particular design. It was done gradually as the British East India Company went on conquering one part after another in India. Taking that as a reason for re-distribution of Provinces of

India, I think the best form of the Resolution ought to be that some Royal Commission should be appointed which should take up the question of re-distribution of India into various Provinces. I would agree and support this form of Resolution. I cannot understand that if the present division into Provinces is not satisfactory, how the demand to separate one portion now and again another, would be a satisfactory solution for it. The real remedy for this difficulty is to take the country as a whole and then try and find out a proper way of distributing it into various Provinces.

Take the case of Sind. It was only the Muslim majority of that Province who have made it one of their demands. Sir Muhammad Yakub said that before the year 1925 the Hindus of that Province were agreeable to the separation of Sind. Sir, I have also studied this question of the separation of Sind, and what I find from the statement of the Hindu leaders, is that they never wanted the separation of Sind from Bombay ; what they wanted was to have the judiciary separated from the Bombay Presidency. When the Hindus wanted this, the Mussalmans of Sind were not agreeable to the proposition. It was in 1925 or 1926 that the demand for separation of Sind on behalf of the All-India Muslim League was made, and then the Mussalman community of Sind was set up to make this demand for the separation of Sind for themselves. The demand was altogether given a new shape by the All-India Muslim League by making it an All-India question.

In the same way, Sir, as this demand was made by the Mussalmans of Sind or by the All-India Muslim League, I think some people, who call themselves as belonging to the Delhi Province or Delhi *plus* Ambala Division, which I have the honour to represent here, have also been making a similar demand for a long time, for separating them from the Punjab. Their reasons are also quite clear and cogent enough, because Ambala was never a part of the Punjab proper. The people of Ambala, Rohtak, Hissar and other neighbouring Districts were altogether different from the people of the Punjab until the British conquered the Punjab from the Sikhs. Their traditions, their history, their language and their customs are altogether different even today from the people of the Punjab, and, therefore, the demand of the people of Delhi *plus* Ambala Division was that they should be separated from the Province of the Punjab. I personally agree with that view. The people of Ambala sent their representations to the Parliamentary Committee and also passed resolutions at several of their Conferences. Sir, if the demand for the separation of Provinces on a linguistic basis is acceded to, if Honourable Members, one after another, bring out Resolutions to separate Provinces, it will be no real remedy for the troubles we are facing today in the country. Therefore, what I say is, if a real remedy is to be sought for our troubles, the Resolution should take some such a form that a Commission should be appointed for considering the whole question.

Now, Sir, before I sit down, I just want to say a few words with regard to certain remarks that fell from my friend, Sir Muhammad Yakub. Some of his remarks were so flagrantly wrong that I do not think that they should go unchallenged. My friend, Sir Muhammad Yakub, said that Sind was a part of Arabia, and, therefore, the people.....

Sir Muhammad Yakub : I said that geographically it is a part of Arabia. I never said it was a part of Arabia.

Bhai Parma Nand : Yes, that is what my friend said, that geographically Sind was a part of Arabia. Referring to the name of Sind, he also said that Sind was different from Hind, and, therefore, Sind was a different country making it geographically or in other ways a part of Arabia,—it may not be so politically,—I do not think my friend was serious in making such a statement. I am afraid my friend is making a serious mistake in saying that Sind was a part of Arabia.....

Sir Muhammad Yakub : It is not a mistake, but it is a fact.

Bhai Parma Nand : The word Sind is derived from the river Sindhu or Indus. *Sindhu* in Sanskrit means river, and it is from this word "Indus" that the name of the country "Hindustan" is derived ; but my friend, Sir Muhammad has been telling us quite a different story. In fact, Sind is the Province which has kept up really the original name of the whole country, *i.e.*, Hindustan and its people.

Mr. Lalchand Navalrai : As Punjab is derived from the five rivers.

Bhai Parma Nand : Then, again, my friend, Sir Muhammad Yakub, also said something about the Hindustani language. I beg to differ from him entirely. Hindustani is the word used for the spoken language, and it includes Urdu just as well as Hindi. It was a mistake to suppose that Hindustani meant only Hindi. Of course, my friend's prejudice against Hindi impelled him to make certain remarks and he went so far as to say that Hindustani should not be the language of India, and that if any one would repeat it, he would be throwing Hindu-Muslim unity to winds. Sir, spoken Hindustani is the common language spoken by the major portion of the people of India. Of course, my friend may not agree that Hindi should be the common language of India, but Hindi is altogether different from the Hindustani that is spoken. Hindi is written in Sanskrit characters, while Hindustani can be written either in Urdu or Hindi. Hindustani is being used by the people of the South and it is being popularised more and more to serve as a medium of communication between the North and the South.

Then, my friend, Sir Muhammad Yakub, also said that India was just like European countries. My Honourable friend was a member of the Round Table Conference. He has been favouring Federation in India. I do not think, Sir, that being a member of the Round Table Conference and holding such a responsible position as he does, he should indulge in such remarks that India should be considered like Europe and should have separate Governments just as Italy and France have got different forms of Government.

Sir Muhammad Yakub : There was nothing irresponsible in the remarks which I made when I said that India was as big as the whole of Europe *minus* Russia, and that some of the Provinces of India were greater than the countries of Europe. I was perfectly right in saying that you cannot have one standard for a sub-continent or one language for the whole of a sub-continent.

Bhai Parma Nand : That is what I said, that for a gentleman, who was a member of the Round Table Conference and who has been supporting the Federal Government scheme, it was foolish to suggest that India should have separate governments.....

Sir Muhammad Yakub : You have entirely misunderstood what I said.

Bhai Parma Nand : That is all what I have to say to Sir Muhammad Yakub.

Therefore, I would say that, although I am no authority on Malabar, the proposed Resolution is no remedy, that is to say, that the Andhra people should have a separate Province, or the Sind people should have a Province for themselves, or that the Ambala people should also have a separate Province, but the real remedy is that Government should set up a Royal Commission to settle the question once and for all, whether the Provinces should be separated and distributed on a linguistic basis or on some other lines.

Mr. Muhammad Yamin Khan (Rawalpindi Division : Muhammadan Rural) : Sir, I think the question of separation of Provinces should be left to the people of each Province to decide for themselves. Sir, I am not an authority to speak for Malabar, and I am not in a position to say what is the difference between the two cultures of the Malayalam or Kanarese speaking people. I know that Malabar had for a long time past had a civilization of its own. I find, though only through history, that Malabar had nothing in common with the rest of the Madras Presidency. If the people of Malabar unanimously demand that they should be separated from the rest of the Madras Presidency, I will whole-heartedly support their demand. But if I find that they do not wish to be separated, either on account of political reasons, or on account of administrative difficulties, or on some other grounds, I will be the last person to lend my support to the Resolution on the flimsy ground of sentiment and linguistic affinity. I leave this matter entirely to the people who come from Madras and who only can authoritatively speak on the subject. I can only speak on the principle. The principle is that if the civilization of a people is different from the rest of the people of the Province and if they can be easily separated, then they should be separated, and if the separated province can work in harmony for the settlement of its affairs and its administration, then I think the Government must see their way to give effect to the demands of the people.

I have got no controversy with my Honourable friend, Bhai Parma Nand, when he says that the Ambala Division may be separated from the rest of the Punjab. I know that the Ambala Division is quite different from the rest of the Punjab. People living on this side of the Sutlej have not got very much in common with the people living on the western side of the Sutlej. But I do not see eye to eye with my Honourable friend, Mr. Lalchand Navalrai, when he says that Sind is a part of India. If my Honourable friend will only read the one and the only history which had been written before the Muslims came, namely, *Chaoo Nama*, he would find that Sind never formed part of India. Sind was always considered to be a different country from the rest of India. The words "Sind" and "Hind" show that they are two different things. If my Honourable friend has not made up his mind but is open to conviction, the recent excavations in Harappa and Mohenjo-Daro will show that the civilization of Sind was quite different from the civilization of India. (Interruption.) My Honourable friend says that Sind did not form part of the countries to the west of it. That is only sentiment, but historically, it can be proved that the civilization which existed up to the banks of the Indus extended, not only as far as Babylon, but right upto Egypt.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair must now intervene and ask Honourable Members to confine themselves to the Kerala Province.

Mr. Muhammad Yamin Khan : I am only replying to what my Honourable friend had been saying and challenging when he remarked that Hind and Sind have got the same civilization. I say, no. They are different. (Interruption by Bhai Parma Nand.) My Honourable friend is excited, but the history is different.

(At this stage, Mr. Lalchand Navalrai rose in his seat, and there were also other interruptions.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Mr. Muhammad Yamin Khan : Therefore, if the people of Sind want separation, I do not see what business we have got in this House to say that they should not be separated.

Mr. Lalchand Navalrai : I rise to a point of order, Sir. Your ruling was that Kerala should be talked about.

Mr. President (The Honourable Sir Shanmukham Chattey) : It is the Honourable Member himself who first violated that. (Laughter.)

Mr. Muhammad Yamin Khan : My Honourable friend comes into this House to challenge a thing with which we are not concerned ; that question has been settled somewhere else, and it is a pity that that question was brought in here in a round about manner. I say that my Honourable friend has no right to re-open that question in this House or to ask for our opinion. That is left to the Sind people of whom Mr. Lalchand Navalrai is one. There are others also in Sind whose voice we have to consider, and if their voice is that Sind should be separated, that will have to be separated, and the voice of this House can have no effect on that point.

Bhai Parma Nand : He is the representative of the Hindus.

Mr. Muhammad Yamin Khan : He may be representative of the Hindus, but there are other people who are representatives of other communities.

Mr. Lalchand Navalrai : None in this House except myself.

Mr. Muhammad Yamin Khan : I will put a pertinent question to my Honourable friend, Mr. Lalchand Navalrai, and if he answers that, I will be the first person to concede him whatever he wants.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. It appears that a passing reference to Sind which the Chair permitted in the case of one Honourable Member has given an entirely new turn to the debate. The Chair does not want unnecessarily to intervene ; but, in the case of future speakers, the Chair must ask them strictly to confine themselves to the Kerala Province.

Mr. Muhammad Yamin Khan : I will only say, let my Honourable friend say what he wants to have in Sind, and I am ready to give him that. That is not only my personal opinion, but also of many other Muslims—namely, whatever rights he wants let him mention and we shall concede. If he does not want to ask, then it is his look out. The mere adoption of this Resolution will have no effect on the decision of the Government, because, this House, as it is composed, has got no authority, has got no right to speak for the people who are living in different Provinces. But I will tell the Government that if they find a real and genuine desire on the part

of people, who are going to be affected, there should be separation, they should do something in the way of accepting their demands. With these words, I support the Resolution.

Maulvi Sayyid Murtuza Sahib Bahadur (South Madras : Muhammadan) : But for the absence of Mr. Uppi, who is the only Muslim representative of Malabar, I would not have risen to make a speech on this occasion. So far as the Muslims of Malabar are concerned, I think they are quite indifferent regarding the separation of Malabar from Madras. The same attitude is to be adopted by the Muslim representatives of Madras, I mean Mr. Muhammad Muazzam and myself, but the House may ask how it was that I was the man who moved a Resolution regarding the introduction of reforms into the North-West Frontier Province and placing it on the same level as other Provinces of India. If the same was the case here, as it was in the case of the N. W. F. P., I should favour this Resolution ; but I want to convince the House that I am neither in favour of, nor against, this Resolution. I will adopt the same attitude as has been adopted by the Congress regarding the communal question. They are neither for rejecting it nor accepting it. Questions like these should be viewed from this point of view. If the majority of a certain Province do want its separation, we should favour it. As my Honourable friend, Mr. Thampan, said, the majority are not in favour of the separation of the Province. So far as the Muslim representative is concerned, unfortunately he is absent, but I have some connection with Malabar. I happen to be the President of the Majlis-i-Ulema, the association of the divines of that district, and, as such, I know their attitude. They will favour separation if the majority favours it. They would not at all stand in the way if the majority want separation. Personally I would not like it, because the House is fully aware of the fact that we are only seven *per cent.* throughout the Madras Presidency, and, if Malabar should be separated from Madras, our percentage will be even less than that. It is Malabar which contributes largely to the Muslim population of the Madras Presidency. Out of 35 lakhs throughout the Presidency, about one-third or even more than one-third is the Muslim population of Malabar, and, so personally I would not like it, but if the Hindus, who form the majority of the Province, want separation in their own interests, I know the Moplahs of Malabar would not stand in the way and they will make common cause with them, because, so far as I know, the Muslims and Hindus of our whole Province are living on terms of cordiality. The same is the case with the Moplahs of Malabar. So I speak on behalf of the Muslims of Madras when I say that we will remain neutral so far as this question is concerned.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : I would not have intervened in this debate but for Mr. Lalchand Navalrai who brought in the question of the separation of Sind.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair cannot allow any further discussion of the separation of Sind.

Mr. Lalchand Navalrai : Hear, hear.

Mr. A. H. Ghuznavi : If that is your ruling, certainly I have nothing more to say than that Mahatma Gandhi accepted the separation of Sind in England, when he was there representing the Congress. That is a fact which you cannot deny.

Bhai Parma Nand : He did not represent the Hindus though.

Mr. A. H. Ghuznavi : As one of the members of the Round Table Conference, it is my duty to inform this House that not a word of protest was said about the separation of Sind either in the first Round Table Conference or in the Second Round Table Conference in which Mahatma Gandhi was a delegate and a member. He was entirely with the Muslim view that Sind should be separated from Bombay. When the partition of Bengal was proposed by Government, what was the reason ? The reason was that Bengal was a very bulky Province for a single administration to carry on, and, if I am not wrong, that is also one of the points that were raised in the case of the Bombay Presidency.

Mr. B. V. Jadhav : Not at all.

Mr. A. H. Ghuznavi : I am not here to contradict my friend. That was the point that was raised in the Round Table Conference. Mr. Jayakar, who was a member of the three Round Table Conferences, did not oppose the transference of Sind from Bombay. It was only an afterthought. The Communal Award was published in India in 1932, and then this agitation was carried on by the Hindu Mahasabha. So far as the question of Malabar, which we are discussing, is concerned, Mr. Murtuza Sahib has just said that our policy should be neither for nor against. It is for the Malabarees themselves to say whether they want separation or not. One thing more, and I have done. It pained every Muslim Member in this House that the honoured name of our leader, His Highness the Aga Khan, has been dragged into this discussion. It is a historical fact and will be borne out by my friend, Sir Hari Singh Gour, that so far as His Highness the Aga Khan is concerned, he has worked in all the three Round Table Conferences and Joint Select Committees, not only as a representative of Muslims, but he has also taken India's interest as a whole, and, but for him, Sir Hari Singh Gour will confirm me, that historic memorandum, which has demanded much more than is contained in the White Paper, would not have seen the light of day.

The Honourable Sir Harry Haig (Home Member) : This Resolution makes a positive recommendation that steps should be taken to constitute a new Province of Malabar. As I see the matter, there are three methods by which effect could be given to that Resolution. In the first place, effect could be given to it under the present Constitution. Now, it is laid down in the present Constitution, in section 52A of the Government of India Act, that action of this kind should only be taken after obtaining an expression of opinion from the Local Government and the local Legislature affected.

1 P.M.

Now, as I have listened to the debate this morning, it appears to me that the advocates of this proposition have still a good long way to go before they can show us that they really have strong and unanimous opinion in favour of the proposal ; and I am confirmed in that view by a reference to the debate which took place not very long ago in the Madras Legislative Council, where, in fact, this proposal was rejected. I do not propose myself to take any line on one side or the other on the merits of this case ; but I do submit that at the present moment it cannot be held that local opinion has declared itself in favour of the proposal, and, therefore, we are not in a position to take steps under the present Constitution.

Now, Sir, the second way in which effect could be given to this Resolution would be to include the proposal as part of the new Constitution for India. As various Honourable Members have pointed out, there is no such proposal included in the White Paper. The White Paper, as we all remember, contemplates the creation of only two new Provinces, namely, Sind and Orissa ; and, as a matter of practical politics, I think we can take it that it is now too late to ask Parliament to consider the constitution of new Provinces in the measure that they will shortly be asked to consider. Therefore, Sir, I am led to the conclusion that the only way in which practical effect could be given to this Resolution would be after the introduction of the new Constitution, i.e. in that connection an important point was raised by my Honourable friend, Mr. B. Das. He pointed out that, in the White Paper proposals, there is no definite reference as to what procedure there would be for any future readjustment of boundaries or the Constitution of new Provinces. Well, Sir, I admit that that is a very important question, and I think it is a question which should undoubtedly be brought to the notice of the Secretary of State, and I would, therefore, suggest, as possibly a suitable method of dealing with this Resolution—which in its present form, I must make it clear, the Government of India could not accept- I would, therefore, suggest that the Government of India might forward a copy of this debate to the Secretary of State and invite his attention, in particular, to that point as to whether provision will or will not be made under the new Constitution for the constitution of new Provinces, should it be found desirable (Hear, hear) ; and I hope that perhaps my Honourable friend, the Mover, might be content with that assurance and be prepared on that assurance to withdraw his motion. I make that suggestion to my Honourable friend. (Loud Applause.)

Mr. C. S. Ranga Iyer : Sir, I beg leave of the House to withdraw my motion, and I would like to express my gratitude to the Honourable the Home Member, who has always been good to us and whom I wish all good in future. (Loud and Prolonged Cheers.)

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

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 Shanmukham Chetty) in the Chair.

RESOLUTION *RE* CATERING CONTRACTS ON RAILWAYS.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

"That this Assembly recommends to the Governor General in Council to appoint a committee consisting of Railway officials and others not connected with Railway Administrations to enquire as to how far the present system of giving contracts and sub contracts, to outsiders and not to local persons, for catering to the Railway passengers is responsible for the supply of bad food and drinks at very high prices by the vendors either at the Railway platforms, in the refreshment rooms or in the running trains and to suggest ways and means to remove these grievances."

[Dr. Ziauddin Ahmad.]

Sir, the most important problem in connection with the road-rail competition is to provide good facilities in the railway traffic in order to divert the traffic from road to rail. In this connection, there are three very important questions out of which we are discussing only one today. The first question is the over-crowding of all railway trains. We know that the buses are unpopular on account of their being over-crowded, and if the railways are equally over-crowded, there will be very little to choose between the two. The second is that we should have the system of concession tickets. In England, about 70 per cent. of the travellers travel by means of concession tickets. In India the concession tickets are very few. It is desirable to increase these concessions. The third point, which will be the subject-matter of discussion today, is the supply of cheap and good food. Sir, when we calculate the cost of travelling, the price of food is always added to it, and it is desirable that we should make the budget of the travelling as low as possible in order to attract a larger number of men to travel by rail and in preference to the motor service. The question of food was taken up by several Advisory Committees of Indian Railways, and I do not like to quote them at any great length, but just to mention a few facts. The Bihar and Orissa Branch Committee discussed this question and their item No. 7 ran as follows :

"This Committee thinks that separate contracts should be entered into for Indian refreshment rooms and stalls at stations, the contractor being under the supervision of the station master."

The reply was :

"The suggested procedure was tried in 1926 on the Bengal Nagpur Railway and had proved unsatisfactory. Since the local shop-keepers are men of small means, they found themselves unable to maintain the required standard of Bengal Nagpur Railway catering service."

The Bengal Nagpur Railway wanted to maintain a very high standard of service, and, therefore, they undertook the catering for themselves and money was no consideration to them. The Railway Retrenchment Committee in their report of 1931 remarked as follows about their extravagance :

"We understand that the Bengal Nagpur Railway runs its catering departmentally and at an annual loss of over half a lakh of rupees, and for a number of years the total cost of the establishment has been 2¾ lakhs. We can see no justification for continuing this department at a loss and recommend that the question of adopting the system in force on other railways of letting the catering to contractors should be considered immediately."

Therefore, the suggestion of the Bengal Nagpur Railway was found to be too expensive, and it was criticised by the Railway Retrenchment Committee. The second occasion, when this question was taken up, was by the Sind Committee of the North Western Railway. In paragraph 36 they said :

"The rates of selling food at the refreshment rooms and at restaurants are exorbitant."

It was suggested that a small sub-committee be appointed to go into the whole question and place their views before the Committee at an early date. The reply was disposed of in the following terms :

"As the general question in regard to food vending was under consideration, the Mover did not press this Resolution."

I do not know whether the North Western Railway went even one step further to settle this particular question. The question was also taken up by the Assam-Bengal Railway. In paragraph 11, they said :

"The reduction in the scale of charges in refreshment rooms should be considered."

They decided that the contractors ought to be consulted whether they would be willing to reduce their rates, and naturally the contractors gave it as their opinion that they could not do it and the railway authorities accepted it.

This question was also taken up by the Central Advisory Committee of the Railways. I moved in the Central Advisory Committee that the prices are abnormally high. Then Sir Leslie Hudson pointed out that this question ought to be inquired into and we ought to have some more details about the prices of various articles at different stations compared with their prices in local markets. At his suggestion, I put a notice in papers and I got a very large number of replies simply by putting in one notice. This in itself shows how much interest the travelling public takes in the question of catering. I have got two files about the answers which I have received in reply to the notice which I put in the papers, and I will make some reference to them. I have made a summary of these replies. In reply to Sir Leslie Hudson's questions, we find that at Lucknow it was said that the price of one meal consisting of two vegetables and rice and sweets was Rs. 1-4-0 at the Hindu restaurant, whereas the same food at a decent hotel could be obtained for eight to ten annas. At Fatehgarh and other places, the price of *puris* at the railway stations was from ten to twelve annas a seer, whereas, in the town, its price was six to eight annas a seer. The same remark about *puris* applies to a large number of places. At Jodhpur, though the prices at the railway station and the town are the same, the weight of the seer is different. At the railway station, the seer is of 80 tolas, whereas in the town it is of 100 tolas. Thus, the difference in prices is made up by a difference in weight. At the Agra station, somebody writes to me, the *pethai-ka-mithai* is sold at eight annas per seer in the city, and it is sold at 12 annas a seer at the railway station. *Dal moth* is sold at the rate of 12 annas in the city and at Rs. 1-4-0 at the railway station. The model of the Taj is being sold for Rs. 6 in the town and for Rs. 10 at the railway station.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Is that an article of food ?

Dr. Ziauddin Ahmad : This affects the pockets of the travelling public. At Gaya, I am informed that the *jalaibees* are sold at six annas per seer in the town, and at ten annas per seer at the station. Then, *ghi-ka-pakwan* is sold at 12 annas a seer in the town and at one rupee a seer at the station, and the *pakwan* in oil is sold at four annas a seer in the town and at eight annas a seer at the railway station. One gentleman, Mr. Ajodhya Prasad, writes to me that on the 8th May, 1934, he could buy *raiwries* at six annas per seer at the Lucknow railway station, but, on the 10th July, the price was raised to eight annas. On making an inquiry, it was found that there was a vendor outside the railway station who used to sell at the former rate. The outside vendor was induced to increase the price, and, therefore, the vendor at the railway station also increased it.

[Dr. Ziauddin Ahmad.]

As regards the cost of tea, I was also told and I also calculated myself that the price of articles which are given in what is called the *chota hazri*, consisting of two toasts and tea is about one anna, if they are purchased in retail, and nine pies if purchased in wholesale. But we have to pay for *chota hazri* a sum of eight annas, that is, it is eight times or ten times the price at which the caterers purchase the articles. As regards aerated waters, we all know that it costs about three annas a dozen to make, but they are sold at six annas a dozen in towns, and at the railway stations on the East Indian Railway they are sold at Rs. 1-8-0 a dozen, and I understand in the North Western Railway, it is sold a little cheaper. I have not got the figures for the North Western Railway at present with me. The same is the case with ice. The wholesale price is eight annas per maund, but it is sold in all the stations, where there is no ice factory, at three pice per seer, and at the railway station it is sold at two annas per seer which is abnormally great as compared with the price prevailing in towns. This is really the answer to the question raised by my Honourable friend, Sir Leslie Hudson, in the Advisory Committee. This was also one of the questions which I put down on paper for which I have got a reply. I, therefore, submit that if proper enquiries are made, you will find that in each and every article the prices at the railway station differ from prices in towns by 30 per cent. to 75 per cent., and in some cases even cent. per cent. These are heavy taxes on the travelling public, and it adds to the cost of travelling.

Now, coming to the quality of food, I have got my own personal experience, and I think a good many other Honourable Members have got their own experiences. It is rather more comfortable to go without food than to have the food supplied by these vendors at the railway stations. I have got with me some of the opinions expressed by some gentlemen. One gentleman says about tea that the quality of tea served at railway stations is hopelessly poor, and in some cases the balance of tea of the morning is kept up warmed till eleven o'clock, so that illiterate passengers who arrive by later train may be served with that tea. The same gentleman also says that, at the Marwar junction, the trains arrive at close intervals and the old tea is served for passengers who come by later trains. Another gentleman says about the quality of food that two men in the refreshment room at Gaya were attacked by cholera on the 11th May, 1934, and one of them died in the cholera hospital and the other was sent to an unknown place. No steps were taken to destroy all the foodstuffs that were remaining. No steps were taken to clean and whitewash the premises or close the room temporarily. The infected eatables were sold to the public without any interference by the contractor or by the railway authorities.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Was it only on the East Indian Railway or on other railways also ?

Dr. Ziauddin Ahmad : Gaya is on the E. I. R. As regards cooking in vegetable *ghee*, my Honourable friend, the Commerce Member, has passed the Bill to protect the industry of vegetable *ghee* in this country. I will now give the House the opinion of a doctor from my constituency from Fatehgarh, Doctor Ayodhia Prasad ; and he says that the stuff sold is inferior in quality and the preparation is often stale, and unwholesome foods are often sold to the passengers who have no

alternative but to accept them or to starve. He continues to say that you cannot get this vegetable *ghee* even to put in your eyes and that is also a thing which is not possible and he deplores the absence of good *ghee* altogether, and he recommends that the import of vegetable *ghee* should be stopped altogether, but, alas, we do the reverse. Sir, so far I have proved by the evidence that I have received and based also on my own personal experience that the price of articles sold at railway stations is very high, that the quality of food that is given to the passengers is not good, and this is criticised by the medical authorities whose opinions I have received.

Now, I will make just one or two observations The first thing is that I should very much like that the system of sub-contracts should be abolished altogether. Under our very nose, at the Delhi Railway Station, the contract for a large number of articles is given to one person who is not even a resident of Delhi, he comes from some place in the United Provinces. He comes once a month to Delhi and collects about Rs. 1,000, or Rs. 1,500 every month from the sub-contractors and goes away to his house. What for is he allowed to collect these sums ? Because he was fortunate enough to have the contract for such a large number of articles from one of the officers of the railway. In this connection, I wish to bring to the notice of the House that Sir Guthrie Russell pointed out at a meeting of the Advisory Committee that the sub-letting of contracts was not permissible under the terms of the agreement with the contractors. This view may be correct, but we find that it is not followed in practice by subordinate railway officers. It may be the opinion of the Chief Commissioner for Railways, but if enquiries are made at different places, it will be found that his opinion is not being carried out by the subordinate railway officials. In fact, every officer of the railway has got his own opinion, and he carries out the system in his own way, and he is guided by several considerations. When Sir Guthrie Russell was the Agent of the Great Indian Peninsula he stopped the system of selling contracts, and Mr. Tyldon Patterson, in his capacity as the Commercial Superintendent, recommended that the system of selling contracts should be abolished. Sir Guthrie Russell has come to the Railway Board, Mr. Tyldon Patterson has become the Agent and the present Commercial Superintendent, who succeeded, again introduced the very same system which Mr. Tyldon Patterson himself recommended to be abolished. Now, he has shown great weakness in accepting the recommendations of his subordinate in restoring a system which he himself recommended to abolish. As regards the Great Indian Peninsula, they have sold contracts at several stations and they have given passes to the men who hold contracts. In one case, it was discovered that a contractor had carried under this cover a large number of heavy articles for sale, because he was engaged in that trade and he carried on trade both at Delhi and Bombay. He used this privilege of passes in carrying his articles from Delhi to Bombay. This fact was published in some of the newspapers in Bombay, and I also put a few questions on the subject, but nothing came out of it ; and the system of selling contracts is vigorously being pursued in the Great Indian Peninsula. One of my correspondents writes to me about the sale of contract as follows. He says that the contract of the Moradabad railway station miscellaneous goods was given for about Rs. 1,200 a year only a few years back, and this year it was given for Rs. 3,900 to the same person. And then he says that to crown all this the railway sells

[Dr. Ziauddin Ahmad.]

its tender forms, two sheets of brown paper for Rs. 5 each and demands big amounts as earnest money which they promise to return in case of non-acceptance by the officer. Then he goes on to describe the difficulties in returning the earnest money.

I simply demand that the opinion of the Honourable Sir Guthrie Russell and the principle already accepted by the Railway Board ought to be literally carried out in all the railways. Inquiries should be made whether the system of giving sub-contracts is prevalent at any station and the system should be ended

My second suggestion is that railways should not make money on contracts, that is, they should not sell the contracts, an example of which I have already given. In this connection I may say that, about Dinapore, there have been a series of questions in the Assembly, that is, the small men who had the contract had to lose their contracts which went to the big capitalists for which no evident reason exists.

The next thing I should suggest is that the prices should be the same as prevail in the towns. In fact I found on inquiry that the people are willing to sell at the railway stations even at cheaper rates than prevail in the towns, because they are certain of a market, they can sell it with certainty, and, on account of this certainty, they are willing to undersell at railway stations as compared with the towns.

The next thing is that there should be some kind of a supervisionary committee at each station in which non-railway men should be associated, because this question of eatables is not an expert railway question requiring expert knowledge. This is, in fact, a question in which the travelling public are more interested than the railway officials. Therefore, it is just and reasonable that in each town you should appoint a committee consisting of the Station Master as convener and two other persons to assist him, whoever they may be, officials or nominees of the local bodies. Circumstances differ and probably you will have to adopt different methods in different Provinces. But the important principle is that non-railway men ought to be associated in giving contracts, in fixing rates and in supervising the quality of the foodstuff. Then, in the same category, we come to drinks. To give a contract for drinks for all stations from Bombay to Delhi or from Calcutta to Delhi is not very good. We should always give the contracts for a particular branch of the line and on terms which may be reasonable. The unreasonable rates, that are at present provided in hot weather, debar a large number of third class passengers from getting cold water or cold drinks, because they cannot afford the high prices which they are required to pay in running trains.

Sir, there is one more suggestion which I should like to make, and it was also discussed very often that the third class passengers will be very much benefited and their comforts will be increased if we have this system of stopping these express trains at some station between 9 and 12 A.M. for about 20 minutes or half an hour. There should be bathing facilities, because we know that many Hindus would not like to have meals without a bath. Bathing facilities should be provided there and cheap food should be provided costing about four annas, and for better class passengers eight annas. If these facilities are provided, I am perfectly sure, the travelling public will very much appreciate these conveniences supplied to them.

Now, Sir, I do not like to go more into details, because there is a good deal of business, and I could not touch upon the question of refreshment rooms and the question of refreshment cars. But those questions are very analogous to the questions I have discussed, and all these matters should be inquired into and some satisfactory solution should be obtained for the benefit of the travelling public. We should also provide some machinery to ensure that whatever decisions the Government and the Railway Board may arrive at, they are carried out by the subordinate railway staff, who considered themselves masterless masters.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : Resolution moved :

"That this Assembly recommends to the Governor General in Council to appoint a committee consisting of Railway officials and others not connected with Railway Administrations to enquire as to how far the present system of giving contracts and sub-contracts, to outsiders and not to local persons, for catering to the Railway passengers is responsible for the supply of bad food and drinks at very high prices by the vendors either at the Railway platforms, in the refreshment rooms or in the running trains and to suggest ways and means to remove these grievances."

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : Sir, the Resolution moved by my esteemed friend, Dr. Ziauddin, is an extremely reasonable one. Agitation on the subject was really overdue. Coming as I do from Orissa, where the Bengal Nagpur Railway runs for over 600 miles, I know personally how railway passengers there suffer on account of bad food and drink and those at abnormally high prices. I am sure, Members of this House who have ever been to Puri must have suffered also. I have travelled in many railways. But as regards supply of food and drink, the Bengal Nagpur Railway is the worst. This bad food and drink in the Bengal Nagpur Railway is, to a very large measure, due to the faulty system of giving contracts. I believe, since the introduction of railways in our parts, no local man has ever been able to get a contract for the supply of food or drink from the Bengal Nagpur Railway. There is a catering superintendent for the Bengal Nagpur Railway. He is responsible for giving these food and drink contracts. Till some time back, due to a quite mysterious system of calling for tenders, if there was ever any call for tenders, two fixed persons used to get contracts for the whole system of the Bengal Nagpur Railway for fixed amounts for many years, perhaps because one man was catering superintendent for all those years. But, with the change of catering superintendent, this system has undergone some change. In place of two contractors, there are now a number of contractors, and the amount has gone up about six times. But still it is confined to those persons who keep themselves in very close touch with the catering department of the Bengal Nagpur Railway.

I submit, Sir, making money should not be the only consideration where supply of food and drink to passengers at stations is concerned, even taking it for granted for arguments' sake that contracts are given to the highest bidders in open bid. Supply of good food and drink and that at reasonable rates should be the main consideration.

Food contractors in the Bengal Nagpur Railway now, as before, being all outsiders and on account of their taking contracts at heavy amounts naturally try to make money as much as possible at the cost of passengers.

[Mr. Sitakanta Mahapatra.]

Sub-contracts are sometimes given to local men at unimportant stations by these outside and absentee contractors. But they are helpless and do not count. There are, of course, inspectors of food. But they receive their pay both from the company as well as from the contractors regularly. I suppose, Sir, you have always used the restaurant car of the Madras Mail for food and drink purposes, and have got no personal knowledge of the food and drink supplied in stations in the Bengal Nagpur Railway locally. But you might have chanced to mark how absolutely uneatable they often are. If not, I would request you to try it on your way back this time.

I believe a local food and drink contractor would have been more human and amenable to reason. But nobody even sees the present contractors. They, being outsiders and rich men, place the entire management in the hands of servants instead of looking after the business themselves and enjoy the earnings. These servants also naturally in their turn try to fork out as much for themselves as possible, and the accumulated burden is borne by the poor and unfortunate passengers. The company must gain, then the contractors must gain, then the sub-contractors must gain, and then the servants who manage must gain. Besides, there are many other [illegible] whose gains are not open. During festivals at Puri, large number of [illegible] of agricultural passengers are carried by this railway like hoards of sheep, sometimes by passenger trains, but more often by goods vans. This is the time when the inhuman treatment of these food contractors rises to a pitch. Of course, these up-country passengers are not so calculating as regards the quality of food available. Even then the contractors never feel that they are catering to human beings and these hungry long-distance passengers are exploited to the utmost. The Honourable Member for Railways and the Leader of this House, who is today one of the ablest civilians in India, built his splendid future career, both official and private, in one of our districts through which the blessed Bengal Nagpur Railway passes, and I trust he may still remember or be reminded of the conditions of food and drink supplied in the Bengal Nagpur Railway : I believe he will interest himself in the question of improvement of food and drink supplied in railway stations in general and personally take up the question of the Bengal Nagpur Railway which, I have no doubt in my mind, can be done easily if the system of giving contracts at present in vogue is thoroughly overhauled and ways are found by which local men can get these contracts. Sir, I support the Resolution.

3 P.M.

Rai Bahadur Lala Brij Kishore (Rawalpindi Division : Non-Muhammadan Rural) : Sir, catering of foodstuffs and drinks to railway passengers, specially the Indian passengers, is a much neglected item of the Railway administration in India. Every railway administration has a policy of its own in the matter and every railway official his own favourites to patronise at the expense of the travelling public. The prices charged for foodstuffs and drinks are quite out of proportion to the prevailing market prices of the same, and in the bargain third class and worthless material is supplied, much to the inconvenience and detriment to the health of the travelling public. As an instance in point, soda water on the East Indian Railway system is sold at 2 annas 6 pies per bottle when the market price of the same is only one anna.

In allowing a vendor to sell foodstuffs and drinks at the platforms, refreshment rooms and passenger halls, the railway provides the vendor an exclusive monopoly of this market. The vendor is not required to meet any competition, and, therefore, can have no justification in lowering the quality of his products. Railway officials like station masters and inspectors are expected to inspect the foodstuffs exhibited for sale, but, whether this is done or not, I cannot say ; but the result is obvious.

The first step in this direction should be the appointment of an Indian officer, who knows something of the art of catering and the Indian taste, on each Railway administration, and to have under him a staff of inspectors for the purpose of examining the foodstuffs at each station, and to see whether food is available at every station. It is very difficult to get milk at way-side stations by those who cannot afford to pay in English refreshment rooms, or whose misfortune it is to live in old ways and not to go straight to refreshment rooms.

The second step will be to place vending contracts under a mixed committee of officials and non-officials.

If the local authorities are associated in supervising the prices and in giving contracts to local persons, I am certain that the situation will substantially improve.

The third step will be to open separate vegetarian and non-vegetarian refreshment rooms at all principal stations and to give the vending contracts to a local man and to one who is already in the trade, and to strictly prohibit the system of subletting which at present prevails.

The fourth step will be to provide refreshment cars on each main line and such branch lines where there is sufficient traffic for the convenience of Indian passengers, and to fix prices for each at the current market rate.

This is the barest minimum that the Railway administrations should do, and there is no question of incurring any expenditure in this matter. On the other hand, the whole thing can be made a source of income to the railways after meeting the cost of the catering department. I for one would have suggested to the railway administrations, for the purpose of attracting traffic, to have its own inexpensive hotels at each hill station, place of pilgrimage, and famous sea-side resorts, but it would be too much to expect from the administration at this stage.

If the railway administrations are anxious to run the railways on a profitable basis and meet the hard competition from motor bus, etc., it is necessary for its officials to study the convenience of the travelling public and meet it.

I, therefore, support the resolution to appoint a committee of officials and non-officials with a view to exploring the possibilities of this department and devise ways and means for putting it on a satisfactory basis. I hope, there will be no objection from the official Benches to associate non-officials with officials on such a committee, for the railways are a public concern ; and, further, this is a matter which concerns purely the convenience and well-being of the travelling public. With these words, I support the Resolution.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official) : Sir, I rise to support the Resolution placed before this House by my friend

[Lieut.-Colonel Sir Henry Gidney.]

Dr. Ziauddin Ahmad. My remarks will be very few. I think Dr. Ziauddin has done a great service in giving publicity to this matter. He has pointed out that the food sold on station platforms is not only unwholesome, but is bad and costly. I agree with that opinion, and, as a medical man, I can assure this House that I have at times been staggered to see the unwholesome food for sale at station platforms. I desire to refer to the adverse criticisms that my friend, Mr. Mahapatra, made about the catering department of the Bengal Nagpur Railway. In my opinion, the Bengal Nagpur Railway is about the best administered Railway in the whole of India, I know that its catering department is administered by the Railway itself and is managed by its officials ; and I do submit that since that practice has been in vogue the food has been of very good quality indeed—I would go so far as to say that you would not get a better or as good a meal in any first class hotel in the East than you would get in the dining saloons and refreshment rooms on the Bengal Nagpur Railway.

Let me refer to what Dr. Ziauddin has suggested as a remedy for these conditions—the appointment of a committee. Whilst I should vote for his Resolution in the belief that something is better than nothing, I do not see what a committee of this nature will be able to do to ensure better food being sold to passengers or to supervise the preparation of this food and its protection from contamination of flies. I think the real remedy lies in the Medical and Sanitary Departments on Railways and I should advise the Honourable Member in charge of Railways to impress on the Medical Departments of Railways that this is one of their chief duties and needs closer attention. I should like to know how many railway medical officers inspect the food sold on the smaller station platforms. I go further, and I doubt very much whether many of them inspect or examine the drinking water offered for consumption at the smaller wayside stations. Neglect of these duties is the prime cause of a great deal of disease among passengers, and I know of cases of cholera which have been traceable to bad drinking water supplied at wayside railway stations. That is perhaps rather a damning statement to make,—though I must admit it happened years ago, since when matters have considerably improved. But I do think that there is imperative necessity for a better medical and sanitary supervision of foodstuffs sold at wayside stations, particularly on stations which can be very easily controlled by local administrations,—I refer to Calcutta, Delhi and such other big stations. Sir, I do think the railway authorities should give this Resolution their very serious and very early consideration. Sir, I support this Resolution whole-heartedly.

Mr. A. H. Ghuznavi : Sir, I have been travelling very often on the East Indian Railway and the Great Indian Peninsula Railway as also on the North Western Railway. I think it can be safely said that the foodstuff sold on the East Indian Railway stations are the worst.....

Lieut.-Colonel Sir Henry Gidney : I quite agree.

Mr. A. H. Ghuznavi : So far as the first class refreshment rooms in the Bengal Nagpur Railway are concerned, they are the best in my experience.....

Mr. Sitakanta Mahapatra : What about the platform supply ?

Mr. A. H. Ghuznavi : I will come to that. Next is the North Western Railway where Spencers cater.....

Mr. Lalchand Navalrai : I have to say something about it.

Mr. A. H. Ghuznavi : There the catering is the best, the same is the case on the Great Indian Peninsula Railway,—I forget the name of the caterers.....

Mr. P. R. Rau (Financial Commissioner, Railways) : Brandons.

Mr. A. H. Ghuznavi : That is right. But the worst arrangement is on the East Indian Railway. The food is bad there, and the prices also are higher than the prices charged by Spencers.....

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Kellners is owned and managed by Spencers.

Mr. A. H. Ghuznavi : I ought to know more than my friend, coming as I do from Calcutta. Until recently Spencers were responsible. Up to Ghaziabad or some station, Kellners are responsible, and after that Spencers are managing the thing.

Now, Sir, as regards the foodstuffs sold at the wayside stations and at Howrah, Mr. Abul Kasem, who is a Member of the Bengal Legislative Council, and a member of the Advisory Board of the East Indian Railway, has sent me a long note on the sort of foodstuffs sold at the stations and how these things are managed by the railways. He has pointed out that the Railway authorities generally auction out the contracts and give them to the highest bidder, with the result that the man who pays the highest gets the contract, and he sells as bad and as cheap food as he possibly can at the highest price possible. That is where the trouble comes in. There should be no highest bidder system. The Railway authorities should never try to make any profit by the sale of foodstuffs to the passengers. It is their duty to give the travelling public the best food at the cheapest rates possible. They should give the vendors licence to sell their foodstuffs, and not let out the contract to the highest bidder for the sale of foodstuffs.

Sir, Mr. Abul Kasem, in a letter to the Chief Operating Superintendent, East Indian Railway, Calcutta, says this :

"Some time back, Sir Hugh Hannay, at a meeting of the Advisory Committee, made the statement that after full consideration, the Railway authorities have definitely decided not to give large area contracts to one contractor and that it would be limited to twenty or thirty miles and that no tender will be called, but the contract given to respectable and reliable vendors at reasonable rates and that there would be separate Hindu and Muhammadan vendors. This was satisfactory, and if carried out, would be of very great convenience to the travelling public. But I find that in practice the policy followed is quite contrary to the spirit of the decision arrived at by the authorities. It appears that there are certain firms and individuals who are particularly favoured. It is for the railway authorities to lay down a policy as well as to see that it is carried out in practice."

He then draws attention to the following facts. He says :

"The contract for the sale of foodstuffs and miscellaneous articles is given *ad hoc* to a big area contractor who necessarily lets out the sale of particular articles to different vendors at different stations. The contract for Hindu and Muhammadan refreshment rooms at Burdwan is being given to the same man and is causing much inconvenience to the passengers. This contractor who is a Hindu has let out the Muhammadan Refreshment Room and the Teastall to a Mussalman, but he is not allowed to sell beef. A large number of Mussalman passengers want kabab roti, paratas and curries, but they cannot get these things.

Under the present arrangement the passengers have to pay higher prices for the commodity, and also generally get inferior articles. This is inevitable.

[Mr. A. H. Ghuznavi.]

The railway authorities may say that they have rates fixed and standard prices for all articles particularly foodstuffs, but it is absurd to suppose that prices can be controlled particularly when the vendors are to deal with the moving customers. I need scarcely labour the point."

Then, further on, he says this :

"Considering the fact that Messrs. G. F. Kellner & Co., pay only Rs. 12,000 a year for their refreshment rooms all over the line and the dining cars, it is not reasonable to charge a heavy rate for one refreshment room at Howrah."

Here he refers to a Hindu refreshment room at Howrah where the man had to pay Rs. 1,500 per annum for one single room, whereas Kellners are paying only Rs. 12,000 for all the refreshment rooms on the entire East Indian Railway line including their dining cars. This one Hindu refreshment room keeper at Howrah had to pay Rs. 1,500 for one room.

Lieut.-Colonel Sir Henry Gidney : Does that Rs. 12,000 include dining cars ?

Mr. A. H. Ghuznavi : Yes, that does include dining cars as well.

Now, as I said, the refreshment room at Howrah was given to this Hindu gentleman for Rs. 1,500 per annum, and, at the end of the year, it was again put up for auction. When he went up and protested to Sir Hugh Hannay,—that is what is stated in the letter,—they were not satisfied with even Rs. 1,500 and the rooms were again put up for auction and the poor man's protest went unheeded.

Then, Mr. Abul Kasem says :

"The sale of foodstuffs and other miscellaneous articles at stations is intended for convenience of passengers and not meant to be a source of income to the railways."

[At this stage, Mr President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

All this trouble about bad food and high price is due to the fact that the railways want to make it a source of income by giving out these stalls to the highest bidder. Regarding the Burdwan station, he says :

"Burdwan is well-known for a particular kind of sweetmeats,"

—my Honourable friend, Mr. Sen, will agree with me that Burdwan is noted for sweetmeats —

"and for all times the sweetmeat stall had been kept by well-known confectioners of the town, but under the present arrangement the stall is given to an outside contractor, with the result that the sweets are of inferior quality and the prices very high".

He suggests that the system of contract should be abolished and licences should be given to different vendors at fixed rates, or, in the alternative, the Hindu refreshment room, tea stall and sweetmeat *plus pan* should be given to one Hindu licensee at each station and the Muslim refreshment room, the Muslim tea stall and miscellaneous articles should be given to a Muhammadan licensee. He states that it is not desirable to give the licence to one particular firm or individual for several stations together. Sir, I support this Resolution.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I support this Resolution. It is noteworthy that this Resolution originally stood in the name of my Honourable friend, Seth Haji Abdula Haroon, who comes from Sind and who has much experience of the N. W. Railway. But as he has not been able to be present today, I submit that Dr. Ziauddin Ahmad has done signal service to the public by asking your permission to move this Resolution. It seems to me that the local Advisory Committees and the Central Advisory Council have not sufficient powers in this respect. No doubt the Advisory Committees make suggestions, but this is a typical instance of their inability to do anything in the matter, so that Dr. Ziauddin Ahmad has had to bring it on the floor of the House. I am very thankful to Dr. Ziauddin for collecting so much material to prove his case. I am very sorry that these materials had not been placed before ; otherwise the Chairman of that Central Advisory Committee would have had a different opinion.

This Resolution is a very simple and modest one. What is wanted is that a Committee should be appointed to enquire into the system of giving contracts or having vendors at the stations. The present system should be reviewed by that Committee. Are these complaints against vendors of the refreshment rooms false, or is there any truth in them ? These complaints are old ones, and they are also incessant ones. Therefore, it cannot possibly be said that they must be unfounded. These complaints show that the system is rotten and requires to be revised and improved. If it had been a question of giving instructions to the Railway Board that the thing should be done in such and such a way, that would have taken a very long time. Therefore, we are asking that a Committee should be appointed to go into the question. The first defect in this system is the question of the monopoly. May I enquire from the Honourable Member for Railways since when Kellners and Spencers have been in the enjoyment of this monopoly. I should think, from ages. Then, I ask, why should they enjoy the monopoly, and why should they not make way for other Indians, Anglo-Indians and Europeans ? Why should there be this pernicious system of patronising one or two men for ever ? The refreshment rooms on the North Western Railway are no exception. I am very glad to learn today that the Bengal Nagpur Railway administration has taken care about this matter. Very recently I had to travel on the Bengal Nagpur Railway, and I had the pleasure of meeting its Agent, Mr. Jerrad. It seems to me that he takes personal interest, and if he can do so, the other Agents can follow him and see that this monopoly is stopped and some measures taken for the supervision of the business. Let me deal with the North Western Railway administration. There are two questions with regard to that, one is of the vendors on the station platforms where they have got stalls, and the other is of the refreshment rooms and dining cars. It has been proved that the materials from which the food is supplied can be got from the bazar cheap, but still, as pointed out by Dr. Ziauddin Ahmad, the things are sold at a very high price in the refreshment rooms. Why should it be so ? When the price of foodstuffs has gone down in these days, why should Kellners and Spencers charge the same prices, eight annas or ten annas for the morning tea and toast, and similarly in the case of other stuffs ? If the railways had departed from their former practice of giving favours to a particular man, I do not think we would have come with such complaints here. So that, this is the first thing that should be enquired into. Coming to the vendors on the platforms, what do we find ? There also is the same

[Mr. Lalchand Navalrai.]

system, giving contract to one man, not for one station, but for 6 or 10 stations.

Mr. A. H. Ghuznavi : For the whole line.

Mr. Lalchand Navalrai : It may be for the whole line perhaps on the East Indian Railway, but so far as the North Western Railway is concerned, I brought it to the notice of the House here that six stations were given to one man, because he happened to have some one in the Divisional Superintendent's Office, Karachi, as his relative. Six stations were being given from time to time to that man. If that man is favoured like that, are you sure that he will give us good food, good *ghee*, wholesome things ? The Railway created some Inspectors and they had also their medical officers, but, may I ask, if this is one of their functions ? No. On the North Western Railway, the Inspectors were created, but that cadre has now been done away with.

Now, the other day, a question was put, and my amiable friend, Mr. Rau, gave a reply that the station masters take care of their business. If only the vendors take care of the station masters and their families, then the whole thing is done. Therefore, I say that giving a monopoly to one man and favouritism shown to another are the causes of the mischief.

An Honourable Member : What is the remedy ?

Mr. Lalchand Navalrai : The remedy is suggested in the Resolution. It asks for a committee to consider this question. For a cure of this evil, the Agent himself should take a personal interest in this matter and not leave it, as he does now, to the station masters.

Then, as regards the sanitary nature of the food, my friend here (Mr. Pandya) gave me a story which I shall narrate to the House. At one time, one man came to buy a cup of tea. The vendor prepared a cup of tea and a fly went in. The man asked the vendor what is this, you are giving me a fly with the tea. The vendor said : "What, do you want an elephant in the tea for one anna !" (Laughter.) This is the kind of thing that goes on, flies fly into the tea. The thing is that there should be proper sanitary and medical supervision. The second thing is that the Agent should give more power to the Advisory Committees who should be allowed to bring these things to the notice of the Railway by means of resolutions. When they put in a resolution, the Agent comes in and says : " I am not going to accept it ". I have been on local committees and now I am also on the Central Advisory Council. So I know what is done in these committees. What I submit is that the functions of the local Advisory Committees should be increased and more powers should be given to them. The third remedy is that you should have a Committee which should find out ways and means to remedy this evil. With these words, I support the Resolution.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : There is a fourth remedy, and that is to abolish the monopoly in the vending of sweets and refreshments on the railway station. The food that is supplied to the passengers at the third class refreshment rooms is spiced by flies, sampled by black ants and seasoned by dust and cockroaches, and, for supplying this food, the Railway Company put up to auction, I believe, every year the monopoly of sale

from which they derive a handsome profit, and when you ask the sweetmeat sellers as to why they charge such exorbitant prices for such low quality, their reply is " Don't you know that the Railway takes so much from us ? How are we going to pay ourselves if we do not charge the price we do ". Is there any relation between the prices charged at the railway station and the prices charged outside the railway fencing ? I think Honourable Members who have been outside the railway fencing will bear me out that the prices outside the railway fencing are perhaps half or two-thirds of the price charged for similar goods within the railway precincts. Take, for example, the cost of meals supplied to higher class passengers. Those who have been in England will find that the ordinary charge for a dinner is either 3*s.* 6*d.* or 5*s.* Here, the ordinary charge for a dinner used to be before the War Rs. two. Now, after the War, it rose to Rs. three, and now it has gone up to Rs. 3-8-0, and, adding a eight anna tip, it comes to Rs. four, and this in a country where the index of prices at the present moment is lower than it was on the eve of the War—somewhere between 96 and 98, and this when the whole country is suffering from unprecedented depression and when the railway rates have been enhanced by about 30 to 40 and even 50 per cent. I must pity the unfortunate passenger who is driven to journey by train, and I do not for one moment sympathise with the Railway Companies, because their management is bureaucratic from beginning to end. The other day when I was coming to Simla, I was besieged by a large number of chauffeurs who came up and asked me " are you going to Simla ? " I said " Yes ", and asked them " How much will you take to take me to Simla in a motor car ? ". He said, he will take Rs. three for a seat and Rs. nine or Rs. ten for the whole car including the luggage, and, I believe, the railway fare from Kalka to Simla is about Rs. 21, but that is not all. The moment you land at Kalka, a man comes up to you and says " Have you weighed your luggage ? " You have got your overcoat and a few pieces of luggage. They are all thrown into the weighing scale, and if there is one ounce extra, you are charged for a quarter of maund from the place of the journey to the place of the destination, as my friend, Mr. Lalchand Navalrai, reminds me. On the other hand, if you get into a competing motor car, all your luggage is tied up on the luggage carrier. The driver gives you a comfortable seat, and, instead of penetrating through 103 tunnels, you make your journey in comparative comfort by the road where there are no tunnels, and no railway servants to worry you.

The Honourable Sir Nripendra Sircar (Law Member) : May I put a question to the Honourable Member ? Do I understand that for Rs. 3 the chauffeur takes you to Simla and also gives you a good feed ? (Laughter.)

Sir Hari Singh Gour : No, he does not give you a good feed, but out of the balance from Rs. 21 you can have a very good feed on the road for half the money you have to pay at Barogh. That is the point I make.

Now, Sir, this is perhaps one of the contributory causes for the annually recurring deficits in the Railway Budget. I do not say, it is the primary cause. I do not say, it is the main cause : but the discomfort to which the railway passengers are subjected, the discomforts which they suffer from the pangs of hunger from which they have to

[Sir Hari Singh Gour.]

suffer (Hear, hear) on account of the unwholesome food prepared in insanitary surroundings and sold at prohibitive prices perhaps deter many a man from taking the shorter route by railways if there is a bus handy.

Sir, the other day, the Honourable Member for Commerce brought up a Bill to do away with the road-rail competition. Let me remind the Honourable Member for Railways that the road-rail competition will be a crying menace to the development of the Indian railways, unless the management of the Indian railways is thoroughly rationalised and commercialized. It has neither been rationalized nor commercialized (*Lieut.-Colonel Sir Henry Gidney* : "Hear, hear.") The system of management is an anachronism, and an outsider coming from America and parts of Europe is aghast when the morning cup of tea is presented to him and he is asked to pay four annas for it, which anywhere in England you will get for a tuppence.

Now, these are small discomforts which are only commensurate with the bad system of management all along the line, and the Resolution which my Honourable friend, Dr. Ziauddin Ahmad, has moved today focusses the attention of the Government upon the one crying need of reform and that is the reform of the refreshment rooms, the refreshment cars, the rationalization of prices, the supply of wholesome food and that for a reasonable price. If this is achieved, I am sure, one blot upon the railway administration shall have been removed, and then it cannot be said that the railway passengers have to starve themselves whenever they get imprisoned into the train till they have reached their destination.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, notwithstanding the fact that I am not so very well (*Voices* : "We can't hear you"). Sir, notwithstanding the fact that I am not so very well (*Voices* : "Louder please"). —Sir, notwithstanding the fact that I am not so very well as to speak on this motion vehemently so as to impress this House about the reasonableness of this Resolution moved by my Honourable friend, Dr. Ziauddin Ahmad, I would appeal to the Official Members to consider this. Sir, whenever they travel in a railway carriage, most often they have either their own carriages, especially the high officials, or if they are railway officials, then they have the strength of the whole Railway Department behind them and thus perhaps it will not be so easy for them to realise the difficulties of the general public who suffer so much for the bad management of the contract system. Sir, this Resolution does not in any way blame the Railway Department for its management or for its giving contracts to undeserving people, but what it presses for is this, that an inquiry should be made by non-officials, whoever they may be—it does not say that they should be Members of the Legislative Assembly, it does not say "exclude the railway officials", but it only says that an inquiry should be made, so that the public may have more conveniences on railway journeys.

Sir, my Honourable friend, Sir Hari Singh Gour, has depicted the condition of the railway passengers. The fortunate officials of the Government here may not believe it, but it is a fact that the railway passengers have really some very great troubles to endure, because they pay for their fares, they pay for the articles they purchase, they pay for the

purchases they make, but still I can say from my own experience in my own constituency at Lucknow that those very articles which are sold in the Bazaar near about the railway station are really sold at double the price at the railway station itself. Now, the reason for this is not far to seek ; it is only this that those people who monopolise these contracts, those people who are given the contracts, whether by the favour of some friends or by means of bidding at the highest bid, do as they like. This Resolution does not discourage or does not say a word against the officials ; it is meant simply to remove the grievances of the passengers, whether they be first-class or second-class or third-class passengers. Sir, I would appeal to my official friends here to accept this Resolution, not as being a censure on the Government, but only as a recommendation to remove the grievances of the railway passengers. It is only in the name of the public that we are crying here and that we ask the railway officials to look into the substance of this motion. It is not in any way a censure on the Government. With these words, I heartily support the Resolution.

The Honourable Sir Joseph Bhore : Sir (Applause), I trust that the House will consider this matter in an atmosphere not charged with prejudice, which I fear so often warps the consideration of railway matters. (*Voices* : "No, no.") I must, first of all, congratulate my Honourable friend, the Mover, on the very restrained manner in which he has set out his case and which has certainly added to the weight of its presentation. As regards my Honourable friend, Sir Hari Singh Gour, to use a phrase which he himself used yesterday on a recent festive occasion, "the less said, the better". (Applause and Laughter.) Where it was not irrelevant, I may say that it was very largely inaccurate. Now, Sir, as regards the reason for the prejudice to which I referred, I have tried to explain that on a previous occasion. Perhaps the House will forgive me if I repeat what I said on the occasion of the discussion of the Railway Budget last February. I said :

"I have often attempted to analyse and tried to account for the attitude, almost of hostility, towards the Railway Department which has so often been exhibited in this House and which is prepared to take for granted the guilt of the Railway Department and throw upon it the onus of proving its innocence. It seems to me that no organisation, public or private, is brought into such close, such intimate and such continuing contact with the public as the Railway Department. It is so to speak continually and ceaselessly on its trial, literally every minute of the day and every day of the year. Under these circumstances, it is not surprising that occasions should arise for legitimate criticism. The only wonder is that those occasions do not arise more often. .....A single instance of discourtesy or rudeness on the part of an employee, a single instance of negligence or inconvenience that may be experienced will very often warp the whole outlook of the person so affected towards the Railway Department."

I have no doubt that most of us here have, at one time or another in our lives, had very just cause of complaint against the Railway Department. I myself have very often had such causes of complaint. But, Sir, I would ask that, however legitimate those personal complaints, they should not be allowed to colour our judgment on every occasion upon which we discuss a railway matter.

Now, Sir, let me turn to the Resolution itself. It assumes that bad food and drink are always supplied at exorbitant rates at every railway station. Sir, no one will have the temerity to assert that the food supply

[Sir Joseph Bhore.]

at the railway stations and platforms is always good. It may very well be that on many occasions, and, in respect of certain places, the standard of quality may very justly be challenged, but I submit that that is perhaps almost inevitable in a railway system which extends over a sub-continent. Since the matter was ventilated in the Central Advisory Committee, I took the opportunity of my own journeys to observe the quality of food vended at railway stations *en route*.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Did you get cockroaches ?

The Honourable Sir Joseph Bhore : No, Sir. That is one of the inaccuracies in my Honourable friend, Sir Hari Singh Gour's speech to which I referred. I noticed that the food varied a good deal in quality and that no single judgment was possible which would be applicable to all cases. In a few instances, at a few large stations, the food was noticeably excellent. In a few other cases, I found that the food was undoubtedly poor in quality. But I was told that in these cases the people who had to be catered for were poor people and that the quality of the goods and their price had to bear some relation to the length of their purses. But I found in the majority of cases that the food was certainly fair in quality. Now, Sir, I hope that the result of my own observations will be largely borne out by the experience of people who have had occasion to travel frequently on railways. That, I think, is also borne out by the proceedings of the various Advisory Committees. We have examined those proceedings very carefully, and I find that they do not reflect any serious dissatisfaction with the quality of food that is being supplied. I entirely agree with my Honourable friend that the closest possible supervision should be exercised over vendors. The orders in existence provide for that. On some railways, there are regular food Inspectors. On most railways, however, the work is entrusted to the station masters, and travelling officers like the Railway Traffic Inspectors, Medical Officers and others, are enjoined to inspect and supervise the quality of the food and the wares of vendors at various railway stations. In all dining rooms and refreshment rooms, there are complaint books, and, if there are any complaints, extracts are sent at once to the District and Divisional Officers. The superior officers themselves are enjoined to examine these books and to take suitable action wherever this is possible at the earliest opportunity. I merely mention these facts to show that we go, as far as we possibly can, to try to remove causes for just complaint. I do not for a moment say that there is no cause for complaint at all. Adverting for one moment to food in railway trains, I have heard from a number of independent quarters that the food supplied, for instance, in the Indian Restaurant Car on the Grand Trunk Express is absolutely first class, well served and extraordinarily cheap. I am sure that Honourable Members, who have occasion to use that route, will bear out what is an almost universal testimony. Unfortunately, our President is not here, or I should have appealed to him to substantiate that allegation of mine. Sir, I merely mention this as an instance in order to show that it is dangerous to indulge in generalization or sweeping condemnation.

Then, let me turn for a moment to the question of price. Here, again, I do not think that the complaint of gross and extortionate over-charging can be established as a general proposition. I have no doubt that the

charges at railway stations are high, but my experience is that the charges at all railway stations in every part of the world are higher than the charges in, say, the local market. The question, however, is : Are these charges reasonable and do we exercise adequate control over those charges ? Well, Sir, I have made inquiries, and I am told that these charges are generally fixed by responsible railway officers on the basis of the Bazaar prices ruling in the locality and on several railways also in consultation with the local civil authorities. These prices, I am told, are scrutinised periodically to see if any revision is called for. Local Advisory Committees on Railways have occasionally also initiated discussions when it has seemed to individual members that the rates charged were susceptible of reduction. Vendors are required to exhibit on their stalls or on their trays printed tariffs of charges. I do not know whether this is always done. This should enable the public to satisfy themselves that they are not being charged higher rates than those fixed.

Now, Sir, I come lastly to the remedy suggested in the Resolution, and I suggest that the remedy is inappropriate. The actual appointment of vendors is a matter of minor administrative detail, and I do not think that it would be appropriate to leave this matter to a Committee such as that envisaged in this Resolution. I fully realise the interest taken by the public in this matter. It is a matter which very nearly concerns all of us, and, in a matter where amenities to the travelling public are concerned, the Railway Department cannot afford to be either careless or irresponsive. I have emphasised this point more than once in speeches made in this House, and perhaps the House will forgive me if I quote just a few lines from my closing Budget speech. I said :

"I would close with one final remark in regard to the attitude of the Railway Department towards the competition which they will be called upon more and more to face from many quarters in the future. Whatever may have been their attitude in the past, my close contact with the Railway Administrations during the past eighteen months has left this much perfectly clear in my mind, namely, that the railways are alive to the fact that it is only by endeavouring to give better service, by endeavouring to give better value for money than their competitors, that they will be able to keep and to increase their clientele in the face of competition."

This, Sir, will, I am sure, convince the House that there is no difference in its point of view and ours. We are both working to the same end. It seems to me that this particular question is one which can be most suitably and most appropriately considered by Local Advisory Committees. They are in close touch with local conditions, they know what the local requirements are, and if my Honourable friend will withdraw his Resolution, I will undertake that, in so far as the railway administrations over which we have control are concerned, they will be required specifically to remit this question to Local Advisory Committees and to record their views and suggestions. When these views and suggestions have been received by the Railway Board, I will give the assurance that the Railway Board will see what steps are possible and what steps can appropriately be taken in order to secure the result we both want to secure, namely, the provision of good and wholesome food at reasonable rates for the travelling public. Sir, I must oppose the Resolution. (Applause.)

4 P.M.

Dr. Ziauddin Ahmad : Sir, we on this side of this House are very thankful to the Honourable the Railway Member for his promise to look into the matter. There are certain matters in which the Opposition is a

[Dr. Ziauddin Ahmad.]

greater authority than the Members on the Treasury Benches and one of them is the quality and the price of food supplied to the travelling public, because the Members of the Treasury Benches, who travel in their saloons, have no personal knowledge. The Railway Board has promised to refer the matter to the Advisory Committees all over India, and I would suggest that the Honourable the Railway Member may also be pleased to send a copy of the proceedings of today's debate to the different railways.

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

In the course of the debate specific questions were raised, namely, (1) the system of giving big contracts to one man, (2) the system of sub-letting the contracts to other individuals, (3) the system of selling contracts, (4) the fixation of prices, (5) the supervisions by a body in which non-Railway men may be associated, etc., etc. The Railway Board or any Committee under the direction of the Honourable the Railway Member might examine these opinions received from Advisory Committees on these specific points. The conclusions of the Board or the Committee should be effectively carried out. If it is done, the purpose of my Resolution would have been served.

The Honourable Sir Joseph Bhore : I will certainly have this done.

Dr. Ziauddin Ahmad : With this assurance, I beg leave of the House to withdraw the Resolution.

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

RESOLUTION *RE* REPRESENTATION OF INDIAN CHRISTIANS IN THE SERVICES AND COMMITTEES.

Dr. F. X. DeSouza (Nominated Non-Official) : Mr. President, as the Honourable Members, Mr. Jagan Nath Aggarwal and Lala Hari Raj Swarup, in whose names Resolutions Nos. 3 and 4 stand, are absent, and as they would have authorised me to move the Resolution if they had been present, I beg to move the Resolution which stands on the Order Paper in my name and which runs as follows :

"That this Assembly recommends to the Governor General in Council that the claims of the Indian Christian Community for adequate representation in the services and for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the Community may be affected, should be recognised."

I should like to state at the very outset that I am not a communalist. (Hear, hear.) On principle, I should like no special privileges to be conferred on my community or on any community. (Hear, hear.) I stand for absolute democracy where merit and personal considerations are the only things that qualify for political privileges or opportunities of public office. But the Communal Award issued by His Majesty's Government has introduced the principle of communalism in the general polity. And the Government of India, Home Department Resolution of 6th July, 1934, regarding the representation of minorities in the Services has accentuated this principle. The Communal Award gave us insufficient weightage in the Legislatures and in the public life of the country. The

Home Department Resolution virtually ignores our claim to a share in the public services.

The result is that while on the one hand we are being gradually elbowed out from our position in the public services by the more powerful communities, on the other the Government of India and the Home Government act as if we are not entitled to claim a share in the public life of the country. In the composition of the several Royal Commissions, Conferences and Committees appointed to work out the details of the Reformed Constitution, no member of our community has found a place and though these Committees shape our destinies, we have no voice in their deliberations.

And yet we form the third largest community in India, numbering according to the last census 6,297,000 souls. Our numbers are increasing by leaps and bounds, having risen by 32.5 per cent. during the last decennial period and by 238.1 per cent. during the last half century. Apart from natural increase which may be expressed at 12 per cent. for the decennial period, more than 20 per cent. out of the total increase is due to conversion from depressed classes and still more so from the hill and forest tribes. In the circumstances the following figures of the standard of comparative literacy among the several communities taken from the last Census Report are an amazing indication of the educational and moral uplift which Christianity has brought to the masses who have come under its influence.

Literacy per mille.

Hindus.		Muslims.		Christians.	
Male.	Female.	Male.	Female.	Male.	Female.
144	21	107	15	352	203

Literacy in English per 10,000.

Hindus.		Muslims.		Christians.	
Male.	Female.	Male.	Female.	Male.	Female.
204	16	164	11	1,174	649

The political significance of this educational advance is obvious.

I have, on more than one occasion, drawn the attention of the Government in this House to the feeling of alarm created amongst the Indian Christian Community by recent pronouncements made by the Nationalist Leaders affecting our fundamental rights—religious and civil. The warning held out by Mr. Gandhi, in March, 1931, to our missionaries, denying their rights to proselytise—a right which he concedes to Muslims—sent up a storm of angry protest throughout the country, as being a threat to our liberty to practise and preach our religion. The Bill introduced by Mr. Kelkar, a prominent nationalist, in the Legislative Assembly in 1928 for the repeal of Act XXVI of 1850 which we regard as our Magna Charta, as it secures us against forfeiture of civil rights by conversion, was an ominous indication of what might be in store for us if a Swaraj Government were installed in office. Certain orders recently passed by the Government of Madras discriminate in an invidious manner against our religious and charitable foundations in the matter of acquiring Government land holding that they are alien institutions, under the absurd notion that they vest in a foreign Ruler, the Head of our Church.

[Dr. F. X. DeSouza.]

There is also serious resentment in the Madras Presidency against the refusal by the Minister of Education to grant recognition and adequate grants-in-aid to our denominational schools which our children are bound in conscience to attend.

These, Sir, are fundamental rights which we think should be inserted in the Constitution, so as to make it possible to challenge the validity of any future legislation in contravention of these rights in the Supreme Court or the Federal Court. The feeling was universal in the community to which I gave expression in my speech in the Assembly, on 30th March, last year, that we should be given an opportunity to urge before the Joint Select Committee our point of view on these vital questions. But while microscopic minorities were allowed the privilege of a seat on the Select Committee and insignificant interests were invited to state their case as witnesses before that Committee, we, the third largest community in India, with our fundamental rights seriously threatened, were not considered of sufficient importance even to be invited to give evidence. As a measure of despair, I, as President of the All-India Catholic League, submitted to the Joint Parliamentary Committee a written statement of our case which I trust will receive due consideration.

Nor has a single Indian Christian found his way to any of the numerous Commissions and Committees appointed to prepare the ground for the New Constitution and work out its details. From the third and decisive sitting of the Round Table Conference we were excluded. We were not only not represented on the Joint Select Committee of Parliament, but the Committee did not even care to hear us, so that there is great danger of our case going by default. The Franchise Committee, which was meant to be a representative Committee, and whose deliberation will vitally affect our future, could not find place for even one member of our community. It is not too much to say that the Indian Christian Community feel humiliated at the continuous slight offered to them by the Government of India as if they were untouchables in the public life of the country.

I had occasion to address an interpellation on the subject, in this Honourable House, and I was informed that it was either the Home Government or the Joint Select Committee who were responsible for the omission. I trust that the Government of India will not wash their hands of all responsibility in the matter on the present occasion or suggest that they did not tender any advice to the Home Government on the subject.

I cannot help thinking that this callous indifference of the Government of India to the claims of our community has its origin in history. The East India Company, the predecessor in title of the Government of India, was incorporated for trade, not for empire. From the very beginning they showed a nervous dread of any appearance of friendship towards Christianity for fear of offending Indian susceptibilities and endangering the sale of their broad-cloth and hardware. It was not till 1813, that the embargo on Christian educationalist and missionary enterprise was lifted. And though the Government became more and more Christian in its activities after that date, due to evangelical influence in England, it became more and more anti-Christian in its treatment of Indian Christians. It has been pointed out by Mr. Arthur Mayhew, formerly a Director of Public Instruction in the Central Provinces, in a

recent volume on Christianity and the Government of India, at page 137, that the Charter of 1833 which enunciated the principle of equality of all races and castes and creeds in recruiting for public offices was subject to one important exception, *viz.*, in the case of converts to Christianity. They soon came to understand that so far as Government office was concerned no Christian need apply and that the profession of the same religion as their Rulers far from being regarded as a qualification for office actually disqualified them and served as an excuse for violating the spirit of the equality clause in the Charter. Again, the same authority points out at page 158 that, while every other form of religion was tolerated in the Army, the case in 1819 of Prabhudin Naik, a Sepoy of a Brahmin regiment of the Bengal Army, who was converted and baptised by a Company Chaplain and was dismissed from the Army in consequence, showed that the Government was not prepared to tolerate Christianity in the Army. From that date, the Army, as a profession, has been closed to converts to Christianity, even though they belong to the martial races.

The transfer of the Sovereignty to the Crown has not materially altered the status of the community though it has done away with the discrimination against us practised in the days of the East India Company. We do not now complain of ill-treatment or of oppression ; only we have become minor pawns in the rivalries of communities and the Government have abandoned us to the exigencies of higher politics. The East India Company was a stepmother to our community but there is no one to act as godfather in the present Government of India. It is unnecessary to go beyond the White Paper to furnish an illustration. In the matter of seats, in order to placate more powerful interests, no weightage whatever has been given to the Indian Christians in the Punjab, a wholly inadequate weightage in Madras, where in spite of our numbers, we are placed in a position of absolute inferiority *vis-a-vis* the Muhammadans and no representation whatever in the Central Provinces and in separated Sind. While providing that important minorities should be represented in the Provincial and Federal Cabinet, there is no provision that the Indian Christian Community should be declared an important minority community in Madras where it is one of the most advanced communities, nor is there any provision that it should ever be represented in the Federal Cabinet.

There are several Committees to be appointed shortly to work out the details of the Reformed Constitution. Among those is the Committee for the Delimitation of Constituencies in each Province. The Indian Christian Community is vitally interested to see that there shall be no gerrymandering of constituencies. And I would respectfully ask that the Government of India nominate at least one member of our community from each Province on these Committees.

I have not said much about the representation of Indian Christians in the Public Services. Thanks to our advance in education and training, till recently we occupied a position of advantage in the matter of subordinate appointments in the public service, participation in educational work and public utility services. But the Home Department Resolution has rung the death-knell of our hopes for the future. The Indian Christian Community is the only all-India minority community whose prospects have been sacrificed by that Resolution to placate other minorities. The Sikhs are virtually confined to the Punjab and are

[Dr. F. X. DeSouza.]

strong enough to look after themselves. The net result of that Resolution, so far as we are concerned, is that while, since 1925, we had a fair field with other minorities to compete for 33 1|3 per cent. of the vacancies, under the new scheme we have to compete with Sikhs, Parsis, Jains, Anglo-Indians and others for 8 1|3 of the All-India appointments, and with Sikhs, Parsis and Jains for 6 per cent. of the local appointments. We do not grudge the Muhammadans the 25 per cent. of all appointments, Imperial and Provincial, which they have secured for all time, nor the Anglo-Indians 8 1|3 of the local appointments which they have been guaranteed—a weightage of 1,000 per cent. on their numerical strength. All honour to the doughty champions of these two communities, Sir Muhammad Yakub and Sir Henry Gidney. But in the name of justice and fair play we ask that the same consideration that apply to them should be held to apply to us also.

We have neither zamindars nor moneyed classes among us, and like the Anglo-Indians we depend to a large extent on employment in Government service for our economic life, and rapid displacement may lead to a serious dislocation of the economic structure of our community. Besides, in a competition with other minorities more powerful than ourselves, even for the very limited percentage of vacancies now reserved, the dice will be heavily loaded against us as we shall have no friends at Court who can influence the distribution of patronage. The proviso, that when qualified candidates from the minor communities will not be available for nomination to make up their quota, the residue will be available for Muslims, is specially obnoxious because members of the latter community will thereby be placed in the position of stakeholders and judges.

Only the other day I heard of a member of one of the smaller minority communities, which shall be nameless, appointed to a high office who immediately proceeded to fill his office with members of his own community rejecting all Indian Christian candidates on the ground that his own community was not well represented in his office and there was no separate quota fixed for the smaller minority communities *inter se*.

Another glaring instance of injustice which is likely to occur under the resolution : an Indian Christian holding a temporary appointment in the clerical branch of the Calcutta Customs Preventive Office and who would have, in usual course, got one of the posts to be filled up immediately was, as soon as the Resolution was published, thrown out on the ground that paragraph 8(1) of the Resolution lays down that 8 1|3 per cent. are reserved for all minority communities including Anglo-Indians and the latter must be given the preference in the Customs Service according to paragraph 8(4) of the Resolution. This is an extension of the principle of reservation to cadres of subordinate services which the Resolution does not contemplate.

May I respectfully request that a fixed percentage of vacancies with a reasonable weightage in our favour, be reserved to us also as in the case of Muslims and Anglo-Indians and that in the annual returns of recruitment called for in paragraph 5 of the Resolution, a column be added for Indian Christians also so that we may not be entirely lost sight of ? Otherwise, our last state will be worse than the first and we fear that, under the Swaraj Government as under the East India Company, no Christian need apply.

I can assure the House that it goes much against the grain for me to urge our communal claims for appointments in the public service. But to sit with folded hands in the name of nationalism, while the ground is being cut from under our feet by more militant minorities, may be magnificent but it is not practical politics.

The apathy of the Government of India to our claims is regarded by some members of our community as a blessing in disguise. Educated youths of the community have realised their true position in the general polity during the past decade and, as pointed out by the Census Commissioner, their attitude has tended to change from that of a separationist minority towards co-operation with moderate nationalists—a change expressed by the formation in Bombay of the Christian Nationalist party. On the other hand, the Extreme Nationalists are gradually realising that Christianity is not an exotic plant from the West, inconsistent with a nationalist outlook, but having been established in Southern India as long ago as Christianity in most parts of Europe, and earlier than Islam or the religion of Zoroaster, has as much right to be regarded as an indigenous religion today as the religion of the Muslims and Parsis. A striking proof of this change of mentality is furnished by the election by the Madras Legislative Council of two successive Presidents from among the ranks of Indian Christians and by the selection by Provincial Governments throughout India of Indian Christian Magistrates to adjudicate in communal disputes.

Sir, it is in no spirit of self-aggrandisement, but in the spirit of service, that we ask for opportunities to serve the Motherland. With the gradual elimination of the Christian element in the personnel of the Government of the country, the duty will devolve on the small Indian Christian Community to maintain Christian standards and Christian principles in public policy. Our Master came to be the servant of mankind. He came "not to be ministered unto but to minister and to give His life a ransom for many". In the New India it is the Motherland which will have the first claim on our ministry. In the public services of the country, in the Legislative Assembly, in schools and colleges, in the work of industrial education and village uplift, in medicine and surgery and maternity work, in sanitation and hygiene, in art and literature, in trade and commerce, in science and engineering, in agriculture and public works, we desire to have unlimited scope for the service of our country. Belonging to no caste or sect, able to hold the scales even between Hindu and Muslim, we feel that in the India of the future we shall have the role of peacemakers to fill. That is why we chafe at the prospect of being cribbed, cabined and confined within the narrow limits of our numerical quota in spite of our great educational advance. Many indeed there are who believe that the great spiritual revival for which Christians in the West are waiting may take place in India and that Indian thinkers and sages will recall the forgotten meanings and values of the Christian faith. And Narayan Vaman Tilak, the Christian poet of Maharashtra, in a spirit of prophecy exclaims :

> "Yee, at the end of pregnant strife
> Enshrined as 'guru' of the Earth,
> This land of Hind shall teach the worth
> Of Christian faith and Christian life."

Two great communities have emerged from the impact of European influence in India,—the Anglo-Indian Community and the Indian Christian

[Dr. F. X. DeSouza.]

Community. The former will be launched by the Government of India to try its fortunes under the New Constitution fortified by every privilege with safeguards as regards education, employment in the public service and their economic future. Truly blood is thicker than water, especially when the water is the water of baptism. But the latter has been left to its own resources to wage an unequal fight and goes forth branded with the mark of inferiority. We ask for no special privileges, for privilege creates odium. All that we ask for is that the Government of India before surrendering the reins of power to the Swaraj Government shall give adequate recognition of our status as numerically the third largest community in India, in literacy superior to all other communities, in education and culture second to none, in the political and public life of the country. With this brand of inferiority removed and our fundamental rights safeguarded in the Constitution, we trust to our own strength to work out our salvation in the future Government of the country in the Provinces as well as in the centre.

Quite recently, the Government of Madras have made the announcement that a member of our community has been appointed by the King Emperor as a Member of the Government of Madras. On behalf of the Indian Christian Community, I tender my sincerest thanks to the Government. It is the result of constitutional agitation, long and patiently pursued. The appointment will undoubtedly enhance the political status of the community throughout the country.

Public opinion in Madras is expressed by a leader of the community in one of his letters to me, in the following words :

"The Government by one stroke of the pen have atoned for all their past sins of commission and omission, in respect of Christians, by appointing an Indian Christian as Home Member....Christians are naturally jubilant because the Government have, at long last, recognised the claims of the Indian Christians to a share in the Government of their own country."

But one swallow does not make a summer. It is to be hoped that the appointment indicates the orientation of a new policy towards the community in the India of the future and that, side by side with the doors thrown open to leaders leading to Councils and Governments, the rank and file will also not find the door barred against their entry in the public services, so that the economic life of the community may be maintained intact. We merely ask that the pledge given by His Majesty's Secretary of State, in addressing the Anglo-Indian Association the other day, be redeemed in our case also. "We are insisting" he said, "on these safeguards with the object of introducing stability and ensuring that no community is aggrieved at the start of constitutional changes". We ask for nothing more.

With these words, I move the Resolution that stands in my name.

Mr. President (The Honourable Sir Shanmukham Chetty) : Resolution moved :

"That this Assembly recommends to the Governor General in Council that the claims of the Indian Christian Community for adequate representation in the services and for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the Community may be affected, should be recognised."

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, there appears to be no escape for us on this side of

the House from these communal claims. Two years ago, Mr. Bhagwandas, addressing a huge Hindu gathering, gave some advice to the Hindu community. He said that it had no future before it, and that it must make up its mind whether they should become Muslims or they should become Indian Christians.....

Dr. F. X. DeSouza : Then become Indian Christians.

Mr. B. Sitaramaraju : And Mr. Bhagwandas said that there would be an obvious advantage if the Hindu community were to become Indian Christians, and I realised the truth of that statement when I read these papers placed before me. Before I give Honourable Members the percentage of Indian Christians in the public services of this country from the statistics before me, I must at the outset tell my friend, Dr. DeSouza, that we have no objection to his community getting a legitimate share in these services ; let it get as many posts as possible, but, for God's sake, let it not be said that they, the Christian community, have not got enough.

Dr. F. X. DeSouza : Have you got enough ?

Mr. B. Sitaramaraju : If Mr. President will allow me, I shall be pleased to read to the House the figures to show who has got enough.

An Honourable Member : We cannot hear you. Please speak up.

Mr. B. Sitaramaraju : Before I take the statement showing the communal strength of the community in the Departments of the Government of India, let me deal with their position in the Provinces. The Indian Christian community, including those in the Indian States and in the Provinces, form about six and odd millions, of whom it is admitted that a great number are in the Presidency of Madras. Now, Sir, as you know, Madras has tried to solve this communal problem in a peculiar way. It has introduced what is called the communal rotatory system by which the various communities in the Provinces are given their due share on a population basis, and even more in case of minorities. According to that rotatory system, all recruitment is made to the public services on communal rotation. They followed the principle that, consistent with considerations of efficiency and necessary qualifications, a due share should be given to all communities. In that way they prescribed minimum qualifications and other tests by which the communities should be qualified to enter the services in the proportions to which they are considered to be legitimately admissible. But, in regard to promotions, different considerations prevail, because promotions do require some merit also ; and, therefore, the Government have reserved a certain proportion of appointments to be given on merit, and a certain proportion has been reserved for racial and communal considerations. Therefore, it cannot be said that the claims of this or any community is overlooked, at any rate, in Madras, where this community is found in very large numbers.

Leaving, therefore, the question of Provinces aside, I will now take up the question of the services of the Government of India. In the Government of India, we find that in the Army, the percentage of Indian Christians is 1.2 ; Commerce 1.09 ; Education, Health and Lands 1.12 : Finance 2.44 ; Foreign and Political 2 ; Home Department 2.94 ; Imperial Research Council,—they have not given the figures ; Industries and Labour 5.18 ; Legislative 1.18 ; Legislative Assembly Department 1.96 ; Military Finance 1.1 and Railway Department 2.17 ; A. D. O. S. 2.17 ; A. G.'s Branch 3.1 ; Director of Contracts 7 ; Engineering Branch 7.4 ;

[Mr. B. Sitaramaraju.]

Master General of Ordnance .8 ; Q. M. G.'s Branch 1 ; Royal Air Force 2.08 ; Director General of Archæology and D. G. I. M. S. 3 ; A. G. C. R. and Auditor General's Office 4, and so on and so forth. Under Commerce Department, there is the office of the Superintendent, I. M. M. T. S. "Dufferin", and there you have 66.67 Indian Christians, Shipping Office 37.0.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : You have omitted the Executive Council here which has a Member of that community as the Leader of the House.

Mr. B. Sitaramaraju : I am coming to my friend, the Leader of the House, which would give 16 per cent. in the Government of India, and also to the Member of the Executive Council of Madras which would give 33 per cent in the Government of Madras. It must be remembered that the Indian Christian community ought to be grateful to the Government, because, for the first time, this seat in Madras which had hitherto been given to members of the Muslim community, has been given to a member of the Indian Christian community, and today, Rao Bahadur Pannirselvem is the Executive Councillor in Madras. And, Sir, with a population, so small as the Indian Christians, if they have got such a high percentage, I do not understand why my friend, the Mover of this Resolution, still complains by stating that he wants a special consideration for his community. If the special consideration for his community is to be based merely on the question of religion, then I don't see any reason why he should leave my friend, Sir Henry Gidney, aside, and also my friend, Sir Leslie Hudson, because, from the point of view of religion, they all belong to one religion, and, therefore, form one group. If it is from the point of view of race, Sir, then my friend's place is not there in isolation, but with us. If it is from the point of view of backwardness, that is no reason why that claim should be made, a claim allowed to the Depressed Classes, because, even according to his own showing, they are in every way far more advanced than the other communities. Therefore, I ask, what right have the Indian Christians got to claim special consideration for,—not that I grudge them their due share, but let them not say that they have not got enough. They cannot claim consideration partly on religious or racial basis and partly on importance. That is another important absurdity in this matter. Recently, an instance occurred in Madras, and I should like to mention that particularly for the information of the House. You remember, the goldsmiths class in Madras have been claiming that they are Brahmins. They applied to the Government that they should be registered as Brahmins. The Government said that if they were so particular to be classed as Brahmins, they for their part had no objection, and so these goldsmiths class were classed as Brahmins. Subsequently, a member of that community applied to the Collector of the District for a certain post. The Collector informed him that the Brahmin quota having been exhausted under the rotatory system, the candidate would have to wait till the turn of the Brahmin came again in its usual course. Then, this candidate said : "No, Sir, we are non-Brahmins ; you must give us our share from the non-Brahmin community". Then the Collector told him : "Well, my dear man, you are registered as a Brahmin, and therefore, you can go only under the Brahmin category". "No, Sir", said the candidate, "for the purposes of services we are non-Brahmins, but for social superiority we are

Brahmins ". (Laughter.) Therefore, Sir, in order to avoid this sort of absurdity, I suggest that Honourable Members should take a broad view. There should be a just and proper appreciation of the inherent rights the others have and the difficulties the various communities are labouring under these exorbitant claims. Sir, as a Hindu, I am always a patient man. I always believe that this narrow communal consciousness is a calamity which we have to put up with. Here is my friend, Dr. Ziauddin Ahmad. There is no greater friend than he to me, but his views about these matters are different from mine. What we do, is, we try and find as much as possible a common agreement among ourselves. If we are bent on finding only differences, there are plenty of differences ; but the highest thing that legislators can do is to try and find a common agreement among ourselves and see that, by our co-operation and our sympathy, we understand each other's difficulties and try to achieve greater unity.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : So far as the claim of the Indian Christian community in the public services is concerned, as the principle has already been settled by the Government of India by giving a certain proportion to one minority or another, I cannot object to the claim that is put forth by Dr. DeSouza. But I strongly object to the very principle of dividing the public services among different communities. The claim is that, being a minority, the Indian Christian community also should have a certain share reserved for them. I object to this on the following grounds.

In the first place, we should look at the question of the minorities' rights as have been settled by the League of Nation's Minorities' Sub-Committee. There the rights and privileges of the minorities in the populations of Europe were discussed and certain principles have been laid down with regard to them. Firstly, it has been settled that a minority cannot be counted a minority for political purposes unless it is above 25 per cent. The next point was as regards their rights. So far as the rights are concerned, they are divided into three categories ; one is the safety and freedom of their religion ; secondly, the education of their children should be arranged for by the State, and, thirdly, their culture, *i.e.*, history and traditions, should be preserved. These are the three main rights which have been conceded to the minorities in the European countries by the League of Nations. When we were discussing about the question as to how long India has been a member of the League, and what were the contributions that were made by the Indian Government to the League of Nations, I was thinking at that time whether we were bound to follow the decisions of the League of Nations on all matters or not. India is an original member, and, being an original member of the League of Nations, if we were to claim certain rights in its management, it was also the duty of the Government of India to follow the principles laid down by the League of Nations in its Minorities Sub-Committee on these questions.

My next point is to show what is meant by public service. Public service, as it is understood in America, England and other European countries, means that the man, who is more fit for serving the public, should be selected for that service. It is very strange that here we want that the public service also should be regulated according to the religious beliefs held by different sections amongst us. This naturally brings in another form of communalism, and religion comes in to play a part in the Government by the apportionment of public service to different

[Bhai Parma Nand.]

religious communities. Not only that, but distinctions of occupations and professions also come in. In the South, we have got divisions, for instance, of Brahmins and Non-Brahmins. They would claim separate distribution of public service for them. In the Northern India, similarly in the Punjab, there is being created a division between the profession of zamindars and non-agriculturists. They are in possession of land, and, forming the main population, they should be given special favourable privileges in the public service. I do not understand how this public service is being interpreted by different communities and different classes in India in the sense of demanding certain privileges and certain rights.

Again, this kind of reservation, will destroy the principle of efficiency altogether. I have had opportunity to explain this to the House many a time before. If you give preference to a person simply because he follows a certain creed, or his parents follow a certain profession,—be he fit or not,—it becomes communalism of the worst type, and the country that has got such a principle in its administration can never grow or develop self-government in it. This will deprive the best people who are really fit for and willing to devote their energy and ability to the service of their country.

Going to the root of evil, I think, as the current systems of Government give very big salaries to certain persons and to certain services, it is a great temptation for us all and that is why every community is trying to stress the principle of communal rights in this country. As against that, the principle of social equality or socialism would be far more preferable. In order to select persons for public service, their salaries and remunerations should be equalised in such a way, that they could not get more than they could make otherwise. I may be excused if I give an illustration from what I saw in the United States of America. I was in America, and, on one occasion, I had to act as an interpreter in a case of some Indians before a Court. What I found there was that the Judge was getting 500 dollars a month, the clerk was getting 450 dollars a month, and the orderly was getting 400 dollars a month. There was not much difference between the peon, the clerk and the Judge, and the result was that there was not much temptation for running after Government service. I, therefore, say that it is the hope and desire of big salaries which is responsible for this communalism.

In our case, however, I would put the blame on the shoulders of the British Government who, by giving the Communal Award in our Constitution, and, along with this Communal Award, by bringing in communalism in all kinds of services, have practically made this communalism so deep-rooted in this country that I think it would not be possible for any human agency in the future to uproot this evil, which is going to be a sure check to the growth of nationalism in this country. We talk so much of self-determination and Swaraj, but I consider, before we begin to think of Swaraj, of having self-government in this country, we should do away with or prepare the minds of the people to get rid of this curse of communalism in every department. Dr. DeSouza has told us that the Christians are so highly advanced in education that they can compete with anybody. I would not mind at all if by competition all posts go to Christians in any service ; in that case, there would be no possible objection to it. But if a man is selected simply because he is a Christian,

it brings in an element of interference with freedom of religion. I know personally of some cases in which some qualified engineers and doctors have been told that they would be eligible to get the jobs if they changed their names and their religion, but not otherwise. They were highly qualified persons and this is what they were told. This idea of manning the services by men belonging to particular religions and professions is the worst form of communalism, and it does interfere with religion and it becomes and would gradually become an ugly unfair means of conversion.

Now, coming to the main point, the recent decision of the Government of India is that 25 per cent. of the posts should be given to Mussalmans. If the Government give 25 per cent. to the Mussalmans on a population basis, well and good. If the Muslim leaders and the Muslim community want it, let them have their share but there should be one uniform principle. Let it be that all posts are to be distributed on a population basis, though it is opposed to all principles of nationalism and national progress of the country. If, at all, this principle is conceded, let it be on a population basis. Let us take the railway service. Taking Mr. Hasan's report as our basis, I am prepared to show that 25 per cent. of the Mussalmans are already there in the railway service, but injustice comes in when it is added that, besides this reservation, they can compete with others and get more jobs. This is a wrong principle. There is 8-1|3 given to Anglo-Indians.

Dr. Ziauddin Ahmad (United Provinces Southern Division : Muhammadan Rural) : On a point of order. Is the Resolution of the Government of India just issued about service under consideration now ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair was going to allow two minutes more to the Honourable Member to finish his speech, and, therefore, it did not draw the attention of the Honourable Member to it itself. The whole problem of communal representation is not for discussion before the House. It is purely a question of the demand of the Christians for an adequate share in the representation in the public services. The communal G. O. and all that may be just referred for purposes of analogy and comparison, but the Honourable Member should not dilate on it at great length.

Bhai Parma Nand : I would submit, Sir, that I am opposed to this demand of the Christian community on principle, because it is communal. But as the principle is accepted by the Government, I don't mind if the Christians also have as much as they can. I must oppose the principle. Supposing we gave 25 per cent. to Mussalmans, 8-1|3 to Anglo-Indians and eight or ten per cent. to Indian Christians, and five or ten per cent. to Sikhs, then would come the zamindars and depressed classes ; in short, the minorities of India would monopolise all the services and they would deprive the main community of India, *i.e.*, the Hindus, of all share in the services. This is quite a wrong way of proceeding with the administration of the country, and, therefore, I oppose this demand on principle.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : On Monday next, Sir, we propose to proceed with the unfinished business standing on the combined list for the three opening days of this week other

[Sir Joseph Bhore.]

than the remaining stages of the Bengal Criminal Law Amendment Supplementary (Extending) Bill and the Assam Criminal Law Amendment (Supplementary) Bill. On Tuesday, I shall move for reference to Select Committee of the Indian Iron and Steel Duties Bill which I introduced yesterday and the debate on that motion, if not finished on Tuesday, will be continued on Wednesday, whereafter, if time permits, the remaining stages of the Bengal Criminal Law Amendment Supplementary (Extending) Bill may be taken as well as any unfinished items of the business for Monday.

The Assembly then adjourned till Eleven of the Clock on Monday, the 30th July, 1934.

LEGISLATIVE ASSEMBLY.

Monday, 30th July, 1934.

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

MEMBER SWORN :

Mr. W. J. C. Richards, M.L.A. (Burma : European).

QUESTIONS AND ANSWERS.

MILITARY FORCES SENT TO THE BURMESE FRONTIER.

243. ***Dr. Ziauddin Ahmad** : (*a*) Have Government sent military forces to the Burmese Frontier ? If so, why ?

(*b*) What is the number of the forces which have recently been sent from India to Burma ?

(*c*) In case Burma is separated from India, will the cost of the troops be debited to the accounts of Burma ?

Lieut.-Colonel A. F. R. Lumby : (*a*) At the request of His Excellency the Governor of Burma one section of a Mountain Battery was sent to the Burma Frontier to support the Burma Military Police. The reasons were explained in the statement supplied to the Press on the 27th June, 1934, a copy of which has been placed in the Library.

(*b*) None.

(*c*) I am afraid I am unable to answer such a hypothetical question.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether there is already any military force on the borders of the Province ?

Lieut.-Colonel A. F. R. Lumby : The armed forces on the actual frontier in this particular part of the Sino-Burmese frontier are the Burma Military Police and the one section of a Mountain Battery to which I have already referred in my reply.

Mr. Lalchand Navalrai : May I know what necessity has actually arisen on the border, so that a force should have been sent additionally.

Lieut.-Colonel A. F. R. Lumby : No additional force has been sent to Burma.

Mr. Lalchand Navalrai : The Honourable Member gave us the reply that the military forces of Government had not been sent, as in clause (*a*) of his answer. I did not quite follow the Honourable Member ?

Lieut.-Colonel A. F. R. Lumby : The reply to clause (*a*) of the question was that there had been sent to the frontier one section of a Mountain Battery. The reply to clause (*b*) was that no additional force had been sent from India to Burma.

Mr. Lalchand Navalrai : Has this not been necessitated by the entry of the Chinese into that Province ?

Lieut.-Colonel A. F. R. Lumby : Undoubtedly the steps taken were necessary.

Mr. Lalchand Navalrai : Why was it not necessary, if the Chinese have actually entered our country ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question cannot be asked.

Dr. Ziauddin Ahmad : Is the separation of Burma from India of the same hypothetical nature as the question of the separation of Oudh from the United Provinces ?

Lieut.-Colonel A. F. R. Lumby : I think that, so far as these particular operations are concerned, the question is a hypothetical one.

The Honourable Sir Joseph Bhore : I would ask, Sir, that the questions relating to the Home Department be taken up next Wednesday ; I regret to say that the Home Member has not yet reached Simla.

Mr. President (The Honourable Sir Shanmukham Chetty) : Questions relating to the Home Department will be taken up on Wednesday.

†244*.

†245*.

INCLUSION OF A TABLE OF EXPORT TRADE IN THE REPORT ON THE WORKING OF THE OTTAWA AGREEMENT.

246. ***Dr. Ziauddin Ahmad** : (*a*) Will Government be pleased to state whether the report on the working of the Ottawa Agreement will include a table of our export trade in principal commodities to--

(*i*) the United Kingdom,

(*ii*) the countries other than the United Kingdom included in the British Empire,

(*iii*) the countries outside the British Empire ; and

(*iv*) detailed figures to show that the increase of our export trade to the United Kingdom (if any), is real increase or only a diversion from non-Empire countries to Empire countries ?

(*b*) If the reply to part (*a*) be in the negative, are Government prepared to take steps to see that the information regarding items Nos. (*i*) to (*iv*) of part (*a*) is included in the report ?

The Honourable Sir Joseph Bhore : Government are of opinion that the Report contains all the information necessary to judge of the results of the working of the Ottawa Agreement.

†This question will be answered on the 1st August, 1934.

Dr. Ziauddin Ahmad : May I know whether the Report will give explicit figures as regards item No. 3 and item No. 4 ?

The Honourable Sir Joseph Bhore : I would ask my Honourable friend to wait until he sees the Report.

Diwan Bahadur A. Ramaswami Mudaliar : May I know when the Committee of the House appointed to consider this question will meet and review the Report ?

The Honourable Sir Joseph Bhore : Sir, it is not a question of its being a report of the Government : it is a report compiled for the Committee itself, and it will be placed before the Committee, which I hope will meet some time next week.

Diwan Bahadur A. Ramaswami Mudaliar : May I know if this House will have an opportunity to consider the report of its own Committee after that Committee has considered all the materials placed before it ?

The Honourable Sir Joseph Bhore : The report certainly must be made to the House.

Diwan Bahadur A. Ramaswami Mudaliar : To this House ?

The Honourable Sir Joseph Bhore : Undoubtedly.

Mr. President (The Honourable Sir Shanmukham Chetty) : In view of the fact that this will be the last Session of this Assembly, the Chair thinks it would be desirable that Government should make available the Report of the Committee to *this* House before the Session is adjourned.

The Honourable Sir Joseph Bhore : That certainly will be our endeavour.

Dr. Ziauddin Ahmad : When the Committee was appointed, the Members of this House, I think, understood that this Committee would meet *before* the Sessions of the Assembly, so that the Report might be in our hands in the earlier stages, and we might have the opportunity of discussing it.

†247*.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

248. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the F. Sc. Medical Group students of the Delhi University are not given admission to any Medical Colleges in India, except two from Delhi to the King Edward Medical College, Lahore ? If the admission is not open for the Delhi students, do Government propose to take any steps to ensure the admission of the Delhi F.Sc. Medical Group students to other colleges in India ?

(*b*) If admission to the Medical Colleges in India is not made open to the Delhi students what is the utility of retaining the Medical Group of the Delhi University ?

(*c*) Is it a fact that the Selection Board held at Delhi for interviewing these students have not interviewed all students but only a few ?

†This question will be answered on the 1st August, 1934.

(*d*) Will Government please state reasons why the students, who have passed F.Sc. (Medical Group) examination of the Delhi University, are not permitted to appear at the "Test examination" for the admission to the Medical College, Lucknow ?

Mr. G. S. Bajpai : (*a*) to (*d*). Information is being collected and a reply will be laid on the table in due course.

REBELLION IN CHINESE TURKISTAN.

249. ***Mr. Gaya Prasad Singh** : (*a*) Will Government kindly make a statement on the situation, arising out of the rebellion in Chinese Turkistan, in course of which many British Indian subjects were killed and injured, and their properties looted ?

(*b*) How many Indians are there in that territory, how many of them were killed and wounded, and approximately how much property has been looted up to date ?

(*c*) What is the present position there, and what steps have Government taken for the protection of the British Indian subjects, and for the compensation of those who have suffered ?

Mr. H. A. F. Metcalfe : (*a*) and (*b*). The Honourable Member is referred to the answer, given by Major Fraser-Tytler, to his starred question No. 23, during the last year's Simla Session. There are about 450 British Indians in Chinese Turkistan. Government have since received a complete list of the losses sustained by British subjects in lives and property in Chinese Turkistan during the disturbances, showing 12 British subjects killed, four wounded and two missing. The approximate value of property claimed to have been lost is Rs. 2,67,000. Most of these casualties and losses occurred during the beginning of the rebellion.

(*c*) The present position is still obscure, but the latest information indicates that there is a possibility of the Chinese Government regaining control. His Majesty's Government have made strong representations in the proper quarter, and the question of claiming compensation is under consideration.

CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.

250. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether :

(*a*) it is a fact that Khan Abdul Samad Khan of Baluchistan was tried and sentenced to three years' rigorous imprisonment under section 124, Indian Penal Code, and ordered to furnish security for Rs. 3,000 in connection with speeches delivered by him at Hyderabad, Sind ; and

(*b*) it is a fact :

(*i*) that the first Jirga pronounced him innocent, but the Political Agent, Quetta, pressed for his punishment ;

(*ii*) that all the facilities, which are usually afforded in jail to Indian political prisoners in the ordinary course, were taken away from Khan Abdul Samad Khan with the result that he has been undergoing rigorous imprisonment unlike political prisoners ?

Mr. G. S. Bajpai : With your permission, Sir, I will answer questions Nos. 250 and 358 together. Information is being obtained from the Local Administration and will be given to the House as soon as it is received.

Dr. Ziauddin Ahmad : Is it permissible for the Chief Commissioner of Baluchistan to punish a person for speeches delivered in Sind ? Should it come under the cognizance of the Chief Commissioner of Baluchistan ?

Mr. G. S. Bajpai : I think the Chief Commissioner acted within his own competence.

WATCH ON THE ACTIVITIES OF YOUNG MEN IN BALUCHISTAN WHO READ NEWSPAPERS.

251. *Dr. **Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Is it a fact that the Baluchistan authorities watch the activities of young men in Baluchistan who read newspapers, and are Government aware that this indirectly prevents reading of national papers there ?

Mr. G. S. Bajpai : With your permission, Sir, I will answer questions Nos. 251 and 252 together. Information is being obtained from the Local Administration and will be given to the House as soon as it is received.

Mr. M. Maswood Ahmad : Will this information be laid on the table of this House during the life of *this* Assembly ?

Mr. G. S. Bajpai : I think every endeavour will be made to lay it on the table of the House during the life of the present Assembly.

PERMISSION TO CERTAIN GENTLEMEN TO ISSUE NEWSPAPERS FROM BALUCHISTAN.

†252. *Dr. **Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether they are prepared to grant permission to Messrs. Abdul Kudus Khan Achakzai and Pir Baksh Baloch to issue newspapers from Quetta, if they could satisfy Government that the policy and the tone of their papers will be mild and pro-Government ?

TRIAL OF KHAN ABDUL SAMAD KHAN IN BALUCHISTAN.

‡ 253. *Dr. **Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state why Khan Abdul Samad Khan was tried in Baluchistan for the speeches delivered in Sind ?

RELEASE OF POLITICAL PRISONERS IN BALUCHISTAN.

254. *Dr. **Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Do Government propose to release all the political prisoners in Baluchistan, when the former have compromised with the Congress and all the political prisoners in India are being released ? If not, why not ?

Mr. G. S. Bajpai : The Honourable Member appears to be under some misapprehension in regard to the attitude of Government *vis-à-vis*

†For answer to this question, *see* answer to question No. 251.
‡For answer to this question, *see* answer to question No. 250.

the Congress. I would refer him to the Government of India's Communiqué of the 6th June, 1934, which states the position and the action being taken in regard to the release of civil disobedience prisoners. No question of releasing any other class of prisoners arises.

INTRODUCTION OF CERTAIN REFORMS IN BALUCHISTAN.

255. *Dr. **Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether they have ever considered the question of introducing reforms in Baluchistan, such as freedom of speech, introduction of local board system, education, and judicial reforms ? If so, to what conclusion have they reached ?

Mr. G. S. Bajpai : (*a*) The Government of India are not aware that the position regarding freedom of speech is different in Baluchistan to that which obtains in any other part of India.

(*b*) By Local Boards, the Honourable Member presumably has in mind the introduction of a system of District Boards in rural areas. The established form of Local Self-Government obtaining in Baluchistan is tribal, and Government are satisfied that an attempt to introduce local self-governing institutions in rural areas on the lines obtaining in Governor's Provinces would not only be expensive but would not accord with the desires of the people.

(*c*) With regard to education, the Honourable Member is referred to the replies given to questions Nos. 420 and 426 asked by himself in the Spring Session of 1933. Government have nothing to add to the answers then given.

(*d*) As the Honourable Member is aware, except in certain areas such as the Quetta Municipality, the judicial system in Baluchistan is based on the Tribal *Jirga*. Government are not convinced that the substitution for this system of regular courts and an expensive judicial machinery would, at their present stage of development, either be welcomed by the people or be in the interests of the tribes themselves.

Dr. Ziauddin Ahmad : May I ask, Sir, whether, in the year 1934, the Honourable Member is still in favour of the *Jirga* system, which really is the negation of justice ?

Mr. G. S Bajpai : Sir, it is not a question of any Honourable Member's opinion in the matter.

Dr. Ziauddin Ahmad : I mean the Government.

Mr. G. S. Bajpai : On behalf of Government I have already stated that they consider that the *Jirga* system is not merely suited, but is in conformity with the desires of the people of Baluchistan.

Dr. Ziauddin Ahmad : Is the Honourable Member sure that it is in conformity with the desire of the people ? My information is that it is just the reverse. Has not the Honourable Member got the experience of the North-West Frontier Province and was not *Jirga* system condemned and subsequently abandoned there ?

Mr. G. S. Bajpai : Sir, I think my Honourable friend is not instituting a correct comparison between the North-West Frontier Province and Baluchistan. I think the conditions of Baluchistan are quite different.

Dr. Ziauddin Ahmad : May I know, Sir, the reasons which have led the Government to think that the *Jirga* system is liked by the people in Baluchistan ? My own information is that this system is hated by the people.

Mr. G. S. Bajpai : My Honourable friend is welcome to his information, but I base my replies upon the information furnished by the Agent to the Governor General, who, presumably, is entitled to speak for the great bulk of the people.

Mr. M. Maswood Ahmad : Is it a fact that people in Baluchistan are not allowed to publish their vernacular papers in order to express their views on these and on other religious or political subjects ?

Mr. G. S. Bajpai : I am not aware that there are any restrictions on publicity in Baluchistan independently or different from those which prevail in the rest of British India.

Mr. M. Maswood Ahmad : Are Government aware that Khan Abdus Samad Khan made an application for the publication of a vernacular newspaper and it was refused, and, in this connection, questions were put on the floor of this House ?

Mr. G. S. Bajpai : It is possible that questions were put ; I am not personally familiar either with those questions or the answers that were given. But the fact that, in the case of one individual, permission has been refused may have something to do with the character of that individual.

Mr. M. Maswood Ahmad : I want to know the reply of this question from the Political Department, if my friend is not familiar, who have dealt with this subject and who should reply to this question.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order order. Honourable Members cannot dictate as to which Member of Government should reply his question.

Mr. M. Maswood Ahmad : I said so, because my Honourable friend does not know the facts of the case. Is it a fact that when Abdus Samad Khan applied for publishing a newspaper, the Commissioner of Baluchistan informed him that the paper should contain no articles on politics, religion or social matters, and, if he would agree to this condition, then only the publication of the paper could be allowed ?

Mr. G. S. Bajpai : My Honourable friend's question originally was as to whether permission was generally given in Baluchistan to the printing of newspapers. I gave answer to that question. Now he wishes to know in regard to the action taken by the Agent to the Governor General with regard to a particular individual. I regret to say that I am not familiar with the earlier history of that individual, and, therefore, cannot answer the question.

Mr. M. Maswood Ahmad : Is it a fact that Government are also not aware of these facts ?

Mr. G. S. Bajpai : I daresay Government who have a comprehensive mind have information available about this individual in some compartment of that mind ; only I don't happen to be in charge of that compartment.

Dr. Ziauddin Ahmad : Is the Honourable Member himself familiar with the *Jirga* system in Baluchistan, so that I may ask one or two more questions from him ?

Mr. G. S. Bajpai : *So far as knowledge of the Jirga system is concerned, undoubtedly I cannot contend with the erudition of my Honourable friend, but I think I am familiar with the general features of the system. If my Honourable friend wishes to put me under cross-examination, I would be prepared to do my best. But I do not know whether such questions exactly arise from the answer that I have given.*

Dr. Ziauddin Ahmad : My Honourable friend said that the *Jirga* system was popular among the people. Is he not familiar with such cases that if one *Jirga*, which is appointed to decide a case, does not decide that case to the satisfaction of the authorities, that *Jirga* is discharged and another new *Jirga* is appointed and this process goes on till the decision of the *Jirga* is to the satisfaction of the authorities ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not think that all these details are relevant.

Dr. Ziauddin Ahmad : The Honourable gentleman says that the *Jirga* system is popular with the people of Baluchistan, and I am trying to ask questions and elicit that it is not.

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

256. ***Rao Bahadur B. L. Patil** : Will Government be pleased to state the number of students during the past five years, who have passed the Intermediate Examination of the Delhi University in Science (Medical Group) and those who have been able to secure admission to the Medical College at Lahore, or elsewhere, and the number of those who wanted to join medical colleges but failed to get admission ?

Mr. G. S. Bajpai : A statement containing such information as is readily available is laid on the table.

Statement.

	1930.	1931.	1932.	1933.	1934.
Number of students who passed the I. Sc. (Medical Group) Examination of the Delhi University during 1930-1934 ..	11	9	16	21	28
Number of students who secured admission to the King Edward Medical College, Lahore	3	3	2	1	2
Number of students who applied for admission to the King Edward Medical College, Lahore, but failed to secure admission during 1930-1934	5	6	5	4	10

Information is not readily available in respect of the admission of students to medical colleges other than the King Edward Medical College, Lahore. It is understood that certain students were admitted to the medical colleges in Bombay, Calcutta and Lucknow privately and without the aid of the University of Delhi.

NON-RECOGNITION OF THE INTERMEDIATE EXAMINATION IN SCIENCE, MEDICAL GROUP, OF THE DELHI UNIVERSITY BY THE LUCKNOW UNIVERSITY.

257. *Mr. B. V. Jadhav : (*a*) Will Government be pleased to state whether they are aware of the fact that the Intermediate examination in Science (Medical Group) of the Delhi University is not recognised by the Lucknow University for purposes of its pre-Medical test for admission to the King George's Medical College, Lucknow ?

(*b*) Do Government propose to have the said Delhi examination recognised by the Lucknow University for the aforesaid purpose ? If not, why not ?

Mr. G. S. Bajpai : (*a*) and (*b*). Certain information is being collected and a reply will be furnished as soon as possible.

Mr. Lalchand Navalrai : May I ask, Sir, if there is any fixed number of students to be admitted to this college ?

Mr. G. S. Bajpai : So far as my information goes, there is a provision made every year for the admission of two medical students from Delhi to the Lahore Medical College.

Mr. Lalchand Navalrai : Who makes that provision ?

Mr. G. S. Bajpai : Obviously the Government of India make provision for that in the Budget of the Delhi administration.

Mr. B. V. Jadhav : Is that provision considered sufficient for the Delhi students ?

Mr. G. S. Bajpai : When we went into this question last in 1931, we came to the conclusion that that was adequate.

TIME TEST FOR WORK DONE BY CLERKS IN POSTAL CIRCLE OFFICES.

258. ***Sardar G. N. Mujumdar** : (*a*) Will Government be pleased to state whether any time test has been fixed in respect of the work done by the clerks in the Circle Offices of the Post Office and, if so, to what effect ?

(*b*) If the reply to part (*a*) be in the affirmative, has a similar time test been fixed in respect of the work done by the clerks in the Divisional Offices of the Post Office and Railway Mail Service and, if not, why could not the one prescribed for the Circle Offices be applied to the Divisional Offices ?

(*c*) If the replies to parts (*a*) and (*b*) be in the negative, do Government propose to prescribe a time test in respect of the work done by the clerks in the Circle Offices and Divisional Offices ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) The reply to the first part of the question is in the negative. The second part does not arise.

(*b*) Does not arise.

(*c*) The question of framing a suitable standard is under investigation by the Postal Enquiry Committee.

INCREASE OF WORK IN THE POSTAL DIVISIONAL OFFICES.

259. ***Sardar G. N. Mujumdar** : (*a*) Are Government aware that, as a result of the delegation of certain additional powers to the Superintendents of Post Offices and Railway Mail Service, the clerical work in those offices has increased ?

(*b*) Are Government also aware that, as a result of the economy campaign, the retrenchment scheme and grant of concessions for voluntary retirements, the work in the Divisional Offices has greatly increased and thereby the staff of those offices are over-worked and required to work for longer hours ?

(*c*) If the replies to parts (*a*) and (*b*) above be in the affirmative, are Government prepared to sanction the additional staff for the purpose ? If not, why not ?

The Honourable Sir Frank Noyce : (*a*) No. In fact the delegation of increased power to Superintendents of Post Offices and of the Railway Mail Service should result in a decrease in the work of their offices since it removes the necessity for references to higher authorities in many cases.

(*b*) and (*c*). Government have no precise information but if in any Divisional Office the facts are as stated by the Honourable Member, Heads of Circles have full discretion to increase the clerical staff of such Divisional Offices when necessary.

A copy of the question and of this reply will be sent to all Heads of Circles for information.

Mr. Lalchand Navalrai : May I ask, Sir, how far this Postal Enquiry Committee has progressed ?

The Honourable Sir Frank Noyce : I think it is somewhere about half way through its enquiry.

Dr. Ziauddin Ahmad : Is the formula of the Honourable Member about 54-hour weeks applicable to these clerks in the Superintendent's office also ?

The Honourable Sir Frank Noyce : I am afraid I must ask for notice of that question. To the best of my knowledge, none of these clerks work 54 hours a week.

Dr. Ziauddin Ahmad : I understand the rule is that they should not work for more than 54 hours a week. They should not work more than a labourer does.

The Honourable Sir Frank Noyce : They do not come within the definition of industrial workers ; that is obvious. As to their hours of work, I should have to make inquiries.

QUARTERS FOR INFERIOR SERVANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT AT POONA.

260. ***Sardar G. N. Mujumdar** : (*a*) With reference to the reply to my starred question No. 475, dated the 14th March, 1934, will Government be pleased to state whether it is not a fact that the accommodation at present allotted to the peons and porters of the Posts and Telegraphs Department at Poona does not provide for a small cookshed measuring five feet by five feet, a verandah four feet wide and a court-yard with a *pukka* bathing platform five feet by five feet properly drained ?

(*b*) If the replies to part (*a*) be in the affirmative, do Government propose to take steps to provide adequate accommodation to the peons and porters and, until this could be done, either to exempt them from the

payment of water and other service taxes, or to allow them to vacate the quarters and to resume payment of the house-rent allowance ?

The Honourable Sir Frank Noyce : (*a*) The facts are substantially as stated by the Honourable Member.

(*b*) As regards the first part of the question, the Postmaster-General, Bombay Circle, will be asked to see what can be done to improve their accommodation ; as regards the latter part, I may inform the Honourable Member that the occupation of the rooms by the lower grade staff is optional.

†261*.

PUBLICATION OF THE REPORT OF THE JOINT SELECT COMMITTEE ON INDIAN REFORMS.

262. *Mr. **Bhuput Sing** : Will Government be pleased to state whether there is any truth in the Reuter's message, dated the 14th July, 1934, from London, that the Report of the Joint Select Committee will be released before Parliament rises at the end of this month ? If not, when is the Report expected to be published ?

The Honourable Sir Joseph Bhore : The Honourable Member is referred to the reply given by me to parts (*b*) and (*c*) of Mr. B. Das's starred question No. 172, on the 23rd July, 1934.

UTILISATION OF THE EXPORT OF GOLD.

263. *Dr. **Ziauddin Ahmad** : (*a*) Will Government be pleased to state the extent to which they have utilised the export of gold amounting to about two hundred crores for improving the public finances of India ?

(*b*) Will Government be pleased to give the details ?

(*c*) What portion of this amount has come to the Government of India in the shape of deposits (savings bank, cash certificates, Government loans) ?

Mr. A. J. Raisman : I would refer the Honourable Member to the very full statement made by Sir George Schuster in paragraphs 17—29 of his Speech on the Budget for 1933-34. I can add nothing to the information which he then gave.

Dr. Ziauddin Ahmad : As that information is now about 18 months old, will the Honourable Member kindly give the correct figures up-to-date ?

Mr. A. J. Raisman : If the Honourable Member will refer to the speech of Sir George Schuster, he will find that the calculation in question is based on certain materials. It is true that that information was compiled for 1932-33, but if the Honourable Member is desirous of making a similar calculation, I think he will find all the material which he requires in the last report of the Controller of Currency for the year 1933-34.

†This question will be answered on the 1st August, 1934.

Mr. Lalchand Navalrai : With regard to part (*c*) of the question, is the Honourable Member in a position to give a reply to that specifically or that is also included in that discussion ?

Mr. A. J. Raisman : I think the Honourable Member will find the relevant statistics in the report of the Controller of Currency.

Dr. Ziauddin Ahmad : The report of the Controller of Currency deals with facts ending 31st March, 1933.

Mr. A. J. Raisman : I am talking of the latest report which was published a few weeks ago. It deals with the year 1933-34.

Dr. Ziauddin Ahmad : Does it deal with the facts which have happened till the 31st March, 1934 ?

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

Mr. Lalchand Navalrai : May I know if the report is in the Library ?

Mr. A. J. Raisman : I think so, Sir.

NOTE WRITTEN BY SIR SHAH MUHAMMAD SULAIMAN IN THE CAPITATION TRIBUNAL.

264. ***Dr. Ziauddin Ahmad** : Will Government be pleased to lay on the table of this House the note written by Dr. Sir Shah Muhammad Sulaiman in the Capitation Tribunal ?

Lieut.-Colonel A. F. R. Lumby : Government are not prepared to lay the note in question on the table of the House. They are, however, prepared to show it to the Leaders of Parties or their nominees, subject to certain conditions which were communicated to the former during the last Delhi Session.

Dr. Ziauddin Ahmad : I am the Deputy Leader. Can you show it to me ?

Lieut.-Colonel A. F. R. Lumby : What I said was " They are, however, prepared to show it to the Leaders of Parties or their nominees ".

Mr. M. Maswood Ahmad : Under what conditions will it be shown ?

Lieut.-Colonel A. F. R. Lumby : The conditions originally stated were :

" The papers will be shown in strict confidence and on the clear understanding that those who read them, whatever use they may make of the information disclosed, will not quote the writers of the notes as their authority for such information, still less make copies or take verbatim extracts from the notes for use either in the press or in public speeches and of course that no reference is made to any foreign power by name as having been alluded to in those notes."

Diwan Bahadur A. Ramaswami Mudaliar : Is it a fact that the Leaders of Parties declined to take the responsibility of either seeing these notes under those conditions or nominating any of their Members to see the notes under those conditions ?

Lieut.-Colonel A. F. R. Lumby : That is true certainly of two Parties, but I know that one Party took advantage of the offer made.

WITHDRAWAL OF THE CONCESSION GIVEN TO POOR PATIENTS TRAVELLING TO KASAULI.

265. ***Dr. Ziauddin Ahmad** : (*a*) On what date did the Railway Board inform the Education Department that they had withdrawn the concession given to poor patients travelling to Kasauli ?

(*b*) What action, if any, did the Education Department take on receipt of that information ?

G. S. Bajpai : (*a*) The Department of Education, Health and Lands, came to know of the withdrawal of the concession on the 29th May, 1933.

(*b*) The Railway Board were unwilling to press the Indian Railway Conference Association, who came to this decision, to reconsider it, but steps were taken to have the concession extended by six months so as to enable Local Governments, if they so wished, to arrange for the issue at their own expense of free passes to indigent persons residing within their jurisdiction. Instructions were also issued to authorities in the directly administered areas to meet the expenditure involved from their budgets.

WITHDRAWAL OF THE CONCESSION GIVEN TO POOR PATIENTS TRAVELLING TO KASAULI.

266. *Dr. **Ziauddin Ahmad** : (*a*) Is it the intention of the Government of India that the Kasauli Pasteur Institute be reserved for the rich people ?

(*b*) Are Government aware that poor people will not be able to pay the expenses of travelling to Kasauli from their houses ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) Attention is invited to the reply just given to part (*b*) of the Honourable Member's question No. 265.

WITHDRAWAL OF THE CONCESSION GIVEN TO SOLDIERS AND OFFICERS TRAVELLING TO KASAULI.

267. *Dr. **Ziauddin Ahmad** : (*a*) Have the Railway Board withdrawn, or do they propose to withdraw from the soldiers and officers the concession of travelling to Kasauli ?

(*b*) What is the nature and extent of these concessions ?

(*c*) What is the net loss to Railways on account of these concessions ?

Mr. P. R. Rau : (*a*) No special concession is given by Railways to soldiers and officers travelling to Kasauli.

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

†268*.

†269*.

‡270*.

REPRESENTATIVES OF INDIA AT THE LEAGUE OF NATIONS.

271. *Mr. **Bhuput Sing** : (*a*) Will Government be pleased to state the names of India's representatives at the League of Nations from the very beginning to its ensuing session ?

†This question will be answered on the 1st August, 1934.
‡This question was withdrawn by the questioner.

(*b*) Were these representatives selected direct by His Majesty's Government, or upon recommendations of the Indian Government ?

(*c*) What is the procedure of selection in other parts of the British Commonwealth ?

(*d*) Has any vacancy in the League Council occurred by the retirement of China ?

(*e*) What is India's quota towards League expenses in proportion to other Dominions of the Commonwealth and the nations of the world ?

The Honourable Sir Nripendra Sircar : (*a*) A statement is laid on the table.

(*b*) India's representatives are selected by the Secretary of State in consultation with the Government of India.

(*c*) The Government of India have no information, but it is presumed that the selection is made by the Dominion Government of the day.

(*d*) China was elected to the Council by the Assembly of 1931. Temporary members of the Council are elected for a period of three years and China's seat will therefore be required to be filled up by the Assembly in 1934.

(*e*) The Honourable Member is referred to page 1258 of the League of Nations Official Journal, 14th Year, 1933, a copy of which is in the Library.

List showing the composition of the Indian Delegations to the Assembly of the League of Nations, 1920-1934.

1920.	Delegates	.. ..	Sir William Stevenson Meyer. Maharaja Jam Saheb of Nawanagar. Sir Saiyid Ali Imam.
1921.	Delegates	.. ..	Sir William Stevenson Meyer. His Highness the Maharao of Kutch. The Right Hon'ble V. S. Srinivasa Sastri.
1922.	Delegates	.. ..	Viscount Chelmsford. Maharaja Jam Saheb of Nawanagar. Sir P. S. Sivaswamy Aiyer.
1923.	Delegates	.. ..	Lord Hardinge of Penshurst. Maharaja Jam Saheb of Nawanagar. Syed Hasan Imam.
	Expert	.. ..	Mr. J. Campbell.
1924.	Delegates	.. ..	Lord Hardinge of Penshurst. Mahajara of Bikaner. Sir Muhammad Rafique.
	Substitutes	.. ..	Captain Maharaj Kumar of Bikaner. Sir Stanley Reed. Mr. J. Campbell. Mr. P. J. Patrick (Secretary and Substitute Delegate).
1925.	Delegates	.. ..	Viscount Willingdon. Maharaja of Patiala. Sir Atul Chandra Chatterjee.
	Substitute	.. ..	Sir Edward Chamier.

1926.	Delegates	Sir William Vincent. Maharaja of Kapurthala. Khan Bahadur Shaikh Abdul Qadir.
	Substitutes	Sir C. P. Ramaswami Ayyar. Sir Edward Chamier. Sir Basanta Kumar Mullick.
1926.	Special Session Delegate	Sir Muhammad Rafique.
1927.	Delegates	The Earl of Lytton. Maharaja of Kapurthala. Sir C. P. Ramaswami Ayyar.
	Substitutes	Sir Edward Chamier. Khan Bahadur Mian Sir Fazl-i-Husain. Sir Basanta Kumar Mullick.
1928.	Delegates	The Earl of Lytton. Nawab of Palanpur. Mr. S. N. Mallik.
	Substitutes	Sir Edward Chamier. Sir Kumar Venkata Reddi. Mr. A. Yusuf Ali.
1929.	Delegates	Sir Muhammad Habibullah. *Leader.* Maharaja of Kapurthala. Sir William Ewart Greaves.
	Substitutes	Sir Chunilal Mehta. Sir Geoffrey Corbett. Syed Raza Ali.
1930.	Delegates	Maharaja of Bikaner. Nawab Sir Zulfiqar Ali Khan. Sir William Ewart Greaves.
	Substitutes	Sir Deva Prasad Sarvadhicary. Sir Denys Bray. Sir Jehangir Cooverjee Coyajee.
1931.	Delegates	The Hon'ble Sir Brojendra Lal Mitter. Khan Bahadur Diwan Abdul Hamid. Sir Denys Bray.
	Substitutes	Sir Jehangir Cooverjee Coyajee. Rao Bahadur Sir Annepu Patro. Dr. L. K. Hyder.
1932.	Delegates	H. H. The Aga Khan. Sir Denys Bray. Sir Prabhashankar Dalpatram Pattani.
	Substitutes	Sir Jehangir Cooverjee Coyajee. The Hon'ble Mr. Bijay Kumar Basu
1933.	Delegates	Sir B. L. Mitter. Sir Denys de S. Bray. Sir Abdussamad Khan.
	Substitute	Sir Homi Mehta.
1934.	Delegates	H. H. The Aga Khan. Sir Denys de S. Bray. Sir V. T. Krishnamachariar.
	Substitute	Sir Homi Mehta

Mr. Bhuput Sing : Will Government state whether Local Governments are consulted in the selection of the delegates to the League of Nations ?

The Honourable Sir Nripendra Sircar : I have no information on the matter, but if my Honourable friend will put down a question, I will make inquiries.

Mr. Lalchand Navalrai : *May I know on what basis is this quota fixed ?*

The Honourable Sir Nripendra Sircar : *I want notice of that question. That question cannot possibly arise from this question.*

Mr. Lalchand Navalrai : It arises from part (*e*).

Mr. B. Das : Arising out of the reply regarding the personnel chosen from India, will the Honourable Member kindly tell us why there is a change of attitude by Government in choosing only loyalist gentlemen to represent at the League of Nations and not politicians of outstanding merit ?

The Honourable Sir Nripendra Sircar : Government do not admit any of the six fallacious assumptions made in this question.

Mr. B. Das : The Right Honourable Srinivasa Sastri and others used to represent in the good old days at the League of Nations.

Dr. Ziauddin Ahmad : In view of the fact that Indian States are always represented in the delegation of India, have the Government of India ever asked the Indian States to contribute their quota of expenses to the League of Nations ?

The Honourable Sir Nripendra Sircar : My Honourable friend, like his predecessor, has made another wrong assumption. They are not always represented.

Diwan Bahadur A. Ramaswami Mudaliar : During the last four years ?

The Honourable Sir Nripendra Sircar : The question was that the Indian States were always represented. My reply is that they are not always represented, but sometimes represented. If any further information is required, I want notice.

Dr. Ziauddin Ahmad : If in any particular year the Indian States are represented, then, in that particular year, are the Indian States required to give their quota of expenses ?

The Honourable Sir Nripendra Sircar : I want notice.

Mr. Lalchand Navalrai : May I have a reply particularly to part (*e*), and, if the Honourable Member is not in a position to give reply, he may do so hereafter after making enquiries. I want to know what is the basis on which the Dominions and the Nations of the world are taken to the League ? On what basis and on what proportion ?

The Honourable Sir Nripendra Sircar : I want notice.

Mr. H. P. Mody : Was not this question asked sometime ago ? Why does the Honourable Member want fresh notice ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It must have been answered at that time.

Mr. H. P. Mody : No, Sir. My Honourable friend wanted notice even at that time.

The Honourable Sir Nripendra Sircar : A few days ago, that question was put as a supplement to some supplementary question, and that was answered to the best of my ability. I insist on notice for this question.

Mr. Lalchand Navalrai : I give then two notices of the question.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

272. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state when it is proposed to start the Reserve Bank in India ?

(*b*) Have the Governors and Deputy Governors been nominated ? If so, what are their names ?

(*c*) What is the approximate initial cost estimated for the starting of the Bank ?

Mr. A. J. Raisman : (*a*) Government are not yet in a position to make an announcement.

(*b*) No.

(*c*) It is not yet possible to frame a reliable estimate.

Dr. Ziauddin Ahmad : Is it not a fact that the Governor has already been appointed as announced in the newspapers of today ?

Mr. A. J. Raisman : I am not in position to add anything to the reply I already gave.

Mr. Vidya Sagar Pandya : Has the Honourable Member read today's *Hindustan Times* ?

Mr. A. J. Raisman : No, Sir. (Laughter.)

Mr. Vidya Sagar Pandya : Will Government now read that paper ?

Mr. Lalchand Navalrai : Has the Honourable Member read the *Statesman* of this morning ?

Mr. A. J. Raisman : No, Sir. (Laughter.)

Dr. Ziauddin Ahmad : When will the Government issue their communique ? Everybody knows what the position is.

Mr. A. J. Raisman : I am not in a position to say anything further than I have said just now.

†273*.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

274. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state the exact nature and the salient features of the new laws against Indians in Zanzibar ?

(*b*) Is there any Agent of the Indian Government in Zanzibar ? If so, did he inform the Indian Government before these laws were passed ? If not, is it intended to appoint an Agent to safeguard Indian interests ?

†This question will be answered on the 1st August, 1934.

(c) When did the Indian Government first get information of these laws ?

(d) Have these laws been already brought into effect ?

(e) What steps are Indian Government taking in the matter, and with what result ?

Mr. G. S. Bajpai : (a) *A copy of the decrees, to which the attention of the Honourable Member is invited, has been placed in the Library of the House.*

(b) There is no Indian agent in Zanzibar. The second part does not arise. The answer to the third is in the negative.

(c) On the 24th June, 1934.

(d) The laws have been passed.

(e) I would invite the attention of the Honourable Member to the reply given by me to Mr. Gaya Prasad Singh's question No. 148, on the 19th of this month.

Mr. B. Das : Is it a fact that Party Leaders waited on the Honourable Member in charge of Education, Health and Lands, and that the Honourable Member assured the deputation that Sir Maharaj Singh will be deputed to Zanzibar to enquire on the spot ?

Mr. G. S. Bajpai : Certain Honourable Members saw the Honourable Sir Fazl-i-Husain, and the suggestion was made that the Government of India should depute an officer to Zanzibar to make local investigation. The Honourable Sir Fazl-i-Husain gave the assurance that that suggestion would be promptly and carefully considered. I regret to say that I am not in a position to announce any names.

COMPETITION OF BRITISH FIRMS WITH INDIAN STEEL MANUFACTURERS.

275. ***Mr. Bhuput Sing** : (a) Will Government be pleased to state if the report of the Tariff Board regarding abuse of the Ottawa Agreement preference by British firms in steel manufactures has been accepted by them ?

(b) If the reply to part (a) be in the affirmative, do Government propose to take any drastic action against the British firms who, taking advantage of the preference, are competing with Indian steel manufacturers by underquoting them ?

(c) Do Government propose to withdraw the preference and exclude British steel from the Indian market in view of the action of the British manufacturers ?

(d) Is it a fact that Government intend to extend further concessions to British steel ?

(e) Are Government aware of the strong public feeling in the matter ?

The Honourable Sir Joseph Bhore : (a), (b) and (c). So far as Government are aware no Ottawa preferences have been given in respect of iron or steel which have been abused in any way.

(d) and (e). The decisions of the Government of India on the recommendations of the Tariff Board are embodied in the Bill which was introduced on the 25th July, 1934.

EFFECT OF THE NEW EXCISE DUTY ON THE SUGAR INDUSTRY.

276. *Mr. Bhuput Sing : (*a*) Will Government be pleased to state whether there has been any effect of the new sugar excise duty upon the sugar industry in this country ?

(*b*) What is the amount of excess collections of duty since its imposition till June, 1934 ?

(*c*) Do Government propose exempting the Bihar sugar mills, affected by the earthquake, to enable them to recoup their losses ?

(*d*) Have the sugar imports increased after the imposition of the new duty ? What are the comparative figures of imports from April to June for 1933 and 1934 ?

(*e*) Has there been a 25 per cent. decrease in sugar consumption in 1933-34 as compared with the average of the last six years ending with 1930-31 ? If so, have Government found out the reasons for this ? What steps, if any, do they propose to take to increase the sugar consumption ?

Mr. A. J. Raisman : (*a*) I would invite the Honourable Member's attention to the statement contained in section XIII of the Review of the Sugar Trade in India, published in the *Indian Trade Journal* (Supplement), dated the 5th July, 1934. This contains the latest information available and the Sugar Technologist's conclusions are that the immediate effect of the excise duty has been to put a wholesome check on excessive expansion ; that factories are taking steps to increase their efficiency and employ better technical staff and that future development will be on desirable lines.

(*b*) The information is being collected and will be placed on the table in due course.

(*c*) The Government of India have already agreed to the grant of exemption to such factories in respect of stocks of sugar held on the 1st April in excess of the stock which would have been held but for the earthquake.

(*d*) No. The total imports during April, May, and June, 1933, were 71,915 tons, and during the corresponding period of 1934, have only reached 49,971 tons.

(*e*) There are no statistics of the consumption of sugar in India. Any estimates framed by adding figures for the imports to the figures of Indian production are liable to serious error as there are no figures of sugar produced by the *Khandsari* process. A reference to the Review quoted in reply to (*a*) will show that the consumption of factory sugar in India has fallen steadily since 1929-30. The estimated consumption for 1933-34 is still as high as in 1924-25, while the net quantity of *gur* consumed is estimated to have gone up from 2,400,000 tons to 3,245,000 tons.

Sir Leslie Hudson : Sir, before question 277 is answered, I rise to a point of order. I submit that clause (*f*) of this question offends against Standing Order 36, clause (*3*), which states that questions should not be asked if they contain inferences or defamatory statements.

Mr. President (The Honourable Sir Shanmukham Chetty) : The President carefully examines the questions in the light of all the Rules and Standing Orders before the questions are admitted, and, when the questions once appear in the order paper, it is presumed that all those points have been considered by the President.

HARDINGE BRIDGE ON THE EASTERN BENGAL RAILWAY.

277. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state whether contract works of the Hardinge Bridge on the Eastern Bengal Railway, worth several lakhs of rupees, have been finished and works worth one crore of rupees or so have still to be completed ?

(*b*) Is it a fact that the Deputy Chief Engineer in charge of the Hardinge Bridge has got only three contractors to whom he gives contracts and is it also a fact that the agreements are made with the son, brothers and partners of the said contractors, who work jointly ?

(*c*) Will Government be pleased to state why the tender system is not in force on these works ?

(*d*) Do Government propose to introduce the system of calling public tenders in all future works ? If not, why not ?

(*e*) Are Government aware that the subordinates of the Engineering Department take the measurements of earthworks and check the number of coolies as dictated by the said contractors ? If not, do they propose to enquire into the matter ? If not, why not ?

(*f*) Is Mr. Harvey an unmarried man ? Are Government aware that the contractors have to arrange for his enjoyments, feasts and boat joy-rides ? If not, do they propose to enquire into the matter ? If not, why not ?

(*g*) Has the attention of Government been drawn to the article by Mr. C. C. Banerjee, a retired engineer, published in the *Amrita Bazar Patrika* of the 26th May, 1934 ? If so, has his advice been followed ? If not, why not ?

(*h*) Is it a fact that these contractors have been promised by Mr. Harvey that the less percentage below the scheduled rates of the Eastern Bengal Railway shall not be deducted from them and they will be paid bonus ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 277 and 278 together. I am making enquiries from the Railway Administration and will place a reply on the table in due course.

Mr. Bhuput Sing : Will the reply be laid on the table in this Session ?

Mr. P. R. Rau : I cannot say now.

Mr. B. Das : Is it a fact that, with reference to the construction of this Hardinge Bridge, the opinion of Indian experts is that Government are not following the right kind of advice in the matter of construction of this bridge.

Mr. P. R. Rau : I think my Honourable friend is aware that we did get the best possible advice, and, specially in Sir Robert Gales, we have

one who is an engineer of great experience in these matters and who himself originally constructed the Hardinge Bridge.

Mr. B. Das : But have these experts got any experience of Indian rivers and the vagaries of the current, particularly of the river near Hardinge Bridge ?

Mr. P. R. Rau : Of course. As I have already informed the House, Sir Robert Gales was himself the person who constructed this bridge.

Mr. B. Das : Has the Honourable Member read the statement of Mr. C. C. Banerjee, and does the Honourable Member realise that that is the view held by many Indian engineers ?

Mr. P. R. Rau : I realise, Sir, that that is the view held by Mr. C. C. Banerjee.

Dr. Ziauddin Ahmad : In view of the fact that the allegations in these two questions are of a very serious nature, will the Railway Board make special inquiries, and, after those inquiries are made, lay a statement before this House, instead of simply referring to the report of the Agent ?

Mr. P. R. Rau : I have already asked for the information, and, as soon as the information is available, I shall place a statement on the table of the House.

Dr. Ziauddin Ahmad : My question is, after the information is received by the Railway Board, will they make additional inquiries if they are found necessary ?

Mr. P. R. Rau : Additional inquiries are always made if necessary.

CONTRACTS FOR WORKS ON THE EASTERN BENGAL RAILWAY.

†278. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state whether there is any Eastern Bengal Railway contractor of the name of Teomal Seth with his head office at Lalmonirhat, in the District of Rungpur ?

(*b*) Is it a fact that all the big contract works are always given to him, at very high rates, for the last so many years, though many contractors offered to do the same work at half rates ? If so, will Government be pleased to state why public tenders are not called for the works over the Eastern Bengal Railway ?

(*c*) Is it a fact that on the 21st April, 1931, Mr. Mellot, an Executive Engineer of Paksey, invited tenders for relaying 75 lbs. rails with 90 lbs. trucks, between Domar on Siliguri and Parbattipur Section, but before the opening date of the said tenders the then Chief Engineer of the Eastern Bengal Railway encamped at the spot and got the said work done by the said Teomal, contractor, on his executing an agreement, which in the beginning amounted to Rs. 42,000 but in the end became worth Rs. 1,10,000 ?

(*d*) Is it a fact that Mr. L. F. Jackson, the Chief Engineer, after inspecting the construction of Dhaneshwari Bridge and Tungle Line, issued a circular order that Teomal should not be given any works in future, and fined him Rs. 8,000 for supply of boulders of smaller weights than contracted for the Hardinge Bridge from his Siliguri quarry ? If so, do Government propose to institute an enquiry into the allegations and inform this House of the result ? If not, why not ?

†For answer to this question, *see* answer to question No. 277.

PROPOSED INCREASE IN PRESS TELEGRAM RATES.

279. *Mr. Bhuput Sing : (a) Will Government be pleased to state whether they have received any memorandum from the Indian Journalists' Association, objecting to the proposed increase in Press telegram rates ?

(b) Have Government sent any reply to it ? If so, will they be pleased to lay a copy of it on the table of this House ? If not, why not ?

(c) Do Government propose to drop the proposed increase in view of the submissions made by the Journalists' Association ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) The answer to the first part is in the negative. The second part does not arise. As regards the third part, a communication, dated the 4th July, 1934, has been received from the Indian Journalists' Association, Calcutta, with reference to the Press Notice, issued by Government, calling for the views of all affected interests on the proposed revision of the rates for inland Press telegrams. The views expressed by the Indian Journalists' Association will be considered, with such other views as may be received, in due course, from various bodies on the same subject and consequently no reply has been sent to the communication.

(c) Government have not yet arrived at a final decision on the subject. In response to requests received from the various interests affected they have extended the period originally fixed for the submission of views from the end of April, 1934 to the 15th August, 1934.

MR. CHAWLA'S FLIGHT BY AEROPLANE.

280. *Mr. Bhuput Sing : (a) Was any representative of the Indian Government present at the Delhi aerodrome to see off Mr. Chawla, the first Indian aviator on his world flight ?

(b) Do Government view with disapproval Mr. Chawla's flight ?

(c) Was it under instructions that the aerodrome people were also conspicuous by their absence ?

The Honourable Sir Frank Noyce : (a) The Aerodrome Officer was present at the aerodrome to see Mr. Chawla off, in the ordinary course of his duties. No other Government official was present.

(b) No. On the contrary, a great deal of trouble has been taken to obtain permits for Mr. Chawla's flight and to assist him by seeing that he started with all the documents and information necessary to ensure that he will not be delayed in other countries. The arrangements made only cover the flight to Europe so far as Government are aware Mr. Chawla has made no arrangements which will enable him to fly round the world.

(c) No instructions were issued.

Dr. Ziauddin Ahmad : May I ask whether any representative of this Assembly was present on that occasion ?

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

281. *Rai Bahadur Sukhraj Roy : (*a*) Will Government be pleased to state whether it has been decided to remove the Agricultural Institute from Pusa to somewhere near Delhi ? If so, when ?

(*b*) What are the reasons for the proposed removal and at whose initiative has it been so decided ?

(*c*) What will be the approximate cost of acquiring the lands and constructing new buildings for the accommodation of the Institute ?

(*d*) How will the present buildings and lands be disposed of ?

(*e*) Will this House be consulted before taking the final decision ? If not, why not ?

Mr. G. S. Bajpai : I would refer the Honourable Member to the answer given to Mr. Gaya Prasad Singh's question No. 69 on the 18th July, 1934, and to connected supplementaries.

†282*.

RECOMMENDATIONS OF THE ORISSA BOUNDARY COMMITTEE.

283. *Mr. Sitakanta Mahapatra : Will Government be pleased to state what action has been taken so far by them to give effect to the recommendations of the Orissa Boundary Committee ?

The Honourable Sir Joseph Bhore : I invite the Honourable Member's attention to the footnote to paragraph 61 of the Proposals for Indian Constitutional Reform.

†284*.

ORIYA-SPEAKING PEOPLE IN THE INCOME-TAX DEPARTMENT.

285. *Mr. Sitakanta Mahapatra : Will Government be pleased to state how many men belonging to Income-tax Department are working in the districts consisting mainly of Oriya-speaking people, and will they be pleased to state how many of them belong to Orissa proper ?

Mr. A. J. Raisman : In all 15 men are working in the districts referred to by the Honourable Member and of these, nine belong to Orissa proper.

Mr. Lalchand Navalrai : May I know if there is any rule or regulation that people will be taken from each district and from each Province ?

Mr. A. J. Raisman : There is no such rule, Sir, as far as I am aware.

Mr. Lalchand Navalrai : Is there any practice like that ?

Mr. A. J. Raisman : I am not aware that that is the practice, Sir.

†This question will be answered on the 1st August, 1934.

TRAIN CLERKS WORKING AS GUARDS.

286. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that train clerks are ordered to work as guards ?

(*b*) Do they get in such cases pay and allowances as guards and enjoy all the privileges which a guard is entitled to enjoy ?

(*c*) Is there any rule to permit the appointment of railwaymen to such posts, the duties of which they do not know ?

(*d*) Is it a fact that if train clerks when working as guards, commit any mistake, they are punished and penalised for the mistake ?

(*e*) Is it a fact that the Railway Board recently issued orders that the staff appointed for a specific service should not be allowed to work on other posts, the duties of which they do not know ?

Mr. P. R. Rau : (*a*) I understand that train clerks, who are qualified in guard's duties, are occasionally required to work as guards.

(*b*) and (*d*). Government have made no enquiries on these points, but presumably the position is as stated.

(*c*) and (*e*). No.

Mr. M. Maswood Ahmad : Is it a fact that, in spite of train clerks not knowing the duties of guards, they are asked to go and work as guards ?

Mr. P. R. Rau : In reply to part (*a*) of the question, I said that I understand that train clerks who are qualified in guard's duties are occasionally required to work as guards.

Mr. M. Maswood Ahmad : What does the Honourable Member mean by "qualified" ? Does he mean qualified by passing the examination of guards or simply qualified in the opinion of the Traffic Superintendent ?

Mr. P. R. Rau : Those who are qualified in the opinion of their superior officers.

Mr. M. Maswood Ahmad : Though they might not have passed the guard's examination ?

Mr. P. R. Rau : I have no information on that point.

Mr. M. Maswood Ahmad : Will Government be pleased to inquire whether it is not a fact that sometimes train clerks, who do not know the duties of guards and have not passed the guard's examination, are asked on the North Western Railway to work as guards of trains ?

Mr. P. R. Rau : If my Honourable friend has any specific instances to bring to notice, I shall be quite pleased to take action, but on purely hypothetical assumptions I do not think it is fair to ask Government to inquire from all the Railways what the practice is.

Dr. Ziauddin Ahmad : May I ask whether the work of a guard does not require technical knowledge and special training ?

Mr. P. R. Rau : I am not acquainted personally with the duties of guards, but I am quite willing to take it from my Honourable friend that their duties might be described to some extent as technical.

Mr. M. Maswood Ahmad : Is it a fact that when they go with trains, they enjoy all the privileges as guards ?

Mr. P. R. Rau : I have no reason to believe they do not.

Dr. Ziauddin Ahmad : May I ask whether passenger trains are put in charge of untrained persons ?

Mr. P. R. Rau : I do not think so. I do not think that a train will be put in charge of an untrained person, but if my Honourable friend has any reason to believe that such is the case, and if he gives me evidence in support of his allegation, I shall be quite prepared to inquire into it.

CONTRIBUTION MADE FOR THE EDUCATION OF THE STUDENTS OF THE DELHI UNIVERSITY IN THE LAHORE MEDICAL COLLEGE.

287. ***Mr. M. Maswood Ahmad** : (*a*) Will Government be pleased to state whether any contribution is made by the Delhi Province to the Government of the Punjab as capitation charges for the students who pass the Intermediate Examination in Science (Medical Group) from the Delhi University and who are sent to the Lahore Medical College after being selected for the purpose by the Chief Commissioner ? If so, what is the charge per student ?

(*b*) During the last five years how much of these charges, if any, was spent on account of the sons and wards of the employees of the Central Government and how much on those of others who are not employed under the Government of India and have got Medical Colleges in their provinces ?

Mr. G. S. Bajpai : (*a*) A contribution of Rs. 1,050 per student per annum is paid.

(*b*) The total amount spent on capitation charges was Rs. 83,551. The other information asked for by the Honourable Member is not available.

Rao Bahadur B. L. Patil : May I ask what is the number of students admitted into the Lahore Medical College every year ?

Mr. G. S. Bajpai : I really would have to make an inquiry on that point—I cannot say what the total number of students admitted into the College is, because the college is under the Local Government : what I do know is that two are admitted every year from Delhi.

Rao Bahadur B. L. Patil : May I ask what is the number of students that passed in this Medical Group in Delhi ?

Mr. G. S. Bajpai : I have already laid a statement in regard to that in reply to a question, I think, asked by Mr. Jadhav or by Mr. Patil himself. The numbers are 11 in 1930, 9 in 1931, 16 in 1932, 21 in 1933, and 28 in 1934.

Mr. M. Maswood Ahmad : Will Government be pleased to say how many students had applied and how many of them were not sent to Lahore ?

Mr. G. S. Bajpai : My Honourable friend's question, No. 287, is as regards capitation charges : not as regards the number of students who

applied : but I have already answered that question in reply to an earlier question.

†288*.

†289*.

MUSLIM GAZETTED OFFICERS RECRUITED IN CERTAIN DEPARTMENTS OF STATE RAILWAYS.

290. *Kunwar Hajee Ismail Ali Khan (on behalf of Haji Chaudhury Muhammad Ismail Khan) : (*a*) Will Government be pleased to state the number of Muslim gazetted officers recruited during the last one year in each of the following departments of the Indian State Railways and how many of such officers were Bengal Muslims :

(*i*) Traffic Department,

(*ii*) Loco. Department,

(*iii*) Audit and Accounts Department,

(*iv*) Engineering Department ?

(*b*) Will Government be pleased to state the number of Muslims recruited during the last one year in the subordinate ranks of the Indian State Railways in each of the above Departments and how many of them were Bengal Muslims ?

Mr. P. R. Rau : (*a*) No direct recruitment to the gazetted ranks in any of the departments referred to in part (*a*) of the question was made on the State-managed Railways during the period 1933-34.

(*b*) All the information available will be found in Appendix C of Volume II of the " Report by the Railway Board on Indian Railways for 1932-33 ", a copy of which is in the Library of the House.

†291*.

INDIAN OFFICERS EMPLOYED IN THE ARMY HEADQUARTERS.

292. *Rao Bahadur B. L. Patil : (*a*) Will Government please state :

(*i*) the number of officers employed in the Army Headquarters, and

(*ii*) the number of Indian officers employed in the Army Headquarters (with the exception of any if employed for the publication of *Fauji Akhbar*) ?

(*b*) If the reply to part (*a*) (*ii*) be in the negative, will Government please state the reasons underlying the fact that Indian officers are not employed at the Army Headquarters ?

(*c*) Are Government prepared to bring Indian officers for employment at the Army Headquarters ?

(*d*) Is it a fact that the prescribed period for each officer's employment at the Army Headquarters is four years ?

†This question will be answered on the 1st August, 1934.

(*e*) Will Government please state the number of officers now employed at the Army Headquarters, and of those who have been there for more than four years ?

(*f*) Is it a fact that in order to allow officers to stay at the Army Headquarters for more than four years, their appointments are changed, thus giving them another four years and so on ?

(*g*) Is not this practice a set-back for other officers of the Army ?

(*h*) Are Government prepared to order specifically that under no circumstances, an officer's stay at the Army Headquarters should exceed four years ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (*a*) I presume the Honourable Member is referring to King's Commissioned officers. If so, the numbers are :

(*i*) 140.

(*ii*) None.

(*b*) and (*c*). As the Honourable Member is no doubt aware, there are no Indian King's Commissioned officers who have more than fifteen, and few who have more than ten, years service as yet. It is only rarely that British officers with less than fifteen years service are selected for staff or departmental appointments at Army Headquarters, and in the case of the former, the officers selected are as a rule Staff College graduates. The first Indian officer to be chosen to attend the Staff College has not yet completed the two years' course of instruction there. When Indian officers have the necessary training and experience, they will of course be considered for these appointments.

(*d*) Yes.

(*e*) and (*h*). Out of the 140 officers employed at Army Headquarters only ten have been there for more than four years. Five of these commenced a fresh tenure on promotion to a higher grade, while the other five possess special knowledge of particular subjects and are, therefore, difficult to replace in their appointments at any given moment. Government are not, therefore, prepared to tie their hands particularly as regards officers of the latter category by issuing a specific order on the lines suggested by the Honourable Member.

(*f*) No.

(*g*) Does not arise.

INDIAN OFFICERS EMPLOYED IN THE MEDICAL DIRECTORATE.

293. ***Rao Bahadur B. L. Patil :** (*a*) What is the number of officers employed in the Medical Directorate of the Army Headquarters ?

(*b*) How many of these officers are Indians ?

(*c*) Has ever an Indian officer been employed in the Medical Branch of the Army Headquarters ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (*a*) Seven Medical Officers.

(*b*) None.

(*c*) No. These appointments are filled by selection from officers of the Royal Army Medical Corps and the Indian Medical Service. There

is nothing to prevent an Indian officer of the latter Service, who possesses the necessary qualifications, from being selected for an appointment at Army Headquarters. It has, however, been found that Indian officers, who are suitable practically, always prefer to serve on the civil side.

PURCHASE OF STORES FOR THE ARMY.

294. *Rao Bahadur B. L. Patil : (*a*) Is it a fact that the Director of Contracts, Army Headquarters, is responsible for the purchase of stores required for the Army, and disposal of stores no more required for the Army ?

(*b*) Can not the purchasing work for the Army be done by the Indian Stores Department ? If not, why not ?

(*c*) Are Government prepared to merge the Purchase Branch of the Contracts Directorate, Army Headquarters, into the Indian Stores Department, creating a Military Section in that office ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (*a*) The Director of Contracts is responsible, under the orders of His Excellency the Commander-in-Chief, for the purchase of stores (other than such articles as lethal weapons and technical apparatus and equipment), and for the disposal of surplus and waste material.

(*b*) Not fully. Actually a large proportion of the stores required for the Army is purchased through the Indian Stores Department. After full consideration it was decided that it was essential to retain the present system, which provides an agency possessing special knowledge of the needs of the Army in peace and war.

(*c*) No. The present system is cheaper and more efficient.

INDIAN OFFICERS EMPLOYED IN THE CONTRACTS DIRECTORATE.

295. *Rao Bahadur B. L. Patil : (*a*) What is the number of officers employed in the office of Director of Contracts, Army Headquarters ?

(*b*) How many of these officers are Indians ?

(*c*) Have Government considered whether it is necessary to employ Indian officers in this office where knowledge of Indian markets would be an asset ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (*a*) Five.

(*b*) None.

(*c*) The work of the Contracts Directorate requires not only business capacity, but experience in the executive duties of the Army and knowledge of its special requirements in stores and material. The combination of qualifications is not to be found outside the Army, which as yet has no Indian officers of its own possessing them to a sufficient extent. When Indian officers of these necessary qualifications and experience become available, they will certainly be considered for employment in the Directorate.

Rao Bahadur B. L. Patil : May I know what are the necessary qualifications ?

Lieut.-Colonel A. F. R. Lumby : The qualifications, I referred to in my reply, were " business capacity and experience in the executive duties of the Army, and, knowledge of its special requirements in stores and material ".

RECRUITMENT OF ORIYAS IN THE SALT DEPARTMENT.

296. ***Mr. Sitakanta Mahapatra** : (*a*) Will Government be pleased to state the number of men, belonging to the Salt Department of the Government of India, who are employed in the districts of Bihar and Orissa where the population is preponderatingly Oriyas ?

(*b*) Will Government be pleased to state the number of Oriyas amongst such officers of the Salt Department ? If there are none, do Government propose to take immediate steps for the recruitment of Oriyas ? If not, why not ?

Mr. A. J. Raisman : The information is being obtained and will be laid on the table in due course.

RECRUITMENT OF ORIYAS IN CERTAIN DEPARTMENTS OF THE BENGAL NAGPUR RAILWAY WORKSHOP AT KHARAGPUR.

297. ***Mr. Sitakanta Mahapatra** : (*a*) Will Government be pleased to state the number of men recruited during the last one year in the subordinate ranks of each of the following departments of the Bengal Nagpur Railway Workshop at Kharagpur :

(*i*) Engineering Department,

(*ii*) Accounts Department,

(*iii*) Loco. Department,

(*iv*) Carriage and Wagon Department ?

(*b*) Will Government be pleased to state the number of Oriyas recruited in the above Departments of the Kharagpur Railway Workshops during the same period ? If none was recruited, why not ?

(*c*) Do Government propose to take immediate steps, such as the issue of instructions to the Bengal Nagpur Railway authorities for the recruitment of more Oriyas in the subordinate ranks of the different Departments of the Bengal Nagpur Railway Workshop at Kharagpur ? If not, why not ?

Mr. P. R. Rau : (*a*) and (*b*). Government regret they cannot undertake to collect information in addition to what is already contained in the Annual Administration Reports of Railways.

(*c*) I am sending a copy of the question to the Agent, Bengal Nagpur Railway, for his consideration. The staff, I may add, are not Government servants, but servants of the Bengal Nagpur Railway Company.

RECOMMENDATIONS OF THE ORISSA BOUNDARY COMMITTEE.

298. ***Mr. Sitakanta Mahapatra** : (*a*) Is it a fact that the Government of India are still in correspondence with the Secretary of State on

the recommendations of the Orissa Boundary Committee ? If so, do Government propose to lay a copy of such correspondence on the table of this House ? If not, why not ?

(*b*) Is it a fact that Government are putting obstacles in the way of the immediate creation of a separate Orissa Province ?

(*c*) Is it a fact that on the contrary Government are trying to hasten the creation of a separate Sind before the creation of a separate Orissa ?

The Honourable Sir Joseph Bhore : In reply to the Honourable Member's question I cannot say anything more than that the proposals of His Majesty's Government for the creation of the separate provinces of Orissa and Sind are presumably now under the consideration of the Joint Parliamentary Committee.

MANUFACTURE OF PYROTECHNIC MATCHES.

299. ***Mr. S. C. Mitra** . (*a*) Are Government aware that pyrotechnic matches are manufactured in Bengal as cottage industry in different places and that each box contains twelve sticks ?

(*b*) Are Government aware that the pyrotechnic matches are not for ordinary daily use and are used only during religious festivals ?

(*c*) Will Government please state whether the present Matches Act applies to the manufacture of pyrotechnic matches ?

(*d*) If the reply to part (*c*) be in the affirmative, do Government contemplate passing orders for exempting such cottage industries from the operation of the Matches Act ? If not, why not ?

Mr. A. J. Raisman : (*a*) and (*b*). Government have no precise information. I am prepared to accept the facts suggested by the Honourable Member in part (*a*) of his question, but as regards part (*b*) of his question, I am not aware that the use of pyrotechnic matches is confined solely to occasions of religious festivals.

(*c*) The answer is in the affirmative.

(*d*) Government see no sufficient reason for exempting such industries from the operation of the Act. They are eligible for the rebate provided by the rules made under section 19 of the Matches (Excise Duty) Act to the same extent as cottage factories producing ordinary matches.

EXTENSIONS GRANTED IN THE CURRENCY OFFICE, CAWNPORE.

300. ***Mr. S. G. Jog** : (*a*) Will Government be pleased to state whether their attention has been drawn to the resolutions passed at the Annual General Meeting of the Cawnpore Currency Association held in January, 1934 ?

(*b*) Is it a fact that in Cawnpore Currency Office extensions are repeatedly granted to the employees who are due for retirement ? If so, does this not block the promotions of the deserving persons in these hard times ?

(*c*) In how many cases have such extensions been granted in that Office ?

(*d*) What is the number of employees who are due for retirement by the end of this official year in Cawnpore and other Currency Offices in India ?

Mr. A. J. Raisman : The necessary information is being collected and will be laid on the table in due course.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

301. ***Mr. S. G. Jog** : Will Government be pleased to state when the Reserve Bank is likely to be started ?

Mr. A. J. Raisman : I am not yet in a position to make an announcement.

DWINDLING TRADE OF BOMBAY.

302. ***Mr. S. G. Jog** : (*a*) Has the attention of the Government of India been drawn to a letter, dated the 23rd June, 1934, published in the *Bombay Chronicle* under the *nom de plume* " Tempus Fugit " regarding Bombay's dwindling trade ?

(*b*) Is it a fact that during the last 15 years there has been a gradual decline of re-export trade of India ?

(*c*) Is it a fact that the entrepot trade in Japanese cotton and other piece-goods is being diverted to the Persian Gulf owing to the prohibition of import of piece-goods without a quota certificate ?

(*d*) Is it a fact that the Government of Straits Settlements have established transhipment depôts to minimise the inconvenience to and to prevent the diversion of entrepot trade ?

(*e*) Do the Government of India propose to take immediate steps to establish similar transhipment depôts in Bombay and other ports ?

The Honourable Sir Joseph Bhore : (*a*) Yes, Sir.

(*b*) There has been a gradual decline in the value of re-exports from British India since 1919-20 though the figures for 1933-34 show an increase over those for the preceding year.

(*c*) No. I may add for the information of the Honourable Member that certificates are not required in respect of cotton piece-goods which are manifested for transhipment to a foreign port.

(*d*) Government have no information.

(*e*) No.

NON-STOPPAGE OF THE POONA FAST PASSENGERS AT KURLA, GREAT INDIAN PENINSULA RAILWAY.

303. ***Mr. S. G. Jog** : (*a*) Will Government be pleased to state whether the Great Indian Peninsula Railway Administration have removed the halt at Kurla of the Up and Down Poona Fast Passenger trains since March, 1933 ? If so, why ?

(*b*) Is it a fact that all the Up and Down Poona Passenger trains used to stop at Kurla before March, 1933, since the commencement of the Railway journey to Poona ?

(*c*) Had any representation been received from the residents of Kurla regarding the inconvenience caused by the non-stoppage of the Up and Down Poona Fast Passengers at Kurla, and if so, was any reply given ?

(*d*) If the halt was removed owing to the dearth of passengers, were any statistics collected ? If so, what was the exact period of statistics, and was any notice thereof given to the public ?

(*e*) Do Government propose to issue orders to stop the Up and Down Poona Fast Passenger trains at Kurla ? Is it a fact that these are the only trains running during the day time and that the population of Kurla is over 30,000 and that more than half of it comes from up-country ?

Mr. P. R. Rau : (*a*) Yes. I understand this halt among others was eliminated to meet the public demand for the acceleration of these trains.

(*b*) I have no definite information, but am prepared to take it from the Honourable Member.

(*c*) Government have no information, but understand that this was discussed at a meeting of the Local Advisory Committee.

(*d*) I understand some statistics were obtained, but am not aware for what period.

(*e*) Government do not propose to interfere in the making of time tables for such services, as the matter is one which can usefully be discussed, as it has already been, at meetings of the Railway's Local Advisory Committee. The question will, however, be sent to the Agent, Great Indian Peninsula Railway, for consideration.

OLD SINGLE PICE COINS.

304. ***Mr. S. G. Jog** : (*a*) Will Government be pleased to state whether it is a fact that new and old single pice coins are mixed in the Bombay Currency Office before they are issued to the public ? If so, what is the reason for doing so ?

(*b*) Were the old single pice coins brought to the Bombay Small Coin Depôt from mofussil treasuries in exchange for new coins at considerable expense to Government ? If so, what was the total expenditure on this account during the year 1933-34 ?

(*c*) Were some new coins sent to the Mint to make them dark by putting them into acid when old coins were not available for issue in the Bombay Currency Office ? If so, what was the total expenditure for doing this ?

(*d*) Are no new copper coins issued now in the Bombay Currency Office ? If so, what is the object of not issuing new copper coins and incurring this expenditure as stated in parts (*a*), (*b*) and (*c*) ?

(*e*) Will Government be pleased to state whether they propose now to issue instructions to the Bombay Currency Officer to issue new coins at least to those who want them for ceremonial purposes ? If not, why not ?

Mr. A. J. Raisman : (*a*) New and old single pice coins are sometimes mixed, because it is not possible for reasons of economy to issue new coin in all cases, and it is considered desirable that all applicants should be treated alike.

(*b*) Old coin was brought from mofussil treasuries when stocks at Bombay were low and could not be replenished in time with new coin from Calcutta. Figures regarding the expenditure incurred are not available.

(*c*) A mechanical process of this kind was tried as an experimental measure, for about a week, but was not pursued. The expenditure incurred was negligible.

(*d*) For reasons of economy new coin is only issued when the supply of old coin is insufficient.

(*e*) No. This would cause additional expenditure, and it is not practicable to distinguish one kind of demand from another.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

305. ***Mr. Gaya Prasad Singh** : (*a*) Will Government be pleased to lay on the table of this House all correspondence that may have passed between them and the Secretary of State regarding the proposed removal of the Agricultural Research Institute from Pusa to Delhi ?

(*b*) In the event of the transfer, is it intended, to meet the expenditure by raising a loan or by any other source ?

(*c*) Are Government aware that the notification for the acquisition of land in the vicinity of Delhi has given rise to much discontent among the villagers, and they have been holding *punchayats* to protest against this step ?

Mr. G. S. Bajpai : (*a*) A copy of the correspondence is laid on the table of the House.

(*b*) It is proposed to meet the expenditure from loan funds.

(*c*) So far as Government are aware there is no general agitation amongst the Jats and no meetings have been held.

Correspondence with the Secretary of State, regarding the transfer of the Imperial Institute of Agricultural Research from Pusa to Delhi.

TELEGRAM TO THE SECRETARY OF STATE FOR INDIA, No. D.-1228-A., DATED THE 22ND APRIL, 1934.

We have recently reviewed position as regards agricultural Research in connection with which a question for urgent decision has arisen owing to earthquake damage to Central Institute at Pusa. Reconstruction there will cost about 9 lakhs but position will not be certain until possibilities of further subsidence have been tested after monsoon and cost may be greater.

You will recollect that Royal Agricultural Commission strongly expressed view that central Agricultural Research Institute in India could never operate satisfactorily nor attain full value if situated at inaccessible and ill-adapted place like Pusa. It is becoming increasingly apparent that location there was an extremely bad mistake. In these circumstances we view with reluctance the necessity for sinking more money at this station, and after careful consideration have reached conclusion that present occasion should be taken to correct the original mistake and reconstruct the Institute at a central, typical and accessible site. We believe that suitable site could be found within 20 miles of Delhi and this location has been supported by all Directors of Agriculture. We have not yet worked out details of new plans but it is clear that expenditure on new construction and land purchase should not exceed 30 to 35 lakhs. We consider that a scheme of this kind can be justified on broad economic grounds as a suitable object for capital expenditure especially at a time like the present when borrowing rates are low and other demands for capital expenditure much reduced.

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA, No. 1338, DATED THE 23RD MAY, 1934.

Your telegram dated April 22nd. Reconstruction of Pusa Institute. I approve your proposals.

FLOODS IN NORTH BIHAR.

306. *Mr. Gaya Prasad Singh : (a) Has there been any correspondence between the Government of India and the Government of Bihar and Orissa regarding the alarming situation in Motihari, Muzaffarpur, and in North Bihar generally, due to abnormal floods, and the changes in the courses of many rivers, resulting in the loss of crops and properties ?

(b) Will Government be pleased to make a statement on the subject, explaining the steps taken by them to meet the situation and save the people of the affected areas from starvation and epidemic ?

Mr. G. S. Bajpai : (a) and (b). The Government of India have not received any communication from the Local Government on the subject. A reference, to pages 14-15 of the recently published Report on the progress of earthquake reconstruction in Bihar, will show that the Local Government were fully alive to the possibilities of heavy floods and prepared to cope with them. Copies of this Report are available in the Library of the Central Legislature.

ABSENCE OF AN INTERMEDIATE CLASS WAITING ROOM AT DELHI.

307. *Mr. Gaya Prasad Singh : Are Government aware that there is no Intermediate Class Waiting Room for male passengers at Delhi Junction railway station ?

Mr. P. R. Rau : I understand that this is the case, and am bringing the Honourable Member's question to the notice of the Agent, North Western Railway, to consider whether there is any necessity for providing one.

REMODELLING OF THE PATNA JUNCTION RAILWAY STATION.

308. *Mr. Gaya Prasad Singh : When do Government propose to take up the remodelling of the Patna Junction railway station (East Indian Railway), so as to make the Indian Refreshment Room on the platform like the European Refreshment Room ?

Mr. P. R. Rau : I understand the remodelling is under consideration, but I am not able to say at present when the work, if sanctioned, will be taken up.

THE INDIAN DOCK LABOURERS BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I beg to move :

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration."

In making this motion, it is unnecessary for me to say very much. This Bill has been before the House for a very considerable time. It was the subject of a long debate on a memorable occasion when the House sat until midnight. It has passed unscathed through the hands of the Select Committee which has reported the measure in almost exactly the same form in which it was originally presented to the House, the changes

made being of a very minor character. I trust the House will accept this beneficent measure.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration."

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I want just to say a few words with regard to this Convention which has been proposed for ratification by the Honourable Sir Joseph Bhore. This Convention was adopted in the year 1929, and, in that year, I had the privilege of attending the Session of the International Labour Conference in which this Convention was passed. I also had the privilege to serve in that Committee which dealt with this particular matter, and though myself and my friend, Mr. B. Das, pressed our viewpoint there, the opinion of the Government was entirely non-committal. I am glad, Sir, that they have now come round our view. This measure makes provision against accidents to dock workers and others engaged in hazardous occupations, and loading and un-loading ships is an hazardous occupation, and, owing to the absence of a suitable provision, Indian workers were hitherto exposed to dangers of accidents which can now be avoided by proper precautions. By this Bill, the Government made regulations, so that the Indian States, which possess ports, will also have to provide for safety provisions for the welfare and safety of workers engaged in these hazardous occupations in their States, and this, I think, is a step in the right direction and will bring the Government of India in a line with the Governments of other progressive countries of the world.

Sir, my friend, Mr. Joshi, could not attend the meeting of that Select Committee, but he sent us a note even in the midst of his pre-occupations, and we discussed that note in detail. Mr. Joshi had no suggestions to make with regard to the clauses of the Bill, except that the Preamble should be re-worded to make it clear that the Bill applies to workers working in docks, wharfs, quays or warehouses, and I think Mr. Joshi's view will satisfy all Members of this House. Sir, I support this measure.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, I should like to refer to only one aspect of the question which has been adverted to in the Select Committee's Report, and that is the great necessity and importance of bringing Indian States in line so far as this legislation is concerned. We have been very much handicapped in the past in all matters of labour legislation, because British India is an island by itself and the rest of India is not concerned with it. This is a matter of humanity, even more than a question affecting any capitalist class, and in this matter, at any rate, I trust that the fullest endeavours of the Government of India will be forthcoming to see to it that the maritime States of this country conform themselves to the general provisions of this Bill. I do not know under what circumstances and in what manner the Government of India will be able to bring their persuasive efforts to bear on the administrations of Indian States, but I do venture to think, knowing something of the relationship of the Government of India with the Indian States, that in a question of this nature, no maritime State can afford to make light of the efforts of the Government of India and decline to come into line with them. I trust

[Diwan Bahadur A. Ramaswami Mudaliar.]

that these efforts have already been started, and that, in a short time, we may hope to get a satisfactory statement from the Government of India to the effect that all maritime States in India have virtually copied the excellent provisions of this Bill.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Pious hopes.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, as regards the question raised by my friend, Diwan Bahadur Ramaswami Mudaliar, there is one little difficulty that I was always faced with when dealing with questions like these. The Government of India sitting in their Cabinet come to a certain conclusion, they make their own inquiries,—and so far as I am aware, in the course of their inquiry stage the Government of India never consult any of these States. They, however, come to certain conclusions, and I have no doubt their conclusions are perfectly reasonable and just. But what I very strongly object to is this, that having considered the question only from a certain standpoint so far as they are concerned, a Bill is introduced here, and the Indian States have got to fall into line with them,—not because they have been consulted, not because their opinions have been taken, not because these States came to the same conclusion as the Government of India, but because certain gentlemen sitting over here have come to a certain conclusion, and those that have got the misfortune of having ports must fall into line with them. Sir, I strongly object to that principle. I do not say for a moment that you should not incorporate this salutary provision in this Bill in such a manner that the Indian States may also fall in line with the rules and provisions obtaining in British India in this matter, but what I do object, and object very strongly, to is the line of action which is generally taken by the Government of India in enacting legislation for Indian States without giving them an opportunity to have their say.

Sir, I may here cite the instance of the factory legislation that took place some time ago. The Government of India appointed a Commission. That Commission toured throughout India, but they did not visit a single State. But Government passed the Factories Act, and I know it for a fact that those powers of persuasion, which my friend just referred to, have been brought to bear upon each and every Indian State, and most of them were compelled,—of course not by force or show of force or by over-awing,—to agree to fall in line with the provisions of the Factories Act. Therefore, I submit that while I entirely agree that the maritime States should be asked to fall in line with the action taken in British India in this matter, I feel that at least, as a matter of courtesy, they should have been asked what they thought of it and whether they agreed to this position or not. If they had been asked or consulted, then I withdraw everything that I say now. So far as I am aware, Sir, no such reference was made either in the Select Committee or anywhere else in the Report of the Select Committee to point to the fact that these States were consulted at any stage before enacting this piece of legislation. In the absence of any information of this sort, as to whether the Indian States were consulted or not on this matter, I feel that I am perfectly justified in bringing to the notice of this House that the persuasive powers which the Government of India have,—and I know they have very strong persuasive powers,—will not be exercised until proper expression of opinion is invited from the States concerned.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I wish to say a few words on this Bill, and my justification in rising on this measure is that I was a party to the Select Committee. Sir, two important questions arose before the Select Committee, and both of them, I must say, were very satisfactorily decided. I am glad to say that the Honourable Member in charge of this Bill agreed with our views on those two points. The first point was the one which was intimated to the Select Committee by Mr. Joshi who is supposed to be a specialist on the question, and the same point was also raised by some other Members as well, and that point was that, in the definition of " processes " in clause 2 (*a*) should be included work in docks, wharfs and quays and also work in connection with the transfer of goods from a railway wagon alongside a ship or from a ware-house on a wharf or quay. It is well-known now to the House that this measure attempts to deal with the welfare of the workers engaged in hazardous occupations of the kind I have just mentioned, and, with this end in view, the Government of India want to lay down what the Convention agreed to and make certain rules and regulations to give effect to that Convention. Now, Sir, safeguards have been provided against accidents to workers employed on loading and unloading ships. Mr. Joshi thought that loading and unloading ships meant only making a provision as regards accidents on the ships themselves, and so he wanted that the definition should be expanded, and in the note he sent us he wanted the following to be inserted : " Whereas it is necessary to secure protection against accidents of workers working in every dock, wharf, quay or warehouse generally ",—this was a point which was taken before the Select Committee, and the Select Committee came to the conclusion that those points were already covered by the very definition of " processes ". The Select Committee extended the definition to some extent, and in their Report they explained what the real meaning of the word " processes " was. Sir, I will read paragraph 2 of the Select Committee's Report :

" So far as this proposal does not involve an extension of the scope of the Bill to matters alien to its expressed scope, we are satisfied that a change is unnecessary. The definition of ' the processes ' in clause 2 (*a*) includes work in docks, wharfs, and quays and would include work done in connection with the transfer of goods from a railway wagon alongside a ship or from a warehouse on a wharf or quay."

So far as warehouses generally are concerned, it was decided that only the definition as given here would apply and the benefit of the Act should be given only in the case of warehouses which are in close proximity to the wharf or quay, and not those that are far away, for which there are regulations already in existence. Therefore, the first point was very amicably and satisfactorily decided. The second point also is an important point, and that relates to the Indian States. It is desirable and even necessary that, in the case of maritime States, the provisions of this Act should apply. It will not be denied that this salutary provision should also apply to the Indian States. I can assure the Raja Bahadur that no principle has been departed from. The States are not to be compelled or forced to apply this Act. The States are only to be asked, the words are very cautious in the report of the Select Committee. We know that the administration of States is being watched today and their defects are not covered up as before, and, for the good government of the States, a provision of this nature should be made, and

12 NOON.

[Mr. Lalchand Navalrai.]

for that purpose this suggestion has been made in the report of the Select Committee as follows :

"We received an assurance that the Government of India would bring to the notice of the Administrations of those Indian States which possess ports the action now being taken in British India, so that those Administrations may consider the advisability of adopting similar measures in respect of any of their ports which attain dimensions rendering such measures advisable."

Therefore, those two points have been properly provided for, and now there are no differences. I had raised one or two other points in the Select Committee, about the time for prosecuting people and with regard to the quantum of punishment, but then I was referred to the Factories Act where provisions of the same nature exist, so I dropped them and I do not propose to pursue them here. I hope that this Bill will be passed.

Mr. B. Das : It was a pleasure to listen to my Honourable friend, the Raja Bahadur, who has infused a breath of fresh air on the floor of this House. It is very seldom that we hear what is agitating the mind of the dark side of India, I mean the Indian India. My Honourable friend, the Raja Bahadur, who occasionally forgets that he represents British India and tries to represent an exalted State and speaks the mind of the exalted princes, told us that the Leader of the House and the Government of India do not consult these Indian Princes, and that ehe latter are so very civilised and so very human in their ideals and ideas that they would gladly jump into the civilised Conventions that the League of Nations and the International Labour Conferences adopt. It is a very good piece of news, and I am very grateful to my Honourable friend, the Raja Bahadur, for having expressed that view on behalf of the Indian States, particularly when he represents a very big State, the largest State in India.

Raja Bahadur G. Krishnamachariar : I do not represent any State at all here.

Mr. B. Das : Not here, but you represent the viewpoint of that State. My Honourable friend, the Deputy President, must have felt very happy to have listened to that speech. I think my honourable friend, the Raja Bahadur, was not present when the Factories Act was discussed. The Honourable Member in charge of Industries and Labour at that stage stated that there were 34 Indian States which had fallen in line with the humanising legislations of the Department of Industries and Labour.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I am sorry to interrupt my Honourable friend. Did I hear him say 34 Indian States ?

Mr. B. Das : Yes.

The Honourable Sir Frank Noyce : I do not think I gave the figure 34 States. To the best of my recollection, I only mentioned 8 or 10.

Mr. B. Das : My recollection was that my Honourable friend had mentioned 34 States and gave list of 8 States who have followed up the legislations enacted for British India. However, there are some States, and, of course, if any particular State was anxious to identify itself with the Whitley Committee's recommendations or those of any other Committee that the Government might appoint for the amelioration of the

conditions of workers, that Indian State had only to ask the Government of India, and the Government of India would gladly help them. To me it is a pleasing situation that the Indian States are willing to accept such Conventions. But, of course, I know that my Honourable friend, the Raja Bahadur, is not connected with any of the maritime States. And we know how turbulent those maritime States are, and whether they will follow any of the measures that are passed here, because it will reduce their income, and, if they introduced a civilised system in one phase of their administration, they would have to become civilised in other phases also, and I believe they are afraid to do that. However, I do hope that the Honourable the Leader of the House will accept the offer that has been made by the Raja Bahadur on behalf of certain Indian States and will try to ask them whether they cannot legislate on the lines of the British Indian enactment. Otherwise, the Government have got the whip hand and they will see that in future no Indian Prince and no subject of an Indian State represents India in the League of Nations or the International Labour Conferences.

The Honourable Sir Joseph Bhore : I have very little to say. I am sure that my Honourable friend, the Raja Bahadur, will not take exception to the procedure which we propose to follow in this case. Surely, even he would not object to the assurance given by Government in the terms set out in paragraph 3 of the Report of the Select Committee. I am glad that the House has approved of this measure which will go to swell the stream of beneficent legislation which has been initiated during the last few years on behalf of the workers of India.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 12, both inclusive, 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 Joseph Bhore : Sir, I move :

"That the Bill, as reported by the Select Committee, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill, as reported by the Select Committee, be passed."

The motion was adopted.

THE REPEALING AND AMENDING BILL.

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

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

This Bill does not lend itself to any contentious matter. The whole object of the Bill is to get rid of certain words which have become un-

[Sir Nripendra Sircar.]

necessary by reason of later Acts that have been passed. It also purports to correct certain of the errors in some Acts. I do not feel justified in taking the House through each of these different enactments, but to give the House an example of what is meant by correcting mistakes, if the House will kindly turn, for instance, to the Indian Partnership Act, it will be found that by mistake section 55 was mentioned, whereas section 56 ought to have been mentioned. Explanations have been given in respect of the different Acts which are found in the Schedule, and I can assure this House that this Act does not make any change in any law, but is absolutely necessary by reason of certain subsequent enactments and the discovery of mistakes.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : In this connection, I want to say that I do not agree with my Honourable friend, the Law Member, that in this Bill there is nothing controversial. If you will see, Sir, you will find there are two lists in the two Schedules in this Bill. One is for amendments and the other is for repealing certain sections of certain Acts. In the Second Schedule, take item No. 3, the Indian Merchant Shipping Act, 1923. In this, they have proposed that in sub-section (*1*) of section 213, clause (*mm*) should be repealed. I say that this portion affects my community to a very great extent. The portion which is amended is not only with regard to merchant ships, but rather it is specially in connection with pilgrim ships. If you will see section 213, which has been referred to, it deals with those ships which are native passenger ships and pilgrim ships. At the same time, this portion was specially mentioned when Act XI of 1933 was discussed in 1933 on the floor of this House. This sub-clause (*mm*) was specially inserted in the Act for the reason I had pointed out on that occasion ; for the inoculation of cholera, the period was mentioned as six months, and I had mentioned on that occasion that in other countries the time is much more, and, then, on behalf of the Government, it was said that this power was given to the Governor General in Council to fix the period for this purpose. Clause (*mm*) reads in this way. I read that clause to make it more clear. Section 15 (*1*) (*d*) says :

"After clause (*m*), the following clause shall be inserted, namely : '(*mm*) The period referred to in clause (*a*) of sub-section (*1*) of section 206 '."

Sir, it means that the period was to be fixed by the Governor General. At the time of discussing the Bill, it was agreed to six months, and then this power was given to the Governor General to increase this period if he was satisfied, and for that reason this House had passed this measure, and now Government want to delete that portion. To my great surprise, I find they have given reasons for all the amendments, but they have specially omitted this amendment in the aims and objects. This is very objectionable. An important question, which is a very controversial point and which affects my community, has been brought up in this form.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member refer to the Indian Merchant Shipping Act ?

Mr. M. Maswood Ahmad : Yes. In this Bill, they want to repeal sub-section (*1*) of section 213, clause (*mm*) of the Indian Merchant Shipping Act. I say, it is not fair on the part of the Government to repeal that portion. I am pointing out that the reason for repealing this clause has not been mentioned in the aims and objects. Government wanted to shut our eyes, and, for that reason, they have not mentioned it in the Statement of Objects and Reasons. In the past three years, our experience is that Government are trying to make our Haj pilgrimage more difficult, and, with that object, they have brought this. This portion was entered into on that occasion to give power to the Governor General in Council to increase the period. I myself had pointed out on the previous occasion that in other countries the period is two years and ten years. I am sorry, my friend, Mr. Bajpai, and my Honourable friend, Sir Fazl-i-Husain, are absent on this occasion. I think the House remembers it. It was definitely undertaken by the Government that power to fix the period had been left to the Governor General in Council with a view to increasing the period of six months, and now the Government want to repeal that portion in this way and say that this is a non-controversial measure. So, Sir, I seriously object that this measure should not be brought before the House in this way by a Repealing and Amending Bill. Had Government any idea of repealing that portion, it was fair for the Government to bring that in a separate Bill and not in this way that this is a non-controversial measure and that it has been brought in order to clarify the law. With these words, I oppose the motion.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : It seems to me from the statement made by Mr. Maswood Ahmad that perhaps it is a slip on the part of the Government and it could not be the intention of the Government to bring in any controversial point in a Bill of this nature. The Honourable the Law Member pointed out that the whole object of the Bill was to correct certain obvious errors. I am very glad to see that my Honourable friend, the Law Member, seems to assent to the suggestion that I have put forward, and, I am sure, the Government will rectify the mistake that has been made.

The Honourable Sir Nripendra Sircar : This Bill is intended to repeal certain provisions, because they are now superfluous by reason of certain other amendments. If I get three minutes more time, I will find out the position in regard to this matter. If I find that this is changing the law, then certainly I would not press for it.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I have only a word to say with regard to the Dangerous Drugs Act, 1930. Sir, it is said in the First Schedule attached to this Bill—and I want to draw the attention of the Honourable the Law Member, so that he may explain with regard to the Dangerous Drugs Act, 1934, exactly the amendment that is required in it—Sir, we find that in that Schedule it is said that :

" In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words, brackets and figures ' In sub-section (*1*) of section 32, the proviso shall be omitted ' shall be omitted."

[Mr. Lalchand Navalrai.]

Now, Sir, referring to the Statement of Objects and Reasons, I find that it is said again there—and I hope the Honourable the Law Member will give me a reply on this point :

"The Bombay Abkari Act, 1878, and the Dangerous Drugs Act, 1930.—The amendments are designed to correct a mistake made in the latter Act."

That perhaps means the Dangerous Drugs Act, 1930, but it does not explain how this mistake crept in, so that the proviso should be taken away. I should be very much thankful to the Honourable Member if he will enlighten me on that point.

The Honourable Sir Nripendra Sircar : Sir, I think I was right in stating that no change was intended, and (*1*) (*mm*) had become unnecessary. The history of that legislation is this. In the course of the passage of clause 9, on the motion of Mr. Maswood Ahmad, sub-clause (*a*) was amended in section 206. Section 206, as it stood, was changed, and what was introduced was this :

"No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who in the opinion of the officer making an inspection under this section are duly qualified to grant such certificates showing that....."

and I would draw the attention of the Honourable Member to this passage :

"such pilgrim has been inoculated against cholera within six months before inspection"—

so that 206 (*1*) (*a*), which refers to the six months, remains. That is not going. That was, as I understand—I was not familiar with the earlier history—that was introduced as the result of a motion by my Honourable friend, Mr. Maswood Ahmad. Having regard to the result of that amendment, to leave (*1*) (*mm*) would now be idiotic. My friend's point is already there by reason of the amendment which he has succeeded in introducing. Therefore, I do not admit for one second that we are going to change the law. The point for which my Honourable friend tried he has succeeded in achieving and that we are not going to affect in any way. That is the whole explanation ; there is nothing sinister behind it.

Sir Abdur Rahim : What is the provision of (*1*) (*mm*) ?

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, if I may be allowed to read that, sub-section (*1*) of section 213 of the principal Act runs as follows :

"The Governor General in Council may make rules to regulate all or any of the following matters, namely, (*a*), (*b*), (*c*), etc."

Then, we come to (*mm*) :

"The period referred to in clause (*a*) of sub-section (1A) of section 206."

When that was put in, clause (*a*) of sub-section (1A) of section 206 referred to the prescribed period and left the period to be prescribed. Subsequently, clause (*a*) of sub-section (1A) of section 206 was amended, so as to specify the period in terms "within six months". Therefore, it became clearly inept to retain the rule-making power to prescribe a period which is laid down in terms in the Act itself.

Mr. M. Maswood Ahmad : The main point here is concerning the period of six months. It was fixed and then power was given to the Governor General in Council to extend that period. My point was that the period should be one year, as it is in the Egyptian law—and I quoted some law on that point—but at that time it was not agreed to by the House and it was fixed to six months only, but, then, afterwards, this clause (*mm*) was kept, so that this power was given to the Governor General in Council to extend the period, that is, if he wants to increase it, that will be in the hands of the Governor General in Council. As far as I understood on that occasion, the period of six months, referred to in clause (*a*) of sub-section (*1*) (*i*) of section 206, was to be increased by the Governor General in Council at the time of making rules. But, now, after repealing this, the Government want that this power should be taken away from the Governor General in Council, and I say that, if for any reason these two portions are not in conformity with each other, then, in that case, I would prefer to repeal that portion of clause (*1*) (*iv*) and not this clause (*mm*). That is the main point. In my opinion, six months is a very short period. If these two clauses are not in conformity with each other, I and my community would prefer to omit that portion of clause (*1*) (*iv*) instead of repealing this portion of (*mm*), because we have got ample power to represent our case before the Governor General in Council, and, after that, we may satisfy the Governor General in Council that, in all other parts of the world, the time fixed for a pilgrim is one year or two years, and why should it be that in India it should be six months,—and so, Sir, this is a controversial measure. In any case, it cannot be called a non-controversial measure and should be examined by a Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is it that the prior Act left the power of fixing the period to the Governor General in Council, and that the subsequent Act fixed that period in the Act itself ?

Mr. M. Maswood Ahmad : That power was also given to the Governor General in Council by the same Act,—and the six months period was fixed by the same Act, it was not by a subsequent Act. Had it been made subsequently, then the case would have been quite different. Both the powers were conferred by the same Act, and, so, if there was anything of that nature, I would ask the Honourable the Law Member to repeal that portion and not this portion of (*mm*). So this is a controversial measure, and I hope controversial measures should not be brought up in the form of this Bill.

Sir Abdur Rahim : If both provisions were brought in by the same Act, then the matter becomes controversial, undoubtedly.

The Honourable Sir Nripendra Sircar : Sir, this only illustrates that some people can raise a controversy where none exists. If the two sections had said that the period in one section is six months and in another it is nine months, the argument of my Honourable friend, Mr. Maswood Ahmad, would have been very legitimate. He could have said : " Why keep it at six months, and why not nine months ? " That is not the position. Under (*1*) (*mm*), certainly the time could be prescribed, but, as the result of my Honourable friend's amendment, 206 (*1*) (*a*) fixed the period at six months. Therefore, the Governor General cannot by rules change what has been fixed in the Act itself.

Mr. M. Maswood Ahmad : This power was that the Governor General.....

The Honourable Sir Nripendra Sircar : If my Honourable friend will not interrupt me, that is the exact situation, and I still maintain that there is no change. The Governor General cannot, if (*1*) (*mm*) remains now, go against the express provision of the Statute which fixed the period at six months. I cannot make the point clearer, and that is all I have got to say.

Sir Abdur Rahim : If, by the same Act, both the sections were enacted, then surely it is a matter on which the judgment of this House is required as to which of them should be repealed or which of them should be retained. Because one confers power on the Governor General which is inconsistent with another section of the Act, it does not necessarily follow that that power should be taken away. It may follow that this House may decide that section 201 should be modified and not the rule-making power. Apparently it was due to some mistake or oversight on the part of the House to pass both those provisions. Now, the question is, what would the House have done if this matter was brought to its attention ? I submit to the House that it is really a matter for the House to decide, and I do not know that this is an occasion on which it can decide. The Act is not before us, nor is the policy, as regards inoculation of the pilgrims before they are allowed to embark, is before the House, and I think that it cannot be decided in this way in an indirect manner.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, may I say a few words just to place the position, as I understand it, before the House. When this amending Bill was introduced, there was primarily a provision in the Bill which amended section 206 and which stated that the period would be prescribed by the Government. The period will be a prescribed period, and it will be so prescribed by the Governor General in Council. It was, therefore, taken for granted that the Governor General will prescribe the actual period which would lapse before this particular inhibition would pass away. In consonance with that provision in the earlier portion of the Bill, the later provision maintained that (*mm*) should be added, whereby the Governor General in Council will frame rules to prescribe the period. Now, when these two provisions were simultaneously before the House, because the Bill was one Bill and it should be understood in that sense alone, the earlier provision was first taken up and the later provision was only a corollary to the earlier provision which suggested that the time should be a prescribed time. The House felt that it should not be left to the discretion of the Governor General in Council. My friend, Mr. Maswood Ahmad, moved the amendment that the time should be an ascertained time and not a vague time which may depend upon the will and discretion of the Governor General in Council. He, therefore, moved the amendment that six months should be the period prescribed and it should not be left to the discretion of the Governor General in Council. When that amendment was before the House, I venture to suggest that the House gave its decision on the issue, which my Leader, Sir Abdur Rahim, has now presented to us, namely, whether the period should be a prescribed period, that is to say, a period dependent on the will and the discretion of the Governor General in Council, or whether it should be a definite and ascertained period, namely, six months, which Mr. Maswood Ahmad

wants. The House then decided that it will not leave the question to the discretion of the Governor General in Council, but will put in a definite and ascertained period, namely, six months, and adopted the amendment of Mr. Maswood Ahmad. It was then for the Member in charge and for Sir Lancelot Graham, whose vigilant eye never misses a thing like that, to have brought in a consequential amendment deleting the latter provision to add clause (*mm*), which was the right thing to do. That was not done. It was passed. It was for the Government spokesman to have brought in an amendment. As that amendment was not brought before the House, my Honourable friend, the Law Member, now seeks to amend the Act. That seems to me to be the position. There is no controversy involved. It is merely re-inforcing a decision which has been already arrived at, as recently as 1933, by this House that the period should be a definite and an ascertained period, namely, six months, and should not depend upon the discretion of the Governor General in Council.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would like to hear from the Law Member what the legal position is. So long as section 206, clause (*1*) (*a*), remains on the Statute-book, that is, prescribing the time for six months, can the Governor General exercise the power under section 203 (*mm*) ?

The Honourable Sir Nripendra Sircar : In my humble view, he cannot.

Mr. President (The Honourable Sir Shanmukham Chetty) : Therefore, the amendment to clause 203 is a consequential amendment.

The Honourable Sir Nripendra Sircar : That is my submission.

Mr. President (The Honourable Sir Shanmukham Chetty) : What has Mr. Maswood Ahmad now got to say ?

Mr. M. Maswood Ahmad : I wanted to say that if these two clauses do not agree with each other, and, in the presence of clause 206 (*1*) (*a*), the Governor General cannot exercise his power under clause (*mm*), then my community want that that should be deleted and not this.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can oppose that.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, there is some sort of ambiguity, and it may be that the explanations given by the Government or by my friends here may stand the test of being true. But, I am sure, that in the form in which the amendment has been brought, it seems to me that it might be referred to the Select Committee for their decision. If, however, you give it as your ruling that it is all right, then my submission is that it will satisfy perhaps this side of the House more than if it is decided arbitrarily.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is no question of a ruling on this point.

Mr. Muhammad Azhar Ali : Then, I move that it should be sent to the Select Committee. I may mention the names of the members of the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is no amendment on the Order Paper for reference to the Select Committee.

Mr. Muhammad Azhar Ali : It is only with the permission of the Chair that I wish to move that motion

Mr. Lalchand Navalrai : I believe the Honourable Member was in the middle of his argument and he has not yet replied to the question that I put to him. I do not know if the Honourable Member followed me in the heat of the other question. If not, I will repeat my question.

The Honourable Sir Nripendra Sircar : If you please.

Mr. Lalchand Navalrai : My question is that an amendment is going to be made on account of the enactment of the Dangerous Drugs Act of 1930. You will find that on page 3 of the Bill, it is said that " In sub-section (*1*) of section 32 (which means the Abkari Act) the proviso shall be omitted ". Then in the Statement of Objects and Reasons under clause (8) it is said that " the amendments are designed to correct a mistake made in the latter Act ". That means that there is a mistake in the Dangerous Drugs Act which is going to be corrected by eleminating the proviso from the Abkari Act. I would request the Honourable the Law Member to enlighten me as to where is the necessity for it and what is the underlying object of the amendment.

The Honourable Sir Nripendra Sircar : Will my Honourable friend kindly repeat what is the portion which he read just now ?

Mr. Lalchand Navalrai : I read from the Statement of Objects and Reasons. It is clause 8 and its heading is " The Bombay Abkari Act, 1878, and the Dangerous Drugs Act, 1930. What I want to know is whether it is a real mistake and how is it that it is interfering with the law that has been made under the Dangerous Drugs Act, or was there a mistake in the Dangerous Drugs Act itself ?

The Honourable Sir Nripendra Sircar : The answer to my Honourable friend, Mr. Lalchand Navalrai, is this, in the Dangerous Drugs Act, II of 1930, a large number of amendments were made. They, in fact, covered one full page in close print, but I do not propose to read them out. That is Schedule II. The note which my Honourable friend read out is this :

" In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words, brackets and figures ' in sub-section (*1*) of section 32, the proviso shall be omitted ' shall be omitted."

That is to be found as one of the amendments here. If my Honourable friend will turn to the Bombay Abkari Act, 1878, my Honourable friend will then find that this is a mistake, because there was no intention to change the Bombay Abkari Act, 1878. Therefore, if the question is in which Act the error has been committed, the answer is that the note is correct, namely, the amendments are designed to correct a mistake made in the latter Act, namely, in Schedule II. This is a very long Schedule of the Act of 1930. It does not involve any change in the law as it now exists.

Mr. Lalchand Navalrai : I am not satisfied with the reply at all. The point is that there is some mistake in the provisions of the Bombay Abkari Act, and I want to know what is the mistake.

The Honourable Sir Nripendra Sircar : The mistake is indicated by the words which are quoted.

Mr. Lalchand Navalrai : But the proviso is going to be removed.

The Honourable Sir Nripendra Sircar : The mistake is indicated in the words which are quoted. If my Honourable friend will turn to the Schedule, it says :

" In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words, brackets and figures ' in sub-section (*1*) of section 52, the proviso shall be omitted ' shall be omitted."

That is what appeared to be a mistake. It ought not to appear there at all. It makes no sense. That is a clear error. Our amendment will not change either the Bombay Act or the Indian Act.

Mr. Lalchand Navalrai : Then a certain proviso is not actually going to be removed.

The Honourable Sir Nripendra Sircar : The words which are appearing here by mistake will be removed, and the mistake will be corrected.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration."

The motion was adopted.

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

The First Schedule was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Second Schedule stand part of the Bill."

Mr. M. Maswood Ahmad : Sir, it now appears that all the entries are for consequential amendments. I want to move an amendment to the effect that a portion from the Second Schedule should be deleted. Unless you allow me to move my amendment, I have no right to do so. The Honourable the Law Member also said that no controversial measure would be brought before the House, and I hoped he would agree to delete that controversial portion, but he did not accept my suggestion and now I have no alternative but to move an amendment, and, I think, the Government will raise no objection to my moving the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the item that the Honourable Member wants to delete ?

Mr. M. Maswood Ahmad : I want to delete the item relating to the Indian Merchant Shipping Act, 1923.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does any Honourable Member object ?

The Honourable Sir Nripendra Sircar : When the amendment is moved, I shall oppose it. I shall not adduce any further argument, because I have already adduced my arguments.

Mr. M. Maswood Ahmad : Sir, I beg to move :

" That from the Second Schedule the following item shall be deleted :

' 1923.	XXI	The Indian Merchant Shipping Act, 1923.	In sub-section (*1*) of section 213 clause (*mm*) '."

I only want to add a few words in this connection. When I quoted from the different Acts of the Straits Settlements, on which the Indian

[Mr. M. Maswood Ahmad.]

Merchant Shipping Act was based, I pointed out that in some cases it was one year and in some other cases it was two years. As far as I remember, it was then said—I am sorry I have not got a copy of that Act at present in my hands—that this power would be in the hands of the Governor General. At that time I moved for a longer period, but this House decided that the period should only be six months. At that time we thought that the power to increase the period will remain in the hands of the Governor General and that he will be in a position to extend that period. If you will see that section, there was this possibility. The section reads :

"No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, showing that such pilgrim—

(*a*) has been inoculated against cholera within six months before the inspection, and

(*b*) has been vaccinated against small-pox within five years before the inspection :

Provided that the officer making the inspection may dispense with the certificate of vaccination, if in his opinion the pilgrim has marks showing that he has had small-pox."

It was admitted at that time that six months time should be given, and, at the same time, the power was given to the Governor General who may extend the period. My opinion up till now is the same. But if the House thinks that both portions cannot remain on the Statute-book, I will appeal to the Government at least to omit this item at present and to refer the matter to the Select Committee who may decide whether to omit this portion or that portion. No doubt at present we are not in a position in this House to carry any amendment by a majority of votes, because the Government have sufficient votes to defeat us. I, however, appeal to the Honourable the Law Member, in view of the fact that the Leader of the Opposition has also supported the plea that this is a controversial measure, I appeal to the Government that this Bill should be referred to the Select Committee, so that the Select Committee may decide whether they want to give this power to the Governor General or they want to restrict the period to six months only. This is a very important point, and, if the Select Committee agrees to the suggestion that the period should be only six months, in that case no one will object. This question has not been decided and many Members, both in this House and outside, thought that this power should be given to the Governor General and the period of six months was not sufficient. I, therefore, suggest that this measure cannot be passed without sending it to the Select Committee, or at least this provision should be deleted from the Second Schedule at present.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That from the Second Schedule the following item shall be deleted :

'1923.	XXI	The Indian Merchant Shipping Act, 1923.	In sub section (*1*) of section 213 clause (*mm*) '."

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I confess that my Honourable friend has taken us all somewhat at a disadvantage, because he did not give us timely notice of the point which he has now raised. As far as I can make out, he wants now that power shall be retained by the Governor General in Council to prescribe any period that he likes as the period which must elapse before a certificate for inoculation against cholera can be given. May I, Sir, on this occasion, take the opportunity of reminding him of his own words when he was moving the amendment to the relevant clause of the Indian Merchant Shipping (Amendment) Bill, *i.e.*, the Haj Bill ? He moved,—and I am reading from page 3362 of the Proceedings of the Legislative Assembly for 8th April, 1933 :

" That in clause 9 of the Bill, for part (*a*) of the proposed sub-section (*1A*) the following be substituted :

' (*a*) has been inoculated against cholera within six months before the inspection ; and '."

Then, Sir, he proceeded to read from the Straits Settlements Ordinance on the subject and finally he made this remark :

" Sir, the suggestion that it should be for six months is in the Ordinance of the Straits Settlements and in the International Sanitary Convention. Government have said ' such period not being less than one month as may be prescribed '. This is not satisfactory. I say, there should be a definite mention of six months." (Laughter.)

Then, Sir, I would, in all humility, quote my own words also. I said :

" The reason why I have risen is to save the time of the House. This morning, my Honourable friend thought that the Straits Settlements Ordinance was the most retrograde measure in existence, but now he is drawing upon that measure in order to support his argument. However, animated as I am by great goodwill towards my Honourable friend, I am prepared to accept this retrograde amendment, though I would explain that it would not stop short at the word which he has mentioned."

And then I went on to suggest something else. It appears to me that, if a controversy has arisen, it is because my Honourable friend has had a controversy with himself. For the rest, this is really carrying out, as my Honourable friend, Diwan Bahadur Mudaliar, pointed out, the verdict of the House on an amendment which was moved by my Honourable friend himself who has now conveniently forgotten what he said in 1933 and wants something else done now.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That from the Second Schedule the following item shall be deleted :

' 1923.	XXI	The Indian Merchant Shipping Act, 1923.	In sub-section (*1*) of section 213 clause (*mm*) '."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

" That the Second Schedule stand part of the Bill."

The motion was adopted.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar : Sir, I beg to move :

"That the Bill be passed."

I really have nothing to add, and I do not think I should take up the time of the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill be passed."

The motion was adopted.

THE SEA CUSTOMS (AMENDMENT) BILL.

Mr. A. J. Raisman (Government of India : Nominated Official) : Sir, I beg to move :

"That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration."

Honourable Members will perhaps recall that this Bill was introduced in this House during the course of last Session by Sir George Schuster on the 29th January. It has, therefore, been in the hands of Honourable Members for several months now. It is, as will be seen from the Statement of Objects and Reasons, a measure of a very simple nature, and in view of the time that has elapsed and the fact that nothing has occurred during that period to suggest that the Bill raises any difficult or controversial points, I make this motion for consideration. I should perhaps first explain what the real object of the drawback provisions of any sea customs Act is. The object is to facilitate *entrepôt* trade; that is to say, when merchandise has been imported for sale into the country, but, for any reason, has remained unsold for a reasonable time, it is obviously desirable that the goods should be able to be re-exported to another market without the merchant incurring the loss of the whole of the import duties originally paid on them. This is a facility which trade may naturally expect from the administration; and I want to make it quite clear that there is nothing in the present Bill which will detract in any way from those facilities. Goods imported into this country and not taken into use will be entitled to the full benefit of the drawback provisions in the same way as hitherto.

There is, however, another class of goods which at the present moment qualifies equally for the benefit of the drawback provisions of the Act, and that is, goods which, after importation, are taken into use. Those goods in many cases spend quite a considerable part of their useful life in India. Now, it is a generally recognised principle that customs duties are a tax on consumption. These goods having been in India for two, and in some cases three, years, can nevertheless be tendered at a custom house for export, and provided they are identified and provided they are worth the amount of money which the exporter claims back from the custom house, they may be exported and the owner may obtain a refund of 7/8ths of the duty originally paid. I might perhaps exemplify this anomalous provision by taking one or two instances.

Take, for instance, a motor car imported at Bombay. Suppose it is valued on import at Rs. 4,000 and it is dutiable at 30 per cent. It pays Rs. 1,200 as import duty, and it is now worth Rs. 5,200. It is taken into use and run for three years during which time it may do 50 or 60 thousand

miles. The average life of a car, I would suggest, is not more than (say) five years. Nevertheless, before the expiry of three years, this car may be tendered at a custom house, and, on proof that it is the identical car, the owner may ship it and claim Rs. 1,050 back of the Rs. 1,200 which was paid on importation. So that, for three years' use in the country of a car worth Rs. 5,200, the consumption tax paid is Rs. 150 on an article on which the customs duty is 30 per cent. I will take another instance, that of cinematograph films. Now in the case of cinematograph films, the value at the time of import includes the charge which is made for royalty, that is, the charge for the use of the film. This is important in connection with films, because, for two or three years the films may be exhibited up and down the country, and, of course, that part of the value which is represented by royalty is fully consumed. Nevertheless, the owner may come back with the film, and,—I admit it will be difficult to prove that the film so used was worth 7|8ths of the import duty originally paid,—but if he can prove that, he would be entitled to get 7|8ths of the import duty back. The situation, I would submit, is plainly anomalous, and the object of this Bill is to rectify that anomaly by taking powers to restrict the facilities for the grant of drawback. The method would be that the Governor General in Council would make rules which would be published in the Gazette of India. It will be seen from the wording of the Bill that we do not contemplate that a single body of rules will necessarily cover the different classes of cases which have to be dealt with. Naturally, a good deal depends on the nature of the goods, especially on the length of their useful life. I would further like to make it clear that there is no intention of acting in a precipitate manner. The Government are quite prepared to consult the interests affected before they actually enforce rules which will introduce a modification in the position, and in particular they are quite prepared to allow such time to elapse as will enable persons who have imported goods in the expectation that drawback facilities would be available to export those goods and obtain the drawback. Such a period would also enable persons, who had placed orders for goods in the expectation that drawback facilities would be available, to take action and possibly cancel their orders if they thought necessary.

1 P.M.

There is only one small point which I think I might add, and that is that almost the only objection we have received to this Bill is from automobile associations, who have represented that the present drawback provisions do make it possible for the tourist or temporary visitor to the country to bring his car with him and use it in the country and when leaving the country to obtain the greater part or 7|8ths of the duty back. In regard to that, I am glad to be able to say that we now have under consideration the introduction of the system which is now in vogue in most countries in the world, namely, the triptyque or the international *carnet* which enables the owner of a motor car to import his car free into any country on a guarantee furnished by an automobile association that he will re-export it within a prescribed time and that failing that the association will pay to the Government the amount of customs duty involved. We are at the present moment working out the details of that system, and I hope that in a short time now it will be made applicable to India. Sir, I move:

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration."

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this motion. I had on more than one occasion to bring to the notice of this House the condition of the film industry and the indifference with which it was treated by Government. I need not go into the same matter over again, but I should like to refer to it in a few words.

In other countries, the Government are anxious to encourage the film industry. In England, for instance, there is the quota system, under which the English made films are to be exhibited for a certain period of time in every theatre. The Government of India have not seen the necessity of introducing any such measure. But, in spite of Government's indifference, the film industry is making some progress, but it is handicapped in a number of ways. The raw material of that industry is very heavily taxed, and, not only the raw film is taxed, but the mechanism of exhibition, such as producers, projectors, amplifiers, loud-speakers, etc., which are required for wiring the theatre to change it from a silent theatre to a talkie theatre, is also very heavily taxed. Formerly, these parts of machinery were treated by the customs officer as machinery and they were taxed only at 10 per cent. Latterly, the Government appear to have made changes in their rules, and, instead of 10 per cent., they are charged at 20 per cent. for British made goods and at 30 per cent. for foreign made goods. In this way the tax is levied upon the instruments that are used in this industry.

I may bring to the notice of the Government that the Film Group of India has made certain representations to Government and their grievances were ventilated in this House by my humble self and by my friends. It was brought to the notice of the Government that the rebate system on exposed films acted as an impetus or encouragement to foreign films, and, therefore, foreign films competed severely with Indian made films. I am very glad that Government have come to appreciate that view, and this Bill is the result. In the same way, we pointed out that the duty on foreign made films was not adequate—it was very light—and that helped the foreign made films to compete with the Indian made films. Government have also reconsidered their decision and they have increased the duty on imported exposed films. But, then, I am very sorry to repeat on the floor of this House that the Government at that time could not carry out the promises they had held out. Government had stated that any income derived from such sources will be utilised first in reducing the duty on raw films, and so on. I am very sorry that the Finance Member saw that it was not possible for him to make any reduction in that duty. There is a well-known saying in Sanskrit that a hungry man will commit any crime, and a man reduced to the lowest straits is merciless. So I do not blame the Finance Member for being merciless and for having committed the sin of having gone back on his words. I hope his successor, who is not here today in this House, will help the industry by reducing the heavy duty on raw films and also by bringing the projectors, amplifiers and loudspeakers, which are used for wiring talkie theatres, under the category of implements or machinery. Sir, it is a fact that these things are used for other purposes as well ; and, therefore, an objection might be brought forward that it will be very difficult for the customs officer to distinguish the instruments that are used for the cinema trade and those which are not used for the cinema trade. Sir, I think, there need be no insuperable difficulty, because a system of rebates can

be instituted by which a certificate from a District Magistrate to the effect that certain machinery is used in wiring a particular house in a particular village or town should be sufficient to grant a rebate to the owner of that theatre. In that way, the heavy burden put upon the cinema industry can be removed.

The question of the use of motor car stands on a different footing. In the case of exposed films of foreign manufacture, it was clear that the long period of two years was made use of by the importers of foreign films in exhibiting those films at various places, and they contrived to send back almost worthless films and draw the rebate, and ultimately they were destroyed at the ports where they were received. So Government were deprived of a part of their revenue. Now, Government have realised the position, and I welcome this measure.

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 Shanmukham Chetty) in the Chair.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I have very great pleasure in supporting this motion. The operative part of this Bill relates to section 43 of the Sea Customs Act which runs as follows :

"When any goods, having been charged with import duty at one Customs-port and thence exported to another, are re-exported by sea as aforesaid, drawback shall be allowed on such goods as if they had been so re-exported from the former Port :

Provided that, in every such case, the goods be identified to the satisfaction of the officer, in charge of the Customs-house at the port of final exportation and that such final exportation be made within three years from the date on which they were first imported into British India."

Now, I am glad that the Government have brought forward a Bill for the purpose of doing away with this drawback system. This drawback system has many disadvantages. It was, in the first place, doing a damage to the customs duties of the Government. In the second place, it was sometimes difficult to identify the exact goods which, on its import, had once paid duty and then was subject to drawback at the time of its re-export abroad. In the Statement of Objects and Reasons, two classes of goods have been mentioned, I mean motor cars and cinematograph films. Both these two classes of goods have been mentioned by my Honourable friend, Mr. Jadhav, in his speech. So, I do not want to repeat the same arguments over again. The film industry is in its infant stage in this country and it is the duty of both the Government, and those of us who sit on this side of the House, to give an impetus to the film industry. The import duty on raw films puts the indigenous industry at a disadvantage, and so it is advisable that that point should be taken into consideration. I am very pleased that Government have at last thought it proper to bring in this Bill. There is only one point which I should like to bring to your notice in this connection and it is this. I should like to be satisfied that the rule-making powers which are being given to the Governor General in Council are not of too wide an extent. I should have thought that some of the important points which are to be embodied in the rules might perhaps have been embodied in the text of the Bill itself, but I hope that the Government

[Mr. Gaya Prasad Singh.]

will give an opportunity before framing these rules, to the public and the individuals concerned, to submit whatever objections or suggestions they may have to make in the rules. With these few words, I support the motion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That clause 2 stand part of the Bill."

Sir Leslie Hudson (Bombay : European) : Sir, I beg to move :

"That in clause 2 of the Bill, in sub-section (*2*) of the proposed section 43A, after the words 'The Governor General in Council may' the words 'subject to the condition of previous publication' be inserted."

Sir, on the whole, there is very general agreement about this Bill. I am quite sure that there will be wide satisfaction at the statement made by my Honourable friend, Mr. Raisman, in moving the consideration of the Bill that the Government have under consideration measures legalising the "Triptyque" system which is in force in most of the world and which is badly in need of enforcement here.

There are certain instances where the withdrawal of the drawback concession would be a definite hardship on persons and firms and commercial bodies of which I propose to give one or two instances later, and it is for that reason that I move this amendment, which I hope, from what has fallen from the lips of Mr. Raisman, will be accepted by Government. Instances that occur to one are, firstly, the component parts of machinery which may be found unsuitable for the purpose for which they have been imported or which may be defective. In cases like that, it seems to me right and just that the importer should have the benefit of the drawback concession. Similarly, containers which are used in the carriage of compressed liquids and compressed gases and acids, which are imported into this country for manufacturing purposes, are sent back to the country of origin for being re-filled and brought out to this country again. Under the present concession, whereby 7|8ths of the duty is refunded on re-export, it is obvious that it only requires eight movements to and fro for the Government to realise the 100 per cent. duty after which time there will be a steady revenue coming in. If the concession with regard to these containers is withdrawn, I maintain that it would entail a distinct increase in the cost of manufacture and distribution of the goods for which the containers are required. The same thing applies to component parts of machinery which I have already mentioned. The Honourable Member has already spoken about motor cars, but there are other articles on which, under certain conditions, I think the drawback should be retained, —articles, such as cameras and radio sets, scientific instruments and firearms which may be brought out to this country for a purely temporary period. I hope the Honourable Member will accept this amendment. He has already given us an assurance that the rules will be sufficiently

wide to exempt articles and goods where it can be shown that real hardship does exist and where definite hindrance to trade and industry may be caused.

Mr. President (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in clause 2 of the Bill, in sub-section (2) of the proposed section 43A, after the words 'The Governor General in Council may' the words 'subject to the condition of previous publication' be inserted."

Mr. A. J. Raisman : Sir, I have no objection to accepting my Honourable friend, Sir Leslie Hudson's amendment. On the contrary, I welcome it. I ought perhaps to explain why the words were not inserted in the first instance. The clause in question will form part of the Sea Customs Act, and, for reasons which are obvious, it is not usual in the case of legislation or rules relating to customs to provide for previous publication, because there is a possibility of "forestalling". In the case of drawbacks, there is, of course, no serious objection on this score, and so I am quite prepared to accept the amendment. With regard to the few remarks which fell from my Honourable friend, they do illustrate the point I was making, which is that we cannot at this stage indicate precisely what rules will be made to cover the different cases, because each class of goods will have to be carefully considered, and, when we publish our rules for criticism, we shall then come up against various kinds of difficulties and hard cases, such as Sir Leslie Hudson has pointed out, and I hope we shall be able to make the necessary modifications to cover cases of the type which have been mentioned.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That in clause 2 of the Bill, in sub-section (2) of the proposed section 43A, after the words 'The Governor General in Council may' the words 'subject to the condition of previous publication' be inserted."

The motion was adopted.

Sir Leslie Hudson : I do not wish to move the second amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : 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. A. J. Raisman : Sir, I beg to move :

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

Mr. K. Sanjiva Row (Government of India : Nominated Official) : Sir, I beg to move :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be taken into consideration."

The Bill is a short one, but it has a long history behind it. In 1924, the Bombay High Court gave a ruling with reference to a *hundi* which was on the face of it payable to a particular person or bearer, but which had an endorsement on the back authorising payment to a third party. The Bombay High Court held that the endorsement changed the character of the *hundi* and was no longer payable to bearer, but to the person whose name was mentioned in the endorsement or in accordance with his directions. This ruling of the High Court caused some consternation among the commercial and banking circles who had previously assumed that so long as a negotiable instrument was on the face of it payable to bearer, the drawee need not trouble about anything that was written on the back and could safely pay its value to the person who might present it. Government were, therefore, urged to introduce legislation which would restore to the bankers the security which they had previously imagined themselves to possess. After consultation with Local Governments and commercial bodies, a Bill was introduced in this House which provided that negotiable instruments which, on the face, were payable to bearer, should, in no circumstances, change their character as bearer instruments, in spite of anything written on the back. This Bill was, however, rejected by this Assembly in September, 1929, partly because it was considered that the application of the legislation to *hundis* might involve undesirable interference with the traditional methods and practice of indigenous bankers and partly because it was considered that the question should be first examined by the Indian Central Banking Inquiry Committee. That Committee duly examined the question and recommended that cheques, which were originally drawn payable to bearer, should not lose their bearer character on account of any endorsements written on the back. They considered, however, that the proposed legislation should not apply to negotiable instruments other than those which were drawn in the form of cheques. The simple measure now before the House is the result of this recommendation. The House will observe that, in accordance with that recommendation, the proposed amendment refers only to cheques and not to negotiable instruments in general. The main objection raised in connection with the previous Bill regarding its application to *hundis* and possible interference with the traditional methods and practice of indigenous bankers is, therefore, no longer applicable to the present measure. Sir, this is the immediate purpose of the Bill, but it has a wider object than the protection of the banks. In the interests of the financial development of the country as a whole, it is essential that we should encourage the use of cheques by the general public much more freely than at present. It is possible that the growth of the cheque habit may be retarded if the purport of a cheque can be changed by an endorsement written in a script or language which may be unintelligible to the party to whom it may be subsequently transferred. If, on the other hand, a cheque payable to bearer is always payable to bearer, unless the word "bearer" on the face of the cheque is altered to "order", the necessary confidence is more likely to be acquired. Sir, the Bill is the result of long and careful con-

sideration, and the Select Committee has unanimously recommended that it be passed. I have, therefore, no hesitation in commending it to the acceptance of this House. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. K. Sanjiva Row : Sir, I move :

"That the Bill be passed." (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be passed."

The motion was adopted.

THE INDIAN TRUSTS (AMENDMENT) BILL.

Mr. K. Sanjiva Row (Government of India : Nominated Official) : Sir, I beg to move :

"That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration."

Sir, the purpose of this Bill is to enable trustees to invest trust funds in securities which, under the present sub-section (*a*) of section 20 of the Indian Trusts Act, are not Government securities, but which are fully guaranteed by the Government of India or a Local Government. For some years the Government of Madras have been trying to secure trustee status to the debentures of the Central Land Mortgage Bank of Madras. But, so long as those debentures were not fully guaranteed, the Government of India could not accept the proposal. This attitude of the Government of India was not due to any lack of sympathy with the object which the Government of Madras desired to achieve. The distinction between trustee securities and other securities is mainly intended to protect beneficiaries who are not able to look after their own interests, and it is, therefore, the duty of the Government of India to see that the protection is as complete as possible. If trustee status were accorded to any securities, which were not fully guaranteed, it would be very difficult to resist claims on behalf of other securities which were of a less reliable type and this might lead to an undesirable relaxation of the standards which Government feel bound to maintain. The question was, however, reconsidered in connection with the Resolution moved in this House by my Honourable friend, Mr. Thampan, and it was decided that it would be justifiable to introduce legislation on the lines proposed if the Government of Madras were prepared to substitute a complete guarantee of both principal and interest for the limited guarantee which had previously been given. The Government of Madras accepted this condition and agreed to extend the guarantee. The next question was, whether the

[Mr. K. Sanjiva Row.]

trustee status should be given only to the debentures of the Madras Central Land Mortgage Bank or whether legislation should be undertaken covering all securities which were similarly guaranteed by a Local Government. We preferred the second alternative, as there appeared to be no reason why the debentures of other Provincial Banks, which had been similarly guaranteed, should not acquire trustee status. In deciding the form of the amendment which is now before the House, we were also influenced by the fact that, in accordance with the recommendation of the Joint Select Committee on the Reserve Bank Bill, a proviso has been added to sub-section (8) of section 17 of the Reserve Bank Act to enable the Bank to purchase and sell securities which are fully guaranteed by a Local Government. Sir, I do not think I need elaborate the justification for this Bill. Government have frequently been urged to take more active measures to encourage the development of Land Mortgage Banks. The measure now before the House will materially assist the Land Mortgage Bank of Madras and may also benefit Land Mortgage Banks in other Provinces. I am sure, the House will share my satisfaction that the Government of India have now found it possible to offer this assistance. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration."

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, I certainly for my part share the satisfaction of my Honourable friend, Mr. Sanjiva Row, that at long last even the Government of India have moved in a matter on which agitation has been so strenuous and consistent, not merely from the public and from a known agitator, if I may say so, even like myself, but also from a well-established, orderly and sacrosanct Government like the Government of Madras. Sir, it took several years to convince the Government of India and the Finance Department in particular that nothing revolutionary was intended by the proposal which we put forward that debentures of Land Mortgage Banks should be treated as trustee securities, so that the investing public may invest in these securities with greater confidence. It is not exactly correct, as my Honourable friend, Mr. Sanjiva Row, tried to convey that Land Mortgage Banks must always have been guaranteed by the Local Government if their debentures were to secure trustee status. So far as the Land Mortgage Bank of Bombay is concerned.....

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : There is no Land Mortgage Bank in Bombay.

Diwan Bahadur A. Ramaswami Mudaliar : At any rate, there was legislation as early as 1914 giving Land Mortgage Bank debentures of Bombay.....

Mr. B. V. Jadhav : Bombay Provincial Co-operative Banks.

Diwan Bahadur A. Ramaswami Mudaliar : Well, I stand corrected to that extent. Giving them the status of a trustee security without any backing of the Local Government,—and that was the point I was on—it does not matter whether it was Land Mortgage Banks or other Banks. My

friend says it is not so ; I certainly was under the impression that the legislation in 1914 did not require, as a pre-requisite, the backing up of the Provincial Government, so far as principal and interest were concerned. I, however, have no quarrel with that suggestion ; and, in fact, at the informal conferences, that some of us had with the Honourable Sir George Schuster, we accepted the condition that the Provincial Government should back up these securities, and that then and then alone should the status of trustee security be secured for them.

Mr. K. Sanjiva Row : The debentures of the Bombay Provincial Co-operative Bank are included in trustee securities on the condition that the interest thereon is guaranteed by the Secretary of State for India in Council.

An Honourable Member : What about the principal ?

Diwan Bahadur A. Ramaswami Mudaliar : Now, Sir, as I stated, I have no quarrel with this condition that the Provincial Government should guarantee both the principal and the interest, in case the trustee status was given to these securities. In fact, in our informal conferences, we accepted that condition, and we are glad that the Finance Department has at last moved in this matter. But, while I am on this subject, I should like to refer to another condition which the Finance Department has insisted upon and is now insisting upon and which does not find a place in the Bill. They told us that the amount of guarantee which the Provincial Government can extend is of a limited character, that it cannot be beyond, for instance, fifty lakhs of rupees, and that the Provincial Government, which is under the control of the Government of India with reference to its loan policy, will not be permitted to back up these securities beyond a sum of fifty lakhs of rupees ; at any rate, that was what I was given to understand at the informal conference we had, and, I believe, in the letter which the Government of India have addressed to the Local Government on the subject, whether it is exactly the amount of fifty lakhs or not, certainly a certain amount of maximum is prescribed, beyond which the Local Government cannot go, in backing up these trustee securities. I speak subject to correction, but that is the recollection I have of the negotiations that took place with the Minister in charge of this Department of my Presidency who was in Delhi, and, if I am correct, that is also the content of the letter which the Government of India have addressed to the Local Government. Now, it is about that condition I should like to say a word.

3 P. M.

The object of this Land Mortgage Bank is to redeem the indebtedness of the landholders in my Presidency—in fact in any Presidency. We have heard recently an official conference on the subject, and a great deal of talk has been indulged in about Debt Conciliation Boards, about the methods by which rural indebtedness could be relieved, and so forth, but from newspaper reports and even from the communiqué of the Government of India, there is no indication of a solution of the problem, and the impression left is that the Conference broke up, if I may say so, " as usual " without anybody being the wiser for the Conference having been held. They were wiser certainly in that they knew each other's deficiencies, but so far as any project to redeem the rural indebtedness of the peasant or to mitigate the aggravated circumstances in which the landowner finds himself today was concerned, the Conference does not seem to have produced any result whatsoever. Here

[Diwan Bahadur A. Ramaswami Mudaliar.]

is a practical proposition, whereby the operations of the Land Mortgage Bank may seriously tend to minimise the indebtedness of the landowner. Now, the total indebtedness of the whole of India, so far as the landed proprietors are concerned, is estimated somewhere between 200 and 225 crores of rupees. Any suggestion of raising a large loan, which can be utilised to buy up this indebtedness and to transfer it to lower rates of interest is looked upon as an extremely heterodox proposition by the orthodox Finance Department of the Government of India. They talk of Sanatanists and their orthodoxy, but I venture to think that the most confirmed Sanatanists are those who adorn the Finance Department of the Government of India. (Hear, hear.) Other countries have made this experiment and have been benefited by it. In our country, one Indian State—and Indian States are so often held up to ridicule and obloquy in this House, that I should like to refer, with appreciation, to one State—a State which can be held as a model for the Government of India to copy in this respect—the State over whose fortunes my esteemed friend, Sir Prabha Shankar Pattani, presides with so much of credit, has solved this problem. The State itself has bought up all the indebtedness. It has compelled many people to have their indebtedness settled at lower rates than would have been possible in Courts of law, and, if the reports are correct, it has done what the Government of India have not even dreamt of doing, namely, it has conciliated many of these debts and made it more possible for them to bear the burden of their indebtedness. As I was saying, in the absence of the Government of India and of the Local Governments moving in this matter—and it is a vicious circle in which the Government of India expect the Local Governments to move, because it is their primary concern, and the Local Governments say that they cannot raise a loan, because it is the primary concern of the Government of India,—the rural indebtedness problem is just where it was, and the peasant is expected to remain in the same position as he is or rather he is gradually getting into a worse and worse position. So far as the Government of India are concerned, we, in the South, unfortunately know that it is so far off that it does not even understand our problems. The problem of rice, over which we have been agitating for months past, is exactly where it has been. What do we find ? Paddy is being dumped from Siam and Indo-China. We made representation after representation without any avail. If I were to be returned on the Congress ticket, I know exactly the language I shall use much of which would hardly be parliamentary and little of which will be taken note of by the Treasury Benches owing to its very extravagance ; but as I hope to be returned on the ticket on which I have fought every election during the last 15 years, I shall use the language which I have been accustomed to use and say that it is a scandal that this Government should be impervious to all our arguments on the subject and that unless they wake up at least now, they will be faced with a fearful agrarian crisis, with disastrous consequences to the stability, financial and otherwise, of the Local Government. The Commerce Member has heard us so often, the Member in charge of Lands has also heard our representations and the Finance Member has been even compelled to hear at odd moments what we had to say, and yet none of them has awakened to a realisation of their responsibilities. That is what we call responsive Government in this country as opposed to responsible Government. As I was saying, if the indebtedness, which has become more

and more acute, of the peasant and of the landowner is to be redeemed in any sense at all and to any extent, then the Land Mortgage Bank is the last resort of the rural peasant today. The Land Mortgage Bank is making slow progress. Its funds are very limited, and it is to augment those funds that its debentures may be treated as securities. As this Bill is going to be passed, I hope that the Land Mortgage Bank's beneficent activities will expand and the non-official agency at least will put to shame the Government of India as well as the Local Governments by coming to the relief of the indebted peasant. I welcome this proposal, and I must express my gratitude that the Finance Department and the Government of India as a whole have at long last come to our help and accepted our suggestion.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I do not want to take up the time of the House by making a long speech on this motion. The Honourable the Mover of the Bill referred to the Resolution that was moved by me with a view to giving the debentures of the Madras Land Mortgage Bank the status of a trustee security. The Honourable the Finance Member promised to comply with that request if the Local Government were to guarantee, not only the principal, but the interest of the debentures as well. Since then, the Madras Government has guaranteed the interest also, and the conditions that were required by the Honourable the Finance Member have now been complied with. Coming as I do from Madras, I am grateful to the Government for the promptness with which they have come forward to give our debentures the legal status of trustee securities. I have great pleasure in supporting the motion that is now before the House.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. K. Sanjiva Row : Sir, I move :

"That the Bill, as passed by the Council of State, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill, as passed by the Council of State, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 31st July, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 31st July, 1934.

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

MEMBER SWORN.

The Honourable Sir Henry Duffield Craik, Bart., K.C.S.I. (Home Member).

QUESTIONS AND ANSWERS.

ABOLITION OF OCTROI LEVIED IN SOME PLACES UNDER THE GOVERNMENT OF INDIA.

309. ***Pandit Satyendra Nath Sen** : (*a*) Is it a fact that octroi is levied in some places under the Central Government ?

(*b*) Are Government aware that octroi is regarded by the people as a very vexatious item ?

(*c*) Are Government aware that octroi has been abolished in many countries on the continent ?

(*d*) Do Government propose to abolish it in the near future ?

The Honourable Sir James Grigg : (*a*) Yes.

(*b*) No. Such evidence as is available indicates that octroi is less unpopular than any form of direct taxation which can be imposed by local bodies.

(*c*) Government have no information.

(*d*) No. It is open to municipal committees, if they see fit, to initiate proposals for the revision of their schemes of municipal taxation.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

310. ***Pandit Satyendra Nath Sen** : (*a*) How many prosecutions have been made under the Sarda Act since the passing of the said Act ?

(*b*) How many of them have ended in conviction ? What has been the maximum punishment and in which case ?

(*c*) What is the total amount of fine realised under the said Act ?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the statement laid on the table on the 8th February, 1933, in answer to question No. 356 asked by him on the 16th September,

1932, showing the number of prosecutions, the number of cases in which imprisonment was awarded, the number in which fines were imposed and giving certain other information in regard to cases under the Child Marriage Restraint Act, 1929, in the various Provinces from the 1st April, 1930, to the 31st August, 1932. No more recent information is readily available.

COWS SHOT BY MR. WAUGH, HONORARY MAGISTRATE AND PRESIDENT OF THE SHAHDARA NOTIFIED AREA COMMITTEE.

311. ***Pandit Satyendra Nath Sen** : (*a*) Have Government received any representation relating to a case of cow-shooting by Mr. Waugh, Honorary Magistrate and President of the Notified Area Committee at Shahdara, Delhi ?

(*b*) If the reply to part (*a*) be in the affirmative, will Government please give details of the case ?

(*c*) What action, if any, has been, or is proposed to be taken in the matter ?

The Honourable Sir Henry Craik : (*a*) and (*b*). On hearing of this incident the Chief Commissioner, Delhi, made enquiry and learnt that the animals belonged to a herd of wild cattle which had been damaging the fields round Shahdara for a long time past. Mr. Waugh had made previous efforts to have the animals caught, but without success.

(*c*) Mr. Waugh, at the suggestion of the Chief Commissioner, has resigned the posts of Honorary Magistrate and President of the Shahdara Notified Area Committee and Government do not think that any further action is necessary.

RULES REGULATING DISCHARGE AND DISMISSAL ON THE EASTERN BENGAL RAILWAY.

312. ***Pandit Satyendra Nath Sen** : (*a*) Are Government aware that the rules regulating discharge and dismissal are sometime not adhered to by the Eastern Bengal Railway ?

(*b*) If the answer to part (*a*) be in the negative, will Government please state if the Eastern Bengal Railway followed those rules in discharging one Mr. J. J. Stalkey, Travelling Ticket Inspector, in May, 1932 ?

(*c*) What were the charges in his case ?

(*d*) Was there any formal enquiry in his case ? If not, why not ? If there was any enquiry, when and by whom ?

(*e*) Is it a fact that Mr. Stalkey gave evidence on behalf of Travelling Ticket Inspectors before the Court of Enquiry in connection with the Railwaymen's Federation in 1931 ?

(*f*) Is it a fact that in 1923 Mr. Stalkey was prosecuted at the instance of Mr. Van Sameron, the then District Traffic Superintendent, Eastern Bengal Railway ?

(*g*) Is it also a fact that Mr. Stalkey was honourably acquitted by the Sessions Judge and received costs and damages from the Eastern

Bengal Railway, and shortly after that Mr. Van Sameron had to go home on long leave ?

(*h*) Is it a fact that in 1932 the said Mr. Van Sameron became the Deputy Traffic Manager, Commercial, by whom the order of discharge of Mr. Stalkey was signed ?

(*i*) Is it a fact that the said Mr. Van Sameron has now become the Traffic Manager, to whom an appeal was preferred by Mr. Stalkey in May, 1932, but from whom no intimation has been received yet ?

(*j*) Are Government aware that Mr. Stalkey has been paid his gratuity ? If so, on what grounds ? Will Government kindly quote the rule which made him eligible for gratuity ?

Mr. P. R. Rau : (*a*) No.

(*b*) to (*j*). I have called for certain information and will lay a reply on the table in due course.

FACILITIES FOR THE CARRIAGE OF CHILKA FISH TO CALCUTTA MARKET.

313. *Mr. Sitakanta Mahapatra : (*a*) Is it a fact that refrigerating vans have been provided over the North Western Railway and the East Indian Railway for the carriage of fresh, perishable articles from Northern India to Calcutta and *vice versa* ?

(*b*) Is it a fact that no refrigerating vans are provided by the Bengal Nagpur Railway for the easy movement of Chilka fish to Calcutta ?

(*c*) Are Government aware that the trade in the export by railway of Chilka fish is one of the most important trades in Orissa ?

(*d*) Are Government aware that the absence of refrigerating vans on the Bengal Nagpur Railway is handicapping one of the flourishing trades of Orissa ?

(*e*) Is it a fact that for the easy movement of fresh fruits from Northern India to Calcutta, comparatively lower railway freight is charged by the North Western Railway and the East Indian Railway ? If so, will Government be pleased to state the reasons why for giving impetus to the Chilka fish trade of Orissa, they have not introduced the system of lower freight over the Bengal Nagpur Railway ?

(*f*) Do Government propose to introduce a lower railway freight for the carriage of Chilka fish to Calcutta market and other important places in Northern India ? If not, why not ?

Mr. P. R. Rau : (*a*) Cold storage vans, provided by the North Western Railway, are used principally for the carriage of fruit, some of which is booked to Calcutta. The East Indian Railway provide similar vans for the carriage to Delhi and certain intermediate stations *en route*, of perishables kept in cold storage at Calcutta.

(*b*), (*c*) and (*d*). I am asking the Agent, Bengal Nagpur Railway, for a report and will communicate the information to the House in due course.

(*e*) and (*f*). I understand that half parcels rates are generally charged for fresh fruit as well as fresh fish on most railways. Some railways have recently introduced special reduced rates for fresh fruit in wagon loads. I am communicating the Honourable Member's suggestion to the Agents, Bengal Nagpur and East Indian Railways, for consideration.

Mr. M. Maswood Ahmad : Will Government state whether these vans pass *via* the chord line or *via* the main line ?

Mr. P. R. Rau : I want notice.

Mr. Lalchand Navalrai : May I know if the vans are refrigerated for the convenience of the passengers also ?

Mr. P. R. Rau : I think the railways will make themselves liable to prosecution in a Criminal Court if they put passengers in cold storage. (Laughter.)

Mr. Lalchand Navalrai : What I meant was whether the carriages are being cooled just as the saloons are cooled.

Mr. P. R. Rau : I am not aware whether saloons are cooled in any particular manner separately from carriages.

EXPORT OF CHILKA FISH OF ORISSA.

314. ***Mr. Sitakanta Mahapatra** : Will Government be pleased to state the number of Income-tax assessees, whose sole business is the export of Chilka fish of Orissa ?

The Honourable Sir James Grigg : With your permission, Sir, I propose to answer questions Nos. 314, 315, 316, 318 and 319 together. The information is being obtained and will be laid on the table in due course.

ACCOMMODATION PROVIDED FOR THE ASSESSEES IN THE INCOME-TAX OFFICES AT CUTTACK, CHAIBASA AND PATNA.

†315. ***Mr. Sitakanta Mahapatra** : (*a*) Will Government be pleased to state the exact nature of the waiting accommodation provided for the assessees and their representatives in the Income-tax Offices at Cuttack, Chaibasa and Patna ?

(*b*) Are Government aware that the waiting accommodation that is provided can never be utilised by respectable people who are expected to pay income-tax ? If not, do they propose to enquire into the matter ? If not, why not ?

(*c*) Are Government aware that the practice of holding back of demand notices and appellate and revisional orders *sine die* or indefinitely for months and in cases even for years without even intimating the time it is expected, keeps the assessees concerned in terrible suspense and greatly hampers and affects adversely the regular and free conduct of their business ? Are Government also aware that it does not permit the business-men to go out of station, even if required to do so on their business ?

SERVING OF DEMAND NOTICES OF INCOME-TAX IN BIHAR AND ORISSA.

†316. ***Mr. Sitakanta Mahapatra** : (*a*) Will Government be pleased to lay on the table a statement showing the number of cases :

(*i*) in which the demand notices, the appellate and revisional orders were served on the date of hearing in each of the districts of the Province of Bihar and Orissa,

†For answer to this question, *see* answer to question No. 314.

(*ii*) those in which they were served within one month from the date of hearing fixed, and

(*iii*) those in which they were served more than a month after the date of hearing,

separately under each category in the year 1933-34, excluding lower grade cases in which incomes assessed are below Rs. 2,000 and cases assessed summarily under section 23, sub-section 4, in default ?

(*b*) Is it a fact that in several instances demand notices for cases heard even some six or eight months before, are served at the fag end of the year, scarcely allowing the assessee two days' time to collect and deposit the money ?

(*c*) Are Government aware of the hardships and inconveniences such procedure entails on the assessee, and if so, do Government propose to redress the grievances aforesaid ?

(*d*) Will Government be pleased to lay on the table a statement showing the number of demand notices served in each of the districts after 1st March, 1934, in the province of Bihar and Orissa ?

(*e*) Are Government aware that in the matter of fixing the time and place for examination of accounts or hearing of appeals or reviews, the convenience and facility of the tax-payers or their representatives are the last considerations with Income-tax authorities in Bihar and Orissa, and such requests from assessees are ignored and rejected ? If not, do they propose to enquire into the matter and remove those grievances ? If not, why not ?

INSPECTION OF ASSESSMENT FILES BY THE INCOME-TAX ASSESSEES.

317. ***Mr. Sitakanta Mahapatra** : (*a*) Will Government be pleased to state the definite provision in the Income-tax Act XI of 1932, which denies the assessee, as in every other judicial proceedings, to inspect his assessment file either personally or through his representative ?

(*b*) Is not the assessee, as a matter of right in every judicial proceeding, entitled to be apprised of all informations and materials collected against him, and allowed an opportunity to meet the same before the final orders of assessment are passed in his case ?

(*c*) Is the assessee denied the right to inspect his assessment file, even when such files are sent to High Court in connection with references under section 66 of the Income-tax Act ?

(*d*) When is this discretion to permit assessees or their representatives to inspect their assessment file to be exercised by the Income-tax authorities, and what are the principles which regulate it ?

(*e*) Do Government propose to consider the advisability of permitting the assessees, or their authorised representatives, to inspect their own assessment files in the presence of an Income-tax official after such indenting as might be deemed necessary and payment of such costs as might be laid down, on the lines of the procedure followed in civil courts ?

The Honourable Sir James Grigg : (*a*) The Income-tax Act does not confer any right upon an assessee to inspect his assessment files.

(*b*) Yes.

(*c*) Does not arise as assessment files are not sent to High Courts in connection with references under section 66 of the Income-tax Act.

(*d*) and (*e*). As stated in answer to part (*a*), the Income-tax Act is silent on this question. The Income-tax authorities, however, in their discretion, do in fact permit an inspection whenever that course appears to them to be advisable for the proper administration of justice to an assessee.

Mr. Lalchand Navalrai : May I know if these are not public documents which shall be open to inspection ?

The Honourable Sir James Grigg : Certainly not. They relate to individual assessments and they are certainly not public documents. The Income-tax authorities are debarred from disclosing these documents to the public under the secrecy provisions of the Act.

Mr. Lalchand Navalrai : The documents pertain to the public and they would come under the Evidence Act and so they can be inspected by the public. Does the Honourable Member know that ?

The Honourable Sir James Grigg : There is a secrecy section in the Income-tax Act.

Mr. Lalchand Navalrai : But is the Honourable Member going to issue an order or notification that they should be done according to the Evidence Act which applies everywhere ?

The Honourable Sir James Grigg : No, Sir.

Mr. Lalchand Navalrai : Why not ? That would be in the interest of the public.

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question

AVOIDANCE OF ASSESSMENT OF INCOME-TAX BY THE TRANSFER OF PRINCIPAL PLACE OF BUSINESS FROM BIHAR AND ORISSA.

†318. *Mr. **Sitakanta Mahapatra** : Are Government aware of the fact that transfer of principal place of business from Bihar and Orissa to other Provinces is invariably sought for to avoid the heavy arbitrary assessments in Bihar and Orissa, and if so, what steps do Government propose to take to stop this increasing tendency ?

AVOIDANCE OF ASSESSMENT OF INCOME-TAX BY THE TRANSFER OF PRINCIPAL PLACE OF BUSINESS FROM BIHAR AND ORISSA.

†319. *Mr. **Sitakanta Mahapatra** : (*a*) Will Government please lay on the table a statement showing (*i*) the total number of applications filed for transfer of principal place of business out of Bihar and Orissa, district by district, during the period of the last five years and how many of them were successful and (*ii*) the total number of cases transferred into Bihar and Orissa from other provinces, within the same period excluding the cases of salary holders and house property and Government security owners ?

†For answer to this question, *see* answer to question No. 314.

(*b*) Is it a fact that in almost all such cases as have succeeded in getting their principal place of business transferred out of Bihar and Orissa, there has invariably been considerable reduction in the average of tax charged in such other provinces, subsequent to the transfer from that charged in Bihar and Orissa prior to such transfer ? If so, will Government please state the measures adopted to stop transfers from the Provinces ?

ABOLITION OF SURCHARGE ON RAILWAY FREIGHT ON COAL.

320. ***Mr. G. Morgan** : (*a*) Will Government be pleased to state whether the arrangements (foreshadowed in the speech by the Chief Commissioner of Railways in presenting the Railway Budget for 1934-35 in the Council of State) to collect further and more detailed statistics to enable Government to make a more comprehensive review of the position in regard to the 15 per cent. surcharge on railway freight on coal, were actually made ?

(*b*) If the reply to part (*a*) be in the affirmative, what was the result of this further and more detailed examination of this question ?

(*c*) If the reply to part (*a*) be in the negative, what steps do Government propose to take to obtain the further information required ?

(*d*) Do Government propose to abolish the whole, or any part, of the 15 per cent. surcharge on railway freight on coal in the immediate or near future ?

Mr. P. R. Rau : As mentioned by the Chief Commissioner of Railways in his speech presenting the Railway Budget, the Railway Board made arrangements to collect detailed statistics to enable them to ascertain whether the surcharge had a serious effect on long distance traffic. Railways were instructed to collect figures of tonnage and earnings in respect of public coal by zones. These statistics have been received only recently and are at present under examination by the Railway Board.

PROCEEDINGS OF THE ECONOMIC CONFERENCE.

321. ***Dr. Ziauddin Ahmad** : Will Government be pleased to circulate among Members of this House the proceedings of the Economic Conference held in April, 1934 ?

The Honourable Sir James Grigg : I regret that it is not possible to circulate the proceedings of the Economic Conference. The discussions were of an informal character, and were conducted on the understanding that the views expressed by individual members of the conference would not be published.

Dr. Ziauddin Ahmad : Will it be possible to circulate their recommendations if not the speeches delivered by individual members ?

The Honourable Sir James Grigg : I was under the impression that the recommendations had been published in the form of a Government of India Resolution.

PROTEST AGAINST THE TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

322. *Mr. Gaya Prasad Singh : Has the attention of Government been drawn to the following telegram received by me today from the Chhateerane Gramrakshnie Sabha, Delhi (which I have forwarded in original to Mr. Bajpai) ?

"Jats of Delhi and Rohtak Districts who sacrificed their money men in Great War deadly against transfer proposal of Pusa Institute in Delhi villages hundred villages meeting next week sensation prevails."

If so, what steps do they propose to take ?

Mr. G. S. Bajpai : Yes.

The attention of the Honourable Member is drawn to the answer I gave yesterday to part (*c*) of his question No. 305.

Mr. Gaya Prasad Singh : Are Government aware that protest meetings are being held in the vicinity in which the land is being acquired protesting against it, and that recently a meeting was held in which Chaudhuri Chhotu Ram, an *ex*-Minister of the Punjab, and other influential gentlemen attended ?

Mr. G. S. Bajpai : I have read about one such meeting, but my information is that these gatherings are due more to the inspiration of the Press than to any serious dissatisfaction among those concerned.

Mr. Gaya Prasad Singh : Are Government aware that these villagers have sent a formal petition to the Deputy Commissioner of Delhi in which they have set forth their views against the proposed acquisition of lands ?

Mr. G. S. Bajpai : My information is that a copy of the petition had appeared in the newspapers, but it has not yet reached the Deputy Commissioner of Delhi.

Mr. Gaya Prasad Singh : Are Government aware that I have received a petition in which the name of an Advocate appears, and it is stated therein that the petition was filed in the Court of the Deputy Commissioner of Delhi ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member himself is in a better position to answer that question.

Mr. Gaya Prasad Singh : Are Government aware, as it appeared in the newspapers, that a long memorandum over the signature of about 200 persons belonging to the villages to be acquired for the location of the Research Institute, has been sent to the Secretary of State for India requesting him not to dispossess them of their lands in view of the services rendered by them during the Great War and in view of the present economic condition ?

Mr. G. S. Bajpai : I have read a statement to that effect in the Press, but I regret to say that the memorandum or a copy thereof has not yet reached the Government.

Mr. Gaya Prasad Singh : Will Government please lay on the table the note or report or any memorandum submitted by Sir T. Vijayaraghavachariar in connection with this question ?

Mr. G. S. Bajpai : I submit that that does not arise on this particular question. But I may inform the House that I am not in possession of any note submitted by Sir T. Vijayaraghavachariar.

Mr. M. Maswood Ahmad : Will Government please state whether these lands, which are to be acquired, are part of the Punjab or the Delhi Province ?

Mr. G. S. Bajpai : They are a part of the Delhi Province.

Dr. Ziauddin Ahmad : Will Government give up any project of railways or any other project if objection is taken by the land owners in case the Government are thinking of acquiring them ?

Mr. G. S. Bajpai : Not necessarily, Sir. The question will depend upon the balance of advantage to the public.

RETIREMENT OF THE DIRECTOR GENERAL OF ARCHÆOLOGY.

323. *Mr. Muhammad Muazzam Sahib Bahadur : (*a*) Is it a fact that the present incumbent of the post of Director General of Archæology is to retire on attaining the age of 55 years in December next ?

(*b*) Do Government intend to put him on special duty after his retirement for writing archæological books ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The question of re-employing him after retirement is under consideration.

ANNUAL REPORT OF THE ARCHÆOLOGICAL DEPARTMENT.

324. *Mr. Muhammad Muazzam Sahib Bahadur : (*a*) Will Government please state if the publication of the Annual Report of the Archæological Department has been abolished ?

(*b*) If the answer to part (*a*) be in the negative, will Government kindly state how many reports were published during the present Director General of Archæology's tenure of office ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) One, namely the report for 1928-29. The report for 1929-30 is expected to issue before the end of the year.

RECRUITMENT OF ASSISTANT ENGINEERS IN DELHI.

325. *Bhai Parma Nand : (*a*) Is it a fact that the Delhi Administration and the Central Public Works Department propose to recruit some Assistant Engineers very shortly ?

(*b*) Is it a fact that recruitment of Assistant Engineers in other Provinces is confined to the persons *domiciled* in those Provinces ?

(*c*) Is it a fact that the said recruitment is to be made through the Public Service Commission ?

(*d*) Do the Delhi Administration propose to confine the recruitment to the persons domiciled in Delhi and Ajmer-Merwara ?

(*e*) Are Government aware that properly qualified Engineers from Delhi Province are not even allowed to take up apprenticeship in other Provinces ?

(*f*) Are Government aware that such duly qualified persons are not held eligible for any job in the Provincial service of other Provinces ?

(*g*) Do Government therefore propose to restrict the choice to the properly qualified persons *domiciled in Delhi* ?

(*h*) Do the Delhi Administration propose to give preference to their nominees at the Thomason Civil Engineering College, Roorki ?

The Honourable Sir Frank Noyce : (*a*) No. The Government of India, and not the Delhi Administration, propose to recruit three Assistant Executive Engineers for the Central Public Works Department.

(*c*) Yes.

(*b*), (*d*), (*f*) and (*g*). The attention of the Honourable Member is invited to the reply given by me to parts (*c*), (*d*) and (*e*) of starred question No. 123 asked by Diwan Bahadur Harbilas Sarda on the 13th February, 1934.

(*e*) Government have no information.

(*h*) No.

PROMOTIONS IN THE ENGINEER-IN-CHIEF'S BRANCH, ARMY HEADQUARTERS.

326 ***Maulvi Muhammad Shafee Daoodi** : (*a*) Will Government please state how many vacancies occurred in the first and second divisions of the clerical establishment of the Engineer-in-Chief's Branch at Army Headquarters since the 1st April, 1930, and how they were filled, *i.e.*, either by departmental promotion or by external recruitment ?

(*b*) Will Government please state whether in making the promotions and appointments, the rules (promulgated by the Home Department and the Public Service Commission) on the subject were duly given effect to ?

(*c*) Is it a fact that recently certain departmental promotions have been made in the Engineer-in-Chief's Office, which included the promotion of a second division clerk (Bhagat Ram) to the first division ? Is it a fact that this clerk is the cashier of that office ?

(*d*) Is it a fact that in making the above promotions the rules on the subject, issued by the Home Department and the Public Service Commission, were not observed ? If so, was the concurrence of the Home Department and the Public Service Commission obtained to a departure from those rules ?

(*e*) Is it a fact that the cashier of the Engineer-in-Chief's Office has failed to qualify for the first division at examinations held by the Staff Selection Board and the Public Service Commission on two occasions ?

(*f*) What is the reason for promoting him now ? How many clerks are senior to him, and how many have duly qualified for promotion to a high grade ?

Lieut.-Colonel A. F. R. Lumby : Enquiries are being made in the matter, and the result will be communicated to the House in due course.

DETENTION OF ONE GURUMUKH SINGH IN THE KABUL JAIL.

327. *Mr. Gaya Prasad Singh : (*a*) Are Government aware that Gurumukh Singh, a British Indian subject, has been detained in the Kabul Jail for over a year without trial ?

(*b*) Has any representation been made by Government in this connection ?

(*c*) What are the facts of the case, and has the charge of ill-treatment in jail been enquired into ?

Mr. G. S. Bajpai : (*a*) and (*b*). Government are aware that Gurumukh Singh was detained in jail in Kabul. It is understood however that he has recently been released. No representation was made by Government in the matter.

(*c*) Government have no precise information. The matter is one which concerns the internal administration of a foreign State.

Mr. Gaya Prasad Singh : Are not the Government of India in a position to give protection to British Indian subjects if they are in a foreign territory ?

Mr. G. S. Bajpai : It depends upon (*a*) whether the individual concerned makes any representation to Government on the matter, and (*b*) the character of the offence for which the individual is detained by the foreign Government.

Mr. Gaya Prasad Singh : Do I understand that, without any representation from a resident of British India in a foreign territory, the Government of India are unwilling to take any suitable steps in such matters ?

Mr. G. S. Bajpai : The question is not susceptible of what might be called a general answer, but I should say that if a person offends against the laws of a foreign State and is detained there, Government would not, of their own initiative, inquire unless there were very good reasons for doing so.

Mr. Gaya Prasad Singh : As the Honourable Member assumes that he has violated the laws of the State, it seems he knows the facts of the case. In view of that, is he now in a position to answer part (*c*) of the question ?

Mr. G. S. Bajpai : I have already given the answer that Government have no precise information as to the nature of the offence that he committed, but they have general information of the fact that he entered the country after having been deported and that that is looked upon as a grave offence by the Government of Afghanistan.

Mr. Lalchand Navalrai : Does not the criminal law require that, if a British subject is detained outside in a foreign territory, the approval of the Government of India or the British Consul or Resident there has to be obtained ?

Mr. G. S. Bajpai : So far as the criminal law of India is concerned, my Honourable friend is a greater authority than I am.

PUNISHMENT FOR ENTERING AFGHANISTAN WITHOUT A PASSPORT.

328. *Mr. Bhuput Sing : What is the maximum punishment for entering Afghanistan without a passport ?

Mr. G. S. Bajpai : Government have no information. The matter is one pertaining to the law in Afghanistan.

UNSTARRED QUESTIONS AND ANSWERS.

TENDERS IN THE REMOUNT DEPARTMENT.

22. Bhagat Chandi Mal Gola : (*a*) Will Government please state why this year the tenders in the Remount Department were called by the Officers Commanding of Depôts and kept secret at the opening time, and why they were not opened before the contractors as usual ?

(*b*) Has the Director of Remounts accepted the highest tender of Rs. 3,000 this year in Sargodha Remount Depôt when there were three more lower tenders of old and approved contractors of the Department, who are working in the Department most satisfactorily since a long time ? If so, why ?

(*c*) Do Government propose to take action to cancel such orders, if any, and to give instructions to those concerned to open the tenders in the presence of the contractors so as to give a clear chance to each approved contractor to appeal for his rights to the higher sanctioning authorities against the injustice, if any, that might have been done to him by the Officer Commanding ?

(*d*) Do Government propose to try to do justice and give a clear chance to each lowest possible tenderer of the approved contractors by accepting his tender, if his rates are favourable and he gives enough security to Government ?

Lieut.-Colonel A. F. R. Lumby : (*a*) In order to conform to the normal practice in the Army, tenders this year were not opened in the presence of tenderers. The regulations on the subject do not require this.

(*b*) Neither the highest nor the lowest tender was accepted. The one accepted by the Director of Remounts was deemed to be the most advantageous to Government.

(*c*) No. All contracts made on behalf of the Army Remount Department are sanctioned, not by Officers Commanding, Army Remount Depôts, but by the Director of Remounts at Army Headquarters. That officer safeguards the interests of Government and of the tenderers. The latter have in addition a right of appeal.

(*d*) There is no question of injustice. The lowest tender is accepted, provided it is considered the most advantageous to Government in every respect.

TRANSFER OF THE HEAD CLERKS OF THE REMOUNT DEPÔTS.

23. Bhagat Chandi Mal Gola : (*a*) Do Government propose to transfer the Head Clerks of Remount Depôts from one Depôt to another

after such time as the Officers are generally transferred, *i.e.*, within a reasonable period of five years ?

(*b*) Is it not a fact that many Head Clerks in the Remount Department are working at one place for a very long time ?

Lieut.-Colonel A. F. R. Lumby : (*a*) No. Transfers of Head Clerks, from one remount formation to another, are made in the interests of the service ; no period can be laid down for their stay in any one place.

(*b*) No. Out of 13 Head Clerks only one has remained in the same formation as Head Clerk for more than five years.

BALANCE STOCKS OF COAL AND COLLIERIES CLOSED.

24. **Mr. K. C. Neogy :** Will Government be pleased to lay on the table of this House a statement showing :

(*a*) the Balance Stocks of coal on the 31st December, 1933, at collieries working within British India ;

(*b*) the Balance Stocks of coal on the 31st May, 1934, at collieries working within British India ;

(*c*) the number of collieries closed during the year 1933 ;

(*d*) the number of collieries closed from January 1934, to June 1934 ;

(*e*) the number of collieries closed each year, which were under the management of (*i*) European Firms, and (*ii*) Indian Firms, since 1930 ; and

(*f*) the total quantity of soft coke despatched from collieries in 1933, as per Chief Inspector of Mines' Report ?

The Honourable Sir Frank Noyce : (*a*) 1,143,891 tons.

(*b*) to (*e*). Information has been called for and a reply will be placed on the table of the House in due course.

(*f*) 823,073 tons.

CESS ON SOFT COKE.

25. **Mr. K. C. Neogy :** (*a*) Is it a fact that the Soft Coke Cess Committee got cess on more quantities than reported by the Chief Inspector of Mines ?

(*b*) Are Government aware that this is due to the fact that large quantities of second class hard coke are being despatched as soft coke to avoid paying surcharge ?

(*c*) Are Government aware that this is being done by some of the coke plants located in the coal fields ? If so, what are the names of those firms and their managing agents ?

(*d*) If the reply to part (*c*) be in the affirmative, were steps taken against any party for doing this, under the Railway Act ?

The Honourable Sir Joseph Bhore : Inquiries are being made in the matter and the result will be communicated to the House in due course.

STEAM COAL AND SLACK COAL DESPATCHED FROM CERTAIN COLLIERIES.

26. **Mr. K. C. Neogy** : What were the quantities of steam coal and slack coal, respectively, despatched during the year 1933, from the collieries under the management of (*i*) Messrs. Bird and Company, (*ii*) Messrs. Heilgers and Company, (*iii*) Messrs. Macneill and Company, Limited, and (*iv*) Messrs. Andrew Yule and Company, Limited ?

The Honourable Sir Frank Noyce : The annual production of each coal mine is given every year in ' Indian Coal Statistics '. The Government of India have consistently refused to anticipate and elaborate this publication by giving earlier and more detailed public information of the raisings and despatches of individual collieries, because they consider that such action would be regarded by the industry as prejudicial to its interests.

GAZETTED AND NON-GAZETTED STAFF IN THE GOVERNMENT OF INDIA OFFICES.

27. **Sir Muhammad Yakub** : Do Government propose to prepare and put on the table of this House a statement showing the present strength of permanent members of different communities among the gazetted and non-gazetted staff in each grade of every Department of the Government of India and its subordinate offices ?

The Honourable Sir Henry Craik : Statements are placed in the Library of the House, every year, showing the communal composition of the All-India Services and Central Services, Class I, and of the clerical staff employed in the Departments of the Government of India and their Attached and Subordinate Offices. The statements relating to the year 1933 are in preparation and will be made available to the House in due course. Government are considering what statements will be required in order to watch the observance of the rules laid down in the recent Home Department Resolution about recruitment to the services.

INCOME FROM ONE-ANNA ENVELOPES, ETC.

28. **Mr. Bhuput Sing** : Will Government be pleased to lay on the table of this House a statement showing :

(*a*) the total amount of income from April till June, 1934, derived from one-anna envelopes, and the comparative figures of five-pice envelopes for the same period last year ; and

(*b*) the total number of one-anna envelopes from April till June, 1934, which exceeded the weight limit and became due as compared with the total number of five-pice envelopes which became due in the same period last year ?

The Honourable Sir Frank Noyce : (*a*) I presume that by envelopes, the Honourable Member means stamps. No separate account of the monthly sale proceeds of one anna or one and a quarter anna stamps is maintained. The information required by the Honourable Member is, therefore, not available.

(*b*) No separate statistics of letters bearing one anna or one and a quarter anna stamps which exceed the weight limit are kept in the post offices and it is not, therefore, possible to furnish the information required by the Honourable Member.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 108 asked by Bhai Parma Nand on the 13th February, 1934.

RATES OF INTEREST CHARGED BY AFGHAN MONEY-LENDERS IN INDIA.

Province.	Rates.	Remarks.
Madras Presidency ..	75% to 300% per annum	Interest invariably deducted at outset from principal amount lent. The number of Afghan money-lenders is however very small.
Bombay Presidency ..	75% to 300% per annum	In some cases interest is deducted from the amount before it is paid.
Bengal Presidency ..	37½% to 150% per annum.	
United Provinces.. ..	23-1/3% to 450% per annum	Average rate is between 100% and 150% per annum.
Punjab	75 % per annum ..	This is the lowest rate and the actual rate may be twice as much.
Burma	24% to 240% per annum.	
Bihar and Orissa ..	25% to 300% per annum and even higher.	
Central Provinces ..	37½% to 325% per annum	Generally the rate of interest on small loans is between 150 and 300% per annum.
Assam	37½% to 225% per annum.	
N. W. F. Province ..	75% to 225% per annum	The usual rate is about 150% per annum.
Baluchistan	No money lending business is carried on by Afghan subjects in Baluchistan.	
Ajmer-Merwara	75% to 225% per annum.	
Coorg	There are no Afghan money lenders in Coorg.	
Delhi	75% to 300% per annum	The usual rate is 75% and 150% per annum.

Information promised in reply to unstarred question No. 62 asked by Mr. N. M. Joshi on the 16th February, 1934.

RAILWAY LINES OUTSIDE THE OPERATION OF THE INDIAN RAILWAYS ACT.

According to the information available with Government, the following is a list of the Railways which do not come within the operation of the Indian Railways Act, 1890; as jurisdiction over them has not been ceded to the British Government :

(*a*) Sirhind Rupar Railway (portion lying in Patiala State Territory).

(*b*) Khanpur-Chachran Railway.

(*c*) Bahawalnagar-Fort Abbas-Kut-ul-Amara Railway.

(*d*) Karepalli-Kothagudiam Railway.

(*e*) Parbhani-Purli Railway.

(*f*) Vikarabad-Bidar Railway and extension.

(*g*) Mysore-Arsikere Railway.

(*h*) Bangalore-Mysore-Nanjangud Section.

(*i*) Birur-Shimoga Section.

(*j*) Shimoga-Arasalu Anandapuram Railway.

(*k*) Kolar District and Bangalore-Chickballapur Light Railway.

(*l*) Chickjajur-Chitaldrug Railway.

(*m*) Kolar Gold Fields Railway.

Information promised in reply to starred question No. 26 asked by Mr. M. Maswood Ahmad on the 16th July, 1934.

STRIKES OF THE TEXTILE WORKERS OF BOMBAY.

(*a*) The textile mill strike in Bombay, which had been advocated by the All-India Textile Workers' Conference in January last, and in favour of which propaganda had since been carried on by the Joint General Strike Committee and other bodies, began on the 23rd April, 1934. On the first day four mills were affected; on the second day fifteen and on the third day thirty-one. The peak was reached on the 17th May when 49 textile mills in the City and Island of Bombay were affected and the total number of work people involved amounted to about 90,700.

Peace was disturbed on several occasions and cases of assault and intimidation were of frequent occurrence. The Government of Bombay, in accordance with their general policy of allowing the utmost possible freedom to labour movements, consistently with the requirements of the public safety and peace, placed no obstacles in the way of the proposed strike and used its opening stages to test the *bona fides* of the organisers and the wishes of the workers. After watching the course of events for about a week, the Government of Bombay considered that, owing to the manner in which the strike was being conducted, an emergency involving grave likelihood of disorder had arisen and that it was necessary to use the powers conferred by the Bombay Special (Emergency) Powers Act to remove the ringleaders mainly responsible for the situation. Fourteen prominent strike leaders were therefore arrested on the 30th April, 1934. The persons arrested were all professed Communists and had been conducting the strike not with a view to settlement but with the apparent object of spreading and intensifying the disturbed conditions. On the 25th May, the Government of Bombay again found it necessary in the interest of public safety and peace to arrest and detain under section 3 of the Bombay Special (Emergency) Powers Act, fourteen persons who were professed Communists connected with the leadership of the strike. It had for several days been evident that these persons and others acting under their direction had been abusing the liberty of speech allowed to them by delivering to the millhands speeches of an inflammatory nature which had small reference to any dispute in the textile industry and the main object of which was to incite the strikers, to attack the police and to defy all lawful authorities. It is significant that in an

anonymous letter issued in the name of the Communist Party of India, workers of all industries were urged to join the strike, collect arms and ammunition and fight the police and the military.

There was no attempt at negotiation made by either party in the earlier stages of the dispute. On the 9th May, the Joint Strike Committee forwarded a list of 20 demands to the Millowners' Association and sent a copy to Government.

Towards the end of May, 1934, the Indian Merchants' Chamber, Bombay, endeavoured to bring about a settlement but to no purpose. The strike continued with unabated vigour for some time in spite of the counter-propaganda carried on by the millowners. Towards the end of May, however, the situation began to show signs of improvement and the workers began gradually to return to work. The strike practically terminated on the 20th June.

(*b*) (*i*) Yes.

(*b*) (*ii*) The strike was called ostensibly as a protest against wage cuts and the introduction of rationalized methods of work. The demands put forward by the strikers [*see* under (*b*) (*iv*) below] were, however, concerned with other matters also. In all, 49 textile mills employing about 90,700 workers were involved in the strike which lasted for nearly eight weeks.

(*b*) (*iii*) Having regard to the fact that reductions in wages had either been effected or were in contemplation in several centres of the cotton mill industry in the Presidency, the Government of Bombay thought it desirable that the fullest possible information should be obtained and made available to the public on the subject. They therefore instructed the Labour Office to make a special investigation into this question in order to ascertain the facts. The enquiry was announced in the Bombay Legislative Council on the 26th February, 1934, and began immediately, that is, before the strike took place on the 23rd April. The report of the enquiry was published on the 21st June, 1934, and the Local Government are now considering in the light of this enquiry what further action should be taken by them. The matter was primarily the concern of the Local Government, and no occasion for intervention by the Government of India arose.

(*b*) (*iv*) The following were the demands of the workers as put forward by the Strike Committee :

(*1*) No wage-cut and restoration of all cuts effected since January, 1933 ;

(*2*) No rationalization ;

(*3*) Unemployment benefit and maternity insurance at the expense of Government and owners ;

(*4*) No retrenchment ;

(*5*) Eight hours' duty for day-shift and seven hours for night-shift ;

(*6*) Equal wages for equal work ;

(*7*) One month's leave with full pay every year ;

(*8*) Minimum living wage of Rs. 45 per month ;

(*9*) Recruitment of labour through Workers' Committees to be set up in each Mill.

(*10*) Full liberty for union work within the mills and right of mill committees to supervise the condition of work in the mills ;

(*11*) No victimization of active trade union workers and reinstatement of all victimized workers ;

(*12*) 50 per cent. reduction in house-rent ;

(*13*) Well-defined regulations and fair treatment with regard to leave, abolition of fines, etc. ;

(*14*) No recruitment of boys up to the age of ten ;

(*15*) Recognition of the unions ;

(*16*) Consolidated wages ;

(*17*) Right of organization, speech, assembly, etc. ;

(*18*) Right of strike and picketing ;

(*19*) Trade union legislation and right of trade union organization within Native States ;

(*20*) Withdrawal of all repressive laws and anti-working class legislation and release of all political prisoners.

(*b*) (*v*) Seven.

(*b*) (*vi*) While the Labour Office enquiry was in progress, the Millowners' Association, Bombay, gave an assurance to the Government of Bombay that the millowners had no intention of making any further alterations in wages and conditions of labour until the report of the departmental enquiry was published and considered. Since the publication of that report, the Association have evolved a scheme for standardization of wages with a view to removing the disparities in wages between mill and mill.

(*b*) (*vii*) The Bombay Millowners' Association have granted general recognition to registered trade unions of textile workers in Bombay, but the recognition of the Bombay Girni Kamgar Union was withdrawn in 1929 after the publication of the Report of the Pearson Court of Enquiry.

Information promised in reply to starred question No. 149, asked by Mr. Gaya Prasad Singh on the 19th July, 1934.

FORCIBLE ABDUCTION OF ONE SRIMATI GORI FROM DHAN JOLENGRA IN MALKAND AGENCY.

Musammat Gori, aged 17, wife of Dina Nath of Mardan, was abducted while on a visit to her parents' house at Dheri in the Malkand Agency on the 21st May, 1934, by one Said Khan, and taken to Agra, in Shamozai territory. As a result of strong political pressure on the tribe, she was handed over on the 30th June, and restored to her relations in Mardan on the 1st July. The efforts of the political authorities were greatly handicapped by exaggerated propaganda in the Press and elsewhere, which exacerbated local feeling and engendered resistance to the demand for surrender of the girl.

As long as human nature remains unaltered no guarantees against a recurrence of such an incident can be given ; but the local authorities may as in this case be entrusted to do all that is possible in the matter.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Sir, I beg to present the Report of the Committee on Petitions on the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples.

THE UNTOUCHABILITY ABOLITION BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Sir, I beg to present the Report of the Committee on Petitions on the Bill to provide for the abolition of untouchability among the Hindus.

THE INDIAN IRON AND STEEL DUTIES BILL.

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Sir, I beg to move :

" That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise

duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce, and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Once again, Sir, it has fallen to my lot to place before this Assembly a protective measure of major importance designed to extend the period of shelter given to one of the key industries of this country. The consideration of the case of the Indian iron and steel industry presents a somewhat simpler task than did, for instance, that of the cotton textile industry.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Mr. Mody is interested in both.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I hope so.

The Honourable Sir Joseph Bhore : Iron and steel production is more localised ; it is for the most part concentrated in a few centres ; its products do not vary very greatly in character and quality, and comparisons of price are generally more easily and more reliably made. I will endeavour, Sir, to the best of my ability, to present the problem which we have to examine as simply and as free of technicalities as I possibly can. Here, as in the case of the cotton textile industry, we are faced with four principal questions, and when we have answered those questions, we will have covered the entire ground necessary to enable us to come to conclusions in regard to the problem before us. The first of these questions is, has the industry utilised the period of protection during the past seven years to improve its efficiency ? If that question is answered in the affirmative, the second question is, has that improvement been purchased at an unduly or disproportionately high cost to the consumer ? Thirdly, if the price paid has not been excessive, should protection be continued ? And, lastly, if protection is to continue, what should be the extent of that protection ?

Now, Sir, I will attempt to answer the first of these questions,—has the industry under the shelter of protection done what lay in its power to improve its organisation and its methods of production ? Has the improvement, secured during the past seven years, been such as to justify the anticipation that it will, in a reasonable measure of time, be able to hold its own without protection against outside competitors ? In the first place, Sir, it must be remembered that the wave of depression which passed over this, as over other industries, has imposed a severe handicap. The demand has fallen, and output has had to be curtailed with a consequential increase in costs of production. But apart from this uncontrollable factor, the Board has pointed out in an interesting Chapter, Chapter VII, entitled " Technical Equipment and Efficiency ", certain directions in which the abandonment of obsolete plant and the adoption of revised methods would lead to enhanced efficiency and to a reduction in costs. Nevertheless, the Board has found that no general charge of inefficiency can be brought against Tatas despite the fact that improvement is possible along certain lines suggested by itself. Its final conclusions are summarised in the following terms at page 81—paragraph 139 :

" Although mention has been made of several cases in which the equipment of the Tata Company's works falls short of the best attainable efficiency, it should not

[Sir Joseph Bhore.]

be thought that the works are inefficient as compared with other works abroad of similar age. Doubtless a few works on the continent and in America which have been entirely planned and built since the war are better equipped, but it would probably be difficult to find a works dating back to the pre-war period with which the Tata Company's works does not compare favourably. The steel smelting section is its weakest point, but with this put right and with the proposed improvements in other departments there should be very little which could be criticised seven years hence.

No complaints have reached us as regards the quality of the steel supplied by the Tata Company, whether made by the duplex or open hearth process. All the information we have obtained indicates that the railways, the engineering works and others using the company's products find them satisfactory and fully up to the standard they require."

But the proof of the pudding is after all in the eating, and we must turn to the actual results if we want to apply the real test. Those results strongly endorse the finding that a high standard of efficiency has been pursued and has been achieved. If you ask what those results are, I would point to the striking reduction in works costs in all the products of the Tata Iron and Steel Company. I would like to give the House just four typical instances. In the case of rails, the works costs in May, 1927, was Rs. 82.41 a ton. The Tariff Board of 1926 estimated that this would fall to Rs. 61.6 in 1933-34. In May, 1934, the actual cost was Rs. 58.03. In the case of plates, the figures are Rs. 103.45 a ton, Rs. 80.3, and in May, 1934, Rs. 66.23 a ton. The figures for bars are Rs. 87.51, Rs. 77, and Rs. 56.33. The figures for galvanised sheets are Rs. 254.95, Rs. 200, and Rs. 119.01. These, I am sure, the House will agree, are very satisfactory results, and their achievement is an indication of the success which has attended our policy of discriminating protection. It must, I think, so far as the first question is concerned, be definitely found that material improvement has taken place in the efficiency of the industry.

That brings me to the second question. Has this improvement been secured at an unduly high cost to the consumer? Obviously the reply to that question must be largely coloured by the predilections, the prepossessions, and the interests of the person answering that question. The confirmed free-trader or the outside competitor, who sees in the development of Indian industry a contraction of his market or a challenge to his own production, would certainly not pronounce the same verdict as the rabid protectionist. I have no doubt that some sort of a case could be made by the exponents of both these extreme views. Our standpoint must be that of the discriminating protectionist who realises that protection involves the payment of a price and who judges the worthwhileness of the price by considering the nature of the industry in question, the facilities for its establishment, its value to the country and the part it is likely to play in the economy of the nation. As far as I am aware, I do not know of any other major industry which can compare with the Indian iron and steel industry in the abundance and quality of the raw materials necessary for its products which are available in India. To my mind, however, the consideration of crucial importance is the value of the establishment, on sound foundations of an Indian iron and steel industry to the country at large. It must, I think, be admitted that it is a key industry of national importance. Memories are proverbially short, but I think it must be within the recollection of many of us here what part the then comparatively young Indian iron and steel industry played during the fateful years of the Great War. The value and the importance of this

industry to the country must be prominently borne in mind when we consider the cost to the country of its establishment. What that cost has been it is almost impossible to calculate with any degree of accuracy. The reasons for that have been stated by the Board, namely, the existence of many factors in regard to which it is impossible to do anything except indulge in the wildest possible guesses. When it comes to a question of trying to make up some sort of balance sheet of gains and losses, of trying to estimate what the net advantage or disadvantage is to the country, then we are faced with a problem which, I think, is almost impossible of accurate solution. The utilisation of vast natural resources, which would otherwise have been wasted, the employment of a large labour population, the stimulation of subsidiary industries are all benefits which must be taken into account, but on which it is almost impossible accurately to place a money value. For these reasons, I for my part think that it would be a barren pursuit to attempt to frame any sort of balance sheet.

The answer to the question which I have put can only be satisfactorily given on other and much wider lines. If we are satisfied that it is a matter of vital importance to the country, that the iron and steel industry of this country should be established on sound foundations, if we are satisfied that the industry has used the protection given in the past to achieve substantial improvements, both in efficiency and in organisation if we are satisfied that within a definitely measurable distance of time it will be possible for that industry unaided to withstand the competitive challenge of its outside rivals, then I say that we are justified in finding that the decision to give protection in the past has been fully justified and that it has been in the public interest. That, Sir, is the conclusion to which we have been led, and that is the conclusion which I would ask the House to accept.

I now come, Sir, to consider the two remaining questions : should the period of protection be extended, and, if so, what that protection should be. In regard to the first of these questions, I do not think the answer can possibly be in doubt. Obviously, Sir, if we have come so far along the road to our objective, if we have already made substantial sacrifices in order to secure the advances made until now, if the end which we have in view has been definitely brought nearer to complete attainment, then, Sir, it would obviously be a wholly false economy if we now throw away the sacrifices that we have made in the past, abandon protection, and allow our objective to slip away from us when it is almost within sight. But, Sir, we have the right to ask for incontrovertible proof that such improvement and progress has taken place in the industry during the past seven years as to justify the extension of protection for a further period of a similar duration. I gave to the House, Sir, typical instances of reductions in works costs during the period of protection. I think I am right in saying that that reduction has taken place over the whole range of production. It ranges from something like 27½ per cent. in the case of rails to something like 55½ per cent. in the case of galvanized sheets, and this, Sir, notwithstanding the fact that increased wages have been paid. That is a point, Sir, I think of more than passing interest, and I hope the House will bear with me if I read the relevant passage from the Report itself. It is from paragraph 59 :

"The Board's opinion in 1926 was that the total cost of labour for producing 600,000 tons of steel in 1933-34 should not exceed Rs. 148.4 lakhs, which would give

[Sir Joseph Bhore.]

a cost of Rs. 24.7 per ton. The total cost of labour over the first six months of 1933 gives a figure of Rs. 27.2 per ton. It will be seen that while the output per employee is greater than was anticipated (due to a substantial reduction in numbers) and therefore a lower labour cost per ton should be expected, this cost has actually increased by Rs. 2.5 per ton which shows that higher rates of wages are being paid than were anticipated."

That, Sir, is, I think, not a negligible achievement. It is a result which, I venture to think, justifies the protection given in the past and its extension for a period in the future. If the further reduction in works costs anticipated by the Board eventuated by the year 1940-41, provided always that our competitors sell at economic prices, we may then, Sir, look forward to the prospect of protection coming to an end. We may reasonably hope, Sir, that these anticipations will be fulfilled, for, as I have pointed out, the anticipations in regard to reductions made in 1926 by the Board, as likely to be achieved in the year 1933-34, have in every case been exceeded. In other words, the industry has done much better than it was thought that it could or would be able to do.

I come, Sir, finally to the last question, namely, the extent of protection required. In arriving at the actual figures of the import duties which are necessary in each case to secure the degree of protection which is required, we must, I submit, be very largely guided by the Tariff Board whose recommendations are based on the most careful and detailed calculations made with the assistance of highly skilled technical advice. Nevertheless, there are certain general considerations which must influence our attitude towards those individual recommendations. One of the most important of these is the question, how does the level of duties now recommended by the Board, compare with the duties recommended by the Board in 1926 and with the actually existing duties. The reply to that is very instructive indeed. It is given in Table XXIV at page 54 of the Tariff Board's Report. In the case of no less than five articles of rolled steel, many of them are of considerable importance, namely, Rails, Fishplates, Structurals, Tested plates and Sleepers, the Board finds that the Indian product needs no protection whatsoever, and this, Sir, as against the existing specific duties of Rs. 16¼, Rs. 7½, Rs. 23¾, Rs. 25 and Rs. 12½ a ton respectively. In the case of seven other articles, the proposals show very large reductions below the rates now prevailing. The most noteworthy reductions are in the case of the following :

Tested Bars from	.. Rs. 32½ to Rs. 10 a ton.
Untested plates from	.. Rs. 45 to Rs. 25 a ton.
Tested Black sheets from ..	.. Rs. 43¾ to Rs. 11 a ton.
Untested Black sheets from ..	.. Rs. 73¾ to Rs. 32 a ton.
United Kingdom Galvanised sheets	.. Rs. 53 to Rs. 10 a ton.
Continental sheets from	.. Rs. 83 to Rs. 40 a ton.

Only in one solitary case is a slight increase recommended, namely, in the case of untested structurals from Rs. 37½ to Rs. 43 a ton, and, in this case, the Board is satisfied that sales are being effected in this country at wholly uneconomic rates. This, Sir, I venture to submit, is a very satisfactory result from the point of view of the consuming public.

Another important consideration is how the fair selling prices for the various Indian products now proposed by the Tariff Board compare with the duty-paid prices on similar articles imported from outside. That information is given in Table XXV at page 55 of the Report, and is again of very great interest,—such great interest indeed, Sir, that it will bear re-statement. The actual duty-paid prices noted by the Board, I may say, are averaged for the period January to June, 1933. In only one case, again, that of untested structurals, is the fair selling price now proposed a little higher than the duty-paid price, namely, Rs. 107 as against Rs. 98.6. In every one of the remaining 12 cases, the fair selling price now proposed is lower, and in some a very great deal lower, than the duty-paid price. A few striking instances will bear this out. In the case of rails, the duty-paid price given by the Board is Rs. 110 as against a fair selling price for the future of Rs. 95 ; in the case of tested structurals, it is Rs. 135.7 as against Rs. 111 ; in the case of tested plates, Rs. 138.6 as against Rs. 110 ; semi-finished steel Rs. 83 as against Rs. 53, untested black sheets Rs. 168.9 as against Rs. 129 ; galvanised sheets Rs. 219.6 as against only Rs. 170. The figures, to which I have ventured to draw attention, serve to show that the scheme of protection as proposed for the future will result in a very considerable lightening of the burden on the consumer, and, at the same time, holds forth, as I have said, the prospect of the industry being able to stand on its own feet within a definitely measurable distance of time.

Sir, we consider that the Board's recommendation should be accepted as a whole. I would point out that its acceptance involves, among other things, the acceptance of the proposal that tested structurals and tested plates should come in free and that the duty on United Kingdom galvanised sheets should be Rs. 10 a ton or the revenue duty, whichever is higher. The recommendation of the Tariff Board in respect of tested structurals and tested plates is founded on its finding, firstly, that the Indian article does not need any protection against its outside competitors, and, secondly, on its finding that, in the interests of those Indian industries and public utility works which use these materials, it is essential that the price should be kept down as low as possible. The Board's recommendation in regard to United Kingdom galvanised sheets depends upon its finding that Rs. 10 is a sufficient margin of shelter for the Indian product. I may say, Sir, that this latter duty is partly of a preferential character. We asked His Majesty's Government in return for accepting these proposals to allow Indian pig iron to enter the United Kingdom free of duty and to give us certain preferential treatment in regard to our manganese. I am glad to be able to say that His Majesty's Government have agreed to allow our pig iron to enter the United Kingdom free of duty. (Applause.) I understand that the duty on foreign pig iron is 33 1|3 per cent. *ad valorem*.....

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Is there any rebate given to any foreign country by England ?

The Honourable Sir Joseph Bhore : I am not aware that any such rebate is given.

Diwan Bahadur A. Ramaswami Mudaliar : Argentine in particular.

The Honourable Sir Joseph Bhore: In regard to pig iron?

Diwan Bahadur A. Ramaswami Mudaliar: Not Argentine, but foreign countries.

The Honourable Sir Joseph Bhore: Not that I am aware of. His Majesty's Government have also agreed to consider our other request in respect of manganese very carefully and sympathetically. I may here say that the admission of tested structurals and tested plates free of any revenue duty, and the levy of an excise duty are matters which fall within the purview of the Finance Department and will be dealt with by my Honourable colleague, the Finance Member, at a later stage if it is found to be necessary.

I would commend the scheme of protection as a whole for the acceptance of the House. It involves a further term of protection for seven years beyond the present term. In regard to the term of further protection, I have nothing to add to the reasons which have been given by the Tariff Board for its recommendation. I would only say that we are now proposing a substantial all round reduction of duties and that it would serve no useful purpose if we reduced the period of protection below what the Tariff Board considered essential, to enable the industry to dispense entirely with protection.

There remain a few matters to which I should make a reference, though perhaps it is unnecessary that I should comment on them at any length at this stage. The House will have noticed that we propose to take powers to impose offsetting duties to prevent our intentions in regard to protection being defeated by unforeseen contingencies. This is in accordance with the recommendations of the Tariff Board. We have also taken power to lower the duties if unforeseen contingencies make the present level of duties unnecessarily high. Such a contingency would arise in respect of the suggestion made by the Tariff Board in paragraph 166 of their report in connection with fabricated steel, the produce of the United Kingdom. I do not think that it is necessary for me to deal specifically with the cases of fabricated steel, wire and wire nails and iron products. But I cannot omit reference to two matters which form the subject of special comment by the Tariff Board, namely, the supply of billets to the re-rolling industry and the supply of tin bar to the Tinplate Company. The importance of the re-rolling industry to the country has been stressed by the Tariff Board and the Tariff Board has found that some, at any rate, of the complaints of the monopolistic attitude of Tatas towards small subsidiary companies are not without foundation. We propose to levy a revenue duty on billets for re-rolling with, however, a proviso. The Board has found that normally the fair price for imported billets is Rs. 64 a ton at port without duty. If Tatas are able to sell their billets at this price, they would be making a very good profit indeed. If, therefore, the Government are satisfied that Tatas are refusing without good reason to sell billets to the re-rolling industry, or if they are demanding a price which is higher than the price which I have mentioned, namely, Rs. 64 *plus*, of course, the excise duty, or if they are unable to meet the demand, then the Government will reduce the revenue duty to the extent that may be necessary to enable the re-rolling mills to obtain their billets at the price which I have mentioned, namely, Rs. 64 *plus* the excise duty. There remains the question of the tin plate industry. The Tariff Board found that the

fair selling price of Tatas' tin-bar is the same as the price of semis at port, namely, Rs. 64, without duty. Under the agreement, however, which subsists between the Tata Iron and Steel Company and the Tinplate Company, the latter have to pay a price of Rs. 83 a ton for their tin-bar until the end of 1936, and, after that, it will drop to a figure somewhere in the neighbourhood of Rs. 70, giving an average of Rs. 74 a ton over the whole period of protection. This is excessive having regard to the estimated fair selling price of Tatas tin-bar and entails an unnecessarily high protection for tinplate. If the average price of tin-bar to the Tinplate Company could be reduced to Rs. 64 a ton, it would be possible, the Board points out, to reduce the duty on tinplate by something like Rs. 13.3 a ton. The Tariff Board, therefore, suggest that the agreement between the two companies should be revised so as to allow for the purchase of tin-bar at the fairer rate of Rs. 64 a ton. We, Sir, endorse that suggestion, though, of course, the excise duty would have to be added on to Rs. 64. I would point that if, by the end of March, 1935, Tatas have not been able to modify their arrangements with the Tinplate Company more in accordance with the fair selling price of their tin-bar, Government will have to consider what steps they should take to prevent an excessive profit being made upon this item and the users of tinplate being unnecessarily penalised I must not be understood as indulging in threats or menaces. The Board's finding, however, is that in some cases the Tata Iron and Steel Company have not realised their obligation to the smaller subsidiary industries which look to them, and rightly so, for some measure of help and assistance. If the Tata Iron and Steel Company desire to be regarded as a great national industry and a great national asset, if they desire this country to make substantial sacrifices over a substantial period of time to set them securely on their feet, then I say that it is up to them to realise and to implement their obligations to the smaller ancillary industries of the country. I, Sir, for one, am quite prepared to believe that what is necessary to induce them to do so is not threat or coercion, but an appeal to the lofty aims and ideals of their own founder, that truly great Indian, Jamshedji Nusserwanji Tata. (Applause.)

Sir, I must now refer very briefly on the excise duty which, as I have said, will, no doubt, at a later stage, be dealt with by my Honourable colleague, the Finance Member. In this case, as in other similar cases, we have to face the ultimate consequences of a policy of protection upon our customs revenue. I would commend, for the careful consideration of this House, paragraphs 119 and 120 of the Tariff Board's Report. I am not now raising any question of general policy or principle. We are faced with certain inexorable facts, namely, heavy losses to our customs revenue and we have to make good those losses. The Board estimates a loss of revenue of roughly 60 lakhs of rupees as the result of the lowering of the duties now proposed. Estimates of losses must inevitably be uncertain, but even if we regard this as an over-estimate, it is absolutely certain that we shall have to face serious diminution in our customs revenue. In these circumstances, we have no option whatsoever but to accept the suggestion of the Tariff Board in paragraph 120 of its report and to levy an excise duty with a countervailing addition to the import duty so as not to impair the protection in any particular case. We have allowed for an increased import of galvanised sheet as the result of the substantial lowering of duty, and, after taking that into consi-

[Sir Joseph Bhore.]

deration, we estimate that the loss of revenue will not be less than Rs. 30 lakhs. We propose to make good that loss by the imposition of an excise duty of four rupees a ton on ingot steel manufactured in this country. Such steel is, I understand, manufactured commercially only by Tatas at the present moment, so that the collection of duty will be easy, and it will be spread over the whole range of steel products, thus preventing an unduly heavy incidence on any one class of production. The corresponding addition to the import duty has been calculated on the assumption that it takes four units of ingot steel to make three units of rolled steel and that the further loss on fabricated steel is approximately 10 per cent. more. I need only emphasize that there is no intention that this excise duty should form a permanent feature of our fiscal system. Its removal or reduction, however, must largely depend upon our general financial position. In conclusion, I need only say that the recommendations of the Board appear to me to balance very fairly the interests of the industry and the interests of the consumer. It cannot, I think, be possibly argued that they do not afford sufficient protection to the industry and the industry cannot complain if the interests of the consumer are allowed to prevail against any demand for excessive profits. Sir, I commend my motion for the consideration of the House. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

12 Noon.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir (Applause), at this stage, when the Bill is being referred to the Select Committee, the question that this House has got to consider is this,—whether the iron and steel industry deserves and requires protection for another period of seven years as recommended by the Tariff Board,—and, I think, Sir, that having regard to all the relevant considerations, there is one answer possible to that question and that answer is in emphatic affirmative.

Sir, the Tata Iron and Steel Company of Jamshedpur occupies such a predominant position in the iron and steel industry of this country that protection to this industry has come to be regarded as synonymous with protection to the Tatas, and, therefore, the question of this protection will have to be discussed mainly with reference to the protection to the Tata Iron and Steel Works at Jamshedpur. Now, the importance of the Tatas in the national economy of India hardly needs any emphasis. The iron and steel industry is a basic industry : and if India is to be economically independent, then the growth and development of this basic industry will have to be fostered and promoted, and every possible assistance must be given to the pioneers of this industry till they are in a position to withstand foreign competition. Now, the phenomenal rise of Japan as a great

industrial power, within the last fifty years, shows what State assistance can do in the matter of the development of a national industry. (Hear, hear.) Our economic helplessness was never revealed in a more depressing and in a more naked form than during the Great War. At that time, the foreign supply was practically cut off, and prices soared to unprecedented heights, to the delight of the profiteers and to the distress of the consumers. Now, under this policy of protection, the Tatas are able to produce 72 per cent. of the requirements of India. Our economic dependence has dwindled to a very great extent, so far as the iron and steel industry is concerned, and, with proper assistance, I think that the day is not far distant when the Tatas will be able enough not only to supply the entire requirements of India, but to compete on an increasing scale with foreign markets. Sir, the economic Swaraj which nationalist India is preaching today, the Tatas are actually achieving, and I think this House may take some credit for that achievement, having given the Tatas the protection that they have deserved.

There is another aspect of this question. Owing to the pressure of the population on the land, there is a steady migration of the unemployed agricultural population towards the industrial areas. It is Sir, in the industrialization of the country that lies the solution of this menacing unemployment in this country. Every factory and every mill started means the absorption of a large number of the unemployed in those workshops, and to the unemployed it means food for their family, education for their children and sustenance for their lives : and in this industrialization of the country the Tatas occupy a very pre-eminent position. I consider, Sir, that Mr. Jamshedji Nusserwanji Tata was one of the greatest benefactors of India. (Hear, hear.) The Tata Iron Works at Jamshedpur I do not consider merely as an industrial undertaking : I consider they are a great national institution in whose success every patriotic Indian takes a legitimate pride and whose interest is dear to his heart ; and, I am sure, Sir, that any proposal for protection to the Tatas will receive sympathetic consideration from the Members of this House.

Now, in the general remarks I have been making, probably Honourable Members will think that I have been emphasizing the obvious. But there are occasions when it is necessary to emphasize the obvious also. Honourable Members may ask me,—"We gave protection to the Tatas seven years ago in the expectation that at the end of the period they will be able to dispense with it. Why has not that expectation been realized ?" They may also ask,—" Are we going to give protection to the Tatas for an interminable number of years, at the heavy cost of the consumers that it involves ? " These, Sir, are very pertinent questions, but not very difficult to answer. Honourable Members, who have glanced through the Report of the Tariff Board and the memoranda supplied by the Tata Company, will find that the breakdown of the scheme of protection in 1926 was due to causes which were beyond the control of the company. My Honourable friend, Sir Joseph Bhore, has referred to the great trade depression, the severest on record, which was responsible for the failure to achieve the results which were anticipated by the Tariff Board. The fall of prices was tremendous and the demand for the Tata products in their customary markets shrank to such an extent that they had to seek for fresh fields, for new areas, in parts of India distant from their workshops. That meant heavy expenditure on the part of their Sales Department and additional railway freight. The most important of those factors responsible for this

[Mr. Abdul Matin Chaudhury.]

failure to achieve the result anticipated was that, owing to the curtailment of the railway construction programme, the demand for the Tata products from the railways fell considerably. To give one instance, the Tariff Board calculated that during the last four years' protection it has received, the Tatas received orders for rails to the extent of 253,000 tons while the Tariff Board had calculated that they would receive orders to the extent of 780,000 tons. This difference meant that the demand for Tata products from the railways fell by two crores of rupees, and added to this, there was the disastrous strike of 1928 which crippled the productive capacity of the company to a very considerable extent. And yet, Sir, in spite of all those handicaps, the Tatas attained such a degree of efficiency in their management that they were actually able to reduce their costs and at the same time to maintain their output. My friend, the Honourable Sir Joseph Bhore, has read out to the House a passage from the Report of the Tariff Board where they say that from the point of view of efficiency the Tatas can compare favourably with any pre-war iron works either in Europe or America.

Now, there is one criticism that is generally urged against the policy of protection. It is said that the policy of protection towards an industry is at the expense of the consumer. This element of heavy cost to the consumer is, I think, inherent in any scheme of protection whether it is given to the iron and steel industry or to any other industry. When India adopted the policy of discriminating protection, they counted the cost that will have to be paid, and the sacrifice that will have to be made, to make India industrially self-sufficient. I think this argument of heavy cost to the consumer applies with less force and validity in the case of the Tata Iron Works than in the case of any other works. Let me examine how much extra amount the consumer pays to the Tatas and what he gets back from the Tatas in return ? The Tariff Board calculated that during the period of protection the Tatas got Rs. 4,46,00,000 as a benefit of protection and Rs. 2,08,00,000 as a benefit from bounty, total Rs. 6,54,00,000. I may remind the House that during the period of the war the Tatas surrendered profit to the Government to the extent of over 6 crores of rupees. I shall explain how. During the period of the war, the Tatas supplied three hundred thousand tons of steel material to the Government at the average rate of Rs. 150 per ton and the prevailing market price was Rs. 350 per ton. Had the goods been supplied at the prevailing market rate, Government would have to pay six crores of rupees more to the Tatas than they actually did pay, and by this self-denying action of the Tatas the Indian Exchequer benefited to the extent of over six crores of rupees. That is from the point of view of the tax-payer. From the point of view of the consumer you may consider.....

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Give us recent figures, the figures after the year 1926.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can give those figures when he gets up to speak.

Mr. Abdul Matin Chaudhury : Speaking from the point of view of the consumers, I think that if there had not been in existence a company like the Tata Iron and Steel Company at Jamshedpur, foreign competitors would have monopolised the market. They would have dictated their

prices and the consumers would have to pay far more exorbitantly than they are doing at present. The income from our railways would have been less by a crore of rupees if there were not in existence a company like the Tata Iron and Steel Works at Jamshedpur. The Tatas pay about a crore and a half as wages to their labourers and if a balance-sheet were made of what the Tatas contribute to the well-being of the country and what they get in return, I think the balance will be in favour of the Tatas.

Now, Sir, what turned me into an admirer of the Tatas is the keen solicitude that is shown by the Tatas for the welfare of the labour in their workshops. The Tatas are a very good pay master. (Ironical Cheers.) Perhaps the House has not appreciated that sentiment, and I will, therefore, repeat again that the Tatas are a very good pay master.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : In what direction please ?

Mr. Abdul Matin Chaudhury : I am going to tell you that. In the Tatas workshops, there are, from my own district of Sylhet, 2,000 workmen working in Jamshedpur. They get far better wages there than they could get anywhere else in India. The daily rate of wages for these illiterate workers varies from 12 annas to three rupees a day, and, even during this period of depression, the Tatas have not thought it fit to reduce the wages. The pet theory of my friend, Mr. B. Das, that, with the fall of prices, there should be a fall in the wages of labourers, also has not found favour with the Tatas management. I think it is correct to say that they believe that, in the contentment of the labour, lies the prosperity of the Company and contented labour is the Company's greatest asset. With regard to the housing accommodation, everyone knows that, before the Tatas started their works at Jamshedpur, it was a mere wilderness. There now has sprung up the nice little modern town of Jamshedpur and the Tatas have spent over a crore of rupees over house accommodation of their employees. As regards medical assistance, the Tatas give free medical attendance to their workmen and they have spent over four lakhs of rupees on hospital and building equipment alone. They have adopted the scheme of maternity benefit in their workshop though the Government of India have not yet thought fit to introduce an All-India legislation for maternity benefit in this country. They provide rest houses for their women workers where they can change their dress and have their meals.

Mr. B. R. Puri : Are they doing it out of charity ?

Mr. Abdul Matin Chaudhury : They are doing it for the welfare of the workers. They did it even in anticipation of the report of the Royal Commission on Labour. Then, Sir, the Workmen's Compensation Act is administered more liberally in Jamshedpur than anywhere else. When the Workmen's Compensation Act was under discussion, we reduced the waiting period for a temporary disablement from ten days to seven days and our amendment which sought to reduce it to three days was rejected by this House. Now, the Tatas have abolished the waiting period altogether and they pay compensation to their workmen from the very day on which they receive the injury. Evidently, they do not believe with my Honourable friend, Mr. Mody, that malingering is a standing vice of the Indian workman, and, now that Mr. Mody has gone to Tatas, I hope, he will not infect the company with his pernicious theories. As regards the compensation paid to the workmen for injuries received, the Tatas pay at a much

[Mr. Abdul Matin Chaudhury.]

more liberal scale than what is provided even in the Workmen's Compensation Act. During the year ending 1933, the Tatas paid Rs. 50,000 as compensation to workmen who received injuries, though according to the standard laid down by the Workmen's Compensation Act, they were entitled to Rs. 30,000 only. Then, Sir, besides the wages, the Tatas pay bonus to their workers. They have provided amenities in the form of free supply of ice and soda water to their workmen who work in the scalding heat of the blast furnace. The Company pays also liberally towards the Provident Fund. Sir, this is a record of welfare work for which the institution will deserve a credit.

Now, Sir, I have said that the Tatas because of their importance in the national economy of India, because of their efficient management, because of their contribution to the well-being of the country and because of their sympathetic attitude towards labour, have earned the right to protection for another period. Now, Sir, the question is, whether the protection is adequate. The Tatas are now producing 72 per cent. of the requirement of India. The question is, does the protection ensure that they should be able to produce 100 per cent. of the requirements of India. My own impression is that this Bill instead of promoting the growth of iron and steel industry will hamper and deter the growth and expansion of the Tatas. This Bill gives effect to the recommendation mainly of the Tariff Board. Now, this particular Tariff Board has devised a very peculiar scheme of Imperial Preference of the most objectionable kind. (Hear, hear.)

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you expect anything better ?

Mr. Abdul Matin Chaudhury : Not many years ago, this House was very strongly opposed to the policy of Imperial Preference on general and on political grounds.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Also on economic grounds.

Mr. Abdul Matin Chaudhury : The second stage was reached when we accepted the principle of Imperial Preference when it was in the mutual interest of India and England. That was the Ottawa spirit, the spirit of Mody-Lees pact. (Hear, hear.)

Now, Sir, we are asked to go a step further and to accept Imperial Preference even when it is detrimental to the interest of India. During the last four years, we have swallowed many an ancient prejudice, we have swallowed many a bitter pill, but the Honourable Sir Joseph Bhore will find it difficult to make us gulp this particular pill down our throat. (Hear, hear.) We welcome Indo-British co-operation in trade, but never at the expense of India.

This Tariff Board has recommended the abolition of revenue duty on rails, fishplates, United Kingdom structurals and tested plates. As regards structurals, the landed price without duty of United Kingdom structurals is Rs. 113 per ton and the fair selling Tata price of the same is Rs. 111, *f.o.r.* port. The margin is so small that, with a slight manipulation of prices, the British manufacturer will be able to undersell the Tatas even in the Indian market. The same is also true of the case of British tested plates. The import price is Rs. 114 per ton and the price of Tatas

is Rs. 110. Still, the Government refuses to give the Tatas the usual advantages that are afforded by the revenue duty on the British imported structurals and plates.

I should like to address my remarks to the Honourable the Finance Member. I do not think the Government of India have got a superfluity of funds in their treasury. Government have not been able to restore the five per cent. cut in the salary of their employees. The Government have also imposed a duty on matches to replenish their depleted exchequer, and yet the Government go out of their way to make a gift of the revenue duty to the British manufacturers. That, Sir, is a direct encouragement and an open invitation to the British manufacturers to come to India and capture the Indian market. I hope, Sir, the Government will still reconsider this position, and, when the Bill comes out of the Select Committee, impose the revenue duty and abolish this excise which is unnecessary. (Applause.)

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, we are here to consider a very important question of giving further protection to the Tata Iron and Steel Company. There is no separate steel industry, and practically the whole of the iron and steel industry in this country is in their hands. If there are any other concerns, they are practically closely connected with them and a sort of combination exists with the result that, whatever concession is given, it practically reaches only the Tata concerns. I am not opposed to giving protection to the steel industry, but the main question is in what form and to what extent it should be given and we must closely examine the Tariff Board report and at the same time carefully consider what are the principles laid down in the Fiscal Commission report and to what extent the Tariff Board has taken into consideration those principles laid down in that connection and to what extent they have deviated. But before I proceed to do so, let me express my thanks to the Tariff Board for their very valuable report and for the trouble and care they have taken in presenting the case in favour of the steel industry or rather the Tatas. Though I do not agree with the methods and the conclusions of the Tariff Board, I do not wish to keep back my appreciation of the trouble they have taken in preparing the report and for my present purpose I need not enter into all the details of omission and commission as displayed in their voluminous report. Next, Sir, let me thank also the Tatas for their nicely got-up volume. But before I proceed with that, I may mention about this Tariff Board report. It is dated the 19th April but it was released on the 12th July. While I realise that it requires careful consideration by the Government, before it could be released, the Government has as usual taken too long a time to consider the matter, forgetting that Members of the Assembly also required time to study this voluminous literature put before them. Anyhow the report could have been released much earlier than the Government order on it. The Government took three months while they have given barely two weeks for us to consider the same.

Now, I come to that well got-up volume of the Tatas, which is a representation of the Company, to the Tariff Board. Along with that there is a very beautifully illustrated pamphlet of the welfare report which speaks of the housing, medical relief, education, technical training, welfare activities and Indianisation of staff and speaks of various amenities which are provided including a baby show or rather a

[Mr. Vidya Sagar Pandya.]

mother's show. It is well known, as has been represented by a theatrical performance at Simla recently, that advertising pays. I need not speak of their activities in that behalf as the Honourable the Deputy President has already dealt with that point. It is well known that advertising pays. We should not be misled by this advertising propaganda of the company but must look to the facts justifying the protection which they ask for and the Tariff Board recommends. Though we have got this representation of the Tata Company the 66 other representations received by the Tariff Board have not seen the light of day. Nor has the evidence of about 30 bodies which gave oral evidence before the Board been made available to the Members of the Central Legislature. Will Government at least now place that evidence in the hands of the Members before they call upon the Assembly to renew the protection ?

The Honourable Sir Joseph Bhore : I may inform my Honourable friend that copies are available to the House and, I believe, I saw my Honourable friend, Mr. Das, with those copies in his hand.

Mr. B. Das : A copy has been placed in the Library and I borrowed it. But it contains just a portion, and not the whole. I do not find the evidence of the British steel section.

The Honourable Sir Joseph Bhore : We ourselves are not in possession of the whole evidence.

Mr. Vidya Sagar Pandya : Next, Sir, I will add a supplementary question to that Why has not the balance-sheet of the Tata Company for 31st March, 1934, been made available to the public ? It is rumoured that there are certain secret agreements between the Tata Company and other iron and steel firms. I should like to know whether those agreements will also be available to the Members of the House for their perusal. I wait for a reply. (After a pause.) Sir, my question remains unanswered. Now, I come to the third pamphlet which has been placed at our disposal and that is that, the Muslim missionary representing the Muslim interests has issued a pamphlet, not only championing the cause of the Muslims, but running down the Company for not giving Muslims 33 1|3rd per cent. employment in all departments, with or without any qualifications. (Laughter.) I hope, in coming to their conclusions, my Muslim brethren here will not be swayed by this thoughtless and suicidal propaganda as contained in this representation. This will not tend to the efficiency of the Company, nor will it result in any benefit to the country.

Now, Sir, coming to the report, the Tariff Board should have been guided by certain rules prescribed by the Fiscal Commission's report. I am sorry to observe, that in some of the most important respects, the Tariff Board has not followed the sound principles laid down by the Fiscal Commission. For instance, in paragraph 97 of the report of the Fiscal Commission, it has been laid down that in cases like this, very wide publicity should be given to invite cirticism of any scheme of protection, but in the present case not only no adequate publicity has been given but even the Local Governments have not been consulted or called upon to collect information as to the effect of protection on the consumers or asked to give an opinion on the matter. The Government of the Punjab, if I am not

mistaken, are said to have gathered some useful information but it has not been submitted to the Government of India. Even the consuming departments of Government did not take any interest and were not invited to express their views although their vital interests were affected. The Indian States were equally interested but are conspicuous by their absence from among those who should be heard in the matter. I do not know why no opinion was collected from the Local Governments nor why the Indian States were not asked to say what they had to say in the matter , and, as such, the proper publicity which should have been given to the matter has not been given.

Not only the Tariff Board, but even Government have not strictly followed the principles laid down in the Fiscal Commission's report. For instance, in paragraph 86 of the Fiscal Commission's report, it was contemplated that in case of combinations or monopolistic production, tariff should be lowered or even withdrawn or special legislation introduced ; but we all know that, during the continuation of the protection under the Act, no steps were taken to review the position, although the Tata Company and three other concerns manufacturing iron had combined themselves and fixed the prices. Healthy competition, which should have been expected to lower the prices, has not operated at all. Not only that, but also another Company, called the Kumardhobi Steel Rolling Mill, when it began to compete, was taken over into the combine, and the healthy rivalry stopped. I understand that, although this aspect was brought to the notice of the Board, it did not receive their consideration.

Cheapness of the steel is necessary to foster and create subsidiary and other industries, and it is, therefore, necessary that the protection which necessarily inflates the prices should not be used to the detriment of other industries. It is, therefore, necessary that the selling price of iron and steel by the Tata Company must be regulated and fixed by Government and should not vary with the rate of foreign importing prices including the duty. It has been found in the past that when the prices have gone up, and the price of the imported article including the duty has become higher, Tatas have also raised their prices instead of keeping at the proper level of their own manufacture. As such, when we are giving the protection in the interests of the country, it is necessary that Government should fix the prices for the sale of their goods, so that they do not make any inordinate profits on account of the rise in foreign prices.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : What about their losses ?

Mr. Vidya Sagar Pandya : They have to thank themselves for it.

Though, under clause 2, Government have now proposed to take power to increase or decrease the amount of protection, they have not yet taken powers to regulate the selling price of the produce of the Tata Company. No doubt it should be a fair selling price, having regard to the cost of production. In paragraph 104 of the Fiscal Commission's report, the Tariff Board was not only expected to examine carefully the cost of manufacture of any article under examination in India, but also in foreign countries as well. The cost of manufacture to be taken into account and consideration should be the reasonable cost at which an article can and should be manu-

[Mr. Vidya Sagar Pandya.]

factured, and not the cost at which a certain concern pleases to manufacture it. A competent association, which knows what it says, has said as under :

" The cost of manufacture has not been critically examined at all and not compared with the works in India, even nor any attempt made to examine costs in other countries. Many large works of foreign countries and foreign trade commissioners and import houses stationed in India would have been glad to supply the cost figures in their own interests. Re-rolling costs of sections in Kumardhubi Mills, cost of rolling black sheets and manufacturing galvanized sheets and their respective overhead charges in the Tin-Plate Company situated next door, production costs of bars of the Indian Steel and Wire Products Company were available in India. Persons who had claimed lower costs may have proved their assertion if an opportunity had been offered.

We are led to assert that no comparison or proper investigation in this behalf has been attempted.

It is admitted that raw material in India is cheap and rich in its contents, that labour is cheap and overhead charges have been considerably reduced, the technical equipment and efficiency has been discussed in details in Chapter VII by the Tariff Board, and yet the conclusions are that cost of manufacture is such that Tatas require heavy protection. Comparison with the overheads, etc., allow in the recommendations on the previous occasion (7 years ago) have not been made in details.

American and continental technical papers very often give details of manufacturing costs, but no attempt has been made to refer to any of these documents for purposes of comparison.

The technical adviser (Mr. C. G. Atha) has not mentioned anywhere that he is satisfied that costs in Tatas are as low as they can be and compare favourably with works abroad.

It would seem that the Tariff Board (para. 139), would want it to be believed that Tatas Works are of pre-war period, whereas a major portion of the works have been built and equipped since the war.

Under the circumstances, we again beg to repeat that costs want a more close examination and they should be accepted with due caution and reserve.

Considering that production is on a very large scale, the efficiency obtained should be the highest and Tatas should have established beyond doubt that their cost of production, administration, overhead charges and recovery from waste and by-products is the highest and their method and practice of purchase and sale was most efficient and above suspicion."

They further say :

" Comparison of cost of manufacture of Iron and Steel : The Tariff Board has discussed the works cost of manufacture of Iron and Steel, in Chapter III of their Report (paras. 38 to 64), and have contented themselves by concluding the chapter with the following remarks :

> ' As the Tata Company is the only producer of rolled steel from raw material (iron ore and coal) in India, our estimates are based entirely on what has been accomplished and what we believe can be accomplished by the company in future.'

Iron is manufactured in Kulti and Burnpur under very similar conditions and on an equally large scale. The Tariff Board have closed their eyes altogether probably. A comparison of cost of manufacture of Iron with the Bengal Iron Company and the Indian Iron and Steel Company would have revealed the cost of manufacture of Iron and the wastage and recovery from the most important by-products such as coal-tar, ammonia, etc., and also given an idea of comparative overhead charges under a different control.

Complaints levelled against Tatas, and referred to in paragraph 65, are definite that production cost is too high, wastage is excessive and sufficient credit is not obtained for waste and by-products, and that the Managing Agency charges and overheads are too excessive.

The raw materials, *viz.*, ore, coal, dolomite, manganese, power, firebricks, rail freights and many preliminary charges mainly come into consideration up to the manufacture of iron. The conversion of iron into steel is simpler so far as checking of costs is concerned."

Under these circumstances, I would ask the Government to take power under the Bill itself to fix and control the fair selling price from time to time and not to allow the Company to vary its prices according to the import prices with the duty on foreign articles. Tatas must sell at a fair selling price to be fixed by Government after comparing the costs of manufacture of other concerns, both in India and outside. The Honourable the Commerce Member has referred to table No. 25 at page 55, and it will be clear that there is room for reducing the price of their products. I need not dilate in detail about certain other details, as I think they will be for consideration by the Select Committee.

In paragraph 83 of the Fiscal Commission's report are discussed the disadvantages of protection, and it was feared that protection might lead to political corruption and combines and monopolies and inefficiency. In that connection, I may again read the following :

"Incident of freight disadvantage : In para. 105 of their report, the Fiscal Commission writes :

> 'It would not be right to endeavour to secure for an industry such protection as will enable it to compete in every possible market in India if this involves giving protection appreciably higher than is required for the success of the industry in the greater part of the country'."

That is a quotation from the report. In the face of this, the Tariff Board having allowed an incident of freight disadvantage is unfair and uncalled for, and it is but just and right that protection to this extent should be reduced,—paragraphs 86 to 88 of the Tariff Board Report. If this allowance for freight disadvantage is struck off, the economical possibility of another works in a suitable part of the country can be imagined with hopes of success and the position of the re-rolling mills also becomes secure. Now, Sir, I hope the Select Committee will go carefully into all these matters. I would here draw their attention to one or two other points, and that is, they must put a limit to the profits of the concern. We have not got the balance sheet, as I have mentioned, to show what are the profits made by this concern, but the value of the shares is jumping up slowly.....

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : How could it be ?

Mr. Vidya Sagar Pandya : That is where they specialise in.

Then, Sir, the Committee should take into consideration the profits of the managing agents as well as of the shareholders. As I have said before, they are, of course, entitled to fair earnings, but when they seek protection for the industry, they should also see that their demands are not unduly high. Then, there is also a very great necessity to check inefficient, wasteful methods in working, and the heavy overhead charges also require attention and consideration. No doubt, as I have said twice before, the company should earn fair profits, but the excessive protection duty should not be a gift from the taxpayers with a view to checking and stunting the growth of other industries.

Then, Sir, the incident of surcharge of import duty has added undue profits in the past, and we must take that point into consideration now,

[Mr. Vidya Sagar Pandya.]

because, when protection was granted, it was not thought that there would be a surcharge of 25 per cent. on these various items, and, therefore, the company has automatically made a profit in that direction. Therefore, it is very necessary that powers should be reserved in the Bill to cover it by excise duty by an executive order, and such excise duty should be utilised in giving rebates on the sale prices or in giving bounties to deserving smaller industries of steel in proportion to their consumption of steel, so that the prices of materials to them may be such as are available to manufacturers of similar articles in other countries and the burden of protection is minimised because this will go to encourage and foster local subsidiary industries. Sir, the protection has been given, not only against foreign competition, but also against internal competition with the smaller industries which have grown or are growing. As such, a surcharge must be returned as an excise duty which should be utilised to assist deserving consumers of steel. In this connection, Sir, I may also add that the case of other industries, which depend on steel products, must be taken into consideration in the matter of granting them rebates. For instance, some of the oil companies and other concerns, which use steel materials, are not able to compete on account of the high cost of the products.

Then, Sir, there is another matter that I should like to advert to, and that is the question of depreciation which is treated as an investment. The return on depreciation as investment (paragraph 74 of the report) does not come into the calculation of costs but gives an additional income to the Company and the assumption of the Tariff Board is decidedly wrong, and therefore I should like that point to be carefully considered by experts.

I do not wish to tire the patience of the House.....

Honourable Members : Go on, please.

Mr. Vidya Sagar Pandya : For the present I shall content myself with reading a telegram which I have received....

Several Honourable Members : Many of us have also received telegrams.

Mr. Vidya Sagar Pandya : Yes, others also may have received telegrams, but I have got the priority of reading the telegram that I have got, and so I shall proceed to read it.

"Committee Bombay Shareholders' Association submit iron and steel duties Bill embodies three undesirable principles. Firstly it confuses question of Government revenue with the issue of protection to indigenous industry. Secondly it seeks to impose excise duty on Indian manufactured steel while certain classes of British steel are to be admitted free of revenue duty. Thirdly, it seeks to impose burden on consumers for Government revenue in the name of protection in the middle of the year and that too for a period of seven years in advance. Committee strongly opposes proposed excise ; it being tax on production. Committee would point out that Tariff Board's suggestion for excise for revenue purposes was outside the scope of their reference. Committee strongly opposes exemption of British structurals, plates and billets from revenue duties. Committee further submits countervailing duties are inoperative in case of certain articles such as British galvanized sheets where proposed revenue duty is more than protective and countervailing duties combined. Committee therefore urges levy of revenue duty on British structurals, plates and billets on all articles. Committee further submits that landed price of galvanized sheets calculated by Tariff Board at Rupees 160 in para. 96 of their Report is unduly high and reasons given therefore in para. 107 are unconvincing. Committee

strongly urges correction of landed price and consequent adjustment of duties. So-called preferential treatment to Indian pig iron shipped to United Kingdom is infinitesimal compared to substantial preference given to British galvanized sheets. Prices of both semis and continental structurals are given as Rupees 64 in para. 96 of the Report which appears to Committee to be an obvious error as price of the latter which is a finished product invariably commands higher market rate. Committee therefore urges that this price should be corrected and duty increased accordingly. Committee also urges that duties on imports of British untested steel should be higher than those on tested steel, otherwise fair selling prices might not be realised by the Indian industry and British producers might dump untested steel on Indian markets. In this connection Committee invites Government's attention to memoranda submitted by National Federation of Iron and Steel manufacturers to the Tariff Board. Committee further submits that the Act as amended on the lines suggested above should not be brought into force before 1st November as existing protection expires on thirty-first October and it is only fair that *status quo* should be preserved till then. Representation follows ''

That is from Bombay, and here is another telegram from Madras.

1 P.M. The Southern India Chamber of Commerce, through their President, have sent the following telegram :

'' Southern India Chamber strongly protests against imposition of any excise duty on iron steel products as consumers already long overburdened with high prices following protective policy and as recovery of other trades industries will be further retarded. Chamber strongly opposes system of preference to British goods being extended to new items except by fresh reciprocal agreement. Chamber alarmed at prospect of new lower duties coming into force before 31st October as heavy stocks in market and due for delivery in interval are bound to cause immense losses all over country.''

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : What about Karachi ? Have they not sent a wire to you ?

Mr. Vidya Sagar Pandya : I do not think they had enough time to go through these matters. Now, Sir, there are other matters such as the Indianisation of this Tata Company. But I do not think I should monopolise all the points, and I shall leave it to other Members to press those points, and, with your permission, I will now sit down.

Mr. N. N. Anklesaria : The Centre Party has unanimously resolved to support this motion for referring the Bill to a Select Committee. I hold no brief, either for or against the Tatas, but I should on this occasion like to warn the House against the propaganda which is going on in some of the Indian newspapers. An Indian newspaper, whose impudence, in offering gratuitous advice to the Government and to Honourable Members of this House is surpassed only by its ignorance, has taken upon itself to champion the cause of the Tatas, I am quite sure, unwanted and unsolicited by the Tata firm themselves. That newspaper ought to be now by this time well-known to the Government. It has been carrying on in a covert and cowardly manner a seditious and anti-British propaganda and the sins of that newspaper should not be visited upon the Tatas, who, as the Honourable the Leader of the House has shown, have well deserved of the country.

The ten clauses of the Bill seek to provide that protection shall be continued to the Tatas, secondly, that the cost of protection should be provided against, and thirdly, that the policy of the Ottawa Agreement should be implemented so far as that implementing is consistent with the interests of our country. So far as I can see, if these three are the objects of the Bill, as I take them to be, no Honourable Member, no reasonable man, can possibly have any objection to the provisions of the

[Mr. N. N. Anklesaria.]

Bill. (*Mr. B. Das* : "Question.") As regards the first object, I think every Honourable Member will agree that the Tatas have deserved the continuance of the protection granted to them under the Bill. I will not expatiate on the services which the Tatas have rendered to the country. They are very well-known, and do not need repetition from me. The Tatas have, at a tremendous sacrifice, carried on a key industry on which the safety of the nation depends, and it was, on the ground of protecting a key industry, that the first inroad on the free trade doctrine in England was made. And if India follows suit, I think there is nothing to cavil at India following England in this connection.

As regards the second object, namely, recouping the losses which the revenue is bound to suffer on account of protection being granted to the industry, it is a question which has been before the minds of this House and of this country for some time, and it was very gratifying that the *ex*-Finance Member at last listened to the justice of the demand of the free-traders in the interests of the nation at large. He pointed out in his last Budget speech the tremendous cost which this country was paying in carrying on the policy of protection. He pointed this out in the interests of the agricultural classes of this country (*Diwan Bahadur A. Ramaswami Mudaliar* : "Question"), and stated that the agricultural classes ought to have the paramount attention of the Government, and he pre-visaged a policy which we are today by this Bill implementing in part. Opinions may, of course, differ as to the extent and amount of the protection to be granted. That is, however, a matter for the Select Committee.

As regards the method of recouping the losses, consequent upon this policy of protection, opinions may differ. The Tariff Board has stated that the obvious method by which these losses could be recouped would be to put an excise duty on the home product. Sir, the eligibility of this method has also been pointed out by the majority report of the Fiscal Commission. They point out that taxation by means of excise duty is a form of taxation which has got the least objectionable character about it, and they give an instance to illustrate their point. Suppose Government want one crore of revenue from taxing the product of a certain industry. If they put five per cent. duty on the imports of the commodity into this country and five per cent. countervailing duty on the home product, the Government would get one crore of rupees. On the contrary, if they impose a protective duty only, then they must make it ten per cent. for then alone they would get one crore of rupees as revenue of the 2 crores taken from the tax-payer, the other crore being shared by the home producer and the foreign producer, thus muleting unnecessarily the tax-payer to the extent of one crore of rupees. Sir, the superiority of taxation by means of excise duty in the present connection is, therefore, clear from this illustration. No doubt, as I said, there is room for very honest difference as regards eligibility of excise as a form of taxation in the present connection, but both the Tariff Board as well as the Government, after due consideration, have advocated excise taxation as the best means for recouping the revenue losses. If Honourable Members criticise the proposal of the Government in this connection, they should be prepared to offer an alternative proposal by which the losses due to following the protective policy could be recouped.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can resume his speech after Lunch.

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

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

Mr. N. N. Anklesaria : Sir, when the House rose for recess, I was telling the House that those who criticized this excise duty must be prepared to suggest a better alternative to the excise duty if their criticism is to be of any value. My Honourable friend, Mr. Das, interrupted me and he said, he was going to suggest a better alternative. Sir, during the recess I took the opportunity of talking to Mr. Das and asking him whether he was prepared to tell me what that better alternative was. My Honourable friend, however, simply refused and said he was not going to tell me what that better alternative was till his turn came, and then it would be for the Honourable the Finance Member to answer him.

Mr. Gaya Prasad Singh : Sir, can private conversations be referred to on the floor of the House ?

Mr. N. N. Anklesaria : Sir, I, therefore, take it that no such better alternative, as promised by Mr. Das, exists.

Mr. B. Das : What logic !

Mr. N. N. Anklesaria : Now, as regards the third object of this Bill, namely, that of implementing the policy of the Ottawa Agreement, I should like to offer a few remarks. Sir, the Ottawa Agreement was endorsed by this House by an overwhelming majority.

Mr. B. Das : Thanks to you !

Mr. N. N. Anklesaria : Thanks to you also ; you also voted in favour of it.

Mr. B. Das : I voted for it ? I was quite against it !

Mr. N. N. Anklesaria : Your Party or your Leader did.

Mr. B. Das : No, no. That is why the Democratic Party has been formed.

Mr. N. N. Anklesaria : Any way, it was a very wise course which this Assembly adopted in supporting the Government proposal for the Ottawa Agreement. I personally welcomed it as a substantial measure towards free trade. Sir, I am a convinced and a confirmed free trader, and I believe the economic salvation of the world lies not in tariff wars, but in tariff agreements. Of course the ideal of world free trade cannot be had, but the world is now realizing the folly of tariff wars. The other day, Sir, reading the report of the Geneva Economic Conference of 1927, I was surprised to find that the President, Mr. Theums, propounded the doctrine of free trade and advocated it in almost the very same words as the French statesman Condillac did somewhere about 1782. The other day, my Honourable friend, Diwan Bahadur Ramaswami Mudaliar said,—in face of the world-wide enunciation of economic nationalism and in face of the emphatic remarks regarding the cost of protection which this country

[Mr. N. N. Anklesaria.]

was paying made by the Honourable the Finance Member in this House—that free trade was as "dead as Queen Anne". Now, Sir, as I said on a previous occasion, a greater man than my Honourable friend, Diwan Bahadur Mudaliar, stated (*An Honourable Member* : "Who is he ?")—he was Disraeli—he stated as far back as 1862 that protection was "dead and damned". There is no doubt that free trade is coming by its own, and this measure is in some way implementing the doctrines of free trade and is a move towards free trade. I, therefore, welcome it. Sir, as I said, if we cannot have the ideal, we must aim at the practical. We cannot have free trade all over the world, because unfortunately of the weaknesses to which human nature is subject all throughout the world, but, as a *pis aller*—as something in place of the better thing—men have propounded the doctrine of inter-Imperial free trade so far as the British Empire is concerned, and I think the economic salvation of India as well as of Great Britain lies in acceding to that doctrine of inter-Imperial free trade. Sir, I take this occasion of telling the British Government and the British people, that agreements can be worked, not by one side only, but they must be worked by both sides. It is impossible that one party to the agreement should take everything and give nothing in return. We have given very substantial preferences to the British manufacturers and traders in several respects. The present Bill continues the existing preferences and gives the British manufacturers increased preferences and the Honourable the Leader of the House has stated that in return we do get preferences as regards pig iron and manganese and something else. How far that is a *quid pro quo*, I am not competent to pronounce. I am sure, my Honourable friend, Mr. Mody, who knows the technical side of the whole question, will be able to tell the House how far what the British Government have given us is compensatory for what we have given to them. Sir, the French have a saying :

> "*L'Anglais est un mauvais coucheur. It tire toute la couverture à lui-mê me*",

meaning that the Englishman is a very bad bed-fellow, because he draws all the bed covering to himself. (Laughter.) I trust, Sir, this is not true, and I hope the remarks of the Frenchman were due more to his inherent suspicion of the perfidious Albion than based on reasonable grounds. Sir, I support the motion.

Dr. Ziauddin Ahmad : Sir, a few years ago, a person, more a politician than a physician, advertised cholera pills (Laughter), and persons having some humour asked him what those pills were intended for—whether they were intended to check cholera or to develop it. Now, after investigation, it was found that it served both purposes—that it checked cholera if it was due to local conditions, and developed cholera if it was due to the invasion of foreign bacilli. Sir, the same is the case with our Commerce Department. (Laughter.) Here I have got in my hand the cholera pills of the Commerce Department and it is still a sporting question to ask and answer whether our Commerce Department is intended to check commerce or to develop it. The cholera pills of the Commerce Department is the Tariff Board. Sir, the measures that we have passed this year may or may not develop the industries, but certainly they do not develop the commerce.

In fact, it is one of the great mistakes in the division of the Departments of the Government of India that we have divested commerce from industry. Both of them, in fact, go hand in hand, and the measures which the Commerce Member has adopted and is still going to adopt will help his neighbour (I mean the Honourable Sir Frank Noyce), more than himself, and I think he has got a dictum that charity does not begin at home, but it begins with neighbours. My Honourable friend, Mr. Mody, is unfortunately a much maligned person in this House, but in this case I have great sympathy for him. I will just tell a story before I apply it in his case.

A person lost a camel and he could not find it. Then he made a vow that he would sell it for nothing if he could find it. Fortunately he found his camel, but he adopted the ruse that he fastened a cat to the neck of the camel and said that the price of the cat was Rs. 100. So, to any one who came to purchase the camel, he said : " You can have the camel for nothing, but the price that you will have to pay is only for the cat which is Rs. 100 and you cannot have one without the other ".

So, my friend, Mr. Mody, can have his Protection Bill all right. He can have it for nothing, provided he pays the price of this cat in the shape of the excise duty. Sir, I said three years ago that the wrong theories of political economy have contributed more to the miseries of the world in recent years than anything else, with the possible exception of the Great War. Similarly, I say that the theories of taxation, ill-digested, badly thought out and incorrectly calculated are more responsible for the general depression in the country than all the other factors put together. In the year 1931, we put up the duties by 25 per cent. irrespective of the fact whether they were protective duties or revenue duties. We did not have the time to consider whether the duty will bear this additional taxation and the results have proved that it was a false move. Now, two notable examples of the mistake committed in 1931 are in regard to sugar and steel. The sugar had a protective duty which was very well calculated by the Tariff Board, and this House passed it after great deliberation. We suddenly increased this protection by 25 per cent. to the great detriment of the consumer. Now, we found an array of vested interests in favour of it, and experience showed that it was exceedingly difficult to take it off, and we could succeed in doing it only by levying a kind of excise duty on sugar. The second example, now before us, is that of steel. In 1927, on the recommendation of the Tariff Board, we minutely calculated the exact amount of the protection which we ought to give to this particular industry. Then, may I ask, what right had the Government got in 1931 suddenly to increase this duty by 25 per cent. ? Was it not a great injustice to the consumer of this country that a well-planned taxation made in 1927, in which every aspect of the case was calculated, was suddenly increased by 25 per cent. in 1931 without any calculation and without any reference to any person, and the result is what we are facing today. The Government no doubt recognised their mistake in the case of sugar, and now they are feeling the pinch with regard to steel, because of the mistakes which they committed in 1931 by suddenly increasing the duty by 25 per cent. It is not easy now to remove these duties. Sir Charles Innes in 1924 pointed out :

" The experience in other protectionist countries shows that it is easier to put on these protective duties than to take them off. One of the disadvantages of the protective duties is that they tend to create vested interests and these vested interests

[Dr. Ziauddin Ahmad.]

very naturally oppose tooth and nail any reduction of the protective duties even though the apparent need for them may have disappeared."

This was the opinion expressed by Sir Charles Innes. The same opinion was expressed by the Fiscal Commission. They said :

"But we cannot shut our eyes to the fact that in protectionist countries considerable difficulty is experienced in reducing and removing duties even when they are not required and it is probably that such a thing will impose on the whole a greater burden on the consumer than its conditions really required."

Sir, these are the warnings which Sir Charles Innes gave when he first introduced the Bill in 1924, and the Fiscal Commission pointed out that we should be on our guard that, whatever burden we put on the consumers, we should not overburden them, but we should be very careful about the quantum of protection and should have no hesitation to remove it if the circumstances warrant it. Sir, as I said, this wrong policy of the taxation has created enormous difficulties with the policy pursued during the last five years. In the year 1930-31, the income of India under customs was 46.81 crores, to which we added the customs duties to the extent of 30 crores. Last year the income was only 46.87 crores and the estimate for the current year is 46.48 crores, and, I am sure, the total income will never exceed 46½ crores. Our income, as well as the purchasing power of the people of India, has enormously gone down. I made a calculation and mentioned it in the Assembly during the last Session that the income of the people of British India alone has gone down by 800 crores per annum, of which 500 crores represents the agricultural income, 100 crores represents the income of those persons who pay income-tax, and their number is 6 lakhs, and 200 crores represents the income of other persons who are neither agriculturists nor income-tax payers.

Now, I appeal to the Honourable the Finance Member, Sir James Grigg, to evolve some theory of taxation and put us on the right track. We have been imposing all kinds of taxes and have evolved absolutely novel theories on the floor of this House. The first theory that we evolved is that we should raise the price level of the manufactured articles or restore the same competitive conditions that existed a few years ago. Now, this is a theory which is not supported by any economical consideration. Then we have got another theory that we can increase, without consideration, the taxes by 25 per cent. all round.

This will also look quite strange in the eyes of any person who has got any knowledge of political economy. The next thing is about protection. No doubt we all agree that protection should be given, but the point is about the quantum of protection. That is an exceedingly important thing. I think we have been paying no attention to it. We have never demanded year after year the budget or the balance sheet of those concerns to whom protection has been given. We have never demanded from them as to how much profit they were making. From this side of the House we have been demanding, since 1924, that the Government should place before this House or a Committee of this House an account of the profit and loss together with the balance sheets of the companies to whom protection is given, but no action has been taken. This is really very important for determining the quantum of protection that we might give to an industry.

Whatever theory of taxation we may evolve, it is essential that we should know the exact income that would accrue from any measure of taxation and we should get the whole amount. Sir Charles Innes, in connection with a previous debate said that the ideal tax is the tax which brings to the coffers of the Treasury precisely the same amount of burden placed on the consumer. That is, whatever burden you put on the consumer, the whole profit must come to the exchequer. Whatever income you anticipate, unless very unforeseen circumstances happen, such as floods and earthquakes, the same amount must come to the exchequer. This is really the ideal of taxation, and I hope that in every taxation this principle should be kept in mind. I am not opposed to protection as such, but I would suggest for the consideration of the House that we should have some sound theory about taxation and not come forward from time to time with all kinds of taxation. Sometime ago, we had only one Finance Bill on the 28th February of every year. But now the merchants of India are staggered, and they do not know what would happen to them any day. Now, for the merchants, every day is the 28th February, because they do not know what would happen to them tomorrow. By such action we have really paralysed trade and commerce in this country, we have made the minds of merchants in this country unsettled, and they have become nervous. It is really one of the reasons why trade and commerce are so much depressed in this country. If the Government want taxes, I may mention for the consideration of the Honourable the Commerce Member a few points, and, if these are followed, the Government might get all the money they want. I suggest that they should take up, first of all, a few commodities of inelastic nature and the Government should get from these commodities all the revenue they want. The Government of the day must be carried, and they should have sufficient revenue. So let them pick up a few commodities.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member is evidently imagining that he is on the 28th February and discussing the Finance Bill. We are discussing the Indian Iron and Steel Duties Bill.

Dr. Ziauddin Ahmad : I am just coming to that, and it is my second point. I was saying that the first principle is that we should select inelastic commodities and get the whole revenue from them. Secondly, we may have protective duties. But before we impose any protective duties, we must first be satisfied that the three conditions, which the Fiscal Commission laid down before the imposition of protective duties, are fulfilled. These are well-known conditions which I need not repeat. In addition to those conditions, which the Fiscal Commission mentioned, there are two more conditions which must be satisfied, and unless these two additional conditions are satisfied, protection duties are not justified. These two conditions are that this money, which the consumers are giving in the shape of a loan year after year, should be paid pack to them. This is not a free gift to the industry. The consumers have no interest to give this free loan to the capitalists. This is really in the shape of a loan which ought to be paid back after a certain number of years by those concerns in the shape of supplying those goods at cheaper rates. When the industry, which is receiving the protection, is able to stand on its own legs, it must sell the articles much cheaper than what the foreign countries do,

[Dr. Ziauddin Ahmad.]

The next condition to be satisfied is that before we agree to the principle of protection, this House, as has been pointed out by Mr. Vidya Sagar Pandya, should have an opportunity to examine, year after year, the balance sheet of all the factories which come under protection. We should know the profits they have been making. For instance, in the case of sugar, which was given protection, we were told that some sugar concerns were making 50 per cent. profit and that others were making 100 per cent. profit. This may have been correct, but there is no authoritative information, either for or against this assertion. We do not know, in the case of the steel industry, what profits the Tatas are making. Even the balance sheet is not before us. Nothing has been given to us. We do not know whether they are making a profit, and what is the amount. Is it a fabulous figure or a reasonable figure ? Others say that they are running at a loss. We ought to know the real position of the Tata Company. I, therefore, suggest that, unless these two additional conditions are satisfied we should refuse to accept any taxation of the nature of protection. These conditions are that the balance sheet must be produced and examined by the Government and also examined either by the whole House or by a Committee of the House. The next condition is that this protection should be considered as a loan, and every year the House should know what is the amount given as a loan by way of protection to this industry. We should know its amount year after year.

I now come to the Tariff Board Report. I have got a great grievance against this Tariff Board. Certain allegations were made on the floor of the House by my Honourable friend, Sirdar Harbans Singh Brar, but no answer was given by the Government. If we appoint any Tariff Board, it must be above suspicion and we should not be able to quote anything against any Member of the Tariff Board. If we want to accept the findings of the Tariff Board, the Government should take care in appointing the personnel of the Tariff Board and remarks of the nature which Sirdar Harbans Singh Brar made on the floor of the House should never be made in the case of these Members. In addition to this, there are certain duties which Sir Charles Innes laid down in 1924 when the previous Tariff Bill was under discussion. I will just mention his own words. He said:

"The Tariff Board is charged with the most responsible function. It is the duty of the Board to advise the Government of India not merely whether a particular industry requires protection but whether on the whole the balance of advantage lies in giving it protection. It is their business to weigh all the interests not merely of the particular industry claiming protection but also of all other industries which may be affected. Above all it is their duty to consider the effect of any proposals which they may have made upon the general consumer and upon the general tax-payer."

One of the most important duties of the Tariff Board is to give us exactly the amount of burden which will fall on the consumer and the amount of burden which will fall on the tax-payer, which is the same thing as Government. When we first introduced this Tariff Bill in 1924, Sir Charles Innes gave in his speech greater details of the question of protection and how the burden of protection would be divided. He said clearly that the protection was about 1½ crores per annum out of which one-third would be on the consumer, one-third on the industry and one-third would lie on the Government. He did not stop here. He quoted Sir Alan Parsons who was then the Financial Commissioner who went so far as to

calculate that the exact burden on railways would be 29 lakhs, of which 15 lakhs would fall on capital and 14 lakhs on revenue. These were the details which were calculated when the first Protection Bill in 1924 was laid before the Assembly. May I ask, what are the figures for this particular Bill? What is the exact amount of burden which we are going to put on the consumers of India? How this burden will be shared between the Government, the Tatas, and the other industries in India and outside. You should have accurate figures. We should know where we are. At present the Bill, that is presented to us, says that Government have reduced the amount of taxation, but we forget all the time that we had quietly increased the taxation in 1931 by 25 per cent. without any justification, and that thing has altogether been ignored all the time. Therefore, this is one of the disadvantages in this report, and I think the Tariff Board have not carried out their duties properly and they failed to give the exact financial effect of their proposals and visualise the effect of increasing 25 per cent. protective duties all round. I was rather disappointed in this respect in the speech of the Commerce Member also, because I thought that this gap would probably be filled up by him, and he would be able to give us the exact amount of the burden. I did not have the time to calculate it myself, because it requires a number of data which are not exactly before me. But, on one very small item, I calculated these figures, and that small item is iron bars. We know that iron bar is a very trifling item in the steel industry, and I will give the conclusions that I arrived at in connection with the iron bar industry, that is, our total consumption of iron bars in this country, and I got the figures of import from Seaborne Trade, which is given here on page 78, and it is equivalent to 65,000 tons. Tata's figures are given in the report supplied by Tata's themselves as 80,000 tons making the total consumption to be 146,000 tons. Now, here we are given the figures of the sale price of British goods, continental goods and Tata Iron Works as well. I find that if protection duty is removed and all the customs duties are abolished, naturally every consumer will buy the cheapest, and the cheapest price is the continental price which is Rs. 65 per ton. So it really means that if protection is removed, then the consumers in India will have to pay 94 lakhs and 90 thousand rupees altogether, that is, 146,000 tons at Rs. 65 per ton. Now, if we accept the recommendations in the Bill and put on all the duties that are proposed in the Bill which is now before us, I find that the duty on Tata's will be Rs. 4, that is, the excise duty, and the selling price will be Rs. 101. The duties on English goods will be ten per cent., that is, it will rise from 96.1 to 105.62. The duties on continental goods will be 44 1|3 per cent., that is, 1 1|3 of the excise duty *plus* Rs. 39 per ton, that is, Rs. 109½. Therefore, if the same amount be purchased at the prices which are really mentioned in this particular Bill, then the total burden on the consumers will come to 155 lakhs and 34 thousand ; or, in other words, the burden on the consumers by one item alone, that is, iron bars which is a very trifling part of the whole scheme, is 60 lakhs per annum. That is on one item alone. Now, let us see how this 60 lakhs will be divided among the three important parties, that is, Government, Tata's and the British manufacturers. And I find by the same method that out of this Government will get 24 lakhs, Tata's will get 32½ lakhs, and the British manufacturers will be profited by 4½ lakhs. This is the distribution of the 60 lakhs out of this one item. In the same way, I would very much like that our Select Committee should calculate the exact amount of the burden on the consu-

[Dr. Ziauddin Ahmad.]

mers if their proposals are accepted, and in what way the income which will accrue from this burden on the consumers will be divided between the three important interests, that is, Tata's, Government and other manufacturers. This is really a very important aspect, and unless we know very definitely the exact amount of the protection that we are going to give to Tata, you are really asking us to swallow what I call cholera pills without understanding what they are. And these pills have now become so big that I think you will have to force them down our throats before we can swallow them. I calculated for one or two more items in the same manner, but I think I will tire the House if I give too many details at this stage. But there is one thing which I think the Committee might consider, and that is the question of the discounts or the reverse of the premium which we are giving to the foreign countries.

Now, we have no doubt, this House accepted the Ottawa Agreement. We have already accepted the ten per cent. preference. But, in this particular case, the preference goes to any figure from 10 to 47 per cent., and I think this is beyond what this House has been committed to, and it is very desirable that we should seriously consider this question from the point of view which I am just going to advance. As regards foreign countries, we know very well that some of the important countries of Europe are still on the gold standard, and we have already given them a discount of 34 per cent.,—that is due to exchange,—and if, in addition to that, we give them another preference about 40 to 45 per cent., then their discount, compared with the United Kingdom, will be something like 80 per cent. in some cases. I doubt very much whether, with this 80 per cent. discount, it will be possible for countries like Belgium and other countries to send these articles at all to India. I accidentally met one of the dealers in steel and iron, who import articles both from the United Kingdom and from other foreign countries ; and he said that, after this Bill is through, it is nearly certain that all the import from foreign countries in iron and steel will stop, because the duties are so prohibitive that it will be impossible for them to compete under the conditions laid down in this Bill. Of course, I had no opportunity to examine the accuracy of this statement and I cannot mention it authoritatively ; but if it is correct, it will become a very serious matter, because if we impose some very high duty, so as to stop their import altogether, then it is certain that they in their turn will put similar duties on our goods, and our export to these foreign countries will also stop. Of course we have not before us the Ottawa Agreement by means of which we can judge what has been the effect of the agreement on foreign trade. But we know definitely that our trade with the United Kingdom has increased although we cannot say yet, until our Committee reports, whether this increase has been only a diversion from foreign countries to England or whether it is a real increase. But we are waiting for the opinion of this Committee, and I am not in a position to make any authoritative statement on this particular point. But the point which I should like to emphasise is this that if we, by this high tariff, stop our import from foreign countries, then they are bound to retaliate ; and what would be the result ? The result would be that there will be some kind of separate trade agreement with every country. I read in the papers today that Italy is thinking of entering into a separate trade agreement with India, and probably it may be absolutely necessary on account

3 P.M.

of the high tariff policy that we are adopting. Then tomorrow we may have another trade agreement with Belgium, and, probably, if we develop this policy, we will have trade agreements with all the remaining 56 countries that are members of the League of Nations, because they are all countries that demand reciprocal treatment. If the Tariff Board is really punctuated by 56 trade agreements with 56 different countries, I do not know what the position will be. The position will be the same as was described by King Alphonso of Spain about the solar system. Of course we know that whenever the astronomers, believing the earth to be the centre of the solar system, were in trouble about the exact position, they added one more circle and they called that the epicycle, and thus they went on adding more circles one after another. When these things were explained to Alphonso, he said : " Had I been God, I would have devised a better solar system that exists at present ". Of course the fault did not lie with God : it lay in the human understanding, because he did not know the simplicity and beauty of the arrangement. So, instead of having a simple tariff, we will be having epicycles of a very complicated Tariff Act for the country.

I should, therefore, like to request the members of the Select Committee to go thoroughly into the details and give us clear figures. I shall come now to the sale policy adopted by Tatas. This requires very serious consideration. I am told that these sale houses are entitled to get any discount from zero to five per cent. or so. My information is that by various methods they get more than five per cent. I understand that each of them has invested a capital of Rs. 15 lakhs, and no merchant will be satisfied unless he gets an income of about ten per cent. at least (six per cent. interest *plus* four per cent. profit). Therefore, if the present sale policy is changed and the Tatas begin to sell directly to these merchants and avoid the middlemen's profits, it will bring in more than the excise duty which we are imposing on the Tatas : this one change will bring in the amount of the excise duty. I have not got the figures, but, speaking subject to correction, it would amount to Rs. 7½ lakhs a year if we calculate it at ten per cent. on the money invested in these agencies—five merchant houses each investing Rs. 15 lakhs each. In addition to this financial loss to the consumer, there are two other disadvantages to which attention has been drawn by the Tariff Board at page 16 of their report where they say :

" The complaint of the Calcutta merchants that they have been converted from independent merchants into mere shopkeepers, we are afraid, is an inevitable consequence of the introduction of protection which has enabled the Indian industry to capture so large a proportion of the market hitherto open to the foreign dealer."

They say previously :

" We would not have it thought that we accept at their face value all of the complaints made by the re-rolling mills and dealers against the sales policy of the Company and the methods the Company has followed in the efforts to introduce its products into new markets, such as the agreement which binds Tata dealers to deal only in Tata products."

I am told that these merchants go to very small places where there are local small industries, and they practically destroy them by underselling the Tata articles in those localities. This probably is done against the intention of the Tata Company. All these troubles will be avoided if the Tatas change their selling policy and adopt the policy which every manufacturer adopts. Any merchant in Upper India can purchase from the biggest manufacturers in England or Europe or America direct, but

[Dr. Ziauddin Ahmad.]

he cannot purchase directly from Tatas unless he gives a commission which may be anything up to five per cent. to a middleman. Why should there be this additional taxation on the consumer on account of the want of managing capacity in the sale department attached to this particular firm ?

I say clearly that I and others on this side are not opposed to protection being given to Tatas. We consider it a national industry, and I think it is the duty of every one, interested in the well being of India, to support the development of the industry ; but what we should like is that we should clearly know what we are doing. We should not act like Yacoob Al Kandi, who got a solution without knowing what he was doing. Yacoob Al Kandi, a great mathematician, wanted to find out the value of one degree : he calculated the value of 15|16, because one degree cannot be obtained without the trisection of an angle which he could not do : and he then added 1|15, in order to get the value of one degree : and Alberuni said that although his results be right to two places of decimals, yet he did not know what he was doing. So, even if all the recommendations made in this Bill are right, we will not know what we are doing unless we know what the financial effects of these proposals are. We will be acting without knowing what the effects of these proposals will be on the purse of the Finance Member or on my own individual purse as representing the consumer.

Another point is that while we are not against giving protection, we have every right to demand through the Government that the balance sheet of the Company should be laid year after year before us, so that we may know what profits exactly the Company is making.

Before I sit down, I would like to refer to what Mr. Vidya Sagar Pandya said : he spoke about the memorandum *re* Muhammadan representation. I also saw the memorandum and the summary. I quite agree with him, and there can be no difference of opinion that the first thing we should look to is the efficiency of this institution. Communal considerations and the like should not find a place compared with efficiency. But what I actually find is that in all posts, where technical knowledge is required, the Muhammadans have comparatively not much to complain about : their complaint lies in the posts where technical knowledge is not required, and I can show the facts and figures to Mr. Pandya. I do not know what his object was in mentioning this matter, whether he meant that the Muslims were going to strike a bargain about these posts with the Tatas : I can assure him that there is nothing of the kind, and I can produce Mr. Pandya himself as my witness that, as far as we are concerned, nothing of this kind will happen. But what we want is that Muslims or other minorities should have fair opportunities along with others : and the opportunities should be of equivalent value. My friend, Bhai Parma Nand, is not here—I shall develop this point later on—but he always refers to the League of Nations, whenever the question of minorities comes up : I would also refer to the League of Nations, and I say we do not want anything except fair opportunities and opportunities of equivalent value. I shall not waste the time of the House now in explaining what I mean by opportunities of equivalent value, unless the question is taken up directly. We do not want any kind of inefficiency in Tatas : we want to have the best men there, but we want opportunities of equivalent value to be extended to minorities. With these words, I support the motion.

Dr. R. D. Dalal (Nominated : Non-Official) : Mr. President, coming as I do of a distinguished mercantile family in Gujarat, Western India, I have all my life taken a deep interest in commercial matters, in fact, my leanings are more towards commerce and finance. So I should be failing in my duty if I did not make a few general observations on this important Bill, which seeks to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel. At the outset, I would say that the Report of the Indian Tariff Board is a document of outstanding importance, setting out, as it does, the considered views of the Board on the present position of the iron and steel industry in India, and what makes it the more important is that it endeavours with manifest sincerity to discuss the whole question from a national point of view. But, Sir, I fear this measure will create considerable criticism and consternation throughout the length and breadth of India. I have made a careful study of the Tariff Board's Report, the representation of the Tata Iron and Steel Company, and also this Bill, and, to my mind, three important points stand out most prominently, namely a reduction in the level of import duties, the price of untested steel and tested steel, and the imposition of an excise duty on steel ingots. So far as I understand the amendments in the Schedule, I think there will be keen competition between Tata Steel and British steel, but I hope the Select Committee will go thoroughly into this point and will eventually set the matter right. Sir, during the last few years, several re-rolling mills have sprung up in various parts of the country. These mills are keenly competing with the Tata Company. They import their raw material ; they cannot be considered as an Indian industry. So in my opinion the free entry of steel billets for re-rolling should not be allowed.

Then, Sir, there is another matter of considerable importance, and it is this. Untested steel cannot possibly sell at the same price in competition with tested steel. If the untested steel and tested steel are sold at the same price, the whole bazar trade throughout India in untested steel will be ruined. So, in my opinion, there must be a difference of twelve annas per one cwt. or at least Rs. 10 per ton between the selling price of untested steel and tested steel.

As regards the excise duty on steel ingots, I would point out that for some time it has been realised that the dwindling revenue from import duties would have to be off-set. Accordingly, this year excise duties were levied on sugar and matches, and at that time it was foreseen that these excise duties were merely the precursors of others.....

Diwan Bahadur A. Ramaswami Mudaliar : No, no ; never.

Dr. R. D. Dalal : Now, Sir, I shall refer very briefly to the Tata Works at Jamshedpur. The Tata Works are the largest and the best equipped single works for the production of iron and steel, and they own large deposits of iron ore and abundant supplies of coal. As regards their efficiency, management, and equipment of the plant, they are not in any way inferior to iron and steel plants in any other part of the British Empire. During the period 1911—1933, the Company's output was 2¼ million tons of pig iron, and 4½ million tons of rolled steel. During the last three years this industry has made substantial progress, impeded though it has been by the effects of the unparalleled economic depression. Much credit is due to my lifelong friend, Mr. A. R. Dalal, I.C.S., who has

[Dr. R. D. Dalal.]

worked his brain and legs off since his retirement from Government service ; and I am sure his extraordinary devotion, his complete mastery of the work, and his assiduous industry have brought about this satisfactory result. The Company manned by experts, both from within the industry and outside it, has made great progress in reducing the cost of production and has thus met the wishes of the consumers. The needs of the consumers are that they shall have the right material at the right price, and the company has done its utmost to supply the needs of the consumers.

During the Great War during the period 1914—1918, the Tata Works supplied to Government three hundred thousand tons of rolled steel. In fact, the Tata Works were the chief source of supply for the Mesopotamian, Egyptian, and Palestine campaigns. These supplies were made at a total price which was several crores less than what would have had to be paid by Government for steel from other countries, and the Government gratefully acknowledged the services rendered by the Tata Works.

Then, Sir, the coal industry is vitally interested in this industry of the manufacture of pig iron and steel. The Tata Works consume annually 1½ million tons of coal, whereas all cotton mills and jute mills of India, put together, consume only two million tons of coal. So, we are very much interested and naturally concerned in the growth of the iron and steel industry.

Sir, the contribution of the Tata Company to the well-being of India should not be measured only by the output of iron and steel. Where 25 years ago there was only a dense jungle infested by wild animals and sparsely inhabited by aborigines, there is now a fine industrial town of a hundred thousand inhabitants, who enjoy the advantages of well-built sanitary houses, wide roads, an abundant and pure water supply, drainage, conservancy, an up-to-date hospital with X-Ray apparatus, and five dispensaries. The Company has an efficient medical and public health service. The town of Jamshedpur is supplied with electricity for lighting purposes. The Company employs very many more work-people than any other industrial concern in the whole of India. The Company has adopted the 8-hour day for its work-people, and pays higher wages than any other industrial concern in the whole of this country. The Company has provided housing accommodation for its employees in accordance with a regular town planning scheme by limiting the incidence of population to 12 families per acre. At the end of March 1933 the number of houses available was 13,200. The Company maintains 40 schools, and provides education for the children of its employees. The Company has achieved a fine record of training Indians at its own Institute at Jamshedpur for filling even highly technical posts with the result that now very few covenanted non-Indians are employed.

Sir, I submit that an industry so vital to India must continue to be encouraged, inasmuch as the maintenance of a prosperous iron and steel industry, in the highest degree of efficiency, is essential to the economic progress of the country ; and having regard to the conspicuous services rendered by the Tata Works to the Government during the Great War, in time of need, I submit that every consideration, every sympathy, every justice should be shown to the Tata Iron and Steel Company. The Government should support this industry by every means at their disposal

and they should do all they possibly can to assist it and to promote its welfare. The share of the available Indian market for steel products supplied by the Tata Company is at present 72 per cent. ; so every endeavour should be made to make India self-supporting in the matter of iron and steel. For the life of me I do not understand why we should pay foreign markets millions of rupees for a manufactured article, which can be made by labour from material in the ground under our own feet. The people of India had great faith in Mr. Jamshedji Tata, the founder of the Tata Iron and Steel Company ; and it so came to pass that thousands of Indian widowed ladies invested their money in this industrial concern. I am sure the Government of India are not too bankrupt of solicitude for the good of these poor Indian widowed ladies that they will be indifferent and apathetic to their welfare.

Now, Sir, in conclusion, I earnestly request and pray the Honourable the Commerce Member and the Honourable the Finance Member to stand by this national industry, and to devise ways and means in the Select Committee, and to make substantial modifications and changes in the Bill, which will enable the existing industry to thrive and to prosper and which will induce new works to come into existence ; and I need hardly add that the sympathetic and favourable treatment of this important question will earn for them the gratitude and commendations of thousands of poor Indian widowed ladies, on whom this Bill, as it is in its present crude form, is likely to bring much suffering, misery, and even ruin.

Mr. B. Das : Sir, much of what fell from the Leader of the House about the sound management of the Tata Iron and Steel Works and about the high percentage of efficiency that they have evolved by the criticism of this House and by a certain amount of control exercised through the Government, I entirely endorse.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I also take this opportunity to congratulate you, Mr. Deputy President, on the fact that you have bridged the gulf between workers and employers and have identified yourself with capitalists. Today, the Deputy President, the representative of the workers on the floor of this House, spoke as an employer. If the gulf has been bridged, if the workers in India do appreciate the difficulties of the employers in India, in future there would be less strikes. The Deputy President had a gibe at me that I still insist that there should be reduction in the wages of the workers. I did not find any argument advanced by the Deputy President, whereby I could have been convinced that the time was not yet ripe when the salaries and wages of industrial workers, whether they are employed in cotton mills or steel works or even the railways, should not be reduced. The index prices have gone very low, and the commodity prices are so low that the cost of living has gone down, particularly of the working classes, who entirely live in the Indian conditions of living. And, if they are guided by the same spirit, the same patriotic spirit, as the Honourable the Deputy President exhibited this morning on the floor of this House, if the workers are anxious that industries must thrive and compete with foreign products, then they must be prepared to accept lower wages

[Mr. B. Das.]

I do not know where to begin the criticism of this Bill and where to end. I was surprised that even an astute industrialist like my Honourable friend, Mr. Vidya Sagar Pandya, was praising this Tariff Board's report which is not worth the paper on which it is written. My Honourable friend, Dr. Ziauddin Ahmad, quoted noble sentiments expressed by an *ex*-Commerce Member, Sir Charles Innes, who was instrumental in granting protection for the first time to the steel industry in 1924. Sir, Commerce Members come and Commerce Members go, but the die-hard policy of the British Government is so undermining the policy of the Government of India that they are nothing but mere handmaids of the British Government and have simply to carry out orders. Today it is not protection to the Indian steel industry ; it is protection to the British steel industry. Do we find the spirit of Sir Charles Innes even in the appointment of the personnel of the Tariff Board ? I am not concerned with the representative of the Civil Service on the Tariff Board. It is Government's look out. They must have a representative of their own order in that Board, but they have placed a representative of the Indian Legislature in the guise of a Nominated Member of the other House situated somewhere in the distant end of this hill. That Nominated Member has never been elected to any municipality, any council or any Legislature.

Diwan Bahadur A. Ramaswami Mudaliar : He is an elected member of the Madras Corporation.

Mr. B. Das : I stand corrected. I am glad to hear that. His behaviour and attitude has never justified the belief that he has ever been an elected member in his life. However, if Government go behind the spirit with which this Tariff Board was constituted at the outset in 1923, I do not know how far I can blame the Government for it. The whole policy has changed. My Honourable friend, Mr. Anklesaria, said that it was the Ottawa spirit which he wanted. He reciprocated this by a visit to Lancashire also and I believe my Honourable friend, Mr. Mody, also visited Lancashire. It is that Ottawa spirit which has demoralised the Treasury Benches and they cannot visualize what is good for India. Sir, what were the terms of reference to the Tariff Board ? These gentlemen entirely misunderstood, and misunderstood the terms of reference to the Tariff Board. What were the terms of reference ? Accidentally one sentence was mentioned : " The Board is requested to re-examine....the Indian Tariff (Ottawa Trade Agreement) Amended Act of 1932 ".....This particular sub-sentence inspired the fossilized Tariff Board. I wish the Tariff Board is abolished for ever. If the so-called experts recommend this kind of protection, India seeks no protection. Indian industries do not need any protection. It is better that no protection is given for the steel industry and that the present revenue duty is maintained than to give a system of protection that humiliates the whole nation. What was the policy that guided the Tariff Board ? I would refer Honourable Members to para. 107, page 62 of the report. They say :

" We have however decided to adopt the other method which is calculated to give the British manufacturer a definite advantage consistently with the interests of the Indian industry. Our object in doing so is to maintain as far as is now possible the principle of reciprocity underlying the Ottawa Agreement relating to galvanised sheets."

Sir, either these gentlemen do *not* understand English or they do not understand the Ottawa Agreement or they do not understand that part of the Agreement which affects the question of galvanised sheets. What was the recommendation of the Ottawa Agreement ? Mr. Deputy President, the Honourable the President is not in the Chair. He was one of the participants at the Ottawa deliberations. Only this morning I was reading the *Indian Finance* in respect of Sir Padamji Ginwalla, another delegate, a former Director of the Tatas. I do not know if he is still a Director. Perhaps Mr. Mody will be able to say.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : He is not.

Mr B. Das : Sir Padamji Ginwalla was also a participant at the Ottawa deliberations. These gentlemen were careful to see that protected industries were not touched by the Ottawa Agreement. They were completely kept out of it. I will read one or two lines with reference to the steel industry. It is on page 33 of the Ottawa report :

" To concede a preference by reducing these rates to a lower figure in favour of British steel would impair the protection intended by the Legislature to be afforded to the Indian industry and to raise the duties on foreign steel to a higher point than was required in India's own interest would have been a grave departure from the fundamental principle of the policy of Discriminating Protection."

Sir, the Honourable the Commerce Member has changed his attitude. The attitude of the Government today is not discriminating protection, but indiscriminate protection to British industries. The Tariff Board, having these facts before them, these so-called super-experts, misread this and they want reciprocity with the British Empire and they talk in a subsequent passage about recriprocal benefit to India. I know this House will not agree with me except a few noble friends. If I had my own way, I would oppose this measure tooth and nail. I will throw it out. I will throw a challenge to the Government to introduce this Bill next year in February or March and stand on their legs and make a speech supporting this revolutionary principle and ideal—supporting this idea of British preference which is so shamefacedly and so brazenly brought out by the Tariff Board report and in the body of this Bill. The Government dare not. If they are honest, let them give protection for one year to the Tata steel with a proviso that this Bill should be extended for another six years when the new Legislature comes in. This House is not representative.

We hear of the talk of free trade. Free trade is as dead as Queen Anne. My friend, Mr. Anklesaria, if he wants to follow his policy of free trade, ought to go to one of the islands in the Pacific Ocean, I believe it is called the Sandwich Islands. Does not my Honourable friend, Mr. Anklesaria, know that the Liberal Party in England, that big party which was controlling the British Government, crashed, because it used to advocate free trade ? We will hear of free trade when the Honourable the Finance Member rises ; I have not read " Who's Who ", but I have seen it in the papers that my Honourable friend was Private Secretary to three or four Liberal Chancellors of the Exchequer and British Ministers. Whether my Honourable friend himself holds that view personally, that the world should be free thinkers or free traders or free booters, I do not know, but this Bill anyway is giving nothing but a free-booter's licence to Great Britain. (Laughter.) My friend, after taking the oath of allegiance to the Government of India, will have to adopt a policy of protection, a high tariff wall ; but whether he supports the vicious principles

[Mr. B. Das.]

embodied in this Bill, that is a different question—he is nothing but a part of the machinery. Sir, not only that, but what have these super-pedagogues of the Tariff Board done ? Sir, they have gone out of their way and they have advised the Government of India, and they have advised the nation, because they were paid from the tax-payer's money—I believe this advice is not only to the Treasury Benches, but also to the representatives of the nation that sit on this side of the House and also to the world at large—Sir, they have advised that there should be no revenue duty. Sir, who asked them to pass those unwanted remarks ? Sir, I am grateful to the Honourable the Commerce Member for placing in the Library some pieces of evidence, but only the pieces of evidence of the Tata Iron and Steel Company, both oral and written, are found—the other pieces of evidence, particularly those in which I was interested have not yet been placed in the Library table. If you ask me what pieces of evidence I am particularly interested in, I will say I am interested in the evidence of the National Federation of Iron and Steel Manufacturers of the United Kingdom, London, the Sheet-Makers Association of the United Kingdom, London, and the Welsh Sheet-Manufacturers' Association, London. I hope the Honourable the Commerce Member, when he receives these from Calcutta, will place them in the Library or on the Select Committee table, so that Members may take advantage of knowing all about the written and oral evidence of these sections of the British thought. Sir, I had no time—this was placed only this morning in the Library, but I was just glancing them through, and I said to myself : " Who was that super-genius of the Tariff Board experts who conceived the idea that the task had been imposed upon them, so that they could make a recommendation that there should be no revenue duty " ? I find it is the President.

An Honourable Member : Who was the President ?

Mr. B. Das : The President was Dr. Mathai who is supposed to be a great economist. He was questioning one Mr. Mather, thus :

" *President* : What I am trying to do is *to arrive at some kind of principle with regard to the Government policy* in the matter of the purchase of rails on which we could base our proposals "—

and then he goes on and discusses the question whether there should be no revenue duty ; but, Sir, that leads me to ask a question of the Honourable the Commerce Member. Besides the terms of reference, did the Government of India at any time ask the Tariff Board to make an inquiry about the principle of taxation—whether there should or should not be any revenue duty or whether the revenue duty can be reduced. Sir, I pause for a reply.

The Honourable Sir Joseph Bhore : Not that I know of.

Mr. B. Das : I am very glad to hear that. But here these theorists —we know what they are—take upon themselves a self-assumed responsibility and the President assumes to himself the responsibility of thinking that the Government of India have asked him that he should inquire whether there should be a revenue duty or not ; and we find the recommendations ; of course it is all based on false calculations.

Now, my Honourable friend, the Commerce Member, asks us to look into Tables 24 and 25 ; but although in Table 24 the Tariff Board reaches the conclusion that certain items should not have any duty at all, because

the Tatas' steel gets its proper price without any protective duty, at the end of the book in the table of tariff that is given, they make no mention that the revenue duty should be taken off, because it was beyond their power, and if this Tariff Board recommended this, I say they went beyond their jurisdiction. If, of course, the Honourable the Finance Member appoints at any future date a Committee or a Commission to consider what should be the proper tariff policy, the proper fiscal policy for India, and if such a Committee recommends that such and such a revenue duty should be removed, this House will give due consideration to it. Then, I shall also respectfully go through that Committee's Report and see whether I could accept those recommendations or whether I should suggest any alterations,—but for these experts, the so-called experts who were asked to modify the scheme of protection, to come and suggest methods of reduction of revenue duty is absurd.

And, Sir, this Government stands pilloried, they cannot reduce any revenue duty without fulfilling the pledge which Sir George Schuster gave on the floor of this House in September or October, 1931. When the surcharges of 25 per cent. were levied, as my Honourable friend, Dr. Ziauddin, has already referred to the fact that the protected industries got a benefit thereby of 25 per cent. surcharge, but that is another issue. We were given an assurance that if at any time there should be any reduction of revenue duty, it should be first in the direction of taking off the surcharges and abolishing the low level of income-tax—that is, the limit from Rs. 1,000 to Rs. 1,999 should be taken off first, and also simultaneously the restoration of the salary cuts. Already my friends in the services have received the restoration of five per cent. of their salaries. An assurance was also given that the salary cuts should be restored and the low level of income-tax should be raised to Rs. 2,000. That Finance Member is not present here. But today or tomorrow, when the present Finance Member will rise, he will, I suppose, justify his position whether the pledges or assurances of his predecessors have any moral value before the Government of India and before the country, because the Finance Member holds a very peculiar position in India and in fact in every country in the world. His words on financial questions are taken as gospel truth, and, if he likes, one word of his will completely upset the money-markets—whether it is the Stock Exchange of Calcutta or Bombay. Sir George Schuster, who was nicknamed " Surcharge " Schuster, because of introducing those 25 per cent. surcharges in 1931, gave us those assurances, and if he gave those assurances, let the Government cogitate over them, let them read over the speeches of Sir George Schuster. Sir, how is it that in the disguise of a protective Bill, the Government have introduced a system of fiscal tariff policy by which they are reducing the revenue duties ? Sir, Government had no right to reduce revenue duties in the autumn Session. This Bill incorporates the principle and the policy of taxation which my Honourable friend, the Leader of the House, recognises and he asked his colleague, the Finance Member, to explain the present policy of levying an excise duty of Rs. 4 a ton on the steel ingot as has been incorporated in the Bill. I say, it is against the financial and fiscal policy and against the budgetary system of any Government to introduce, under the guise of a protected measure to an industry, new principles of taxation. New principles of taxation require discussion and the consideration of the whole nation. The principle is so disguised that even the country at large have not found time to express its opinion. My Honourable friend,

[Mr. B. Das.]

Mr. Vidya Sagar Pandya, has already quoted the considered opinion of the Secretary of the Shareholders Association, Bombay. I wholeheartedly endorse their financial recommendations, and I believe these endorse the views of every nationalist all over India, and I do hope they do not upset in any way my Honourable friend, Mr. Mody, however he may disagree with the oft-expressed views of the Secretary of the Shareholders Association, Bombay. So, I think the Government are taking advantage today. They are depriving the country of the right of criticism and are introducing principles of taxation which they have no business to introduce.

They have also no business to introduce that vicious taxation called the excise duty. It is true that I supported the former Finance Member's taxation policy last Budget Session by agreeing to the excise duty on matches and sugar. Not that I was enamoured of it, but I knew that the Government of India were in such a bankrupt position that they could not carry on unless they stole a march on the new Federal Constitution and on the resources that were meant for the new Provincial Governments. I had to support it reluctantly, and I also know that I have earned a bad name amongst my colleagues in the Indian mercantile community because of that support. But I gave that support, because I felt the Government of India were bankrupt. If the Government of India have not received as much money as they expected, then it is for the Finance Member to bring out a new Bill next Session on the 28th or the 29th of February, whatever it may be next year. Before that, they have no right to smuggle an excise duty by means of this Bill. And what does this mean ? The Tariff Board, like my Honourable friend, Mr. Anklesaria, have inculcated a new spirit of reciprocity. They wanted that certain items of steel will have no revenue duty. The Government of India have magnified that issue and they have levied this excise duty, so that the Indian steel will have always a certain handicap. It will not be able to compete with British steel. Sir, that pregnant passage, which I quoted from the Ottawa Report, says that the consumers will not be handicapped. My friend, the representative of the free trader, Mr. Anklesaria, talked a little on behalf of the consumers and he wholeheartedly blessed the vicious principle of this Bill which reduces the duty on British steel to *nil* or to a few rupees and levies a heavy duty of Rs. 39 and more in the case of certain items of continental steel. I am not going to discuss here the question of tested and untested steel, but it is well-known that the continental steel was untested and it was coming at a low price. The consumers and the masses, who are not as bureaucrat as my friend, Mr. Mody, is, did not mind to buy this untested steel, because they could purchase it at a low price. So, the consumer is affected, because he cannot get the steel at a low price. Again, I test the knowledge of the super-experts of the Tariff Board. They have evaluated the tested and the untested steel at the same price, so that they may put a further handicap on the Indian steel industry, with the result that the Tata Iron and Steel Company will be able to sell only tested steel and shall have to compete with the British tested steel.

4 P.M.

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

Sir, the Honourable the Leader of the House very aptly compared the principle of the present Bill, which he has introduced, with the principle of the Indian Cotton Textile Act passed last Session. Sir, I need not

repeat the history of the Cotton Textile Bill. I believe it was the Deputy President who referred to the Mody-Lees Pact. I did point out last Session that if Mr. Mody gave an extra five per cent. at some future date to the British textile manufacturers, it was the leaders of the mercantile community of India who acquiesced to the Indo-Japanese Agreement and gave 25 per cent. preference to England. So, in one way, the Honourable the Leader of the House was right that this Bill is similar to the Indian Cotton Textile Bill which gave 25 per cent. preference to the British textiles, and, in certain cases, even a preference of 30 per cent.

Now, Sir, there is one point to which I would like to refer. Even the Ottawa Agreement gave only 10 per cent. preference to British goods. There were certain iron and steel articles which were assessed to 20 per cent. if they were continental, and 10 per cent. if they were British. Now, what was the occasion for the Tariff Board or the Government to include all those items as protected articles ? Did the Tatas ask for it ? I do not think the Tatas asked for it. I have gone through their memoranda, and I do not find any such thing. When Government have brought out a measure to modify a system of protection, they have no business to include new items. I find from item 2 (35) of the Tariff Act of 1890, as modified on the 15th of May, 1933.....

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Modified or Mody-fied ?

Mr. B. Das : As my Honourable friend, Mr. Mody, is everywhere, so I will say " Mody-fied " it.

I find that some of the articles of the British steel industry have been put on the protected tariff, and the continental steel will have to bear a heavy duty of Rs. 39 or Rs. 43. This is simply absurd. Not only is this absurdity perpetrated by the Tariff Board, but also by this Government. If this Government feel that the Tata Steel works deserve adequate protection, let them continue the same protection as it is today. But this is not their policy. Their policy is to give enlarged protection to the British steel industry. As I stated elsewhere, this Bill and the Tariff Board have out-Ottawaed the Ottawa Agreement. At the time of the Ottawa discussions, I heard the talks of those who have been to Ottawa.

The British steel industry never put forward such an absurd proposition and even Mr. Baldwin, who was a signatory to this Pact, could not propound such a proposal, however greedy the mercantile community of England might be. Today the Tariff Board, consisting of two Indians, belonging to my own race, have gone out of their way, and they have introduced the system of differentiation in Tariff by which a high tariff wall has been put against continental goods and a very low rate is put on British goods. Who asked the Tariff Board experts to follow the spirit of reciprocity and thereby evolve a scheme by which British steel should come into India at favourable rates ? They themselves recognise that, and this is evident from what I have already quoted. If that be so, then this Tariff Board report is not an expert report, and we cannot place any reliance on this report. It is anti-national and revolutionary in spirit.

My Honourable friend, the Commerce Member, said that he was very anxious that subsidiary industries should find certain relief from the steel industry, and then he paid a high compliment to the late Jamshedji Tata. I also reciprocate the compliment that he conveyed to the spirit of Jamshedji Tata, and I take the opportunity to say that had the successors

[Mr. B. Das.]

of Jamshedji Tata followed the spirit of Jamshedji, then they would not have come with a beggar's bowl to Simla and Delhi for protection. They would not have been instrumental in 1927 for the introduction of the principle of Imperial Preference in the fiscal policy of India, and that too, for the first time in the history of India. We then swallowed that bitter pill for the descendants of Jamshedji Tata. Although I join wholeheartedly in the high compliment that is paid to the spirit of Jamshedji Tata today, I am not going even for the sake of the spirit of Jamshedji Tata to swallow this bitter pill that has been incorporated in spite of the persuasion of Mr. Mody which will come tomorrow, and we will see how Mr. Mody supports this vicious principle of Imperial Preference, preference to British steel. Surely the soul of Jamshedji Tata will writhe in anguish in heaven that his descendants have fallen to such low depths. (Laughter.)

Sir, I was talking of subsidiary industries. My Honourable friend, the Leader of the House, appealed to the generosity of feeling of the management of Tatas that they will give steel at a fair selling price to these nascent industries and other subsidiary industries. I have often laid my charge against the Tatas on this issue specially for their selling pig iron to England and Japan at a low price and selling pig iron at a high price in India whereby, six or eight years ago, the Indian Applied Engineering industries were ruined. Today I do not like that the Leader of the House should indulge in such platitudes. If that is the intention of the Government, if that forms part of the recommendations of the Tariff Board, and I know in one of the passages they say that the representative of the Tatas assured them that they will do their very best to sell to subsidiary industries at a reasonable price, I say let it be incorporated in the body of the Bill. This is not a taxation measure that we cannot introduce beneficent clauses in this measure. Steel and pig iron form the raw material of various other industries, and we are here not protecting one particular industrial firm, but we have to protect all the allied industries, and I do hope that in the Select Committee the Government will see their way to accept such a proposal.

I do not find the Honourable the Finance Member present in the House just now. I have made a certain amount of criticism about the vicious principle of introducing in this protective measure principles of taxation in the shape of reduction of revenue duty and of levying excise duty. I do advise the Honourable the Finance Member to discuss with his colleagues and to withdraw this Bill. Let the Government bring forward a pure protective Bill. Let them forget that they have to protect the British steel industry, let them only remember that they are here to protect an Indian industry. If they do not want to modify the Bill, then, for any representative of the Treasury Benches to talk of granting protection to Indian industry, is mere sop. The whole country has understood the game. We are too weak-kneed here, and we cannot register our protest and we cannot make the real view of the nation prevail here in this House. As I said a few minutes ago, in spite of the handicap, I have thrown out a challenge. Let the Government withdraw the whole Bill and bring forward the measure next March, and they will see the result. Sir, I am not a shareholder in the Tatas. Others are here who are shareholders or Directors. I am an Indian, and I am a well-wisher of that huge Indian industry. I want to give honourable protection to the Tatas, and, as I said before, if this scheme of protection comes out, as it is, from the Select

Committee, I will oppose it tooth and nail. We do no want any protection to an industry, however much it needs it, by humiliating that industry and those who control that industry and thereby humiliating the whole nation. (Applause.)

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, before I proceed to submit for the consideration of the House certain observations in connection with this Bill, I state that I entirely agree with what the Honourable the Deputy President said regarding the services rendered by Jamshedji Tata to the country. I do endorse the statement that he was a great benefactor to the country, and I do endorse that he did a good many things, in order to show us the way how to stand on our own legs and how to keep our self-respect in the matter of trade improvement. Sir, as a matter of abstract proposition, I agree that a national key industry should be protected, even that I agree to. But having agreed to all these things, it is quite a different thing to agree to a scheme of protection which takes the money from some other person and professes generosity in the name of what they call a national and a key industry. But, Sir, before I go to that, there is one other point, the usual hardy annual that I always bring forward in this House and which my Honourable friend, Mr. Vidya Sagar Pandya, also alluded to, and that is that we have been supplied with these papers only a few days ago. Of course I was not here, but those of the Members who are here got the papers about the 14th or 15th of this month, and today we are supposed to be so much conversant with all the details that we should be able to criticise the most elaborate speech of my Honourable friend, the Leader of the House, who has been enabled to make that speech aided by his Secretary and all the official notes *et hoc genus omni*, and I think it is rather hard lines that we should be treated in this manner.

Another matter that I should like to bring forward is that the papers to which the Tariff Board had access must be placed before this House, so that we may be in a position to see whether their conclusions are justified by the premises that they had at their disposal. I quite agree that the report itself will not give sufficient materials to us in order to come to a conclusion. As the Privy Council said in a famous case from Bengal, where a judge makes up his mind, he, of course, lays stress upon points that go to support his view, but it does not follow therefrom that he has not considered the opposite view. That may be all right where you have got access to a superior Court which has got a chance of reviewing the evidence upon which one Court came to one conclusion. But here the Tariff Board makes a report, and, my Honourable friend, the Commerce Member, says that in these matters we have got to be guided by the Tariff Board's report. I quite admit that. The Tariff Board was appointed on the ground that they are experts. I suppose the Members are paid handsomely, and they take a great deal of trouble over their deliberations. I have no objection to admit that they have taken a great deal of trouble in collecting materials. Only I do not know what opposing materials they had before them. I do not say we will disagree with them but my complaint is that we have not got the whole of the materials. And as I assert that it is the privilege of this House to judge whether the Tariff Board is correct or not, I submit that it is a somewhat tall order from the Commerce Member to tell us that in all these matters we must accept the verdict of the experts. Sir, today I have not got that book with me called, " The

[Raja Bahadur G. Krishnamachariar.]

New Despotism", written by the present Lord Chief Justice of England, in which he states that where an expert is installed in a certain place he does not believe that anybody else has any right to say as to what conclusion he will come to ; and he says that after all an expert knows everything. That is the position of the experts and although we have got the highest regard for the experts I must say that as laymen we can come to a better judgment than experts who are obsessed with their own ideas. I, therefore, say that in order to enable us to come to a conclusion as to the correctness or otherwise of the report or the decision of the Tariff Board we ought to have been supplied with materials which we have not been. Such of the materials as were supplied were not supplied to us in time. Considering the fact that we are not assisted by a secretariat, considering the fact that we do not profess to be experts, I say that Government have not been dealing with us fairly.

While I admit that the Tariff Board did devote a lot of trouble and took advantage of the extra time granted to them by the Act, for the temporary extension of the protection till October next, I submit, Sir, that they have entirely failed in their duty because they have started this inquiry upon an untenable basis and upon a ground which, I beg to submit, so far as this House is concerned, will not be admitted at all as correct. They say at page 20 of the report, paragraph 33 :

"We have examined in some detail the effects of protection on the industry. It remains to consider whether any estimate is possible of the cost of protection to the country. It is desirable at the outset to draw a distinction"

—and that is the point upon which I make my complaint—

"between the cost of protection and its burden on the country. The Tariff Board is assisting in the administration of a settled policy, which was determined by the Legislature on consideration of general benefits to be ultimately purchased at a certain cost. It is not for us to compute the sum of these general benefits which are to be set against the cost, and to attempt to draw up as it were a balance sheet of the assets and liabilities of the scheme."

I say, Sir, that they have entirely misconceived their duty. I admit that the Legislature, so long ago as seven years back, did accept the principle of protection for the Tata Company. It is perfectly true that these gentlemen were asked to say whether that protection should continue or should be modified or should be completely annulled. But at the same time there is a very important thing and as regards that also I have my complaint against the Honourable the Commerce Member. The whole scheme of protection, everything that you want to give to these gentlemen, depends upon your resources. What the Legislature has decided is that you must give protection. But supposing there is no money out of which to give protection, what is the point in flourishing before us the decision of the Legislature ? The Legislature did not say that you must give protection at any cost, even if you become bankrupt by giving it. That was certainly not the decision of the Legislature. The Legislature took up the question of protection to a national and a key industry and they came to the conclusion that that industry ought to be protected. But, Sir, the question of the cost to the country also comes in ; whether that cost can be afforded by the country is the most important question and unless you can come

definitely to the conclusion that there are resources out of which you can give this protection to this company, what is the use of your inquiry ? Of course, two *plus* two makes four ; we do not want you to make that calculation. Consequently I submit that they have proceeded upon an entirely wrong basis and have shirked,—I do not say wilfully but out of an error of judgment,—the most important portion of the inquiry by enunciating for themselves a proposition which, so far as this report is concerned, goes against the real position which the Tariff Board had to reckon with. Therefore, Sir, I submit that this matter should be made clear as to what benefit the country has reaped and what the burden on the country has been in consequence of this protection, what is the benefit of the whole thing. It will not do to simply say that, as these gentlemen have had protection for seven years, it will be a pity after having spent so much to leave them in the lurch. But at the same time you must say what is it that we have benefited by. The Commerce Member asked, have they or have they not taken advantage of the protection and have they not improved their situation ? He expressed his satisfaction that they have improved their situation. Sir, in the olden days when we were at school, those of us who were fortunate enough to win prizes used to get a chit attached to the book that was given to us as a present where it was stated, " As reward of merit and an incentive to further improvement ". Is that the principle upon which this protection is being granted ? I respectfully submit that that is an entirely wrong principle. It has been admitted and stated over and over again that expenses, which are perfectly reasonable and probably a necessary item, would be absolutely undesirable if resources are not at your disposal. Now, what is the position ? They put up a scheme of protection where they find that there will be a huge deficit : and how are you going to make up this deficit ? By putting on an excise duty. I ask : " Why do you put forward a scheme when you have no money and why do you try and knock it out of somebody else, the consumer, who is the milch cattle in India ?" I say the Government has absolutely no money in order to give this protection. I say it on their own statement. Time after time we have approached the Government all over the country for some grant, for some improvement in the condition of the wretched agricultural community of India. We were always told that there is no money : we are told : " All your complaints are perfectly right : we entirely admit the justice of your complaint ; but where is the money ?" Now, what is the cost to the country on account of this protection ? If the Tariff Board had told me exactly what the country has to pay for the protection of this steel industry, then I should be in a better position to lay my complaint against the Government of India and say : " I came to you time after time for money in order to improve the condition of the agricultural classes, in order to remove their rural indebtedness, in order to remove so many of their other troubles from which they are suffering. I have been told that you had no money. Will you kindly tell me where you get this money from ? Why do you want to put your hands deep in our pockets in order to help this industry ?" Theoretically, as an abstract proposition, it is a very good thing, just as so many other things are good, and yet you are not able to meet them in consequence of want of resources. I submit, therefore, that when the Government has no money for anything else, when, in order to get this scheme of protection through, they have to put their hands in the pockets of other persons like myself, that is to say, the consumer, it

[Raja Bahadur G. Krishnamachariar.]

ought not to do this. What did the Tariff Board say in paragraph 120 ? They say :

"In all cases where you give protection or in all cases where you impose an excise duty the consumer must suffer."

Thanks. But what about all of you gentlemen who resent even this five per cent. cut in your salaries ? But of course it is the consumer here ; what does it matter ? He has got to pay for an eventual benefit : and what this benefit is going to be I do not know : you do not know : nobody else knows. Seven years ago they made a calculation and they thought at the end of seven years this protection will cease. We have seen the end of seven years and we have passed an extra six months and what is the result ? The Tariff Board says : "Give them another chance for seven years." Does anybody know that at the end of seven years this protection is going to cease ? I do not know. He would be a bold man who can prophesy that they will not claim protection again. Upon what ? Upon the most extraordinary ground that because there was a strike among the workers of that institution, it cost them 2 crores. Ergo, the people of India must pay. What is there to prevent these gentlemen coming again after the end of seven years asking for protection again ? What is the standard which you have laid down to be reached before you withdraw this protection and say to them : "Look here, we have given you sufficient protection : we set this standard before you as the goal which you have got to reach ; and as you have just reached or not reached it, we will not give you any more protection." What is the goal at which we are driving ? Absolutely none. Nobody knows. It is perfectly true that they have done a great deal since the time protection was first given in 1926, and I have absolutely no doubt that if this protection is granted for another seven years there will be a better report regarding what they did. But how long is this to go on and how long am I to suffer under this agony ? The Government of India must be consistent. If they have money to throw away like this, then they have no business to say that they have no resources for other matters ; and without knowing where you are going, without knowing to what extent you will be mulcted in money from the pocket of the poor Indian public, I submit it is not fair, it is not just, it is extremely undesirable, that the Government should take money from the poorest population in the world, simply because they, (the Board), want this protection to continue. These gentlemen of the Tariff Board say the cost of protection is shared by all or any of the following four parties—the foreign manufacturer, the Indian merchant, the consumers in India and the taxpayers in India. These last two items I am concerned with—consumers in India and taxpayers in India. After writing a whole page of, if I may respectfully say so, platitudes which are entirely irrelevant, they come to the conclusion that you cannot exactly say what the cost to the country was or what the burden imposed on the country was. But they give some sort of figure here. "We might, therefore, put down the gross cost of protection to the country,—(it almost takes my breath away),—at Rs. 1,428 lakhs." That means, I suppose, 14¼ crores. I should be very glad if I was given three crores to improve the agricultural community. I do not claim all the 14¼ crores : I do not want even 10 crores—I want only three crores to be allotted, for instance, to the Madras Government and then we should have had a remission in land revenue to the extent

of 25 per cent. that the Council, the country and everybody who had suffered from this agricultural depression, wanted ; and yet Government will not give it. They say that 14¼ crores is the gross cost : and what is the net ? They lay down certain proporsitions and come to the conclusion that they cannot say what exactly the net cost is. I do not know where I am. I launch upon a scheme of protection which has so far landed me in Rs. 14¼ crores gross : I do not know where it is going to lead me to. There is no money. You put your hands deep into the pockets of the poor consumer and put down an excise duty and make up the money : for what ? To protect a national industry of course. If you have the money I shall have no objection : I shall be the first to say, there is the money, you may go and take it. We have been told, and the Honourable the Deputy President was very eloquent over the way in which these gentlemen looked after their labourers and all that sort of thing. I will first take the war. During the war it seems they did forego a portion of their profit, and the benefit to the exchequer was two crores or something like that. Will the Honourable the Deputy President and the other Honourable Members calculate the cost in men and money contributed by the agricultural population of India for the resources of the war ? How many members of the agricultural community were recruited for the war and how many laid down their lives in the service of their country ? What did the Tatas do then ? What did the Jamshedpur people do ? They say : "We abandoned two crores of our profits." But may I know whose money it was ? It is my money. Why do I say that it is my money ? Because I gave the protection to these people, and these gentlemen claim that they have foregone these two crores, but they do not take into account the contribution that the entire agricultural community made for the war in men and money and in so many other ways to enable the war to be conducted in a successful manner, and it would take me many hours to recapitulate all those things before the House. That is so far as the war is concerned. And as for the welfare of their population, it is a very good thing that they have improved the amenities of life for their workmen and so forth. I have not had the honour of receiving one of those books that my friend, Mr. Pandya, referred to, but I know from whose money all those improvements that are referred to in that book are made. They have attended to the welfare of their labouring population partly because of self-interest, because if you don't give them the necessary conveniences they will run away and the work of the factory will be stopped,—and partly out of the money that I put into the pockets of Tatas in order to enable to do certain things. Sir, therefore I say it is not fair, it is not just that those of us who have to consume their materials should be called upon to pay higher prices for those materials. Consequently, though I agree in theory with the question of protection I do not agree to grant protection in this particular case simply because that the Tariff Board has stated that Tatas are entitled to protection. I say no protection of any kind should be given to these people. Of course, I am fighting a losing cause, I know, because I know that Government has brought forward this Bill, and throughout the history of this Legislature no measure which has been brought forward by Government has been defeated in this House. Sir, in the absence of the necessary material before the House, I say that no protection should be granted simply because the Tariff Board have recommended it. It is not

[Raja Bahadur G. Krishnamachariar.]

just, it is not fair to the country to saddle us with this liability. And, talking of this welfare business, it reminds me of the old proverb "*Halwai ka dukan men dada jan ka fatiha*". But I ask whose money is it with which you grant these people protection? Therefore, on principle this protection which these gentlemen of the Tariff Board have recommended, and which the Government of India have agreed to pay, should not be given, especially because the Government have not been treating fairly the agricultural population of this country which forms the largest proportion, which contributes the greatest amount of revenue, and which is really the piller and strength of the Government and upon which Government stands. I admit I am not sufficiently conversant with the figures and details to say whether 3.8 or 8-9 per cent. should or should not be given.

Then, Sir, the only last thing which I would like to refer to is the paragraph in the Tariff Board Report relating to the manner in which the Tata Company, the parent Company as it is called, treats the poor children. I mean the subsidiary industries. Those children are still minors. It must be remembered that the Tata Company were given protection not for themselves ; they were given protection upon the distinct understanding, that they were going to encourage the other industries, the bye-product industries and such other things. Did they do it? I am glad the Honourable the Commerce Member has stated strongly his opinion regarding the methods adopted by the company in dealing with these subsidiary industries. When the extension of the old Act was first brought before the House, I remember to have quoted a conversation that took place between the President of the Tariff Board and the representatives of the Tatas where they went from point to point in order to justify their position, and the President of the Tariff Board said it was an extremely unjustifiable position. Therefore, as I have already said, this protection that is now asked should not be given. I say there is absolutely no point in this Bill going to the Select Committee unless the members of the Select Committee can devise some means by which the Tatas and the consumers will be satisfied, in which case I should be the first to stand up before this House to congratulate the members of the Select Committee and apologise to them for opposing the scheme. But remember you want to put your hand into the treasury which you have filled by the sweat of the peasantry, and from that you want to give this money, and therefore I object, and object very strongly to the proposal.

Mr. B. Sitaramaraju : Sir, I rise to congratulate not my friend, the Commerce Member, although the three parts of his speech which he delivered this morning could very well have been delivered by any one of us on this side of the House. He put himself four questions, and, in answer to the first 3 of his 4 questions, he spoke in a way which we expected the first Indian Commerce Member to speak. Sir, we are glad that, so far as that portion of his speech was concerned, it was in accordance with our own views on the subject, but on the fourth part of his speech, which I consider by far the most important part, I am afraid, I cannot congratulate him. But, in rising now, it is my intention first to congratulate my friend who was sitting next to me,—unfortunately I do not find him now in his seat,—I hope Honourable Members in this House

will convey my congratulations to him,—(At this stage, Mr. Mody who was away from his seat, entered the Chamber amidst applause of the Nationalist Benches),—my friend, Mr. Mody, had all along been an enthusiastic advocate of Imperial Preference. He is now given a good dose of it, and, I daresay, he is given a deal more than even he would be able to swallow. He cursed us that day, but today those curses have come home to roost. Needless of our protests and unmindful of our warnings, he thought it good fun to ride a Lion, and that the British Lion :

> "Master Mody of Jamshedpore
> Smiled as on a Lion he rode
> They returned from the ride
> With Master Mody inside
> And the smile on the face of the Lion."

Ever since my Honourable friend entered this House in 1930, the House, by a majority, had been committing itself to the policy of preferential tariffs. Therefore, no useful purpose will be served in raising a controversy on that question beyond the fact of recording, on the principle, "Let us agree to differ".

The Government of India, in introducing this measure, stated in their Statement of Objects and Reasons that the Bill seeks to give effect to the protective measures recommended by the Tariff Board. Before I deal with those recommendations and the way in which the Government propose to give effect to them, let me at the outset observe that, if the Government were to believe that the very name of the Tariff Board would impress us, they are very much mistaken. We have been losing our faith in the Tariff Board, of late, not because we do not want a Tariff Board, but because we could not have it composed of men who can command the confidence of the country. The reports of the Tariff Board, and in particular, the one now under discussion, has convinced us more than ever that if this Board is to render useful service, it should be composed of a Chairman of the status of a High Court Judge and two members selected on the principles adopted by the American and Australian Governments. I am not making this observation without cause, but I do not want to cast any reflection on the motives of the personnel of the present Tariff Board. On the last occasion, when we were discussing the reports of two Tariff Boards simultaneously, I came across two sets of important recommendations on one and the same subject, but diametrically opposite to each other. Then I drew the attention of this House to that and some other matters and promised myself that I would come before you and suggest even the abolition of the Board itself. If it cannot be mended, it must be ended. While I do not question the abilities of Dr. Mathai and his expert knowledge of economic problems, it is surprising, to say the least about it, that a person who wrote the cotton textile report is the same person who wrote this report and who today advocates preferential duties, and even no duties, in favour of Great Britain in a manner which has not helped to create any confidence in his judgment. As for the other Indian Member, to use the language of Sir Hari Singh Gour, the less said about it the better. (Laughter.) If the Government desire that we should have confidence in the Tariff Board, the Government should adopt the recommendations of the Indian Members

[Mr. B. Sitaramaraju.]

who were in a minority on the Fiscal Commission. The Indian Members of the Fiscal Commission observed in their minority report as follows :

"In our view, the Board should consist of three members and the Chairman should be a trained lawyer occupying the status of a High Court Judge. A Judge of a High Court has to adjudicate on important and complicated problems of litigation and his impartiality cannot be questioned.....

As regards the two other members we must examine the principles adopted by America and Australia in constituting their respective Boards. 'The members of the United States Tariff Commission appeared to be for the most part men of wide general attainments.' Members other than the Chairman 'appear to be for the most part men who have distinguished themselves in law or in politics'. We may quote from the Act creating a Tariff Commission in the United States of America, Section 700 :

> 'That a Commission is hereby created and established to be known as the United States Tariff Commission (hereafter in the title referred to as the Commission) which shall be composed of six members who shall be appointed by the President, by and with the advice of the Senate.'

We think it is desirable to adopt the same principle for selecting the two other members. They should be elected by the non-official members of the Legislative Assembly, who represent wide electorates throughout the country and may well be relied upon to choose 'men of ability, of integrity and of impartiality'. The principle recommended by us is similar to the one adopted by the United States of America. The best way of making appointments 'by and with the advice' of the Legislature is to allow them to elect such members. We have recommended that the Chairman should be a trained lawyer. The two other members, if our recommendation is adopted, will be distinguished men who may be expected, while representing the interests of the consumers, to be capable of taking broad views in the larger interests of the country."

I draw particular attention to these recommendations of the Indian Members of the Fiscal Commission, men in whose judgment the country had great confidence and who had established their reputation for sound judgment. Unless the Tariff Board is so constituted as to give general satisfaction to the people of India and command for their decisions the general support of the country, their recommendations will not carry any more weight than the recommendations of any Department of the Government of India. Therefore, I propose to deal with these recommendations and the proposals made thereon with caution.

The steel industry of this country, to use the words of the *Indian Finance*, is a national industry. It is a key industry, it is an industry essential for defence purposes. It is an industry which utilises the indigenous raw materials to the fullest extent and caters to the home market in the largest degree. It is an industry which employs in a single unit the largest number of labourers, pays them adequately and provides them with various amenities. It is an industry which in less than a decade has brought down the number of foreign technical experts from 229 to about 60 and replaced every one of the retired non-Indian officials by Indians for whose training it has spent all the money and taken all the trouble. That is the industry. Are these recommendations of the Board or the proposals of the Government calculated to promote the prosperity of that industry ? That is the question we should ask ourselves. A perusal of both has given me the uncomfortable feeling that the industry is to be deprived of such advantages as it may have a right to expect in order to facilitate the exploitation of the Indian market by the British industry. We do not stand in the way—let me assure you that we do not stand in the way—of

the prosperity of the British industry. But we do not want that prosperity to be built on the ruin of our industry or at the sacrifice of our economic interests. We are not enamoured of reciprocal arrangements between British manufacturers and ourselves. I am not yet in a position to speak generally on the Ottawa arrangements and their effects as the matter is still *sub judice*. But I can refer to the Ottawa arrangement with regard to this industry. The Tariff Board, in referring to it, have not disclosed some material facts which, if known, would put a totally different construction to the indications sought to be conveyed by the Board that it had worked well.

5 P.M.

It was said that our industry was threatened on the eve of the Ottawa and the Steel Agreement, that if we did not enter into this agreement the Import Duties Act of the United Kingdom would be applied and our iron and steel would be very seriously affected, that the exports of Indian pig iron which were so necessary to India were already losing the Japanese market, that the United Kingdom market was growing in importance in recent years, and therefore, if free entry was not secured under this arrangement, dire consequences would follow. In return for this enormous gain, under that agreement we were asked to accord preference in the matter of galvanised sheet. But we said in our Minority Report that neither this Legislature nor the country would feel happy over this arrangement, and strongly disapproved of the arrangement of sending bars for the manufacture of sheets and the sharing of the profits system. Without going into further details, since the Commerce Member has said that we would continue to have the same benefits with regard to pig iron and that His Majesty's Government have favourably considered the proposal of the Government of India with regard to manganese, let me proceed to an examination of the figures. Let me examine the gain and losses account. The most important part of it is our pig iron exports. During the year 1932-33, we exported to the United Kingdom 75,000 tons and, in 1933-34, we exported 93,000 tons, whereas in 1932-33, when our exports to foreign countries was 138,000, in 1933-34, it was 280,000. On a percentage basis, during the period of preference, our exports decreased from 35 per cent. to 25 per cent. in the case of the United Kingdom, whereas our percentage rose from 63 per cent. to 74 per cent. in the case of foreign countries. In value, exports to the United Kingdom decreased from 26 lakhs to 21 lakhs, while they increased from 46 lakhs to 62 lakhs. Thus you will find that our foreign export trade prospered, and Japan, whose market we were said to be losing, actually remained our best customer. It was said that the United Kingdom market was growing. The total imports of pig iron into the United Kingdom during the years 1931, 1932 and 1933, have been 284, 135 and 93 in thousands of tons, respectively. These figures would show that the United Kingdom imports instead of increasing are diminishing ; although the Indian share during the preference period rose from 61 to 86 per cent. This only shows the fact that the United Kingdom was able to increase her home production under protection of their duties and the time is coming when even the little market we have there is replaced by their home production. Before I turn to the other side of the picture, I would like to say that I have just been trying to get some figures with regard to manganese in a hurry. They are liable to correction. I find from the statis-

[Mr. B. Sitaramaraju.]

tical records that the exports of manganese from India are as follows: In 1931 and 1932 figures, United Kingdom 53,843, Germany 1,820, Netherlands 2,500, Belgium 35,400, France 80,221, Japan 6,129, United States of America 28,120, other countries 36,000. The total was 211,000 tons of which 53 is the share of the United Kingdom. That is about roughly one fourth. Then again take the next year's figures for 1932-33. These figures would show that in the case of the United Kingdom they were 55,377, in the case of Germany 1,311, in the case of the Netherlands 2,000, in the case of Belgium, 32,452, France 7,459, Japan 30,599 and other countries 1,900, total is about 197,730. These are for the years 1931-32 and 1932-33. With regard to the imports of England, I find from the statistical records of the United Kindom, which are given for calendar years, that the imports in the year 1928, were 205,965, in the year 1929, 289,353, in 1930, 216,443 and in 1931, 78,265. In 1932, it was 78,578. Further there is one important circumstance which I find it very difficult to pick out and I hope some Honourable Member will be able to do so and that is with regard to the re-exports from the United Kingdom. Unless we are furnished with accurate figures of the exports of these materials from the United Kingdom, unless we are furnished with statistics as to the quantity sent under orders, it is not possible for us to come to any accurate conclusion in regard to the United Kingdom market figures. Now, I shall turn to the other side of the picture. From the review of main items of foreign trade for the year 1933, I find on page 20, that the United Kingdom increased from 52,000 tons to 54,000 tons in galvanised sheets and plates and that Belgium fell from 23,000 to 6,000 tons, while the absurd and crude arrangement of sending our bars, turning them into British sheets, Tatas paying the transit charges about which we commented, has now been found to be a wash out.

Now, it is said that as that scheme has fallen through, we need not bother about it. On the contrary, we find there is cause for apprehension. Although this crude arrangement of transfer arrangements have been abandoned, the study of British industrial interests was not lost sight of. Under the provisions of this Bill, the British industry is given the same advantage and preference over Belgium and other customers of ours, but without being obliged to take our bars and roll them into sheets. If Honourable Members will turn to the Bill, you will find a preference of Rs. 30 is provided for the United Kingdom in the matter of these galvanised sheets with an excise on us. So much for the antecedents of the reciprocal arrangements we had and the prospects of prejudicing our foreign customers and handicapping the indigenous ones.

Sir, there can be no reasonable reciprocal arrangement between the lion and the lamb and the only prospect for the lamb will have is the chance of being devoured at any time. Reciprocal arrangements are virtues between equals. Such arrangements between a master and a slave are called by another name.

Mr. B. Das: But Mr. Anklesaria thinks differently.

Mr. B. Sitaramaraju: Now, Sir, to turn to the Tariff Board, we find that they consulted the British interests and their representation was taken by the Board. We do not know what that evidence was,—as was just pointed out by my Honourable friend, Mr. Das,—but we would

like to know by whose permission and under what authority the Board was authorised to receive the representation from British industries. They say they received representation in response to the Board's Press Communiqué. Sir, the Press Communiqué was given in the Tariff Board Report itself. It is difficult to understand how a communiqué which specifically asked for representation from industries claiming protection, which must necessarily be Indian, could have been read as an invitation to the British industries to make a representation. The directions of the Government as published in this Report do not give scope for such a construction. There must be something behind it. What is it? Further, I would like to ask how the Board, which has evidently scrutinised the Indian industry without having the same opportunity and privilege, can come to the conclusion that they know all about it. Sir, will mere price quotations enable them to judge properly? Notwithstanding the denial of my Honourable friend, the Commerce Member, in answer to my friend, Mr. Bhuput Sing, and his assurance of the *bona fides* of the British industries, I feel that the real picture of the other side is not before us to judge them as our industry is being judged. If Honourable Members will turn to paragraph 165 at page 100 of the Tariff Board Report, they will find a reference to the export refund arrangements designed to assist the British as against us,—and it was admitted by the British Federation in this passage, along with a promise to behave better: Tariff Report, paragraph 165, runs as follows:

"165. When the representatives of the National Federation of Iron and Steel Manufacturers, of which Messrs. Dorman, Long and Co., are members, appeared to give evidence before us, we took the opportunity of discussing this question with them so that if possible a satisfactory settlement by agreement might be arrived at. In response to this suggestion, Mr. Elliott on behalf of the National Federation has reported to us as follows:

'It is clear to the Federation that the British Steel Makers have, although without any such deliberate intention, contributed to the difficulties of the structural engineering industry in India through their export refund arrangements, designed for the assistance of the British Structural Engineers'....."

—and, then, further on, it says—

"the British industry undertakes not to grant refunds for fabricated steel work exported to India, beyond what is necessary to bridge the gap between the home price current at the time and the established export price for plain material for India."

Although this passage by itself does not take us much and gives much to go on with, it is enough to give us an indication of the unreality of the situation on the other side.

Mr. President (The Honourable Sir Shanmukham Chetty): How long is the Honourable Member likely to take?

Mr. B. Sitaramaraju: I will take some time more.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 1st August, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 1st August, 1934.

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

QUESTIONS AND ANSWERS.

Mr. President (The Honourable Sir Shanmukham Chetty) : Questions relating to the Home Department that were left over day before yesterday may now be asked. Mr. Lalchand Navalrai. Question No. 244.

HOME DEPARTMENT RESOLUTION REGARDING COMMUNAL REPRESENTATION IN SERVICES.

244. ***Mr. Lalchand Navalrai** : (*a*) Has the attention of Government been drawn to the editorial comment published in the *Tribune*, dated the 9th July, 1934, in the editorial, on the Resolution recently issued by the Home Department of the Government of India in respect of communal representation in the services ?

(*b*) How do Government justify their action in issuing the Resolution ? Is it not a fact that the Joint Parliamentary Committee is seized of the subject and their report is not yet out ?

(*c*) Why have the Government of India issued at this stage such a Resolution ? Are Government aware that the majority community is not satisfied with the Communal Award ?

(*d*) Do Government recognize that efficiency is the only sound principle for recruitment and promotion in the services ? If so, why do they depart from this principle and not leave the recruitment question to be met with only by open public service competition, free from any communal tinge ?

(*e*) What minimum qualifications do Government propose to fix for admission into the public services, as indicated in the Resolution, for giving services in the proposed ratio on the communal basis ?

(*f*) Will the qualifications be uniform for both the majority and minority entrants ? If not, why not ?

The Honourable Sir Henry Craik : (*a*) Yes.

(*b*) and (*c*). As explained in the Resolution itself, a review of the results of the policy followed since 1925, in regard to recruitment, was made in accordance with undertakings given in the Assembly. The question is one of administration and the rules were issued by the Government of India with the approval of the Secretary of State as soon

as a decision was reached. With reference to the last part of question (*c*) Government have observed that some members of the majority community are not satisfied with the Communal Award.

(*d*) It has long been established policy to prevent the preponderance of any particular community in the public services. The adoption of the Honourable Member's suggestion would not be consistent with this policy. Nor can I accept the implication that efficiency must suffer if recruitment is not made by competitive examination alone. I would also mention that the recent orders apply only to direct recruitment and not to promotions, which will continue to be made on merits as at present.

(*e*) The same minimum qualification cannot be prescribed for all services. The minimum is fixed in view of the requirements of each case, but there is no intention of revising it so as to endanger efficiency in any case.

(*f*) The minimum qualifications prescribed for admission to the services will be the same for all the communities.

Mr. Lalchand Navalrai : May I ask the Honourable Member who will fix these minimum qualifications—the Public Service Commission or the Government ?

The Honourable Sir Henry Craik : I imagine that they will be fixed by the Department which is recruiting in each case probably with the advice of the Public Service Commission.

Mr. Lalchand Navalrai : May I also know from the Honourable Member how is this reserved percentage for Muhammadans going to be divided amongst the Muhammadans of the different Provinces, *e.g.*, Bengal, Punjab, Madras, Bombay and others ?

The Honourable Sir Henry Craik : I am answering a question later on today which deals with that point.

Mr. Lalchand Navalrai : May I know which is that question ?

The Honourable Sir Henry Craik : It comes later on today.

Mr. Lalchand Navalrai : May I ask another question,—and if the Honourable Member is not prepared to give a reply now, he may give it hereafter May I know if the same rule will apply in the case of the Hindus of the different Provinces for the residue services left for them to be divided amongst them ?

The Honourable Sir Henry Craik : I did not quite follow the Honourable Member. But it has never been the policy of the Government, so far as I am aware, to lay down that each Province shall receive a certain percentage of appointments in the Central Services. The percentages have always been fixed by communities and not by Provinces.

Mr. Lalchand Navalrai : May I, therefore, know from the Honourable Member if he knows that now there is a competition amongst the Muhammadans also, because they too have got graduates, and will the Honourable Member say if there will be a division amongst the various Provinces according to the ratio of population, or will the Muhammadans of any Province be taken up ?

The Honourable Sir Henry Craik : That point is dealt with in a question that is coming up later on today.

Maulvi Muhammad Shafee Daoodi : Are Government aware that instead of there being a division amongst the Mussalmans of India, they are united in expressing their dissatisfaction at the ratio of 25 per cent. that is proposed in the Resolution ?

The Honourable Sir Henry Craik : I myself arrived in India too late to see the Press comments, but I understand that the comments in the Muslim papers were generally favourable.

Mr. Gaya Prasad Singh : Is it not very ungrateful on the part of Muhammadans not to be satisfied with this ?

Mr. Lalchand Navalrai : May I know from the Honourable Member that, as this is a division of services, will it form part of the new Constitution or not ? And, if it is so, was the Secretary of State or the Joint Parliamentary Committee consulted on this point, and if there is any correspondence, will it be laid on the table ?

The Honourable Sir Henry Craik : As I stated in my reply to part (*b*) of the question, the rules were issued by the Government of India with the approval of the Secretary of State, and I think I noticed in the newspapers yesterday that the Secretary of State stated in the House of Commons that this matter had been brought to the notice of the Joint Select Committee.

Mr. Lalchand Navalrai : Am I, then, right in understanding that after the Government of India made their determination to issue this Resolution, the Joint Parliamentary Committee and the Secretary of State were informed of it and their approval obtained ? That is what I want to know.

The Honourable Sir Henry Craik : The Secretary of State was informed before the Resolution was published. As regards the Joint Select Committee, I am not in a position to reply, but, as I said, I think I saw in the newspapers yesterday that the Secretary of State had stated in his reply to a question in the House of Commons that he had kept the Joint Select Committee acquainted with what was being done. At what stage exactly he informed them, I am not clear.

Mr. M. Maswood Ahmad : Will Government be pleased to state what will be the test for efficiency for the officers at the time of promotion ? The Honourable Member has just now said that only efficiency will be the criterion for promotion.

Mr. Gaya Prasad Singh : Sycophancy will be the criterion in a case like that.

The Honourable Sir Henry Craik : The minimum qualification will necessarily vary for different services, and I cannot give one comprehensive answer to that question. But I presume that in most cases it would either be a University degree or a technical qualification of some kind.

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

ALLOCATION OF SEATS IN THE LEGISLATIVE ASSEMBLY FOR THE NORTH-WEST FRONTIER PROVINCE.

245. *Mr. M. Maswood Ahmad : (*a*) Is it a fact that every Governor's province, except the North-West Frontier Province, is entitled to send elected representatives to this House ?

(*b*) If so, will Government please state why the North-West Frontier Province is deprived of the privilege of sending any representative to this House ?

(*c*) Do Government propose to take early steps for the allocation of seats in this House for the North-West Frontier Province in the general elections to be held this year ? If not, what are their reasons for doing so ?

The Honourable Sir Henry Craik : (*a*) Yes.

(*b*) and (*c*). The North-West Frontier Province, at the time of its conversion into a Governor's province, was represented in this House by a nominated seat. It has now been decided to convert that seat into an elected seat at the forthcoming election and the necessary amendment to the Electoral Rules was published in the Gazette of India Extraordinary, dated the 31st July, 1934.

Mr. M. Maswood Ahmad : How many seats will be given to the North-West Frontier Province ?

The Honourable Sir Henry Craik : One, as at present.

Mr. M. Maswood Ahmad : Is it a fact that it was recommended by some Committee that three seats would be given to the North-West Frontier Province ?

The Honourable Sir Henry Craik : Unless the Honourable Member can specify the Committee which made that recommendation, I cannot either affirm or deny that statement.

Mr. Lalchand Navalrai : Will that seat be a joint seat both for the Hindus and the Muhammadans of the North-West Frontier Province, or will it be only for Muhammadans ?

The Honourable Sir Henry Craik : It will be a joint seat.

Mr. M. Maswood Ahmad : Will Government be pleased to state whether the seat will be filled by joint electorate or by separate electorate ?

The Honourable Sir Henry Craik : By joint electorate.

Mr. Gaya Prasad Singh : As it is a fact that the Hindus are in a microscopic minority in the North-West Frontier Province, may I ask what steps are being taken by the Government to ensure that they get an adequate share of representation in the electorate ?

The Honourable Sir Henry Craik : I really cannot see what steps are possible to have a proper representation of a microscopic minority in an electorate for a single seat.

Mr. Gaya Prasad Singh : In view of the fact that other minorities have been given weightage and special representation, do Government propose to take any steps to redress the grievances of the Hindus in the North-West Frontier Province who happen to be in a minority ?

The Honourable Sir Henry Craik : I think that hardly arises out of the original question.

Mr. Lalchand Navalrai : Would not a separate seat be reserved for Hindus ?

Mr. President (The Honourable Sir Shanmukham Chetty) : Next question.

USE MADE OF THE HARIJAN FUND AND OF THE CENTRAL RELIEF COMMITTEE'S EARTHQUAKE FUND.

247. ***Sir Muhammad Yakub** : (*a*) Will Government be pleased to state what information they have of the use that is being made of the so-called Harijan fund, and of the Central Relief Committee's Earthquake Fund ?

(*b*) Are Government prepared to take steps to ensure that these funds are not collected under false pretences but are employed for the purposes for which they have been subscribed by their contributors ?

(*c*) Are Government aware of any instances of the notorious misappropriation of similar funds in the past, and are Government prepared to consider the possibility of legislation providing for the compulsory public auditing of all funds collected from the general public for supposedly charitable objects ?

The Honourable Sir Henry Craik : (*a*) Government have no information other than what has appeared in the Press regarding these funds.

(*b*) Government have not at present any such proposal under consideration.

(*c*) As regards the first part of the question, Government are aware that there have been allegations in the past that funds collected from the public have been devoted to purposes other than those for which they were subscribed. As regards the second part of the question, as I have said in answering clause (*b*), the Government have not considered the possibility of legislation.

RELEASE OF MR. SARAT CHANDRA BOSE.

261. ***Mr. Bhuput Sing** : (*a*) Is it a fact that Mr. Sarat Chandra Bose, the well-renowned lawyer of the Calcutta Bar, was imprisoned under Regulation III, and is it a fact that Sardar Vallabhbhai Patel was also imprisoned under the same Regulation ?

(*b*) Is it a fact that Sardar Vallabhbhai Patel has been released owing to the Congress having rescinded the Civil Disobedience Movement and for adopting the policy of running candidates for the ensuing Assembly election ?

(*c*) Is it a fact that Mr. Sarat Chandra Bose is still being detained ? Do Government propose to release him forthwith for the same reasons for which Sardar Vallabhbhai Patel has now been released ?

The Honourable Sir Henry Craik : (*a*) The answer to the first part of the question is in the affirmative. Mr. Patel was detained under the provisions of the Bombay Regulation XXV of 1827.

(*b*) Mr. Patel was released because the Government of Bombay and the Government of India were satisfied that his detention was no longer necessary in the public interest.

(*c*) Mr. Sarat Chandra Bose is detained as a State Prisoner, for reasons not connected with the civil disobedience movement, and the restrictions on him will be maintained so long as this is necessary in the public interest.

Mr. Bhuput Sing : May I know what are the reasons other than the Civil Disobedience Movement for detaining Mr. Bose ?

The Honourable Sir Henry Craik : Because there were strong grounds for considering that he was deeply involved in the terrorist movement.

Mr. K. C. Neogy : Is it a fact that Mr. Bose made repeated representations to the Government of India to be allowed to know the ground on which the Government had determined to detain him under Regulation III ?

The Honourable Sir Henry Craik : Yes, Sir. That was the subject of question and answer in this House some little time ago. The Honourable Sir Harry Haig answered a number of questions on that point. Mr. Bose did make representations.

Mr. K. C. Neogy : With what results ?

The Honourable Sir Henry Craik : The result was negative.

Mr. K. C. Neogy : Is it also a fact that Mr. Bose expressed a desire to be placed before a regular Court of law for trial if there were any specific charges against him ?

The Honourable Sir Henry Craik : I must have notice.

Mr. K. C. Neogy : Is it a fact that the materials under which Government took action against Mr. Bose were at a particular time placed before the Advocate General of Bengal for his opinion as to whether there were sufficient grounds for any action ?

The Honourable Sir Henry Craik : I cannot say whether they were placed before the Advocate General of Bengal. But certainly they were placed before two Judges, who came to the conclusion that, in the interests of internal order, the internment of Mr. Bose was justified.

Mr. K. C. Neogy : Will the Honourable Member make inquiries and find out whether it is not a fact that the Advocate General of Bengal was consulted in the matter and that his opinion was that there was no evidence against Mr. Bose to justify the action of Government ?

The Honourable Sir Henry Craik : I will look that up. I cannot say off-hand.

Mr. S. C. Mitra : Is the Honourable Member in a position to give this House some idea about the charges that were brought against Mr. Bose and that were placed before two Judges ?

The Honourable Sir Henry Craik : No, Sir. I am not in a position to do that.

Mr. K. C. Neogy : Were those judges the Judges of the High Court or do they occupy a lower status ?

The Honourable Sir Henry Craik : District and Sessions Judges.

Mr. K. C. Neogy : Are Government prepared to place on the table the periodical reports about Mr. Bose which are required to be submitted under Regulation III ?

The Honourable Sir Henry Craik : No, Sir. These reports are not published.

Mr. K. C. Neogy : Are Government at any rate prepared to make a statement giving the substance of these reports in so far as they relate to the conduct of Mr. Bose while in detention ?

The Honourable Sir Henry Craik : If the Honourable Member will put down a question on that point, I will see.

Mr. K. C. Neogy : Will the Honourable Member take this as notice ?

The Honourable Sir Henry Craik : I think you had better give me formal notice.

Mr. S. C. Mitra : Will the Honourable Member tell this House if there is any truth in the statement that has been published in the Press today that the only evidence against Mr. Bose is that some of the money he gave freely for charitable and political objects found its way in other hands and was used for purposes other than pure charity ?

The Honourable Sir Henry Craik : No, Sir. There was certainly a great deal more evidence than that.

Mr. Gaya Prasad Singh : What objection there is in informing Mr. Bose of the charges which are against him ?

The Honourable Sir Henry Craik : That point was gone into at some length by way of question and answer in the time of my predecessor, and he made it clear that it was not usual to give persons whom it is proposed to intern a statement of the charges against them and he said that that was an essential part of the procedure.

Mr. Gaya Prasad Singh : Is it fair on the part of Government to imprison a man without trial and then to malign him before the world by asserting that he has got complicity in terrorist activities without informing him of the charges and giving him an opportunity to rebut them if possible ?

The Honourable Sir Henry Craik : The Honourable Member is asking me for an expression of opinion as to whether that procedure is fair. I do not think I can very well pronounce an opinion or am called upon to answer that. That is the ordinary procedure inherent in the use of the internment method of dealing with these people.

Mr. K. C. Neogy : Have any of the restrictive conditions imposed on Mr. Bose in connection with his detention been relaxed since his transfer to Kurseong ?

The Honourable Sir Henry Craik : He is living, I understand, in his own house and he is allowed to move within certain limits.

Mr. K. C. Neogy : Do I take it then that, in the opinion of the Government, a relaxation has been justified in the restrictive conditions ?

The Honourable Sir Henry Craik : I understand that he was allowed to move to Kurseong to his own house largely on grounds of health.

Mr. K. C. Neogy : But the Honourable Member just now stated that with regard to his movements he enjoys certain enlarged liberty.

The Honourable Sir Henry Craik : He is allowed to move about within certain specified limits.

Mr. K. C. Neogy : In that case, am I justified in drawing the conclusion that, in the opinion of Government, this relaxation was justified ?

The Honourable Sir Henry Craik : I do not really quite understand what the Honourable Member means. So far as I know, we have no complaints that the greater relaxation has been abused in any way.

Mr. K. C. Neogy : May I take it then that whatever relaxations may have been given, the Government are satisfied that there is no danger in granting those relaxations.

The Honourable Sir Henry Craik : If Government thought that there was any danger in granting these relaxations, they would remove them. As I say, I see no reason to think that the relaxations have been abused in any way.

Mr. S. C. Mitra : Will Government now reconsider his case in view of the fact that Mr. Subhas Chandra Bose is now in Europe and is not likely to come back soon to associate with his brother, the main charge against Mr. Sarat Chandra Bose is, perhaps, that he is an associate of his brother ?

The Honourable Sir Henry Craik : The case of Mr. Sarat Chandra Bose was very recently most fully considered in consultation with the Government of Bengal. I am afraid, I cannot promise any further reconsideration at present. The Bengal Government's considered opinion was received only a few days ago.

Mr. K. C. Neogy : Do I take it that the Bengal Government have anything to do in this particular matter ?

The Honourable Sir Henry Craik : Certainly.

Mr. K. C. Neogy : The Honourable Member must, I am afraid, read Regulation III before he gives this answer.

The Honourable Sir Henry Craik : The responsibility is the Government of India's.

Mr. Gaya Prasad Singh : Under Regulation III ?

The Honourable Sir Henry Craik : Naturally we consulted the Bengal Government.

Mr. K. C. Neogy : In what matter does the Government of Bengal come in at all in connection with this question ?

The Honourable Sir Henry Craik : It is obvious that Mr. Bose is an inhabitant of Bengal, and the terrorist movement, with which he is alleged to be connected, is prevalent in Bengal, and surely the Government of Bengal is most deeply interested.

Mr. K. C. Neogy : May I infer from the answer of the Honourable Member that the Government of India have not applied their mind to this particular case, but that they blindly followed what the Government of Bengal decided ?

The Honourable Sir Henry Craik : Certainly not.

Mr. Gaya Prasad Singh : Will Government please state the section in Regulation III of 1818 which gives to the Local Government a hand in the matter of determination of this question of detention or release ?

The Honourable Sir Henry Craik : Will the Honourable Member show me any section in Regulation III which prohibits the Government of India from consulting the Local Government or any other agency of its own ?

Mr. Gaya Prasad Singh : The Honourable Member says that Mr. Bose has been detained under Regulation III. Will Government kindly state under what section of that Regulation the Local Government has a hand in the matter of the determination of the question of detention of the person ?

The Honourable Sir Henry Craik : As I have said, the Government of India are perfectly entitled to consult, and, in fact, they would be failing in this duty if they did not consult the Local Government.

Mr. Gaya Prasad Singh : Under what section ?

The Honourable Sir Henry Craik : Under the section of common sense.

TIME LIMIT FOR A GAZETTED OFFICER TO REMAIN AT ONE STATION.

268. *__Kumar Gupteshwar Prasad Singh__ : Will the Honourable the Home Member be pleased to state whether there is any time limit for a gazetted officer to remain at one station ?

The Honourable Sir Henry Craik : I have no information whether any time limit is in force in the various provinces, other than that which was given in reply to Mr. Jagan Nath Aggarwal's question No. 648 (*b*), on the 5th September, 1933.

CONCESSIONS GIVEN TO THE ARMY HEADQUARTERS STAFF.

269. *__Kumar Gupteshwar Prasad Singh__ : (*a*) Will Government please state whether there is any difference between a Government servant working in the Army Headquarters and one working in the Government of India Secretariat ? If so, what is the difference ?

(*b*) If there is no difference, will Government kindly state why Government servants in the Army Headquarters are entitled to—

(*i*) free train service between Simla and Summer Hill ;

(*ii*) free medical service for the staff and family ;

(*iii*) free services of an eye specialist ; and

(*iv*) free dental services ?

(*c*) Are Government prepared to consider and allow the same concessions of their staff in the Civil Secretariat ? If not, why not ?

The Honourable Sir Henry Craik : (*a*) Yes, there are differences in pay, leave terms and location of headquarters.

(*b*) and (*c*). Do not arise. I may however point out as regards item (*iii*) in clause (*b*) that all Government servants at Army Headquarters are not entitled to the free services of an eye specialist as a

matter of right but only when the services of such a specialist are available in Simla and no extra expenditure is caused to Government. As regards item (*iv*), the civilian staff of Army Headquarters is not entitled to free dental treatment.

RELEASE OF CIVIL DISOBEDIENCE PRISONERS.

273. *Mr. **Bhuput Sing** : (*a*) Will Government be pleased to state the reasons why Civil Disobedience prisoners have not yet been released in spite of the withdrawal of civil disobedience ?

(*b*) What was the total number of such prisoners on the 1st July, 1934, in each province of India ?

(*c*) What are the reasons for the delay ? When are all the prisoners expected to be released ?

(*d*) Will Government be pleased to state the reasons for examining the individual cases of Civil Disobedience prisoners in detail when they have been convicted of Civil Disobedience by the trying magistrates ?

(*e*) What time was taken by Government in releasing the prisoners after the Irwin-Gandhi Pact ?

The Honourable Sir Henry Craik : (*a*), (*c*) and (*d*). I would refer the Honourable Member to the last part of the communiqué issued by the Government of India on the 6th June, which states the policy which is being followed in this matter, and to which I have nothing to add.

(*b*) I lay a statement on the table.

(*e*) This does not arise, as the circumstances were wholly different.

Total number of convicted persons (under ordinary law and Provincial and Central Acts which replaced Ordinance X of 1932) undergoing imprisonment at the end of June 1934.

Province.	No.
Madras	12
Bombay	410
Bengal	164
United Provinces	33
Punjab	13
Bihar and Orissa	56
Central Provinces	*Nil.*
Assam	10
North-West Frontier Province	48
Delhi	1
Coorg	*Nil.*
Ajmer-Merwara	*Nil.*
Total ..	747

Mr. Lalchand Navalrai : May I know if the communiqué shows that all the persons have been released ?

The Honourable Sir Henry Craik : No, Sir, it does not say so.

Mr. Lalchand Navalrai : Will the Honourable Member say how many have been released and how many not released ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That is given in the answer to part (*b*). The Honourable Member cannot repeat questions which have been already answered.

Mr. Lalchand Navalrai : I put the question as no definite reply was made.

HOME DEPARTMENT RESOLUTION REGARDING COMMUNAL REPRESENTATION IN SERVICES.

282. ***Rai Bahadur Sukhraj Roy** : (*a*) Will Government be pleased to state what the immediate necessity, if any, was of issuing the Home Department Resolution regarding the representation in public services of minorities and of Muslims in particular ?

(*b*) Why was not this House consulted before issuing the Resolution ?

(*c*) What was the necessity of introducing other minorities when the question was of improving the position of Muslims only ?

(*d*) Why has not the Sikh community been mentioned among the minorities in the Resolution ?

(*e*) What is the present percentage of Hindus in Railways, Posts and Telegraphs and Indian Civil Service as compared with their population ?

The Honourable Sir Henry Craik : (*a*) I invite attention to the terms of the Resolution itself and to the reply given by me to Mr. Lalchand Navalrai's starred question No. 244.

(*b*) The House has been aware, for some considerable time, that the Government had this matter under consideration and were endeavouring to reach conclusions as early as possible.

(*c*) I would refer the Honourable Member to paragraphs 1 and 2 of the Resolution.

(*d*) As stated in paragraph 4 of the Resolution, Government considered the position of minorities, other than those to which special reference is made, and were satisfied that the new rules would provide for them, as at present, a reasonable degree of representation in the services.

(*e*) According to the last census, the population of Hindus in British India is about 65 per cent. Their percentage in the Indian Civil Service to the total number of Indians, excluding those who hold listed posts, is 68 and to the total cadre about 23.

On the Railways to which the new rules apply, *i.e.*, all Class I Railways except the Burma Railway, the Jodhpur Railway and the Nizam's State Railway, the percentage of Hindus to the total subordinate Indian staff,

(excluding inferior servants and labourers), was on the 31st December, 1932, 67.9. In the gazetted ranks the percentage of Hindus to the total number of Indians, is 60.8.

In the Posts and Telegraphs Department, the percentage of Hindus to the total Indian staff, excluding inferior servants, is 69.5.

RECRUITMENT OF ORIYAS IN THE GOVERNMENT OF INDIA OFFICES.

284 ***Mr. Sitakanta Mahapatra** : (*a*) Are Government aware that in the whole of the Government of India Secretariat there is no Oriya in service ?

(*b*) Is it a fact that in all the Attached and the Subordinate Offices of the Government of India located in the Headquarters at Delhi and Simla, there are no Oriyas in service ? If so, do Government propose to issue instructions to the Public Service Commission to recruit Oriyas for the offices of the Government of India Headquarters, including the Secretariat Departments ? If not, why not ?

The Honourable Sir Henry Craik : (*a*) and (*b*). As has been explained on several occasions in this House, the Government of India have not undertaken to secure representation for provinces, either generally or in terms of particular communities. Candidates from Orissa have equal opportunities with those from other provinces and it is not proposed to take any special action in the matter. I have no information whether there are any Oriyas in the Government of India offices at the headquarters and I do not think any useful purpose would be served by collecting the information in view of what I have just stated.

EMPLOYMENT OF THE SONS AND WARDS OF THE EMPLOYEES OF THE GOVERNMENT OF INDIA IN THE PROVINCES.

288. ***Mr. M. Maswood Ahmad** : (*a*) Are Government aware that the sons and wards of the employees of the Central Government at headquarters find it very difficult to get employment in the provinces from which they come, and also experience similar difficulties in securing admissions to medical, engineering and other technical institutions ?

(*b*) Do Government propose to address the Local Governments and Administrations to look after the interests of the sons and wards of the employees of the Central Government properly by reservation of a certain number of seats for them in educational institutions and vacancies in all services under the control of the Local Governments ?

The Honourable Sir Henry Craik : (*a*) and (*b*). (*i*) A representation, as regards the difficulties of securing employment in the provinces, was made by the Imperial Secretariat Association in 1933 and formed the basis of a request that a percentage of ministerial appointments, in the Government of India Secretariat, should be reserved for the children and dependents of the members of that Association. The Government of India were unable to accede to this request and, as recruitment to the provincial services is entirely a matter for the Local Governments, they are not in a position to interfere with their discretion and are not prepared to suggest to them that any special reservation should be made.

(*ii*) The Government of India are not aware of any special difficulties in securing admission to Medical and Engineering institutions. But any difficulties that may arise are not confined to the sons and dependents of Government servants but are felt by all classes resident in a province or minor administration which does not itself provide these special educational facilities. Arrangements have been made for the admission of a few selected students, from centrally administered areas, into the King Edward Medical College, Lahore, and the Thomason Civil Engineering College, Roorkee, and the sons of Government servants are eligible together with other students for these vacancies. Such selected students are required to pay only the ordinary fee payable by local students in these colleges, and the balance of the cost of training charged by the provincial Government is met from central revenues.

COWS SHOT BY MR. WAUGH, HONORARY MAGISTRATE AND CHAIRMAN OF THE SHAHDARA NOTIFIED AREA COMMITTEE.

289. ***Mr. Bhuput Sing** : (*a*) Will Government be pleased to state whether they are aware that Mr. Waugh, the Honorary Magistrate and Chairman of the Shahdara Notified Area Committee, shot 12 cows and bullocks recently near Shahdara ? If so, are Government prepared to make an enquiry as to why this was done ?

(*b*) Are Government aware of the strong feeling of Hindus of Delhi, as voiced at a public meeting held in the Azad Park under the auspices of the Hindu Youngmen's Association on the 14th July, 1934 ?

(*c*) Do Government propose to ask the Commissioner of Delhi to take disciplinary action against the offender for offending the religious susceptibilities of the Hindus ? If not, why not ?

The Honourable Sir Henry Craik : (*a*) and (*c*). I would refer the Honourable Member to the reply given on the 31st July, to Pandit Satyendra Nath Sen's question No. 311, on this subject.

(*b*) Yes.

APPOINTMENT OF BENGAL MUSLIMS TO POSTS UNDER THE GOVERNMENT OF INDIA OUTSIDE BENGAL.

291. ***Haji Chaudhury Muhammad Ismail Khan** : (*a*) Are Government aware that there is a strong feeling amongst the Bengal Muslims that, in the matter of recruitment to the vacant posts under the Government of India outside Bengal, due publicity is never given by means of advertisement of such vacancies in newspapers ? If not, do they propose to enquire into the matter and remedy the grievances of the Bengal Muslims ?

(*b*) Are Government aware that there is a strong feeling amongst the Bengal educated Muslims that Government of India Headquarters being far away from Bengal, all vacancies under the Government of India are filled by the Muslims of those provinces contiguous to the Government of India Headquarters ?

(*c*) Do Government propose to remove the aforesaid grievances of the Bengal Muslims by fixing a quota or percentage for the recruitment of educated Bengal Muslims ? If not, why not ?

(*d*) Are Government aware that amongst the educated Muslims of Bengal there is a greater percentage of unemployment than amongst the educated Muslims of other provinces ? If not, do they propose to enquire into the matter through the Heads of Universities in Bengal ? If not, why not ?

(*e*) Do Government propose to take steps to give publicity to the vacancies reserved for Muslims under the Government of India, according to the recent Home Department Resolution, through the Heads of Universities in Bengal so that Bengal Muslims may also apply for such vacancies ? If not, why not ?

The Honourable Sir Henry Craik : (*a*) A list of newspapers, in which advertisements regarding competitive examinations and the posts to which recruitment is made by selection are issued from time to time by the Public Service Commission, was laid on the table of the House in reply to Mr. Jagan Nath Aggarwal's starred question No. 362, on the 16th September, 1931. The list includes a leading Bengal paper, *the Statesman*. In addition to advertising in the leading newspapers, publicity is given to all recruitment by open selection through the Public Service Commission by forwarding a copy of the advertisement in each case to all Universities as well as to the leading Libraries and Y.M.C.A.'s in India. Full information regarding examinations held by the Commission is also published in the Gazette of India and a copy of the notice relating to each examination is forwarded to the Associated Press of India and the Free Press of India. Further, copies of rules, regulations, etc., relating to each examination are forwarded to the Registrars of all Universities and to the leading Libraries. Government do not consider that anything more is required.

(*b*) and (*c*). Government have not undertaken to secure representation for Provinces, either generally or in terms of particular communities. Muslim candidates from Bengal have equal chances, with those from other provinces, of securing employment in the services, and it would be contrary to Government policy to take any special action in regard to them.

(*d*) In view of the position as stated in reply to parts (*a*) to (*c*), Government see no need to take the action suggested.

(*e*) Does not arise in view of the reply given to part (*a*).

Mr. Lalchand Navalrai : Are these posts reserved for Muslims to be secured through the Public Service Commission or only by selection or by favour ?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the terms of the Resolution.

Mr. S. C. Mitra : Is it not a fact that the Muslims of Bengal, who form more than 40 per cent. of the total Muslim population, do not get even a moiety of the percentage which is reserved for Muslim representation in the services ?

The Honourable Sir Henry Craik : I cannot say off-hand.

Sir Abdur Rahim : Will the Honourable Member be able to inform us as to how many Muslims from Bengal are employed in the Secretariat here ? Will there be even half a dozen ?

The Honourable Sir Henry Craik : I am afraid, I must have notice.

Sir Abdur Rahim : There is only one.

Mr. S. C. Mitra : Will the Honourable Member explain what is the purpose of reserving seats for Muslims if 40 per cent. of the Muslims are deprived of their due share or of any reasonable share in the reserved seats for Muslims ?

The Honourable Sir Henry Craik : They are not deprived of their share. They have exactly the same opportunities of competing for that share as the Muslims of any other Province.

Mr. S. C. Mitra : But is it not a fact that they are not getting it ?

The Honourable Sir Henry Craik : I can not say whether they are getting a share in proportion to their population strength, but the opportunities are there, and, as I have stated, it is not the policy of Government, and never has been the policy, to reserve any particular percentage of places in the services for any particular Province, either by communities or otherwise.

Mr. S. C. Mitra : Will the Honourable Member then explain, if there are opportunities for Muslims and Anglo-Indians to compete for any service in India, what is the purpose of reserving a particular percentage for these minorities ? And will he kindly say, following that principle of reserving a certain percentage, why the Muslims of Bengal are deprived of their share, from the reserved posts in services ?

The Honourable Sir Henry Craik : The object of reserving for particular minorities is to carry out what I stated as the policy of Government, to ensure that there should not be an undue preponderance of any one community in any service.

Sir Abdur Rahim : Is the Honourable Member aware that the number of Muslim graduates in Bengal is at least as large as in any other Province ?

The Honourable Sir Henry Craik : I will take the Honourable Member's word for it.

Sir Abdur Rahim : Will the Honourable Member kindly look into the matter and ascertain if the Muslims of Bengal do get a fair chance of entering the Secretariat and the Central services of the Government of India ?

The Honourable Sir Henry Craik : That is covered by the reply, I have already given, that full publicity is given to these vacancies in the Government of India, and that the Muslims of Bengal have the same opportunities to compete for them as the Muslims of other Provinces. I will, however, ascertain, if the Honourable Member would like me to, how many Bengali Muslims are actually employed in the Government of India Secretariat.

Sir Abdur Rahim : If the Honourable Member finds that there is a very serious disparity, will he make particular inquiries as to the reason which has brought it about ?

The Honourable Sir Henry Craik : If I can see any possible remedy, I shall certainly examine it.

Mr. Gaya Prasad Singh : Is it not a fact that the Hindus of Bihar and Orissa are also deprived of their share in the Government services in the Secretariat and elsewhere ?

Mr. Lalchand Navalrai : I want a definite reply to the question I put. The Honourable Member refers me to the Resolution itself. I have read the Resolution, and I do not find any light thrown on this question from it. Therefore, I am going to repeat my question, and I want a direct reply. The question is : whether these reserved seats have to be given to the Muhammadans, for whom they are reserved, by competitive examination through the Public Service Commission or not.

The Honourable Sir Henry Craik : I really do not exactly understand the question. I am not prepared to pronounce here in this Assembly anything that will amplify, still less modify, the terms of the Resolution.

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

329. ***Mr. Muhammad Muazzam Sahib Bahadur** : (*a*) Is it a fact that a Committee was appointed towards the end of 1933, by the Honourable the Chief Commissioner, Ajmer-Merwara, to enquire into the administration of the Ajmer Municipal Committee ?

(*b*) Is it a fact that this Committee examined witnesses in the open Court as well as *in camera* ?

(*c*) Is it a fact that this Committee recorded evidence against the conduct of some of the members of the Municipal Committee but gave no opportunity to these members to explain the allegations made against them ?

(*d*) Has the attention of Government been invited to the report of this Enquiry Committee published in the *Statesman* of the 16th May, 1934 ?

(*e*) Is it a fact that this report was submitted to the Local Government without the Municipality or its individual members being called upon to explain the allegations against them ?

(*f*) Is it a fact that, after submission of the Report to the Local Government, the Honourable the Chief Commissioner called upon the Municipal Committee to furnish their explanation in regard to the allegations contained in the Enquiry Committee's Report ?

(*g*) Has the attention of Government been drawn to the explanation given by the Municipal Committee published in the *Statesman* of the 16th June, 1934 ?

Mr. H. A. F. Metcalfe : With your permission, Sir, I will answer questions Nos. 329, 330, 331, 332 and 333 together. The information asked for on certain points has been called for and replies will be given to the House in due course.

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

†330. ***Mr. Muhammad Muazzam Sahib Bahadur** : (*a*) Is it a fact that the chief defects found by the Committee appointed by the Chief Commissioner of Ajmer-Merwara in the administration of the Ajmer

†For answer to this question, *see* answer to question No. 329.

Municipal Committee relate to the Public Works, Water Works and Public Health Departments and that these Departments had always been placed by the Municipal Committee under the direct supervision of Government experts, *viz.*, the Civil Surgeon or Additional Civil Surgeon as Convener of Public Health Department and the Executive Engineer, Government Public Works Department as Convener of Municipal Public Works Department ?

(*b*) Is it a fact that no warning, advice, direction or *guidance* was given to the Municipal Committee with regard to general maladministration, etc., prior to the appointment of the Enquiry Committee ?

(*c*) Is it a fact that the Municipality submitted to Government several years ago a Sanitation Scheme prepared by well-known Lucknow Engineers for the improvement of Public Health and Water Supply, and also applied for the requisite loan from Government to carry out the scheme, and that the scheme and the question of loan are still under the consideration of Government ?

(*d*) Is it a fact that Ajmer Municipality have maintained financial stability and produced a substantially surplus budget and have also effected several improvements, *e.g.*, the introduction of electricity, extension of primary education, increase in grants-in-aid to hospitals and dispensaries ?

(*e*) Is it not a fact that almost all the defects pointed out by the Enquiry Committee had been in existence for a very long time and that the present Committee during their term of office made earnest efforts by taking action themselves wherever possible, or drawing the attention of the Local Government through submission of schemes ?

(*f*) Is it a fact that some of these defects have been more or less removed by the present Committee, particularly those relating to objections by Government Auditors who now certify substantial improvement ?

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

†331. ***Mr. Muhammad Muazzam Sahib Bahadur** : (*a*) Is it a fact that at a public meeting held in September, 1933, a request was made to Government to make enquiries into the Municipal administration and give advice and directions and not to punish the Municipality and the public ?

(*b*) Has the attention of Government been drawn to the proceedings of a public meeting published in the *Statesman* of the 26th June, 1934, requesting Government not to supersede the Ajmer Municipal Committee ?

(*c*) Are Government aware that the triennial general election to the Ajmer Municipality will take place early in December, 1934, and that the public will thus soon have a chance of voicing their real feelings in the matter ?

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

†332. ***Mr. Muhammad Muazzam Sahib Bahadur** : (*a*) Is it a fact that the reply of the Municipal Committee to the reference made by the

†For answer to this question, *see* answer to question No. 329.

Chief Commissioner of Ajmer-Merwara in connection with the Report of the Enquiry Committee appointed by him, was referred to the Chairman of the Enquiry Committee, who, in consultation with the members of the Enquiry Committee, submitted a rejoinder to the Municipal Committee's reply ?

(*b*) Is it a fact that this procedure is not provided for in section 243 of the Ajmer Municipal Regulation, VI of 1925, under which the Enquiry Committee was appointed and further action is contemplated ?

ENQUIRY INTO THE ADMINISTRATION OF THE AJMER MUNICIPAL COMMITTEE.

†333. ***Mr. Muhammad Muazzam Sahib Bahadur** : Are Government prepared to place on the table of this House all papers regarding the affairs of the Ajmer Municipality, including the Enquiry Committee's Report and the reply of the Ajmer Municipality ?

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

334. ***Mr. Muhammad Muazzam Sahib Bahadur** : (*a*) Are Government aware of the fact that the F. Sc. Medical Group students of the Delhi University are not given admission to any Medical Colleges in India, except two candidates from Delhi to the King Edward Medical College, Lahore ?

(*b*) If the admission is not open for the Delhi students, do Government propose to take any steps to ensure admission of the Delhi F. Sc. Medical Group students to other colleges in India ?

(*c*) If admission to the Medical Colleges in India is not made open to the Delhi students, do Government propose to abolish the Medical Group of the Delhi University ?

(*d*) Are Government aware of the fact that the Selection Board held at Delhi for interviewing these students, have not interviewed all ?

(*e*) Will Government please state the reasons why the students, who passed the F. Sc. (Medical Group) examination of the Delhi University, are not permitted to appear at the test examination for admission to the Lucknow Medical College ?

Mr. G. S. Bajpai : I would invite the Honourable Member's attention to the answer given to Mr. Gaya Prasad Singh's question No. 248 on the 30th July.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN MEDICAL COLLEGES IN INDIA.

335. ***Mr. Muhammad Muazzam Sahib Bahadur** : (*a*) Do Government propose to take steps to open admission for Delhi University students, who passed F.Sc. (Medical Group) to other Medical Colleges in India, such as at Bombay, Calcutta, Madras, Patna, Lucknow, etc. ? If so, when ?

(*b*) Do Government propose opening one Medical College at Delhi ?

†For answer to this question, *see* answer to question No. 329.

Mr. G. S. Bajpai : (*a*) The Honourable Member is referred to the answer given to Mr. Gaya Prasad Singh's question No. 248 on the 30th July, 1934. The matter is under consideration.

(*b*) No.

CONSTRUCTION OF A CINEMA HALL ADJACENT TO THE CENTRAL BAPTIST CHURCH, CHANDNI CHOWK, DELHI.

336. ***Kunwar Hajee Ismail Ali Khan** : (*a*) Is it a fact that the Delhi Municipal Committee sanctioned the construction of a Cinema Hall adjacent to the Central Baptist Church, Chandni Chowk, Delhi ?

(*b*) Is it a fact that the Christians of Delhi approached the Deputy Commissioner and prayed that a license to this Cinema may kindly not be granted, as it will hurt the feelings of all the Christians of Delhi as well as of those outside Delhi ?

(*c*) Is it a fact that a license has been granted to the said Cinema ?

(*d*) Is it a fact that after the above deputation, the Indian Christians of Delhi approached the Chief Commissioner of Delhi Province and prayed that the said license may not be granted ?

(*e*) What action has been taken in the matter by the authorities ?

(*f*) Are Government aware that the existence of a cinema in close proximity of a worshipping place is considered highly objectionable by the public and there is a danger of the breach of peace ?

(*g*) Are cinemas permissible to be made side by side with the places of worship ?

The Honourable Sir Henry Craik : (*a*) and (*c*). Yes.

(*b*) A deputation, composed of a section of the Baptist community in Delhi, asked the Deputy Commissioner to refuse a license to the cinema.

(*d*) There is no record of such a petition having been made.

(*e*) and (*f*). No action has been taken in the matter. The Church in question is situated in the Chandni Chowk, which is a congested area, where all kinds of buildings are quite close to one another. Government do not consider that there is any danger of a breach of the peace.

(*g*) The Delhi Municipal Committee have power, under section 123 of the Punjab Municipal Act, 1911, to stop the use of a building as a cinema, if it is a nuisance to the neighbourhood.

Mr. B. Das : Is it not a fact that the Secretary of the Delhi Municipality is a Christian, and that he ought to look after the interests of Indian Christians ?

The Honourable Sir Henry Craik : I am not aware whether he is a Christian or not.

EXPORT OF SKINS OF NEWLY BORN LAMBS AND KIDS.

337. ***Khan Bahadur Haji Wajihuddin** : (*a*) Are Government aware that there is a great demand in foreign countries of skins of newly born lambs and kids ?

(*b*) Are Government aware that with a view to get much higher prices from foreign countries, the previous practice of slaughtering newly born lambs and kids has recently been started in India ? If so, do Government propose to consider the advisability of stopping the practice ?

(*c*) Will Government be pleased to state the name of the country and the quantity, respectively, which imported such skins from India each year during the last five years ?

The Honourable Sir Joseph Bhore : (*a*) to (*c*). Information has been called for and will be laid on the table in due course.

COMMERCIAL BULLETIN BROADCASTED FROM BOMBAY.

338 ***Rao Bahadur B. L. Patil** : (*a*) Is it a fact that the broadcast of market reports from the Bombay Radio Station are stopped from the 1st July, 1934 ? If so, what are the reasons for this action ?

(*b*) Are Government aware that the Morning Commercial Bulletin broadcasted from Bombay was greatly appreciated by the commercial community in India and that the number of radio sets has been increasing day by day for this reason ?

(*c*) If the reply to part (*b*) be in the affirmative, do Government propose to restore the commercial bulletin on the programme ?

The Honourable Sir Frank Noyce : (*a*) No. The special early morning transmission of commercial news has been discontinued and the transmission at 8 P.M. has been combined with the news bulletin at 9 P.M. in accordance with the orders of the Government of India, who decided that this activity of the broadcasting stations should be reduced by gradual stages.

(*b*) Government understand that a small proportion of the owners of wireless receiving sets, who belonged to the commercial community, appreciated this service but they have no precise information as to whether the number of sets in use increased on this account.

(*c*) The commercial bulletin is being actually broadcast with the evening programme. Government do not propose to restore the morning bulletin.

Mr. Lalchand Navalrai : Do Government propose to extend this broadcasting to Karachi ?

The Honourable Sir Frank Noyce : I hardly think that arises out of this question, Sir.

Mr. Gaya Prasad Singh : With reference to part (*a*) of the question, do I understand the Honourable Member to say that broadcasting of market reports has not been discontinued ?

The Honourable Sir Frank Noyce : Yes : I did say that.

RULES FOR COMMISSIONS IN THE ARMY IN INDIA RESERVE OF OFFICERS.

339. ***Sirdar Harbans Singh Brar** : Will Government please state if the rules for commissions in the Army in India Reserve of Officers have been framed ? If so, when are they likely to be published ?

Lieut.-Colonel A. F. R. Lumby : Yes. The draft rules are under examination by the Secretary of State and will be published, as soon as possible, after the receipt of his approval to them.

RULES REGARDING THE GRANT OF HONORARY RANKS IN THE ARMY IN INDIA.

340. ***Sirdar Harbans Singh Brar** : Will Government please state the rules regarding the grant of honorary ranks in the Army in India, whether to soldiers or to civilians ?

Lieut.-Colonel A. F. R. Lumby : The information is being collected and will be laid on the table at an early date.

INDIAN MEDICAL SERVICE OFFICERS SERVING IN THE ARMY AND IN THE CIVIL DEPARTMENTS.

341. ***Sirdar Harbans Singh Brar** : Will Government please state the number of Indian Medical Service officers serving in the Army and the number of those deputed to the civil departments ?

Lieut.-Colonel A. F. R. Lumby : On the 1st July, 1934, there were 357 Indian Medical Service officers in military, and 294 in civil, employ.

EUROPEANS AND INDIANS IN THE INDIAN MEDICAL SERVICE.

342. ***Sirdar Harbans Singh Brar** : Will Government please state the number of Europeans and Indians in the Indian Medical Service ? How many of them are permanent and how many are temporary among each of these ?

Lieut.-Colonel A. F. R. Lumby : On the 1st July, 1934, the number of British and Indian officers in the Indian Medical Service was :

British ..	.. 389	all permanent.
Indian ..	.. 262	including 48 temporary.

EUROPEANS AND INDIANS IN THE INDIAN MEDICAL SERVICE.

343. ***Sirdar Harbans Singh Brar** : Will Government please state the number of Europeans and Indians among the Indian Medical Service officers serving in the civil departments ? How many among them are permanent and how many temporary ?

Mr. G. S. Bajpai : There were 294 officers of the Indian Medical Service in civil employ on the 1st July, 1934, of whom 195 were British and 99 Indians. All these officers hold permanent commissions.

TEMPORARY INDIAN MEDICAL SERVICE OFFICERS WHOSE SERVICES HAVE BEEN DISPENSED WITH.

344. ***Sirdar Harbans Singh Brar** : Will Government please state the number of temporary Indian Medical Service officers whose services have been dispensed with during the last five years before the expiry of their term of contract ? How many new temporary officers were recruited during the same period ?

Lieut.-Colonel A. F. R. Lumby : Strictly speaking the reply to the first part of the question is *nil*, since the period of engagement of these officers was for one year or for such less period as their services might be required. I presume, however, that the Honourable Member desires information as to the number of officers dispensed with before completing

the maximum period for which their temporary engagements could be renewed, *i.e.*, five years, or in the case of those in service on the 23rd October, 1927, nine years. If so, the answer is that, three were dispensed with, for inefficiency, and six were retrenched, on financial grounds. In the period in question, 27 resigned the service of their own accord and 42 were recruited.

APPOINTMENT OF TRADE COMMISSIONERS, DEPUTY TRADE COMMISSIONERS AND TRADE AGENTS.

345. ***Sirdar Harbans Singh Brar** : (*a*) Will Government please state the names, qualifications, etc., of the persons who have been appointed Trade Commissioners, Deputy Trade Commissioners and trade agents of India in different countries ?

(*b*) How many new appointments are likely to be made during the present or the next year, and for which countries ?

The Honourable Sir Joseph Bhore : (*a*) Sir Harry Lindsay, K.C.I.E., C.B.E., I.C.S., is the Indian Trade Commissioner in London and Mr. S. N. Gupta, I.C.S., is the Indian Trade Commissioner at Hamburg. There is one post of Deputy Indian Trade Commissioner in London only and the present incumbent is Mr. Y. N. Sukthankar, I.C.S.

Information with regard to Trade Agents is being collected and will be furnished to the House in due course.

(*b*) So far as can be seen at present, one new appointment will be made early next year, namely, to the post of Indian Trade Commissioner in Italy, for which a non-official Mr. Ahuja was selected on the recommendation of the Public Service Commission in 1931. He has hitherto been undergoing training in the Commercial Intelligence and Statistics Department, Calcutta, and is now required to undergo further training for four months in the Trade Department of the High Commissioner's office before proceeding to Italy.

INDIANS SERVING IN THE OFFICES OF THE LEAGUE OF NATIONS.

346. ***Sirdar Harbans Singh Brar** : (*a*) Will Government please state the number of Indians serving in the offices of the League of Nations or its affiliated organisations at Geneva and how many of them are (*i*) Hindus, (*ii*) Muslims, (*iii*) Europeans domiciled in India, (*iv*) Indian Christians, (*v*) Sikhs, and (*vi*) Anglo-Indians ?

(*b*) Do Government propose to press for more appointments for Indians ?

The Honourable Sir Nripendra Sircar : (*a*) The Honourable Member is referred to my reply to part (*b*) of question No. 199, asked by Lala Rameshwar Prasad Bagla, on the 23rd July. It would appear from the names of the six Indians in the permanent service of the League, that five of them are Hindus and one a Parsee, but Government have no official information on the subject.

(*b*) Appointments in the League Secretariat being normally for terms of seven, 21 or 28 years and appointments under the International Labour Office being normally for terms of 21 or 28 years with an age limit of 60, the Honourable Member will understand that the possibility

for effective action in this matter is extremely limited. Government are at pains to take such action as is possible by causing India's delegates to the Assembly to ventilate the matter as often and as strenuously as is consistent with tactical considerations.

INDIANS AND EUROPEANS SERVING IN THE OFFICES OF THE TRADE COMMISSIONERS AND DEPUTY TRADE COMMISSIONERS.

347. *Sirdar Harbans Singh Brar : Will Government please state the number of Indians and Europeans serving in the offices of the Trade Commissioners and Deputy Trade Commissioners ?

The Honourable Sir Joseph Bhore : A statement giving the information asked for is laid on the table of the House. There is no separate office of Deputy Trade Commissioner, but there is one such post under the Indian Trade Commissioner, London, which is held by an Indian.

Statement showing the number of Indians and Europeans serving in the Offices of the Indian Trade Commissioners.

Office of	Number of Indians and Anglo-Indians.	Number of Europeans.
Indian Trade Commissioner, London	8	3
Indian Trade Commissioner, Hamburg	1	3

ELECTION OF A MEMBER ON THE FUEL OIL COMMITTEE.

The Honourable Sir James Grigg (Finance Member) : Sir, the motion which stands in my name is as follows :

"That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of one Member of the Assembly to fill the vacancy on the Fuel Oil Committee caused by the resignation from the Assembly of Mr. E. S. Millar."

No amount of paraphrasing on my part can make the object of the motion clearer than it already is, and so I shall not waste time in trying to do so. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of one Member of the Assembly to fill the vacancy on the Fuel Oil Committee caused by the resignation from the Assembly of Mr. E. S. Millar."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : I may inform Honourable Members that for the purpose of election of a Member

[Mr. President.]

to the Fuel Oil Committee the Assembly Office will be open to receive nominations upto 11 A.M. on Monday, the 6th August, and that the election, if necessary, will be held as usual in the Secretary's Room on Wednesday, the 8th August, 1934. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN IRON AND STEEL DUTIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by the Honourable Sir Joseph Bhore on the 31st July, 1934 :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Honourable Sir Joseph Bhore (Member for Commerce and Railway) : Sir, if the debate on my motion in regard to the Iron and Steel Bill is not finished today, I would ask you to be good enough to direct that the House shall sit on Friday, the 3rd August.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair directs that the House shall sit on Friday for the transaction of official business if this motion is not finished today.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I was saying yesterday that the preferential treatment to our pig iron exports in the United Kingdom market was a mere eyewash. I also pointed out that we have very little knowledge of the refunds and rebates given in the United Kingdom. While we do not wish to stand in the way of the prosperity of British industries, we wish to convey that that prosperity shall not be achieved at the sacrifice of our own.

Sir, I now propose to turn to the Government proposals regarding the revenue and excise duties. In doing so, I do not propose to repeat some of the remarks already made by some of my Honourable friends on this side of the House, but I wish, however, to observe that it is remarkable that the Tariff Board should mix up the question of Government revenue with the issue of protection to an Indian industry. It does appear to me to be clearly outside the scope of the reference to them. Even the Honourable the Finance Member cannot agree to commit himself to years in advance and anticipate the approval of this Legislature. Ordinarily even the Honourable the Commerce Member would not consider it is within his province to suggest the removal of revenue duties, but this Board thought it right to do so. Sir, this is the first time that a Tariff Board has gone to this length, and I trust that this will not be taken as a precedent. The suggestion that duties should be removed on British structurals and plates would appear to have found favour with the Com-

merce Member. Assuming for the purpose of argument that in this way public utility services would be benefited, may I respectfully ask the Commerce Member why similar considerations did not prevail with the Government when they taxed the machinery. The Fiscal Commission strongly urged that even for revenue purposes machinery should not be taxed and this Assembly by a majority rejected the Government proposal to tax it for revenue purposes. Yet by resorting to certification, machinery was subjected to taxation. What became of these revenue considerations now ? Since removal of duties benefit importers, I hope he will permit us to draw our own conclusions.

It is in keeping with the rest of it that the Government should propose excise duties. Sir Joseph Bhore observed that these excise duties would have to become a permanent feature of our fiscal system...

The Honourable Sir Joseph Bhore : I never said so at all.

Mr. B. Sitaramaraju : Then, I stand corrected, Sir. I thought that he said so. Anyhow, if he did not say so, I withdraw my statement. We have yet to hear the Finance Member educate us on the virtues of that policy. In the meantime, may I respectfully ask both the Finance Member as well as the Commerce Member, whether there is a precedent in any country in this wide world where a key industry is subjected to an excise duty ? In many countries such duties are restricted to alcohol and tobacco, while a few countries levied such duties on matches, sugar and the like. But I have not known a key industry, with foreign competition threatening it, is ever subjected to an excise duty. The Honourable Member was pleased to acknowledge that this is a key industry. Would the Honourable Member be impressed if I were to state that the Round Table Conference treated with greater consideration than the Government of India themselves this question of subjecting key industries.

Sir, to turn to another point, the Honourable the Commerce Member deprecated the attitude of the Tatas towards these re-rolling mills and expressed his concern for the subsidiary industries. If these subsidiary industries were to satisfy the conditions laid down by the Fiscal Commission, particularly with regard to the use of the raw material, I would be glad to join issue with him. Will the Honourable Member be pleased to satisfy himself whether they satisfy those two tests laid down by the Fiscal Commission ? I am informed, they do not. Several of them, if not all, import their raw material from foreign countries and re-roll them with a view to compete with indigenous manufactures. If that were an accurate statement of a fact, any encouragement given to these mushroom enterprises at the expense of a genuine national industry is bound to encourage non-Indian firms being set up with a view to encourage foreign raw material and compete with the indigenous industry.

I would like to make one final observation on this point. We have to take good care that the major industry does not unduly suffer. It is observed that coal is the raw material for coke and coke is the raw material for pig iron which in turn is the raw material for steel. Steel ingots are raw material for blooms, billets and slabs which in turn are raw material for rails, sheets, etc. Either you protect the steel industry at each stage or you do not protect it at all. If you leave a loophole the whole scheme is bound to fail.

[Mr. B. Sitaramaraju.]

Another instance of the Board's utter lack of appreciation of their responsibility is illustrated by the want of realisation on their part that there must be a difference between tested and untested steel. The Press interview given by Messrs. Balmer Lawrie and Co. on this point is referred to by the *Indian Finance*.

"Mr. Le Salter of Messrs. Balmer Lawrie & Co., has stated the British point of view in a Press interview. He draws attention to the Tariff Board's error in not realising that there must be a difference of at least Rs. ten per ton between the selling price of tested and untested steel. Even to one who is not initiated in the intricacies of the steel trade, there should be no difficulty in understanding that the tested steel must sell at a higher price than untested steel. The Tariff Board are not prepared to recognise so simple a truth."

Another important point made out by Mr. Salter is that :

"a revenue duty of 10 per cent. on British steel would, in my opinion, result in no reduction to the tonnage British makers are likely to ship to India."

But he adds :

"it would allow the Tata Iron and Steel Company to obtain a fair selling price, and, at the same time, would enable them to continue to distribute their products through the same channels as at present and would obviate any upheaval or disorganization or loss of business to metal merchants in India."

Sir, as we do not possess that hall-mark of expert knowledge said to have been possessed by this Board, we think from the common sense point of view that untested steel must necessarily sell at a lower price than tested steel. If no difference is shown, the Indian industry would be bound to sell all its steel as tested steel in competition with the British tested steel. The result would be that the Indian consumer of untested steel would be invited to pay more for tested steel.

Sir, I will try to avoid going into details. May I ask whether my Honourable friend, Dr. Ziauddin Ahmad, furnished the Government of India with a balance sheet of the losses and gains to the steel industry of this country under these proposals ? Someone has calculated such a profit and loss account and furnished me with a copy of it. According to this statement the value of protection given to the industry would come to 48 lakhs, and the increased payments are estimated to come to 69 : thus leaving a minus balance of 19 lakhs. I wonder whether this is really an accurate statement of account. If that were so, it would be a travesty of truth to call this measure a measure of protection....

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Are you quoting these figures from the *Indian Finance ?*

Mr. B. Sitaramaraju : No. If they are correct, there can be no question at all.

The Government of India have shown such high regard and consideration for these recommendations of the Tariff Board as to invite us to accept them *in toto*. Has this Board lived even up to the traditions of the Board itself ? Has the Tariff Board kept in view, in making these recommendations, the policy laid down by their predecessors, the first and second Boards ? They laid down that the protection afforded to the steel industry should be adequate, not only to enable the Tatas to work at a profit but also to encourage other steel works to be established in India, so that the country may ultimately become self-supporting in the matter of

iron and steel. Was that object achieved ? No. Is the country made self-supporting ? No ; on the contrary they do not even expect to be so. Are these present proposals calculated to encourage the growth of the industry to that end ? I am afraid not. Will the consuming public be relieved to any appreciable extent by these proposals ? I submit not. The interests of the consuming public weigh with several of us more than the interests of the industrial concerns. Among them the agriculturalists are an important and deserving section. They are poor and helpless while the industrialists are rich and influential. It is human nature that it should sympathise with the poor against the rich, the helpless against the powerful. My Honourable friend, Raja Bahadur Krishnamachariar, whom I do not find in his seat, waxed eloquent yesterday in advocating the interests of the consumers and the agriculturists in particular. That shows how even the rich can shed tears for the poor even more than the poor themselves. (Laughter.)

If we were to study the provisions of this measure purely from the standpoint of consumers' interests, the very best and excellent way of promoting and serving them is to throw this Bill out. The provisions of the Bill are designed with a view to eliminate foreign countries' imports, which probably are inferior in quality but certainly cheaper. The Indian market is expected under this measure to be catered to by the Tatas and the British. The prices are determined by them, and, therefore, the consumer is bound to pay still higher prices since the duties are prohibitive on cheap foreign imports. But it is these foreign countries who are our best customers of agricultural produce. Therefore, if we want to take only the immediate interests of the consumer and ignore wider national interests, proposals which seek to eliminate cheap foreign imports are antagonistic to consumers' interests. But in considering the claims of the consumer even, as has been pointed out by Sir Joseph, we have to take a broad view. No accurate balance sheet of the consumers' losses and gains can be drawn from that wider point of view. The value to a country of a key industry of this importance being established cannot be calculated in rupees, annas and pies. The country has accepted the policy of discriminating protection. Protection for the steel industry was advocated by every shade of political opinion in this country. It was advocated by Pandit Motilal Nehru, the then Leader of the Swarajist Party, when this question of protection was discussed on the floor of this House on the last occasion. It was advocated by Mr. Jinnah, the then Leader of this Group ; it was advocated by every man of public importance in this country. No encouragement can be found from the country for a contrary view and that at a time when the nations of the world have been endeavouring to be self-supporting and to sell more and more and buy less and less. You accept protection or you do not. If you accept protection, the consumer is necessarily invited to suffer. All that we can do is to see that the suffering is temporary and that during the period of protection the industry has been able rapidly to develop so as to dispense with that shelter. The Indian industry has been able to prove even to the satisfaction of the Board and the Government that they did more than was expected of them. Under exceptionally trying conditions, in spite of falling demand, it maintained its output and reduced its costs ; it has been able to capture three-fourths of the available home market. I say available market, because the Railway Board do not appear to have placed their orders even to the extent of 25 per cent. of the estimates. However,

[Mr. B. Sitaramaraju.]

the Indian industry appears to submit that it will be able to dispense with protection in the near future and will be satisfied with lesser protection now than even they were accustomed to. Because they themselves asked for less, should they get next to nothing and that for whose benefit ? The Tatas ought to have realised the simple truth, " Importunity in begging has its advantages ". They would have done so, had they secured the services of Mr. Mody a little earlier than they did. (Laughter). My Honourable friend, as the representative of the textile industry, studied that art to perfection and learnt the value of crying loudly for more than he deserved and found how excellently paying it was. (Laughter.)

I do not propose to detain the House any longer. If this industry is benefited and is prosperous and able to stand on its own legs, the primary consideration should be that relief must be given to the consumer, not by exposing to serious competition and reducing the competing strength of the industry, but by fixing from time to time a fair selling price and compelling the industry to sell at those prices. Any attempt of the Government in that direction will be acceptable. But, under no circumstances, will we consent to reduce its competitive strength against its non-Indian rivals. (Applause.)

Sir Leslie Hudson (Bombay : European) : Sir, I wish to pay a tribute to the Tariff Board for their very clear and concise report which is evidence of its members having given their closest consideration to every aspect of the steel trade. The country has no reason to be dissatisfied with that report, although its recommendations may not find universal acceptance. And I think that Messrs. Tatas themselves should be grateful to the Board for having shed the bright light of publicity on the successful re-organisation of their works at Jamshedpur during the past ten years. The following figures will show that, during an unprecedented period of depression, the Tatas have increased their output, have reduced their overheads and the average cost of manufacture in a manner which must cause the admiration of every one in India, and not only in India but outside India. Their output in 1923 was 163,000 tons, in 1924 it was 380,000 tons, and in 1933 it was 500,000 tons. In 1923 their overheads and depreciation were Rs. 57 a ton, in 1927 they were Rs. 39 a ton, and in 1934 they are reported to be Rs. 37½ a ton. The average cost of manufacture has similarly declined from Rs. 106 in 1923, to Rs. 98 in 1926, and Rs. 69 in 1933. These admirable results are no doubt largely due to the protection which has been afforded to the industry, but they are also due to the increased efficiency in the works themselves for which Tatas are entitled to take full credit. I now come to the principle of the Bill, which is a continuation, in a modified form, of protection for seven more years to the steel industry. On the general scheme of protection, as recommended by the Tariff Board, I have little to say, but there are two or three features of the Bill concerning which I wish to make certain observations. I first take the question of tested and untested steel. The Tariff Board have used the expression " British steel " as synonymous with tested steel and " Continental steel " as synonymous with untested steel. I would, however, draw attention to a memorandum issued by the National Federation of Iron and Steel Manufacturers, dated the 12th December, 1933, in which the Federation assures the Tariff Board that the British industry is able and willing to

supply the whole of the requirements of India in untested as well as tested steel. It therefore does seem as if the contention of Tatas, that the classification contained in the Bill is not synonymous with the actual classification of tested and untested steel, may have some foundation. A letter which appeared in the *Statesman* of the 19th July, signed "Iron Merchant", supports this contention. It is a very long letter and I do not propose to ask your permission to quote it to the House but if there is a real foundation for the criticisms which have been raised, I hope that Government may see their way to reconsider this point. I may point out that in their note to Government, dated the 19th July, Tatas suggested that a condition of the admission of British steel, free of duty, should be its compliance with the standard specification, and to that I imagine no British steel importer could take exception.

Mr. B. Das (Orissa Division Non-Mohammadan) : Is that a public document that the Honourable Member is quoting from ?

Sir Leslie Hudson : I believe it is to be found in many quarters.

12 NOON.

Another feature of the Bill, which I desire to touch upon, is the abolition of revenue duties in respect of certain items. Sir, the European Group have always taken the line that there should be a thorough examination of all revenue duties, with a view to their removal where the law of diminishing returns operates and where they have no incidental protective value and we believe this to be part of a sound general financial policy. It may, however, be questioned whether such removal is justifiable to effect this in regard to one particular item in a protective Bill and that at a time when an emergency budget and salary cuts are still in operation. I quite realise that the amount in this particular instance is small but it is a matter of principle rather than the actual amount of revenue affected.

Then comes the matter of excise. The Bill contemplates excise duties on steel ingots, to make up for loss of revenue, and this is referred to in paragraph 120 of the Tariff Board's report and also briefly referred to by the Honourable the Commerce Member in his speech yesterday. This by itself does not, at present, appear to us to be sufficient reason for the imposition of an excise duty on a basic industry in a Bill, the purpose of which, is continued protection. The Honourable the Commerce Member stated that the Honourable the Finance Member would deal with that point later on, so that the Government's case has not yet been completely presented to us, and this somewhat piecemeal presentation of Government's position on an important measure, places the House at some disadvantage in dealing with their arguments. Surely, it might have been possible for the Honourable the Commerce Member, as Leader of the House, to have presented a complete picture to the House, leaving his colleague to deal at a later stage, with the arguments advanced during the debate with which his department is more intimately concerned. However, I will content myself now by stating that we are apprehensive of the corollary of this proposal for an excise on steel ingots. Does this mean that in future any industry which may have obtained protection for a period may, at the end of that period, when it has been enabled to stand on its own legs, be saddled with an excise on its production ? Does the Government regard income accruing from a protective tariff, as being in the nature of a permanent revenue, which must be replaced when the tariff is no longer necessary for the purpose for which it was

[Sir Leslie Hudson.]

originally imposed ? If so, both the industry and the consumer may be in a worse plight than they were before the protection was granted, and any industry applying for protection in the future would have to take into their calculations the possibility of an eventual excise being imposed on their production. Our view is that excises should be imposed as part of a general financial policy and as national necessity arises. We hope therefore that the Honourable the Finance Member will explain to us later the particular justification for linking an essentially revenue measure with a Bill to extend a modified form of protection to a particular industry for a further period of years, and, also, that he will endeavour to give the House some indication as to the policy which Government is likely to follow in the future.

Another matter to which I should like to make a passing reference is paragraph 159 of the Tariff Board's report in which they write as follows :

"We attach great importance, from the point of view of developing the steel industry, to the adoption of suitable measures calculated to increase the market for fabricated steel. No other form of protection can have the influence on this development that would be exercised by a definite scheme spread over a period of years for capital replacements and construction of railways and other productive public works. The credit of the Government of India in the capital market is exceptionally high and money is both plentiful and cheap. A bold policy of public loans for capital expenditure would at this juncture afford enormous assistance in stimulating the market for capital goods like structural steel. We believe, that the effect of such a policy would not be confined to the steel industry but would be felt in every aspect of the country's economic life."

Sir, the European Group, as we have done on previous occasions, urge Government to extend their capital works programme, while credit is good and money is cheap, and we wholeheartedly endorse the recommendation of the Tariff Board that Government should take this into consideration when planning their capital works programme for the coming year.

I would refer briefly to the fact that there is some apprehension,—I think it has already been referred to by certain speakers who have preceded me,—that there may be a tendency for Tatas to become a monopolistic concern. I am referring particularly to the proposed erection of brick-making and coke-making plant which are referred to, I think, in the Tariff Board Report, and which will, if carried out, injure long-established concerns producing the same articles. This matter is dealt with by the Board in paragraph 78 in which they conclude by saying :

"Every reasonable effort should be made to avoid the prospect of the disappearance or weakening of an already established industry as the result of protection granted to another industry."

I hope the House may have some assurance, possibly by Mr. Mody, that the Tatas policy will not be directed to the elimination of such concerns which employ a large number of Indians and which contribute largely in freight to the railway receipts and which are perfectly ready, I understand, to come to an arrangement to supply the Tatas at reasonable rates. (Hear, hear.)

Sir, it was with considerable satisfaction, that I heard the Honourable the Commerce Member say yesterday, that the Government of India are in close negotiation with His Majesty's Government with a view to

encouraging the export of manganese ore from India to the United Kingdom and I trust that the Honourable Member and the Government of India will spare no effort to assist an industry which of recent years has suffered from severe competition from Russian and other sources.

Finally, Sir, I may say that, I and my Group support the reference of the Bill to a Select Committee. The industry deserves the further meed of protection proposed. The question of tested and untested steel can be dealt with by the Select Committee; and with regard to the proposed excise duty, we reserve to ourselves the right to take this up in the Select Committee after hearing what the Honourable the Finance Member has to say on this subject. (Loud Applause.)

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): Mr. President, my object in addressing the House is to place it in possession of the point of view of the steel industry towards the proposals embodied in the Tariff Board Report and the Bill before the House. I shall try to imitate the excellent tone and manner of the speech which my Honourable friend, the Commerce Member, made in asking for reference of the Bill to a Select Committee, and I would like to take this opportunity of congratulating him heartily on the most admirable presentation of the case that he has made, even though with portions of it, I am entirely in disagreement. (Laughter.)

Sir, the Bill before the House raises some interesting speculations. When is a Tariff Board report to be regarded as sacrosanct, and when is it to be put on the scrap heap?

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): When it suits the Government.

Mr. H. P. Mody: That question has been answered in various ways by the Government of India during the last few months. Sir, a couple of days ago, I was told a story about the Commissioner of a Punjab Division who, whenever he got a number of appeals, told one of his chaprassis to arrange them in two rows on either side of the seat of judgment. When he went to Court and had the pleaders before him, he used to lay his hands on one pile and say "*Manzoor*", and then he would lay his hands on the other pile, and say "*Na-Manzoor*": that is, "admitted" and "rejected".

An Honourable Member: Does that sort of thing go on also in Bombay and with the Bombay mills?

Mr. H. P. Mody: My Honourable friend asks if this sort of thing happens in Bombay also. No, Sir, this is only possible in benighted parts of the country. (Laughter.) Sir, what I was going to say was that I earnestly hope the Government of India do not dispose of Tariff Board Reports in some such primitive fashion.

Now, Sir, I would like to contend that the iron and steel industry is the most outstanding vindication of the policy of discriminating protection which this country adopted a few years ago, and which has been endorsed on numerous occasions. That policy has very recently found some doubters among people, wise and otherwise, who are shaking their heads over its soundness, but, Sir, that policy has enabled India to be put on the industrial map, and I want to know whether there is any man here or outside who can challenge the fact that India would still be

[Mr. H. P. Mody.]

industrially, and in every other way, a very backward country if this policy had not been acted upon by the Government of India and the Legislature. It has, for instance, enabled the textile industry to survive. It has enabled, through that circumstance, hundreds of thousands of cultivators of cotton to find a livelihood. That policy has helped hundreds of thousands of sugar-cane growers to earn a living. It has made it possible for a basic national industry like the iron and steel industry to be established in this country and to be subserving a national purpose.

Mr. Gaya Prasad Singh : What about salt ?

Mr. H. P. Mody : And I do not feel called upon to offer any justification for it. But since doubts are occasionally expressed, I would like to say that in the steel industry you have a most convincing example of the soundness of the policy of discriminating protection. Sir, the protection which this industry got a few years ago has, according to my Honourable friend, the Commerce Member, been fully justified. That opinion has been emphatically given in the Tariff Board report itself. Costs have gone down, efficiency has increased, and the figures are to be found in the Tariff Board report. The industry has been Indianized ; it must not be forgotten, however, that it involves highly technical processes and you cannot do without British and foreign experts, but it has been Indianized as quickly as it is possible for Indians to acquire the necessary experience and technical knowledge which are essential to the running of an industry of this character. That Indianization has proceeded in strict accord with the necessities and the demands of the works. Then, Sir, take another item which is also material. This industry, because it has received protection, because it has been able to establish itself securely, can afford to pay labour a higher scale of wages than labour could possibly find in any other industry ; and apart from higher wages, it has set up a town with amenities such as even some of the Presidency towns cannot claim so far as the labouring population is concerned. I would only refer my Honourable friends, in this connection, to a statement to be found in the Tariff Board report. In that they say :

> " Our inspection of both the works and the town of Jamshedpur has convinced us that the arrangements made by the Company for the welfare of labour are adequate. In the opinion of some, too much attention and too much expenditure have been devoted to labour welfare, but we are definitely of opinion that the attention and expenditure bestowed on these activities are well repaid."

Sir, from all these points of view, I do not think that I would be claiming too much if I said that the protection, which the Government and the Legislature accorded to this industry a few years ago, has been amply justified. A great many criticisms have been heard of the Tariff Board, in respect of the report before us, during the last few weeks. I am not going to indulge in any harsh criticism. Even when I violently disagree with some of the recommendations and conclusions, I shall charitably assume that the Board were suffering from a sort of mental aberration in respect of certain important matters, and I shall leave it at that.

Mr. B. Das : That is not charity.

Mr. H. P. Mody : It is charity, because the best of us occasionally suffer from mental aberrations. (Laughter.) And even when we are

not suffering from mental aberrations, our critical faculties very often go to sleep. Has not my Honourable friend noticed very respected and weighty Members of Government peacefully slumbering what time we are throwing out challenge after challenge in respect of their administration and their policies ? Are not their critical faculties asleep on these occasions ? Sir, what I was saying was that, one of the most unsatisfactory features of the Tariff Board report is its recommendation that in respect of certain articles it is essential that even the revenue duty should be removed. I was very gratified when my Honourable friend, Sir Leslie Hudson, emphatically dissociated himself and his Group from any endorsement of such a policy. I can understand the Tariff Board making a recommendation which is really outside their province, but I cannot understand the Government of India embodying this recommendation in a measure which they are placing before a popular Legislature. What are revenue duties for ? They are for revenue and must be guided by revenue considerations.

The Honourable Sir James Grigg (Finance Member) : Hear, hear.

Mr. H. P. Mody : I am glad that my Honourable friend, the Finance Member, says : "Hear, hear". I hope that it only means that he is going to take an extremely reasonable view when he follows me. I am glad that at this initial stage I have managed to convince him. Sir, what I was going to say was that the over-riding consideration must be one of revenue, and as my friend, Sir Leslie Hudson, just now pointed out, if the law of diminishing returns has started operating, then obviously it is foolish to retain the revenue duty at a particular level because by doing that you are defeating the very object of the duty. There is another consideration. If it is a national object which is to be subserved by the removal or reduction of a revenue duty, then, too, the Government would be justified in adopting that course.

The Honourable Sir James Grigg : Hear, hear.

Mr. H. P. Mody : I will now remind you, Sir, of your past sins, I mean the Ottawa Delegation Report, which lays down certain principles which I am very glad to be able to quote here. The Report indicates in what manner tariffs are to be adjusted, and the House will forgive me if I quote at some length :

"The Indian import tariff is primarily a revenue tariff which imposes a moderate uniform rate of duties on all commodities, subject however first to the levy of a much higher duty on particular articles, second to exemption from duty or admission at low rates of other articles where national interests require such concessions, and finally to the imposition of protective duties when it is established that the encouragement of these industries is justified in the national interest. The higher rates of duty call for no comment ; the exemption from duty and the low rates fall into one or the other of the following categories :

(1) Commodities of importance to the cultivator, such as agricultural implements and manures.

(2) Particular medicines such as quinine, the side distribution of which is important from the point of view of health.

(3) Commodities a duty on which might operate as a tax on knowledge, such as printing machinery and appliances.

(4) Commodities a duty on which might retard a desirable development still in its infancy, such as aircraft and radio appliances.

(5) Commodities a duty on which would impede the development of industries such as power machinery, raw materials and dyes.

[Mr. H. P. Mody.]

(6) Commodities a duty on which might appreciably increase the cost of railway transport, such as locomotives and many other classes of railway material.

In each case the exceptional treatment of the articles concerned was based on broad grounds of national policy deliberately adopted which, it was held, must outweigh purely revenue considerations."

I repeat, therefore, that the reduction or the removal of a revenue duty should form no part of the recommendations of a Tariff Board report. The matter must be decided in strict accord with budgetary considerations. I should have found no complaint with my Honourable friends on the opposite Benches if they had come forward in March and said : "Well, our budgetary position has improved so materially, our finances are in such a healthy condition and our credit stands so high, that we are going to take the risk of an all-round reduction of duties". If at that moment some such proposal, as the one under discussion, had come forward, I should have found no reason for complaint. But when the revenues of the Government of India are in the condition in which they are, Government cannot come forward with a proposal which I regard as most reactionary. They were so desperately hard up, a couple of years ago, that they actually increased the duties on machinery, which the Fiscal Commission had said should be free. They increased the duties on dyes and on a great many other commodities which are essential to industrial development. How can they now come forward and say that it is in the national interest that the revenue duty should be entirely done away with in respect of certain articles of British manufacture ? Sir, even in respect of yarn, in spite of the interests of the handloom industry, the revenue duty on counts above 50's was retained. There is, thus, not the slightest justification for the proposal which has been put before us and I want to ask my Honourable friend, for whose benefit it is made ? Does the fabricating industry want it ? So far as one can understand their position, they do not want this remission of revenue.

In connection with this issue, somebody remarked in the course of yesterday's debate that, I have been hoisted with my own petard. Nothing of the sort. I take the same stand today as I have taken all along. I stand for preferential arrangements so long as they are in the interest of India, which must be our first consideration. And if the occasion arose again when it became necessary to subscribe to the same principle or to endorse similar arrangements which I made a few months ago, and which evoked such bitter criticism from a section of the Press and the public in India, I am prepared to take again the risk of public condemnation and obloquy. My position has been consistent. The interests of India must be served first, and I claim that in spite of all the criticisms of the Indo-Lancashire Pact, it was that consideration which was uppermost with me, and I repeat that if the occasion.....

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : What has happened to it now ?

Mr. H. P. Mody : That agreement is going on very wonderfully. (Laughter.) My Honourable friend, Mr. Raju, yesterday, strung up a sort of a limerick which was quite humorous but which lacked a bit in rhyme. It said that the British lion had swallowed me up and that the laugh was on the side of the lion. Well, Sir, I do not mind the lion

laughing so long as I am in the happy position of being able to grin. So long as the lion does not feed off me, I do not mind how happy he is. I repeat that the position I am taking up today with regard to the exemption from revenue duties is entirely consistent with the attitude I have all along adopted.

I shall get on to the next objectionable feature of this report ; and that is the burden of excise which has been laid upon the shoulders of the industry. It seems to me, Sir, in a general sort of way, that the consumer gets hit both ways. First of all, protective measures are imposed which naturally result in an increase of the burden on the consumer. A certain amount of revenue is, however, derived by the State and the general taxpayer benefits to that extent. Then when the protection is decreased, and the revenue drops, the consumer again is made to pay by the system of excise and countervailing duty instead of the general taxpayer being asked to bear his share of the burden. (Hear, hear.) While I myself have advocated the mulcting of the consumer for national interests, I cannot really justify the mulcting of him when there is no such consideration. My Honourable friend, Sir Leslie Hudson, there again, took up a sound attitude for which he deserves to be congratulated. I want to go a little further. I say, that in this proposal the industries throughout India must observe a danger signal hoisted up. (Hear, hear.) Every industry which comes forward for protection will have some sort of excise imposed upon it. It will be made to pay for the protection. If it is made to pay fairly we can have nothing to say, but in the present instance the burden is very unfair. Take the instance of the sugar excise. What was the justification of Government for that measure ?

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : No justification.

Mr. H. P. Mody: We say no justification, but I am putting the matter from Government's point of view. Even they are entitled to their opinion sometimes. (Laughter.) Well, what I was saying was that the Government justification for the imposition of the excise duty was that the revenue had dropped from something like ten crores to under two crores and was on the point of disappearing altogether. The second point was that the industry had been given an abnormal measure of protection, something in the nature of 200 per cent., including the surcharge, and the Finance Member felt he was justified in getting something back from it. The third argument was that the sugar industry was developing in a most unhealthy way and Government said, " well, this will be a salutary awakening to them. Let us administer the dose ". Now, is any one of these considerations applicable to the iron and steel industry in India ?

An Honourable Member : No, no.

Mr. H. P. Mody : I want to know what it is that the Government of India are taking their stand upon. Is it a definite recommendation in the Tariff Board report ? What does the Tariff Board report say ? It is important to remember that the Tariff Board had no business to meddle in questions of revenue. (Hear, hear.) They go out of their way to do it, and append a paragraph which talks of the possibility of the Government of India levying an excise duty. Now, if it was the intention of the Board that this proposal should be taken seriously, it was their bounden duty to discuss it, in the course of the

[Mr. H. P. Mody.]

evidence which was being led before them, with the representatives of the industry. They do not do anything of the sort. They dismiss the matter in a paragraph, where not even the method of collecting the excise is indicated. I am almost certain that if the Tariff Board had realised that the Government of India would greedily pounce upon this recommendation, and impose an excise on steel ingots, then even the Board might have paused. How will the excise work ? It is being levied on the industry both in respect of its protected as well as of its unprotected products. Half the products of the industry are not protected and even in their case the excise duty has got to be paid. Then, Sir, the countervailing duty will not be helpful in respect of a very large part of the production and the result will be an intolerable burden on the industry. Now, I strongly oppose the very idea of the excise duty, but if it had to be levied, surely the Government of India might have considered the desirability of seeing that the countervailing duty was on a higher scale than the excise. How does the excise operate ? When you take rupees four per steel ingot on every ton of the products of the Steel Company, you are taking from them something like 30 lakhs of rupees. The Government of India could only justify that, if they were in a position to prove that a countervailing advantage had been conferred upon the industry through the increase in the protective duty. But does it operate in this logical way ? The Honourable the Commerce Member knows what happened when the duties against Japanese textiles were raised from 31½ per cent. to 50 per cent. The whole of the increase was absorbed in the price. When we were endeavouring to raise this 50 per cent. duty to 75 per cent., contracts were actually made by the Japanese manufacturers, that if the duty were increased, they would bear the whole of it. Now, what is there to show that when, either on account of a shrinking market in India or because the Continental works must also live, and, therefore, must compete here in this country as against British products, the price level is sharply brought down, the countervailing duty will protect the industry ? Let me quote from the Tariff Board report ; it is refreshing sometimes to be able to look to it for support.

"To this extent there seems no other conclusion to be drawn than that it has been too readily assumed that the benefit of protection to the industry can be measured directly by the rate of protective duty. Experience has shown that in the circumstances of a growing industry this assumption cannot be made and that there will ordinarily be a lag between the theoretical price and the actual realisation."

It is instructive to recall in this connection that there is something like a duty of 33-1/3rd per cent. on the imports of steel into the United Kingdom. Everyone knows that Great Britain was the pioneer of the steel industry. Everyone knows how strongly it is entrenched. But the British Government found that this industry of national importance had fallen upon evil days, and they did not wait for elaborate and meticulous calculations of a Tariff Board of costs and fair selling prices. After a preliminary and none too elaborate examination by the May Committee, an Order was made in 1932.

This is what was said :

"In our first report presented on the 8th April last, we made a special reference to the position of the iron and steel industry in this country. We there stated that we are satisfied that the maintenance of a prosperous iron and steel industry in the highest degree of efficiency is essential to the economic progress of this country, while from the point of view of national security it must still be regarded as vital."

Let me say a few words with regard to the inadequacy of the protection that has been conceded. I recognise that if the proposals of the Tariff Board, where they lay down what should be allowed for depreciation, overheads and profit, were to be regarded as the essential and inviolable feature of the protection sought to be given to the industry, I may not have much to say. My only point is that the protection, which you think you are conceding to the industry through the adoption of the Tariff Board report, will not be worked up to for reasons which I propose to point out. My Honourable friend, Sir Leslie Hudson, has already referred, as did my Honourable friend, Mr. Raju, to the difference between tested and untested steel. I do not want to elaborate that point ; all that I want to do is to give one illustration of the way in which it will work. Take the case of bars. The fair selling price of bars has been fixed at Rs. 106, for the British, Continental and the Indian industry. Now, it is quite impossible that the Continent can sell its bars in this country at Rs. 106, if British manufacturers were able to market them here at Rs. 106. The Continent would have to accept less or be squeezed out of the market. In the same way, if British tested bars are to be sold at Rs. 106 in this country, what happens to the untested bars of the Indian industry ? Naturally the Indian industry will be obliged to reduce its prices. As a matter of fact, even during these last few days, complaints have come from all over the country that the quotations which were in operation until the Report was published are no longer operative, and that the stocks in the hands of dealers and small merchants would have to be sold at a difference of 10 to 15 rupees.

Dr. Ziauddin Ahmad : What is your conclusion from that ?

Mr. H. P. Mody : Conclusions always come at the end. (Laughter.)

There is another respect in which the protection falls greatly short of what is due to the industry. Today, as everyone knows, there is a continental cartel in existence. That cartel has survived for a considerable time. Who knows how much longer it will be in operation? The British industry is reorganising itself, through the operation of both these causes, it may well be that prices may witness a sharp drop in this country. If that happens, the whole structure of the Tariff Board's recommendation may fall to the ground. My Honourable friend, Mr. Raju, quoted certain figures which did not appear to be clearly understood by the House. He said that the total protection sought to be given was only 48 lakhs. What he probably was referring to was the Tariff Board's conclusion, namely, that if a certain switch-over from untested to tested steel took place, which is bound to happen in future in the new conditions, then the measure of protection to the industry on the products which are protected would be just 68 lakhs of rupees, which works out at something like 12½ per cent, which incidentally, I may say, is lower than the existing revenue duty. What Mr. Raju was trying to point out was that if there was no differentiation made between tested and untested steel, then it was possible that the industry may have to suffer a loss of something like 20 lakhs of rupees, in which case the effective protection would only amount to 48 lakhs. If it is that figure, it comes to something under nine per cent. Now, Sir, I do not wish to appear churlish. But I would like to tell a little story. A friend asked another on the New York Stock Exchange: "Is it true that Isaacson made twenty thousand dollars in rubber last autumn?" The other fellow said: "You are perfectly correct, but you have not got the details right. It was not rubber but it was copper; it was not last

[Mr. H. P. Mody.]

autumn but the summer previous; it was not twenty thousand dollars but two thousand dollars ; and it was not Isaacson, it was me ". (Laughter.) So if somebody were to ask my Honourable friend, the Commerce Member, " Is it true that the Tata Iron and Steel Company is going to receive a very considerable measure of protection? ", my friend would say, " Certainly, but we just want to make a few alterations in the last measure of protection. We want to do away with the revenue duties on certain articles; we want to reduce the scale of duties all round; we want to impose a little excise which might mean about 30 lakhs of rupees; and we want to tell Tata's that if they have got any remunerative contracts they must at once do away with them and sell at market prices! "

Sir, I can realise that the obvious answer to all this is the provision which relates to off-setting duties. I welcome that proposal. I think it is very sound and it carries a little further the power which already exists in the Statute with regard to iron and steel products. But my only point is that it is very undesirable from every point of view that the continual invocation of this provision should become necessary. If *ab initio* your proposals fall very short of the protection which the Tariff Board concedes as due to the industry, then the provision with regard to the off-setting duties is not an adequate or a complete answer. And again it has got to be remembered that the off-setting duties, even with the utmost celerity with which Government steps in, can only come into operation after the market has been dislocated by abnormal importations or low prices and after losses have been suffered, not only by the industry itself but by all those who are distributors of its products. So, while I admit that in the application of this off-setting duty, there is a provision of immense importance to the industry, I only want to emphasise that it may not operate promptly or efficaciously.

Here, Sir, I shall briefly touch upon the question of the profits made by the industry. The Tariff Board have found that the profits over a course of seven years since protection was given were less than two per cent, if calculated on the block of 12½ crores. I hear whispers as to what our profits are going to be this year, and some of my Honourable friends are wanting to know why we have not come out yet with a balance sheet. We will come out with the balance sheet in good time, but I do not mind saying to this House that we are showing very good results this year. But what I want to know is this however ; after seven years of protection, are we not allowed to make a decent profit even in one year of that period? Even if you take these profits into calculation and take them over the whole period of seven years, you will find that we have done nothing very wonderful; and therefore to fling in our face the large profits we have made in one year is unjust and ungenerous. Look at the matter from the point of view of dividends. In the last six years we have altogether distributed just Rs. 137 lakhs on a block of Rs. 12½ crores. For years, our ordinary shareholders, who have invested crores of rupees in the concern, have not obtained a single pie ; not a single pie has been paid to our deferred shareholders: we are in arrears even with regard to the second preference dividends. Is it something very wonderful which these results show, that the Government of India should take the earliest opportunity of pouncing down upon the industry and saying " You are making too much money: that will not do ".

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Will you please tell us what are the amounts transferred to the several Reserve Funds and what are the amounts paid to the Managing Agents ?

Mr. H. P. Mody: It is getting late : I will give these figures to my Honourable friend and to whoever else wants them: I have got them all here.

Sir, a great deal has been said about the national importance of the Tata Iron and Steel Company. A very handsome tribute has been paid by my Honourable friend, the Commerce Member, and by every single Member who has followed him. I am sure the Tatas very deeply appreciate the generous way in which their efforts in establishing this industry have been recognised. Reference has been made by several speakers to the services which the industry was enabled to perform at the time of the Great War. Lord Chelmsford has put on record his opinion that, without the aid of the Tata Iron and Steel Company, he could not imagine how it would have been possible for India to conduct the campaigns in Mesopotamia, East Africa and Palestine. Some figures have been given to Honourable Members with regard to the sacrifices made by the Company in those days,—they amounted to Rs. six crores. But the Steel Company did not interpret their obligations in terms of what the Government imposed upon it. It did its best to enable Government and also public bodies to obtain their requirements of steel and iron materials at reasonable rates, what time the rest of the world was making abnormal profits. It installed two new open-hearth furnaces when it found that the Government of India wanted more steel, even though it paid the company better to sell pig iron instead. The Tata Steel Company did these things, and I am very glad that its services have been fully acknowledged in the course of this discussion.

I will just say one word about wages and living conditions. The industry pays Rs. 175 lakhs in the shape of wages every year. I am not talking of all the other benefits which labour receives in the way of housing, sanitation, water supply, hospitals, medical relief, and the like; I can only ask my Honourable friends to come and visit Jamshedpur and realise for themselves whether it is not a fact that labour at Jamshedpur is much better housed, much better treated, than is possible in any concern in the whole of India.

There is the question of the Steel Company's importance to other industries. Here again, facts and figures have been given by several Honourable friends and I shall not deal with them. I would only like to say a word with regard to the importance of the industry to the railways of the country. The Bengal Nagpur Railway derives fully a third of its revenues from the Company. In the course of the last few months, increases in railway rates have been imposed upon the company by the Bengal Nagpur Railway and the East Indian Railway, and these amount to an increase of Rs. 40 lakhs. From all these points of view, it can certainly be said that the Steel Company can claim to be regarded as a national industry in every sense of the word.

There is one point which my Honourable friend, the Commerce Member, practically invited me to deal with, and that is the treatment of subsidiaries. It is rather unfortunate that the Tariff Board should have made certain observations in this connection which the representatives of the industry appearing before it had no opportunity of rebutting. I can only

[Mr. H. P. Mody.]

say this : that it is quite possible, with an industry of such wide ramifications, that occasionally its competition may have hurt a particular concern. That might have happened, but that is something very different from the suggestion underlying the Tariff Board Report that any conscious injustice has been done to any concern or individual by the operations of the company. The Steel Company provides power, lighting, land and water, at reasonable rates, to a number of subsidiaries. It has aided the tin-plate, the agricultural implements, the enamelled iron ware, the firebricks, the wire products, and a great many other industries. It will be news to many of my Honourable friends that in the course of this spoon-feeding of other industries, the Steel Company has lost enormous sums of money running into eight figures. My Honourable friend, Sir Leslie Hudson, asked for an assurance from me with regard to the treatment of these minor industries. I can only say that the Steel Company has no desire to monopolise the market or to snuff other concerns out of existence. It believes in the great principle of living and letting live, and it hopes to continue to act up to that principle unflinchingly.

1 P.M.

There is one final observation, and it is this : the Bill is going before the Select Committee. I want to be assured that the Committee is really going to apply its mind to every single problem arising out of the Bill and will be allowed to modify the proposals embodied in it. I have for some time been of opinion that it would be extremely desirable, in the interests of industries, that Tariff Board Reports should be released in advance of Government's proposals. That may lead to some sort of speculation, but I do not see why we should worry about that. After all, even speculators know that Tariff Board Reports are sometimes altogether ignored. On the other hand, if Tariff Board Reports were released in time, before Government have made up their minds, the industries concerned would be in a position to make their submissions, to point out in what directions some of the conclusions of the Tariff Board could not be sustained, and generally to put their point of view before Government. What happens now is that Reports are released along with Government's conclusions. And, Sir,—I am not saying it in any offensive spirit,—it is human nature, Government simply dig their toes in and refuse to consider amendments. My anxiety is to ensure that the Select Committee procedure has some meaning. Sir, with these observations and with the reservation that I do not agree with some of the vital features of this Bill, I have pleasure in supporting the motion. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : I think I will adjourn the House just now and call upon the Honourable the Finance Member the first thing after lunch.

The Honourable Sir James Grigg : I shall be quite ready.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House now stands adjourned till a quarter past Two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

The Honourable Sir James Grigg : Sir, (Applause), this is the first occasion in my life on which I have had to make any considerable debating speech, and I am very grateful to the House for the friendly welcome they have given me, because it will encourage me in a task which must be one of some nervousness, and, obviously following the extremely skilled speech of Mr. Mody, one of some difficulty. Sir, it might be convenient if I took the House through the actual processes which led up to the revenue provisions of the Bill. But before I do so, I should like to make one slight digression and to comment on the tendency, which I have noticed throughout the debate and throughout the propaganda in the Press on the subject of this Bill, to mix up protection and revenue. This confusion between the two considerations is very wide-spread, and if I make a few preliminary remarks it may assist to get the two functions into their proper perspective. The object of a protective duty is, of course, to protect an important Indian industry. The object of a revenue duty is to raise revenue. The two objects should not be confused ; quite often indeed they are mutually destructive. As this confusion is an important point, I shall have to come back to it later but for the moment I content myself with saying that my Honourable friend, Mr. Mody, has extremely skilfully exploited this confusion. He says first, why do the Tariff Board mix themselves up with revenue ? Incidentally, he seems to have forgotten one thing, namely, that paragraph (*c*) of the terms of reference to the Tariff Board specifically required them to pay attention to revenue considerations. However, that is by the way. Later on, he claimed that the revenue duty is really a protective duty and he protests against absorbing the countervailing duty in the revenue duty ! Mr. Mody wants it both ways ! But, perhaps, after all, he is entitled to have it both ways, seeing that he has had abuse both ways in regard to the Mody-Lees Pact. (Laughter.) He has been abused in England for having sold Lancashire for what is vulgarly called a pup ; he has been abused in India for having sold the pass. (Laughter.) So that he is no stranger to having it both ways.

The Tariff Board estimated that the alterations recommended by them will involve a loss of revenue of about Rs. 67 lakhs a year. Again, I may emphasise the point that,—in accordance with paragraph (*c*) of the terms of reference, they were required to take into account that very definite fact of the loss of revenue. On the later figures now available, we estimate the actual loss to be expected is from Rs. 25 to 30 lakhs, a figure which is less serious than Rs. 67 lakhs, but one which, in present circumstances, it is quite impossible to view with equanimity. The balance of the Budget is at best precarious, and no one knows at present what the final results of the Match Excise and the Sugar Excise are going to be in the way of revenue. Therefore, it was absolutely necessary for the Government to replace this Rs. 30 lakhs and to replace it at once. The problem was how to replace it. Naturally, we did not fail to consider whether it could be replaced purely by revenue duties on the importation of iron and steel. The ordinary rates of revenue duty on manufactures of iron and steel are, at the present moment, 10 per cent. on British and 20 per cent. on Continental. The report of the Tariff Board recommended that an overriding revenue duty

[Sir James Grigg.]

should be maintained on everything except tested structurals and plates, and our calculations of loss of revenue assumed that this overriding duty should be fixed at the present rates. The two possibilities of increasing revenue by way of import duties were, first, to impose revenue duties higher than the present revenue rates, and, secondly, to impose revenue duties on plates and structurals in disregard of the Tariff Board's recommendations. On the first point, that is, on the possibility of higher revenue duties than the normal ones on manufactures of iron and steel, I should like to say that personally I see considerable objection in going beyond what has become the standard revenue duty in the case of iron and steel. But, quite apart from that, our calculations show that, except in the case of sheets, an increase in the duty would result certainly in no increase, and quite probably, in an actual decrease of revenue. Perhaps, at this point I may quote paragraph 119 of the Tariff Board's report, as this question of sheets is a very important one.

"Whatever forecast may be finally arrived at, it is clear that the greater part of the probable loss in revenue will be due to the proposed reduction in the duty on galvanised sheets."

Thus, in order to obtain any substantial contribution towards our Rs. 25 or 30 lakhs, it would be necessary to increase enormously the duties proposed on sheets. My calculations, in fact, show that it will be necessary to put back practically the whole of the all round reduction of Rs. 43 per ton which the Board recommended, and to this Government could not consent. The considerable cheapening of sheets which will result from the Tariff Board's recommendations is, in the Government's view, one of the most valuable features of their report. It was specially recommended by the Board as likely to be of service to the agricultural community, who, as the House knows only too well, have suffered many misfortunes in recent years. (Hear, hear.) And the Government could, under no circumstances, agree to take away from them the benefit of the lower prices of sheets. Perhaps, I might here digress and point out that this reduction should amount, on certain rough calculations which I have made, to about Rs. 2 on each sheet of the size ordinarily used by the agriculturist. That disposes of the possibility of making up for the loss of revenue by what would be in fact, reversing the recommendations of the Tariff Board, at any rate, in the matter of sheets. There remains the possibility of a revenue duty on tested structurals and plates. According to our calculations the yield of ten per cent. duty on the basis of the imports of 1932-33 would be about Rs. 1½ lakhs, and on the figures of the next year would have amounted to a sum very slightly in excess of that figure, certainly well under two lakhs. Here too, therefore, there is no solution of our revenue problem.

Mr. H. P. Mody: May I ask a question? What would happen in the case of a switch-over from continental to British? Would not the revenue loss be greater?

The Honourable Sir James Grigg: If I go into that, it might cut me off from the thread of my argument but supposing it doubled and in the result you get 3 lakhs, 3 lakhs is a very inadequate contribution towards 30 lakhs and I am personally not prepared to believe that such a switch-over would double the revenue. Thus, you will see we were driven back inevitably upon the device of an excise duty and as the House knows, the possibility

of that was suggested by the Tariff Board itself in paragraph 120 of their Report. And may I here again turn aside to emphasize the fact that the Tariff Board were required, by paragraph (*c*) of their terms of reference to pay attention to the revenue aspects of their recommendations.

Paragraph 120 of the Report reads :

"The general question of replacing by some other source of taxation the Customs revenue lost to Government by reason of the policy of protection is one which the country must be prepared to face sooner or later. An obvious way of meeting the situation is to levy an excise duty, provided the protective duty is increased at the same time by a corresponding amount so as not to impair the measure of protection granted to the industry. The same principle may be applied to individual articles manufactured by a protected industry on which no protective duty is required by levying the duty on both imports and local production at a uniform rate so calculated that on the total consumption the aggregate amount of revenue desired by Government may be realised. Such a course has the advantage, besides safeguarding the Indian industry and supplying the deficiency in revenue of preventing so high a rise in prices as will follow if the whole duty is levied in the form of an import duty."

Perhaps here, if I have not already disposed of it, I might digress to deal with a point raised by Mr. Sitaramaraju. He said that this business of an excise was a new departure in Indian fiscal procedure. I am inclined to believe that it is not quite so new as he thinks. In paragraph 95 of the report of the Indian Fiscal Commission, I read these words :

"It is possible indeed that the necessities of revenue may force the Government to put a higher import duty on certain protected goods than is required for purposes of protection. We deal with such a contingency in a later chapter, when we recommend that any such excess revenue should be raised by means of an excise duty *plus* an additional import duty. The additional duties would be purely for revenue purposes and would be dealt with on strictly revenue principles."

Now, Sir, on this question of excise, I do not pretend that in the case of steel it is a very satisfactory device. I personally should have been very glad to be able to dispense with it—I hope the House will agree that I have proved we could not dispense with it, that is, if the balance of the Budget was not to be prejudiced—and like my Honourable friend, the Commerce Member, I cannot see this excise duty on steel ingots becoming a permanent feature of the Indian fiscal system. I think that answers my friend, the Leader of the European Group. In his further excursus, I should like to be excused from following him. The diminution of customs revenue as a result of protection is a well-known and, to me, terrifying feature of Indian finance and I do not pretend that I can present either to him or to the House a solution of that in the short space of three months. But what I do say, on this excise duty on ingots, is that we have imposed it at the lowest possible rate and in the least burdensome manner and only in response to a necessity which could not be denied. The burden on the consumer is as low as possible. It is certainly very small indeed in comparison with some of the reductions in price which will result from the recommendations of the Tariff Board. Perhaps, I might add here in passing, that the method of calculating or of assessing this steel duty is the same as that adopted in connection with the bounty of Rs. 20 a ton which was previously paid to Tatas.

So far, Sir, I have been dealing with the criticism which has concentrated itself on the excise duty. I now turn to the kind of criticism which has said that the Tariff Board's report and the Bill are unduly

[Sir James Grigg.]

favourable to the British exporting interests. Two reasons have been urged for this argument. The differentials between British and Continental steel and the absence of a revenue duty on tested structurals and plates. As regards the first point, the position seems to me to be as follows. I may have erred in my inexperience but it seems to present itself to me quite clearly. Continental prices are dumped prices and so long as Indian steel is assured of its proper protection both against British steel and against Continental steel, it is a matter of no moment to the Indian industry what the differential is, for it merely places the Continental and the British manufacturer on an equality. In other words, we first impose the amount of protection, if any, required against the United Kingdom and then we super-impose on that an anti-dumping duty against the continent. On the other hand, if the margin between the two, that is British and Continental, is reduced, as it must be reduced, by the imposition of an over-riding revenue duty, the result may very easily be that the British exporter is cut out of the Indian market altogether, and that the whole surplus over the domestic production goes to the continent and none of it to the British exporter. If a certain margin is required to place the two on a competitive basis, obviously any substantial reduction of that margin will knock the British exporter out completely. So far then from the device of a revenue duty being required merely to preserve the position of India against the British exporter, it may be argued that it is an admirable device for cutting the British exporter out in competition with the continental exporter. I personally cannot see any flaw in that argument, and it seems to me to be quite valid, except on one assumption—and that is that either the differentials or the amount of protection allocated to the Indian indigenous industry or both are based on miscalculations. The question of miscalculations of the Tariff Board is, of course, a matter for the Commerce Member and not for me. So I leave it at that. Incidentally, I might perhaps, in passing, express a personal view that, if at any time the margin between British and continental prices diminish, owing to the Continent beginning to quote economic prices and not dumped prices, there would be a very strong case for a reduction of the differentials. As regards structurals and plates, I hope that the arguments that I have just used have disposed of the contention that there has been undue favouritism to Great Britain. If further argument is needed, I would point out that paragraph 114 of the Tariff Board's report makes it clear that their recommendation of no duty on tested structurals and plates proceed on the basis that no protection was required by Tatas against tested structurals and that a revenue duty would be contrary to the interests of the Indian public and of subsidiary industries—I was going to say, to whom Tatas have been accused of being step-motherly, but it would be ungracious to do so after Mr. Mody's assurances this morning. Perhaps I might read the relevant passage of paragraph 114 :

"If revenue duties are imposed on such materials, the duties required on the products of engineering and other subsidiary industries will be substantially higher than we have estimated. Since most of these products are used in public utility works, it will be realized that, any increase in the duties on these products which is not required on protective grounds will create an undesirable burden on the public. The fall in demand for fabricated steel in recent years has been so great that it is essential, in order to encourage the growth of demand, to keep prices at as low a level as is consistent with the interests of the Indian industry."

While I am on this point, I might read a passage from the original Report of the Indian Fiscal Commission which illustrates rather aptly my point of the danger of mixing up revenue and protective duties :

"119. We have already explained that we contemplate a tariff consisting partly of revenue and partly of protective duties ; and we have now to consider whether any principles can be laid down for regulating the rates of taxation on articles to which protectionist considerations do not apply. The mere fact of an article not requiring protection will not justify its being taxed without consideration of the effect of such taxation on other industries. We have recommended for instance that there should be as a rule no duties on raw materials. Similar considerations apply to the case of semi manufactured articles, which do not go straight into consumption but are used in the process of manufacture of any industry in India. Any taxation imposed on such articles reacts on the industries which use them, and consequently will either injure those industries or will necessitate the imposition of some compensatory duty."

That, then, is the position. You have got a recommendation from the Tariff Board that no protection is required by Tatas on these articles ; it is very desirable that these articles should be supplied as cheaply as possible to the subsidiary interests. If, then, the revenue obtained from the revenue duty on these articles would be negligible, why, in Heaven's name, why should you not carry out the recommendations of the Tariff Board's Report ?

Perhaps I can, at this stage, dispose,—not very satisfactorily, I admit, because it is a weak point in my armour,—the point made by my Honourable friend, Mr. Sitaramaraju, about machinery. Certainly there is a ten per cent. duty on imported machinery—certainly, in my view, as soon as the financial position of the country admits of it and the existing commitments, which are many, have been carried out, that duty ought to be removed (Applause), but do not make any mistake about it : we do not get 1½ lakhs from machinery but 1-1/3 crores and it is not so easy to remove the revenue duty ! Then there was a somewhat technical point made,—I think by Tatas in their representations to the Government, and it has also appeared in a good many articles in newspapers,—about the essential price difference between tested and untested steel. That, as I say, is a technical point and as to its validity I am not in a position to judge. It obviously is the primary concern of my Honourable friend, the Commerce Member. In my view, it is a matter of protection and not of revenue and, in my view, the two matters should not be mixed up. If protection is to be given, let it be given in accordance with the conditions laid down by the Fiscal Commission : if it is not required, we ought not to give it all the same under the guise of a revenue duty, particularly if the revenue duty is a contradiction in terms and yields no revenue.

There were a few specific points raised in the course of the debate to which I might now turn. The point was twice made, by the Deputy President and by Mr. B. Das, that we have no right to reduce taxation while the pay cut and the surcharges remain. Of course, this argument carries us a bit too far, for it would mean that we are debarred from reducing a revenue duty even when it has passed the point of diminishing returns,—and I assume that neither of the Honourable Members would wish to be quite as logical as that. But anyhow,—if the two Honourable Members will forgive my saying so,—I think, the contention is irrelevant, for the scheme of taxation of iron and steel, at any rate, those items of iron and steel which are covered by the Tariff Board Report and by the present Bill must be treated as taxation of a single

[Sir James Grigg.]

composite item, and this single composite item, by the scheme of protection and excise duties covered by this Bill, we have treated perfectly properly. We have sought to maintain the yield of the revenue from it as a whole, neither to diminish it nor to reduce it, and, therefore, in my view, we have kept ourselves within the spirit and the letter of the pledges. I must say, that I was a little surprised, and agreeably surprised, to get support for the excise duty, unintentional support, perhaps, from such unexpected quarters. Our scheme is simply that of preserving the revenue yield of a single item—a composite item it is true, but a single item of taxation.

Mr. Sitaramaraju invited the House to throw out this Bill. I wonder what Mr. Mody will think of that ! (Laughter.) Perhaps I might very briefly explain to the House what the consequences would be. In October the whole of the present scheme of protection would lapse. There would be left no scheme of protective duties at all. As far as I can make out, the result will be that the whole of the articles previously covered by the iron and steel protective scheme would fall under the uniform, non-differentiated rate of 25 per cent. Now the latter rate would certainly knock out completely the British manufacturer. I do not know what view would be taken in Great Britain of that, but it would certainly have that effect. It would also do Tatas no good, because some of the duties recommended on continental dumped products are very nearly 70 per cent. *ad valorem,* and if you leave Tatas with a margin of 25 per cent. only, they would be 45 per cent. short of their requirements. Do not make any mistake ; they would not like that ; and Government would not like it either. It is no good making suggestions about throwing out this Bill until you know what the consequences would be,—and, Sir, the consequences in economic disturbance and political complications and every other thing would be quite disastrous.

Then Dr. Dalal made a point about the poor widows who had invested in Tatas' shares. I do not think he need be very troubled about the poor widows. The Tariff Board were very much at pains to provide what, in my view, was a fair scheme of profit-making for Tatas, but perhaps I might read out two quotations from some financial newspapers which will give him some additional re-assurance. The first is :

" The Tariff Board Report has by now been digested "—*I am not quite sure of that*—" and the bulls and the bears are still undecided as to the ultimate advantages or disadvantages of the recommendations. However, it would appear that the industry will get adequate protection, which can only be viewed in the light of a bull point for steel shares."

The other one I shall now go on to. In order to get the context in its proper form, I shall have to read a few slightly prejudicial comments with which I hope the House will not imagine that I necessarily associate myself. I merely read them in order to get the proper context :

" The present attitude of too large a section of the Indian Press on the suggested preference for the United Kingdom steel manufacture provides a case in point. I do not suppose for a moment that the views there expressed will deceive Government as to the extent of public opinion behind them. I hope the Members of the Legislative Assembly will suffer from small delusion from the hysterical expressions of some

newspapers that ought to know better. One would imagine that the Tariff Board's recommendations in respect of preferences, if accepted by Government, would seriously injure the Tata Company or India. This is evidently not the opinion of the holders of Tata's ordinary shares, which at to-day's price of Rs. 72, are actually 12 annas higher than they were before the report was published and Rs. 16 higher than their price at the end of March, 1934."

So, I do not think Dr. Dalal need worry about his poor widows. (Laughter.)

Now, there was another point raised by my friend, Mr. Mody, in which he complained that the countervailing duty to the excise was merged in the revenue duty and was not additional to it. On that I would refer him to my previous argument. If higher protection is required, let it be given as such and subject to the conditions which are customary in connection with the grant of protection. It ought not to be given in the form of an increase of a non-revenue-yielding revenue duty. As I said before, Mr. Mody does really want it both ways. When it suits him to plead revenue considerations, he ignores the protective aspect of a revenue duty and when it suits him to complain about the hard fate of Tata's, he protects against the loss of protection conferred by a revenue duty. I am sure that he would not wish to leave the House in any misunderstanding as to his real attitude in these matters and he will forgive me if I have endeavoured to make it clear to them on his behalf. That, I think, is about all that I need say, except to take up one remark made by the Leader of the European Group, in which he paid a tribute to the Tariff Board and their work. Mr. Mody said in the course of his remarks that the Tariff Board suffered from mental aberrations. Well, the Government incline rather more to the view of Sir Leslie Hudson than to that of Mr. Mody. At any rate, they have shown their appreciation of the Tariff Board's report by adopting practically *in toto* their recommendations. With one final word, Sir, I will close my argument. In the shifting sands which surround the consideration of this question you have only two guides—the recommendations of the Tariff Board and the requirements of the Government as expressed by themselves in the way of revenue. Both the recommendations of the Tariff Board and the needs of the Government point to the course which we have adopted and I hope very much that the House will follow the Government in that course. Sir, I have now finished. I thank the House for listening so kindly and so patiently to my first effort in debate. I hope that I have dealt with all the points of substance which primarily concern revenue. If not, I have no doubt that my Honourable colleague, the Commerce Member, will be prepared to trespass a little and give the answers. (Loud and Continued Applause.)

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I feel very fortunate that I have to speak immediately after the Honourable the Finance Member. Whether I agree with him or not, there is one thing which he has put before the House for which, I must give him a compliment, namely, that he has put his case very sensibly and persuasively. When I come to the question of considering whether this Bill should have contained two matters, one with regard to the protection to the iron and steel industry and the other with regard to the imposition of the excise duty, I submit that I will not use my own reasoning to show that it is a blunder that both should have been joined together,

[Mr. Lalchand Navalrai.]

but I will rather use the words of the Honourable the Finance Member himself when he said that it was a mistake to mix up both of them. Sir, this Bill is for the protection mainly of the iron and steel industry. So far as the protection is concerned, I will not agree with any of the Members who gets up to say that protection should not be given. But with regard to the second question, which has been mixed up and on which there is a difference of opinion in this House and on which the Honourable the Finance Member has given his conclusive judgment that he would not have liked that these two matters should have been joined, had it not been done from the point of view of the necessity for revenue, I demur to agree. Whether I agree with him or not on this point, I submit, the question should remain absolutely open for the Select Committee to consider. Now, Sir, this raises a constitutional issue. What is the main principle of the Bill before the House? If the principle of this Bill is, as it appears to be, namely, to give protection to the iron and steel industry, then I submit that the question of imposition of excise duty is beside that principle. I hope the Commerce Member will agree with me that we should leave the question of excise, as an open question, for the consideration of the Select Committee. In other words, what I mean to say is that when this Bill goes to the Select Committee, it should not be said there that the question of whether the excise duty should be imposed or not has been accepted by the House by sending this Bill to the Select Committee. I submit this is a very important question.

An Honourable Member : Get a ruling on this point from the Chair.

Mr. Lalchand Navalrai : I would like some other Members, after a reply has been given to this point from the Treasury Benches, to get up and ask for a ruling from the Chair, but if none ask for it, I would get up myself. The point is very clear. As two things are wrongly mixed up, you cannot possibly say that the principle of the Bill covers both the points. I do find that I might be confronted with the preamble of the Bill. I take it that the main principle in that preamble also is to give protection to the industry but they have only added the question of the imposition of an excise duty. I will read the preamble. It runs :

"Provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel."

I submit the principle of the Bill is to provide for the continuation of the protection afforded to the iron and steel industry in British India. They have, however, added the imposition of excise duty for revenue purposes. I submit that the latter portion of the preamble is only an ancillary one and it cannot be the principle of the Bill. On this question there is great variance in the House and I therefore submit that the question whether excise duty should be imposed at all should be considered by the Select Committee. So far as protection to the steel industry is concerned, I am absolutely in favour of protection being given not only to this industry but also to all the Indian industries in India. We have been clamouring for help to Indian industries. All the old Indian industries have been annihilated or rooted out. In former days, it was not necessary to give protection

3 P.M.

to those industries because they were very well conducted in all the places, in villages and towns and the industries in those days were self-contained and self-sufficient. But now those days are gone. We cannot speak of those ancient days now. Now it is being said that we are in progressive days and it is the machinery that is making our industries. But I submit that even though there is the machinery, yet the industries in India are of such a nature that they can only thrive if there is money. So in order to maintain those industries, we want money. Even if we have money, we do require protection in order to compete with those countries which have advanced in industries. So, from that point of view also, I think, it is really necessary that protection should be given to the Tatas. An industry like that of the Tatas is not the business of every one to start. It was the business of a man who had hoarded money and who had also the mind to spend it. Several Honourable Members have paid compliments to Jamshedji Tata from this point of view and I would add that not only had he the money but also he used it wisely being a Parsi who we know are the best commercial community in India. They have the intelligence and the instinct for trade. Therefore, Jamshedji Tata very rightly and very wisely embarked on this undertaking. It is to the credit of the Tatas that they have progressed this industry to this extent. Even though I will not put it in those strong words, as Mr. Mody did in order to whitewash every defect of theirs, I would say something in favour of the Tatas. There is a difference in what Mr. Mody said and what I am saying. The difference lies in this that he is interested in the Tatas whereas I am not. Therefore I submit that what I say would be most disinterested. I have not even seen Jamshedpur and I have no personal knowledge of what is going on there, but some literature has been put into my hands yesterday and I shall make some reference to it. I do not hold any brief for the Tatas. I have every sympathy for the Tatas because they have improved their industry to a great extent. This industry has taken deep root in India and I am glad to learn, as Mr. Mody has said today, that they have made some profit this year. But I do not say that because they have made some profit they should not be given protection. To refuse protection in their case is a suicidal policy. I do not think that the Government also will deny protection to the Tatas. I am glad that Government have carefully considered all these things and have come to the conclusion that protection must be continued to the Tatas. It was in 1924, that the Tatas first asked for protection and for three years they were given that protection. After three years the circumstances were such that they could not take advantage of the protection and carry on their concern with profit. It was therefore considered necessary in this House to extend that protection for a period of seven years. They have now got protection till 1934. Now there is another application for protection for seven years more. Apart from what Mr. Mody might say, and apart from what anybody else might say, it is certain that this question has been considered from all points of view and scrutinised very properly by the Tariff Board. The Tariff Board having considered all points of view have come to the right conclusion that seven years protection should be given to that industry. Therefore, I submit, that the question of protection is a very simple one to be decided by the House and even now the consensus of opinion in this House seems to be that the Tatas must have protection.

[Mr. Lalchand Navalrai.]

Now I will proceed to examine whether the Tatas have done something to deserve this protection. Among those things the first and foremost point is whether the Tatas are carrying on their concern in a manner beneficial to India and whether this industry is doing good to India. Some years ago I used to complain that the Tatas were doing good only to the European community. I used to say in those days that the Tatas were no good for Indians because their object did not seem to be to give an impetus to other industries and to employ Indians. However, there is improvement, but I must say that their view should be to make India stand on her own legs so far as these industries are concerned. It should not be that when the Europeans withdraw their help from us, with regard to our industries or in machine making, we should become defunct. That is not the Indian point of view at all. We should advance in all industries in such a manner as to stand on our own legs without any foreign help. With that aim in view I have enquired whether Tatas were going on those lines. It is said that the Tatas employ European officers on high salaries and that the Indians were not given proper encouragement. They were given only subordinate posts in that factory. I am glad now to see two pamphlets with regard to the welfare of labour and with regard to the technical institutes that they have started.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Rao Bahadur M. C. Rajah, one of the Panel of Chairmen.]

Sir, I am very much pleased with what they are now doing, and I must express the hope that they should not stop here but progress further. With regard to the welfare of labour, I find that many amenities are given, but, of course, I am not taken in by their advertisement. They may be blowing their own trumpet and exaggerating, but it cannot be said that they have not progressed in that direction. I must, however, warn them that their own welfare lies only in helping the workers and Indianising their concern.

Then, coming to the question of Indianisation, I will say that they must give technical education in their Institute so as to prepare Indians who will be able to replace these foreigners and carry on the industry themselves. In that direction I find they now have the apprentice system. They are taking Indian graduates as apprentices in the various sections. But I hope they will take Indians from all over India instead of confining their recruitment to certain parts which are near to their factory, and train them for the purpose of running this industry.

In regard to protection, Sir, I hope I have sufficiently put my case before the House. Now I will come to the second question as regards the excise duty. This, Sir, would mean giving with one hand and taking away with the other. I find from the speech of Mr. Mody that Tata's are against this excise duty but that is not my concern. Of course on behalf of Tata's, facts must have been represented to the Tariff Board, and it must have been made clear to the Commerce Member, that this excise duty will do a certain harm to them. But I am more concerned with the consumer. Sir, naturally when a certain duty is imposed on

a certain material the person who deals in it will take that tax into account and also the cost of production, and then fix the price for that article. Therefore, if, as a result of this duty, Tata's go on to increase their prices, I will certainly most strongly object to this duty. But I am told that there are two or three safeguards with regard to it, and I will place these safeguards before the House and criticise them also. But I must say that this excise duty and the safeguards should be fully considered by the Select Committee. I had a discussion with some of my colleagues about these safeguards, and they told me that Tata's will not be able to increase their prices because in that case continental material will be imported to such an extent that there will be keen competition and people will go in for continental materials and Tata's will suffer. This is considered as one of the safeguards. This is a point which the Select Committee should carefully consider. The second safeguard is given by the Commerce Member and that is that there will be a keen watch kept on Tata's to see whether they increase the prices and thereby affect the consumer. With regard to one or two materials like tin plates the Commerce Member by way of illustration said that they are going to fix Rs. 64 plus the excise duty and that the price to be made will be consistently with that price. Then there was a suggestion from some quarters that there ought to be fixed prices for all their materials. But that will be very hard and there will be a demand from them to fix prices for other industries also. Therefore, I do not see eye to eye with those who say that the price of every article should be fixed. But I must tell the Government of India that when they are imposing an excise duty which the public does not want, there ought to be a great scrutiny by the Government of India over the Tata Company with regard to the price so that the consumer may not be affected. The third safeguard which was suggested to me is that, if Tata's are sensible enough, they will see for themselves that they will suffer because they may not get protection hereafter if they make the consumers suffer in any way. This is a note which I am striking for the benefit of Tata's themselves. I do not see, therefore, any necessity for this excise duty at present. It should have been considered separately ; and I do not think the arguments of the Honourable the Law Member were such as to dislodge one from that position that at this moment the excise duty should not have been brought forward.....

The Honourable Sir Nripendra Sircar (Law Member) : My Honourable friend refers to the arguments of the Law Member : I do not think the Law Member opened his mouth today.

Mr. Lalchand Navalrai : I am sorry : I always remember the Law Member being myself a lawyer. (Laughter.)

The Honourable Sir Nripendra Sircar : May I add that unfortunately I am not one of the men who feel competent to speak on all subjects ?

Mr. Lalchand Navalrai : There may come a time when he may have to learn everything—otherwise he might not be considered competent : of course he is new to the House and novices are not competent to speak on all subjects. What I meant to say was the Finance Member ; but as we know our frogs are always jumping on both sides so the Law Member interrupted. It was a slip of the tongue on my part when I said Law Member : I meant no slight to him or anything wrong.

Mr. B. Das : The Law Member will be the Chairman of the Select Committee.

Mr. Lalchand Navalrai : Then the subject also belongs to him and he should have got up and said : " You have mentioned the Law Member and quite rightly so." As I was saying, this question of the excise duty should not have been raised now : the proper time would have been at the time of the Budget ; then we could see what revenue is required and how much can be drawn from this excise duty. That time is not yet come. I submit that, except the assertion of the other side that money is required, no substantial reason has been given in support of the imposition of the excise duty.

As regards the other questions, namely the question of reducing the price as customs duty and also the question of preference, I will content myself with giving the opinions of my constituents. I will not take the time of the House beyond reading one or two telegrams I have received from Karachi. The question of preference and the customs duty on each article is one to be considered in detail in the Select Committee ; here is what I have received—a telegram from the committee of the Buyers and Shippers Chamber, Karachi :

" Committee Buyers Shippers Chamber strongly protest principle lowering protection duty than revenue duty and undue preference by much lowering duties to several iron articles imported from Britain as recommended by Tariff Board for Iron and Steel Industry. They seriously apprehend that recommendations if carried would result in dumping by British manufacturers. Proposed reciprocity through free entry of pig-iron into Britain for low duties on British sheets places British interests at a preponderating advantage. Urge no protective duties be imposed on steel hoops 1|8, 1|16 inches and Angles of thickness upto ¼ inches not manufactured by Tatas and neither in consumers nor Tatas interests. Removal of duties on structurals of United Kingdom and increase on Continental objectionable. Urge remedial measures."

Another telegram which I have received from the same Committee says :

" Committee Buyers Shippers Chamber strongly protest against monopolistic attitude of Tin Plates Company of India in not supplying needs of subsidiary industries such as local two Tin Factories and Oil Concerns and urge remedial measures in Protection Bill."

Finally, Sir, I will also read out the instructions I have received from my constituency on the question whether this Bill, if passed into law, should be applied at once or from next November. They say :

" It was resolved that Government of India be requested that revised duties on Steel materials should not be put into operation before 1st November, 1934, in view of the notification by the Government of India issued on 17th March, 1934."

The present tariff will go on up to October and therefore it is only reasonable that if this Bill is passed into law, it should come into force from November. With these words, I resume my seat.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Mr. Chairman, I think nobody up till now in this House has opposed this motion of referring this Bill to Select Committee, and I am confident, during the next two days, nobody from this side will rise to oppose this motion, because there is this unanimity of opinion that a basic industry like the iron and steel industry in India should be encouraged by all possible means that lies in the hands of the people ;

and from the report of the Tariff Board we know that all the conditions that the Fiscal Commission expected to be satisfied, before the Legislature should extend its helping hand in giving protection, have all been fulfilled completely in this particular case. It is now a fact that India produces pig iron at the lowest cost and one point that I would like to hear from those who are well acquainted with the facts, is why Tatas are not in a position to produce steel also at the cheapest rate. Referring to the Tariff Board's Report, I find that they have given reasons how India can produce pig iron very cheaply. They say, at the top of page 59, this :

"The Indian industry possesses the great advantage of a low cost of pig iron due to the high iron content and low cost of the ore and the low cost of coal. Even in the case of districts such as Alsace and Lorraine and Luxemburg where iron ore is obtained chiefly in open workings and is smelted in furnaces located close to the mines, the low iron content of the ore renders production more expensive on account of the larger quantities of ore handled and the larger consumption of coke necessary to smelt it. We believe that as regards France, Belgium and Luxemburg, which are the continental countries principally competing with India, the advantage possessed by the Indian steel industry in this respect may be taken at not less than Rs. 8 per ton. On the other hand, the employment of the Basic Bessemer process renders the cost of manufacturing steel from pig iron lower on the Continent. By reason of the low phosphorous content of Indian pig iron, the process is inapplicable in India. The principal economy obtained by the Basic Bessemer process on the Continent where high phosphorous iron is available is on account of the credit realised by the sale of 'basic slag' with a high phosphorus content for agricultural purposes. This, however, according to our information does not in many cases exceed Rs. 5 per ton. The advantage possessed by the Indian industry in the low cost of its pig iron is therefore in our opinion sufficient to offset the economy obtained on the Continent by the use of the Basic Bessemer process.

From the point of view of natural advantages, we see no reason to assume that India is under any handicap as compared with Continental countries in the manufacture of steel."

Sir, I find that the Tariff Board also agree that there is no reason why India should not only produce cheapest pig iron in the whole world but also steel at the cheapest rate. There have been suggestions made by the Tariff Board itself that steps should be taken to adopt the open hearth system, to replace the present combined method, by which it would be possible to manufacture steel at the cheapest rate. But, Sir, so far as I could see, the Tatas have not yet taken it up as a practical proposition. I think if they pay more attention to this aspect of the question, then many of our difficulties and the necessity of their having to ask for protection every time will be obviated. Even the Tariff Board itself says that this measure is more in the nature of an Anti-Dumping Act than as a protective measure. I shall quote a line from paragraph 111 at page 58. This is what they say :

"The protection which we now propose for the Indian steel industry may be regarded as in the nature of an anti-dumping provision rather than as a measure of substantive protection."

Sir, this shows that the fight that this great national industry is now waging, against external competition, is more against the continental importers because they are now selling iron and steel not at an economic price, but at a price which is meant merely to destroy the Indian industry. Therefore, Sir, the Indian industry certainly deserves all the help that we in India can render to it.

Then, Sir, as regards the point raised by the Finance Member, about the revenue duty, I should like to point out that in the case of structural

[Mr. S. C. Mitra.]

plates manufactured in the United Kingdom, the Tariff Board have proposed their admission into India free of even the revenue duty. The steel companies cannot but regard this as an extraordinary proposal which runs contrary to the principle on which the Indian Tariff, which is principally a revenue tariff, is based. Every industry in every other country is entitled to such assistance as the revenue tariff might give it, and the only ground on which exemption from revenue duty can be justified would be that of urgent national interest. It is difficult to see how national interest would be prejudiced by the imposition of a revenue duty on these materials when in the interest of revenue even machinery is now subjected to a revenue duty. In paragraph 114, the Tariff Board argue that most of these products are used in public utility works. Even if that be the case, Government would not be worse off by the imposition of the revenue duty as they would get back in duty what they would pay extra in prices. But as a matter of fact products which are used more exclusively for public works such as rails, sleepers, and fish plates are not proposed to be exempted from revenue duty, while structurals and plates are. One of the possible consequences of exemption of structurals and plates from revenue duty will be that the order for the proposed Howrah Bridge will pass out of the hands of this company, and the old established engineering concerns like Messrs. Dorman, which are manufacturing rolled steel as well as fabricating it under this arrangement, will be entitled to import their own steel duty free and fabricate it at their shops in Calcutta.

Sir, it has been argued by my friend, Mr. Raju, so ably, that I do not want to say much on it. A further point about the excise duty is that in no country in the world is the excise duty put on any basic industry. That was the main point. Even in the Fiscal Commission's Report they have put down certain conditions for the levy of an excise duty. We do not mean to suggest that under no conceivable circumstances an excise should be put on, but our contention is that in a basic industry, like the iron and steel industry, it is most inadvisable to put on an excise duty.

As regards Indianization, I should like to make one point. We all agree that great advance has been made by Tatas in the direction of Indianization, but what I should like to specially emphasise is that Indianization will not be accomplished by merely replacing non-Indians by Indians. What we want is that the high salaries paid to those non-Indians and other emoluments given to them should be curtailed so that they may reflect ultimately on the large overhead charges, which is a great burden on this industry. Sir, we should like to point out to this great institution of Tatas that in considering the question of Indianisation, they should also see that the overhead charges should be reduced by revising the scale of pay, because Indians can certainly be paid on an Indian scale looking to the present conditions in the country. Some of the manufacturing firms in Bengal have put before us some points which they desire to be placed before this House for consideration. They say :

" There should be duty, be it revenue or protective, on semis, particularly billets. This duty should be such as to successfully prevent foreign billets competing with Indian billets. If there is any shortage of Indian billets, and for that reason firms

are compelled to purchase foreign billets, they will get a rebate up to the amount of the duty paid. There should be no countervailing excise duty. There should be at the same time a reasonable price fixed for the Indian billets. This price has been calculated at Rs. 53 per ton f. o. r. Tatanagar by the Tariff Board (page 51 of the Tariff Board's report)."

Sir, I do not understand how some of the industries may be called subsidiary industries at all if they are to depend for their existence on foreign imported things. Even according to the dictionary meaning the expression means that these industries will be required to have all their raw materials from the principal or mother industry, that is, the Tatas. Now, if Government are making a provision that they may go to foreign countries for their raw materials, then what is the meaning of the expression subsidiary industries. We agree that as regards the price the Tatas, which are more or less in a monopolistic position, should not be permitted to charge any excessive price. There were certain allegations,—how far they are correct my Honourable friend, Mr. Mody, is in a better position to say,—that the company sometimes charges, for raw materials or semi-finished articles, rates which are considerably higher than their export rates. If there is any truth in those allegations, I hope the company will in future see, or even the Select Committee may provide by a statutory provision against any such discrimination. As regards pig iron it has been urged that all firms in India consuming pig iron should be encouraged to buy Tata pig iron by all means. For castings, the rate of pig iron has approximately been fixed to be Rs. ten more than the export price. So long as no keen foreign competition in castings is on the horizon, and no better arrangement for internal consumption of Tatas' pig iron is made, this pig iron price for castings may remain. There should, however, be a statutory provision for this. Statutory provision should also be made for selling pig iron at the export price (or at a similar price when the export is absolutely stopped) for the conversion of pig iron into steel ingots and billets in this country.

On scrap they say that there is possibility and room for making steel ingots from scrap and pig iron. The Tariff Board did not visualise this when they found nothing wrong in Tatas exclusively exporting scrap out of India for remelting purposes. Export of scrap in its effects is injurious to this country both ways. It stimulates foreign competition in Indian market, and discourages prospective Indian ingot makers to a detriment of our national interest. Hence there should be provision for making all scrap available when required in this country at export price.

It is a fact that there is a considerable business in scrap with Japan and we do not see why there should not be arrangements by which this scrap, which is not sent out of India, may be re-melted or otherwise used, because what is done in Japan can be done in India. As regards differential and inequitable treatment, it is contended that statutory provision should be made against possible differential or inequitable treatment arising out of monopolistic or such other tendencies in big firms like the Tatas. The Tariff Board seems to have been satisfied with assurance that such things will not happen in the future. That is not enough. It is a fact that smaller firms will always be in an advantageous position to compete with big firms generally. And these smaller firms should be encouraged by the State to do so. Provision, therefore, should be made for reference to a third person in case of disputes between big firms like Tatas and

[Mr. S. C. Mitra.]

small firms. In the matter of inequitable or differential treatment the referee who should be empowered with all powers of enforcing his decision may be a person or an officer commanding general confidence in the matter. Such a referee may, for instance, be the Chief Controller of Stores, Indian Stores Department.

As regards the main question about semis which are now proposed to be imported free of duty for helping the subsidiary industries, the Bengal manufacturers put the case in this way :

"The Tariff Board recommend some protection against import of structurals, bars, plates and sheets, mostly continental (untested) ; for in many cases of United Kingdom's (tested) materials protection has not been desired or considered necessary. But queer it is that a country where steel making is the main national outlook, finished products are protected and raw materials like semis are to be imported free. If foreign billets are freely introduced....."

The Honourable Sir Joseph Bhore : Excuse me, Sir. It is not proposed to allow semis to come in free.

Mr. S. C. Mitra : I think the Commerce Member is referring to the countervailing duty only.

The Honourable Sir Joseph Bhore : Revenue duty.

Mr. S. C. Mitra : My impression was that, in order to help these subsidiary industries, it has been decided that they may have the chance to get their raw materials, the semis, at a comparatively cheaper rate.

It has been suggested that semis will be free.....

The Honourable Sir Joseph Bhore : No. I tried to explain that we proposed to impose a revenue duty on all semis, subject, however, to a proviso ; and the proviso is this, that if Tatas refused to sell without reasonable cause or refused to sell below a certain price, then we shall have to see what steps we should take to reduce the revenue duty so as to enable the small re-rolling firms to get billets at a price which we considered reasonable.

Mr. S. C. Mitra : I am very much obliged to the Commerce Member.

The Honourable Sir Joseph Bhore : I may explain that to that extent we have departed from the recommendation of the Tariff Board.

Mr. S. C. Mitra : I am very thankful that the Government have considered this question and provided for it. I carried my impression from the report of the Tariff Board. I whole-heartedly support this motion for reference to Select Committee, and I hope that the Select Committee will try to do justice to the points raised by the various speakers. I commend this motion for the acceptance of the House.

Mr. Gaya Prasad Singh : Sir, at this late hour of the debate, I think it is not possible to adduce fresh arguments, either in favour of the motion or against it, but I should like to make my position clear before this Bill is allowed to go to the Select Committee. Sir, as I understand it, the main principle of the Bill is the continuance of protection on a modified scale to the iron and steel industry of this country. With regard to this main principle I think there is a general unanimity of opinion both in this House and outside it. Two other subsidiary points, which arise out of the recommendations of the Tariff Board and the Bill which is before

the House, are the preferential treatment which is sought to be given to certain goods of British manufacture ; and the imposition of an excise duty on Indian steel goods. With regard to the question of protection, as I said, opinion in this House is almost unanimous. I have heard a dissentient voice raised in some quarters. I would specially refer to my friend, Mr. Anklesaria, who proclaimed himself an out and out free trader, and has denounced the scheme of protection. He must remember that so far back as 1921 and 1922, the Indian Fiscal Commission accepted a scheme of discriminating protection to foster the indigenous industries of this country. All public men have given their support to the scheme. Every country has flourished, firstly under the shadow of protective duties, and at later stages, when the industry was able to stand on its own legs, it discarded this scheme. The superiority of one country over another in the matter of manufacture does not necessarily mean the superiority of skill of one nation over another. It often means that one nation has taken up the manufacture of particular goods at an earlier stage than the other country. I will only refer to the opinion expressed by John Stuart Mill who says :

" The superiority of one country over another in a branch of production often arises only from having begun it sooner. There may be no inherent advantage on one part or disadvantage on the other, but only a present superiority of acquired skill and experience. A country which has this skill and experience yet to acquire may in other respects be better adapted to the production than those which were earlier in the field."

Sir, England also, by passing numerous measures, gave protection to her nascent industries. I would only refer to the Safeguarding of Industries Act, of 1921, and the English Overseas Trade (Credit and Insurance) Act, of 1920, of later times. Professor Bastable says :

" To understand the position taken up by the modern opponents of free trade, it is, above all, essential to recognise that the keynote of their system is nationality. The claims of the nation as a whole are accentuated and regarded as far more important than those of the individual or the world at large. How perfectly this attitude harmonises with the actual policy of the European, and indeed of all protectionist states, is apparent. A particular industry is suffering under the pressure of foreign competition, *i.e.*, a national interest is affected. The State then steps in by imposing additional duties on the foreign product, the loss to individual consumers and to the world as a whole being disregarded as unimportant."

Sir, I will not adduce any further argument on the question of protection beyond recalling the words of Mahatma Gandhi, who said so far back as 1924, as follows when the first Steel Industry Bill was under discussion (*vide Searchlight*, dated the 21st May, 1924) :

" *Apropos* of the contemplated protection for Tata Steel Works, I have been asked to state my own views on protection. Of what use they can possibly be at the present moment I do not know, nor do I know the merits of the proposal regarding the Steel Works. But I take the opportunity of dispelling the illusion that I am inimical to capital, and that I would destroy machinery and their products if I had the power. The fact is that I am a confirmed protectionist. Free trade may be good for England who dump down her manufactures among helpless people, and wishes her wants to be supplied from outside at the cheapest rate. But free trade has ruined India's peasantry in that it has all but destroyed her cottage industry. Moreover no new trade can compete with foreign trade without protection. Natal nursed her sugar industry by both bounty and import duty. Germany developed beet sugar by a system of bounties."

I would, therefore, maintain that the question of protection does not stand in need of any further support in this House. There are only the two subsidiary points to which I referred a few minutes ago. One is the

[Mr. Gaya Prasad Singh.]

preferential treatment which is sought to be given to certain goods of British manufacture. If I remember aright, my Honourable friend, the Finance Member, in the excellent speech which he has made and to which we listened with very great interest, stated that the continental prices are dumped prices. I do not know whether I correctly listened to him, but if so, I should like to know the evidence on which this statement has been made. I should like to know exactly on what evidence my Honourable friend said that continental prices, generally speaking, are dumped prices in comparison with the prices of British manufacture.

The Honourable Sir James Grigg : I should have thought that it was implicit in the references in the Tariff Board Report to uneconomic prices. In fact, both implicit and explicit.

Mr. Gaya Prasad Singh : So far as the explicit thing goes, of course we shall all await to find out the exact reference ; but so far as the implicit part of it goes, we should be at liberty to draw our own conclusions. Sir, this proposed preferential treatment which is sought to be given to certain goods of British manufacture is not in the interest of the indigenous industry of this country but it is merely in the interest of the English manufacturers.

My Honourable friend, Mr. Mody, in the Mody-Lees Pact, which has become famous, was a party to this preferential treatment so far as textile goods were concerned. Now here is the same thing with a vengeance—the further extension of the principle of Imperial Preference. We, on this side of the House, are opposed to this principle, not merely on sentimental or political grounds as it has been alleged, but also on more substantial grounds, that is, on economic grounds. Sir, in order to make up for the loss on revenue, it is proposed to impose an excise duty on certain articles of Indian manufacture irrespective of the consumers' interests. I did not know that the Government of India had come to the verge of bankruptcy. They are wasting the money of this country in various directions. Some of their proposals are grotesque. Take, for instance, the proposal to transfer the Pusa Institute to Delhi which means a loss of 40 lakhs at a stretch,—I am not going to introduce that point in discussing this question, but I just gave it as an offhand illustration to show how very reckless they are of the rate-payers' money in many matters. (Hear, hear.) Sir, I am glad, my Honourable friend, Sir Leslie Hudson, on behalf of the European Group, has voiced the sentiments which prevail on this side of the House with regard to these questions,—I mean the imposition of an excise duty on certain articles of Indian manufacture, and the preferential treatment which is sought to be given to certain British steel goods. But these points, I take it, will be considered more suitably in the Select Committee, and I do not propose to occupy the time of the House any more, but if I give my consent to the reference of this Bill to a Select Committee, it is on the distinct understanding that these two points do not form the main principle of the Bill. I do not think that the Chairman of the Select Committee will rule out any opposition to these points which might be forthcoming from Members of the Opposition on the Select Committee. I think the main principle of the Bill to which we are committed at this stage is to grant protection to a national industry of this country.

The Honourable Sir Nripendra Sircar : What a discovery you have made ! ,

Mr. Gaya Prasad Singh : The fact is, it has been referred to by one Member speaking on this side of the House, my friend, Mr. Lalchand Navalrai, and that is why I thought it right to clear the point. This little interposition of my Honourable friend, the Law Member, has also absolutely dispelled whatever little illusions might be lingering in the minds of some of us. Sir, with these words, I support the motion for reference of this Bill to a Select Committee.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions) : Muhammadan Rural) : Sir, this Bill is, of course, of a very technical nature.....

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

.....and it is only those people who are either dealing in these materials or who are experts such as engineers, or who have any interest in any of these industries, who can very well examine the contents of this Bill and they can be said to be authorities on the subject. I do not claim today, nor did I ever claim that I have been an economist or that I am an industrialist or that I can very well expatiate on the points concerning an industry. Nevertheless, Sir, I look upon this Bill as one more string to all the repressive and taxation measures that have been introduced into this House during the last Session and the present Session. My point is that this Bill is not only to protect the Tata industries or some other Indian industries, but having a provision for a revenue duty to be imposed on the consumers, it is a sort of indirect taxation on the masses of India. (Hear, hear.) Sir, I do not rise to oppose the reference of the Bill to a Select Committee but what I say is that this Bill ought to have been brought in when the Budget proposals were before the country. To bring this Bill at this stage and to ask the country and this House to pass this into an enactment is rather too hard for this Assembly. Sir, it is said that this Bill will exonerate the Britsh manufacturers from duty and it will impose an excise duty on the masses of India, and to say that it is oppression, is, I submit, a fact. It is a great pity that the representatives of the people, who are here, do not look into this very great and important factor in this Bill, affecting as it does the poor dumb masses of India. Sir, thus I say that this is also one of the many repressive measures that have been passed in the past. I include this Bill also amongst repressive measures because I consider that at this time when the new constitution is about to come to India, it is the most inopportune and the most inadvisable measure to bring in to tax the already over-burdened people of this country. Sir, if such Bills or such actions of the Government of India can be tolerated by the country at this stage when the new constitution is to come, and if such Bills are a prelude to the new constitution, I do not know what will happen when the new constitution comes.

Diwan Bahadur A. Ramaswami Mudaliar : Is it coming at all ?

Mr. Muhammad Azhar Ali : My friend asks if it is coming at all. I doubt that very much myself and that is the reason why I say that such Bills ought not to have been brought now.

Mr. Gaya Prasad Singh : The Round Tablers ought to know.

Diwan Bahadur A. Ramaswami Mudaliar : The Joint Select Committee people ought to know.

Mr. Muhammad Azhar Ali : These questions are beside the point. What I want to say is—I do not care whether the Joint Parliamentary Committee members or the Round Tablers are going to say something in favour or against this Bill but what I want to impress upon the House is—that such measures, if they are a sort of introduction to the constitutional reforms, then India would perhaps not like to have any constitutional reforms at all for this country. Sir, too many safeguards have already been provided in the new Constitution Act which is about to come. If a greater safeguard is now to be put into the Constitution Act, that all the pieces of legislation that have already been passed during these two or three years by the Government of India will not in any way be allowed to be abrogated by the new Assembly which assembles here, after the new constitution, then I think that will be the best and the wisest step and safeguard ! Sir, I have read in one of the papers that the question involved is one of technical details. The position is this :

"Iron ore is converted into pig iron and then into steel ingots. An excise duty is to be imposed on all steel ingots. And steel ingots are then converted into semis (billets, slabs, sheets, bars). The first difficulty which the Indian product faces is that while indigenous steel ingots are taxed, semis from abroad come into India without paying even the revenue duty. Out of semis are produced rails, sleepers, structurals, bars, sheets and plates."

An Honourable Member : That was corrected.

Mr. Muhammad Azhar Ali : Yes, it has been corrected by the Honourable the Leader of the House but this was an objection. Out of the semis are produced bales, sleepers, structures, bars, sheets and plates. The countervailing duty which he has proposed to be imposed on the finished products will give no advantage to the local products and the excise duty will have to be paid out of the price available to local products. Sir, these are the doubts of those who know more of business and of this industry and I think the Government ought to satisfy this House that this duty will not affect very much the Indian industries as they fear at present. Sir, this Bill is going to a Select Committee and I do not oppose its being sent to it. But my experience of the Select Committees is rather very sad. Either our friends who are on the Select Committee shall have to subscribe to the Government views or the Government Members will have to subscribe to the views of those who oppose this Bill in the Select Committee. If the second contingency happens, then this Bill may come out in such form that it may give credit to the Select Committee. But if we find that the Government views remain what they are and, if we find that the Government does not care to hear the views of the Opposition according to the wishes of the public, then I think that this Bill and this enactment will also, though passed by this House with the help of the majority of Government votes, remain as a sort of a Black Act on the Statute-book. Sir, I do not oppose the protection which the Government is going to give to the Tata's. I know that the Tata's have been of very great benefit from the very beginning to the Indian public and to the Indian industries. We find that several of our countrymen are finding employment in Tata's. They have not only done that, but they have, according to the report of the Royal Commission, provided housing establishments and different other amenities of life for the Indian employees there. But, Sir, the high emolu-

ments that they are paying to foreigners is a matter which requires due consideration. In this connection, I come to a point to which my Honourable friend, Mr. Vidya Sagar Pandya, who is not in the House now, took objection to a certain extent. There are times when communalism may be run down but there are occasions too when it should be listened to, irrespective of the fact whether the complaint emanates from a Muslim or a Hindu or a Sikh. If we find that there is absolutely no representation of a particular community in the case of a certain business, then it is the duty of every one of us to see that justice is done and the claim of that particular community should be considered. My friend, Mr. Pandya, relied to a great extent on a pamphlet which has been issued by some Mussalmans about the paucity of Muslim representation in the Tata's and I too hold in my hand a list which, if the Honourable the Commerce Member wants it, I can present it to him or I can lay it on the table of the House. In this pamphlet there is a list of the Muslim employees at the Tata Company at Jamshedpur.

Mr. H. P. Mody : Are you sure that it correctly represents the facts ?

Mr. Muhammad Azhar Ali : I have not said that you have no right to deny it. Sir, I will read out only a few notes from it. It says that out of 212 Indians whose salary is from Rs. 250 to Rs. 5,000 per mensem, the number of Mussalmans is only 2. Then, Sir, we come to foremen. And here there is not a single Muslim supervising officer. There is a large number of private buildings on the main roads but none of them are for the Muslims because the Line Officer is a Bengali. There are 16 schools for boys and girls but there is none for the Mussalmans. Sir, these may or may not be true facts and I am not here to vouchsafe their accuracy. But this statement has been circulated to all the Members of the Assembly and I am sure it has also reached the Honourable the Commerce Member. Sir, it is not in a spirit of communalism that I have placed these figures before the House. What I say is that if there is truth in this allegation, then I hope Government will see that the Tata's or, for the matter of that, any other industry helped by the Government in India is not a monopoly for any one community whether it be the Muslims or the Hindus.

4 P.M.

As I was saying, we do not object to the protection being given to Tata's but we wish that when they get this protection again, for any period that the Select Committee may recommend, they will try to supply the materials which they prepare to the Indian public rather cheap. Sir, these steel sheets and other materials prepared by Tata's are meant not only for the rich people but also for the poor people and if these materials are not sold at a cheap rate, then besides the duty which the Government is going to impose, it will be another blow to the economic condition of the poor people of India. They will have to pay higher prices because of the competition with the continental articles. I know that it is a key industry and as such ought to be helped by the Government of India just as the other Governments of other countries are helping the key industries of their own countries. Sir, we know it for a fact that the present Government is not a national Government and therefore we do not expect that sympathy from it which we would have expected from a national Government. Still we have great hopes in the Indian Commerce Member and we cherish this hope not only because

[Mr. Muhammad Azhar Ali.]

he is an Indian but because he has always been sympathetic to his own countrymen. With these remarks I support the motion.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I have heard all the speeches that were made on this motion and I was very pleased to find that not a single Member of the House denied the good conditions that are prevailing at Tata's. On the other hand, there has been a chorus of tribute paid to the manner in which the Tata Iron Works manage their affairs. I have gone to Jamshedpur twice as the guest of two of my friends employed there.

I can, therefore, bear testimony to all that has been said by the Tariff Board and several speakers in regard to the welfare conditions and other things of the industry. The Tata Iron and Steel Works have satisfied all the conditions laid down in the Fiscal Commission report. It is of Indian capital, the raw materials are all taken from the country, it has demonstrated that it can in course of time stand on its legs, and it has also Indianised gradually even the covenanted services. Over and above all these things the House will bear in mind the valuable contribution that the Tatas make to the revenues of this country. It has been said that they pay a large revenue to the Railway Department, the recent increase in the rates alone amounting to 40 lakhs as was said by my Honourable friend, Mr. Mody. Then, Sir, there is the income-tax. I will not be wrong if I say that the amount of income-tax paid by the company and their employees together must be an enormous amount. I should like to know if possible from the Honourable the Finance Member the exact amount of income-tax that the company and their employees together pay to the exchequer of the country. I am sure it will not be an insignificant amount. On the whole I am inclined to think that the annual contribution of the Tatas to the public revenues of the country will be in the neighbourhood of one crore. That is not a small amount. No sane man will therefore deny that the company deserve every help and encouragement at the hands of the State and of the Legislature. The main characteristics of this Bill are the discriminating preference shown to British iron, the excise duty proposed to be levied on iron ingots manufactured in this country and the reduction in the customs revenue. As regards discrimination I believe there is a history behind it. It was in 1926, if I am right, that the Tariff Board recommended a discriminating duty with regard to the British products. The chief reason for recommending a lower rate of duty was that the British steel was more costly and did not compete with the indigenous steel and that the *c.i.f.* price of British steel as compared with that of the Continental steel was very high. That was the reason why the Tariff Board in 1926 proposed a different scale of duty for the British goods. Since then many things have happened. Under the Ottawa Agreement a scheme of preference for British and imperial products has been adopted. Since then it has been the practice of the Government of India to introduce preferential rates whenever proposals for levying customs were brought before the House. I was surprised the other day to find a statement in the newspapers that in the House of Commons, Lieut.-Colonel Calwell, who I suppose is the Assistant Secretary for trade, in reply to a question said that negotiations were going on with the Government of India to bring the Indian Tariff duties also within the scope of the Ottawa Agreement. I did not know what it

meant. Even this morning I read in the papers the Reuter's news, that Mr. Runciman in the House of Commons stated that negotiations were going on with the Government of India with a view to bring within the scope of the Ottawa Agreement all the Indian Protective duties. I happened to send notice of a short notice question on this subject, but unfortunately the Honourable the Commerce Member, not having all the particulars at his disposal, did not care to accept it. If that was answered, the position would have been made clearer. Anyway this policy of making British preference a fetish is a thing which I, for one, do not like. Sir, I want to invite the attention of the House to the proviso to clause 2 of the Bill. It says :

"Provided that the duty leviable on any such article shall in no case be less than the duty leviable on a like article of British manufacture."

What does that mean ? It clearly means that the Government want .....

The Honourable Sir Joseph Bhore : That is only a repetition of the existing Act.

Mr. K. P. Thampan : Yes, obviously serving different purposes. It means that even in protective duties the Government want to implement the Ottawa Agreement. I remember, if my memory is right, that at the time the report of the Ottawa Committee was placed in our hands, it was categorically said that the proposals were distinctly subject to the revenue and other fiscal requirements of the country. The report of the Indian Delegation states in page 12 :

"The protective duties also stood in a class apart. The instructions we received from the Government of India precluded the acceptance of any proposal which would have the effect of impairing the protection afforded to an Indian industry by an Act of the Indian Legislature. Two of these Acts, it is true, provide for the imposition of lower rates of duty on cotton piece-goods and on certain classes of iron and steel made in the United Kingdom than on similar goods made elsewhere. But the duties on iron and steel were fixed after a full investigation by the Tariff Board and will come under review in the statutory enquiry of 1933 while the duties on cotton piece-goods had already been referred to the Board before our negotiations commenced. In both cases the lower rates of duty on British goods were adopted not in the interests of the United Kingdom but in the interests of India and in pursuance of the policy of discriminating protection. These rates of duty could not, we were satisfied, become the subject of bargaining between ourselves and the British delegation and any modification in them must, we felt, be postponed until the Government of India had before them the considered recommendations of the Tariff Board."

This is what the Delegation wrote. I request that before this motion is put to vote, the Honourable the Commerce Member will make a full statement in his reply about the position with regard to this matter.

Sir, I do not want to enter into the merits of the proposal in regard to the rates of duty proposed to be fixed upon the several articles mentioned in the report. But I may say that there are one or two things to which the attention of the Select Committee has to be invited. My friend, Sir Leslie Hudson, referred to the uniform rate fixed for tested and untested steel and my friend, Mr. Mody, also laid stress on that point. The untested British material did not hitherto come into competition. It was only the tested material of a high standard that was imported into this country and in fixing the duty on British steel the Tariff Board of 1926 did not take into consideration the importation of untested steel at all. So they levied a unitary rate of duty for

[Mr. K. P. Thampan.]

British steel. Sir, if the present proposals of the Tariff Board are accepted, the result would be that Tata's tested steel will have to be sold in competition with the imported untested cheap material from England. The National Federation of the Iron and Steel Manufacturers have distinctly stated that they are prepared to meet all the requirements of this country, even in respect of untested steel, and, if they begin to import untested steel, the Tata Iron Works will be put to considerable loss. Sir, in this connection, I would invite the attention of the House to page 69 of the Tariff Board's report. Speaking about the representation of the National Federation of Iron and Steel Manufacturers of the United Kingdom they say :

"While the Federation recognise that the Indian industry should have the first claim on the Indian market to the extent of the whole of its output, they propose that the balance of the Indian market for both tested and untested steel should be supplied by the steel industry in the United Kingdom at prices corresponding to the fair selling prices fixed for the Indian industry."

They want that no other country should compete with the British manufacturers ; in other words, reserving whatever can be made in this country to the indigenous industries, they want a monopoly of all imports. I thought that was a very large order and the Board ought not to have recommended proposals to that end. I am sure the Bill, if passed, will have the effect of complying with their request.

Sir, a good deal was said about billets, scraps, semis and other things. I have a copy of a representation made by the Lukshmi Iron and Steel Manufacturing Company at Ghaziabad, in which they protest against the imposition of any duty on the ground that these billets and scraps are raw materials for the manufacture of their articles. Sir, when I went to Jamshedpur I found that every article manufactured there was a raw material for the next process or stage. What is a raw material and what is a finished product with regard to the iron and steel industry is a thing which I am yet to know. These are very complicated questions and I should like the Select Committee to go into them very carefully and do proper justice to the industry. Sir, you will excuse my referring to the interference with the customs duty and the excise duty proposed to be levied in this Bill. So far as my knowledge of finance goes, the customs duty is levied for meeting revenue purposes and whatever customs duty is imposed on imported articles, to that extent the industries of the country are protected That is not confined to one industry or other and I really cannot understand in what way Tata's do not deserve that shelter. The proposal will interfere with our budgetary position and was unworthy of the Tariff Board to recommend it. As regards the excise duty we know with what justification it was levied in regard to the sugar industry. There was an income of about 10 crores by way of customs duty on the import of sugar into this country which has to be sacrificed for the protection afforded and as the revenue of the country is derived mostly from customs duties and such a reduction was certainly very difficult to make good, Government were justified in levying a duty like that. You give protection to an industry and by that if the customs duty is decreased enormously you will be justified with a view to make good that loss of revenue in imposing an excise duty on the industry concerned. Here,

the Tata Iron Works are not yet in a position to stand on their own legs and to help the foreign importers you are reducing the customs duty and levy a countervailing excise duty. What you give with one hand, you take away with the other. That is the position so far as the excise duty is concerned. Sir, I should like to know either from my Honourable friend, Mr. Mody, or from Government the extent to which Tata's are going to be benefited by this measure every year, the net benefit setting off the one against the other. I should also like to know what amount Tata's will have to pay by way of excise duty. Mr. Mody in his speech said that the excise duty will be somewhere near 30 lakhs. What would be the amount that the company will be getting by way of protection if this Bill is passed into law? That is a matter that I should like to know. I do not think the net result will be what people seem to think. Anyway, it is up to the Select Committee to go into all these aspects of the question and if they think that in the interests of the industry the proposals ought to be accepted *in toto*, we shall then consider what has to be done. I will await the result. Sir, I have done.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 2nd August, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, the 2nd August, 1934.

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

THE HEDJAZ PILGRIMS (*MUALLIMS*) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to present the Report of the Select Committee on the Bill, which was recommitted to Select Committee, to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, may I suggest that you will kindly give precedence to item's Nos. 30 to 45 on the agenda ? They are all motions for leave to introduce Bills and they will not take any length of time : if they are not reached in today's Agenda, there is no possibility of their being reached this Session.

Mr. President (The Honourable Sir Shanmukham Chetty) : As a matter of fact, the Honourable Member may remember that this request was once made on a previous occasion, and it was not acceded to by the Chair. Of course, on an occasion previous to that, a request of a similar nature was acceded to by the Chair, but on that occasion the Chair pointed out that, if it was the desire of the House that motions for leave to introduce must take precedence, the House might take steps to amend the Standing Orders accordingly. The House has not shown any interest at all to move in that direction, and the Chair thinks, in the light of all this, it will not be justified in accepting such a procedure.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move :

"That the Bill further to amend the Indian Income-tax Act, 1922, be continued."

Honourable Members will remember that this Bill, countersigned by 52 other Members of the Legislative Assembly, was debated on the 2nd February last year, and it was referred to a Select Committee. The

[Sir Hari Singh Gour.]

Government made it perfectly clear that, even after the reference to Select Committee, they will elicit public opinions with special reference to the speech made by the Honourable the Finance Member. Consequently, on the 28th June, 1933, they issued a circular for eliciting public opinions. During the last Delhi Session, I was anxious to convene a meeting of the Select Committee, and, after strenuous efforts, which I made in that direction, in which I received your assistance, Sir, a meeting of the Select Committee was convened, but it was postponed for further consideration. In the meantime, the Session was prorogued, with the result that the Standing Order precludes me from going on with the Bill unless the House permits me to continue it.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill further to amend the Indian Income-tax Act, 1922, be continued."

The Honourable Sir James Grigg (Finance Member) : Sir, the Government do not intend to oppose this motion ; but in order to prevent any future misunderstandings, I should like to make clear to the House the circumstances in which and the conditions under which the Government have decided not to oppose it. The Bill to which the motion relates is one to which my predecessor expressed an incurable hostility. I share that hostility. In the course of the circulation for opinions, I think it was the Patna High Court which said that any instrument more likely to result in the collection of no income-tax at all could not be imagined. At the same time, during the course of the circulation for opinions, a certain suggestion was elicited, I think, from one of the Bombay commercial societies which my predecessor thought was worthy of consideration. He, therefore, agreed to a Select Committee, on the understanding that the original Bill would be opposed, but that if general agreement could be reached on this specific suggestion of the Bombay society and it was otherwise found suitable, he would give it sympathetic consideration. Now, as I have just said, the Government are unalterably opposed to the Bill in its original form and that I may say is the Bill before the Select Committee. But at the same time I consider, and the Government consider, that the promise of sympathetic consideration of my predecessor to an alternative scheme does place upon the Government a strong moral obligation to allow further discussion such as might most suitably be undertaken in the Select Committee ; but even on that alternative scheme, I would like to say one word of warning. The Honourable the Law Member and myself have considered this suggestion. We have grave misgivings about it and it is quite clear that it raises important constitutional questions such as the ousting of jurisdiction of the High Courts in certain cases, and we must not be assumed to be committed to more than the commitment entered into by my predecessor, which was sympathetic consideration to any scheme which was workable, which did not result in danger to the revenue, and which was generally acceptable. With that short explanation of the attitude of the Government, I should like to repeat that we are willing, subject to the views of the House, that this motion should be accepted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would point out that the acceptance of Sir Hari Singh Gour's motion

does not commit either the Government or any section of the House either to accept or reject the Bill of Sir Hari Singh Gour. That has to be considered purely on its own merits. This necessity arises because of the difficulty that has been brought to the notice of the Chair by certain Non-Official Members,—a difficulty which they have experienced in having Select Committees on Non-Official Bills convened. According to our present practice, the meetings of Select Committees are convened, the Chair thinks, by the Legislative Department. The pressure of Government business makes it probably extremely difficult for the Legislative Department to find time for meetings of Select Committees on Non-Official Bills. But when the House has agreed to refer a Non-Official Bill to Select Committee, then the Chair would suggest that every effort must be made by the Legislative Department to see that reasonable chance is given. (Opposition Cheers.) It is because the Honourable Sir Hari Singh Gour could not succeed in getting days allotted for the meetings of his Select Committee that he is driven to the necessity of making this motion for the continuance of the measure which, but for this motion, would lapse under the Standing Orders.

The Honourable Sir James Grigg : If I may say so, Sir, that was precisely one of the considerations that were in the mind of the Government in not opposing this motion. As regards the opportunity for further discussion, I understand that a date has actually been arranged for the meeting of the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill further to amend the Indian Income-tax Act, 1922, be continued."

The motion was adopted.

THE CHILD MARRIAGE RESTRAINT (REPEALING) BILL.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I beg to move :

"That the Bill to repeal the Child Marriage Restraint Act, 1929, be continued."

Sir, this Bill has been on the anvil for nearly two years, and I had no chance of moving it except on one occasion, but, even then, as all the business on the paper had to be hurried up, the chance of moving my motion came to me at the end of the day. Consequently, nothing could be done further until now, as we had no other non-official day. Therefore, I request that the House may be pleased to order that this Bill may be continued.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to repeal the Child Marriage Restraint Act, 1929, be continued."

The Honourable Sir Henry Craik (Home Member) : Sir, I have only to say that Government have no objection to the acceptance of this motion if it is acceptable to the House at large.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to repeal the Child Marriage Restraint Act, 1929, be continued."

The motion was adopted.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : I don't move my motion*, Sir.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : Sir, as we are not in possession of the opinions on this Bill, I do not propose to move my motion†.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I don't propose to move my motion‡.

THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move :

"That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration."

Sir, if I have taken upon myself the task of moving this Bill to repeal an obnoxious measure, which finds a place in the Statute-book of this country, after nearly two centuries of British rule, it is because I, along with the people of this country, do think that no civilized administration need be armed with such drastic powers as are contained in this Bill. Honourable Members may remember, that it was more than a decade ago, when you, Sir, were one of us, that I had the honour and the privilege of moving a Resolution in 1924 for the repeal of Regulation III of 1818. The history of this country, before the year 1924, during the last two decades preceding it, was one of repression and tyranny, if I may be permitted to use that word and if it is not unparliamentary, throughout the length and breadth of this country. Following in the wake of that ill-starred measure of that brilliant Viceroy, Lord Curzon,—I refer to the Partition of Bengal,—the rulers and the ruled of this country have been divided by sharp differences of opinion in matters political, which concern not only the welfare of millions of our countrymen but which also lie at the root of the peace of the world, if I may be permitted to say so. Sir, our memory goes back to those historical times when the Moghul Throne of Delhi was fast losing its hold upon the administration of this country. Territories after

* "That the Bill to remove doubts about the application of the doctrine of representation, in case of succession to *stridhan* under the Dayabhag, be referred to a Select Committee, etc., etc."

† "That the Bill to provide for the abolition of untouchability among the Hindus, be referred to a Select Committee, etc., etc."

‡ "That the Bill further to amend the Indian Bar Councils Act, 1926, be referred to a Select Committee, etc., etc."

territories were being taken away, and new rulers were arising not only in Northern India, but also in the South of India. Then we believe that, by Divine Providence, it was ordained that a nation which lived six thousand miles away across the seas, which had come here only for purposes of commerce, should take up the reins of administration of this ill-fated country. Provinces were divided against Provinces. To the Throne of Imperial Delhi, the Nizam of Hyderabad, the Tippoo Sultan in Southern India and others will not owe their allegiance, and we believe that by Divine Dispensation the Englishmen came to this country to give us peace in this land. They did not come here as conquerors. It has often been said that India was conquered by the sword. I say, Sir, that those are the words of false prophets, of people who have no idea of statesmanship. In fact the Englishmen of those days, as soon as they evolved order out of chaos and framed a proper administration for this country, took up the question of educating the people of this country, and that famous Education Despatch of Sir Charles Wood, the grandfather of that great Governor General of India, whose name will for ever be enshrined in our hearts as one of the greatest of peacemakers in this country, I mean Lord Irwin,—that famous Despatch is a Magna Charta of our political liberties, because an alien race, who have not much in common with us, came to us to give us education, to light the lamp of knowledge in the darkness which prevailed in the country, by introducing western science and western philosophy. And, Sir, when they were doing so, a great controversy was raging between Rajah Ram Mohan Roy and Rajah Sir Radha Kanta Deb, as to whether or not the people of India should be given education in oriental languages, in philosophy and literature, or whether they should be educated in western sciences and philosophy, or they should be allowed to combine both. At that time, it is a known fact that this country was not fully under British rule. Still the Britishers of those days thought that they were justified in bringing all the paraphernalia of civilized administration to this country, but at the same time they realised the dangers which existed in the country. There were then in the Punjab, the North-West Frontier and Sind Indian rulers who were making encroachments upon British Indian territories. There was the menace of the Pindaris which is known as the Pindari War in Indian history. There was also trouble along other frontiers and in Nepal ; and last, but not the least, there was another European power which was trying to establish its supremacy here. That was the time when Regulation III of 1818 came into operation. That was a time when every administration was entitled to ask for such drastic powers. In the Preamble to that Regulation we find these words :

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers,...."

I draw respectfully the attention of Honourable Members to the words "of the alliances formed by the British Government with foreign Powers" ;

"....the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper."

So, Honourable Members will see that when the country had not settled down, when there was still a disturbance of the peace and law

[Mr. Amar Nath Dutt.]

and order due to foreign machinations and international complications both on the frontiers and in other continents which had repercussions upon this country, it was found necessary to arm the executive of those times with powers so drastic that they have no parallel even in the draconian laws which may be found elsewhere. But nobody was against that Regulation at that time. Honourable Members may be pleased to remember that there was no Legislature of the type which we have at present or which we had during the Morley-Minto Reforms days or even Legislature of the type which was given to us prior to that, through that great friend of India Mr. Bradlaugh's efforts,—Lord Cross's Bill which first introduced the elective element in the Legislatures of India. Long, long before that, we had Executive Councils and we had Legislative Councils and we had Nominated Members there. Occasionally, in those Councils, we had men of revered memory, like the late Sir Rash Behari Ghose, but ordinarily we had an array of illiterate Knights and Rajahs who were known by the name of *jo-hukums* and who always bowed to the wishes of the powers that be.

An Honourable Member : They were *āpka-wastês.*

Mr. Amar Nath Dutt : As my Honourable friend says, *āpka-wastês.* It was even prior to that that this Regulation was enacted. They were the Councils which were foreshadowed in the Regulating Act of 1774, and these Councillors were no other than the rulers of the country and they had the power to do whatever they liked. They got a Regulation like this embodied in the Statute. Of course, I am not aware of the number of times or the number of persons against whom this Regulation had to be called into requisition in those days. Ordinary history does not show that ; probably a file of old newspapers may enlighten us. But to come to more recent days, we find the first application, which comes to our memory, is during the famous Wahabi case, and that was more than 60 years ago. After that, for a spell of nearly a quarter of a century, this Regulation and its sister Regulations in the Presidencies of Madras and Bombay were not heard of and nobody knew that there was such a Regulation in the Statute-book of India even after the inauguration of the elective system in the Legislative Councils of India, through the efforts of Mr. Bradlaugh, for, I am sure, that if the Members of those days, when the elective system was introduced, knew that this archaic weapon would be availed of and could be availed of for purposes other than those for which it was enacted by a Government which wanted to silence the voice of the people, surely Member after Member would have come forward and taken the trouble of having these monstrous Regulations repealed, as I have been doing for the last 11 years in this House. As I have said, after a spell of nearly a quarter of a century, we come across the deportation of the Natu brothers, which marks a landmark in the annals of our political battle for getting our legitimate freedom in the land of our birth. I am not here at the present moment going to discuss what form of administration this country should have in the near future in order to give its people their legitimate rights and dues. But at the same time, I may be permitted to observe that in any administration, however dictatorial,—it may be ruled by a dictator, it may be ruled by a tyrant, it may be a democracy, or it may be a form of administration where responsible Government exists or the right of

self-determination exists,—I beg to submit that no administration has a right to exist by suppressing the voice of the people or their legitimate freedom. It was in the year 1898 that the Natu brothers were deported and Honourable Members may be pleased to note that there was no reason of State embracing the due maintenance of the alliances formed by the British Government with foreign powers, for at that time the British power was not only supreme in the Indian Continent but also in Burma, Baluchistan and also it had much influence in the border state of Afghanistan. Upper Burma had been conquered at that time and Baluchistan was also almost administered under British administration with the Khan of Kelat, while we know the good relations which existed between Afghanistan and India, from the days of Abdur Rahman. I would not go into the history of Dost Mohamed Khan or any of the Royal Prisoners who were kept in the cool heights of Mussoorie or the history of the conference in Rawalpindi. I would not go into the history of those times, but I am only touching the history of the times to which the subject of the Bill refers, namely, the deportation of the Natu brothers under these Regulations.

What led to the deportation of those two loyal and patriotic sons of India? No charge was framed against them, and afterwards they were released, and, I remember how the news was hailed with delight in the Lucknow Congress in 1889. Once more the Britishers retraced the false step they took and acted like true Englishmen. A decade afterwards came the Viceroyalty of that brilliant Viceroy, that superior person, I mean Lord Curzon. The partition of Bengal attempted to divide a highly cultured race and to put a stop to the self expression of a race which produced a jurist like Rash Bihari Ghose, a poet like Rabindra Nath Tagore and a scientist like J. C. Bose. They attempted to crush the legitimate aspirations of the people by dividing the people into two *viz.*, Eastern Bengal and Western Bengal and driving a wedge into the solidarity of that Bengali race. Then a whirlwind campaign was undertaken by the people and their leaders and the settled fact at the beginning of the present century was unsettled. I mention it only to remind my friends that the Communal Award is not the last word and it can be unsettled. No Napoleon or Alexander can prophesy about any settled fact in connection with any political measure. The partition of Bengal was annulled. Later on, nine leaders of thought, none of whom were guilty of any of the crimes to guard against which this Regulation was intended were deported. Very extraordinary powers were asked for by Lord Minto from Lord Morley. Lord Morley promised to the extent that it was possible for him to do so. The perpetrator of that great administrative blunder, if I may be permitted to use that expression, wrote to Lord Minto in these words :

"I won't follow you into deportation. You state your case with remarkable force. I admit. But then I comfort myself in my disquiet at differing from you by the reflection that perhaps the Spanish Viceroy's in the Netherlands, the Austrian Viceroy in Venice, the Bourbon in the two Sicilies and a Government or two in the old American Colonies, used reasonings not wholly dissimilar and not much less forcible. Forgive this affronting parallel. It is only the sally of a man who is himself occasionally compared to Strafford, King John, King Charles, Nero and Tiberious."

Again, speaking of the Regulation and the Bengal deportations, Lord Morley wrote :

"The question between us two upon this matter may, if we won't take care, become what the Americans call ugly. I won't repeat the general arguments about

[Mr. Amar Nath Dutt.]

Deportation. I have fought against those here who regarded such a resort to the Regulation of 1818 as indefensible. So, *per contra*, I am ready just as stoutly to fight those who wish to make this arbitrary detention, for indefinite periods, a regular weapon of Government. Now your present position is beginning to approach this. You have nine men locked up a year ago by *lettre de cachet* because you believed them to be criminally connected with criminal plots, and because you expected their arrest to check these plots. For a certain time, it looked as if the coup were effective and were justified by the result. In all this, I think, we were perfectly right. Then you come by and by upon what you regard as a great anarchist conspiracy for sedition and murder and you warn me that you may soon apply to me for sanction of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the nine detenus you have found out a murder plot contrived, not by them but by other people. You say 'We admit that being locked up they can have had no share in these new abominations but their continued detention will frighten evil-doers generally.' That is the Russian argument."

I invite the Honourable the Home Member's attention as also that of the Honourable the Law Member to the words : " that is the Russian argument ". We are here not for enacting any provision of law or retaining any law which savours of Russian odour. " By packing off trainloads of suspects to Siberia, we will terrify the anarchists out of their wits, and all will come out right." Probably that was the idea of the predecessor in office of the present Home Member,—to pack off trainloads of detenus from Bengal to Deoli. " That policy did not work out brilliantly in Russia and did not save the lives of the Trepoffs, nor did it save Russian from a Duma, the very thing that the Trepoffs and the rest of the 'offs' deprecated and detested ". I may also add that that also brought about the downfall of the Romanoffs and cleared the soil of Russia of a dynasty which had been terrorizing the country for centuries. Sir, who were deported ? I will give the names, Babu Aswini Kumar Dutt. Now any one who has had the privilege of ever having talked to him would have been impressed by the saintly character of that man. There are in India born saints, and Aswini Kumar Dutt, a follower of Keshab Chunder Sen, in the *Bhakti Margo*, was a saint. I had the pleasure and the privilege of knowing him for a long time and of even being his guest at the hill recess of Rajgir where I saw his nephew and wife looking into the minutest details of the daily wants of our life,—even from the cup of tea, which he himself did not take, down to milk brought in early in the morning, so that none of his guests might be uncomfortable in any way. He would read in those sequestered places religious books and he found great delight in repeating them to his guests and by collecting them on the verandah of his bungalow, and really men who had not the least religious instinct in them like myself (Laughter) were for the time being spell-bound and were charmed. Sir, such was the man. Even when two Muhammadan brothers were quarrelling with each other and were going to kill each other with the deadly *kodali* in their hand, one of the brothers at once said : " Let us go to Aswini Kumar Dutt ", and he at once laid down his *kodali* and both of them went to Aswini Kumar Dutt,—and the quarrel was made up. Then, Sir, you may call it superstition, but my friend over there, who is a Sanatanist, knows also, I do not know how far the Shastras approve of it,—Sir, the first fruit that comes out in our trees is often offered to the gods, and will you believe me, Sir, in Barisal, it was the practice with several people to take the first fruit of the trees to this great saint of Barisal—Aswini Kumar Dutt.

Now, such is the man who was deported along with another gentleman whose memory also is revered throughout Bengal,—who, though

younger in years, was in college with me and was in some way distantly related to me—Raja Subodh Chandra Mullick. I call him "Raja" because he was really a Raja, not like the Rajas whom we see here or elsewhere (Loud Laughter), one who was really the Raja of the hearts of the people of Bengal—Subodh Chandra Mullick, a millionaire, who threw away all his wealth for the uplift of his own countrymen and who, during his last years, lived rather in want. Then, with him was another old veteran journalist who was of the former generation, of the generation of my father as also of the father of the Honourable the Law Member,—I mean Babu Krishna Kumar Mitra,—another saint, so to speak, belonging to the Theistic School, who fortunately for us is still living and who by his wisdom is still trying to help the people in their onward march towards freedom,—not by revolutionary means, not through ways of bloodshed, but through constructive methods. Then there was another gentleman deported—Monoronjon Guha. These, then, were the men deported but against whom no charge was ever brought. And did not the officials afterwards realize their mistake and release all these men? And was not the atmosphere made calmer. Now, Sir, I have given these three instances of the use of this Regulation III of 1818, and afterwards, as the House may remember,—one was long, long after, about half a century from the enactment of this Act and another was a quarter of a century after that, and the third was occasioned by certain ill-conceived administrative measures and that was still a decade after, but what was the history after that? Sir, we find the provisions of this Regulation requisitioned for all and sundry, for every case, for every convenience, in all cases where there may not have been any tangible evidence, but about which some suspicion might lurk in the minds of prejudiced officials; as there was no evidence forthcoming, they would have free recourse to the provisions of this archaic weapon in the armoury of the Government of India, although, if they had taken the slightest care to be honest and fair, they would have found that the provisions of this Regulation did not apply to those cases. The latest one of the cases under this Regulation is the one about which we talked yesterday and about which we were told by the Honourable the Home Member that the Bengal Government had to be consulted in all these matters. They have enough advisers of their own, but they dare not act on their own responsibility nor have they the courage to go against the wishes of the Provincial Governments, although they happen to be the superior government, if I may say so, because I have seen objections to the use of words like 'subordinate government' and so forth. Whatever that may be, this Regulation is to be administered by the Government of India and the Government of India alone and not by any subordinate government. Of course, they cannot delegate the powers under the Act to a subordinate government. I was surprised that that can be so. And why? Because there was not a single occasion which is to be seen in the preamble of the Act. Of course, they could cope with it under the ordinary laws if they had the machinery to concoct the evidence as they say in law courts. Sir, about this concoction of evidence by private parties or by any other parties, the less said the better. I may remind the House of only one instance to show to what length this concoction can go. Honourable Members will remember the Naraingarh train wrecking case. People were *chalanned* and evidence was forthcoming that they were the people who wanted to wreck the train. It was proved that they placed the bomb there and every evidence was complete to convince a very

[Mr. Amar Nath Dutt.]

obliging judiciary of those days with the result that some people were ordered to be transported for life and were sent to the Andamans. Now, by some misadventure, if I may so put it, when a case was launched against Arabindo Ghosh and his so-called fellow conspirators, evidence came out that the men who were sent to the Andamans, as they were found to be guilty on the evidence which the Judge believed to be true and therefore accepted it, were really not the men who were guilty of having placed the bomb in the Naraingarh train wrecking case. This sudden disclosure was attempted to be suppressed in those days. It is nearly a quarter of a century ago when this happened. But human depravity to whatever length it may go at times does assert itself and these people were got back from the Andamans and were released. That is the way in which evidence can be concocted. We, who practise in law courts, know how they fabricate evidence. It is not the peculiarity of India alone but if we look at the annals of the administration of justice of other countries of Europe, we will find astounding fabrications and concoctions of evidence which will baffle the brains of Indian fabricators. So, Sir, this fabrication and concoction is a thing which has come to this country along with English education and the knowledge of English history and philosophy and science.

The Honourable Sir Nripendra Sircar (Law Member) : Science is responsible for it.

Mr. Amar Nath Dutt : I am told that science is responsible for it. Yes, with due respect to the Honourable the Law Member who says that, I do agree with him. Science is responsible for the manufacture of bombs, and also probably the science of mental and moral aberration is responsible for the fabrication and concoction of evidence. Be that as it may, I submit that if you can have such fabricated and concocted evidence to send men to the Andamans, why should you have a provision of a law brought in for application to a place where there is no fabrication and thereby incur the odium of the intelligent section of the people, I mean, at least the wiser section, who abhor this misapplication of law. Honourable Members may remember that there was an inquiry into the repressive laws by a Committee. The members of that Committee came to the conclusion that the application of this Regulation ought to be confined to its legitimate spheres, but unfortunately the whole Government was within a few months very much disturbed over certain seditious writings and conspiracies. I ask Government to be a little more strict in applying the provisions of this Regulation. They should apply them only in those circumstances in which they are applicable and not apply them by straining the language to those cases in which they are not applicable. As, however, they will not do this, and as past experience shows that they have been mis-applying the whole Regulation to cases in which it is not applicable, I most respectfully submit that it is the bounden duty of every Indian and every Britisher, if they are as much interested in our welfare as we are interested in their welfare, to have this obnoxious measure expunged from the Statute-book of India. Sir, the Repressive Laws Committee observed the following :

"We recognise the force of these arguments, in particular the difficulty of securing evidence or preventing intimidation of witnesses. We also appreciate the fact that the use of the ordinary law may in some circumstances prevent the very thing which a trial is designed to punish, but we consider that in the modern condition of India this must be done."

They say that in the modern condition of India this must be done. Why ? Because the risk will involve less danger to the security and peace of the Government than the application of a measure like this :

12 NOON.

"It is undesirable that any Statute should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislature."

This will be proved by looking at the voting list on the Resolution in 1924. The voting was 68 to 44 and if you remember that, out of this 44, forty were Nominated Members we may say that the voting was 68 to 4. In a House consisting of 72 elected Members do you expect that there will not be even four *jo-hukums* to carry on the mandate of the powers that be. I must, therefore, say that it was almost the unanimous voice of this House which represented the voice of the people of India that this Regulation should go. This was the recommendation of the Repressive Laws Committee. They recommended that it should be so amended as :

"to be used only for the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of the Indian Princes entitled to its protection and the security of the British Dominions from foreign hostility and only so far as the inflammable Frontier is concerned from internal commotion."

But the provisions of this Regulation are applied to a Province far off from the North-West Frontier, in the Gangetic delta which has been the abode of peaceful people for centuries and who never cared who ruled over them but who were contented in their village homes never caring for offices either at Delhi or at Murshidabad, for eight long centuries. During this period of so-called foreign rule Bengal non-co-operated with everything foreign except a few who were converted into other faiths by lure of gain either at Delhi or at Murshidabad. Who were the greatest men of those times ? The writer of that melodious song : "the Gita Govinda", Jay Deb, greatest among the Vaishnavite poets of Bengal and Shree Chaitanya, the greatest of the modern Bengalees who was the embodiment of all that was good and great in the Bengali race, these were some of the greatest men that lived during that period, and I am sorry that this Regulation III is applied to a peace-loving people like the Bengalis. There is a proverb which says that, if you tread upon an ant it will also try to bite. Probably that is the reason why we find one or two revolutionaries here and there even in Bengal. The true home of revolutions is, among the martial races to which my Honourable friends over there belong, in the Frontier and in the Punjab. We are a non-martial race and we are not allowed to enter the army. We do not care to enter the army. We leave it to our Rajput and Jat friends, like Mr. Gaya Prasad Singh and Captain Lal Chand. We have our own philosophy, our own literature and our own culture by which we live.

An Honourable Member : Your law.

Mr. Amar Nath Dutt : Yes. Law is also philosophy. Sir, I was saying that even in the peaceful homes of Bengal you have disturbed to such an extent that some children of theirs have become revolutionaries. It is a fact which I deplore and I hope the Government also deplore. If the Government also really deplore, then they must be awakened to a sense of justice and they must show their sympathy to the parents of these misguided youths. Be that as it may, I beg to submit, do not

[Mr. Amar Nath Dutt.]

misapply such Regulations to peaceful people like the Bengalis. Justice requires that you must remove this measure from the Statute-book. Therefore, I move that the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration. If this motion is passed, I shall move later on that the Bill be passed.

An Honourable Member : You do not want it to be sent even to the Select Committee.

Mr. Amar Nath Dutt : I am appealing to all the Members of the House, as they are reasonable men, to weigh fully the pros and cons of this measure and vote for the consideration of this Bill. I hope Honourable Members will not have any other consideration in their mind, either the lure of title or the lure of some office, and withhold their assent to this motion. I do not expect Honourable Members as you all are, Honourable as all of us are, every one of us is an Honourable Member and I expect every Honourable Member to be true to his own self and true to the honour of his country and vote with me for the repeal of this measure. (Applause.) There may be some difficulty with Executive Officers who administer the law, to assent to this measure, because they think that they do need this power at times. I trust that the Executive Officers and the Members of the Treasury Bench who adorn this House at the present moment, at least one of them will kindly remember these two lines which I had the honour of quoting on the last occasion. "Great Executive Officers never like or trust lawyers. I will tell them why, for they never trust or like law". I hope that by assuming the high office and the portfolio of law which my Honourable friend over there has assumed and from whom we expect great things in the near future in moulding the constitution of this country so that he will ever be remembered by future generations, I hope that he will be the one officer of the Crown who brought succour to this ill-fated Province. I expect that he at least will not fall a victim to these two lines that great Executive Officers never like or trust lawyers, for he is nothing if not a lawyer from the very beginning of his life. The eminent lawyer and the eminent jurist that he is I am sure that he will not fall into the trap of other Executive Officers (Hear, hear), who I believe are also too honourable and too good to be misled into giving support for a lawless law like the one which I am asking the House to repeal. Sir Nripendra Nath Sircar is perhaps at present trying to think, being a Government servant, how he can support this obnoxious measure, but in his helplessness he sees no way out of the difficulty, lawyer as he is, patriot as he is, a great administrator as he is going to be whose name is going to be handed down to future generations.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Who pays his fees ?

Mr. Amar Nath Dutt : My Honourable friend does not do Sir Nripendra Sircar justice if he thinks that he cares for his fees at all. He cares more for his country and countrymen. His past life is a record of which every Bengali will be proud. He may care for his fees in the law courts but in other spheres of activity, political and social, I must say that there is no greater patriot than Sir Nripendra Sircar.

The Honourable Sir Nripendra Sircar : Sir, I may inform my Honourable friend that even some of my fees in the High Court are in arrears, and there is no chance of recovering them. (Laughter.)

Mr. Amar Nath Dutt : It is a great shame that Government have not yet paid my Honourable friend's fees. But he does not charge any fees for being a patriot or for social work. But I wish with regard to Sir Nripendra Sircar's fees they may not play the same game as they did with Jagat Sett, from whom they borrowed 20 lakhs, promising to repay it year by year, and paid only five lakhs. And when questions were asked here, Sir Basil Blackett said that, it may be that some money is due to him. And that great patriot, Bepin Chandra Pal, said that it is right and proper that these Jagat Setts and Mir Jaffars and Umichands should be served like that. Be that as it may, I think Government cannot back out of their liabilities to Sir Nripendra Sircar.

Sir, it has been said that the deportation of even men of high moral and intellectual attainments was necessary, otherwise they embarrass Government. If that be the attitude of Government I will most respectfully recite a few lines of the great poet wherein it has been said :

> "Earth is sick
> And Heaven is weary of the hollow words
> That States and Kingdoms utter when they talk
> Of Truth and Justice."

I hope that will not be the case at the present time and Englishmen and Indians in this House will act with the sole aim of peace on earth and goodwill among men, for I believe that in this ancient land of ours, in this land of sages and philosophers, we are destined to work and live side by side for the common benefit and common salvation of both races. With these words, I appeal to every one in this House, to support me in repealing Regulation III of 1818.

Mr. President (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration."

Hony. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official) : Sir, I am afraid I cannot congratulate the Honourable the Mover, who has so zealously and feelingly moved this motion, on the time he has chosen for this Bill. Honourable Members must have noticed that, during the course of his argument, he has appealed more to sentiment than to reason, and that is another reason, why I will ask Honourable Members not to be led away by sentiments alone.

Sir, I fully realise and agree with the Honourable the Mover that it is one of the fundamental principles of criminal law that nobody should be deprived of his liberty unless he is placed before a court of law, is given a regular trial, charges are framed against him, and is told that he is deprived of his liberty for so long. This is a fundamental principle of law and there can be no disagreement about it. But this principle is applicable to normal times and to ordinary crimes. For abnormal times, Government have to fall back upon another principle, which gets precedence over this fundamental principle. That other principle is, that it is the primary duty of a civilised Government to give an assurance to its subjects, that their property and life will be safe. And in the discharge of that primary duty of Government, without the discharge of which no Government is entitled to be called by that name, they have to make certain sacrifices, sacrifices not of principles but even of persons. There are occasions when there is no trial. In emergent cases, order is given by an

[Captain Rao Bahadur Chaudhri Lal Chand.]

ordinary officer, a subordinate judicial officer, and sometimes by a police officer also, to fire upon a mob. There without any trial, without being brought before any court, the criminals are shot dead and finished there. Why ? This is because there is another principle that the part should be sacrificed in order to save the whole. In order to save the whole society from a certain poison the poisonous matter has to be done away with. So with that principle before us, we should consider the necessity of a Regulation of this sort. As a matter of fact, I sincerely believe that this power is inherent with Government, and even if this Regulation had not been there, Government would be entitled to use the powers they had been using under this Act. Some friends of the Opposition say, this Government is a paper Government ; they want everything in writing and they do not want that any unwritten law should come in. Therefore, as early as 1818, the administrators of this country very wisely brought this Regulation on record and placed it on the Statute-book.

Mr. Amar Nath Dutt : May I ask my Honourable friend what he means by the expression " paper Government " ? Does he use that phrase in the same sense in which we use the phrase " paper transactions " ?

Hony. Captain Rao Bahadur Chaudhri Lal Chand : My Honourable friend understands very well what I mean, but I can tell him that what I mean is that they go by the written law, except in exceptional cases. When the written law is not sufficient, Government has to hand the authority to an agency which does not care for written law and who go by their conscience,—I mean martial law or unwritten law. So the choice of my friend is between this Regulation and martial law: such is the condition of Bengal nowadays. It is powers like these that have been instrumental in giving settled government and peace to our country, and we should be thankful to the early administrators who foresaw all these exigencies and placed such power in the hands of the Government. The chief argument that has been used by my friend, in favour of his Bill, is that, great men have been sacrificed, and many have been deprived of their liberty. He has quoted a series of names and has feelingly appealed to Honourable Members to have this Regulation repealed. He did not refer to the fact that each individual case has to come up to Government, and the best brains have to examine the records in each individual case separately and that is a sufficient guarantee that no injustice is being done and that all conditions are complied with. This power has not been misused in the past and there is no reason to fear that this will be so in the future.

Sir, there are two other reasons why this Bill should be thrown out. In the first place, the Bengal Council,—the Council of the Province of my Honourable friend,—has recently given evidence by an overwhelming majority of their intention in respect of the principle underlying this Bill. They have just passed a Bill directing these detenus to be detained for any length of times: they have made a temporary Act permanent; and we here at present are discussing the Bill in the Assembly. So this was not the proper time, for my friend to bring in this Bill. The responsible opinion of his own Province was against him. Besides, another and perhaps more weighty reason than this is, that great reforms are in sight. The Provinces are going to get full Provincial Autonomy

and here too we are going to have a great change. Under these circumstances, is it fair for us to ask this Government to leave a legacy of chaos and bloodshed to their successors ? For, if they repeal these powers which they have enjoyed during all this period, and which have been responsible for guaranteeing peace to the country and keeping the terrorist movement underground, is it fair, I ask, for us to ask them on the day on which they are giving over charge to give up those powers and leave their successors to face the terrorist movement with all the consequent bloodshed ? I think it is highly presumptuous on the part of an Honourable Member coming from Bengal where no less than 500 detenus have been detained and where the Local Council has given by an overwhelming majority proof of their intentions, and where the presence of the terrorist movement was admitted the other day by every Member hailing from Bengal,—I say, is it fair for a Member coming from that Province.....

Mr. Amar Nath Dutt : May I inform the Honourable Member that I am asking for the repeal of a Statute which has nothing to do with terrorism and other matters of internal administration which cannot be dealt with under this Regulation ? I shall be obliged if he can point out why this particular Regulation should be retained on the Statute-book.

Hony. Captain Rao Bahadur Chaudhri Lal Chand : If there was ever an occasion for a so-called repressive measure to remain in the hands of the Government, it is now, and I quote those as instances of the presence of abnormal conditions in my friend's own Province. I say, it is presumptuous on his part or on the part of any Member hailing from Bengal, to come forward and ask this Assembly to deprive the executive to give up all those powers by which they have kept the peace in the country. Does my Honourable friend realise what is being done in other civilised countries of the world? He must have been reading papers and I need not repeat instances here to show how justice is being done in other countries in cases where there are abnormal conditions. This is so in Germany, Austria and everywhere. Here in India we enjoy settled government and peace. This is due to the wise handling of these powers by the executive, and, therefore, I would appeal to Honourable Members not to be misled by any craze for popularity, in spite of the coming elections that are in sight.....

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : And in spite of the possibilities of nominations to the next Assembly ? (Opposition Laughter.)

Hony. Captain Rao Bahadur Chaudhri Lal Chand : May I also remind Honourable Members that it is powers like these and others that have brought the Congress, from which all of us, whether Oppositionists or Nominated Members, differ, to their senses ? They have realised that the real good of the country lies in co-operation. But I will not take this opportunity of recounting the history of the Congress as they are not here, and so I will earnestly appeal to Honourable Members to weigh the reasons, to see that the result of repealing laws like these, would be to hand over the country to terrorists, and chaos and bloodshed will be the result.

Sir, I will not take any more time of this House, but I will only ask the House not to be misled by these sentiments, and to use their own

[Captain Rao Bahadur Chaudhri Lal Chand.]

reason for the purpose of maintaining peace in the country rather than gain popularity outside while voting on this motion.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Mr. President, after listening to the speech of my gallant friend, Captain Lal Chand, I am compelled to stand up here and refute some of the arguments he has advanced on this very important issue. Sir, it is a piece of good fortune that my friend, the Mover of this motion, got the chance today to make his motion, and I congratulate him. Sir, we on this side of the House know fully well how this Act has been worked by the executive in this country. My friend, Captain Lal Chand, in the course of his observations in opposing this motion, referred to the events of the martial law days, and I do not know if he has been able to convince even a single Member of this House.....

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Why not ?

Mr. D. K. Lahiri Chaudhury : Perhaps he could convince my friend, Mr. Yamin Khan, but the less said about my friend, Mr. Yamin Khan, the better. And when my friend, Captain Lal Chand, developed his argument, he said that he wanted to throw out this motion on the ground that he did not want to hand over a legacy of chaos and bloodshed to our successors. My friend is perhaps of the opinion that this Regulation, if retained on the Statute-book, will root out terrorism from our country. Sir, not many days ago, we had in this very House a somewhat similar legislation, I mean the Bengal Criminal Law (Amendment) Act, and it is still pending before the House. In the course of the discussion of that measure, my esteemed friend, Mr. S. C. Mitra, made out a very strong case in opposing the motion. He also made it abundantly clear to the House that by measures of this character you cannot prevent terrorism, you cannot prevent young men, who are determined to kill another with a revolver in one hand and potassium cyanide in another, from carrying out their object, however strong measures you may pass in this House or elsewhere. On the other hand, it has been pointed out even by the Treasury Benches that what is wanted to stamp out terrorism from this country is co-operation. Sir, we on this side of the House quite appreciate that spirit, and we are all prepared to co-operate with you in stamping out terrorism from this country. Nobody wants terrorism in our country, but we are prepared to co-operate with the Government on reasonable grounds. This Regulation, which is obnoxious in its nature, should not be allowed to remain on the Statute-book of this country. Under this Regulation you can put under arrest any man without trial for an indefinite period. My friend, the Mover of this motion, cited several instances where the provisions of this Regulation have been grossly abused and misused in the name of law and order. There are thousands of cases which can be cited in which, though this Regulation has strengthened the hands of the executive, it has been administered in a most vindictive manner. Under these circumstances, we have to seriously consider whether the time has not arrived to support the motion for the repeal of this most mischievous measure. Sir, I really feel that if measures of this character are not repealed, they will lead to greater mischief, and there will be more chaos and trouble in the country. I also verily believe that the oppressive methods adopted by Government tend greatly to retard the progress of this country. Nobody will deny that terrorism must be suppressed, but the policy of repression that is now

pursued in the name of law and order will not help to suppress terrorism at all. On the other hand, the oppressive methods pursued by Government are such that they only irritate the public mind, and I can cite instances of repressive methods pursued in the name of law and order, nay in some cases the executive have even usurped the functions of the judiciary. This is certainly most reprehensible. Even the executive have questioned the powers of the High Court in some cases. Do you by these means propose to maintain law and order in this country ? You being the custodian of law and order in the country, is this the way in which Government should administer justice ? Do Government think that by oppressing and terrorising people, in the way they are doing, they will be able to root out terrorism from this country ? Sir, I say it is a wrong dictum that my friend, Captain Lal Chand, enunciated here this morning. I believe he has an assurance,—whether it is a fact or not I do not know,—from his constituency that if he makes such a reactionary speech, it will strengthen his cause.....

Hony. Captain Rao Bahadur Chaudhri Lal Chand : Sir, if personal motives come in, then my community will stand to gain by the repeal of the Regulation in question and other similar laws. If there were no peace in the country, then we could deprive some of our rich friends, like my friend, of their property and riches. It is because of the peace that we enjoy under British rule that we are not able to do this.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order.

Mr. D. K. Lahiri Chaudhury : I did not mean to make any personal reflection. It is a question of principle that is involved here. If Nominated Members are asked to express such views in this House by their constituents, there is little hope for the country. I am sure that in the next Assembly some of the Nominated Members will have better sense.....

Mr. Muhammad Yamin Khan : Nominated by whom ? By the Congress ?

Mr. D. K. Lahiri Chaudhury : Nominated by the Government. What I want to point out is this. Terrorism can never suppress terrorism. Sir, in the course of the discussion on the Bengal Criminal Law (Amendment) Bill, it was pointed out that innocent people were attacked and assaulted in the name of law and order. Even a very highly respected man, a doctor of midwifery, I mean Sir Kedar Nath Das, was not spared by the police on his way to Darjeeling, and he was not only searched, but roughly handled by the police. Was there any sense in dealing with such an old and respected man in that manner ? If a young man visits any place there may be a suspicion against him, whether he be a terrorist or not, and the police can legitimately search him. But what is the meaning of searching a man like Dr. Kedar Nath Das who is an old man of 85 or 90 years ? That merely irritates the mind of the people. It is only by means of the co-operation of the people that terrorism can be suppressed. It is not by oppression but by persuasion that this terrorist movement can be eradicated. The other day, my Honourable friend, Mr. Mitra, threw out a challenge that he was prepared to take up the responsibility if the Government came to us with a reasonable attitude. If the Government are at all anxious to get the co-operation of the people, why do they not call a conference and find out ways and means of stamping out terrorism in India ? There is not a single Member on this side of the House who

[Mr. D. K. Lahiri Chaudhuri.]

supports this principle of terrorism, this principle of sporadic murders. We should look to the root cause of this malady. The Government simply give out that it is economic depression which drives these young people into drastic actions like that. It is not for their personal ends that they leave their homes and their parents, and if I may say so, some of them are jewels of the University. Why should they commit such heinous crimes ? The Government have power behind them, they have munitions behind them, and think that they can suppress terrorism by simply legislating enactments like these and oppressing the masses. That is not the way to suppress terrorism. No one in this world can suppress terrorism by terrorising the public. It can only be done by enlisting the co-operation of the public and their goodwill. The Indians are inherently loyal to their Government, and if Government come with a clean slate and consider the matter in a calm and dispassionate manner, certainly some solution can be found. But Government will not care to do that ; they never care to listen to the public. May I mention the instance of Hijli ? What happened there ? Those innocent detenus were dining quietly and they were shot dead like dogs. With what result ? An enquiry was made and the man who was guilty of that crime was simply transferred, and nothing else was done. Can it satisfy the public ? You have heard how detenus are suffering,—men against whom no charges have been brought in a court of law, they are merely kept under suspicion for an unlimited time. Still my Honourable friend, Captain Lal Chand, comes here and opposes this motion. I do not understand on what sense he has based his attitude, I do not know under what guidance he proposes to throw out this motion at this stage. If my Honourable friend had a little grain of sense in him, if he had a sense of responsibility, he would not have said like that.

Among the detenus there are some who are very respectable. Take the case of Mr. Sarat Chandra Bose who the Home Member said was a terrorist. Can any crime or action of terrorism be proved against him in a court of law ? The Government cannot, they dare not. And still Government is keeping that honourable gentleman within the prison bars. He is kept under restrictions, and he cannot earn his living. There are thousands of instances like that, and if the Home Member only took a little care to scrutinise each case personally, he would find that there are a number of detenus who are absolutely free from the taint of terrorism. You keep them merely under suspicion. It may be for a temporary period, but there is no reason why they should be detained for ever and not given a chance of coming out and mixing in social life. I could have understood if these special measures were brought in a time of war ; it would have been justified then. There is no such thing now. There is no revolutionary movement, no organised revolutionary movement in this country. There are some sporadic murders, and those people who are addicted to such crimes do not consult each other. They have no regular organisations, but they are merely irritated by the actions of the police. Take the affairs in Chittagong, for instance. When I was coming up to Simla I was travelling with some high official ; he was a police officer who was a Muhammadan. I asked him how things were going on in Chittagong. Government have always tried to describe this movement as a Hindu movement. My friend told me that it is nothing of the kind, that it contains both Hindus and Muhammadans. He further told me

that 500 Muslim houses were searched in Chittagong and that they were very irritated over that. I do not understand why the Government should simply impose punitive taxes on one particular community. This principle is absolutely wrong—not that I say that the taxes should be levied on other communities also. For one single soul who committed a crime the whole nation is blamed. The higher officials do not spare any opportunity to praise the police, and still the police cannot detect the criminal and for one single action like this the whole nation is branded as terrorist. No soul in Chittagong can sleep soundly at night. Is it administration ? Do you call it administration ? I think the executive have lost their brains and also their sense of responsibility and their statesmanship at the present moment. We have got strong belief in the British justice. But where is that British justice ? Can it happen in England that men are detained without giving them a proper opportunity of facing the charges against them ? No. There is no war now, there is no revolution, and still you persist in these Regulations. My Honourable friend, Captain Lal Chand, referred to the fact that the Bengal Criminal Law Amendment Act was passed by a majority. That sufficiently shows that the public are for eradicating terrorism. Why should not Government join hands with the public and have an enquiry into matters ? Let there be a non-official enquiry. The other day the Home Member had the courage to say that even a man like Khan Abdul Ghaffar Khan is a terrorist. But I am sure if Government would have cared to see even the cartoon that came out in the *Hindustan Times* they would have realised that they were afraid of their own shadow of terrorism. If the Government will only make inquiries, and face the facts, Government will find that a great number of these men are absolutely innocent and they have been detained on mere suspicion. I am not one of those who support this terrorism. I am not one of those who is pleading the cause of murders and political crimes, but I am certainly one of those who believe that with the co-operation and goodwill of the people this terrorism will stop. If only Government will come over and shake hands with the public and consult them on these matters and try to find out a satisfactory solution, they will get it. If they pursue a policy of repression, there is hardly any chance. Look at the evidence of the girl who shot at His Excellency the Governor of Bengal. You find oppression was done to her. I do not approve of her action. She has to be convicted.

The Honourable Sir Nripendra Sircar : May I contradict the Honourable Member ? I had something to do with this case. She made no complaint of any oppression of her by anybody.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : On her friends and relations.

The Honourable Sir Nripendra Sircar : I am answering my friend's allegation that she complained of oppression on her.

Mr. D. K. Lahiri Chaudhury : On her relations.

The Honourable Sir Nripendra Sircar : Is my Honourable friend aware that what is supposed to be her speech or defence has been taken *verbatim* from one of the older English trials. Only the names have been changed.

Mr. S. C. Mitra : That is done by lawyers.

The Honourable Sir Nripendra Sircar : That is not her language. That is the lawyer's language.

Mr. D. K. Lahiri Chaudhury : I am only giving that as an instance. I entirely agree with the Law Member. She may not have complained of oppression on her part but it is perfectly true that her relations and other people were oppressed. There are many Members here who will stand by me here on this particular issue that her relations and others were oppressed. I say that boldly.

The Honourable Sir Nripendra Sircar : I quite appreciate the boldness. Who was the relation who was oppressed ?

Mr. S. C. Mitra : In one of my speeches I have quoted the whole of the details if the Honourable the Law Member cares to read it.

The Honourable Sir Nripendra Sircar : I have not only read that but I have read other literature on the subject.

Mr. D. K. Lahiri Chaudhury : By terrorising terrorism, they cannot stop it. Every one in this sense who has got some brains and common sense will support me. It is my firm belief that it is wise to adopt a policy of co-operation and conciliation and to take the public into your confidence. This is the spirit with which this motion has been moved and I support the motion of my Honourable friend, Mr. Amar Nath Dutt.

Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) : By enacting Regulation III of 1818, shortly after the battle of Waterloo, the then Government of India, which were yet in an unstable state, took upon themselves abnormal powers to deal with abnormal circumstances by deporting without trial persons suspected of conspiracy with foreign and rival powers. The French power in India were still a menace and the erstwhile wards of the new Home Member from the Punjab, I mean the Sikhs and the Jats, (including my esteemed friend Captain Lal Chand), were rising in power. But it was quite one hundred and sixteen years ago. Administrators that used to be sent out to India then from the British Isles had, I suppose, much less brain than those of recent years. At that time, the most ruthless legal weapon that could be devised by the law makers was this Regulation III. But the law makers of the present day have been able to devise the Bengal Criminal Law Amendment Acts which stand incomparable among the Statutes of the world from which both Stalin and Hitler may take lessons with profit. In the face of these repressive Statutes, the old and decrepit Regulation III has become worn and obsolete. But our administrators are nothing, if not extremely courteous. In their supreme regard for their ancestors in office and their actions, they still cling to this antiquated and ante-diluvian law, Regulation III of 1818, for it deserved effacement from the pages of the Statute-book long ago. I trust the new Law Member, who has dealt extensively with both Regulation III and the present Criminal Law Amendment Act in Bengal, will advise the Government on the comparative merits of the two Statutes.

The Honourable Sir Nripendra Sircar : May I contradict the Honourable Member. I have never dealt with Regulation III. I have had nothing to do with it either as Advocate General or as Law Member.

Mr. Sitakanta Mahapatra : I stand corrected. Sir, I will take this opportunity to state before this House the pathetic story of two Regula-

tion prisoners deported from Jaypore Estate in the District of Vizagapatam. Two brothers named Narsing Sahu and Radhakrishna Biswas Rai, who happened to be non-violent Congress volunteers working in the *Samasthanam*, were arrested and deported in 1930, for what offence nobody knows.

Mr. Muhammad Yamin Khan : Were they non-violent ?

Mr. Sitakanta Mahapatra : Even the signing of the Gandhi-Irwin Pact could give them no relief and they are still rotting in the dungeon. I believe their difficulty is that as they happen to be very small fry in the Congress movement, Government of India have completely forgotten all about them—their very existence.

The Honourable Sir Henry Craik (Home Member) : May I ask the Honourable Member what is the case to which he refers.

Mr. Sitakanta Mahapatra : These two brothers are residents of Jaypore Estate in the Vizagapatam district. It is a zamindari.

The Honourable Sir Henry Craik : I do not think that could be under Regulation III.

Mr. Sitakanta Mahapatra : They were deported under the sister Regulation in Madras. Sardar Vallabhbhai's case was always before the mind's eye of the rulers. He had friends and admirers throughout the length and breadth of India. Even Mahatma Gandhi was very much concerned on his account. But it is no wonder that these two poor unknown young men, coming from an obscure place and arrested for minor activities, have been totally forgotten by the mighty British Government. Sir, there is still reason why their cases have been obviously forgotten. The type of our administrators who framed regulation laws were perhaps much more humane and considerate than at present. So in these regulations there is provision for suitable allowance to regulation prisoners. But while perhaps all such prisoners are getting allowances, these two unfortunate fellows happen to be noble exceptions. They do not get any allowance with the result that, if newspaper reports be correct, the members of their family, who were dependent upon them for their maintenance, are living by begging. Because they do not cost the Government anything in the shape of allowances it is another reason why they have been thrown to the depths of oblivion. Sir, I have stated all these facts before the House only in the hope of drawing the kind attention of the new Home Member to their cases and I hope it has been drawn. I trust the new Home Member will interest himself in their cases and see if their detention is still necessary and if so whether they deserve any allowance.

The Honourable Sir Henry Craik : I should be glad if the Honourable Member will send me particulars. I cannot trace the cases either under the Bengal Regulation or under the Madras Regulation.

Mr. Sitakanta Mahapatra : Thank you. I have concluded my observations.

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 Shanmukham Chetty) in the Chair.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) : Mr. President, after the very statesmanlike and gentlemanly speech of my Honourable friend, Mr. Lahiri Chaudhury, I do not think there is any doubt as regards the fate of this motion. My Honourable friend, Mr. Amar Nath Dutt, is not here, I am sorry to say. He has always said that he has got a soft corner for me in his heart ; I should also like to inform him that I also have got a very soft corner for him in my heart, and, therefore, I regret very much that I have to oppose his motion. Sir, my Honourable friend recited old and recent history ; he appealed to our honour and he appealed also to my Honourable friend, Sir Nripendra Sircar, as regards arrears of fees. Sir, much better and much more cogent arguments were brought forward and considered by a Committee of this House appointed to consider the abolition of the repressive laws. That Committee was presided over by Sir Tej Bahadur Sapru,—a name, Sir, which evokes as much regard and respect as that of my Honourable friend, Mr. Amar Nath Dutt. (Laughter.) What did that Committee say ? That Committee was decidedly of the opinion that, of all repressive laws, this particular repressive law should not be abolished but should be continued on our Statute-book. That should be a sufficient answer to the present motion. Sir, my Honourable friend stated that the conditions which obtained, when this law was enacted in 1818, are no longer in existence. My Honourable friend's memory is very short. If he had just tried to remember the very cogent and very forcible and very documented speech made in this House, only a few days ago, by the Honourable the then Home Member, Sir Harry Haig, I think he would have found and he would have realized how uncalled for and how unjustifiable his present motion is. Sir, Sir Harry Haig stated that not once, not twice, but many times that powers to fight terrorism and revolutionary activities were taken and were relinquished and that after each relinquishment and relaxation of such law there was a fresh recrudescence of terrorist and revolutionary activities. Sir, it would be defying common sense and experience to accede, under the present conditions, to the motion of my Honourable friend. It would be a serious dereliction of duty on the part of this Government not to stand by millions of peace-loving and law-abiding citizens and loyal officers of the Government who are doing their duty under conditions of extreme embarrassment and distress. (Ironical Laughter.) Sir, my Honourable friend said that under this law there was much room for concoction of evidence. I am not in a position to deny. .....

Mr. Amar Nath Dutt : I never said that under this law there was room for concoction of evidence. I said, in other cases.

Mr. N. N. Anklesaria : I stand corrected, but I understood him to say that because there was some concoction of evidence in cases under this law, therefore this law is a bad law. My Honourable friend is also a lawyer and I would ask him whether he does not come across every day,

in Courts of law, concoctions of evidence in criminal cases. Does he mean therefore that the Penal Code should be abolished and repealed. My Honourable friend also said that there has been much oppression of detenus detained under this law. Very serious charges were made on the floor of the House the other day as regards the alleged Midnapore atrocities and the Government of India, after due and considerable inquiry, have refuted those charges and shown them to be absolutely unfounded.

Mr. S. C. Sen (Bengal National Chamber of Commerce : Indian Commerce) : Who made the inquiries, may I know ?

Mr. N. N. Anklesaria : The Government-constituted authorities made that inquiry.

Mr. S. C. Sen : Which Government ?

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Judge of their own case.

Mr. S. C. Sen : Which Government ?

Mr. K. C. Neogy : Chaukidars' Government ! (Laughter.)

Mr. N. N. Anklesaria : Sir, my Honourable friend, Mr. Lahiri Chaudhury, talked of the root causes of the revolutionary activities. I would agree with him in asking the Government to try and investigate and remedy whenever possible those root causes. So far as I am able to ascertain, the root causes are more economic than political. (*Mr. S. C. Mitra* : " Question.") If the Government side by side with attempting to suppress terrorism and revolutionary activities also tries to suppress and remedy the acute unemployment in Bengal and acute economic distress in Bengal, I think we shall hear much less of terrorism. (Hear, hear.)

Mr. Amar Nath Dutt : May I inform my Honourable friend that this Regulation is not meant to deal with terrorism or terrorist activities but is meant to deal with international relations and relations with foreign powers and internal commotions, and not with sedition or terrorism.

Mr. N. N. Anklesaria : My Honourable friend has at last stated the truth. This Regulation is meant to deal with internal commotion also and people, who, behind the screen, behind the *Purdah*, foment movements of terrorism and revolution, are meant to be dealt with under this Regulation. This is my answer to the interruption of my Honourable friend. I was finishing and he interrupted me. I say that if Government were to take some trouble to ascertain the root causes and eradicate those causes, which I find to be more economic than political, we should hear much less of terrorism and revolutionary activities in this country. For, Sir, I do believe that the pangs of hunger are the worst possible pangs and people afflicted with the pangs of hunger cannot be held responsible for deeds which we all must deplore.

Sir, I oppose the motion.

Mr. J. M. Chatarji (Bengal : Nominated Official) : Sir, the motion before the House is to repeal the Bengal State-Prisoners Regulation of 1818. This Regulation, however, has been extended, on different occasions, by various enactments, to parts other than Bengal, and the motion for

[Mr. J. M. Chatarji.]

repeal will, therefore, mean that it will be repealed not only in respect of Bengal but also in respect of other parts of the country to which it has been extended under various Acts.

Mr. S. C. Mitra : How will the repeal of this Regulation affect the other Acts ? What is the relevancy ?

Mr. J. M. Chatarji : It will not affect the other Acts but it will affect the areas to which it has been extended. In the discussions which have followed the motion, Bengal and the situation in that Province have necessarily loomed very large. It may, however, be mentioned that the Regulation provides for several contingencies only one of which, as has been pointed out by the previous speaker, is that arising from internal commotion. There are other aspects of the Regulation which do not concern Bengal particularly and on those aspects there will probably be other speakers to speak.

As regards the danger to the State from internal commotion, I need mention only one aspect which must be patent to those who have to carry on the day to day administration in the country. We have heard of terrorism and other matters connected with circumstances which this Regulation is intended to provide against. It may be said that of late the Province has taken powers to combat the most recent phase of subversive activities in the form of terrorism. Why, then, have this Regulation on the Statute-book ? As has been pointed out by my Honourable friend, Mr. Anklesaria, the sources of mischief are very difficult to reach under the ordinary laws of the land. Sir, during the last four years I have had to deal with hundreds of political prisoners. I have also had the awful misfortune of having to attend an intended victim of a terroristic outrage immediately after the crime was committed. Fortunately for those who stood by that victim, it pleased Providence to help them in bringing him back from the jaws of death. I have also been the recipient of many threatening letters while in the discharge of my duties. I do not boast of these experiences. As an official, it has been my duty to face them. As an Indian and as a Bengali, it has been my misfortune to have been in circumstances in which I had to witness the misery of many promising young men, a misery which they not only brought upon themselves but one which they carried to their homes, their families, their relations and their friends. I do not think, Sir, there is anyone in this House who will not deplore these developments. I believe the voice is unanimous in deploring these developments and in wishing that they did not occur. We have also heard, times without number, that the ways in which the Government are trying to tackle the situation are not proper. We have yet to know what exactly is the proper solution. It is exactly that which has not been quite clearly and plainly put. It is not my business to go into them, nor do I intend to go to the root causes of these activities. But what I do intend to say here and now is that behind all these manifestations of unrest there must be some spirit and some power which is not quite manifest and it is to get at the source of that mischief that the Government must always have some power in reserve. I have known boys and young men who have done deeds which, in their cooler moments, they would probably never have thought of doing and which, in their cooler moments, they probably have repented having done. Now, what was it that incited them to do what they would not have

done if they had not allowed their judgment to be clouded by extraneous influences ? Sir, it is the atmosphere which is in the country. I will not go deeper into the causes which have led to the development of that atmosphere. Some may be of the opinion that it is due to an irresponsible Press ; others may hold that it may be due to irresponsible speakers on public platforms ; others, again, would put it down to economic and political discontent. Whatever the reason may be, it will probably not be denied that each and one of these causes has in varying extent contributed to the situation which we have unfortunately to face at the present moment. Now, what is the remedy against those who will not show their hands but who will use these impressionable young men to do all the dirty acts that they, in the secrecy of their own office or their chamber, want them to do. A power like that given in Regulation III of 1818 is about the only power which the State can possibly have for exercise in times of internal commotion and grave emergency. I have heard some speakers say that the powers have been abused, but that is quite another matter. That power has been abused or that some officials of the Government have exceeded their powers is no argument that the power is unnecessary and superfluous. Unless you have the power you cannot exercise it in case of necessity. I should think that many of those, who, with a sense of their own security, decry the possession of such power, would, when faced with threats and dangers from outside, come to those very men who are looked upon as the myrmidons of the administration which sanctions the exercise of such powers. Sir, in my official career, I have often been amused by the conduct of people who have large interests at stake in the country. I have known of instances in which the prospective heirs to large landed interests have been either overtly or covertly implicated in some subversive movements. It required only a few minutes conversation with such people to convince them that the views they entertained were not only subversive of the State but that they might mean ruin to their own future career. What was the influence that made them go into planes of conduct to which they could never have thought of going if they had time coolly and calmly to reflect upon what they were going to do. I can cite one instance, in which the President of a Union Board, who happened to be the grandson of a great Maharaja in Bengal, gave me notice that he with some of his fellow members had decided to resign from the Union Board and to carry on an intensive no-tax campaign within his area. When I got that intimation, I got into touch with the old Maharaja who naturally was very much fluttered about it. I went to the place and had a quiet conversation : it took me about half an hour to convince him that if they did anything like that, the next thing that his *raiyats* would do, would be to turn him out from his beautiful palace, to take out all his motor cars from his garage and to ask him for the privilege of occupying the palace from which they had been kept out so long.

An Honourable Member : Who is this gentleman ?

Mr. J. M. Chatarji : I may be pardoned for not mentioning the name ; for the old Maharaja is still alive in Bengal and he is one of the most loyal supporters of Government with a very sensible head on very old shoulders. It did not take me long to convince the young man : he felt that I had gone there like a friend to talk the matter over with him and to find out the reasons which led him into that frame of mind. It may be that we shall have to cope with influences which we cannot possibly get round

[Mr. J. M. Chatarji.]

with the ordinary criminal law of the country and it is for that reason that the Government must have the power to act upon reliable information and when they are convinced that sinister influences are at work which could only have the inevitable effect of leading to internal commotion.

Sir, I need not detain the House very long. I can only say this that anyone who has got an ounce of practical experience in the administration of the country will probably recognise the need for the State to have powers for use in emergencies like that we certainly have in Bengal today. It is no use concealing the facts from ourselves. If we say that things have quieted down, the latest attempted outrage on the ruler of that Province would be a grim reminder of the embers. Fortunately for us, an all merciful dispensation of a wise Providence ruled that a career so bright should not be cut off in the prime of youth, and that a Province which was so bravely struggling to rise above her difficulties should not be cut off the guidance of a farsighted statesman that she has now the fortune to have to preside over her destinies. Sir, I believe that every parent and guardian in Bengal, whatever he may say outside, whatever he may say on public platforms and in the Press or whatever he may say in order to court popular favour, cannot but view with some amount of distress the position in that unfortunate Province in which he can never be sure that his young ward, away from him possibly for purposes of education, training or employment, is very safe. I might admit that laws are not the only thing to meet the situation. There must be other avenues : and along with those who have always thought that Government must have powers to keep control over those who, without showing their own hands, directly engineer sinister movements, and lead innocent blooming lives into devious ways and paths, I have also been among those who thought there must be other remedies also for a solution of the most difficult problem that the State has ever had to face. Sir, it is some consolation to the people of my Province that they have at last an administrator who has the breadth of vision and the courage to look deeper into the problems and to take whatever measures he may think necessary.

Sir, at a time like this, it would be unfair to Bengal, it would be unfair to the country, to do anything to cripple her honest efforts to set herself again on the path of progress. Sir, I oppose the motion. (Applause.)

3 P.M.

Mr. N. R. Gunjal (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member, supporting the motion, spoke in the vernacular.)

[During the course of the speech, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. K. C. Neogy, one of the Panel of Chairmen.]

Mr. H. A. F. Metcalfe (Foreign Secretary) : Sir, I have listened with great attention to the speech made by the Honourable the Mover in proposing this motion, and I gathered that he was really chiefly interested in criticising the Regulation from the point of view of its use for dealing with internal commotion. He did not, so far as I understood him, nor did any other speakers who have spoken after him, object to its use for

the other purposes which are mentioned in the preamble to the Regulation If I may quote for a moment from that preamble, it is stated that :

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of the British dominions from foreign hostility and from internal commotion....."

Now, you will see, Sir, that at least 75 per cent. of the objects of the Regulation are devoted to matters other than quelling internal commotion, and I think I am right in saying that probably some 75 per cent. of the use which is made of this Regulation at present is intended to serve those purposes and not the purposes of dealing with internal commotion. However, the Honourable the Mover wishes the House now, because he objects to the use that is made on that 25 per cent. basis, to repeal the entire Regulation and to leave Government without any powers whatever for fulfilling its other obligations. If I may say so, Sir, his attitude appears to be somewhat like that of the auctioneer who said to a prospective purchaser : " I am sorry, Sir, if you wish to buy this table lamp, you must also take the garden roller. " I am quite sure that the Honourable the Home Member will have very good reasons to tell us why it is quite out of the question for him to accept the table lamp. My only object is to try and assure the House that it is quite impossible for the Government to purchase the garden roller. I will now attempt to give the House my reasons for that view.

Sir, as the House is well aware, India is surrounded by a very long line of frontier, on the other side of which there are a number of foreign countries. There are, out of these facts, arising certain implications and obligations which make it important for the Government of India to possess the power of restraint over the movement of individuals. I mainly refer to refugees from foreign countries who may take asylum in India ; also I refer to persons whose presence, within the borders of an Indian State, cannot be tolerated in the interests of law and order. I am concerned, as Foreign Secretary, mainly with refugees from foreign countries and with the use of Regulation III as it arises out of the presence in this country of such foreign refugees. The House will realise that along that enormous stretch of the country which borders India, there are a series of States in various stages of personal rule. In those States, dynasties rise and fall, and with those rises and falls, there are necessarily a certain number of individuals who are obnoxious or may have reason to fear the existing dynasty and those individuals very often take refuge in India. It is obviously in the interest of India to see that those refugees are not in a position to create trouble for the country from which they have fled. Now, it will be easy enough for the Government of India to say to these people : " you must go and live in a certain place ",—but without legal powers to enforce such orders, there is nothing to prevent those refugees from living where they like and, as they have frequently done in the past, from escaping again to the country from which they originally fled and there causing an amount of trouble to our relations with that neighbour, which I do not think I need go into. Some form of personal restraint is, therefore, necessary not only for the good of India and the maintenance of peace, but for the fulfilment of ordinary international obligations. I could, Sir, quote numerous instances in which the Regulation has been applied, but it is perhaps unnecessary to trouble the House at length on this point. I can only say quite frankly that from the foreign point of

[Mr. H. A. F. Metcalfe.]

view,—and I have done no more than touch upon the political point of view relating to Indian States,—I can say from the foreign point of view, with complete confidence, that it would be utterly impracticable to deprive the Government of India of the powers which they at present possess under this Regulation. I, therefore, would ask,—is it worth while for the House to take into consideration a motion for the complete repeal of a Regulation, under which alone these powers can be exercised ?

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I rise to support this Bill. My namesake, Captain Chaudhri Lal Chand, has spoken on this Bill, but he held a different view and a different brief. I must say that I do not in the least blame him for the opinion that he has held and which he placed before the House. I will not go to the extent of blaming him for it, because he is a Nominated Member, nor do I suggest that he holds that opinion and supports Government in expectation of some help like a re-nomination to the next Assembly.....

An Honourable Member : What are your expectations ?

Mr. Lalchand Navalrai : I am not going to blame my friend at all for the opinion he holds. As I said, I am not in a mood to blame him, but I shall point out his mistake very soon. My friend, in his zeal and enthusiasm to speak for Government, has missed the real issue involved in this Bill. He failed to understand the very requirements of this measure and proceeded to make a general criticism and condemn the terrorists, the Civil Disobedience and other movements. Sir, those things have no bearing on this measure at all. Nobody will say that the terrorist and other allied movements should not be curbed, and if for that purpose Government adopts certain reasonable measures, if they do not do anything unlawful, they will have every support from this side ; and they will be perfectly justified in adopting all proper and reasonable measures. But, Sir, he has really missed the issue involved in this Bill. I do not belong to Bengal, and I cannot cite many instances of injustice that have been perpetrated, as has been done under this measure ; but I must say, Sir, that though this Bill is applicable to Bengal alone, the whole House knows there are similar Acts in force in other Presidencies as well. In the year 1827, they have passed certain regulations which are in force in the Bombay and Madras Presidencies. They exist up to this day. I only ask whether the present civilisation, whether the present times require such Regulations, and that is the main question that should be considered. I will not go to the extent of saying that terrorists should not be confined and that measures are not necessary to put them down. The question is what are the provisions of this Regulation and whether any sensible man can say that such un-British laws should remain on the Statute-book any more. Let us take the history of these Regulations. They were made in 1818 and 1827, and in order to come to a decision on this motion we should know what the provisions of those Regulations contain. These are Regulations for interning persons, but the point is, is that internment done in a manner so as to give justice to the interned and the trial may not be a mockery or a farce ? If you are still in need of special laws to meet the present conditions and present circumstances, do make them by all means, but we are asked to make laws putting restrictions on peoples' liberty, even freedom of speech, etc. Such laws are being actually made even now but provisions are made in them in

order to give opportunities to people to explain themselves. But under the 1818 Regulation, a man can be interned without giving any reasons. Is that right I ask, is that justice I ask, is that British law I ask ?

An Honourable Member : No.

Mr. Lalchand Navalrai : When a man is interned without any reasons, if he asks what is the harm he has done, the reply would be : " I won't tell you ". When the representatives of the people come here and ask questions as to why he is interned, they get answers such as were given the day before yesterday, that they are not going to say anything or give any reasons to the representatives of the people.

An Honourable Member : Their case is put before two Judges.

Mr. Lalchand Navalrai : No, it is not. I shall come to that. There is no charge against the man, and the matter does not go beyond an executive officer. It is a matter in which you are actually curbing the liberty of a man. When you do so, you should certainly bring his case before some judicial authority so that the man may vindicate his innocence and show to the public that the Government are proceeding on a wrong assumption. What happens in this country is this. Everybody knows who virtually decides these things. It is none else but the police, it is the C. I. D. The C. I. D. and others bring information to the officers. It may have been a police constable who gave the information. When it goes before the higher officers, they cannot over-ride the constable's information. The horror comes to them that if they do not support the constable now, then he won't give them information afterwards and others will also not give information. Can you say, therefore, that the way by which you get this man interned is pure, honest and impartial ? Therefore, what I say is, repeal all these Regulations, and if necessary enact another law amending the defects of these Regulations. By all means you intern him. I have no objection to that if you have any reasonable grounds, but after getting him interned at one place, what do you lose by giving him a charge sheet ? He is not out ; he is under restraint, and why do you not bring the case before two Judges to decide ? What harm is there in doing that ? Why do you perpetuate such a measure which does not give any help in that direction ? As regards the terrorists, their cases are brought before two Judges, and why should you not do the same thing in the case of these interned men ? Is it because you will not be able to prove the case that you do not want to do it ? In that case, make a law that the matter will be summarily tried and not elaborately tested under the Evidence Act and so on. At any rate, the man will have some chance. What happens under the Regulation is, you just gag the man, clap him in, and that is all, finished. Therefore, this is a law, which should not exist any more. There is only one question which I have to answer and that came from the Foreign Secretary. The Foreign Secretary is not here in his seat ; however, I will reply to his point. He said that this Regulation is intended to apply not only to internal commotions but also to external disturbances in which foreigners are concerned. My point is, after he is interned, why not enquire whether that is really a reason for interning him ? Nowadays measures have been passed to protect the interests from foreigners aggressions also. We have in this very House passed the Press Act controlling the Press from saying anything against a foreign sovereign or government. We have also passed laws by which people have been barred

[Mr. Lalchand Navalrai.]

from doing certain things. These are new laws which have replaced the old antiquated laws. Then why do you want to keep this one? Therefore, what is asked by my Honourable friend, Mr. Amar Nath Dutt, is not that you should not take any steps against terrorism or against the Civil Disobedience Movement but that if you are going to intern a man you should do it justly according to the rules and regulations in your own country. You should not place him in one place and say that you shall never open your mouth. Sir, I support this Bill whole-heartedly.

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

The Honourable Sir Henry Craik: I am perhaps fortunate in that, on this the first occasion on which I have the honour of addressing this House, the issue should be one that is perfectly clear cut and completely lacking in ambiguity. The answer to the Honourable the Mover's motion today must be a clear "Yes" or a clear "No". There is no half way house about it. I am perhaps less fortunate in that the subject is, owing to the Honourable the Mover's courage and persistence, one with which this House is perhaps almost unduly familiar and which I am perhaps not wrong in describing as having been discussed almost threadbare. On numerous occasions within the last ten years, this motion or an almost exactly similar motion has been before this House. The first occasion was a little more than ten years ago, the last was a little less than six months ago, when this House, after a somewhat brief debate and without a division, rejected a motion that this Bill should be circulated for opinion. Now, Sir, the Honourable the Mover in an early passage in his very eloquent, and if I may be allowed to say so, very moderately worded, speech gave expression to the following sentiment. "No administration", he said, "has a right to exist by suppressing the voice of the people and the legitimate freedom of the people". That, Sir, is a sentiment to which nobody, least of all myself, who has any regard for ordered Government or for liberty, can take the slightest exception. On the other hand, I am afraid that in these days we must face the facts and however much we may object in theory, today we must admit that there are in point of fact a great many Governments in a great many countries which exist, to put it quite frankly, by suppressing the voice of the people and by suppressing their legitimate claims to freedom. It is not necessary for me to mention the names of those countries. They will suggest themselves to every Member of this House. In those countries, the power of internment of Government's political opponents, not necessarily of violent opponents but merely its theoretical critics, is used on a scale far surpassing anything that has ever been seen in India. The Honourable Member reinforced that principle, which I have just quoted from his speech, by reading to the House certain quotations from the speeches or letters of that eminent Secretary of State, the late Lord Morley. Now, Sir, Lord Morley was of course a very eminent Liberal statesman, but he was essentially, if I may say so without disrespect, a statesman of the doctrinaire liberal school, and like so many of that school, his actions were very often not in strict accord with his expressed sentiments. It is no doubt within the knowledge of every Member of this House that, whatever sentiments Lord Morley might have expressed in those letters which the Honourable the Mover quoted, he did not in fact agree to the repeal of this Regulation, though he was repeatedly and incessantly pressed to do so. I would like the House to listen, if they will bear with me for one moment, to a short quotation from a speech of

that statesman in which he alluded to the pressure put on him to repeal this Regulation, and in which he said that the Regulation is :

" of course, a tremendous power to place in the hands of an Executive Government. But I said to myself then, and I say now, that I decline to take out of the hands of the Government of India any weapon that they have got, in circumstances so formidable, so obscure and so impenetrable as are the circumstances that surround the British Government in India."

He then went on to say :

" You must protect the lives of your officers. You must protect peaceful and harmless people, both Indian and European, from the blood stained havoc of anarchical conspiracy. We deplore the necessity, but we are bound to face the facts. I myself recognise this necessity with infinite regret, and with something, perhaps, rather deeper than regret. But it is not the Government, either here or in India, who are the authors of this necessity."

Now, Sir, in the face of that quotation, I really do not think that the Honourable the Mover can claim that the late Lord Morley was a very stalwart champion of the motion that he wants the House to adopt today.

The Honourable the Mover has quoted instances in which he alleges that in the past the Regulation has been abused or has at any rate been used without proper discrimination and in effect, he intended to imply, in a cruel and vindictive manner. I regret I cannot follow the Honourable the Mover into the details of those cases, but I must admit that I do not see how the repeal of the Regulation now would right those past wrongs, even if they do in fact exist ; but I do most emphatically take the standpoint that at present the Regulation is not being used in any such manner. I deny altogether that the Regulation at present is being abused. On this point there is one side issue which I would like to mention very briefly. One speaker, I cannot remember who, attacked the Government in respect of a reply which I gave yesterday admitting that in regard to the internment of a certain gentleman, Mr. Sarat Chandra Bose, the Government of India had consulted the Local Government and he implied that by this consultation the Government of India had exceeded their rights, their statutory or legal rights, and had evaded their responsibility. Now in regard to that, I admit I am wholly unrepentant ; and I do not for a moment admit either that the Government of India, by consulting the Local Government, have evaded their own responsibility, and in fact I go a great deal further than that,—I say that the Government of India would have been very much to blame if they had come to a decision in a case of that sort without consulting its local agents—the Government of Bengal. On that point I fear I cannot for a moment allow that the Government of India are in any way whatever to blame.

Now, if I may allude to what was said by the last speaker, Mr. Lalchand Navalrai, I should like to say,—and here I speak from personal experience,—that the picture which he gave to this House of the procedure that is followed in deciding whether a person is to be interned or not, that that picture was an absolutely misleading one and that what actually happens is nothing of the kind. He made out that Government, on the report of some constable of the C. I. D.,—those mythical constables of the C. I. D. of whom there are very few but who in the imagination of some Honourable Members exist by the million,—on the information supplied by some constable of the C. I. D., and entirely unverified and entirely unchecked by such other information as is available, the Government decides that a man must be interned. Now, I have had in another

[Sir Henry Craik.]

capacity myself to deal with a considerable number of these cases,—not of course under the Regulation but under the very analogous case of the power which was given, and still is given, to the Punjab Government by the Punjab Criminal Law Amendment Act. Under that Act, the Government has power to detain, for a limited period only, without trial, persons whom it suspects of being likely to cause internal commotion or to upset the tranquillity of the realm. I would ask the House to believe me, when I say that the picture drawn by the Honourable Member from Sind of what actually happens in those cases is entirely wrong. What happened within my experience? Practically all the people, at any rate the very great majority of British Indian subjects interned under this Regulation,—and I think I am right in saying all those interned under the analogous power given by the local Criminal Law Amendment Act,—are interned because they are implicated in the terrorist movement. Now the sort of thing that used to happen was this. A report, not by a C. I. D. constable at all, but a report, usually by an officer of at least gazetted status and often of a very high gazetted status, would come to me and it would say in effect "for months, we have been following, trailing so and so. We know his movements; we have checked them up for weeks; we know who he is in touch with, we know who he is corresponding with. We know, or at any rate we in our own minds are absolutely convinced, that he has just come into possession of arms or bombs. We cannot lay our hands on these, because we do not know where to look for them and because, every possible precaution is taken to conceal them. Further, we know"—and this information generally comes to the officer within twenty-four hours before he would approach me,—further, he would say,—"we know that this particular man contemplates a particular outrage and we have strong reasons to suspect that that outrage will be attempted within the next day or two". Very often it is even known who the intended victim is. We know sometimes, or we have reason to believe, what the place of the outrage will be.....

Mr. Lalchand Navalrai: Who gives that information? Who gives that information to that officer?

An Honourable Member: Order, order.

Another Honourable Member: Why "Order, order"?

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order.

The Honourable Sir Henry Craik: That information is given by methods which are necessarily secret and devious, but to which I have myself on several occasions applied every possible test. It is easy enough to say "Oh, this man is a police informer, he is not worth anything". But you *can* believe him when he makes a statement if you know that ninety-five per cent. of his previous reports are true, and when you can check up by actual past events or by information drawn from other sources that the report put forward is one that the informer could not have invented or could not have found out for himself, unless the events related had come to his own actual knowledge. Now, Sir, confronted with information like that, I should like the House to reflect very seriously, what action an officer of Government in the position I held and now hold is to take. Am I to say: "well, I cannot put this

suspect before a Court ; I have no evidence to put before a Court. But on the other hand, I am convinced that if I do nothing, somebody's life will not be worth twenty-four hours' purchase " ? Am I to say : " very well, I will allow him to go on, I will take every possible precaution, I will surround the intended victim with gun-men, I will post sentries around his house and will not allow him to go out, and then let him take his chance " ? Well, Sir, the experience of the last ten years has proved, if it has proved anything, to the satisfaction of anyone who knows anything about the subject, that, given a sufficiently desperate man, a man who is entirely reckless of the consequences to himself and who is determined on assassination, that no precautions, however carefully planned, can prevent him carrying out his design. Well, if I take that line, if I say, " let the man go on, and only when he attempts to commit his outrage, then arrest him and then try to get a conviction in Court ", am I not surely running an entirely unjustifiable risk, while I have this weapon available in my hand, the power to intern ? I am not at the moment speaking of the Regulation but of the analogous power given by the Provincial Act. Surely, I should be gravely failing in my duty if I allowed this man to go on and attempt to commit the outrage planned and allow his intended victim to risk his life. No, Sir, I cannot for a moment accept that view ; I think I should be gravely wrong if, in circumstances such as those, -and those are the actual circumstances of half a dozen cases at least with which I have actually had to deal,—if, in such circumstances as these, I did not use this weapon which the law has placed in my hand. I feel sure that the House will agree and that in fact nobody in the House would take a different view if he was placed in similar circumstances. (Hear, hear.) I should be absolutely wrong if I neglected to use an instrument which might save several valuable lives.

4 P.M.

Sir, the words which I read from Lord Morley's speech speak of his unwillingness to deprive the Government of India of this weapon or indeed of any weapon " in circumstances so formidable, so obscure and so impenetrable " as were the circumstances of that day. Our justification for the retention of this Regulation is that the circumstances of today are every bit as formidable and every bit as obscure. We are today confronted with two very grave dangers. The first is anarchical crime and the second is communism, and it is against these two dangers, almost exclusively, that the Regulation is now being used. I am not for the moment speaking of its use in regard to the persons referred to by my Honourable friend, Mr. Metcalfe, but its use in regard to internal commotion is now practically entirely confined to terrorists and communist agents. I do not know if the House is familiar with a phrase which has lately become a sort of cant saying or a common place piece of journalese in England,—it came over from America,—it is a phrase " Public Enemy No. 1 ". It was originally applied to a certain notorious gangster in America whose name, I think, was Dillinger, who was " bumped off ", to use again an American expression, by a squad of police outside a Chicago cinema the other day. That gentleman, who was responsible for I do not know how many murders, was known as " Public Enemy No. 1 ". Now, Sir, I take it that in India our " Public Enemy No. 1 " is the anarchist, the terrorist who brings to his abominable cult every kind of diabolical ingenuity, not only in carrying out his crimes but in concealing the traces and the evidence

[Sir Henry Craik.]

of it. Further than that, he exercises the same diabolical ingenuity in perverting to his cult ill-instructed, uneducated and half-formed youths, and I submit that in both those capacities, I am perfectly entitled to call him our "Public Enemy Number One". I further submit that, in dealing with a man of this nature, who not only deliberately sets the law at defiance, but whose object is deliberately to paralyse and render ineffectual the whole machinery of the law, we are entitled to use any weapon, however drastic, that we have at our disposal. The methods used in other countries are, of course, far more drastic than those which we apply. The gangster, who first earned the title of "Public Enemy No. 1", was hunted for months before he was eventually exterminated. There was no question of arresting him. He was to be shot at sight and that was his eventual fate. He fell riddled with bullets.

Now, as regards communists. I really think that I may call the communist "Public Enemy No. 2". Communism is, as the House is aware, a very growing danger in certain parts of India and the country is being, I will not say flooded, but infiltrated by communist agents, many of them trained by the Communist Internationale or by communist teaching institutions at Moscow and most of them supported by the funds of the Communist Internationale. Those people are steadily penetrating into India and as regards their objects, it will be within the recollection of the House that we had recently within the last year a judicial pronouncement by a High Court that their object is, I cannot remember the exact words, but it comes to this,- by armed revolution to subvert not only the existing form of Government but the whole fabric of society, to nationalise land, factories, railways, irrigation schemes and practically every sort of wealth and, in fact, to turn the existing fabric of society completely upside down. Their object is to do that by means of an armed rising of what they call "the peasants and workers" and it has been held judicially that that object is not a distant or eventual one but an immediate object. Against those persons, I submit, we are fully entitled to use this weapon of the Regulation. It is impossible, in practically all cases against persons of that character, to secure a conviction in a Court of law. Their methods are underground, evidence is not available and I am not even ready to say that the holding of these doctrines is in itself an offence. But, at the same time, they constitute a public danger only slightly less appalling than the anarchist.

Sir, I might have appealed to this House to reject this motion on the ground that its acceptance would stultify the decision to which the House itself arrived with very little hesitation less than six months ago, but I do not desire for a moment to take that tactical point. I would appeal to the House to give its verdict entirely on the merits of the case. That is to say, to say definitely whether it desires to deprive the Government at this stage in the history of India, at this stage both in the history of the terrorist movement and the history of the communist movement, and also I may say, because I think it is just as relevant, at this stage in the history of the constitutional progress, of this valuable weapon for dealing with the forms of menace which I have described. I have little doubt that, from a House which has repeatedly assured Government of its detestation of the terrorist movement, of its readiness to

help Government in getting rid of that movement, the answer will be that which I hope the House will give. (Applause.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, if I intervene in this debate at this stage, it is to bring to the notice of this House certain facts to which the Honourable the Home Member has not adverted. While speaking of the Home Member, Sir, I wish heartily to congratulate him upon his maiden speech and I am quite sure that as a Home Member he will make himself thoroughly popular with both Sections of the House (Applause) by representing the case of the Government as fairly and fully as he has done today. And if I criticise the Honourable the Home Member, it is not because what he has said but what he has omitted to say, and that was perhaps because it was not in his brief. This Regulation was passed as far back as 1818, and it was brought under review of this House in 1922. In the report of the Repressive Laws Committee, signed by the then Home Member after the examination of the present Home Member who was then officiating as the Home Secretary of the Government of India, the unanimous decision of the Repressive Laws Committee dealing with the State Prisoners Regulation was that it required to be amended, and Honourable Members will find this fact clearly stated at page 7, paragraph 13 of their report. This was a compromise report to which the then Home Member appended his signature as also the Law Member and it was then expected that what was given in this report would be given effect to by the Government of India. Now, Sir, Honourable Members will find that this report was signed on second September, 1921. Now, it is about 13 years since the publication of this report that this House has been expecting the Government of India to implement their decision by bringing forward before this House appropriate laws. They never said for one moment that they were not going to abide by the decision of the Repressive Laws Committee. On the other hand they were co-signatories to the unanimous report of that Committee and when, in the first Assembly, this question was raised by one of us, the Honourable occupants of the Treasury Benches assured the House that they were taking steps to bring appropriate laws to give effect to the recommendations of that committee. Some laws were brought. They were brought forward and they were passed. One of them at least has since been repealed. Now, Sir, the question that this House is entitled to ask of the Honourable the Home Member is this : do not the Government stand pledged to modify the provisions of the State Prisoners Regulation in accordance with the decision of the Repressive Laws Committee to which they were a consenting party. That is my first question. Now, the second question that I wish to put is this. Whatever the Honourable the Home Member has given is a blood-curdling picture of the activities of the communists and terrorists in this country, we are used to that picture, only the other day his distinguished predecessor, speaking probably from a similar brief, raised the hair-raising story of the terrorist movement which required the enactment of what is known as the Criminal Law Amendment Act. Now, the plenary and full provisions of that permanent measure of the Bengal *cum* Government of India legislation is to suppress terrorism in Bengal. Under the provisions of that Act, the Home Department of the Government of India, only the other day, issued a Notification declaring as illegal all communistic organisations throughout the length and breadth of the country. Therefore, we are led to the conclusion that the Criminal Law Amendment Act, enacted by this House only the other day, is sufficient in the eyes

[Sir Hari Singh Gour.]

of the Government to deal with the dual terror to which the Honourable the Home Member has adverted, namely terrorism and communism. If that be so, what is the necessity of retaining on the Statute-book an old rusty weapon which has long been superseded by an enactment of this Legislature passed only the other day. That I submit is my second question. The Honourable the Home Member has said that there are other countries where more drastic laws are passed and he asked this side of the House to recall those countries. We remember them, but may I ask the Honourable the Home Member to extend to us the courtesy of studying the constitution of those countries. Have they got an irresponsible Central Government, or have they not a responsible parliamentary system of Government ? It may be that they have got Dictators but these are the Dictators created by the people and maintained by the people and have the confidence of the people and the moment they forfeit that confidence they will be thrown out of their dictatorship. Can we say the same of the Honourable the Home Member ? Can we say the same of the entire occupants of the Treasury Benches ? If they had been there by our vote and suffrages, the analogy between the countries which enjoy responsible Government and whose heads resort to repressive laws for the purpose of suppressing terrorism and crime in that country would have been more appropriate. I hope the Honourable occupants of the Treasury Benches will remember when they deal with this question the very antithesis that exists between the Governments of those countries and the Government of this country. Sir, we have been told that, so far as internal commotion is concerned, this Regulation is at the present moment utilised for the purpose of suppressing terrorism and communism. I have already reminded the House that the Government have a sufficient and strong weapon in their possession which the Government have used most effectively for the purpose of suppressing the dual mischief of which the Government complain. The Honourable the Foreign Secretary, Mr. Metcalfe, said that 75 per cent. of the detenus under the Bengal State Prisoners Regulation are foreigners and are persons connected with illegal foreign activities and only 25 per cent. of them are persons.....

Mr. H. A. F. Metcalfe : I do not claim any exact knowledge on the subject. I said that was my impression. I stand open to correction. I am not certain of the figures.

Sir Hari Singh Gour : I understood the Foreign Secretary to state in that sense. It is only a rough calculation. I am not binding him down to the exact percentage. The bulk may be 75 per cent. or 70 per cent. or it may be even 50 per cent. We are concerned here with the bulk of the persons dealt with under this Regulation and they are persons who come under the exact wording of the preamble to the Regulation and according to the estimates of the Foreign Secretary, only a small fraction, 25 per cent., it may be more or less, are persons who are the disturbers of internal peace. Now, so far as the disturbers of internal peace are concerned, I have already pointed out that we have given Government a *carte blanche*. They have been entitled now under the provisions of the Criminal Law Amendment Act to issue *lettres de cachet* against anybody whom they think responsible for terroristic or communistic activities. Now as regards those, who come under the jurisdiction of the Foreign Secretary, the bulk of the people, the Repressive Laws Committee were presented with a similar argument and it was pointed out to them that

this State Regulation was being used very largely for the purpose of upholding the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Indian Princes entitled to its protection and the security of the British Dominions from foreign hostility. The Repressive Laws Committee unanimously decided that this limited purpose for which the Statute was being used should be clearly defined in another Statute and that the Government of India should take in hand the enactment of such a Statute. My friend, Mr. Anklesaria, ejaculated a moment ago, that this was a motion for the repeal of the State Prisoners' Regulation. He has been long enough in this House to know that on a consideration motion being passed, it is open to any Member of Government to refer the matter to Select Committee, and to limit its scope to the Select Committee, for the purpose for which the Repressive Laws Committee recommended the Statute should be limited. Now if the occupants of the Treasury Benches intended to carry out the recommendations of their own Committee they would have said that they are quite prepared to consider the State Prisoners' Regulation by limiting its scope to persons mentioned by the Foreign Secretary. But that has not been done because if that had been done I am quite sure that my Honourable friend, the Mover of the motion, would have been found in a more compromising mood. Now, Sir, the position, therefore, is this. If you wish to limit the scope of the Statute, for the limited purpose for which it is being mainly used, you will have no difficulty in limiting it for that purpose ; and the Statute as it stands is too wide and it is against that that we complain. It has been said by my Honourable friend, Mr. Anklesaria, that we on this side of the House complain that prisoners and persons dealt with under this State Regulation are dealt with upon *ex-parte* evidence and *ex-parte* information. That fact is admitted by the Honourable the Home Member that there is *ex-parte* statement and *ex-parte* information, most of it secret information, upon which these people are apprehended and detained in custody for an indefinite term. Now what we ask the Honourable the Home Member is that, whatever may have been the position in 1818, we have now regularised our criminal procedure. In 1818 there was no criminal procedure at all. *Hic volo hic jubeo,*—that was the compendious expression of the law of the executive government, but since then we have regularized the procedure. We have the Evidence Act and the Criminal Procedure Code, and I am somewhat surprised that my friend, Mr. Anklesaria, who is drawn from the Bar, should ask if there is no concoction of evidence in cases falling under the Indian Penal Code. If there is concoction of evidence in cases falling under the Indian Penal Code, there is a Court of appeal of which perhaps my Honourable friend, Mr. Anklesaria, has not yet heard, and there is a Court of revision of which I am afraid my Honourable friend, Mr. Anklesaria, is wholly ignorant. If there is concoction of evidence it passes through the filtering judgment of two superior judicial Courts and is there any similar safeguard.....

Mr. N. N. Anklesaria : My Honourable friend has a very short memory. The Honourable the Home Member distinctly stated and made it clear that it is not possible to put the evidence before a Court of law.

Sir Hari Singh Gour : I never thought that my Honourable friend, Mr. Anklesaria, would arrogate to himself the position of the Home Member. I was dealing with the legal aspect of the question and I was

[Sir Hari Singh Gour.]

turning to the Honourable the Home Member with reference to the remarks that fell from him that a great deal of the evidence has got to be necessarily secret and one-sided. Now I ask the Honourable the Home Member one question and I am quite sure that he will at once see the justice of our comment. In cases under the Indian Penal Code and under the general criminal law, which are tried by experienced Magistrates, where there is a law of evidence, where the evidence is tested by cross-examination, no less than 50 per cent. of the cases are set aside by the High Court on the ground that either the evidence is insufficient or that it is incredible or that it is concocted or that it has been believed without any justification.

The Honourable Sir Henry Craik : Did the Honourable Member say 50 per cent. ?

Sir Hari Singh Gour : Yes, about 50 per cent.

The Honourable Sir Henry Craik : I cannot agree with that at all.

The Honourable Sir Nripendra Sircar : Which High Court is my Honourable friend talking about which sets aside 50 per cent. of the convictions ?

Sir Hari Singh Gour : I was dealing with the statistics that were collected in connection with the establishment of the Supreme Court in India, and portions of which have been sent out to England, showing how many cases are likely to appear before the Supreme Court. And it is in that document that Honourable Members will find the reference to which I have alluded. I am not referring to 50 per cent. up to the last decimal but about 50 per cent. is what I said. But let it be 25 per cent. of the cases. My argument is equally sound because it does not depend upon the percentage of cases.

The Honourable Sir Nripendra Sircar : That is a big drop, from 50 to 25, and you are now somewhere near the mark.

Sir Hari Singh Gour : There may be a big drop in the figures, but no drop in the argument. (Loud Laughter.)

The point I was making was that you have a considerable percentage of cases in which the High Courts have found that the evidence that was recorded by the trial Judge was either insufficient or incredible or concocted or otherwise inadequate to support a conviction. Now you have, therefore, a salutary check by a judicial officer which gives an innocent person the relief to which he is entitled. I ask the Honourable the Home Member what similar relief is provided to a person who is apprehended under the State Prisoners Regulations ? That is a question which worries me and I am sure that it worries many Members on this side of the House. Have you got any check upon the vagaries of the police and other subordinates who collect evidence ?

The Honourable Sir Henry Craik : We have the evidence almost invariably reviewed by two experienced Judges. The question of the continuity of the internment or release of the internee is periodically reviewed by the Government.

Sir Hari Singh Gour : Once upon a time, in 1922, this evidence was reviewed by two High Court Judges. Then the High Court Judges complained and said : "This is not our job." Now the evidence is being

reviewed, as the Honourable the Home Member knows by two Sessions Judges but reviewed *in camera*, without the arguments of Counsel, without hearing both sides, and without the salutary test of checking the credibility of that evidence through the process of cross-examination. What is the value of this check ? I was only dealing, when I drew the analogy of the High Courts setting aside the convictions arrived at under the process of law by the constituted judicial tribunals and compared them with the *lettres de cachet* issued by the executive government against which the prisoner had really no relief. The point I was making is, assume that where in a judicial trial you have at least half the number of people,—the Honourable the Law Member does not like half but will perhaps concede one-fourth or a certain percentage of people who are wrongly convicted : what guarantee is there and what check have you provided against the illegal incarceration of State prisoners under the Regulation ? There is no provision, and I can well understand it. In the good old days of 1818, when there was no procedure, no Evidence Act, no Legislative Assembly and indeed no Legislative Council....

An Honourable Member : And no lawyers !

Sir Hari Singh Gour : And, as my friend very rightly points out, no lawyers to act as tribunes of the people, the executive government made the laws and administered them. Now, in 1934, can the Honourable the Home Member ask this House to retain these laws in the executive armoury without a protest ? And I say this protest was once made in 1921 by the Legislative Assembly, and it will continue to be made with increasing vigour by the later Assemblies. It is, therefore, time, while the Honourable the Home Member has got such friendly critics as my friend, Mr. Anklesaria (Laughter), and my friend, Mr. Yamin Khan (Laughter), to take courage in both hands and ameliorate the condition of these prisoners by reducing the severity of the Regulations and giving them a reasonable chance of defending themselves either *in camera* or in open Court according to the wishes and expediency of the Government. That, I submit, is a very reasonable request to make and if the Honourable the Home Member would only ponder over these small questions that we are bringing to his attention, I am sure he will feel that there is a great deal to be said on this side of the House. We may be treated by some Honourable Members on the other side as Public Enemy No. 1, but I can assure the Honourable Member that we, in our desire to co-operate with the Government, aspire to be Public Benefactors No. 1, and it is in that spirit that we ask the Honourable the Home Member not to make a dialectical point by saying that everything is well done and well tried, well tested by the executive government, because if the executive government is capable of testing these cases, why have the High Courts ? Why have judicial administration in this country ? Try every case yourself,—it will mean saving of time and money. Let all cases be dealt with by the executive government. Abolish all your Criminal Procedure Codes, the Evidence Act.....

An Honourable Member : And lawyers !

Sir Hari Singh Gour : The lawyers will act as advisers of the Government. (Laughter.) Raja Bahadur Krishnamachariar will be one of them. I, therefore, submit that this is not one of those cases in which the Government should carry their point by brute force. We know that situated as we are, we may not be able to carry this point in the division lobbies, but I appeal strongly to the Government to carefully reflect upon

[Sir Hari Singh Gour.]

the injustice, that at least some people incarcerated under the State Prisoners Regulation have suffered, and to ameliorate their condition; and if this is done, I am quite sure that justice will not be over-strained. On the other hand the occupants of the Treasury Benches will receive the congratulations and thanks of the representatives of the people on this side of the House for having not only carried out the solemn pledge which they themselves gave as far back as 1921, but carrying out the repeated Resolutions passed by the House since that year. That I submit ought to add to the force and strong contention of Members on this side of the House. Whenever a question comes up on that side of the House, we on this side are alarmed by the words 'terrorism', 'anarchism', 'communism', and my timid friends, like the Raja Bahadur, are hypnotised into a willing acquiescence by the words: "Your land will be forfeited, your land will be nationalised, your property will be confiscated."....

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): That is what the Congress says.

Sir Hari Singh Gour: Let us not be hypnotised by these amulets, these charms, these talismans of the executive. Let us look at the question in a cool and calm light, as persons who wish to feel that while all lawlessness is curbed, in curbing that lawlessness, the innocent are not mixed up with the guilty. That, I submit, is the only point of difference between us on this side of the House and the occupants of the Treasury Benches. (Applause.)

Mr. S. C. Sen: Sir, I did not desire to take part in the discussion on this motion at this late stage. I support the motion of my friend so far as the repeal of this Regulation relating to internal commotion is concerned. We are much indebted to the Honourable the Home Member for informing us of the practice which he used to adopt as regards the terrorist movement in the Punjab, and also for the careful manner in which he looked into the papers. Of course, he denied that the Local Government had any voice in the administration of Regulation III of 1818 and that the whole responsibility lay on the Government of India. In this matter he could not enlighten us, as to what the procedure of the Government of India was, as regards any particular person who was considered to be a man to whom the provisions of Regulation III of 1818 should be applied. Sir, he referred to a particular case, namely that of Sarat Chandra Bose. I would ask him to refer to the papers in that case, to refer to the record of that case, and let us know, some time later, what inquiries the Government of India made in connection with that matter. I know, Sir, from personal interviews I had with my Honourable friend's predecessor, that he was actually guided in his orders by the Government of Bengal. (Hear, hear from the Opposition Benches.) I saw my Honourable friend's predecessor on more than ten or twelve occasions regarding this matter. I was instrumental in transferring Mr. Sarat Chandra Bose from the hot prison at Jubbulpore to his house at Kurseong. I was instrumental in getting his leave to send his brother Subhash Chandra Bose out of India for being treated at Vienna. I asked Sir Harry Haig, during the last Delhi Session, whether, now that the country was in a more quiet and peaceful condition, now that Mr. Sarat Chandra Bose had been transferred to his own home and as there was no complaint against him, he could release him. He said: "I can't release him. I

can release him at once if the Government of Bengal would consent to such a release ". (Hear, hear from the Opposition Benches.) That was his opinion.

Mr. K. C. Neogy : What does the present Honourable Member say to that ?

Mr. S. C. Sen : I would, therefore, ask my friend, the Honourable the Home Member, to go into the papers. If he likes, I should like him to take advantage of the opinion of that eminent and brilliant lawyer whom the Government of India have been fortunate enough in having as their Law Member at the present moment. (Hear, hear from the Opposition Benches.)

Mr. K. C. Neogy : Here is a sporting offer. Place it before the Law Member.

Mr. S. C. Sen : Sir, from the speech made by the Honourable the Home Member, I consider him to be a sympathetic man, a man who will not decide matters in an autocratic manner, a man who is prepared to consider all these cases judicially and to the best of his ability. Sir, the Honourable the Home Member referred to certain cases which he said he had to decide based upon the reports of the police. He said that he took ample care to see that the police reports were correct, so far as he could judge them,—but that he could not do anything more. I suggest, Sir, why did he not act according to the provisions of the Act known as the Rowlatt Act, an Act which came out of the Rowlatt Committee's Report. Sir, the Rowlatt Committee, after considering the whole matter, came to the conclusion that an inquiry should be made as regards these particular cases *in camera* during which the accused or the detenu should be given an opportunity without the help of a lawyer to clear himself.....

Mr. K. C. Neogy : And be present.

Mr. S. C. Sen : Yes, and be present and clear himself. Why can't you follow that procedure ?

The Honourable Sir Henry Craik : By what agency is that inquiry to be held ?

Mr. S. C. Sen : That inquiry is to be held by two persons, one a High Court Judge and another any other well-known loyal person on whom the Government can place reliance.....

Mr. K. C. Neogy : Does the Honourable Member challenge the authority of the Rowlatt Committee ?

The Honourable Sir Henry Craik : No. But I did not remember what procedure it prescribed.

Mr. S. C. Sen : There was an Act, known as the Revolutionary Crimes Act, which came out as the consequence of the Rowlatt Committee's Report and he will probably find the procedure laid down there as also in the report of that Committee presided over by that eminent Judge, Sir John Rowlatt, and I ask my friend, I entreat him, so far as it lies in his power, to adopt the procedure suggested in that Act, and not to imprison these people for ever and without giving an opportunity to clear themselves.

Now, Sir, as regards this particular motion, I support it, because I do not see any utility in keeping it on the Statute-book. My friend, the Honourable the Home Member, referred to the two classes of cases in which this Act is sought to be applied ; the first is the terrorist movement, and the second is the communist movement.....

The Honourable Sir Henry Craik : It has been applied not only in Bengal, but it has been applied in the North of India also.

Mr. S. C. Sen : The terrorist movement is not an all-India movement, nor have we seen references of such a movement in the papers because the papers are now gagged..... ...

The Honourable Sir Henry Craik : You never heard of the attempt to assassinate the Governor ?

Mr. S. C. Sen : That was several years ago.

The Honourable Sir Henry Craik : That was about three years ago.

The Honourable Sir Nripendra Sircar : There were some cases in Delhi known as the Delhi conspiracy case.....

Mr. S. C. Sen : I have not heard of those cases.....

The Honourable Sir Nripendra Sircar : They were published in newspapers.

Mr. S. C. Sen : From the recent Act passed by the Bengal Legislative Council the newspapers are not allowed to publish the names of the prisoners or of the witnesses who are examined in a Court of law, nor to publish any part of the proceedings without the consent of the President of the Tribunal.....

The Honourable Sir Nripendra Sircar : That explains why you did not read the Delhi conspiracy cases ?

Mr. K. C. Neogy : That might be infringing the law.

Mr S. C. Sen : I am talking of Bengal. As my Honourable friend, the Law Member, knows perfectly well, the Bengal Act recently passed goes much in advance of this Regulation 1818.

Mr. K. C. Neogy : This is milk and water in comparison.

Mr. S. C. Sen : Yes, compared to the Bengal Acts, this is milk and water. Under these circumstances, when the Government have got such powerful weapons in their hands, why keep the rusty weapon of 1818 ? I ask the Honourable the Home Member to consider what is the use of retaining this Regulation in the Statute-book when they are armed from head to foot with more powerful weapons ? I, therefore, consider, Sir, that this motion which has been brought forward, and especially so far as its application to internal commotion is concerned, is well conceived and ought to be supported by the whole House. With these remarks, I support this motion.

[At this stage, several Honourable Members rose to speak.]

Mr. President (The Honourable Sir Shanmukham Chetty) : If it is the desire of the House to continue this debate, the Chair has no objection to carry it over.

Several Honourable Members : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is that the desire of the House ?

Several Honourable Members : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House now stands adjourned till 11 O'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Friday, the 3rd August, 1934.

LEGISLATIVE ASSEMBLY.

Friday, the 3rd August, 1934.

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

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 133 asked by Mr. M. Maswood Ahmad on the 16th February, 1934.

ALLOWANCES OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

"(*a*) (*i*) The Inspectors of the ticket checking branch who are governed by the old East Indian Railway Rules are eligible for night allowance under the rules applicable to them.

(*ii*) No allowances for Inspectors are mentioned in the Moody-Ward Report.

(*b*) The staff under the East Indian Railway Company's Rules were given the option to elect the State Railway Rules for the grant of travelling allowance."

Information promised in reply to unstarred questions Nos. 212, 213, 214 and 215 asked by Khan Bahadur Haji Wajihuddin on the 19th March, 1934.

GRANT OF MILEAGE ALLOWANCE TO THE TRAVELLING TICKET CHECKING STAFF.

212. (*a*) Travelling Ticket Examiners are charged with the duty of checking passengers' tickets in trains.

(*b*) The Guard is the Railway servant in charge of a train. Persons who are ordinarily held to be "Connected with the charge of a moving train" are the engine staff, an Assistant or Conductor Guard, a brakesman and, in some cases, a road van clerk.

(*c*) From the information now furnished by railways it appears that the only staff who get mileage allowance and who are not connected with the charge of a train are Travelling Ticket Examiners on the Burma Railways. This information had not been received at the time that a reply was given to Sardar Sant Singh's question No. 1363 on the 11th December, 1933, and the question as to the withdrawal of that allowance is now being referred to the Agent of the Burma Railways.

GRANT OF MILEAGE ALLOWANCE TO THE TRAVELLING TICKET CHECKING STAFF.

213. The Agent, East Indian Railway, reports as follows :

(*a*) and (*b*). No.

CONDUCTOR GUARDS ON THE EAST INDIAN RAILWAY.

214. (*a*) Conductor Guards travel by night on mail trains and their duties are to look after the safety and comfort of passengers.

(*b*) On the trains on which Conductor Guards are provided, they perform a part of the duties ordinarily allotted to a Guard and as such they have duties connected with the charge of a moving train.

(*c*) Yes.

DUTIES OF AN ENGINE KHALASI.

215. (*a*) The Second fireman is not in charge of a moving train, but is considered connected with the charge of a moving train.

(*b*) The general rules applying to "Firemen" apply to all classes of firemen with equal force.

(*c*) Raking out the ash-pan, breaking up and passing forward of coal on the tender, assisting in cleaning fires and such as other duties as the driver may order him to carry out.

(*d*) Second firemen are ordinarily paid mileage allowance or overtime, in the same way as all other locomotive running staff.

Information promised in reply to unstarred questions Nos, 8, 9 and 10 asked by Mr. Gaya Prasad Singh on the 18th July, 1934.

COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

8. (*a*) and (*b*). Statements are laid on the table.

(*c*) Three Income-tax Officers and three Assistant Income-tax Officers were promoted to the grade of Assistant Commissioners and Income-tax Officers, respectively. As regards non-gazetted staff, the number of promotions in the various grades was eight.

(*a*) *Statement showing the total Number of Gazetted and Non-Gazetted Officers employed in the Income-tax Department, Bihar and Orissa, and the number belonging to each Community.*

Posts.	Number employed.	Beharee Hindus.	Bengalee Hindus.	Muhammadans.	Oriyas.	Christians.	Remarks.
Gazetted.							
Commissioner	1	..	1	..	..	..	
Assistant Commissioner of Income-tax.	3 (*a*)	1	2 (*b*)	..	..	..	(*a*) One temporary. (*b*) Brahmo.
Income-tax Officers ..	16*	6	7	2	1	..	* One appointed temporarily as Assistant Commissioner of Income-tax.
Non-gazetted.							
Inspector-Accountants (permanent).	17 (*c*)	6	4	4	2	1	(*c*) One officiating.
Inspectors (temporary) ..	9	4	3	1	1	..	
Clerks (permanent) ..	88	42	21	16	5	4	
Clerks (temporary) ..	30	12	9	6	1	2	

(b) *Statement showing the Number of new Appointments made after the passing of Emergency Finance Act, 1931, in the undermentioned Services of the Income-tax Department, Bihar and Orissa.*

Services.	No. of new appointments made.
Assistant Commissioner	
Inspector of Income-tax—	
Permanent ..	6
Temporary ..	9
Clerks (temporary) ..	30

COMMUNAL COMPOSITION OF THE STAFF IN THE OFFICES OF THE ASSISTANT COMMISSIONERS OF INCOME-TAX, BIHAR AND ORISSA.

9.

Statement showing the Number of Assistants of Various Communities employed in the Offices of the Assistant Commissioners of Income-tax, Bihar and Orissa.

	Beharee Hindus.	Bengalee Hindus.	Muhammadans.	Oriyas.	Christians.	Remarks.
Office of the Assistant Commissioner of Income-tax, Central Range—						
Head Assistant.	1	..	..	..	..	
Sheristadar and Examiner of Accounts.	..	..	1	..	..	
Other Assistants.	2	..	..	..	..	
Office of the Assistant Commissioner of Income-tax Southern Range—Head Assistant.	..	1	..	..	..	This area comprises of Orissa and Chota Nagpur where no Beharee likes to serve.
Sheristadar and Examiner of Accounts.	..	..	1	..	..	
Other Assistants.	..	2	..	..	..	
Office of the Assistant Commissioner of Income-tax, Northern Range—						
Head Assistant.	..	1	..	..	..	
Temporary—						
Sheristadar and Examiner of Accounts.	1	..	..	..	..	
Other Assistants.	1	..	..	..	..	

ALLEGATIONS AGAINST THE SUPERINTENDENT IN THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA.

10. The answer is in the negative.

Information promised in reply to starred questions Nos. 132, 133, 135 and 139 asked by Mr. M. Maswood Ahmad on the 19th July, 1934.

COMMUNAL COMPOSITION OF THE STAFF IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

132. (*a*) The required statements are laid on the table.

(*b*) Yes.

(*c*) These appointments were filled before the issue of the revised orders by Government. The percentage of Muhammadans on the ministerial staff was 18·4 and as they formed only 11·3 per cent. of the total population of the Province, they had no preferential claim to either of these two posts. They were, therefore, filled strictly in accordance with merit.

(*a*) (*i*). *Statement showing the Number of Persons of Different Communities in Various Gazetted and Non-Gazetted Posts of Bihar and Orissa, Income-tax Department, as stood on the 1st April, 1931.*

	Biharee Hindus.	Domiciled Bengalees.	Muslims	Oriyas.	Europeans or Anglo-Indians.	Indian Christians.	Remarks.
Commissioner ..	..	1	..	..	..	..	
Assistant Commissioners.	..	1	..	..	1	..	
Income-tax Officers	8	6	1	2	1	..	
Assistant Income-tax Officers.	..	2	1	..	..	..	
Inspector-Accountants.	5	3	2	1	..	..	
Ministerial Officers	42	23	18	5	..	4	

Statement showing the Number of Persons of Different Communities in various Gazetted and Non-Gazetted Posts of Bihar and Orissa, Income-tax Department, recruited after the 1st April, 1931, up-to-date.

(*a*) (*ii*).

	Biharee Hindus.	Domiciled Bengalees.	Muslims.	Oriyas.	Christians.	Remarks.
Assistant Commissioners.	1	2(*a*)	..	..	..	
Income-tax Officers ..	..	..	..	..	..	
Inspector-Accountants (Permanent).	1	1(*b*)	2	1	1	
Inspector-Accountants (Temporary).	4	3	1	1	..	
Ministerial Officers (Permanent).	..	..	..	..	..	
Ministerial Officers (Temporary).	12	9	6	1	2	

(*a*) One temporary. The appointments were made by promotion of the 3 senior Income-tax Officers.

(*b*) Officiating.

Over-Representation of Domiciled Bengalis in the Income-tax Department, Bihar and Orissa.

133. In the absence of any commonly accepted criterion of over-representation I am unable to answer the Honourable Member's question. I might however inform him that only 28½% of the total strength consists of domiciled Bengalis.

Preponderance of one Community in the Income-tax Department, Bihar and Orissa.

135. The answer to the first part of the question is in the affirmative. As regards the latter part, steps are being taken in the direction desired by the Honourable Member and presumably the recent orders of the Government of India published in the Gazette of India of the 7th July, 1934, will assist in this object. Out of 163 permanent and temporary appointments in the province, 71 are held by Biharee Hindus. 46 by domiciled Bengalees, 29 by Muhammadans and 17 by Oriyas and aboriginal Christians.

Grievances of the Staff in the Income-tax Department, Bihar and Orissa.

139. (*a*), (*b*) and (*c*). I regret that I have been completely unable to trace the articles referred to and I am certainly unaware of the existence of any such discontent as the Honourable Member suggests. I may, however, say that the Commissioner is always ready to receive representations from his staff and to give them all the consideration they merit.

Information promised in reply to starred question No. 296 asked by Mr. Sitakanta Mahapatra on the 30th July, 1934.

RECRUITMENT OF ORIYAS IN THE SALT DEPARTMENT.

(*a*) None.

(*b*) Does not therefore arise.

THE INDIAN IRON AND STEEL DUTIES BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by the Honourable Sir Joseph Bhore on the 31st July 1934 :

" That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Mr. President, it is with a feeling of considerable embarrassment that I rise to intervene in this debate, an embarrassment which is due, not indeed to the fact that I find myself for the first time on my legs in this Assembly, but is more acutely due to a realisation of my own shortcomings and my capacity to enter into a discussion of so technical a subject as the one before the House. I wish I could have commanded the agility of mind and body which enables my Honourable friend, Mr. Mody, to lie on hard steel with as much ease as he lies on soft cotton. (Laughter.)

The Honourable Sir Joseph Bhore (Member for Commerce and Railways) : Is that parliamentary language, Sir ?

Diwan Bahadur A. Ramaswami Mudaliar : I am surprised that my Honourable friend should have misunderstood what I stated and given so unfair an interpretation to my words. I did not say that he was lying about it ; I said that he can lie on hard steel with the same facility with which he lay on, if I may say so, soft cotton. Therefore, I say that it is with considerable embarrassment that I rise to speak on this subject.

I do not wish to detain the House on a disquisition of the part that the steel industry has played in this country, on the special utility that the Jamshedpur Works have proved to be of to this country and on the many improvements that have been carried out in that great industry. It is unfortunate, but it is nevertheless true, that the fortunes of the steel industry in this country are so inextricably, so vitally, and so overwhelmingly connected with the fortunes of a single firm. That has led to a great deal of delicacy in the handling of this question during the past few years, and successive Commerce Members have acknowledged that that delicacy was inevitable in the handling of this question.

It is a delicacy which the House can easily understand, and from the prolonged laughter which resulted from a "*faux pas*" of my Honourable friend, the Deputy President, you will easily appreciate that that delicacy applies as much to those on the Treasury Benches as to those who sit on this side of the House. In fact, I do not think that even Presidents and Members of Tariff Boards, Commerce Members, Finance Members, Leaders of the Opposition, and Leaders of the Parties, or individual Members of the Assembly, have been free from that delicacy, to put it in the most parliamentary language that I can think of. But, nevertheless, the duty that one has to perform on behalf of one's constituency has to be performed, and, therefore, it is that I find myself on my legs today to speak a few words on the subject.

I do not propose, as I said, to dilate on many points regarding the steel industry at Jamshedpur. Other gentlemen have done it much more ably than I can. I shall confine myself mainly to the speech of my Honourable friend, the Finance Member, a speech on which I may congratulate him, because, bereft as it was of polished rhetoric, it still had a great amount of subtlety about it, and it is that subtlety that I propose to examine this morning. I shall confine myself to three or four aspects of this question of steel protection, first, whether the removal of the revenue duties on tested structurals and plates is justified, whether it is a proposal which the Tariff Board could have legitimately made, and, whether it is a proposal which the Government could have legitimately accepted. I shall then propose to deal with the question of galvanised sheets and the reduction of duty that has been proposed both by the Tariff Board and by the Government on galvanised sheets. I shall then, if I find time, deal with the question of the engineering firms and how they have been affected and will continue to be affected if the proposal regarding the removal of the revenue due on tested structurals is carried out and other proposals in the Bill connected with fabricated steel are accepted. And if I find time, I shall touch on the question of Mr. Dalal's concern for widows. (Laughter.)

The Honourable the Finance Member said that the removal of the revenue duty was a very simple transparent proposition, that it did not admit of any discussion at all, and that it was so simple that he was surprised that my Honourable friend, Mr. Mody, and my Honourable friend, Mr. Raju, should have raised any objection to it. He made a great point of the fact that Mr. Mody was confusing the revenue duties with protective duties. We, in this House, are accustomed to hear, with bated breath and whispering humbleness, the dictum of Finance Members. We have heard them during the last 15 years, and we have heard them without being any the wiser for them. It is not surprising, therefore, that we have this dictum from the Finance Member that Mr. Mody confounded the revenue duties with protective duties. May I add that the Finance Member has been equally guilty of confounding revenue duties with protective duties and that the whole course of his argument on the subject will show, as I propose to prove later, that he has been a victim himself to that confusion. The Honourable the Finance Member referred to the Fiscal Commission's report on that subject, a report which is admittedly an admirable one, a report on which everybody relies, both on this side of the House and on the other side. And what does the

[Diwan Bahadur A. Ramaswami Mudaliar.]

Fiscal Commission say on the matter ? Let me quote the relevant paragraph, paragraph 94.

"The tariff, as we envisage it, will be a combination of revenue and protective duties. The existing tariff will form the basis of the revenue duties and will become progressively modified as the duties on particular commodities are successively determined on a protectionist principles."

That is to say, the basic revenue duty will be increased as protective measures are being adopted by the country. Then the Fiscal Commission continues :

"Even when this process, however, is complete, there will remain a large residue of purely revenue duties, and these it should be open to Government to vary from time to time on purely revenue considerations."

The point that my Honourable friend, the Finance Member, has to prove in this case is that from purely revenue considerations he felt bound to vary the duties that have been imposed on the tested structurals. Is it his case that from a purely revenue point of view he has felt it incumbent to come before the House and say that these revenue duties should be removed ? My Honourable friend, the Finance Member, no doubt said that a case may arise when even a revenue duty may be so prohibitive that no revenue is derived on account of that duty, that it defeats its own purpose. Is my Honourable friend in a position to prove that with reference to this revenue duty it has been so prohibitive that no revenue is accruing from the imposition of this duty ? The sea-borne statistics prove a complete negation of that case. They prove that under the duties as they exist now, a great amount of steel has come into this country. The amount of duty may be small. The Finance Member, now beginning his term of office, may feel that three lakhs or seven lakhs, as it is interpreted by the Tariff Board, is a flea bite. But I assure him that as months and years roll by he will find that every lakh, every single thousand rupees, is of vital importance to him. He has himself admitted in another part of his speech that the sugar duties are not likely to produce results as was anticipated and also that the match excise duty is not going to result in the manner.....

The Honourable Sir James Grigg (Finance Member) : I did not say anything of the sort. I simply said that nobody knows what the result of them will be.

Diwan Bahadur A. Ramaswami Mudaliar : Let him take it from me that the Finance Member on the last occasion anticipated a certain result and that is not going to come to him when the month of March of 1935 is going to dawn. Now, Sir, I suggest that the Fiscal Commission cannot be his authority for stating that these revenue duties can be removed. On the other hand, the Fiscal Commission completely negatives his position, and, it shows that he could only remove that duty when on account of revenue considerations he is in a position to do so. I will come later to the considerations that prevailed with this Government, as I understand it, in removing these revenue duties. There was another point with reference to the Tariff Board to which my Honourable friend adverted. It is a fact that it was a curious and novel procedure for a Tariff Board, appointed to examine the question of protection to an industry, to make a recommendation about the removal of revenue duty,

which has nothing to do with the protection of the industry. My Honourable friend quoted with triumph, on more than one occasion, in the course of his speech, a reference to paragraph (*c*) of the terms of reference to the Indian Tariff Board and that reference relates to the Resolution that was adopted by this Assembly when the question of appointing a Tariff Board was first considered. My Honourable friend stated in the course of his speech that he was handicapped on account of the fact that he was new to parliamentary institutions and was for the first time making a debating speech. May I suggest to him that he is handicapped by more than that fact. He is certainly handicapped by the fact that, on account of the shortness of his stay so far in this country, he has not had the time to study all the past literature on the subject, to know exactly what had happened before, and, to know the relevancy of the considerations that prevailed at one time. It is only natural. Nobody can blame him for that. Let me refer now, Sir, to the actual Resolution which was adopted by this Assembly and which is adverted to in the terms of reference—paragraph (*c*). I will read out the relevant portion. May I suggest, Sir, that it is very difficult to read extracts in this light. May I suggest that a table lamp may perhaps be provided for the purpose, for any individual Member who may like to have it ? I make this only as a suggestion.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair has itself felt that the lighting arrangement of this Chamber is even more defective than at Delhi, because, if the curtains are removed, the glare becomes too great. The Chair is glad that Sir Frank Noyce is here to take note of it.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I shall be glad to do my best to see what can be done to improve the lighting of the Chamber.

Diwan Bahadur A. Ramaswami Mudaliar : The relevant paragraph in the Resolution of 1923, which was adopted by this House, was this :

> "That in the application of the above principle of protection *regard may be had to the financial needs of the country* and to the present dependence of the Government of India on import, export and excise duties for a large part of its revenue."

This is an unquestionable proposition, Mr. President, because the extent of protective duties may be such that the revenue may be actually wiped out. I do not quarrel with the proposition, but to find authority in that proposition for the statement that the revenue duties which are returning a certain amount of revenue to the country should be removed, because a reference was made in this manner, is, I think, wholly fallacious. My Honourable friend, the Law Member, knows that an eminent Judge in a certain case in the Madras High Court, with reference to a breach of contract case, said that the plaintiff must prove that he is *damnified*. Now, what Sir Charles Innes was trying to make out here was, that if the Government of India were *damnified* in their revenue returns, then the Tariff Board has to take into consideration the revenue position of this country in considering its proposals. If my Honourable friend goes through the speech of Sir Charles Innes, he will find that he has there explained this portion of the Resolution. And may I here state, Sir, that the amended Resolution was moved by Sir Charles Innes himself and the phraseology was the phraseology of Sir Charles Innes. He

[Diwan Bahadur A. Ramaswami Mudaliar.]

will find the reason explained clearly in the terms in which I have explained it. The Fiscal Commission had made a recommendation that the export duty on hides and skins should be removed ; it had made a recommendation that the excise duty on cotton should be removed ; it had made a recommendation that certain bounties should be given to a particular industry. Now, the Commerce Member was faced with the position that if he simply said that he accepted the Resolution which was moved for the first time in this country in favour of protection, he would be faced with all those alternatives which the Indian Fiscal Commission had suggested. Therefore, he took the precaution to say that, if his revenue dropped, he was bound to take that into consideration before he accepted the protectionist policy. Now, my Honourable friend has come forward with a converse proposition and says that even if his revenue is good, still the Tariff Board has a right to say : " Give out a portion of the revenue not to protect an industry in India, but also to protect an industry abroad ". In support of this argument, my Honourable friend has referred to the fact that, under paragraph (*c*) of the terms of reference, the Tariff Board had a right to go into this question. I say that it had no right, and I most emphatically deny that right. I hope it will not be made a precedent and the fact will be taken note of that the Tariff Board did not consider the question impartially and fairly on the merits of the industry concerned.

An Honourable Member : What about the present ?

Diwan Bahadur A. Ramaswami Mudaliar : As I was saying, the Indian Fiscal Commission had made recommendations which would result in the loss of revenue to Government in various ways. Referring to these recommendations, Sir Charles Innes said :

" These recommendations involve either a direct sacrifice of revenue or direct expenditure on the part of the Government if it is a question of bounties, and I think that it will be clear to everyone that in considering recommendations of this kind we must take careful note of the state of the finances."

Then, he wound up the debate with this passage which I commend to the attention of the Honourable the Finance Member :

" I do not wish to make too much of this point (*that is to say, how far revenue considerations must prevail over considerations regarding protection to an industry*). After all, one of the main advantages claimed for a policy of protection is that the industrial development will add ultimately to the wealth, and, therefore, to the taxable capacity of the people. My point is that the transitional period must be difficult and that we must always keep in view the danger of disorganising the public finance by too rapid and too violent action. So it would have been easy for me to omit all reference to the financial situation. After all, we are concerned today only with the principle of protection, and it would have been easy for me to omit all reference to the fact that the financial situation may operate as a break on the application of this policy. But, Sir, the fact stares us in the face, and would it be honest for a responsible Government and for a responsible Legislature to shut its eyes to the fact ? "

That was the consideration that moved the Honourable the Commerce Member, I take it, in making his terms of reference and to call the attention of the Tariff Board very rightly to this aspect of the question.

Now, Sir, let me take the recommendation of the Tariff Board on this subject. They say :

"We recommend that no duties should be imposed for revenue purposes on tested structurals, tested plates and billets for re-rolling none of which require protection."

The question is not a question whether they require protection. If they do not require protection, do not make any recommendation regarding protection. But what business have you to remove the existing revenue duty which was not a protective duty ? I shall, later on, if I have time and when I refer to the engineering firms, try to point out that even the revenue duty has got to be treated incidentally as a protective duty, and that is why we are complaining against the removal of that revenue duty, apart from the fact that the finances of this country today are less to that extent. And then the Tariff Board says that it will be a great handicap for public utility concerns. Now, the Tariff Board had a great deal of evidence before them. They considered all aspects of the question. They examined many Government witnesses also, at any rate they got written statements from them, and I think this is the most hollow of pretensions for the Tariff Board to suggest that public utility concerns will be damnified if this revenue duty remains. Now, let us examine it for a moment. Public utility concerns are either carried on largely by the Government of India or by Local Governments. So far as they are carried on by the Government of India, it does not make a penny worth of difference whether the duty is levied on it or not, so far as the incidence of that duty is concerned ; it is only an adjustment of financial resources from one pocket to another. Supposing the duty is levied on tested structurals and the Government of India undertake the construction of a bridge and have to pay a duty on those things, it merely means that the whole bridge costs so much, the amount of duty that is collected on it is transferred to the Customs Department and is collected as customs revenue by the Government. It is true that in the case of what may be called remunerative enterprises the amount of incidence of that duty may have an effect in postponing the inauguration of a remunerative project, but even so, so far as taking off the duty on the Government of India is concerned, there is no difference whether the tariff duty is levied or not. So far as the Provincial Governments are concerned,—and the Tariff Board talks so much of public utility concerns—is it in a position to suggest that any Provincial Government can undertake large public utility concerns ? And this Government of India which clutches at this recommendation on such fallacious grounds, is it in a position in the near future to lay down a plan of public utility concerns which it can undertake ? My Honourable friend, Mr. James, the other day in a very excellent speech regarding the subject invited the Government of India to undertake large public utility concerns and to initiate a loan policy, so that the present economic depression in the country may be lifted. There was no response, sympathetic or otherwise, from the Government Benches, and why try to put this forward as a reason when we know perfectly well that the position of most Local Governments is so shaky that they cannot possibly undertake public utility concerns on any large scale whatsoever ? As I said I shall leave the question there, so that I may come at a later stage of my argument back to it when I deal with the question of engineering firms.

[Diwan Bahadur A. Ramaswami Mudaliar.]

I now come to what I call the most extraordinary, the most novel and the most surprising of all proposals of the Tariff Board, and may I add, if I may say so, the most improper of the proposals which the Government of India have accepted. I come to the proposal relating to galvanized sheets. The Honourable the Finance Member has laid stress on that aspect of the case. He has said and quite rightly and quite honestly, if I may be permitted to say so, that the proposal of the Tariff Board relating to galvanized sheets is one of the most vital and one of the most important proposals of the Tariff Board. I accept that statement ; it is so, but from a quite different point of view from that from which the Honourable the Finance Member thought it was important. It is important as showing the complete lack of judicial impartiality with which the Tariff Board has examined this question. (*Mr. B. Das* : "Hear hear.") What is the case about these galvanized sheets ? You, Sir, were at one stage very intimately connected with the consideration of the question. There was a duty on galvanized sheets according to the recommendations of the Tariff Board of 1927, accepted by the Government, of Rs. 37 per ton whether the galvanized sheets came from Great Britain or from foreign countries. The galvanized sheets industry felt that, owing to the drop in prices, the protection given to it was not sufficient, and, in the year 1930, they applied to the Government of India for examination of the whole question by another Tariff Board, if necessary, so that the protection might be increased to what might be necessary for them to obtain a fair selling price. The Government of India thought there was a *prima facie* case made by the galvanized sheets industry in this country and they appointed a Tariff Board who examined the whole question. The President of the present Tariff Board, Dr. John Mathai, is a personal friend of mine, and I have the highest regard for him. He happened to be a Member of that Tariff Board also, and the terms of reference—and I would invite the attention of the Honourable the Finance Member to the terms of reference—the terms of reference which the Government of India then issued were to report "whether galvanized sheets of British manufacture "—not foreign—"are being imported into British India at such a price as is likely to render ineffective the protection intended to be given ". The Tariff Board went into the whole question and suggested an increase of another Rs. 37 per ton on these galvanized sheets, so that the import duty then came to Rs. 67. I hope the House is not wearied (*Voices* : "Go on, go on "), but I find it necessary, to develop my argument, that I should be able to give the whole history of this case, both for the benefit of the House, and, if I am not impertinent, for the benefit of the Honourable the Finance Member.

Now, when this duty of Rs. 67 was passed by this House, it continued for some time in operation. Then came the brilliant idea of another Finance Member of the Government of India, Sir George Schuster, and I do not apologize for making a reference to it, because, during his presence in the Treasury Benches here, I did make a reference to that aspect of the case. In September, 1931, he levied a surcharge on all customs duties of 25 per cent. The then Finance Member took pride in the fact that these customs duties and the surcharges were so scientifically examined and so precisely arranged that nobody on this side of the House could find a flaw in them and he threw out the challenge—and my Honourable friend can refer to that speech—to any Member inside this House or outside to show in what respect and in what manner the customs duty could be varied and whether the law of diminishing returns had begun to operate

with reference to such duties. In connection with the sugar excise duty, it was my painful privilege to point out to the then Finance Member that here at least was a case of surcharge put on without thought, without foresight and without any idea of its effect on the revenue derived and that it does not require even the precocious lad of Macaulay to find out that a surcharge on what are called protective duties for revenue purposes is an absurdity ; and yet it did not strike the then Finance Member and the Finance Department and the surcharge was levied as much on protective duties as on purely revenue duties. The first case, therefore, was the impropriety of the surcharge on sugar for which we had to levy a countervailing excise duty, and which I still consider is one of the most objectionable of duties. The second case we now come to is the surcharge on all these protective duties, and that raised the duty on these galvanized sheets from Rs. 67 to somewhere like Rs. 83½. When the matter was in that stage, you, Sir, went as one of the members of the Ottawa Committee. At the Ottawa Committee, the case of galvanized sheets loomed large. It was one of the most vital things that the British Delegation had to deal with, and you will realize—and you would have told us so if you were on these Benches—with what anxiety they were concerned over a satisfactory settlement of this question of a duty on galvanized sheets. You had a great deal of negotiation on the subject, I do not know, but I am fairly certain that the highest politicians and statesmen of Great Britain were anxious to come to a settlement with you and your colleagues on that subject, and ultimately you came to a settlement on the subject. What was the settlement ? Let me read a few sentences from the Report of the Ottawa Committee :

" The importance of the trade in galvanised sheet to the British Iron and Steel Industry may be gauged from the fact that in 1927-28 the value of galvanised sheet accounted for half the value of the total imports of British steel into India, and even in 1931-32 it was still 30 per cent. of the value, but between these two years the value of the imports of British galvanised sheet had fallen from Rs. 7.2 crores to Rs. 1.03 crores. It will be evident from these figures how gravely the new competition from Belgium had affected the British industry, more especially because it became intense at a time when demand was declining and prices were falling. Here, if anywhere, measures calculated to bring relief—provided always they were consistent with the interests of India—were most likely to be of value. But conversely, of all the rolled steel products on which protective duties have been imposed, galvanised sheet is the one where it is easiest to make concessions without detriment to the interests of the Indian industry ",—

and you recommended that if galvanized sheets are rolled out of Indian bar, a duty of Rs. 30 a ton may be levied. If they are not rolled out of Indian bar, but if they are rolled out of English bar, then a duty of Rs. 53 may be recommended, and that, if they came from continental places, a duty of 83 may be recommended, and you advised the Government of India and the Legislature to accept your recommendations :

" If the special arrangements connected with the duties on galvanised sheet were to be acceptable to India, it was indispensable that they should furnish reasonable security that any increase in the sale of British galvanised sheet in India should be accompanied by an equivalent increase in the sales of Indian sheet bar in the United Kingdom."

Now, the concrete fact and a vital factor in the whole of the arrangement was that Indian sheet bar should, to that extent, be imported to England and come back again as galvanized sheet in this country. I ask

[Diwan Bahadur A. Ramaswami Mudaliar.]

the Honourable the Finance Member to remember it, because I know that the very respected Tariff Board has not remembered that fact :

"If the duties were so adjusted that the British manufacturer had no inducement to use Indian sheet bar when making sheet for the Indian market, it would fail to achieve one of its primary objects, namely, the securing of a fresh outlet for Indian steel."

You repeat over and over again, you emphasize the fact that the crux of the whole Agreement is the fact that Indian bar is being imported into England and comes back again as galvanized sheet :

"It was impossible to obtain the necessary assurances on this point at Ottawa and it was on this account that the final settlement had to be postponed until further discussions had taken place in London."

And, as you are aware, a final settlement was arrived at in England by an exchange of letters between Sir George Rainy and Sir Horace Wilson :

"As a result of these discussions we have received assurances that the representatives of both industries are satisfied that, with a difference of Rs. 23 a ton between the duty on sheet made in the United Kingdom from Indian sheet bar and sheet made from other bar, it will be possible to do business at prices satisfactory to both industries, so that the extended use of Indian sheet bar is assured."

Again, you emphasize that fact :

"That being so, we are satisfied that the scheme is one which we can recommend for adoption by the Indian Government and Legislature."

You recommend that this scheme should be in force till 1934, when the whole question will come under review by the Indian Tariff Board and when necessary arrangements can be made according to the recommendations of the Indian Tariff Board. Now, let us look at the Tariff Board report and its recommendations. This is what the Indian Tariff Board say on the subject :

"In the case of galvanised sheets, however, we have estimated the duties on a different basis. Since November, 1932, the price of galvanized sheets has been fixed at an artificial level under the Ottawa Agreement. No direct information is therefore available regarding the level of market prices under ordinary competitive conditions and our estimate of market prices has in consequence to be based on somewhat arbitrary considerations."

I will refer to that later. They continue :

"The advantages offered to India in return for the preferential duties on galvanized sheets under the Ottawa Agreement were first the exemption from import duty and facilities for the sale of a specified quantity of pig iron in the United Kingdom and, secondly, the provision of a definite market in the United Kingdom for Indian sheet bar."

Now, let us take the second condition first. I will come to the first condition later :

"The latter is now of much less importance to India than at the time of the Ottawa Agreement because of the increased capacity for the manufacture of sheets in India and the possibility of a larger demand for billets from re-rolling mills in India."

Therefore, one of the important considerations in coming to this extraordinary agreement at Ottawa, namely, that Indian sheet bars will be used for making galvanized sheets in England falls to the ground, as, according to the Tariff Board inquiries, India is not in a position now to export her bars to England and have them manufactured as galvanized

sheets. The internal consumption has grown, and it is a matter for congratulation that it has grown, and India is not in a position to send these things abroad. Now comes the second condition they are speaking of—about this pig iron. I wish my Honourable friend, the Commerce Member, had considered more carefully the advantages which would result from a continuance of this agreement, when he, amid the acclamation and cheers of this House, announced the grand fact that the continuance of the agreement of free entry of pig-iron into England had been secured by the Government of India. I do not congratulate the Government of India on this action, when one considers the advantages which this country will have to suffer by lowering the protective duties on galvanized sheets. What is this pig iron, and how much of it is exported to the United Kingdom ? What is the profit which the Indian merchant gets out of this pig iron ? My Honourable friend, Mr. Sitaramaraju, has already given figures to show that the sale of pig iron to foreign countries is far in excess of the sale to the United Kingdom. It was about 93,000 tons last year. The previous year it was about 75,000 tons, and the year before it was 69,000 tons. One has to draw the balance sheet to know what the profit on pig iron per ton is. At the most, it is one rupee per ton, so that the grand profit which the merchants of this country make by sending 90,000 tons to the United Kingdom is Rs. 90,000 per annum, and the Assembly cheered my Honourable friend when he made this announcement. I beg of him to discard that agreement. I beg of him to say to the United Kingdom : Thanks to you. Our merchants will find markets for pig iron elsewhere, and we are ready to allow pig iron to be exported to the United Kingdom on the same conditions on which you are prepared to allow any other produce from any of the other dominions, and, therefore, the main consideration which weighed with you, when you entered into this arrangement about the entry of pig iron into the United Kingdom, is of very little concern to the industry. The profit is one rupee per ton and no more. What is the advantage that we get by an agreement on this subject ?

Mr. F. E. James (Madras : European) : Perhaps the Honourable Member would be good enough to give the House the source of his information.

Diwan Bahadur A. Ramaswami Mudaliar : I have been assured by a good many men, who are in the best position to know about the Steel Works at Jamshedpur and who have come to an agreement with the Bengal Iron Works with reference to the import of pig iron into the United Kingdom and to Japan and other places—the beneficiaries under the scheme that the direct profit will be seven rupees per ton and the direct and indirect profits combined is no more than one rupee per ton and that they for their part are willing to forego the advantage of this benefit in the United Kingdom for their pig iron. Now, Sir, as I said, these are the trifling, trivial, almost negligible advantages that we derive, but look at the balance sheet on the other side. My Honourable friend may put it at five rupees a ton if he likes. I have no objection, but he dare not and cannot possibly suggest that anything further can be got out of it. Now, look at the advantages on the other side. I was reading the report of the Tariff Board, and I stopped at the point of the actual cost of production in Great Britain.

The Tariff Board report says :

"No direct information is therefore available regarding the level of market prices under ordinary competitive conditions and our estimate of market prices has in

[Diwan Bahadur A. Ramaswami Mudaliar.]

consequence to be based on somewhat arbitrary considerations. Two alternative methods have been open to us first, to take the average price in the earlier half of 1932 and adjust it for the variation in the price of spelter since that period and secondly, to proceed on the basis of calculation adopted by the Ottawa delegation, namely, to take the United Kingdom price at the lowest figure which the delegation considered would give a reasonable return to the British manufacturer and to take the Continental price at the lowest figure actually reached in recent importations. Under ordinary conditions we should be inclined to adopt the first method in estimating the measure of protection."

That is to say, take the imported price of 1932 which was the actual price and make allowance for the increase of price in spelter, but they have dropped that, though it was their legitimate duty. That was how they could have calculated the real price, but they have dropped it. The Tariff Board further says :

"The United Kingdom prices in that case would be almost the same as Continental prices and there would be no scope for differential duties."

I ask the Honourable the Commerce Member and the Honourable the Finance Member to make a note of that statement. If they had calculated on the basis of the actual price in 1932 before the Ottawa Agreement was entered into and had made allowance for the increase in the spelter price, then the prices of the United Kingdom galvanized sheets would be almost the same as the prices of Continental sheets. That has a very great reference to the actual cost which they have adopted in an earlier part of their report.

If my Honourable friend will turn to Table XXIII on page 54 of the Report, he will find that galvanized sheet is stated to cost the United Kingdom Rs. 160 and Continental Rs. 130 and the fair selling price for Indian sheets is Rs. 170. Therefore, so far as the United Kingdom is concerned, the duty is put at Rs. 10, whereas, in the case of Continental, it is put at Rs. 40. But if this premise is wrong, then the United Kingdom price is only Rs. 130. Sir, I heard, in the course of the speech of the Honourable the Finance Member, at any rate I got the impression that the Honourable the Finance Member and the Honourable the Commerce Member have entered into a deed of partnership, this firm of Shortt and Codlin is going to be responsible for this Bill. The Honourable the Finance Member turns to the Honourable the Commerce Member and says if there is any miscalculation in price, the Commerce Member will reply and the Honourable the Commerce Member turns round to the Honourable the Finance Member with equal courtesy and says if there is any question of revenue, the Honourable the Finance Member will reply. But both Shortt and Codlin mean the same thing, so far as I am concerned. Whoever is responsible for this, I ask if the price of Continental steel is the same as of British steel. If so, it means that the British steel is valued at Rs. 130 per ton, and, therefore, the fair selling price being Rs. 170, the duty must be exactly the same on British galvanised sheet as on Continental. That is to say, the duty must be Rs. 40. Now, it is because of this agreement that you have reached, this Trade Agreement is going to be of so much benefit to this country, the sale of pig iron is going to make India so much richer, that you artificially inflate the price of British galvanized sheets and you bring it up to the level of Rs. 160 which was fixed at Ottawa for this purpose, and you say that the protective duty should be Rs. 10. That is to say, you give a bounty of Rs. 30 per ton to the United Kingdom manufacturer of galvanized sheets, a bounty

which he does not require, if only the real cost price is taken into consideration. I would have no objection even to that bounty if it can be given with undue cost. But the bounty is given, at what cost? It causes you a loss of 20 lakhs on this bounty which you give to the United Kingdom producers of galvanized sheets, and, therefore, you are driven to the necessity of levying an excise duty on the steel ingots that are manufactured in this country. (Hear, hear.) Is that what is called fairness? You come forward and say, this is a protective Bill to protect the Indian industry. No, Sir. Let us be fair. Let us try to place the facts as fully as possible before the public and come forward with an honest proposition that for certain reasons we must make this concession to the British industry. This National Federation is so powerful and it plays such an important part that my Honourable friend hinted at the possibility of political calamities overtaking this country. Let us put all that in the balance if you like, but do not say that we are having a protective measure, because this is not a protective measure. England does not really require that. You are giving her a bounty of Rs. 30. The proper price of galvanized sheets is Rs. 130, and, therefore, the duty of Rs. 40 will not hit that industry.

My Honourable friend said that the United Kingdom industry should not be penalised. Sir, my record in this Assembly has been such that I can say with legitimate satisfaction, at any rate with perfect honesty, that I never have been a party to penalising the British or any other industry without any benefit to India. I said so on the last occasion in connection with the Textile Bill, I repeat it again. I look at it from the point of view of the Indian industry. If, against the United Kingdom, only ten per cent. is required to protect the Indian industry, and if, against the Continental goods, 30 per cent. is required to protect the Indian industry, I am willing to accept ten per cent. and 30 per cent., not because it is Imperial Preference or anything like that, but because the Indian industry requires that much and no more. I am not willing to increase the duty on United Kingdom goods to 30 per cent., merely because it gives a theoretical satisfaction to my heart. I have quoted the duty on British and Continental goods and somehow or other this amounts to Imperial Preference. This sort of hitting against the United Kingdom unnecessarily, I will not be a party to. That was the position I took up on the last occasion in connection with the Textile Bill. That is the position which, I repeat, I am prepared to take up in connection with this Bill. What is the position with reference to galvanized sheets? You have given, as I said, a bounty to the United Kingdom, and that bounty has been paid out of the cost of the indigenous industry which is mulcted by way of an excise duty. The Honourable the Finance Member quite rightly said "We cannot afford to miss this amount of revenue, we must find ways and means by which we can make good that revenue, and that is why I have come forward with a proposal, which I do not like, namely, the proposal for an excise duty". But why lose the revenue at all? Why is this selling price of Rs. 160 fixed for British goods, whereas it is Rs. 130 in the case of Continental goods? Why not levy the same duty on both goods and get your revenue? It is not as if these goods have been shut off. It is not as if they cannot come to this country. Here I must say very respectfully that according to the showing of the Tariff Board, it has certainly gone beyond the terms of reference, beyond its legitimate duty in making this recommendation.

[Diwan Bahadur A. Ramaswami Mudaliar.]

Now, Sir, I come to another interesting fact which the Tariff Board has unearthed. In calculating the loss of revenue, the Tariff Board points out that 75 per cent. of the loss is due to galvanized sheets. The percentage is correct, though perhaps actually the total amount of loss estimated by the Tariff Board was not correct. It gives a curious reason why this loss of revenue should be sustained. I want to canvass that curious reason again, especially because it has been adopted by the Government of India. They say in the Report :

"We have provided that *ad valorem* revenue duties in almost every instance shall be alternative to the specific duties and since the revenue derived from *ad valorem* duties must vary with the prices of imports it is likely that if the present upward trend of steel prices continues, the loss in revenue per unit of product will be less than we have estimated. Whatever forecast may be finally arrived at, it is clear that the greater part of the probable loss in revenue will be due to the proposed reduction in the duty on galvanized sheets. We have already laid stress on the benefit of this proposal to the agricultural community."

Now, Sir, let me pause. The Honourable the Finance Member took the cue from the Tariff Board. My Honourable friend, Captain Lal Chand, of course an out and out enthusiastic advocate of the agriculturists, said that it was a great thing that the agricultural industry was being thus promoted. My Honourable friend, the Finance Member, said, here is a thing which is of direct benefit to the agricultural industry, and, therefore, that is another reason why the duty on galvanized sheets should be reduced. "When the poor have cried, Caesar hath wept". What is your record about the agricultural people ? What is the record of the Government of India with reference to the agricultural people ? If you had possessed even an iota of that sympathy which some of us at least on this side of the House, like my friend, Raja Bahadur Krishnamachariar, possess, you would not have ventured to make this recommendation. Let me remind you of what this very Tariff Board said on a previous occasion with reference to these agriculturists and the possibility of their being benefited by a lower price for galvanised sheets ; and Dr. Mathai was a party to this recommendation. Again, I suggest that if the Honourable the Finance Member had taken care to read the earlier reports, he would not have landed himself in the position in which he finds himself today. There they were increasing the price of galvanised sheets from Rs. 30 to Rs. 67, directly hitting the agriculturists. The sum and substance of what they say is that it will not affect the agriculturists at all. The price still is the same as what it was in 1908 and 1912. Even with the addition of a 67 per cent. duty, the price of galvanised sheets remains the same as in 1912. And comparing the purchasing power of the country now with the purchasing power of the country then, it will not make any difference to the agriculturists at all if this duty of 67 per cent. is laid on galvanised sheets. My Honourable friend turns now and says : "Any duty in excess of ten per cent. is such an overwhelming burden on the poor agriculturists, for whom my heart goes out, that I dare not be a party, and why should I reject the recommendation of the Tariff Board, specially if it is made in the interest of the agriculturists ? My Honourable friend, Captain Lal Chand, is bound to get up and support me, because he and I are common champions of the agriculturists." Nothing of the sort. We know what the agriculturists have been suffering from, and let me read this paragraph. They point out that the two sets of agriculturists, who will use these galvanised sheets for agricultural implements, are the jute

growers and the paddy growers. With reference to the jute growers, I shall leave the question to any Member coming from Bengal who knows the position of the jute cultivators and who will be in a position to state it. With reference to the paddy growers, this is what the Tariff Board says :

"We have carefully considered the trade returns with a view to ascertain to what extent the demand for galvanised sheet is influenced by price. It is quite clear that the demand is a fluctuating one and depends not so much on price as on industrial development, railway expansion, and the outturn and price of certain crops, particularly jute and rice, the prevailing crops in those districts in which galvanised sheet is mainly used. The demand for galvanised sheet can frequently be postponed and when depression exists in certain trades the demand falls off. Similarly the cultivator replenishes his requirements of galvanised sheet in those years in which his crops are good and prices satisfactory ;"

—Mark these words, Sir,—

"in years of bad crops he makes no purchase however favourable the price. The demand is not constant and the price of galvanised sheet does not form the most important factor in determining the demand even of the agriculturist. We believe therefore that the increase which we propose will cause no serious hardship."

I prefer to follow the John Mathai of 1930 to the John Mathai of 1934, and that without making any sort of personal aspersions against Dr. John Mathai. I invite my Honourable friend to do likewise. He will find himself on safer ground if he does that. What is his record, what is the record of the Government of India, with reference to these paddy growers ? I do not want to go beyond the scope of my subject, but we know that the prices have fallen and have fallen ruinously. We have been agitating month after month and week after week, cabling, telegraphing, writing, submitting memoranda, waiting on deputations, and so on ; and this Government, which is absolutely hide-bound, which refuses to move, which will not take note of these things, has for the last eight months turned down every one of our requests. We wanted the importation of rice from Siam to be stopped. Nothing of the kind happened. We wanted a duty on those imports ; nothing of the kind was undertaken. And tons and tons are being unloaded, and every day we are being pestered with telegrams and letters and representations from paddy growers, and this Government refuses to move in the matter. How can I take as an honest statement of fact what the Finance Member says, with this black record which he, along with the other Members of Government, have got, with reference to the paddy growers, that his heart goes out to the agriculturists, and it is only because the agriculturist wants his implements that galvanised sheets should have this duty reduced. In the "Vicar of Wakefield" there is a character who used to utter a particular word as he was listening to the others from time to time, and if you will permit it, Sir, and if Parliamentary decorum will permit it, I would like to use it, but I am very doubtful whether you will permit it. That is not the way in which we can be convinced of the fairness of your proposals. Agriculturists indeed ! This Government, with its record about paddy growers, with its carelessness about paddy growers time after time, talks of the agriculturists ! And even now tons and tons are being dumped into my Presidency, and it has come to 80,000 tons now. The Secretary to the Department of Education, Health and Lands sits there impassive like the Delphic Oracle, not making any statement or making such dubious statements that they can be interpreted in any way. He gave us hopes, incalculable hopes, and we are now in August, and those hopes have not materialised. And this is the Government which asks me

[Diwan Bahadur A. Ramaswami Mudaliar.]

to enthuse over the statement that agriculturists are being cared for and cared for most conspicuously by the drop in the rates of protective duty on galvanised sheets. But if you are so serious about conditions of agriculturists, may I ask you another question ? In the first place, it would not increase the price by a pie if a duty of 40 per cent., instead of 10, is levied, because the Continental price and our unfair selling price will control prices. Secondly, obviously even according to these prices, which the Tariff Board has accepted, there is a difference of Rs. 30 between Continental and British goods. Then, why do you not have the same protective duty or the same duty on Continental goods, and let the thing freely into this country, so that the agriculturists may be satisfied and, at least one section, the consumers, may be benefited, never mind what its effect on protection may be ? And that was exactly what my Honourable friend, Mr. Raju, referred to in his speech the other day, a reference which I venture to think the Honourable the Finance Member completely misunderstood. The Finance Member said that Mr. Raju invited this House to throw out the Bill. Nothing of the kind. He said, if you are really very keen on the consumer, if you want the consumer alone to be thought of and nobody else, then throw out this whole measure. Let us have at least one satisfaction that we have done well by the consumer, irrespective of the fate what this key industry, this basic industry, this military industry, comes to. My Honourable friend thought that that was not his statement, but that he invited us all to throw out this Bill without caring for the consequence. I can assure the Honourable the Finance Member that even we on this side of the House, with the little material that we have at our disposal, with no notes, no Secretaries, and no whispers from departmental officials, can use a little of our own intelligence to understand what is good for the country and what is not good for the country. And believe me, we have come to the conclusion that, so far as these galvanised sheets are concerned, to whomsoever it may be a beneficent thing, it is not a beneficent thing for the agriculturists and for the industrialists of this country ; it is not a beneficent thing for the Government of India as it is constituted even at present.

12 NOON.

Sir, I said that I would refer to the position of the engineering firms and try to prove that the removal of the revenue duty and the reduction of duty on fabricated steel are both calculated to hit them very hard. And I want to establish the position that engineering firms in this country are bound to suffer a good deal because of these two aspects of the question. I said it was not merely a question of revenue being lost to Government, but the removal of that duty on tested structurals in conjunction with the other proposal with reference to fabricated steel is bound to hamper the growth of the engineering industry in this country. Nay, more ; it is bound to make it absolutely impossible for them to keep up even their present position. And here let me say quite candidly what are the engineering firms that I am referring to. I have not come forward merely to advocate the cause of Indian firms in this country. Whether it is Indian or English, if it is established in this country, if its outlook is confined within the geographical boundaries of India, I am prepared to give it assistance. That was the position which we came to at the Round Table Conference I am prepared to abide by that position, and now I am advocating the cause of firms like Braithwaite & Co., Jessop & Co.,—both English firms established in this

country, trying to do business in engineering, and which, along with Indian firms, will be hampered if this duty is removed. They have made plaintive representations to the Tariff Board. It was my painful duty last night, and that was the only time when I could get these reports, to go till late at night into the representations they have made. I invite the Honourable the Finance Member, whose heart is so sympathetic, to go through some of these representations, and I invite him to go also through the representation of the National Federation of Steel Industry of Great Britain. He will find that these industries will be thoroughly handicapped if this duty is removed. They refer to the organisation that has been established in England, to the rationalisation that has taken place in England, and I now understand what Mr. James meant by rationalisation, because from these papers I realise what sort of rationalisation they refer to—combines, trusts, getting together all the weaker and stronger companies to come to some agreement as regards the sale price for export purposes and as regards the sale prices in England, dumping goods into this country and trying to get from the home consumer the actual cost of that dumping into this country. This is the sort of cartel that they are trying to establish, and establish with the active connivance, nay, on the recommendation and the exhortation of the Chancellor of the English Exchequer, Mr. Neville Chamberlain. Now, it is against these combinations, these trusts, these cartels that the engineering companies in this country are complaining. They point out instance after instance where by a system of grant of rebates all possibility of competitive prices has been cut out even under the existing protective duties and revenue duties. They refer to the case of the Nerbudda bridge : they show how handicapped they were because of the system of rebates that had been granted : they refer with hesitation, with fear, with growing anxiety to the possibilities of what might occur with reference to the Howrah Bridge : they want some assurance that a structure of that kind involving the consumption of steel to the extent of 60,000 tons according to them, and 25,000 tons according to the Tariff Board Report, an undertaking which comes, as they say, almost once in a lifetime, may not go out of their hands, and they plead and plead earnestly that the tender might be retained in the country ; they quote chapter and verse for saying that the same motto that animates the National Federation animates them, keeping the home consumption to yourself, keeping the home markets to yourself. My Honourable friend, the Finance Member, has been for three years there in the latter part of his period in England : he knows what it means to have the slogan " Buy British " : he has read, I believe, the Rothermere and the Beaverbrook press : he has read the placards that have been posted all over London and the bigger cities in the Provinces advocating the consumption of British goods and the use of British goods. What is our position here ?

The Honourable Sir James Grigg : British in that connection means Empire goods, including India.

Diwan Bahadur A. Ramaswami Mudaliar : But home does not mean Empire, at any rate.

The Honourable Sir James Grigg : We are talking about the word " British ".

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Is not Empire British ?

Diwan Bahadur A. Ramaswami Mudaliar : He must have seen home products being encouraged, appeals to home industries being encouraged and to home concerns being allowed to thrive. They refer to the fact that electric towers for transmitting electricity could be manufactured in this country cheap and that encouragement should be given to that industry. They refer to the fact with regret that in my own Province in connection with the extension of the electric line to Cochin and Ernakulam from the Pykara Hydro-Electric works—the contract for these towers has gone to foreigners—foreigners in their language meaning Britishers : of course they are foreigners, and I am glad Jessops use that word, that Braithwaites use that word : that is the spirit which we want Englishmen in this country to adopt ; make this your home and see to it that the fortunes you are trying to get here are Indian fortunes and do not have a soft corner always across the seas, so that we can never see eye to eye with you : they refer to the fact that there is a danger which has come within the last few years, a danger which is of the highest concern to these engineering firms, against which they pray piteously to the Tariff Board, to the Government of India, to Sir Joseph Bhore, the Commerce Member, that they may be saved from. In my younger days, when I was, I believe, much nearer heaven than I am today.....

The Honourable Sir Nripendra Sircar (Law Member) : It is just the other way ?

Diwan Bahadur A. Ramaswami Mudaliar : I am certain of another place—I used to look at the ceiling and think it was heaven itself ; and when I was in a position to spell a few words, the first thing that I read looking at the ceiling and at the girders, there was Dorman Long and Company in big letters. And what is the position of Messrs. Dorman Long and Company ? It is an integrated concern to use the very technical language of these iron and steel manufacturers—and they take pride in clouding the issues by these technical words : an integrated firm, if I may understand it in my own mathematical way, is the opposite of a disintegrated firm : a firm which produces everything, that is to say, from the steel ingot right down to bolts, nuts, screws and anything possible : that is what is called an integrated firm : the integration is complete : the last stage is reached by that firm. It is the only British firm of that character, the only integrated firm. Dorman Long and Company have established a branch in Calcutta, and, of course, you may realise that if these revenue duties are removed or if lower protective duties are levied, how handicapped the other engineering firms will be as against Messrs. Dorman Long and Company. Read their memorandum addressed to the Secretary of the Tariff Board and to the Commerce Member, and note their plaintive cries. I do not know whether it was my friend, Mr. Sitaramaraju, who referred in the course of his speech to an undertaking given by Mr. Elliott on behalf of the National Federation of Steel, an undertaking which the Tariff Board has reproduced with great gusto and which they think meets the situation of the case.....

Mr. F. E. James : No.

Diwan Bahadur A. Ramaswami Mudaliar : It does not meet the case—that is exactly my point : I am going to prove that that undertaking has not been considered worth the paper on which it has been written by Messrs. Braithwaite, Messrs. Jessop and other engineering firms.

Mr. F. E. James : The Tariff Board have said so.

Diwan Bahadur A. Ramaswami Mudaliar : They complain of the system of rebates and refunds which was being given to these exporters by the combination in Great Britain and Mr. Elliott admitting after the event, as he was bound to admit, that in the case of the Nerbudda Bridge things had gone a little astray and perhaps a little unfairly as against the Indian consumer—and here I am glad to have the admission that even British firms can be unfair occasionally when it touches their pocket—he says that in future he will try to see that that sort of thing does not occur, and he gives an undertaking on behalf of the industry in the United Kingdom that no refunds will be granted for fabricated steel work exported to India beyond what is necessary to bridge the gap between the home prices current at the time and the established export price for plain materials for India. No doubt the Tariff Board begins by saying that this hardly meets the case, but what is their conclusion ? They say :

"If as a result of further steps in that direction it is found that the grounds which now exist for apprehending unfair competition from the United Kingdom have disappeared, it will be open to Government to reduce the duty to the revenue level."

Now, I would like to read only a short extract from the submission which Messrs. Braithwaite and Company have made with reference to this undertaking. It explains the position in which the Indian engineering industry finds itself as against the organised British industry. They say :

"This powerful national effort to recapture lost markets is in process of development (in Great Britain) and its full effects have not yet been felt in this country. Some industrial units, however, who on their own initiative anticipated these developments have already given us a foretaste of what is in store for us and it is these recent examples that we propose to analyse as a guide to the future."

Then they say :

"This new form of attack has developed on two parallel lines—

(*a*) extremely lower tenders in rupees for sale in India of steel work fabricated out of India entirely from foreign steel;

(*b*) extremely low tenders in rupees for sale in India of steel work fabricated in India by foreign firms entirely from foreign steel of their own rolling."

And they wind up by saying :

"By these means the whole Indian fabricating trade has been disorganized and in spite of the present scale of protection the Tata Iron and Steel Company has been unable to realise the full prices that the tariff is intended to obtain for them. The fabricators have been put in the unbearable position of having either to quote heavily below cost or see the foreigner skim the cream of India's requirements. Unless remedied without delay the persistent depletion of the industry's liquid resources will, before long, be making it impossible to finance its trading activities even if prices rise again to an economic level. For every day that passes the industry is being damaged. Long trained and experienced labour is being dispersed, selected and skilled supervisors are losing their employment, plant is wearing away without earning the money required for its maintenance and renewal and valuable buildings are depreciating as there are no funds to repair them. Time, in this matter, is 'of the essence of the contract'."

Then, Sir, with reference to the invitation that was extended to Messrs. Dorman Long and Co. to come to terms with these firms, they have their own reply to give :

"It follows clearly that so long as the Federation"—

[Diwan Bahadur A. Ramaswami Mudaliar.]

--That is the National Federation of England—

"cannot in fact prevent its integrated members from transferring to their fabricating shops plain materials at prices below the controlled prices, its conditional undertaking to limit the export refund arrangements so as not to exceed the gap between the 'Home' and 'Export' controlled prices is *a concession which has no value to the Indian fabricators* except in so far as it limits the competition of non-integrated British fabricators."

That is to say, this concession is of no value so far as Messrs. Dorman Long and Co. is concerned, which is an integrated firm, and which has established its branch in Calcutta :

"The Federation realises this position only too well, since it finds it necessary to invite the Indian fabricators to respond to advances to be made by Messrs. Dorman Long & Co., who are stated to have the intention to approach the Indian fabricators regarding the Howrah Bridge and the future generally, and makes the suggestion that a proprietory brand of high tensile steel may be specified by the consulting engineers for use in the Howrah Bridge."

"As regards the suggestion of Messrs. Dorman Long & Co., contained in their memorandum that the Board should instruct us,"

--This is what they say—

"Regarding the objects of protection, may we point out that we cannot find that any member of the Indian fabricating industry has asked for more than an assured home market for the industry's output."

The reference is to a memorandum which Messrs. Dorman Long and Co. sent to the Tariff Board. While these engineering firms were crying out for bread, when their contractors were being deprived of their contracts on account of rebates and so forth, Messrs. Dorman Long and Co. had sent a memorandum ridiculing the local firms. This is what they actually say :

"The Board should instruct us regarding the objects of protection and that we cannot find that any member of the Indian fabricating industry has asked for more than an assured market for the industry's output. We note with great interest"--

And this is what I was referring to :

"that on the same page, the memorandum refers with justifiable complacency to the embarkation by Great Britain on a policy of protection as a result of which the Home market is assured."

Now, Sir, we want our home markets to be assured to our industry. It does not matter whether Indian firms are carrying on the business or European firms established in this country, and I venture to suggest that the removal of the revenue duty together with the inadequate duties on fabricated steel is going to hit engineering firms terribly, and, therefore, as a corollary, hit the steel producing industries like the Tata Iron and Steel Company or other concerns like them.

I am afraid, Sir, I have taken more time than I had intended to do, and there are various other matters to which one can legitimately refer to, but I shall not weary the House any more. I do not think I should dilate on the question of tested and untested steel from Great Britain,—my friend, Mr. Mody, has already referred to it, and I hope that in the Select Committee we shall be able to go carefully into this question.

Now, Sir, there is only one other point that I should like to refer to, and unfortunately it happens to be again a point which arises out of

the speech of my Honourable friend, the Finance Member. The Honourable the Finance Member read the other day two extracts relating to the prospects of the Tata Steel industry. One said, let me make an accurate quotation, so that I may not be charged with misrepresentation,—the one quotation ran as follows :

"The Tariff Board Report has by now been digested, and the bulls and the bears are still undecided as to the ultimate advantages or disadvantages of the recommendations."

That was one extract.....

The Honourable Sir James Grigg : Read the next sentence please, and complete the extract.

Diwan Bahadur A. Ramaswami Mudaliar : Most certainly :

"However it would appear that the industry will get adequate protection, which can only be viewed in the light of a bull point for steel shares."

I am glad my Honourable friend has drawn attention to it.

Then comes the extract from the *Capital*, that great paper which claims to write about commercial and industrial matters, and which certainly claims to be an expert on matters relating to the share market. This is what it says :

"The present attitude of too large a section of the Indian Press on the suggested preference for the United Kingdom steel manufacture provides a case in point,"—

a point for the sort of understanding, prejudicial, purely biased views which these Indian political agitators continuously claim to possess or advocate :

"I do not suppose for a moment that the views there expressed will deceive Government as to the extent of public opinion behind them."

There is no question of deceiving the Government. Whoever has ever heard of the Government of India being in any way influenced, much less deceived, by views expressed in what is known as the progressive press in this country :

"I hope the Members of the Legislative Assembly will suffer from small delusion from the hysterical expressions of some newspapers that ought to know better. One would imagine that the Tariff Board's recommendations in respect of preferences, if accepted by Government, would seriously injure the Tata Co. or India. This is evidently not the opinion of holders of Tata's ordinary shares, which at today's price of Rs. 72, are actually 12 annas higher than they were before the report was published and Rs. 16 higher than their price at the end of March, 1934."

Now, has the Honourable the Finance Member cared to find out what these ordinary shares fetch by way of dividends since the time the Tata industry was established ? Let me give him an idea of that. In one of the numerous statements that Tatas have published, and the statement happens to be one of the most valuable, the amount of dividend on ordinary shares is given :

1925-26	..	.. *Nil.*
1926-27	..	.. 2.3 lakhs or 1.32 per cent.

[Diwan Bahadur A. Ramaswami Mudaliar.]

Then comes a period of unbroken prosperity to the ordinary shareholders and to my friend, Dr. Dalal's widows :

Dividends in	1927-28	.. ..	*Nil.*
,,	1928-29	.. ..	*Nil.*
,,	1929-30	.. ..	*Nil.*
,,	1930-31	.. ..	*Nil.*
,,	1931-32	.. ..	*Nil.*
,,	1932-33	.. ..	*Nil.*
,,	1933-34	.. ..	I can anticipate

and say *Nil*, and I say that so long as this protection period lasts and as long as I can humanly visualise it, the ordinary shares of Tata Co. will never produce a dividend and are worth practically nothing.....

The Honourable Sir James Grigg : Does the Honourable Member deny that these shares were quoted Rs. 16 higher than their price at the end of March, 1934 ?

Diwan Bahadur A. Ramaswami Mudaliar : I do not deny that there are a number of fools in this country. That is a self-evident proposition.

The Honourable Sir Nripendra Sircar : Does the Honourable Member suggest that people who buy Tata shares are fools ?

Diwan Bahadur A. Ramaswami Mudaliar : People who buy the Tata ordinary shares are fools, and I want the Honourable the Law Member to think over the proposition carefully. The shares are worth Rs. 75. Today they are quoted at Rs. 72. For the last ten years they have not paid any dividend. There are fools and bulls who speculate, and the majority of the speculators are fools, and that is the sort of speculation that has led to the increase of 12 annas in the price of these shares. My Honourable friend has probably, fortunately for him, no knowledge of the share market, otherwise he might have invested in Tata ordinary shares. But I can assure him that it is absolutely a waste to invest money in Tata ordinary shares now or in the near future, and I shall conclude my speech by telling my friend, Dr. Dalal, that he can derive no consolation from the fact that the Honourable the Finance Member has undertaken to look after his widows. (Applause.)

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I must admit that it has been rather difficult for me to make out the exact point of the eloquent speech of my Honourable friend. As a matter of fact, I do not propose to deal with any detailed questions that arise out of this Bill, because the Members of the Select Committee will go exhaustively into those matters. All that we are now concerned with is the principle involved in the Bill if we accept the motion before the House. My friend, the Diwan Bahadur, has warned us that this question has to be handled with a great deal of delicacy, and he has included every one in his warning. Sir, I for one do not think that there is no need for plain speaking on a question of this nature. I think that we ought to understand the position quite clearly and frankly. Sir, at the outset I feel a certain amount of difficulty as to what I am expected to do on the Select Committee. The Bill that we have before us is really

based on excise duty on ingots, and I should like to have your ruling as to whether it will be open to us in the Select Committee to decide that it is not desirable, in the interests of the country, to have any excise duties on the ingots produced by the Tata Iron Company. I should like also to know from the Commerce Member how far the excise duties are an essential part of this Bill, and whether the protection that is sought to be given to the Jamshedpur industry will be continued even if we decide that it is not desirable or necessary to impose excise duties on steel ingots. I do not know whether you are at present disposed to give any ruling on the point, whether to decide the general question of protection, it is open to us to consider the advisability or otherwise of imposing an excise duty.

Mr. President (The Honourable Sir Shanmukham Chetty) : What Sir Abdur Rahim wants is a ruling whether he will be entitled in the Select Committee to move any amendment for the omission of the excise duty on steel ingots altogether.

The Honourable Sir James Grigg : I am not aware of what the rules of order are and whether the fact that the word "excise" appears in the title of the Bill means an acceptance of the principle of excise. So far as that question is concerned, it is for you, Sir, and not for me. But in so far as the Government are concerned, I may say at once that the Government do regard the excise as an absolutely vital part of the Bill.

Mr. B. Sitaramaraju : I submit, Sir, that the principle of the Bill is merely the protection of the Tatas and the portion of the Bill which proposes an excise cannot legitimately be regarded as a part and parcel of the principle of protection.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I raised this point in my speech the other day, and from the few words which the Honourable the Law Member said on that occasion I could gather that he did not regard this excise duty as forming an integral part of this Bill.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I submit that it would be extremely unfair if our support for reference to Select Committee would tie us down in the matter of raising the question of excise in the Committee, because the Bill lumps together the provision for the continuance of the protection and for the levy of the excise. If it had not been so, if the two Bills had stood separately, and if the excise had been brought up independently before us, and we had referred the matter to a Select Committee, then certainly we would have been bound by the principle of the excise. But in view of this lumping together of both, I submit it would be very unfair if our acceptance of the Select Committee motion would tie us down to support the excise.

The Honourable Sir James Grigg : I think there is some confusion between a point of order and a point of policy. The point of order is entirely for you, but on the point of policy the Government regard the excise as a vital part of the Bill and would consider the loss of excise as equivalent to loss of the Bill.

Diwan Bahadur A. Ramaswami Mudaliar : May I point out that, so far as the question of principle of the Bill is concerned, the excise duty has been instituted only due to an apprehension on the part of the Government that they will lose a certain amount of revenue. It should be

[Diwan Bahadur A. Ramaswami Mudaliar.]

open to the Select Committee to show that Government need not have that apprehension or to find an alternative method by which that revenue can be made good to the Government, in which case will the Honourable the Finance Member insist that the excise must be there ? If they insist on it, it can be construed possibly as a principle of the Bill. But if they do not insist on it and the Select Committee or this House is in a position to show either that that loss cannot accrue, or to indicate an alternative method by which it can be made good, then it is a clear case in which the excise duty cannot be a part of the principle of the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Finance Member says that the Government consider their proposal regarding the levy of an excise as a vital part of the Bill and very necessary for them.

The Honourable Sir James Grigg : Yes, Sir.

Mr. President (The Honourable Sir Shanmukham Chetty) : That is all right, but the Chair would like somebody on behalf of the Government to say what reply there would be to the point of order raised by Sir Abdur Rahim. Would Government contend that the levy of the excise duty is a part of the principle of the Bill to which this House would be committed by referring this Bill to a Select Committee ? The Chair wants to know the opinion of the Government on that point.

The Honourable Sir Joseph Bhore : So far as I am concerned, I can only endorse what my Honourable colleague, the Finance Member, has said, namely, that we regard the excise proposals as a vital part of the Bill. Personally, I do not see why, during the course of discussions in the Select Committee, it should not be open to Honourable Members to make any suggestion that they may like to make, but our own position is absolutely definite so far as this particular question is concerned.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair understands the position of Government all right, but it is for the Chair to decide as to what is the principle to which the House is committing itself by referring this Bill to a Select Committee. The Chair must rule that the only principle to which this House will be committed, by referring this Bill to a Select Committee, is that the steel industry of India requires protection. (Cheers.) It may be that in the opinion of Government one corollary of following that policy of protection is a need for levying an excise duty to make good the loss in revenue, but that is not the principle of the Bill. The only principle is that this House recognises that the Indian iron and steel industry needs to be protected. (Applause.)

Sir Abdur Rahim : I am obliged to you, Sir, for the ruling which you have given. The matter is now clear, and I do not express any opinion of my own at this stage on the merits. I reserve it till I have heard the discussions in the Select Committee. But it is clear that it will be open to any Member to raise the question of excise in the Select Committee. It seems to me equally clear that the Government take their final stand on the question of excise. The Honourable the Finance Member has said that if you eliminate the excise duty it would be tantamount to dropping the Bill. That being the position, I shall just make a few gen-

eral observations on the Bill. But before I do so, I wish to add my appreciation to what has been expressed on all sides of the House, of the great improvement in efficiency which has been effected by the present management of the Steel Company at Jamshedpur. It is not necessary to dilate on that point because the facts and figures given in the Tariff Board's report speak for themselves. They are an eloquent testimony to the way the management of this Company recognise their duties and their obligations to the public of India which has given them protection. They apparently recognise that these protective duties are not to be a permanent burden on the taxpayers or the consuming public of this country, but that the Company must, within the opportunities allowed to them, put their house in order that the need for protection might disappear as soon as may be practicable. With that end in view, they have considerably reduced their costs. They have seen to it that the equipment is efficient, and they have, above all, done their best to see that the labour employed at Jamshedpur is contented and efficient. They have been giving effect to the policy of Indianisation, which was one of the recommendations made at the time the first Bill was passed, and they have made considerable advance in the matter of giving technical training to those who seek employment at their works. As regards the workmen, it is one of the most pleasing features of the activities of those responsible for the management of these great works that their wages are on a higher level than in most industries in this country. They are doing a great deal more than many an industry here to look after the health and welfare of labour. In all these respects they have undoubtedly deserved well of the country. Their efficiency has gone up so much, that the Tariff Board thinks that they are in a position now to recommend a considerable reduction in the import duties. The Tariff Board has come to the conclusion that it is quite safe to recommend a considerable reduction of import duties as the Jamshedpur Works will be able to hold its own without any high protective wall. At the same time, as I read the report, and it seems also to be the opinion of Government, the Tariff Board is apprehensive that the Tatas may establish a monopoly of steel production in India and they make no secret of this apprehension, for in more than one place in their report they say that such a monopoly is desirable and suggests that there is in fact room for another steel works to be established in the country. Most of their principal recommendations, to which very strong objection has been taken by speaker after speaker on this side of the House, are, as I read the report, based on this apprehension. Sir, I do not believe that either the Tariff Board or the Government would contemplate the possibility of the Tatas Steel Works suffering seriously. What very much concerned the Tariff Board was that the Jamshedpur Works should not monopolise the steel production of the country, and that other subsidiary, fabricating industries in India may prosper, so that, the public at large may not suffer in the long run. I for one have always advocated, and I advocate still, that India with all its resources can be entirely self-sufficient as regards the industrial requirements of the country and I would not view with very much concern even if the Tatas did acquire a monopolistic position, provided the Government was in a position to see at the same time that the public did not suffer. If the Tatas were allowed to monopolise the production of steel in the country, then, in that case, it would follow as a corollary that the public should be protected and that Government should take the power of fixing the prices of steel products. However, that is a mere theory. As it is, the position seems to be that

[Sir Abdur Rahim.]

we are faced with the question which we have to answer for ourselves, how far protection should go, whether it should go far enough to enable the Tatas to shut out imports from outside, whether from Britain or from other foreign countries, or whether we should allow room for imports to come in, so that there may be some competition with the Tatas and the engineering firms, public utility works, the railways and the public generally may not have to pay exorbitant prices for the articles that they require. If we are faced with that question, as the Government think that they are faced, then we have to proceed to examine the recommendations of the Tariff Board in that light. I have said that neither the Government nor the Indian public would think for a moment of the contingency or possibility of Tatas concern suffering any serious prejudice. That is absolutely clear from the fact, that an industry like that is essential for purposes of Imperial or national defence, and on that ground alone, if nothing else, I am certain the Jamshedpur company will not be let down. Now as regards the scheme for protection, I do not wish now to express any definite opinion on the question of abolition of revenue duty or the imposition of excise to make up for the loss in import duties. A great deal has been said as regards the constitutional position with respect to both these questions. I myself do not think that any constitutional difficulty is involved. The abolition or maintenance of a revenue duty must be controlled by considerations of revenue. That is a self-evident proposition, and ordinarily, supposing the Honourable the Finance Member was presenting his Budget to the House, very few Members on this side would think of questioning any proposal of his to reduce customs duties or any other revenue duties. The abolition or reduction of revenue duties is not, in itself, an evil : and certainly we on this side of the House do not think so, ordinarily. Therefore, in dealing with this recommendation of the Tariff Board, what really is at the bottom of this objection is that the abolition of the revenue duty on certain articles has been really recommended in the interests of certain non-Indian business houses. That is a matter which has to be examined in the Select Committee,—whether the effect is really to injure the Indian industry in order to benefit British or other foreign industries. As regards the question about the excise, as I followed the case of the Honourable the Finance Member, the position is that there would be a very heavy reduction in the revenue if the recommendations of the Tariff Board, regarding a considerable reduction of the import duties and also the letting in of certain articles revenue-free, were adopted, and that he is not in a position to give up all that revenue at present. Incidentally, I may observe, that though I do not know what the next Budget will be like, apparently, from what has been stated by the Honourable the Finance Member, he is not very sure that he is going to present us with a prosperity Budget next March. He is just fresh from England and he knows that the British Chancellor of the Exchequer has been able to present a prosperity Budget to the British public.

Mr. President (The Honourable Sir Shanmukham Chetty) : Today is Friday. The House will now adjourn till a quarter past two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Sir Abdur Rahim : Sir, I was commenting on the fact that the Honourable the Finance Member does not find himself in a position to give up any income from the customs duties, and, therefore, he has found it necessary to impose an excise duty on steel. I was also pointing out that, so far as his own country is concerned, the Government have been able to produce a surplus budget, the actual surplus being something like 39 millions pounds. I fully recognise that my Honourable friend has practically inherited the Budget he will have to present to this House next February and he may not be in a position to do much to help the situation himself. But I may here express a hope that he will see to it that the cloud of depression, which seems to have lifted from Britain and other countries, should also lift soon from India as well. He will be in charge of our finances for the next five years and I hope that he will be in a position to give some relief to the taxpayers and to the industrialists of this country. (Hear, hear.) Now, I pass on to the question of the principle involved in the imposition of the excise duty. We were very pleased to have a very clear statement from the Honourable the Finance Member that he is personally opposed to the imposition of such a duty on the products of the country. This undoubtedly is the right policy. I hardly know of any country which imposes an excise duty on products of this nature. It certainly is not in the interests either of the public or the growth of industries that such duties should be levied. I entirely agree with what my Honourable friend, Mr. Mody, pointed out that the circumstances in which the excise duty on sugar was imposed were of a very exceptional nature. Though we now know that the Government are determined not to give up the excise duty in this case, I do think that they will still consider whether there is or is not any alternative to it. We know further that some articles will be let in revenue-free. I do not attach much importance to the question whether the Tariff Board went out of its way to suggest that the revenue duties on certain articles should be taken off. Apart from the general terms of reference it may be said on behalf of the recommendation of the Tariff Board that they had to take the entire situation into consideration. They had to consider whether the interests of the subsidiary industries have to be protected and if so what is the best method of protecting those industries. The real question we have to consider in the Select Committee is how far the proposals of the Tariff Board, as embodied in this Bill, are going to handicap the steel industry, both the main industry of the Tatas, as well as the subsidiary industries, and if so to what extent we are in a position to remove such handicap. The scheme of protection which the Tariff Board has adopted is quite simple. It set itself to find out first of all the working costs of this enterprise, what are the overhead charges, what should be allowed for the manufacturer's profit and what allowance should be made for what is called the freight disadvantage, which arises from the fact that it is far more expensive for the Tatas to carry their goods to Bombay than for Britain to send her goods to that port ? The Tariff Board have also made allowance for any lag between what is called the theoretical price and the realised price. Taking all these facts into consideration, they have arrived at the fair selling price of Tatas goods

[Sir Abdur Rahim.]

at the port of Bombay. Having arrived at that figure, they have tried to find out the difference between the landed import prices and the fair selling price, and, they have assessed the duty which they have proposed on the basis of that difference. That is given in Table XXIII at page 54 of the report and I find from that table that that is the method adopted with respect to all the articles produced in this country, rails, fish plates, structurals, bars, plates, semis, black sheets, galvanized sheets and sleepers.

When my Honourable friend, Mr. Mudaliar, was speaking, I got the impression that the Tariff Board did perhaps make some sort of discrimination in the case of galvanized sheets. But from the table I find that the galvanised sheets are treated on the same footing as the other products of the steel industry in the country. He has also told us the history of galvanised sheets. He told us, for instance, what happened at the time the Ottawa Pact was accepted and the inference he has tried to draw was that the proposals in the Bill will be even more adverse to the manufacturers of galvanised sheets in the country than the proposals that were embodied in the Ottawa Agreement. I do not wish to enter at present upon the question of the Ottawa Agreement; my views on that Agreement are well known to this House. I held at the time that, if that Agreement in any way injures the industrial interests of this country, we should not confirm it. But if that Agreement also helps Indian industries, without injuriously affecting the industries or the consumers of our country, then we should have no objection to such an agreement. Shortly, I believe, a Committee will be sitting to examine how far that Agreement has benefited India, and I, therefore, do not wish to say anything which might tend to prejudice such an inquiry. The question of galvanised sheets and the duties that have been proposed on these articles will have to be undoubtedly very carefully examined by the Select Committee because that is a very important item amounting, I believe, to no less than about 50 per cent. in value of the imports. If it is found that the proposals of the Bill regarding galvanised sheets are in any material respect going to injure the industries here, we will have to ask the Government to reconsider that proposal. Mr. Ramaswami Mudaliar is very strong in his suggestion that the whole scheme of the Tariff Board is conceived in the interests of British industries and not to protect the Indian concerns. Sir, he used no mild language nor any vague language in order to make his point. That is a point which will undoubtedly be considered by the Select Committee, and, I am sure, my friend, Mr. Mody, will help us considerably in reaching a conclusion on that subject. Mr. Mody was not so eloquent in denouncing the greed of the British industrialists and naturally so, but Mr. Ramaswami Mudaliar, in spite of the delicacy with which he said a subject of this nature ought to be treated, was certainly extremely eloquent, forcible and plain in denouncing the proposals which in his opinion tend to favour certain British manufacturers. If the conclusion of the Tariff Board is correct, that the British manufacturers are not able to sell their goods here at prices lower than those of Tata's, then it seems to me that in the present condition of things it could not be said that the Tariff Board's scheme is wrong. But if I followed my Honourable friend, Mr. Mody, correctly, he sees great

dangers ahead. He is a businessman, and, it is possible, his foresight in that respect might be correct. He is apprehensive that the Steel Federation of Britain will be able to dump their products here just as the Continental Steel industries are doing at present according to my Honourable friend, the Finance Member. He also says, that the danger is such that the power given to the Governor General in Council to meet it by emergent orders in order to make the necessary adjustments when the import prices happen to be substantially lower than was contemplated by the Tariff Board may prove ineffective. Mr. Mody thinks that, that power is not likely to be of much avail, and, therefore, the result would be that if the powerful Federation of the Steel industry in England so chooses,—and it would be in their interest to do so,—it can under-sell Tata's in India and the protection now given to the Tata's will prove unavailing. As regards that point, what, I take it, the Select Committee will have to consider is, what other alternative is open to us. The only alternative,—and I do not know if Mr. Mody clearly suggested it,—we shall have to consider, seems to be whether we ought not to enhance the duties on British production as well. I have always held the view that business concerns, whether British or Indian, have their own method of conducting business, and that profit is the object which they place before themselves first and foremost, and nothing else. And if preference is to be given to English goods, I take it that they will take the fullest advantage of it in order to capture as much of the Indian market as possible. Mr. Ramaswami Mudaliar cited to us some documents and statements showing that this really was their attitude. I might have referred him also to the debates in the Parliament on questions of this nature, and, if he looked into those debates, he would have found that the British industrialists are anxious to preserve the Indian market as much as possible to themselves.

On another occasion, the House will remember, when the Textile Bill was before it and the proposal was to give the Japanese a quota, I suggested that England also should be given a quota. I know my suggestion did not find any sort of acceptance or approval from the Treasury Benches ; but if you are going to adopt a system like this of preference, and, at the same time, you want that the Indian industries should not be hampered in any way in developing themselves, then I do not see how it is possible to restrain any outside competitors from encroaching on the market of India, as much as they are able to do. I really should like it to be explained,—I hope it will be explained to us clearly,—how such a contingency is going to be prevented. On the present calculations undoubtedly it will be correct to say that, the margin left for outside exporters is only 28 per cent., according to the figures given by the Tariff Board. But what guarantee is there that that competition will be confined only to this margin of 28 per cent. ? I think I am correct in saying,—I should like to be corrected if I am wrong,—that many other countries have adopted the system of quota, and I believe some of the self-governing colonies have given quotas to Britain also. That is what I gathered from reading the debates in some of the Dominion Parliaments as summarised in the Empire Parliamentary Association's publications ; and I really do not see that you can stop at the sort of indefinite arrangements that are proposed. You will have to be far more precise ; you will have to adopt the same policy towards other countries as you have adopted towards Japan.

[Sir Abdur Rahim.]

Sir, I do not wish to take up any more time of the House. I wanted to place before the House certain general considerations which seemed to me to arise from the provisions of this Bill and from the speeches that we have heard upon it. The scheme of the Tariff Board amounts to this, stating it in a very few words. We are prepared to concede to the Jamshedpur company sufficient protection in order to meet outside competition, but we are not prepared to shut out competition altogether, since there is no other company or concern in India which produces steel and there are a number of other concerns which produce fabricated articles from the steel either produced by Tata's or imported. The conclusion, therefore, that they have come to is that we must keep the door of competition open till some other steel producing works are started. At the same time they hold that the interests of the Tata's must be sufficiently safeguarded ; and as regards future contingencies, on which my Honourable friend, Mr. Mody, has dwelt,—and I do not say they are fanciful or remote,—they have given power to the Governor General in Council to make the necessary adjustments. Sir, I for one do not want on principle to give too much powers to Government to be exercised in their executive capacity, but in circumstances of this kind, I am not prepared at the moment to suggest any other remedy. If any other remedy is suggested I am sure the Select Committee, and I hope Government themselves, will give it their best consideration.

The Honourable Sir Joseph Bhore : Sir, I think it is the general desire of the House that this measure should go to the Select Committee, and it is, therefore, perhaps unnecessary for me to reply at any great length, especially as the Select Committee is the *forum* in which the really relevant issues, that have been raised, can be most suitably discussed. But, Sir, let me in the first place advert to the criticisms of the personnel of the Tariff Board. I listened with feelings of pain and indignation to what I conceived to be personal attacks upon the two Indian members of the Board which was charged with the task of going into the examination of this question. Those two gentlemen, Sir, can afford to ignore attacks of that character ; but those who indulged in that personal criticism overlooked the fact that it requires greater courage and greater independence to sponsor what may be an unpopular decision than it does to rant and rave in support of a popular slogan. Sir, we can do in this country with more of the former type and less of the type which so courageously shouts with the crowd and, when there are two crowds, with the larger.

The Bill, Sir, has two aspects, a revenue aspect and a protective aspect. So far as the former is concerned, my Honourable colleague, the Finance Member, has already dealt with it. He has shown the various revenue implications and results of this measure. If, Sir, I intervene and say a few words with regard to that particular aspect of the question, it is in response to his request that, as he has not the right of reply, I might add anything that might be necessary to supplement his statement. I will confine myself, Sir, to the question of the excise duty. Our position is that it is only the compelling necessity for obtaining revenue that has made us put forward this proposal. We do not intend that it should be a permanent imposition and it will be removed as soon as financial considerations permit. But, Sir, the objections to this excise duty are

surely based on misapprehension and misunderstanding. They appear to me to be two : the first is the objection of my Honourable friend, Mr. Mody. I think he suggested that the imposition of an excise and the levy of a corresponding import duty to balance that excise would immediately result in the foreign competitor swallowing the additional duty imposed which would result in the industry having to swallow the excise. Why the imposition of a corresponding duty to the excise should so excite the appetite and the capacity of the foreign competitor as to make him want to swallow something unpleasant at once I for one fail to see.....

Mr. H. P. Mody : I am afraid my Honourable friend has not interpreted my remarks correctly. All that I said was that there was the possibility of the foreign exporter reducing his price to a certain extent in order to meet the countervailing duty. I did not say that the mere imposition of the countervailing duty would immediately result in his coming down in his prices.

The Honourable Sir Joseph Bhore : I am very glad to see that my Honourable friend has taken a position which is not so uncompromising as I thought. But I go further and I say that if the foreign competitor could absorb the corresponding additional import duty, he could just as easily have undercut the home industry, had there been no excise and no corresponding duty. The relative position of the two appears to me to be absolutely unaltered by the imposition of an excise duty and a corresponding addition to the import duty.

There was some suggestion also that this method of obtaining revenue places an undue burden upon the consumer. All methods of obtaining revenue in this case involve an attack upon the consumer's pocket. But I do suggest to the House that that attack is less serious through the method of excise and corresponding addition to the import duty than through the method of a pure revenue duty. My Honourable colleague, the Finance Member, has explained this view at some length and it is unnecessary for me to dilate upon it. But I do not wish it to be understood that I am in favour of an excise in every case : in this case, I frankly admit, there may be considerations which render this particular excise not an ideal method of taxation ; and it is for that reason, that we have made it perfectly clear that the excise will be removed at the earliest possible opportunity when financial considerations permit.

But I am primarily concerned with the protective aspect of this Bill, and I have been and I am prepared to meet criticism on the basis either that it gives too much protection or too little protection.

Those who think the protection too much seem to be somewhat poorly represented in this House ; but they share one thing with the other class, namely, the class that thinks this protection too little, they both avoid having recourse to the actual facts and figures of each case to support their contention. There have been certain general calculations quoted by one Honourable Member of the total quantity of net protection given to Tatas. Those calculations appear to me to be open to the most serious objection. The basis of calculation in a good many cases seems to be entirely incorrect. For instance, it is quite incorrect to say that the quantity of protection recommended, for instance, against British galvanised sheets by the Tariff Board, was a revenue duty : it was nothing of the kind : it was ten rupees, nothing more and nothing less. Again it seems to me that it is not correct to say that the excise duty will come out of the pockets of the

[Sir Joseph Bhore.]

industry. I have endeavoured to show that that statement is at any rate a gross exaggeration, and if I am right, it is in all probability entirely incorrect. Take one case. Take the case of rails and fish plates. The Government are the only buyers of rails and fish plates and the whole of the excise duty will be passed on to the Railway Department. Then in making their calculations Honourable Members must not forget that the Board has made it quite clear that in arriving at a fair selling price in each case they have allowed wide and generous margins. For instance, they have allowed six per cent. as interest on working capital and they have allowed a profit of eight per cent. But that is not all. Take the case of semis. There the Board has calculated the fair selling price at Rs. 53 a ton. This provides for profit. Nevertheless the Board have accepted the price of Rs. 64 a ton for the sale of semis to the Tin Plate Company, the Wire Nails Products Company and the purchasers of billets.

Mr. H. P. Mody : Rs. 59, I think : not Rs. 53.

The Honourable Sir Joseph Bhore : I think it is Rs. 53. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, indulged in a very eloquent speech and attacked us somewhat violently. May I say that his statement of the case in regard to galvanised sheets was a travesty of what I venture to submit is a fair and reasonable point of view. My Honourable friend, with his deep love and concern for the agriculturist, painted in somewhat lurid language the disastrous effect of low prices on the agriculturist ; and yet when our proposals visualise a reduction, and an appreciable reduction, in the price of galvanised sheets, a reduction which in the aggregate would represent something like Rs. 48 lakhs to the consumer, my Honourable friend says : " No, we do not want it. Let the agriculturist pay. He need not buy, he need not replenish his stock until agricultural commodity prices go up." Surely this is a case in which agriculturists may well say, save us from our friends. The point at issue is a perfectly simple one. Only it has been somewhat clouded by my friend's rhetoric. The Tariff Board has arrived at a fair selling price for Tata's galvanized sheets. Is that price correct or is it incorrect ?

Diwan Bahadur A. Ramaswami Mudaliar : It is correct.

The Honourable Sir Joseph Bhore : It is correct. I am glad. Then all that the industry can ask is that we should secure it this selling price. I submit, Sir, that under the powers given to us under clause 2 of this Bill, we are in a position to ensure that that fair selling price shall not be materially encroached upon by uneconomic competition from outside, whether that competition is from British or from non-British sources.

My friend considered that the price of Rs. 160 for British sheets leaves the British producer a large margin of profit. That, Sir, is most certainly not so, for, Sir George Rainy and the Ottawa Delegation were quite definitely of opinion that the figure of Rs. 160 allowed the British manufacturer nothing but a fair margin of profit. To suggest that he has Rs. 30 a ton up his sleeve is, to the best of my knowledge, absolutely incorrect. If my friend will refer to pages 35 and 36 of the Report of the Ottawa Delegation, I think he will find that I am correct in this statement.

Sir, we have heard a good deal of the iniquity of the Tariff Board in making recommendations which do not afford adequate protection to the industry. Charges of inadequate protection and favouring British industries have been jumbled together in some confused way and hurled against

the Board. But what was the crime of the Tariff Board in this particular case ? They proceeded in the normal way in making this investigation. As my friend, the Leader of the Opposition, has just pointed out, they proceeded by ascertaining first the fair selling price for the Indian product. They then ascertained the selling price of British competitive commodities, the difference between the two being the extent of the protection needed by the Indian commodity. They proceeded to follow exactly the same procedure in regard to non-British competitive commodities, and they arrived at the extent of the protection in exactly the same way. Now, Sir, the Tariff Board has arrived at its conclusions following the cold logic of facts and figures and through the processes of cold arithmetic. Is it contended that their facts and their figures are wrong or that their arithmetic is faulty ? If so, Sir, we are quite prepared to look into any evidence that may be adduced in support of a contention that the facts and the figures of the Tariff Board, and the deductions drawn therefrom, need revision. That, I have no doubt, will be done in the Select Committee.

Sir, one of my friends, I think perhaps two, attempted to minimise and belittle the value of the free entry of our pig iron into the United Kingdom. The reasons, I think, which influenced my friend, Mr. Raju, were firstly that a matter of ninety thousand tons of pig iron made very little difference to the Indian pig iron manufacturers of this country.....

Mr. B. Sitaramaraju : Not so much as that. What I was saying was, that so far as the United Kingdom markets were concerned, I could show figures which would show that the United Kingdom markets had restricted their purchases, whereas our foreign imports have gone on increasing. That was the point.

The Honourable Sir Joseph Bhore : I am glad to hear that that was my friend's point, but I think if it was not my friend, then it was my friend, Diwan Bahadur Mudaliar, who said that ninety thousand tons was nothing at all—a mere bagatelle. I think my friend, Mr. Raju, also raised this point, namely that our best customer was Japan. Well, Sir, so far as Japan is concerned, there is one crucial point to be remembered, and that is that Japan is strenuously encouraging her own and her Manchurian blast furnaces, and it is only a question of time before she will be able to satisfy all her own requirements. My friend gave figures in regard to the imports into Japan of Indian pig iron, but I think he omitted to mention this significant feature, namely, that whereas, in 1928-29 and 1929-30 Japan took something like 350,000 tons of pig iron, last year, her takings were about half that quantity. That, Sir, I submit is eloquent proof of the contention that I have advanced, namely, that the Japanese market is a steadily diminishing market. It becomes all the more important for us, therefore, to find out alternative markets for our pig iron. If we could find markets for our pig iron as easily as my friend, Diwan Bahadur Ramaswami Mudaliar, rolls out his rounded sentences, we should have no difficulty. But, Sir, to say that 90,000 tons of pig iron is a mere bagatelle, that it means nothing at all, is to shut our eyes to the actual facts of the case. It may be perfectly true that 20,000 tons or 25,000 tons of pig iron may mean practically nothing to Tatas, but Tatas are not the only manufacturers of pig iron in this country, and for those other manufacturers of pig iron 50,000, 60,000 or 70,000 tons may make all the difference between continuing production and closing it down. (Applause from the European Benches.)

[Sir Joseph Bhore.]

Nor, Sir, should it be overlooked that in allowing us free entry of pig iron into the United Kingdom, the United Kingdom is allowing us free entry in respect of a commodity which she manufactures herself.

Now, Sir, more than one speaker has made reference to the Board's recommendations that there should be little practical differentiation between the fair selling price of tested and untested steel. That, Sir, also is a matter which I think can more appropriately be gone into in the Select Committee. But to those who fear that the Government proposals will make it possible for British importers to dump certain kinds of steel at uneconomic prices, I would merely say that clause 2 provides us with the necessary powers to face a situation of that description. Those powers can and will be used, whether it is the British or whether it is the foreign competitor, who attempts to upset our scheme of protection.

I would only, in conclusion, emphasise two points : firstly, when protection has been given in pursuance of a policy of discriminating protection, then, Sir, that protection must be effective both against British and against non-British rivals ; secondly, Sir, in no case should protection be in excess of what is actually necessary. Those are the principles which have actuated our policy in the past, and those are the principles which will actuate our policy in the future. Sir, I ask the House to send this Bill to the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel be referred to a Select Committee consisting of Sir Abdur Rahim, Mr. H. P. Mody, Diwan Bahadur A. Ramaswami Mudaliar, Mr. B. Das, Mr. S. C. Sen, Lala Rameshwar Prasad Bagla, Mr. R. S. Sarma, Sir Hari Singh Gour, Mr. Sitakanta Mahapatra, Sir Leslie Hudson, Mr. Muhammad Yamin Khan, Mr. Muhammad Muazzam Sahib Bahadur, the Honourable Sir James Grigg, the Honourable Sir Frank Noyce, and the Mover, with instructions to report on or before Monday, the 13th August, 1934, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : What about the statement of business for next week ?

Mr. G. H. Spence (Secretary, Legislative Department) : The list of business for next week having already issued, a statement of business has not been prepared.

The Assembly then adjourned till Eleven of the Clock on Monday, the 6th August, 1934.

लाल बहादुर शास्त्री राष्ट्रीय प्रशासन अकादमी, पुस्तकालय
Lal Bahadur Shastri National Academy of Administration, Library
मसूरी
MUSSOORIE.

यह पुस्तक निम्नांकित तारीख तक वापिस करनी है ।
This book is to be returned on the date last stamped.

दिनांक Date	उधारकर्ता की संख्या Borrower's No.	दिनांक Date	उधारकर्ता की संख्या Borrower's No.

119646

R

अवाप्ति संख्या
Acc No. 592

328.5402
Ind
1934

वर्ग संख्या
Class No.

पुस्तक संख्या
Book No.

लेखक
Author

शीर्षक
Title Legislative Assembly Debates V.6

328.5402
Ind
1934
V.6

LIBRARY
LAL BAHADUR SHASTRI
National Academy of Administration
MUSSOORIE

592

Accession No. 119646

1. Books are issued for 15 days only but may have to be recalled earlier if urgently required.
5. An overdue charge of 25 Paise per day per volume will be charged.
3. Books may be renewed on request at the discretion of the Librarian.
5. Periodicals, Rare and Reference books may not be issued and may be consulted only in the library.
5. Books lost, defaced or injured in any way shall have to be replaced or its double price shall be paid by the borrower.